

Application ref: 2018/4796/P
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Development Management
Regeneration and Planning
London Borough of Camden
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Clive Chapman Architects
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

**Heath House
North End Way
London NW3 7ET**

Proposal:

Variation of condition 11 (development in accordance with approved plans) of planning permission dated 19/01/2009 ref 2008/0661/P (for Demolition of garage block and erection of new west side wing including double garage; erection of rear ground floor conservatory extension; remodelling of roofs and various external alterations), as further amended by a Non-Material Amendments refs 2012/5432/P dated 05/11/2012 and 2017/4294/P dated 24/07/2018, namely to vary the approved Energy documents by replacing the EcoHomes report by a new BREEAM report.

Drawing Nos: site plan 1017/OS 01A; BREEAM Domestic Refurbishment (2014)
Design Stage Pre Assessment and Energy Report dated September 2018 by Clive Chapman architects; Design and Energy Statement dated June 2018 revision A by Clive Chapman architects.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2008/0661/P

dated 19/01/2009.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The details of the elevations and facing materials to be used on the new extensions shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The hard and soft landscaping and means of enclosure of all un-built, open areas shall not be carried out otherwise than in accordance with the details approved on 11.11.11 under ref 2011/4868/P.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The forecourt paving, pathways and driveways shall be not be carried out otherwise than in accordance with the details approved on 6.9.19 under ref 2018/5485/P.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council during demolition and construction work, in accordance with the recommendations of the

Arboricultural Report (including method statement and tree protection plan) by Arbtech Consulting Limited hereby approved and shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction".

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 The development shall not be occupied until the whole of the car parking provision shown on the approved drawings is provided. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles of the occupiers and users of the development.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy T2 of the London Borough of Camden Local Plan 2017.

- 9 The approved cycle storage facility shall be provided in accordance with the details approved on 11.11.11 under ref 2011/4868/P prior to the first occupation of the new house and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 10 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans-
Heritage Statement by AHP dated July 2017; Structural report by GHP dated June 2013 rev A; 12221/TF01 (annotated 'Remedial works agreed 20/08/13'); Underpinning plan 12221A/IP1; site plan 1017/OS 01A; existing plans 17195A

1 -1(R1), 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; proposed plans HH-1017/AP 01L, 02M, 03L, 04E, 06K, 07K, 08G, 09F, 10F, 13B, SK110; 1017/OS-01A; S01; S02; S03; S04; S06; S07; S08; S09; S10; S13; S14; Arboricultural Report (ArbTech Consulting Ltd) and associated plans; 7181.30.06, 20.05, 29.05; Landscape Strategy statement July 2008; photomontage x 1; 1017/MOL01, 02; BREEAM Domestic Refurbishment (2014) Design Stage Pre Assessment and Energy Report dated September 2018 by Clive Chapman architects; Design and Energy Statement dated June 2018 revision A by Clive Chapman architects.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 You are advised, as part of the overall landscaping improvements to the roadside verges around the site, to show a cutback to the bushed area just north of the existing vehicle entrance on North End Way in order to improve visibility for vehicles emerging from this entrance.
- 8 Reasons for granting permission-

The original planning permission and associated S106 legal agreement refer to an energy statement which was an EcoHomes pre-assessment dated 2008. This method of assessment for refurbishments and extensions to an existing building has since been replaced by the BREAAAM Domestic Refurbishment scheme. Moreover, as the EcoHomes scheme has been retired, it is no longer possible to certify a building through this scheme, thus it is not possible to carry out a post-construction EcoHomes review as required by the S106. Thus a new BREAAAM assessment has been undertaken to demonstrate the scheme's energy and sustainability credentials using current assessment tools.

As previously noted in the original permission, there are limitations in achieving a fully sustainable house on account of its Grade 2* listed status. Nevertheless the scheme originally aimed to achieve an Ecohomes 'Very Good' rating at 62% with a potential 15% reduction of carbon emissions using building fabric and service improvements and low/zero carbon technologies. Specifically it was proposed to have heating via a Combined Heat and Power (CHP) plant with potential for biofuel in the future, but no other renewable technologies were proposed. These targets and features were secured through the S106.

The new BREEAM report has revised this approach, taking account of changes in the scheme's design and policy preferences. Policy CC2 of the Local Plan now requires such residential conversion and extension schemes to achieve an Excellent rating overall (70+%), plus 60% for the energy and water categories and 40% for the materials category. The submitted report demonstrates that the scheme now aims to achieve a target of 'Very Good' at 72.7%, plus 81% for energy, 40% for water and 42% for materials. Although the overall target actually equates to an Excellent rating, the lower rating is used here due to the inability to meet the minimum standard for water. Nevertheless the predicted achievements are considered acceptable and welcome in the light of the constraints of this Grade 2* listed building. Moreover the results are better than those predicted with the previously approved Ecohomes report, as the overall

rating is higher and the credits secured for energy and water are better.

In terms of energy measures, the scheme aims to achieve a 43% reduction in carbon emissions which is significantly better than the previously approved 15% prediction. This will be achieved through building fabric enhancements and efficient heating systems. However no renewable technologies will be used. The previously planned use of CHP and biomass fuel is no longer proposed here as these technologies are no longer viable here (due to omission now of a swimming pool) nor favoured by current policy. Alternative PV panels are not recommended here due to the need to preserve the highly visible roofscape of the listed building here. Overall it is considered that the new approach, with a priority on the 'Be Lean' principle in the energy hierarchy, and the new targets achieved are acceptable and welcomed here.

It is proposed that the S106 be revised via a Deed of Variation, to omit reference to CHP and Biomass fuel and to refer to the new above-mentioned revised target figures in the post-construction review.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

The full impact of the proposed development has already been assessed by the previous permission. The permission will be subject to the same conditions and S106 clauses as before, but varied where relevant to reflect the new BREEAM assessment provided.

- 9 As such, the proposed development is in general accordance with policies D1, D2, CC1 and CC2 of the Camden Local Plan 2017 and policy DH2 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer