

Application ref: 2021/2650/P
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RPS Consulting Services Limited
20 Farringdon Street
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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:

**79 Avenue Road
St Johns Wood
London
NW8 6JD**

Proposal:

Variation of condition 2 (approved plans) of planning permission ref: 2020/0519/P dated 21/09/2020 (for Demolition of the existing residential dwelling (79 Avenue Road) and the redevelopment for a single residential dwelling with basement.'), namely alterations to the design of the rear elevation; alterations to the terrace on the north west elevation; installation of a new ground level skylight, alterations to the roof plan including the relocation of the lift overrun, PV panels, skylights and plant and an increase in the proposed sub- basement size and basement construction proposals.

Drawing Nos: Previously approved Plans: Site Location Plan; X002 Rev A; X100 Rev A; X101 Rev A; X102 Rev A; X300 rev A; X301 Rev A; X302 Rev A; X303 Rev A; X200 Rev A; X201 Rev A; P090 rev I; P091 rev G; P100 Rev D; P101 Rev C; P102 Rev B; P103 Rev D; P300 Rev C; P301 Rev C; P302 Rev C; P303 Rev B; P304 Rev C; P200 Rev D; P201 Rev E; P202 Rev B; 581-INT-XX-GF-DR-MEP-6006 Rev 04; Amended Arboricultural Impact Assessment and Method Statement CAS/2019/246 dated May 2020; 1000 Rev P2; P304 Rev C; 581-INT-XX-RF-DR-MEP-6007 Rev P1; Plant Noise Assessment Rev 3 dated 27/01/2020; Energy and Sustainability Statement Revision 4 dated 27th January 2020; Flood Risk Assessment dated 14.10.2019; 581int200504sk01; Basement Impact Assessment Revision 1 dated April 2020; SK09 D4; SK 10 D3; SK 08 D1; Daylight and Sunlight Report L190351/JH/G8 dated

December 2019; TM59 Overheating Analysis dated 05.05.2020; Drainage Design dated 22.04.2020; Design and Access Statement by KSR dated February 2020 rev A.

Proposed Plans: Site Location Plan; Construction Method Statement Report P3; BIA Appendices; 193219 1000 P2; P002 Rev F; P090 Rev L; P091 Rev I; P100 Rev H; P101 Rev G; P102 Rev G; P103 Rev I; P200 Rev F; P201 Rev G; P202 Rev D; P300 Rev F; P301 Rev F; P302 Rev F; P303 Rev E; Basement Impact Assessment Revision 2 May 2021; Daylight and Sunlight Report May 2021; Design and Access Statement Addendum B; 581INT200504SK1; 581-INT-XX-RF-DR-MEP-6007 Rev P2; SK 10D3A; SK08 D1A;

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 the original permission dated 21st September 2020.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans- Site Location Plan; Construction Method Statement Report P3; BIA Appendices; 193219 1000 P2; P002 Rev F; P090 Rev L; P091 Rev I; P100 Rev H; P101 Rev G; P102 Rev G; P103 Rev I; P200 Rev F; P201 Rev G; P202 Rev D; P300 Rev F; P301 Rev F; P302 Rev F; P303 Rev E; Basement Impact Assessment Revision 2 May 2021; Daylight and Sunlight Report May 2021; Design and Access Statement Addendum B; 581INT200504SK1; 581-INT-XX-RF-DR-MEP-6007 Rev P2; SK 10D3A; SK08 D1A;

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

- 3 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials, including a sample panel of the brickwork (to be provided on site).

b) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grilles, external doors and gates;

c) Specification and details including sections at 1:10 of the front entrance wall, railings and gates;

d) Specification and details of the rainwater harvesting or greywater recycling proposals;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during

the course of the works.

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

- 4 The side-facing windows at first and second floor levels (other than those windows which serve the staircase) shall be obscurely glazed and non-openable below a height of 1.7m. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, and A1 of London Borough of Camden Local Plan 2017.

- 6 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.

- 7 Before the relevant part of the work is begun, details of the external roof plant with any required acoustic or visual screening and noise and vibration mitigation measures shall be submitted to and approved in writing by the Council. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the character of the area generally in accordance with the requirements of policies A1, A4 and D1 of the London Borough of Camden Local Plan 2017.

- 8 The development hereby approved shall only commence with Form Structural

Design Limited as Project Structural Engineer as approved under reference 2021/3362/P. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017.

- 9 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Amended Arboricultural Impact Assessment and Method Statement CAS/2019/246 dated May 2020, unless otherwise agreed in writing with the Local Planning Authority.

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 Camden Local Plan 2017.

- 10 No development (other than demolition and below ground excavation) shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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, A5 and D1 of the London Borough of Camden Local Plan 2017.

- 11 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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, A5 and D1 of the London Borough of Camden Local Plan 2017.

- 12 Prior to first occupation of the building, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output

from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies D1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 13 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day. The dwelling shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 14 Prior to commencement of development (other than demolition and below ground excavation), details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 15 Before the relevant part of the work is begun full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- i. a detailed scheme of maintenance;
 - ii. sections at a scale of 1:20 with specification details demonstrating the construction and materials used;
 - iii. full details of planting species and density.

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

- 16 The use of the roof as a terrace shall not commence until the privacy screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 17 The proposed staff accommodation shall remain ancillary to the use of the main property and shall not be used as an independent self-contained residential unit.

Reason: In order to ensure the accommodation is not used for unauthorised purposes as it is not suitable for use as an independent self-contained residential unit, in accordance with policies H6 and D1 of the Camden Local Plan 2017.

- 18 Before the relevant part of the work is begun, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 19 The secure and covered cycle storage area for 2 cycles hereby approved shall be provided in its entirety 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.

- 20 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.

Informative(s):

- 1 Reasons for granting permission-

The current s.73 application seeks to make minor material changes to the approved scheme for a new house.

The external works include alterations to the detailed design of the rear elevations and addition of a square bay with new terrace to the rear façade, creation of additional openings to the northwest terrace at first floor level, the addition of a new ground level skylight and alterations to the roof plan. The majority of the works are to the rear of the property which include removal of a first floor bay window and replacement with an accessible roof terrace plus a changed detail of the rear façade with a 'squared' off design. Therefore, it is considered that the slight reduction of bulk at this level is acceptable and would align with the detail of the ground floor level. The works to the roof would not

extend beyond the existing approved built envelope and will be hidden behind the parapet thus will not be visible. The rear skylights will have no impact on the public realm. These works have been assessed against the previous Minor Material Amendment approved under reference 2021/2244/P.

Also proposed within this application is an extension to the previously approved basement. The subbasement level, primarily used for pool plant and the pool itself is also to be squared off to the corner of the previously approved piling to accommodate further plant for the property. The proposals would increase the basement size by 51sqm. The Basement Construction proposals are also sought to be amended through this application.

A revised Basement Impact Assessment has been submitted and assessed by Campbell Reith. In light of some of the assumptions made in the Ground Movement Assessment for the previous scheme, the audit report for that BIA recommended a Basement Construction Plan (BCP) be submitted to ensure a suitably robust monitoring strategy and mitigation measures were adopted. The same assumptions are used in this revised assessment, therefore it is again recommended that a BCP be submitted for the new scheme. This is to be secured via a S106 legal agreement. Due to the extent of the proposals and the minimal intervention to the above ground scheme as well as the limited changes to the basement construction, the works are considered to be acceptable.

The changes are therefore considered acceptable in terms of their impact on the proposed building and wider area and will not harm the character and appearance of the host building and streetscene.

The changed proposals will have no further impact on neighbouring amenity than the approved scheme. The creation of a new rear terrace and reconfiguration of the approved side terrace and windows, due to their size, nature and location away from the boundaries, would not alter the size of the approved building and would not cause any additional harm to neighbouring amenity in terms of loss of light, outlook or privacy.

No objections have been received following statutory consultation. The planning history of the site and surrounding area were taken into account when coming to this decision. The same conditions are imposed as with the previous permission.

As such, the proposed development is in general accordance with policies H6, H7, A1, A3, A4, A5, D1, CC1, CC2, CC3, CC5, T1, T2 and T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or

contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.

- 3 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).
- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 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, 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.
- 6 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 7 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.
- 8 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any

other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.

- 9 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>.
- 10 You are advised that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer is expected to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.

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