

Application ref: 2021/3028/P
Contact: Nathaniel Young
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Date: 30 March 2022

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Square Feet Architects
95 Bell Street
London
NW1 6TL
United Kingdom

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:

**R/O 29-33 Arkwright Road
London
NW3 6BJ**

Proposal:

Variation of condition 19 (obscured windows) of permission ref: 2019/1697/P dated 24.06.20 (as amended by Non-material amendment 2021/0538/P dated 04.06.21) for the 'Construction of 2no. detached two storey dwellinghouses (Use Class C3), replacement boundary wall to lane and associated site re-landscaping' namely to allow restricted opening of the first floor flank windows for ventilation purposes.

Drawing Nos: 1514_L_001 Rev F (location plan); Cover letter prepared by Square Feet Architects; 1514_D_17 - 1st floor bathroom window: plan, section & elevation; 1514_L_212A - House B Elevation 02; 1514_L_218A - House C Elevation 08; 1514_L_203P - House B first floor plan; 1514_L_204P - House C first floor plan

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 2019/1697/P dated 24/06/2020.

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:

Existing (Prefix: 1514_L_) 001 F, 002 B, 031 D, 045 A, 050 A, 902 A;

Proposed (Prefix: 1514_L_) 032 F, 040 J, 120 J, 145 D, 310 F, 311 F, 312 E, 320 F, 321 G, 322 D, 323 B, 324 B, 325 B, 326 B, 350 H, 903 A 203P, 204P, 212A and 218A;

Supporting (Prefix: 1514_L_) 420 A, 421 A, 423 A, 424 A, 425 A; 1514_SK_900, 1514_SK_901; Accessibility Statement Rev A prepared by Square Feet architects dated (Aug 2019); Air Quality Dispersion Modelling Report prepared by Planning for Sustainability rev 01 (dated Sept.19); Air Quality Statement prepared by Planning for Sustainability rev 01 (dated Nov.18); Arboricultural impact analysis report prepared by Skerratt (dated 10.08.16); Bat Activity Survey Report prepared by Greengage ref. 551160mtSept18DV01_Bats; Daylight modelling report prepared by Planning for Sustainability rev 01 (dated Nov.19); Design Statement rev B prepared by Square Feet architects dated (Oct.2019); Draft Construction Management Plan rev. E (dated Dec.18); Ecology Phase 1 Habitat Survey Report prepared by Ecoconsult ltd ref. V27.01.17; Energy Statement prepared by Planning for Sustainability rev 01 (dated Nov.18); Health Impact Statement prepared by Planning for Sustainability rev 01 (dated Dec.18); Landscape Design Package report prepared by London Garden Design (dated Oct.18); Planning and Heritage Statement prepared by JMS planning and development ltd. (dated Jan 2019); Shading Study prepared by SquareFeet Architects; Site Ownership Statement prepared Square Feet architects dated (28.08.19); Structural Engineers Report prepared by Price & Myers ref. 27784/jh; Sustainability Statement prepared by Planning for Sustainability rev 01 (dated Nov.18); Sustainable Drainage Design Report prepared by Planning for Sustainability rev 01 (dated Nov.18); Updated Arboricultural Report prepared by Frank Parsons Arboriculturalist (dated 23/07/19); and Updated Tree Survey prepared by Frank Parsons Arboriculturalist (dated 04/07/19)

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

- 3 The development shall be carried out in full accordance with the detailed drawings and samples approved in connection with 2020/5846/P on 15/05/2021 and 2021/4272/P on 05/01/2022 or any subsequent submission in respect of a-e below approved in writing by the local planning authority before the relevant parts of the works are commenced:

a) Plan, elevation and section drawings, at 1:10 of all windows (including jambs, head and cill) and external doors;

b) Plan, elevation and section drawings of the new front gate to lane at a scale of 1:10;

c) Manufacturer's specification details of all facing materials (to be submitted to

the Local Planning Authority) and samples of those materials (to be provided on site).

d) Plan and elevation drawings, at 1:10/1:50 of the integrated timber cladding louvres to the first floor front window to dwelling labelled '25f' in plans hereby approved. Details shall include marked up plans that demonstrate that views are obscured from this window towards facing elevations at no.25b Frognal and details of methods of fixing to ensure that angles are not adjustable; and

e) Details of precast coping including either plan, elevation and section drawings at a scale of 1:10 and/or a typical sample;

The relevant part of the works shall be carried out in accordance with the details thus approved and retained and maintained as such in perpetuity. 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 and to safeguard the amenities of the adjoining dwelling in accordance with the requirements of policy D1, D2 and A1 of the London Borough of Camden Local Plan 2017

- 4 The facing brickwork of the new dwellings as well as replacement front boundary wall shall be carried out in accordance with the details approved under ref: 2021/3481/P dated 17/12/2021 or any subsequent provision on site of a sample panel of the facing brickwork of the new dwellings as well as replacement front boundary wall demonstrating the proposed colour, texture, face-bond and pointing subsequently approved in writing by the local planning authority before the brickwork is commenced. The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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.

- 5 The flat roofs to the dwellings hereby approved shall be accessed for maintenance purposes only and shall at no point be used as terraces.

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

- 6 The hard and soft landscaping shall be carried out in accordance with the details approved under ref: 2020/4452/P dated 24/11/2020 or any subsequent submission, prior to development, for full details of hard and soft landscaping including details and location of rear boundary treatment; samples of all ground surface materials and finishes; and proposals for the enhancement of biodiversity, approved by the local planning authority in writing. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 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 prior to the occupation for the permitted use 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 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 in accordance with the tree protection details approved on 10/11/2020 under ref: 2020/4240/P.

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.

- 9 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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.

- 10 The waste and recycling storage facility as shown on ground floor plan hereby 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 policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017

- 11 The cycle storage facilities shown on ground floor plan hereby approved shall thereafter be provided in its entirety prior to the first occupation of any of the new units, 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.

- 12 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 and E) 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, D2, A1 and A3 of London Borough of Camden Local Plan 2017.

- 13 The photovoltaic cells shall be carried out in full accordance with the details approved in connection with 2021/3481/P on 17/12/2021 or any subsequent submission of detailed plans showing the specification and extent of photovoltaic cells to be installed on the building approved in writing by the Local Planning Authority, prior to the first occupation of the buildings. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. Prior to the first occupation of the buildings, 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 Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017

- 14 The new dwellings hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s 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

- 15 The living roof shall be carried out in accordance with the details approved under 2020/4452/P dated 24/11/2020 or any subsequent submission of details of a living roof approved by the local planning authority in writing, prior to the commencement of the relevant part of the development. The details shall include:
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers 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 G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 16 The western two bedroom house labelled '25f', as indicated on plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 and C6 of the Camden Local Plan 2017.

- 17 The bird, bat and hedgehog boxes shall be installed in accordance with the details approved under 2020/4452/P dated 24/11/2020 or any subsequent submission, prior to first occupation of the development, of a plan showing details of bird, bat and hedgehog box locations and types and indication of species to be accommodated, approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policies A3, D1 and CC2 of the London Borough of Camden Local Plan 2017.

- 18 The development hereby approved shall not proceed other than in complete accordance with the measures and recommendations set out in the following approved documents:
- a) Energy Statement prepared by Planning for Sustainability rev 01 (dated Nov/18);
 - b) Sustainability Statement prepared by Planning for Sustainability rev 01 (dated Nov/18);
 - c) Sustainability Drainage design report prepared by Planning for Sustainability rev 01 (dated Nov/18);
 - d) Air Quality (rev 01 dated Nov '18) and Air Quality Dispersion Modelling (rev 01 dated Sept/19) statements prepared by Planning for Sustainability

Such measures shall be permanently retained and maintained thereafter

Reason: To ensure that the development minimises the effects of climate change, utilises appropriate climate change adaptation measures, ensures that development does not increase flood risk and reduces the risk of flooding and to ensure that the impact of development on air quality is appropriately mitigated. This remains in accordance with policies G1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017

- 19 For the purposes of this decision, condition no.19 of planning permission

2019/1697/P shall be replaced with the following condition:

REPLACEMENT CONDITION 19

Prior to first occupation, the windows to side elevations of both dwelling at 1st floor levels that faces towards the side boundaries of the site shall be obscure glazed. These windows shall be fixed shut apart from window 1-W11_B (on drawing number 1514_L_203 hereby approved) and windows 1-W20_C and 1-W21_C (on drawing number 1514_L_204 hereby approved) which shall be fitted with window restrictors to prevent the window opening more than 160mm. The obscure glazing and window restrictors shall be permanently retained thereafter.

Reason: In order to prevent overlooking of the neighbouring occupiers at 25a and 25e Frognaal in accordance with the requirements of policies G1 and A1 of the London Borough of Camden Local Plan 2017.

- 20 The development shall be carried out in complete accordance with the ecology method statement approved 24/11/2020 under ref: 2020/4452/P or any subsequent submission prior to the commencement of development of an ecology method statement for a precautionary working approach to demolition and construction, approved in writing by the local planning authority. This shall include:

a) an updated bat roosting assessment of all trees on site to determine their value to roosting bats. If evidence of roosts are found then a targeted bat survey on high value trees should also then be provided with an accompanying mitigation strategy;

b) detailed proposals for vegetation clearance in response to the above, demonstrating that all removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest;

c) Precautionary approaches to mitigate the impact on bats, badgers and hedgehogs during construction, including impact from lighting;

All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the local planning authority.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policies A3 and CC2 of the London Borough of Camden Local Plan 2017

- 21 No external 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 faces of the dwellings unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to prevent excessive external lighting that might cause lightspill towards areas of the adjacent site used by bats in accordance with the requirements of policies D1, D2 and A3 of the London Borough of Camden Local Plan 2017

- 22 The external lighting strategy shall be carried out in full accordance with the details approved under 2021/4272/P dated 05/01/2022 or any subsequent submission of an external lighting strategy approved in writing by the local planning authority prior to occupation. Such strategy shall include details of bat-sensitive lighting types, locations and information of potential light spill to trees and lines of vegetation to minimise impact on bats. These details should follow guidance provided by the Institute of Lighting Professionals and Bat Conservation Trust. The development shall not be carried out otherwise than in accordance with the details thus approved and thereafter be retained and maintained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development and to minimise lightspill towards areas of the adjacent site used by bats, in accordance with the requirements policies D1, A3 and CC2 of the London Borough of Camden Local Plan 2017

- 23 The system of sustainable urban drainage system proposed within the Flood Risk Assessment report hereby approved shall be implemented in full 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, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

Consent is sought to amend condition 19 which requires the approved dwellings' first floor windows, in the side elevations that face towards the side boundaries, to be obscure glazed and fixed shut. The application wishes to vary this condition to allow three of the windows to have restricted opening (windows: 1-W11_B, 1-W20_C and 1-W21_C). These windows serve bathrooms and would be located adjacent to the bath. It is therefore accepted that privacy is necessary in both directions. The restricted opening is to allow natural ventilation in the summer months (otherwise the dwellings have mechanical ventilation systems).

The proposed windows would have a built-in lockable restrictor to limit the opening to 160mm. The restrictor would allow a very limited view out of the window and the casement would open to less than 20° in plan. The limited view from the proposed restricted windows would have minimal impact on neighbouring amenity and is considered acceptable.

A Deed of Variation would be required to ensure the obligations secured by the original application would still be secured.

The planning and appeal history of the site has been taken into account when coming to this decision. One objection was received prior to making this decision and has been duly taken into account.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies D1, D2, and A1 of the Camden Local Plan 2017; and policies SD 2 and SD 4 of the Redington Froggnal Neighbourhood Plan 2021. The development also accords with the NPPF and the London Plan 2021.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 3 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.
- 4 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.

- 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 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.
- 6 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).
- 7 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.
- 8 Please note that any approval given by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), or any other Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests from construction works. For further information contact Natural England on 0300 060 4911 or www.naturalengland.org.uk.
- 9 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.

- 10 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel:

020 7974 4444 or Environment Department (Street Naming & Numbering)
Camden Town Hall, Argyle Street, WC1H 8EQ.

- 11 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 12 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.
- 13 You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre. This will assist in a key principle of PPS9 (Biodiversity and Geological Conservation) by building up the data base of up-to-date ecological information and this will help in future decision making.

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