

Application ref: 2019/5783/P
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Date: 3 August 2022

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

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Peter Brown Associates
63 Grosvenor St
Mayfair
London
W1K 3JG

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
2 Swain's Lane
London
N6 6QS

Proposal:

Demolition of existing buildings. Erection of 3 storey building with retail (Class E) at ground floor and 2x1bed flats and 1x2bed (C3) above [revised design]

Drawing Nos: 218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B and /05 Rev.B.

219/03: /06 Rev.J; /07 Rev.H; /08 Rev.H; /09 Rev.H; /10 Rev.H; /11 Rev.H; SK1 and SK2 Rev.H.

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions.

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 this permission.

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:

218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B and /05 Rev.B.

219/03: /06 Rev.J; /07 Rev.H; /08 Rev.H; /09 Rev.H; /10 Rev.H; /11 Rev.H;
SK1 and SK2 Rev.H.

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions.

Reason:

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

- 3 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 before the relevant part of the work is begun:

a) Details including plans, coloured elevations and sections at 1:10 of all new windows (including jambs, head and cill), doors, balustrades, parapets, and associated elements;

b) Plan, coloured elevation and section drawings, including fascia and glazing panels of the new shopfronts 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). Samples of materials to be provided at a suitable size (eg. 1x1m) and alongside all neighbouring materials;

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 policies D1 and D2 of the Camden Local Plan 2017 and policies DC1, DC2 and DC3 of the Dartmouth Park Neighbourhood Plan (2020).

- 4 Prior to commencement of the development, full details of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Measures to provide:

- internal water efficiency to target a consumption of no more than 105 litres per person per day)
- water recycling equipment

- sustainable drainage systems
; and

b) Demonstration that the proposal will provide:

- internal measures to ensure the development has been designed to cope with potential flooding
- external measures to reduce the risk of flooding

The development shall thereafter proceed in accordance with the details thus approved.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress and will pose no additional strain on adjoining sites or the existing drainage infrastructure in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 5 Prior to occupation of the new residential units, secure and covered cycle storage as shown on drawing no. /06 Rev.J and two tier rack space requirements drawing by bike dock solutions for 4 cycles should be provided in its entirety, 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.

Informative(s):

- 1 Reasons for granting permission:

The proposal involves the complete demolition of the existing building and the provision of a 3 storey building with retail (Class E) at ground floor and 2x1bed flats and 1x2bed (C3) above. There will be a small reduction of retail floorspace compared with the existing shop on the site due to the creation of a separate entrance and cycle parking for the residential units, however this is not considered to impact the ability of the ground floor to support a viable retail unit with the majority of the frontage presenting as a retail use. In addition, the shop will incorporate a post office counter at the back which is welcomed and will support the local community. The provision of this will be secured by a S106 legal agreement. The replacement and improvement of the existing residential use while retaining a retail unit on site is welcomed and complies with Policies H1 and TC2.

The development and amount of floorspace triggers the requirement for an affordable housing contribution of £13,663.40 and this is secured by a s106 legal agreement.

It is acknowledged that the existing mismatched building is low quality and given the site constraints it is not possible to reuse the building to provide sensitively designed and good quality housing on the upper levels. The new building would include the use of sustainable materials and greatly improve the

energy efficiency of the building. A sustainability statement has been provided indicating that the new building can achieve the policy requirement of 19% carbon dioxide reductions below part L of the 2013 building regulations. A condition is attached requiring details to ensure the development will pose no additional strain on adjoining sites by flooding or through impacting on the existing drainage infrastructure.

The site is not recognised as a positive or negative contributor to the Dartmouth Park Conservation Area in which it is located but as making a neutral contribution. Conservation Officers have determined that the loss of the house to the rear given its limited views and lack of architectural merit would not cause harm to the character and appearance of the conservation area. Neither would the loss of the existing retail unit given that it would be replaced with the same use. It is considered that the proposed scheme would provide a suitable high-quality replacement building on site that enhances the character and appearance of the conservation area.

The site given its location would be highly visible in both short and long views from many directions. The proposed development would result in a three storey building with a set back from the front elevation at 1-2nd floor. At first floor the setback from the front elevation follows the building line of No.4 Swains Lane's first floor element. It is considered that this helps to reunite the building within this terrace. The set back at 2nd floor similar to the location of the existing roof of the house mitigates the bulk and scale to ensure that it doesn't dominate the streetscene or appear out of character.

In terms of its detailed design, it retains a proportionate shopfront at ground floor and fenestration openings follow the style of No.4 next door and lintels have been included to add visual interest. Flats 1 and 3 will have access to front balconies with contrasting brick balustrades.

- 2 On the rear of the building the residential units have access to Juliet balconies with metal balustrades and fenestration is acceptable.

The proposed building will be constructed with London Stock brick and timber fenestration. Material details and samples will be secured by condition to ensure a high quality building Therefore the development is considered to enhance the character and appearance of Swain's Lane and the Dartmouth Park Conservation Area.

The units are all considered to meet the minimum floor space standards and achieve satisfactory outlook and light. 2 out of three flats would have access to outdoor amenity space (flats 1 and 3). Given the constraints it is accepted that flat 2 cannot facilitate outdoor amenity space. In addition given the constrained nature of the site and the need to retain the retail element on the ground floor, the mix of one 2 bed unit and 2 one bed units is accepted. Overall, the scheme will provide an acceptable quality of accommodation.

On the rear elevation the smaller central windows at all floors serving the bathrooms will be obscurely glazed and this will be conditioned. It is considered given the significant separation distance and that the new fenestration and Juliet balconies do not face onto 43 St Albans Villas that it would not have a detrimental impact on their amenity in terms of loss of privacy.

The building also has existing windows that face onto the communal garden of St Albans Villas at first floor. In addition a previous permission ref. 2018/3845/P could still be implemented, which granted planning permission for a rear dormer window and Juliet balcony. It is considered that the windows and Juliet balconies at 2nd floor would have a similar outlook to this granted application. At ground floor three new small scale windows will be introduced, although one will be obscurely glazed the other two will serve the retail unit and serve a back office and tea/store room. Given their siting, scale and proposed use of the rooms and the existing arrangement on balance this would provide improved privacy to the communal garden.

A daylight and sunlight study has been submitted with the application. It assesses the impact on daylight and sunlight to the neighboring property at Carob Tree (15 Highgate Road) which has residential units on the upper floors. Officers were concerned about the impact on the side windows at 2nd floor, one appears to serve a bathroom and the one closer to the front of the property a bedroom. It is acknowledged that the development would result in a loss of light down from 34% to 24% in terms of VSC (vertical sky component), while this technically fails BRE guidelines in terms of light reduction which outline that 20% or less is acceptable, it only impacts one habitable room which can tolerate lower levels due to being used as a bedroom. It is noted that the room would still achieve an adequate quality of daylight and it is noted that this unit is dual aspect large 3bed unit.

The ground floor was revised to include a cycle store with 4 secure and accessible cycle parking spaces in one two tier rack and two single racks, this complies with policy T1. A head height of 2.4m in this instance has been confirmed as acceptable as the two tier cycle rack can be accommodated. Their provision will be conditioned.

The Council's transport team has requested car free development, a highways contribution of £2,832.77, a CMP and implementation support contribution of £3,920 and bond of £7,500 would be secured by a S106 legal agreement.

Two objections were received regarding the original scheme prior to making this decision and duly taken into consideration. The Dartmouth Park CAAC withdrew their objection following revisions to overall design. The planning history of the site and surrounding area were taken into account when coming to this decision.

- 3 The development is considered to preserve the character and appearance of the Conservation Area. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, A4, CC1, CC2, CC3, CC4, CC5, DM1, D1, D2, G1, H1, H3, H4, H6, H7, T1, T2, TC2 of the Camden Local Plan 2017 and policies DC1; DC2; DC3; H1; H2; H3; CE1; CE2; ES4 and TS2 of the Dartmouth Park Neighbourhood Plan (2020). The proposed development also accords with policies of the London Plan 2021

and of the National Planning Policy Framework 2021.

- 4 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).
- 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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 7 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.
- 8 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 9 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.
- 10 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>.

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

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer