

Application ref: 2021/3112/P
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Date: 1 November 2022

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KSR Architects
14 Greenland Street
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Nw1 0ND

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:
Novel House
29 New End
London
NW3 1JD

Proposal:
Minor Material Amendment pursuant to Condition 2 (approved plans) and Condition 8 (obscure glazing specifications) granted under reference 2017/6306/P dated 01/03/19 for erection of a 7 storey block to provide 17 private self-contained residential units.
Drawing Nos: Superseded plans:
NEN-SK-05

Revised plans:
Minor Material Amendment Condition 2 & 8 Permission 2017/6306/P (KSR Architects), SK-05 rev A.

Amended/Proposed plans:
Site plan NEN-PL-001B; Proposed plans NEN-PL-003B, 090P, 100M, 110L, 120L, 130L, 140K, 150J, 160I, 200E, 210N, 220H, 230G, 240G, 300E, 310G, 320F, 330E, 340E, 350D, 370D, 380D; Landscaping plans 1375-11-01 rev 1, 1375-11-02 rev 1; On street parking layout 2011-1007-CR-004; Minor Material Amendment Condition 2 & 8 Permission 2017/6306/P (KSR Architects); Overlooking plan SK-05 rev A.

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

Condition(s) and Reason(s):

- 1 This entry is left blank intentionally.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, or as modified in compliance with other conditions in this schedule: Site plan NEN-PL-001B; Proposed plans NEN-PL-003B, 090P, 100M, 110L, 120L, 130L, 140K, 150J, 160I, 200E, 210N, 220H, 230G, 240G, 300E, 310G, 320F, 330E, 340E, 350D, 370D, 380D; Landscaping plans 1375-11-01 rev 1, 1375-11-02 rev 1; On street parking layout 2011-1007-CR-004; Minor Material Amendment Condition 2 & 8 Permission 2017/6306/P (KSR Architects); Overlooking plan SK-05 rev A.

Daylight and Sunlight reference 4632 (GIA) 12/10/2017, Minor Material Amendment Application (KSR) 25 August 2017, MMA Note (KSR) 13/03/2018, Invalifts Ltd. manufacturer's specification, Verified Views (KSR) 29/03/2018, 'Basement Impact Assessment Addendum' Rev 02 (Ross & Partners) Nov 2017, Letter dated 27 April 2018 (Stephen Buss Environmental Consulting), 'Response to Basement Impact Assessment Audit' (Geotechnical Consulting Group) 02 May 2018, 'Note on Expected Ground Movements due to Pile Installation' (Ross and Partners) April 2017, 'North Bank Monitoring - Base Readings' 09/10/2017.

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

- 3 Detailed drawings 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: i) elevation drawings at a minimum scale of 1:10 of each window type, door type, balcony and balcony balustrade/handrail; ii) plans and sections at a minimum scale of 1:5 of all typical fenestration and door details (jambs (including stone surrounds), heads (including stone surrounds), cills, frame profiles); iii) plans, sections and elevations at a minimum scale of 1:5 of all dressing details (including parapet copings), and of junctions. The relevant parts of the works shall be carried out 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 Camden Local Plan 2017.

- 4 No meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes, shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.

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.

- 5 No external lights shall be installed except in accordance with details which have first been submitted to and approved in writing by the local planning

authority.

Reason: To ensure that there would be no unnecessary light nuisance to neighbouring properties, in accordance with policy A1 of the Camden Local Plan 2017.

- 6 A sample board and product information, showing all facing materials (except brickwork), including natural slate, stone dressings, balcony and handrail sections, windows and external doors shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved samples shall be retained on site until the work has been completed.

The proposals shall be built in accordance with the brickwork approved under planning application reference 2018/3632/P dated 27/11/2018.

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.

- 7 Roofs, roof terraces and parts of roof terraces shown in Appendix 1 of Appeal Document A14 to be roofs, planting areas or non-accessible roof terraces shall provide access only for maintenance or planting and shall not be used as amenity space, unless these spaces have been shown as terraces on the drawings approved under this permission.

Reason: To ensure that neighbouring flats would have a satisfactory level of privacy, in accordance with policy A1 of the Camden Local Plan 2017.

- 8 Notwithstanding the note referring to the obscured glazing on drawing No NEN-SK-05 Rev A, the windows marked 'O' on that drawing shall be fitted with obscure glazing prior to occupation of the dwellings served by those windows, and the obscured glazing shall be permanently retained thereafter.

Reason: To ensure that neighbouring flats would have a satisfactory level of privacy, in accordance with policy A1 of the Camden Local Plan 2017.

- 9 No dwelling shall be occupied until hard and soft landscaping and means of enclosure (including external gates) have been carried out in accordance with details approved under application reference 2019/6402/P dated 6 November 2020. Any trees or plants 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 in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In order to ensure the development undertakes reasonable measures to take account of trees and biodiversity in accordance with Camden Local Plan 2017 policy A3.

- 10 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. The trees shall be protected throughout the course of construction in accordance with the recommendations of the Tree Projects Arboricultural Report dated March 2012 and shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". No tree shown to be retained shall be pruned, lopped or otherwise altered except in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure the development undertakes reasonable measures to take account of trees and biodiversity in accordance with Camden Local Plan 2017 policy A3.

- 11 The development shall proceed in accordance with the details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site, approved under application reference 2016/3334/P dated 25/07/2016.

Reason: To ensure that the works do not impact on neighbouring properties in terms of structure, in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017.

- 12 The development shall proceed in accordance with the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site approved under application reference 2016/6436/P dated 22 March 2017.

Reason: To ensure that the works do not impact on neighbouring properties in terms of structure, in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017.

- 13 Noise generated by plant or equipment shall not exceed 5dB(A) (or 10dB(A) where there is a distinguishable continuous note or distinct impulse) lower than the existing background level (LA90) expressed in dB(A), when measured at 1m external to any facade containing openings of a dwelling within the development hereby approved or any occupied building on adjoining land.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise and vibration in accordance with policy A1 of the Camden Local Plan 2017.

- 14 No external roof plant, ventilation or air conditioning equipment shall be installed except in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise and vibration in accordance with policy A1 of the Camden Local Plan 2017.

- 15 No dwelling shall be occupied until facilities for waste and recycled materials storage and removal have been installed in accordance with details approved under application reference 2019/6402/P dated 6 November 2020.

Reason: To ensure there is adequate waste facilities for the amenity of prospective and neighbouring occupants in accordance with policy A1 of the Camden local Plan 2017.

- 16 The development shall not be occupied until the whole of the car parking provision (including the 2 disabled bays) 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, and the 2 disabled bays shall be kept available for the use of occupiers with a Camden issued blue badge.

Reason: To ensure that the scheme does not encourages car use, in line with policies T1 and T2 of the Camden Local Plan 2017.

- 17 No dwelling shall be occupied until storage facilities for 28 cycles in the basement and of 4 additional cycle stands for occupiers and visitors at ground level have been installed in accordance with details approved under application reference 2019/6402/P dated 6 November 2020 and shall be retained thereafter.

Reason: To ensure that the scheme encourages cycling, in line with policy T1 of the Camden Local Plan 2017.

- 18 The development shall proceed in accordance with the programme of archaeological work approved under application reference 2016/0499/P dated 17/10/2016.

Reason: To ensure that archaeological remains are protected in accordance with policy D2 of the Camden Local Plan 2017.

- 19 No dwelling shall be occupied until bat and bird boxes have been installed in accordance with details approved under application reference 2019/6402/P dated 6 November 2020, and shall be permanently retained thereafter.

Reason: To protect and encourage biodiversity in accordance with policy A3 of the Camden Local Plan 2017.

- 20 No dwelling shall be occupied until the green roofs approved under application reference 2019/6402/P dated 6 November 2020. The roofs shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect and encourage biodiversity in accordance with policy A3 of the Camden Local Plan 2017.

- 21 The suitably qualified Chartered Engineer who was approved by the Council under application reference 2016/0499/P dated 17/10/16, shall monitor the temporary basement construction works throughout their duration.

Reason: To ensure that the works do not impact on neighbouring properties in terms of structure, in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017.

- 22 The development shall be constructed and monitored in line with the following documents, submitted under application reference 2017/6973/P:

'Basement Impact Assessment Addendum' Rev 02 (Ross & Partners) Nov 2017, Letter dated 27 April 2018 (Stephen Buss Environmental Consulting), 'Response to Basement Impact Assessment Audit' (Geotechnical Consulting Group) 02 May 2018, 'Note on Expected Ground Movements due to Pile Installation' (Ross and Partners) April 2017, 'North Bank Monitoring - Base Readings' 09/10/2017.

Reason: To ensure that the works do not impact on neighbouring properties in terms of structure, in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017.

- 23 No development, including demolition, shall commence before a contract has been entered into with the Local Highway Authority to secure the proposed changes to the highway and parking layout, which shall include the following works: repaving footways/carriageways; level thresholds with the public highway; provision of a new crossover; changes to on-street parking bays as shown on drawing no.2011-1007-CR-004 (or any other variation subsequently approved by the Council); removal/relocation of street furniture; kerb build out and drainage; and any Traffic Management Orders required in connection with the development. The new units hereby permitted shall not be occupied until the works that are the subject of that contract have been completed.

Reason: To ensure a satisfactory pedestrian, cycle and vehicular environment is maintained in accordance with policy T1 of the Camden Local Plan 2017.

- 24 The development shall proceed in accordance with the details of levels approved under application reference 2016/0499/P dated 17/10/16.

Reason: To ensure a satisfactory pedestrian, cycle and vehicular environment is maintained in accordance with policy T1 of the Camden Local Plan 2017.

- 25 No dwelling shall be occupied until 4 active and 4 passive electric vehicle charging points for the car spaces have been installed in accordance with details approved under application reference 2019/6402/P dated 6 November 2020. and the charging points shall thereafter be retained in working condition.

Reason: To encourage the use of electric vehicles in accordance with policies T1 and T2 of the Camden Local Plan 2017.

- 26 The lifetime homes features and facilities, as indicated on the approved drawings and at para 6.1 of the KSR Design and Access Statement, shall be provided in their entirety prior to the first occupation of any of the new residential units.

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 of the Camden Local Plan 2017.

- 27 The photovoltaic cells approved under application reference 2016/0499/P dated 17/10/16 shall be installed in accordance with the approved details prior to the occupation of any dwelling, and thereafter retained and maintained in working condition.

Reason: To promote sustainability in accordance with policies CC1 and CC2 of the Camden Local Plan 2017.

- 28 The development shall be implemented in accordance with the SUDS details approved under planning reference 2016/2833/P dated 19/10/16 and thereafter retained and maintained in working condition.

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 Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The original application 2017/6306/P was approved at appeal. Condition 8 of this permission required obscured glazing on a number of windows on the eastern and western elevations, to protect the privacy of neighbouring properties.

This amendment application seeks to revise the windows that were approved with obscured glazing. The building has now been built and the case officer has visited the interior with the ability to assess what the overlooking would be like from the windows in question.

Under the proposals, seven windows would be changed to be unobscured - three on the east elevation and four on the western elevation. The remaining twelve obscured windows (three on the west elevation and nine on the east elevation) would remain obscured as per the original permission. The method of obscuring to be employed is directional, so some views would be allowed out from different positions within the rooms. Such glazing had been fitted during the site visit and it was shown to be effective.

Two objections were received from occupants of Carnegie House on the following grounds. Concerns were raised over loss of privacy, given the proximity of the windows to be unobscured and that some of the windows of 29 New End are higher and therefore afford direct views to neighbouring properties. Partially obscured glazing was suggested as a compromise. Concerns were also raised over the form of application and that the amendments are not minor.

The officer's site visit confirmed which windows needed to be obscured and which windows could be unobscured without materially affecting the privacy of neighbouring properties, given the location of the windows and their aspect, and the location of neighbouring windows.

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 (ERR) 2013.

As such, the proposed details are in general accordance with policy A1 of Camden Local Plan 2017.

Given the scale of the approved development for 17 flats over seven storeys, the unobscuring of seven windows is considered to be a minor amendment.

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:

<https://www.gov.uk/appeal-planning-decision>.

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