

Application ref: 2021/4003/P
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Date: 1 February 2023

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

Rapleys LLP
70 Pall Mall
London
SW1Y 5ES

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**77 Avenue Road
London
NW8 6JD**

Proposal:

Demolition of existing dwelling and erection of replacement three-storey detached dwelling with basement

Drawing Nos: X100; X101; X102; X300; X301; X302; X303; P001; P002; P090; P091; P100; P101; P102; P103; P200; P201; P300; P301; P302; P303; P305; 545910-010 Rev A; 545910-011 Rev A; 545910-012 Rev A; 545910-013 Rev A; 545910-014 Rev A; Planning Statement, dated August 2021; Design & Access Statement, dated August 2021; Basement Impact Assessment Review, dated 17/08/2021; Energy & Sustainability Statement, dated August 2021; Daylight Review of Revised Proposal, dated 17/08/2021; Arboricultural Impact Assessment and Method Statement Amended 13th Aug 2021; and Letter from Cass Allen Architectural & Environmental Acousticians Noise & Vibration Engineers, dated 16/08/2021.

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: X100; X101; X102; X300; X301; X302; X303; P001; P002; P090; P091; P100; P101; P102; P103; P200; P201; P300; P301; P302; P303; P305; 545910-010 Rev A; 545910-011 Rev A; 545910-012 Rev A; 545910-013 Rev A; 545910-014 Rev A; Planning Statement, dated August 2021; Design & Access Statement, dated August 2021; Basement Impact Assessment Review, dated 17/08/2021; Energy & Sustainability Statement, dated August 2021; Daylight Review of Revised Proposal, dated 17/08/2021; Arboricultural Impact Assessment and Method Statement Amended 13th Aug 2021; and Letter from Cass Allen Architectural & Environmental Acousticians Noise & Vibration Engineers, dated 16/08/2021.

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

- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) 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.

- 4 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) Manufacturer's 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).

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 Camden Local Plan 2017.

- 5 The replacement dwelling 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 of the Camden Local Plan 2017.

- 6 The 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: The accommodation 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.

- 7 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.

- 8 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 G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 9 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Policies G1, A1, A4, D1, CC1 of the London Borough of Camden Local Plan 2017.

- 10 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise in accordance with Policy A4 of the Camden Local Plan 2017.

- 11 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate

professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. 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.

- 12 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment and the recommendations in Campbell Reith's Basement Impact Assessment Audit unless otherwise agreed in writing with the Local Planning Authority.

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

- 13 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Arboricultural Impact Assessment and Method Statement Amended 13th Aug 2021, 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.

- 14 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 and D1 of the London Borough of Camden Local Plan 2017.

- 15 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 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 and D1 of the Camden Local Plan 2017.

- 16 Prior to commencement of development (other than demolition and below ground excavation), full details in respect of the green roof 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 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 and A3 of the Camden Local Plan 2017.

- 17 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 a 1:100 year event with 30% provision for climate change 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, CC3 of the London Borough of Camden Local Plan 2017.

- 18 The development 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 and CC3 of the Camden Local Plan 2017.

- 19 The approved cycle storage (at least 2 spaces) shall be provided in its entirety prior to first occupation of the replacement dwelling hereby approved, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of Policy T1 of the Camden Local Plan

2017.

- 20 The approved Electric Vehicle Charging Points shall be provided in their entirety prior to first occupation of the replacement dwelling hereby approved, and permanently retained thereafter.

Reason: To ensure the development promotes the use of sustainable transport measures in accordance with Policy T1 of the Camden Local Plan 2017 and Policy T7 of the London Plan 2021.

- 21 Prior to first occupation of the buildings, 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 Policy G1, CC1 and CC2 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting

This application seeks permission to demolish the existing dwelling at the site and replace it with a detached dwelling with double basement. Permission has previously been granted (and lawfully commenced) to demolish and replace the existing house with a double basement (planning refs: 2019/1747/P, dated 17/01/2020; 2013/2043/P, dated 30/05/2014 & 2010/0351/P, dated 06/05/2010). This application differs from the most recent permission (which remains extant) in the following ways:

- Enlargement of basement to allow for square shape and additional plant room;
- Enlargement of above-ground footprint to the rear;
- Alterations to fenestration, including changes to rear windows and enlargement of bay window above main entrance;
- Re-location of lightwell and external staircase to access basement; and
- First floor extension to side.

Policy D1 seeks to secure high quality design in all development. At the time of the previous application, the proposed design of the replacement dwelling was considered to be in keeping with the character and appearance of the wider area. Avenue Road is characterised by large, detached neo-Classical and neo-Georgian dwellings. The proposed changes to the extant scheme are considered to be acceptable in terms of the visual impact of the proposal. The enlarged basement and ground floor footprint won't be discernible in the street scene and the enlarged bay window and first floor side element would not

detract from the design of the building.

A planning condition will remove the permitted development rights for the replacement dwelling as the Council wishes to retain control over future extensions and alterations to the property in the interest of design and neighbour amenity, particularly given the size of the dwelling compared to the one it will replace. A further condition will require details of the facing materials to be agreed with the Local Planning Authority prior to the relevant works commencing.

The proposed replacement dwelling would provide a good standard of living for future occupiers in terms of size, layout, orientation and outlook; amenity and storage space etc. Policy H6 of the Local Plan requires 90% of new-build self-contained homes to be accessible and adaptable in accordance with Building Regulation M4(2); a condition will secure the dwelling as M4(2). A planning condition will ensure that the staff accommodation remains ancillary to the use of the main property, rather than being independent, on the basis that it would not be suitable as self-contained housing.

It is not considered that the proposed replacement dwelling would have a harmful impact on neighbouring properties. At the time of the previous application it was noted that the replacement dwelling had been designed to minimise overlooking to neighbouring properties and a planning condition will ensure that the side facing windows at first and second floor levels (other than those which serve the staircase) are fitted with obscure glazing and are non-opening below a height of 1.7 metres, in order to minimise the impact on neighbouring properties. Similarly, it is not considered that the replacement dwelling (including the revisions as part of this application) would appear overbearing or lead to loss of outlook from the neighbouring properties (new dwellings have been constructed to the south of the application site, pursuant to planning ref: 2016/1808/P, dated 16/05/2017) as each of the properties sits within a spacious plot with generous gaps between them. Suitable planning conditions can ensure that noise levels remain within acceptable limits. There is likely to be some disruption during the construction phase and therefore a Construction Management Plan (CMP) (and associated support fee) will be secured by legal agreement. A bond will also be secured (fully refundable on completion of the works) to ensure compliance with the CMP.

- 2 The proposals include a double basement. Whilst Policy A5 of the Local Plan does not usually allow for basements with more than one storey, a double basement was previously approved in 2010 (and renewed in 2013) and the permission has been lawfully implemented meaning that the double basement could still be built as part of that permission. On this basis, the proposed double basement is considered to be acceptable and the proposed alteration to square off the basement is also considered to be acceptable. The Basement Impact Assessment has been independently audited by Campbell Reith and found to be acceptable, in accordance with the requirements of Policy A5. Suitable planning conditions will ensure that the works are carried out in accordance with the BIA and that a qualified engineer is appointed to oversee the basement works.

A suitable planning condition will ensure that the works are carried out in

accordance with the Arboricultural Impact Assessment. Further conditions will require details of proposed landscaping to be provided and agreed in writing with the Local Planning Authority prior to the commencement of development, and for the works to be completed in a timely manner.

Policy CC1 requires development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation; and Policy CC2 requires development to be resilient to climate change. An Energy and Sustainability Statement has been provided with the application, which will be secured by the legal agreement. A green roof is proposed and a planning condition will require full details of the green roof to be provided prior to commencement of development.

Policy CC3 seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. A SUDS scheme is proposed and a planning condition will require full details of the SUDs to be provided prior to commencement of development. A further condition will require that the development achieves a maximum internal water use of 110 litres/person/day.

Policy T1 promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The London Plan requires the provision of 2x cycle parking spaces for a single family dwelling. The Planning Statement and plan 545910-014 Rev A indicate that 3 spaces will be provided within the ground floor garage. A condition will require their provision prior to occupation of the dwelling.

Policy T2 seeks to limit the availability of car parking in the borough and requires all new development to be car-free. The legal agreement will secure the new dwelling as car-capped (i.e. occupiers are not able to apply for resident's parking permits). The proposals include car parking spaces at sub-basement level, within the ground floor garage and on the driveway. However, these have already been granted permission and could be delivered under the extant scheme, and on that basis despite the conflict with policy they are accepted. The plans illustrate the provision of 4 Electric Vehicle Charging Points, which will be secured by condition.

The legal agreement will also secure the Construction Management Plan in accordance with Policies A1 and T4 and a financial contribution towards repairing damage caused to the highway as a result of construction, in line with Policy A1.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

The proposed development is in general accordance with Policies G1, H1, H6, H7, A1, A2, 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 provisions of the National Planning Policy Framework 2021.

- 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 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.
- 5 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.

- 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 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.

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 centered on the page. The signature is fluid and cursive.

Daniel Pope
Chief Planning Officer