

Address:	Land adjacent to 1 Regency Lawn Croftdown Road London NW5 1HF		4
Application Number(s):	2024/3865/P	Officer: Sam FitzPatrick	
Ward:	Highgate		
Date Received:	11/09/2024		
Proposal:	Variation of condition 2 (approved drawings) of planning permission 2020/5277/P dated 03/05/2023 (for 'Demolition of car port and erection three storey building consisting of 1 x 3Bed dwelling house.'), namely to alter front garden area including relocation of air source heat pump and access ramp and changes to boundary.		
Background Papers, Supporting Documents and Drawing Numbers:			
Existing Drawings: 2008_P_200; 2008_P_401.			
Approved Drawings: 2008_P_201 R01; 2008_P_410			
Proposed Drawings: 2008_P_201 R02; 2008_P_410 R01; 2008/6003 P2.			
Documents: Planning Statement for Section 73 Application (prepared by JPA, dated 18/10/2024); Noise Impact Assessment 24071-HEY-XX-XX-T-Y-5001 P02 (prepared by Heyda Acoustics, dated 05/09/2024)			
RECOMMENDATION SUMMARY:			
Grant conditional planning permission subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
Mr & Mrs Tristan and Kaye Stout Regency Lawn 1 Croftdown Road London NW5 1HF		John Pardey Architects Beck Farm Studio St Leonards Road Lymington SO41 5SR	

ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)

C3	Dwellinghouse	129	129	0
Total	All uses	129	129	0

EXECUTIVE SUMMARY

- i) The application site is a small plot of land situated between the grounds of Mansfield Bowling Club and no.1 Regency Lawn, which is located adjacent to the south side of Croftdown Road. The site previously accommodated a car port and hardstanding for the adjacent property, and is located within both the Dartmouth Park Conservation Area and Dartmouth Park Neighbourhood Plan Area.
- ii) Planning permission was granted on 03/05/2023 for demolition of the existing car port and erection of a three storey building, which would provide a three-bedroom dwellinghouse. This permission was subject to a Section 106 legal agreement, which would secure a Construction Management Plan and associated implementation support fee and bond, a Highways contribution, an affordable housing contribution, and the new residential unit as car-free.
- iii) This application seeks to vary the approved plans for the consented application, specifically with regard to the front garden area. It is proposed to make minor changes to the landscaping arrangement, access ramp, and front boundary. Additionally, an Air Source Heat Pump (ASHP) is included in the layout. This was part of the original proposal, however was not clearly annotated in the submitted plans, nor was it assessed in the officer report. This application formalises the inclusion of the ASHP in its new location.
- iv) The proposed changes would result in very minor external alterations to the consented scheme and would be considered to be acceptable in terms of design and materiality. As such, the proposal would preserve the character and appearance of the Dartmouth Park Conservation Area.
- v) Due to the nature of the works, it is not considered that they would result in any negative impact on the amenity of residents. A noise impact assessment has been submitted in relation to the ASHP, which has been reviewed by the Council's Environmental Health Officer and is considered acceptable. Conditions are recommended to ensure that any noise impact will not harm residential amenity.
- vi) The scheme complies with the development plan as a whole and is recommended for approval.

OFFICER REPORT

Reason for Referral to Committee: An application submitted by or on behalf of a member of the Council (or their spouse or partner) or any Council employee (or their spouse or partner) [Clause 3(vi)].

1. SITE AND BACKGROUND

Designations

1.1 The following are the most relevant designations or constraints:

Designation	Details
Neighbourhood Plan	Dartmouth Park
Conservation Area	Dartmouth Park

Table 1 - Site designations and constraints

Description

- 1.2 The application site is a small plot of land situated between the grounds of Mansfield Bowling Club and no.1 Regency Lawn, which is an end of terrace house. Regency Lawn consists of a row of houses on the south side of Croftdown Road, just south of the intersection with Brookfield Park. The application site previously accommodated a car port and hardstanding to the side elevation of no.1 Regency Lawn.
- 1.3 Planning permission was granted under reference 2020/5277/P on 03/05/2023 for the '*Demolition of car port and erection three storey building consisting of 1 x 3 Bed dwelling house*'. This permission was granted subject to a Section 106 legal agreement and has since been implemented through the demolition of the car port and consequently remains extant and can be fully built out.
- 1.4 The site is located within the Dartmouth Park Conservation Area. Although many of the buildings in the area are noted as positively contributing to the conservation area (such as those on Kingswear Road and Brookfield Park), the buildings on Regency Lawn are not noted to contribute positively. Although not listed as negative contributors in the Conservation Area Appraisal, the statement does describe the properties on Regency Lawn as having a negative impact on the character and appearance of the Conservation Area due to the "paucity of their design". There are no listed buildings in the immediate vicinity.
- 1.5 The site is located within the Dartmouth Park Neighbourhood Plan Area.
- 1.6 The consented new dwelling was considered to be a high quality and well-designed addition to the area. It would have a modern appearance and would

be consistent in scale and projection with the neighbouring properties. The small garden to the front would include areas of soft landscaping and a stone wall following the curved back of pavement line, with bin and cycle storage located discretely off the road.



Figure 1 – The existing site prior to demolition of the car port, as consented under planning permission 2020/5277/P.



Figure 2 – 3D visualisation of the front elevation of the new dwelling, as consented under planning permission 2020/5277/P.

2. THE PROPOSAL

- 2.1 The proposal is for minor amendments to the consented scheme to erect a new dwellinghouse. These would involve changes to the front garden area, primarily involving the relocation of the ramp and the Air Source Heat Pump (ASHP), and also including alterations to the front boundary design and landscaping arrangement. The front garden planting beds would be relocated so that they are perpendicular to the front boundary, rather than adjacent to it, and the front boundary would be amended to include metal railing above the boundary wall.
- 2.2 The extant permission did not clearly annotate the ASHP or include a noise impact assessment, so this proposal seeks to formalise its inclusion by clearly annotating this feature on the plans and providing a noise impact assessment.

3. RELEVANT HISTORY

The site

- 3.1 **2024/0434/P** – Details of condition 4A&B (windows and materials); Condition 7 (bins and bike store); Condition 10 (green roof); Condition 12 (energy statement) pursuant to planning permission 2020/5277/P dated 03/05/2023 for demolition of car port and erection of three storey building consisting of 1 x3 Bed dwelling house. **Approval of Details granted 02/05/2024.**
- 3.2 **2020/5277/P** – Demolition of car port and erection three storey building consisting of 1 x 3Bed dwelling house. **Planning permission granted subject to a Section 106 legal agreement 03/05/2023. This is the permission this application seeks to vary.**
- 3.3 **2012/1915/P** – Conversion of garage into studio, installation of new garage door to the front with glazing to the top and installation of new window to the rear elevation (Class C3). **Planning permission granted 15/06/2012.**

4. CONSULTATION

Statutory consultees

Dartmouth Park Neighbourhood Forum

- 4.1 No comment or objection received.

Local groups

Dartmouth Park Conservation Area Advisory Committee

- 4.2 No comment or objection received.

Adjoining occupiers

- 4.3 A site notice was displayed directly in front of the property from 30/10/2024 until 23/11/2024. The application was also advertised in the local paper on 31/10/2024 (expiring on 24/11/2024).
- 4.4 It was not considered necessary to display more than one site notice as the new/amended works relate only to the front of the property, specifically the front garden area. Irrespective of this, to the rear of the property is the Mansfield Bowling Club, so there would be no occupiers in this direction likely to be impacted by the proposal.
- 4.5 No objections or comments were received from members of the public throughout the statutory consultation period, nor following the end of this period and prior to this recommendation being made.

5. POLICY

National and regional policy and guidance

[National Planning Policy Framework 2024 \(NPPF\)](#)
[National Planning Practice Guidance \(NPPG\)](#)

[London Plan 2021 \(LP\)](#)

[London Plan Guidance \(LPG\)](#)

Local policy and guidance

[Camden Local Plan \(2017\) \(CLP\)](#)

[Policy A1 Managing the impact of development](#)

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy CC1 Climate change mitigation](#)

[Dartmouth Park Neighbourhood Plan \(2020\)](#)

[Policy DC1 Enhancing the sense of place](#)

[Policy DC2 Heritage assets](#)

[Policy DC3 Requirement for good design](#)

[Policy H3 Accessible housing](#)

[Policy ES1 Green and open spaces](#)

[Policy ES3 Biodiversity](#)

[Supplementary Planning Documents and Guidance](#)

Camden Planning Guidance (CPGs):

[Access for All CPG - March 2019](#)

[Amenity - January 2021](#)
[Biodiversity CPG - March 2018](#)
[Design - January 2021](#)
[Home Improvements – January 2021](#)

Other guidance:

[Dartmouth Park Conservation Area Appraisal and Management Strategy \(2009\)](#)

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Design and heritage
8	Impact on amenity
9	Trees, greening, and biodiversity
10	Sustainability
11	Conclusion

7. DESIGN AND HERITAGE

7.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 (Design) of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area, while Policy D2 (Heritage) states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. Camden's Local Plan policies are supported by the Camden Planning Guidance on 'Design' and 'Home Improvements', as well as the Dartmouth Park Conservation Area Appraisal and Management Strategy.

7.2 The Dartmouth Park Neighbourhood Plan also includes Policies DC1 (Enhancing the sense of place), DC2 (Heritage assets), and DC3 (Requirement for good design), all of which are intended to support a high quality of development within the neighbourhood area. This includes setting

out a requirement for development to maintain and enhance the green and leafy character of the area, preserve or enhance the character and appearance of the conservation area, and relate to and complement existing and surrounding buildings.

- 7.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) provides a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.
- 7.4 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.
- 7.5 The National Planning Policy Framework (NPPF) requires its own exercise to be undertaken as set out in Chapter 16 – ‘Conserving and enhancing the historic environment’. Paragraph 208 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal. Paragraphs 212-216 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm.
- 7.6 The proposed development involves minor changes to an already consented scheme for the erection of a new dwellinghouse. The design of the front garden granted consent under the previous permission included an entrance ramp leading to the threshold, a cycle and bin storage area, soft landscaping, and an Air Source Heat Pump (ASHP). As the ASHP was not clearly labelled/annotated in the approved plans, it was not assessed in the submission and officer report when the substantive permission was determined.
- 7.7 It is now proposed to rework the layout of the front garden area, shifting the ramp closer to the boundary with the neighbouring property and the air source heat pump to the other side of the ramp. This would allow the cycle store to be more readily accessible and improve the usability of the front garden space. Metal fencing would also be added to the front boundary, which would resemble the consented balustrading of the balcony above, and match the contemporary appearance of the building as a whole.
- 7.8 The changes proposed to the front garden would not have a significant material impact on the appearance of the building and would be in keeping with the building and the surrounding area. The amendments are minor in

the context of the original permission, and the landscaping reconfiguration would still maintain the green and leafy character of the area and continue to reference the generous front garden spaces typical of the conservation area. The proposed materiality and detailed design of the changes to the front boundary would be appropriate for the host building and the wider area.

- 7.9 The amendments would not harm the character or appearance of the conservation area or the site itself, and therefore the impact of the alterations are considered to be acceptable in design and heritage terms and would be in accordance with the policies of both the London Borough of Camden Local Plan and the Dartmouth Park Neighbourhood Plan.
- 7.10 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.

8. IMPACT ON AMENITY

- 8.1 Policy A1 (Managing the impact of development) of the Local Plan seeks to protect the quality of life of occupiers and neighbours. It should be ensured that the impact of development is fully considered and does not harm the amenity of neighbouring residents. This includes light, privacy, outlook, and noise disturbance. Policy A4 (Noise and vibration) states that the Council will not support development likely to generate unacceptable noise and vibration impacts, and will only grant permission for noise generating plant and machinery where demonstrated that it can be operated without causing harm to amenity. The thrust of the policies is that the quality of life of current and future occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.
- 8.2 Due to the minor nature of the proposed alterations, it is considered that the proposal would not result in any significant impacts to amenity in terms of loss of light, outlook, or privacy. All changes to the front garden would not be substantial and would pose no additional impact on amenity that was not considered under the determination of the previous application.
- 8.3 As previously noted, it is proposed to slightly relocate the ASHP within the front garden. Under the previous permission, no noise impact assessment was submitted to assess the impact of the ASHP, however one has now been provided as part of this submission that assesses the impact of the proposal in terms of noise resulting from the ASHP unit, demonstrating that there would be no negative impact on amenity in terms of noise.
- 8.4 The noise impact assessment has been reviewed by the Council's Environmental Health Officer, who has confirmed that the acoustic submission and associated technical details meet the Council's Local Plan

guidelines sufficiently and that the proposal is therefore acceptable in environmental health terms. Two conditions relating to the levels of noise emitted and anti-vibration measures have been recommended, which would ensure that the proposal can comply with the Council's policies.

8.5 Given the above, the proposed works are considered to comply with the amenity policies of the London Borough of Camden Local Plan.

9. TREES, GREENING, AND BIODIVERSITY

Impact on trees, greening, and biodiversity

9.1 Local Plan policy A3 deals with biodiversity and expects development to protect and enhance nature conservation and biodiversity, securing benefits and enhancements where possible. It resists the removal of trees and vegetation of significant value and expects developments to incorporate additional trees and vegetation.

9.2 As with the previously approved permission, there are no trees on site and no substantial trees either within or adjacent to the site, or any that overhang the site boundaries. The front garden includes areas of soft landscaping, which are considered to contribute to the streetscene and the amenity of future occupiers. The alterations to the landscaping arrangement would be consistent with the approved scheme and would still ensure that the site provides a high quality contribution to the area's biodiversity. However, the proposed tree is not considered to be an appropriate species for the site restrictions, and as such further details are secured by condition.

9.3 The proposal has been reviewed by the Council's Trees and Landscaping Officer, who has confirmed that the works would be acceptable. The landscaping details provided indicate a high quality of landscaping that contributes to the visual amenity and character of the area, and as such, the details provided are considered to meet the requirements of the pre-commencement condition relating to landscaping. As such, this condition will be replaced with a compliance condition to secure the works in compliance with the provided details.

9.4 Given the above, the proposals are considered acceptable in nature conservation, landscape and biodiversity terms and are in accordance with the policies of the London Borough of Camden Local Plan and the Dartmouth Park Neighbourhood Plan.

Statutory Biodiversity Net Gain

9.5 As well as the requirements of the development plan, there are statutory requirements for 10% Biodiversity Net Gain (BNG).

9.6 BNG is a way of creating and improving natural habitats with a measurably positive impact ('net gain') on biodiversity, compared to what was there

before development. Every grant of planning permission is deemed to have been granted subject to a condition which requires the submission of a Biodiversity Net Gain Plan (BGP) before development can commence, showing how the 10% gain will be met.

9.7 This gain can be achieved through onsite biodiversity gains, registered offsite biodiversity gains (for example, on other land or developments owned by the applicant), or by purchasing statutory biodiversity credits.

9.8 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information provided, this scheme will not require the approval of a BGP because the application is a s73 application and the original parent permission was NOT a “major” and was made before 2 April 2024.

10. SUSTAINABILITY

10.1 In November 2019, Camden Council formally declared a Climate and Ecological Emergency. The Council adopted the Camden Climate Action Plan 2020-2025, which aims to achieve a net zero carbon Camden by 2030.

10.2 In line with the London Plan policies SI1, SI2, SI3, SI4, SI5, and SI7 and the London Borough of Camden Local Plan policies CC1, CC2, CC3, and CC4, development should follow the core principles of sustainable development and circular economy, make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions, and contribute to water conservation and sustainable urban drainage.

10.3 The proposed Air Source Heat Pump (ASHP) would provide heating through electricity rather than gas, which would align with the Council’s policies on sustainability. The ASHP would also be a more efficient alternative to traditional gas heating systems. A condition is recommended to prevent the use of the ASHP for air conditioning, as active cooling is discouraged.

11. CONCLUSION

11.1 The proposed alterations to the approved scheme are minor in the context of the original permission and would be in keeping with the building and the surrounding area. None of the changes would result in harm to the character or appearance of the conservation area or the site itself, and there would be no significant impact on residential amenity, including in terms of noise. As such, the proposal is acceptable and in general accordance with the policies of the London Borough of Camden Local Plan and the Dartmouth Park Neighbourhood Plan. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

11.2 It is noted that an Approval of Details application has been submitted since the granting of the original permission, which discharged conditions 4 (windows and materials), 7 (bins and bike store), 10 (green roof), and 12 (energy statement). As such, these conditions have been changed to compliance conditions and the wording altered so that it is clear what details are referred to. Similarly, as set out in section 9 of this report, the landscaping condition has been changed to a compliance condition. It should also be noted that these conditions have been reordered to separate compliance conditions and those that require further details to be submitted. As such, the condition order of this permission differs from that of the 'parent' application, however respond to the same planning concerns.

11.3 Given that the approved drawings are being altered, the grant of this application will require a Deed of Variation to the existing Section 106 legal agreement for the original application. As such, the application is recommended for approval subject to a Deed of Variation to the Section 106 legal agreement.

12. RECOMMENDATION

12.1 Grant conditional Planning Permission subject to a Deed of Variation to the Section 106 Legal Agreement with the following heads of terms (which are the same as those from the original application and existing Section 106 legal agreement):

- Car-free development
- Construction Management Plan and associated Implementation Support Contribution of £3,900
- Construction Impact Bond of £7,500
- Highways contribution of £4,441
- Affordable housing contribution of £12,900

13. LEGAL COMMENTS

13.1 Members are referred to the note from the Legal Division at the start of the Agenda.

14. CONDITIONS

Standard conditions

1 Time limit

The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref. 2020/5277/P dated 03/05/2023.

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

2 Approved drawings

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawings: 2008_P_100; 2008_P_101; 2008_P_102; 2008_P_200 REV01; 2008_P_201 R02; 2008_P_401; 2008_P_410 R01; 2008_P_411; 2008_P_412; 2008_P_413; 2008/6003 P2; CGI Image; 2008_SK01_REVP2; 2008_SK02_REVP; 2008_SK07_REVP2; 2008_SK08_REVP; 2008_SK09_REVP1; 23-0102-02-001;

Documents: Design and Access Statement commissioned by JPA dated November 2020; Sustainability and Energy Strategy commissioned by Hoare Lea dated 22/09/2020; Noise Impact Assessment 24071-HEY-XX-XX-T-Y-5001 P02 (prepared by Heyda Acoustics, dated 05/09/2024); Maintenance Schedule for Wallbarn M-Tray Green Roof Systems (prepared by Wallbarn); M-Tray Modular Green Roof System (prepared by Wallbarn); Renewable Energy Feasibility Study (prepared by Mesh Energy, dated 24/07/2023); Energy Statement (prepared by Mesh Energy, dated 04/04/2024); Full SAP Calculation Printout (dated 28/03/2024).

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

Prior to occupation or use

3 Solar PVs

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 Policies G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017 and policy ES4 of the Dartmouth Park Neighbourhood Plan 2020.

Prior to commencement of relevant part of works

4 Tree planting

Before the relevant part of the works and notwithstanding the landscaping works shown in the approved landscape details (drawing ref.2008/6003/P2), full details

of the species of the proposed tree to the front garden shall be submitted to and 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, A5, D1, and D2 of the London Borough of Camden Local Plan 2017 and policies ES2 and ES3 of the Dartmouth Park Neighbourhood Plan 2020.

Compliance conditions

5 Design: secured details

The development hereby approved shall be implemented in full accordance with the approved details of windows, ventilation grilles, external doors and gates, and facing materials (drawing refs. '2008_SK01_REVP2', '2008_SK02_REVP', '2008_SK08_REVP', '23-0102-02-001', '23-0102-02-002', '23-0102-02-003', '23-0102-02-004', '23-0102-03-001', '23-0102-03-002', '23-0102-03-003', '23-0102-04-000', '23-0102-04-001', '23-0102-05-000', '23-0102-11-001', '23-0102-11-002', '23-0102-11-003', '23-0102-12-000'). The relevant parts of these works shall be carried out in accordance with the approved details.

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 and policies DC1 and DC3 of the Dartmouth Park Neighbourhood Plan 2020.

6 Design: Additional features

No 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 face of the buildings. Any requirement for the installation of a new meter box shall be restricted solely to the north-eastern elevation of the building and shall not be installed in the elevation fronting the highway.

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 and policies DC2 and DC3 of the Dartmouth Park Neighbourhood Plan 2020.

7 Landscaping

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details (drawing ref. 2008/6003 P2) by not later than the end of the planting season following completion of the development or any phase of the development or prior to the occupation for the permitted use 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, D1, and D2 of the London Borough of Camden Local Plan 2017 and policies DC1, DC2, DC3, and ES3 of the Dartmouth Park Neighbourhood Plan 2020.

8 Cycle storage

The cycle parking shown on the approved plans (drawing ref. 2008_SK09_REVP1) shall be provided in full prior to the occupation of the development hereby permitted, and permanently retained thereafter.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with policy T1 of the London Borough of Camden Local Plan 2017 and policy TS3 of the Dartmouth Park Neighbourhood Plan 2020.

9 Green roof

The living roof hereby approved shall be fully installed on the building in accordance with the approved details including drawing ref. '2008_SK07_REVP2' and documents 'Maintenance Schedule for Wallbarn M-Tray Green Roof Systems (prepared by Wallbarn)' and 'M-Tray Modular Green Roof System (prepared by Wallbarn)'. The living roof shall be installed prior to first occupation and thereafter retained and maintained in accordance with the approved scheme for the duration of the development.

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 and ES3 of the Dartmouth Park Neighbourhood Plan 2020.

10 Permitted Development Rights

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) 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, and A1 of London Borough of Camden Local Plan 2017 and policies DC1, DC2, DC3 of the Dartmouth Park Neighbourhood Plan 2020.

11 Energy strategy

The development shall not be carried out other than in strict accordance with the methodologies, recommendations, and requirements of the development's energy strategy, as set out in the Renewable Energy Feasibility Study (prepared by Mesh Energy, dated 24/07/2023), the Energy Statement (prepared by Mesh Energy, dated 04/04/2024), and the Full SAP Calculation Printout (dated 28/03/2024). The development shall not proceed other than in complete accordance with all the measures as recommended in the approved energy strategy, which shall be permanently retained and utilised as the main power sources for the development.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies G1, C1, CC1, CC2, and CC4 of the London Borough of Camden Local Plan 2017 and policy ES4 of the Dartmouth Park Neighbourhood Plan 2020.

12 Noise levels

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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.

13 Anti-vibration measures

Prior to use, machinery, plant or equipment 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

14 Active cooling restriction

Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

Building regulations (imposed optional requirements)

15 Water use

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 London Borough of Camden Local Plan 2017.

15. INFORMATIVES

1	Building Regulations 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
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	<p>are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).</p>
2	<p>Public Highway</p> <p>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.</p>
3	<p>Camden Minimum Requirements</p> <p>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)</p> <p>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.</p>
4	<p>Party Wall Matters</p> <p>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.</p>
5	<p>Postal Address</p> <p>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.</p>
6	<p>Short term use</p> <p>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.</p>
7	<p>Waste and recyclables</p>

	<p>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.</p>
8	<p>Legal Agreement 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.</p>
9	<p>Biodiversity Net Gain 1/2 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.</p> <p>Based on the information available, this will not require the approval of a BGP before development is begun because the planning permission is a section 73 application and the original (parent) permission was granted before 2 April 2024.</p> <p><u>+ Summary of statutory exemptions for biodiversity gain condition:</u></p> <ol style="list-style-type: none"> 1. The planning application was made before 12 February 2024. 2. The planning permission is retrospective. 3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024. 4. The permission is exempt because: <ul style="list-style-type: none"> - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024. - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat). - The application is a Householder Application. - It is for development of a "Biodiversity Gain Site". - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding). - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

10	<p>Biodiversity Net Gain 2/2</p> <p><u>+ Irreplaceable habitat:</u></p> <p>If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.</p> <p><u>+ The effect of section 73(2D) of the Town and Country Planning Act 1990:</u></p> <p>If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.</p> <p><u>+ Phased development:</u></p> <p>In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.</p>
11	<p>Proposed tree planting</p> <p>The proposed Hornbeam tree would not be suitable for the front garden location due to the restricted nature of the area without near constant pruning. The applicant should discuss with the Council to determine a more appropriate tree species that would be better suited to the space.</p>

Planning Committee

23 January 2024

2024/3865/P

Land adjacent to 1 Regency Lawn
Croftdown Road
London
NW5 1HF









