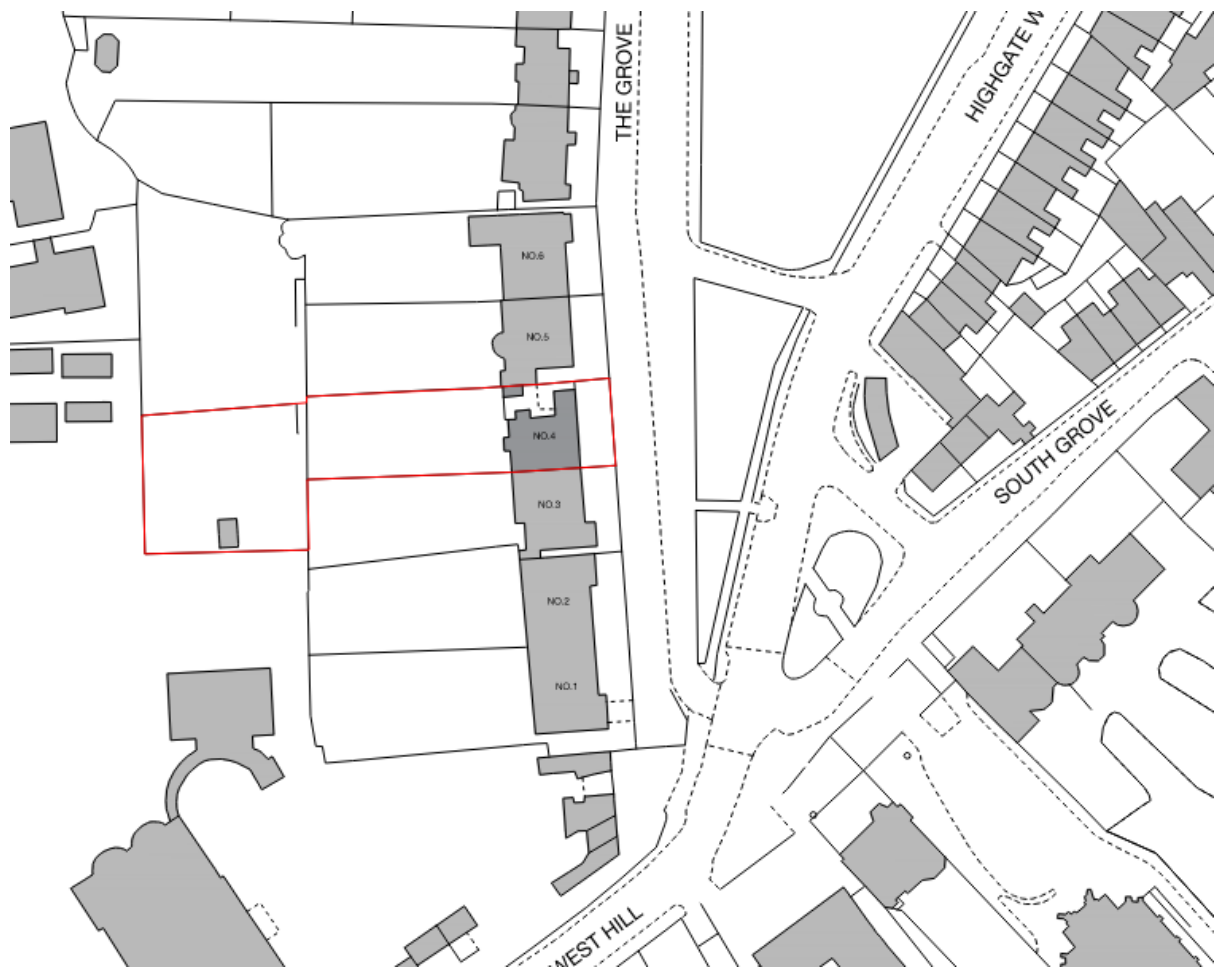


Site Location Plan – 4 The Grove (2023/2876/P & 2023/2939/L)



Photographs and Drawings – 4 The Grove (2023/2876/P & 2023/2939/L)



1. Aerial view of application site from east



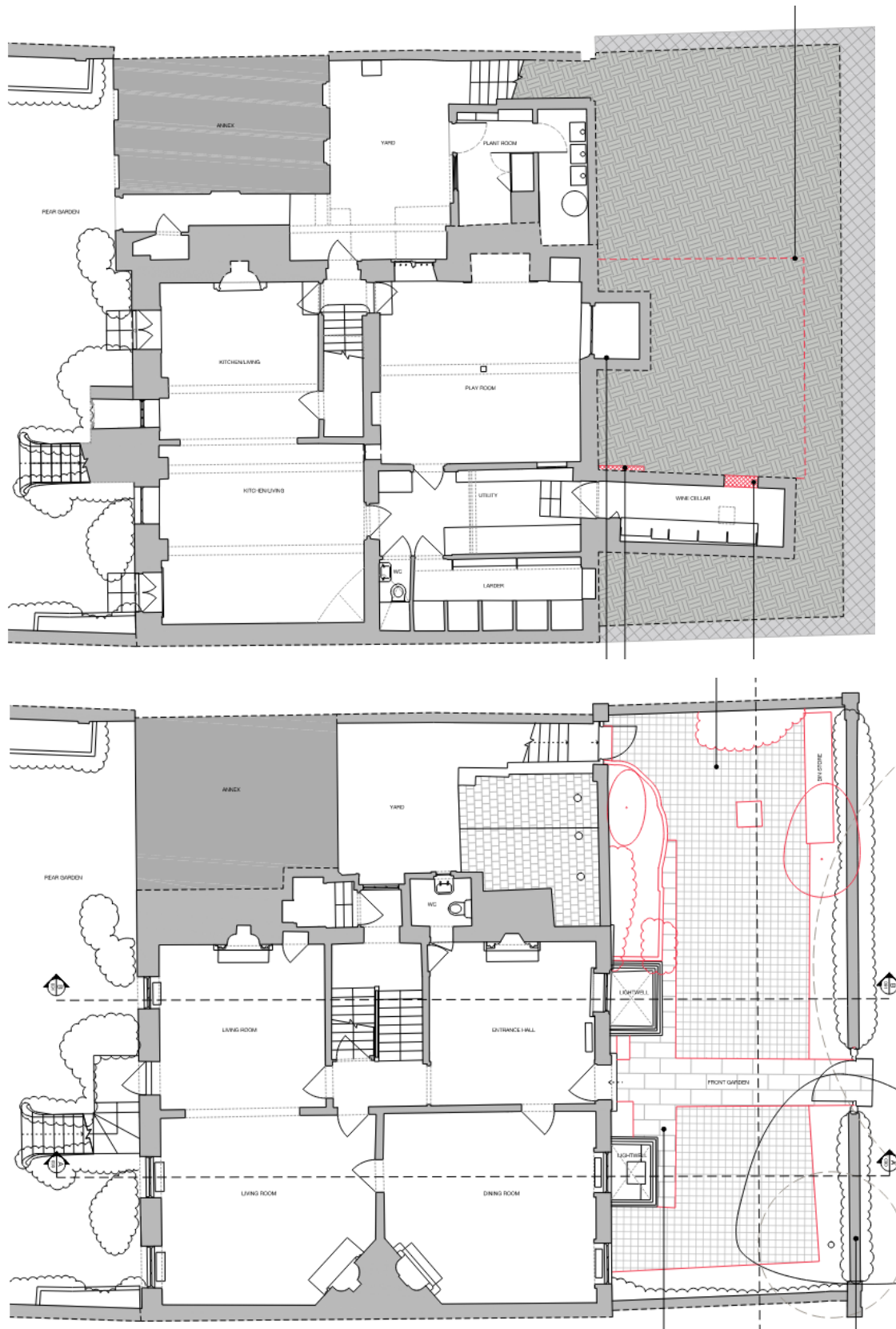
2. Front elevation of site as existing



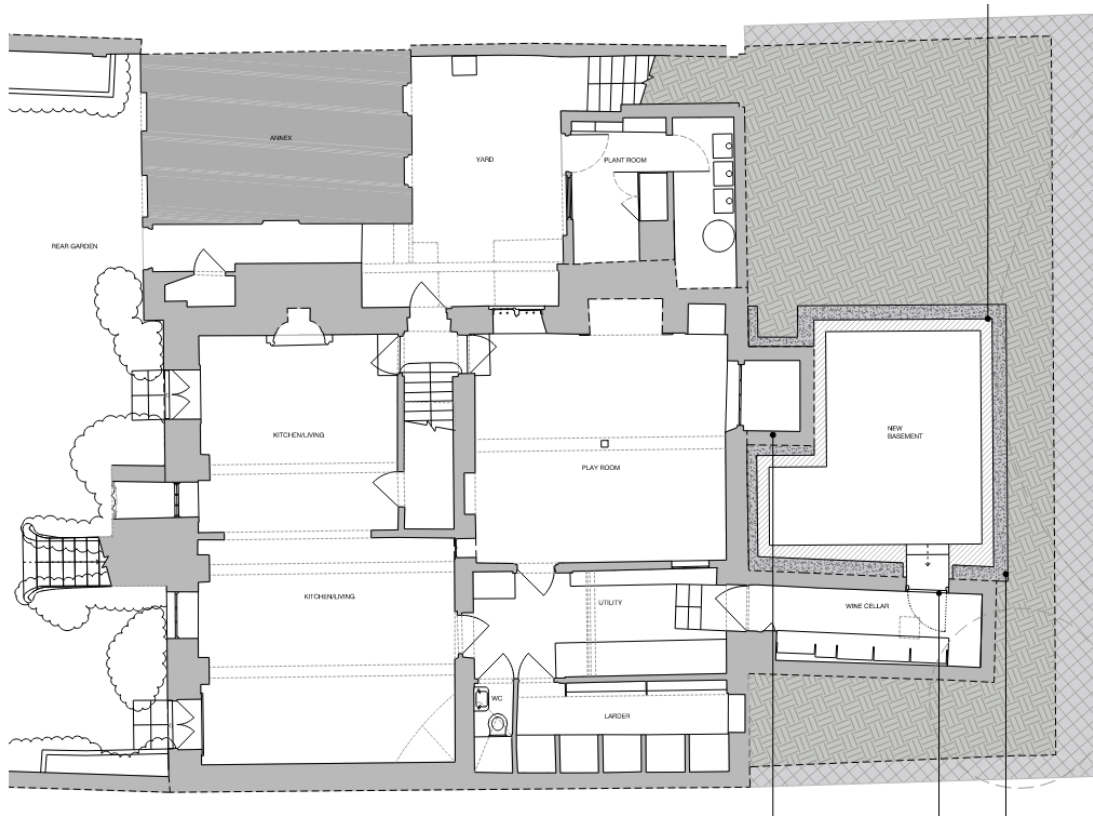
3. Front garden of site as existing (lightwells seen below windows)



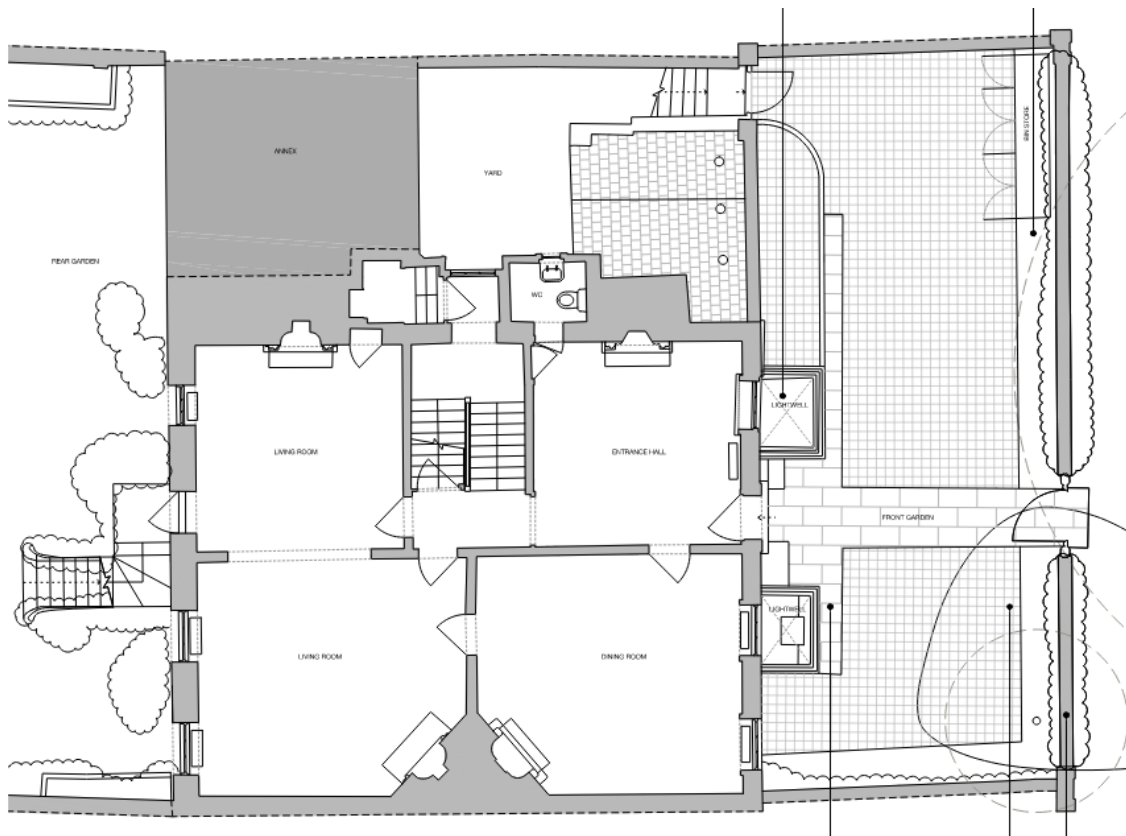
4. Front garden of site as existing (facing north)



5. Demolition plans of lower ground (top) and ground (bottom) floor levels, demonstrating front boundary wall to be retained and location of new wine cellar opening



6. Proposed lower ground (basement) floor plan



7. Proposed ground floor plan

Delegated Report		Analysis sheet	Expiry Date:	07/09/2023
(Members' Briefing)		N/A / attached	Consultation Expiry Date:	20/08/2023
Officer			Application Number(s)	
Sam FitzPatrick			i) 2023/2876/P ii) 2023/2939/L	
Application Address			Drawing Numbers	
4 The Grove London N6 6JU			Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
i) Excavation of basement under front garden; landscaping works in front garden; associated works. ii) Excavation of basement under front garden; associated new staircase and door openings; landscaping works in front garden; associated works.				
Recommendation(s):		i) Grant conditional planning permission subject to Section 106 legal agreement ii) Grant listed building consent		
Application Type:		i) Full Planning Permission ii) Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>Site notices were displayed from 21/07/2023 to 14/08/2023 and a press notice was published from 27/07/2023 to 20/08/2023.</p> <p>No objections were received from members of the public prior to this recommendation being made.</p>			
Highgate Conservation Area Advisory Committee (CAAC)	<p>The Highgate CAAC commented on the application, specifically in relation to the terrace/retaining wall of the Grove gardens (located to the rear of the site). They have noted the following:</p> <p><i>“Numbers 1 to 6 The Grove were built on the site of the garden to Dorchester House (formerly known as The Blew House or Blewhouse). Dorchester House ran perpendicular to and its garden ran parallel with what is now The Grove. It is known that the house itself was still standing in 1688, but not by 1699. Numbers 1 to 6 were erected in in the garden 1688.”</i></p> <p>The CAAC’s comment goes on to note that historic documentation including “The Survey of London: Volume 1 – The Parish of St Pancras Part 1: The Village of Highgate”, appears to confirm that the retaining wall is of some considerable age. The CAAC requested to visit the site in relation to a previous application but were not granted permission to do so. They have asked that further research would be valuable with regards to the arches and vaults to 4 The Grove.</p> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • <i>It is noted that the arches are located to the rear of the garden of the property, so are not directly involved in the proposed works. However, a Basement Impact Assessment was submitted as part of this application, which assesses the impact on nearby listed buildings. Section 7 of this report covers concerns relating to basement impacts, and section 4 covers concerns relating to design and heritage.</i> • <i>Whilst it is appreciated that the CAAC would ideally visit the site, the applicant is entitled to decline to facilitate this, and it does not impact on the determination of the application.</i> 			
Highgate Neighbourhood Forum	<p>The Highgate Neighbourhood Forum objected to the application, and their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> • The removal of trees and vegetation to the front of the house would impact the character of the conservation area and the setting of the listed building, specifically affecting the verdant front garden. • The vegetation growing around the railings of the front boundary should be retained or replanted. • It is unclear whether the front boundary wall has foundations – if no foundations are present, it is possible that the roots of the lime tree in front of the property have spread through to the garden and could therefore be compromised by the digging of a basement. • The apple and maple trees proposed for removal contribute to the character of the streetscene and the general impression of ‘leafiness’ along this part of The Grove, and as such should be considered to contribute to the setting of the listed building. • A more detailed landscaping plan should be submitted and approved 			

	<p>before permission is granted.</p> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • <i>Please see section 7 of this report for concerns relating to trees and landscaping.</i> • <i>Please see section 4 of this report for concerns relating to design and heritage, including impact on the conservation area and listed buildings.</i> • <i>It should be noted that the application has been revised since submission (see section 2 of this report), and would no longer involve the removal of the front boundary wall.</i>
<p>The Highgate Society</p>	<p>The Highgate Society objected to the application, raising the following concerns:</p> <ul style="list-style-type: none"> • The house is the best preserved of the group of six making up the terrace, and houses of this period have very shallow footings. This will be the case for all of the adjacent properties (with the exception of no. as it was largely rebuilt in the 1930s). • Access to the site will be incredibly difficult and the adjacent property required the removal of the listed front wall to facilitate construction machinery. • Underpinning a listed building which is structurally sound is very risky and could lead to very damaging results, such as in the case of properties elsewhere in London. The work would need to be monitored and carried out by professionals. <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • <i>For concerns relating to design and heritage, please see section 4 of this report.</i> • <i>For concerns relating to the basement works, please see section 6 of this report.</i> • <i>It should be noted that it is not proposed to remove the front boundary wall following revisions to the scheme, which are detailed in section 2 below.</i> • <i>It should be noted that the submitted Basement Impact Assessment has been independently audited and any recommendation to approve would utilise planning conditions to ensure that the works are carried out in line with the approved Basement Impact Assessment and by properly qualified professionals.</i>
<p>Historic England</p>	<p>Historic England responded to a request for consultation response to confirm that they are satisfied for the proposal to be determined by the Local Authority. Historic England's Greater London Archaeological Advisory Service (GLAAS) advised that the proposal would only be considered to safeguard the archaeological interest of the site subject to specific recommended planning conditions securing a watching brief and historic building recording investigation.</p> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • <i>The conditions suggested by Historic England have been included as part of this recommendation and are detailed in section 4 of this report.</i>

Site Description

The application site is a large, semi-detached house located on the west side of The Grove. It is part of a row of six houses built around the 1680s by William Blake, though it features later additions. The building is two storeys plus basement and roof level. It has a small yard enclosed by a wall and railings to the front and a large garden split into two levels to the rear. The property is Grade II* listed and located within the Highgate Village Conservation Area, and is adjacent to a number of Grade II and II* properties.

Relevant History

Application Site

2023/2807/P & 2023/2655/L – Replacement of greenhouse in rear garden with a summerhouse, new swimming pool and terracing; associated works. **Planning permission and listed building consent granted 20/12/2023.**

2022/4646/P & 2022/5375/L – Enlargement of lower ground floor window at rear to form door and creation of associated steps to rear terrace; (*and for listed building consent only:*) internal alterations at lower ground, first and second floors. **Planning permission and listed building consent granted 14/03/2023.**

2017/5683/P & 201/5900/L – Replacement of greenhouse in the rear garden. **Planning permission and listed building consent granted 27/11/2017.**

2016/2468/P – External alterations including replacement of two casement windows at lower ground level to rear with French doors and access stairs from lower ground to garden level, replacement of rear casement window with sash window and repair works to grade II* listed house. **Planning permission granted 01/07/2016.**

2016/1393/L – Various internal alterations throughout including two new chimney pieces in the basement and reinstatement of garden access stairs, at upper ground floor three new hearths, at first floor two new hearths, two new chimney pieces, a new door and surround, and reinstate an historic door, at second floor two new chimney pieces and hearths, repairs in the loft, new partition walls and acoustic insulation throughout. Externally, replacement of two casement windows at lower ground level to rear with French doors and access stairs from lower ground to garden level, replacement of rear casement window with sash window and repair works to grade II* listed house. **Listed building consent granted 01/07/2016.**

2015/6771/P & 2015/6817/L – Replacement of existing single rear dormer with two smaller dormers with double hung sliding sash windows (*and for listed building consent only:*), works of repair repointing and making good to all external elevations, internal works comprising removal of arched kitchen openings at lower ground floor level,, reinstatement of doorway from landing to living room at ground floor level, formation of new internal door opening and installation of new bathroom to first floor level, reinstatement of connecting internal door and demolition of non-original partition walls at second floor level and various other works of repair refurbishment and making good to all floors. **Planning permission and listed building consent granted 29/02/2016.**

LE9800685R1 – The partition demolition of the basement partition wall and enlargement of one basement window to match the existing. **Listed building consent granted 31/03/1999.**

Neighbouring site – 5 The Grove

2021/4153/P & 2021/4931/L – Excavation of basement under front garden, including replacement railings around lightwell; replacement wall and railing and refurbishment of gate to front garden (*and for planning permission only:*); soft landscaping at land known as Highgate Green. **Granted 04/10/2022.**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **A2** Open space
- **A3** Biodiversity
- **A4** Noise and vibration
- **A5** Basements
- **D1** Design
- **D2** Heritage
- **T4** Sustainable movement of goods and materials

Highgate Neighbourhood Plan (2017)

- TR2 Movement of heavy goods vehicles
- OS2 Protection of trees and mature vegetation
- DH2 Development proposals in Highgate's Conservation Areas
- DH6 Front boundaries
- DH7 Basements

Camden Planning Guidance

- CPG Amenity (Jan 2021)
- CPG Basements (Jan 2021)
- CPG Design (Jan 2021)
- CPG Home Improvements (Jan 2021)
- CPG Transport (Jan 2021)

Highgate Conservation Area Appraisal and Management Strategy (2007)

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account 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).

Assessment

1. The Proposal

1.1. Planning permission and listed building consent are sought for the following:

- Excavation of basement below front garden;
- Landscaping works to front garden;
- Associated alterations including creation of internal opening at lower ground level and re-laying of brick pavers to front garden.

2. Revisions

2.1. The proposed works have been revised since the application was originally submitted. The revisions involved the reduction in the scale of the basement; the length and width of the basement have been reduced so that it aligns in width with the main building (and extends no further) and so that it sits back from the front boundary wall. As such, the front boundary wall is no longer required to be removed, and this element has been removed from the proposal. Additionally, the revisions to the proposal mean that the new basement room would only be accessible through the existing basement and would not have any new external manifestations. Figure 1 shows different iterations (progressing from left to right) of the proposed lower ground floor plan to demonstrate the revisions to the proposal that have been made.

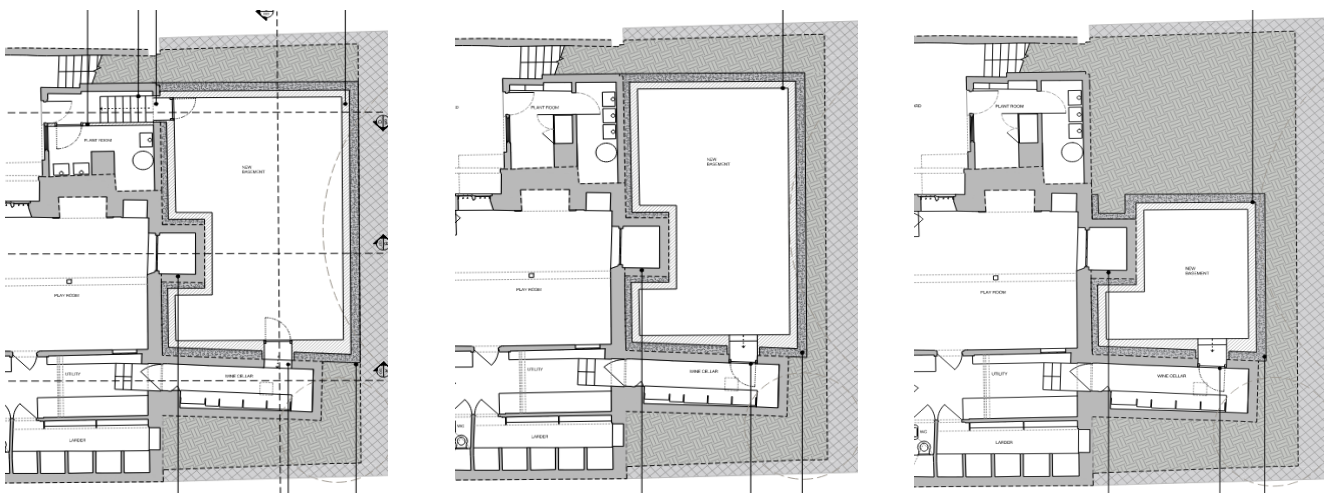


Figure 1: Originally submitted LGF plan (left), first revision (middle), and accepted final revision (right).

3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- Design and heritage
- Amenity
- Basement impact
- Trees and landscaping
- Transport
- Heads of terms

4. Design and heritage

4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. 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. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan Document is supported by Supplementary Planning Guidance CPG (Design).

4.2. Local Plan 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 and listed buildings. To comply with Policy D2, the Council will require that development involving a listed building will be resisted where the significance or special architectural and historic interest of the building would be harmed.

4.3. The application site is a Grade II* listed building, and it is immediately adjacent to two other listed buildings, one of which is Grade II listed and the other Grade II* listed. The Council has a statutory duty to have special regard to the desirability of preserving a listed building, its setting, or any features of special architectural or historic interest which it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council also must have special regard to any neighbouring listed buildings, their setting, and any features of special architectural or historic interest, in accordance with Section 66 of the same Act.

4.4. The application site is located within the Highgate Village Conservation Area. The Council has a statutory duty to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.5. Policy DH2 of the Highgate Neighbourhood Plan requires that development proposals within the conservation area preserve or enhance the character or appearance of the area and respect the settings of listed buildings and other heritage assets.

4.6. Camden's Local Plan is supported by guidance in CPG 'Design', which sets out Camden's expectations for development, stating that the Council will seek to ensure that development responds positively to the existing context and character of the building and its surroundings. In the case of listed buildings, proposals should seek to *"respond to the special historic and architectural constraints of the listed building, rather than significantly change them"*.

4.7. The Highgate Village Conservation Area Management Strategy states that all new development is expected to respect, complement, and enhance the special character and appearance of the conservation area. In particular, attention is drawn to gardens and front boundary treatments, as the appearance of front gardens and historic boundaries are an important part of the character of the conservation area. The statement makes clear that *"loss of historic boundaries, planting, and soft landscaping associated with the introduction of hard standing will be resisted"* and that the *"installation of insensitive and inappropriate boundary treatment including excessively high entrance gates, impermeable designs, non-authentic detailing, security grilles, barbed wire, broken glass, excessive security measures all help to create a hostile and visually negative environment"*, so these alterations would also be resisted.

4.8. It is proposed to extend the basement to the front of the property, excavating a new room underneath the front garden area. It would be immediately adjacent to the existing front lightwell and accessed only through the existing wine cellar, located to the front of the property. The new basement

room would match the width of the main building, extending no further than the side elevation. It would be smaller than all the existing basement rooms (with the exception of the wine cellar). As noted in the earlier section, the proposed basement design has been revised during the course of the application to reduce its size and remove any external means of access.

- 4.9. The supporting text to Policy A5 of the Local Plan notes that basement development underneath a listed building can potentially harm the fabric, structural integrity, layout, inter-relationships and hierarchy of spaces, and the architectural features of the building. The development of a basement can also necessitate the removal of significant parts of the original structure and fabric of the building.
- 4.10. In this specific case, the host building has undergone alteration including at lower ground (or basement) level, as detailed in the 'relevant history' section of this report. It is considered that extending the lower ground level to the front to provide one small ancillary room would not cause undue harm to the special architectural and historic interest of the building. The proposed room is no larger than the existing basement rooms, and it would only be accessible through a new opening from the existing wine cellar, with no uncharacteristic external entry points or manifestations. Additionally, a basement room in the proposed location would not be atypical of houses of this style.
- 4.11. The basement room's modest size and position relative to the main building, as well as the lack of external manifestations, would mean that it would not harm the hierarchy of spaces within the building and would minimise the loss of historic fabric as much as possible. The fact that the only access would be through a modest new opening to the wine cellar would also serve to reinforce the ancillary nature of the room and preserve the special interest of the building. A condition would secure further details of the new opening to the basement room, and a method statement would also be secured by condition to ensure that the works would be carried out without harm to the special interest of the building.
- 4.12. It is also important to note that the basement design has been amended and would no longer require the removal of the existing front boundary wall. This would preserve historic fabric further and protect the special interest of the building, as well as ensure that any visibility of the works is minimised so that the impact on the character and appearance of the conservation area is limited. The distinctive stone and brick pavers that will need to be removed in order to facilitate excavation will also be re-laid following completion, which is secured by condition, as well as required as part of the aforementioned method statement, which is also secured by condition.
- 4.13. The proposed basement excavation would necessitate the removal of two trees (an apple tree and a Japanese maple tree), whilst the larger magnolia tree to the south of the front garden would be retained. Although the Highgate Village Conservation Area is characterised by its "informal landscape setting and rural atmosphere", much of this comes from the various open areas such as Hampstead Heath, Highgate Cemetery, and Waterlow Park, as well as the large gardens present throughout the conservation area. It is considered that the removal of two small trees, both being low-category (Category C) and small in size and neither of which provide extensive canopy cover, would not significantly impact the character or appearance of the conservation area or the setting of the listed building. The main contribution made to the conservation area by the front garden is the retained magnolia, and it is worth noting that the conservation area statement specifically references the qualities of the open space directly opposite the application site and the mature trees that line this area, but there is no mention of any of the trees to the front gardens of the property (or indeed, any of the front gardens belonging to 1-6 The Grove). As such, the removal of the two trees is considered not to harm the character or appearance of the conservation area. Additionally, the retention of the front boundary wall and other associated planting would mean that the appearance of the front garden and host property largely remains the same. The proposal would therefore preserve the character and appearance of the conservation area and the setting of the listed building.
- 4.14. It is also noted that Historic England responded to a request for consultation to confirm that they were satisfied for the proposal to be determined by the relevant local planning authority. However, Historic England's Greater London Archaeological Advisory Service (GLAAS) also advised that, given that the proposed development lies in the Highgate Archaeological Priority Area, an archaeological watching brief and historic building recording investigation should both be secured by condition. This is because the site has the potential to contain buried archaeological remains, so any excavation should be monitored. As such, conditions would secure the aforementioned requirements.
- 4.15. The proposed basement extension would therefore be considered to comply with Policies D1

and D2 of the Local Plan, as well as clauses (c), (d), and (e) of Policy A5. It is also considered to comply with Policy DH2 of the Highgate Neighbourhood Plan 2017.

5. Amenity

- 5.1. Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes, as well as impacts caused from the construction phase of development.
- 5.2. It is considered that the proposed works would not impact harmfully on neighbouring amenity. The proposed extended basement would provide one additional room with no additional external manifestations, and the subterranean location and scale of the proposed works would mean that it would not be considered to impact on neighbouring properties.
- 5.3. Although there may be some temporary impact on neighbouring amenity during the construction period, it is considered that any disturbance would be mitigated through a Construction Management Plan. Given the extent of construction proposed and the predominantly residential area, it is considered necessary to secure a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 by means of the Section 106 Agreement. This will help ensure that the proposed development is carried out without unduly impacting neighbouring amenity, or the safe and efficient operation of the local highway network.
- 5.4. Overall, the works would not have any negative impacts on the amenity currently enjoyed by neighbouring residents and would therefore comply with Policy A1 of the London Borough of Camden Local Plan 2017 and Policy TR2 of the Highgate Neighbourhood Plan 2017.

6. Basement impact

- 6.1. Policy A5 (Basements) of the Local Plan notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:
- a) Neighbouring properties;
 - b) The structural, ground, or water conditions of the area
- 6.2. The policy goes on to note that, in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions, and structural stability in the form of a Basement Impact Assessment (BIA) and, where appropriate, a Basement Construction Plan (BCP).
- 6.3. The following underground development constraints apply to the application site: subterranean (groundwater) flow, surface water flow, and slope stability. The application is accompanied by a Basement Impact Assessment which has been amended during the course of the application and independently audited by Campbell Reith, in line with the requirements of CPG 'Basements'.
- 6.4. Campbell Reith have concluded that the revised BIA complies with the requirements of CPG 'Basements'. It is accepted that the development will not result in impact to the surface water and flooding, that the outline underpinning construction sequence of the listed building would be acceptable, and that the Ground Movement Assessment predicts damage to the neighbouring properties to be Category 1 (Very Slight), in accordance with the Burland scale.
- 6.5. Policy A5 also sets out various criteria against which to assess proposed basement development. Basement development should not:
- f) not comprise more than one storey;
 - g) not be built under an existing basement;
 - h) not exceed 50% of each garden within the property;
 - i) be less than 1.5 times the footprint of the host building in area;
 - j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
 - k) not extend into or underneath the garden further than 50% of the depth of the garden;
 - l) be set back from neighbouring property boundaries where it extends beyond the footprint

of the host building; and
m) avoid the loss of garden space or trees of townscape or amenity value.

- 6.6. In this case, the proposed basement extension complies with the Policy A5 criteria insofar as it would be only one storey tall (f), would not be built under an existing basement (g), would be less than 1.5 times the footprint of the host building (i), would not extend into the rear (j), and would be set back from neighbouring properties (l).
- 6.7. It would not satisfy (h) and (k), due to the fact that, following completion of the proposed basement, development would take up more than half of the area below the existing front garden. However, this is partly due to the very small size of the front garden in relation to the host building and the overall plot that it sits within, as the rear garden is significantly larger. It is also considered to be acceptable on the basis that, as noted above, basements in this position are not atypical of this style of building and the front lightwells, which would also serve the extended basement, already exist.
- 6.8. The impact on trees (m) is discussed below, but is acceptable.
- 6.9. In order to ensure that the basement works are carried out in accordance with the approved Basement Impact Assessment and methods outlined within, a condition would secure compliance with this BIA. Additionally, the audit did note that, whilst the engineering consultants held suitable qualifications for land stability and surface flow and flooding assessments, they did not hold suitable qualifications for the subterranean flow assessment. However, sufficient assessment has been provided, so in this instance, Campbell Reith have confirmed that this can be accepted. This is because the level of detail and assessment is sufficient, and additional assurance would be secured by a condition to require details of a suitably qualified engineer to oversee the works.
- 6.10. On this basis, the works would be considered to comply with the Council's requirements as set out in CPG 'Basements' and be in accordance with Policy A5 of the London Borough of Camden Local Plan 2017 and Policy DH7 of the Highgate Neighbourhood Plan 2017.

7. Trees and landscaping

- 7.1. The Council will aim to preserve existing tree and canopy coverage while increasing and improving tree coverage where possible and appropriate. Policy A2 (Open space) aims to protect and enhance open spaces and green infrastructure, including non-designated spaces with nature conservation, townscape, and amenity value, including gardens. Policy A3 (Biodiversity) looks to protect and enhance sites of nature conservation and biodiversity by assessing developments against their ability to realise biodiversity benefits, protect existing trees where possible, and provide replacement planting where necessary. These policies are supported by CPG 'Trees' and CPG 'Biodiversity'.
- 7.2. Policy OS2 of the Highgate Neighbourhood Plan also seeks to retain mature trees and mature vegetation which have townscape, ecological, or amenity value, particularly where development is located within a conservation area.
- 7.3. The proposal involves the loss of two trees to the front garden; an apple tree (T4) and a Japanese maple tree (T3), both of which are located to the north of the front garden, which are proposed to be removed to facilitate the basement development. Although it was originally proposed to remove the front boundary wall and planting that surround this, this part of the proposal has now been removed and the front boundary wall and planting would now be retained in their entirety. The magnolia tree (T2) located to the south of the front garden would be retained.
- 7.4. The two trees that are proposed to be removed are category C (low quality) trees. Both are also young trees and are smaller than the other two trees that are being retained. As previously noted in the 'design and heritage' section, it is considered that the two trees to be removed make a limited contribution in heritage terms, and therefore their removal is not resisted in these terms. The limited size of the front garden and the addition of the basement below would mean that extensive replacement planting may be difficult, but there is the opportunity for further planting to be implemented. With this in mind, a condition would secure full details of hard and soft landscaping, including appropriate replacement planting.
- 7.5. The applicant has provided a tree protection plan to demonstrate how the retained trees would be protected – this includes the magnolia tree (T2) to the front garden and the lime tree (T1) to the

pavement outside the property. The measures have been reviewed by the Council's Trees and Landscaping Officer, who has confirmed that the proposed protection works would be acceptable. However, because the submitted document shows a tree protection plan with an outdated version of the scheme, an updated tree protection plan would be secured by condition.

7.6. Overall, it is considered that the proposed works would be acceptable in terms of their impact on trees and biodiversity, and would therefore comply with Policies A2 and A3 of the London Borough of Camden Local Plan 2017 and policy OS2 of the Highgate Neighbourhood Plan 2017.

8. Biodiversity Net Gain (BNG)

8.1. It is noted that the Biodiversity Net Gain (BNG) requirement came into effect for major applications on 12th February 2024, and for small sites on 2nd April 2024. However, there are a number of statutory exemptions and transitional arrangements which mean that the BNG condition does not always apply. These are summarised by way of an informative attached to this decision.

8.2. This application was submitted prior to the 2nd April 2024, and so is exempt from BNG. The applicant is reminded of this by way of an informative attached to this decision.

9. Heads of terms

9.1. If the proposal was considered to be acceptable it would be the subject of a Section 106 Legal Agreement. The obligations required have been discussed above and below is a summary of the heads of terms that would be sought if planning permission were granted:

- Construction Management Plan (CMP)
- CMP Implementation Support Contribution - £4,194
- CMP Impact Bond - £8,000

10. Conclusion

10.1. In conclusion, the proposed works would preserve the character, setting, and the special architectural and historic interest of the listed host building, as well as the character and appearance of the Highgate Village Conservation Area. The works would also not significantly impact the amenity of neighbouring residents, would be acceptable in terms of impact on trees and biodiversity, and would sufficiently comply with the Council's requirements for basement development. As such, the proposal is considered to comply with the requirements of Policies A1, A2, A3, A5, D1, and D2 of the London Borough of Camden Local Plan 2017 and Policies DH2, DH7, TR2, and OS2 of the Highgate Neighbourhood Plan 2017.

11. Recommendation

11.1. Grant conditional planning permission subject to Section 106 legal agreement

11.2. Grant conditional listed building consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25th November 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2023/2876/P
Contact: Sam Fitzpatrick
Tel: 020 7974 1343
Date: 20 November 2024

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

Gerald Eve LLP
One Fitzroy
6 Mortimer Street
London
W1T 3JJ
United Kingdom

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
4 The Grove
London
N6 6JU

Proposal:
Excavation of basement under front garden; landscaping works in front garden; associated works.

DECISION

Drawing Nos:

Existing drawings: 001 P01; 01B P02; 010 P02; 041 P01; 070 P01; 071 P01; 072 P01.

Proposed drawings: 03B P03; 030 P02; 061 P02; 090 P02; 091 P03; 092 P03; 2B P03; 020 P02; 051 P02; 080 P02; 081 P03; 082 P03.

Supporting documents: Cover Letter (prepared by Gerald Eve, dated 13/07/2023); Design and Access Statement (prepared by SODA Studio, dated 20/06/2023); Heritage Statement (prepared by Jon Lowe Heritage, dated June 2023); Basement Impact Assessment - Rev A (prepared by Tier Consult Group, dated 27/10/2023); Basement Impact Assessment Audit (prepared by Campbell Reith, dated 03/10/2024); Basement Impact Assessment Query Tracker (prepared by Tier Consult Group, dated 29/05/2024); Ground Investigation Report TE1723-TE-00-XX-RP-GE-001-V02 (prepared by Tier Consult Group, dated 15/06/2023); Flood Risk Assessment TE1723-TE-00-XX-RP-GE-002-V02 (prepared by Tier Consult Group, dated 15/06/2023); Arboricultural Impact Assessment (prepared by SJ Stephens Associates, dated 05/07/2023); Archaeological Desk Based Assessment (prepared by Abrams Archaeology, dated 06/02/2023); 073-TCE-XX-LG-D-S-098 P2; Revised Basement Extent Comparison (prepared by Tier Consult Group, dated 23/07/2024); 073-TCE-XX-LG-D-S-099 P2; TCE-XX-00-D-S-100 P2; 073-TCE-XX-ZZ-D-S-200 P2; 073-TCE-XX-ZZ-D-S-201 P2; 073-TCE-XX-ZZ-D-S-215 P2; 073-TCE-XX-ZZ-D-S-216 P2; 073-TCE-XX-LG-D-S-250 P1; Structural Statement & Basement Screening (prepared by Tier Consult Group, dated 09/06/2023).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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:

Existing drawings: 001 P01; 01B P02; 010 P02; 041 P01; 070 P01; 071 P01; 072 P01.

Proposed drawings: 03B P03; 030 P02; 061 P02; 090 P02; 091 P03; 092 P03; 2B P03; 020 P02; 051 P02; 080 P02; 081 P03; 082 P03.

Supporting documents: Heritage Statement (prepared by Jon Lowe Heritage, dated June 2023); Basement Impact Assessment - Rev A (prepared by Tier Consult Group, dated 27/10/2023); Basement Impact Assessment Audit (prepared by Campbell Reith, dated 03/10/2024); Basement Impact Assessment Query Tracker (prepared by Tier Consult Group, dated 29/05/2024); Ground Investigation Report TE1723-TE-00-XX-RP-GE-001-V02 (prepared by Tier Consult Group, dated 15/06/2023); Flood Risk Assessment TE1723-TE-00-XX-RP-GE-002-V02 (prepared by Tier Consult Group, dated 15/06/2023); Arboricultural Impact Assessment (prepared by SJ Stephens Associates, dated 05/07/2023); Archaeological Desk Based Assessment (prepared by Abrams Archaeology, dated 06/02/2023); 073-TCE-XX-LG-D-S-098 P2; Revised Basement Extent Comparison (prepared by Tier Consult Group, dated 23/07/2024); 073-TCE-XX-LG-D-S-250 P1; Structural Statement & Basement Screening (prepared by Tier Consult Group, dated 09/06/2023).

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 policy DH2 of the Highgate Neighbourhood Plan 2017.

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Design, Demolition, and Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 No development 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 and details of replacement planting. 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.

- 6 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. 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, A5, D1, and D2 of the London Borough of Camden Local Plan 2017.

- 7 The development shall not be carried out other than in strict accordance with the methodologies, recommendations, and requirements of the Basement Impact Assessment - Rev 1 (prepared by Tier Consult Group, dated 27/10/2023), the additional information set out in the approved plans, and the Basement Impact Assessment Audit (prepared by Campbell Reith, dated 03/10/2024) hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2, and A5 of the London Borough of Camden Local Plan 2017 and policy DH7 of the Highgate Neighbourhood Plan 2017.

- 8 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, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. 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 ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2, and A5 of the London Borough of Camden Local Plan 2017 and policy DH7 of the Highgate Neighbourhood Plan 2017.

- 9 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- b) Where appropriate, details of a programme for delivering related positive public benefits;
- c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 10 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- a) The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 11 Prior to the commencement of any excavation works on site, the stone and brick pavers to the front garden shall be removed and safely stored on-site. Following completion of the approved excavation works, the pavers shall be returned to their original position and layout and retained thereafter.

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 policy DH2 of the Highgate Neighbourhood Plan 2017.

Informative(s):

- 1 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).
- 2 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.
- 3 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.

- 4 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.
- 5 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.

6 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:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because the application was made before 12 February 2024.

+ Summary of statutory exemptions for biodiversity gain condition:

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:
 - 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).

7 + Irreplaceable habitat:

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.

+ The effect of section 73(2D) of the Town and Country Planning Act 1990:

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.

+ Phased development:

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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

Yours faithfully

Supporting Communities Directorate

Application ref: 2023/2939/L
Contact: Sam Fitzpatrick
Tel: 020 7974 1343
Email: sam.fitzpatrick@camden.gov.uk
Date: 19 November 2024

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

Gerald Eve LLP
One Fitzroy
6 Mortimer Street
London
W1T 3JJ
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
4 The Grove
London
N6 6JU

DECISION

Proposal:

Excavation of basement under front garden; associated new door opening; landscaping works in front garden; associated works.

Drawing Nos:

Existing drawings: 001 P01; 01B P02; 010 P02; 041 P01; 070 P01; 071 P01; 072 P01.

Proposed drawings: 03B P03; 030 P02; 061 P02; 090 P02; 091 P03; 092 P03; 2B P03; 020 P02; 051 P02; 080 P02; 081 P03; 082 P03.

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DRAFT

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

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Existing drawings: 001 P01; 01B P02; 010 P02; 041 P01; 070 P01; 071 P01; 072 P01.

Proposed drawings: 03B P03; 030 P02; 061 P02; 090 P02; 091 P03; 092 P03; 2B P03; 020 P02; 051 P02; 080 P02; 081 P03; 082 P03.

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Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the new door and opening between the wine cellar and approved basement room shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. These details shall include plan, elevation, and section drawings of the new door at a scale of 1:10 with typical moulding and architrave details at a scale of 1:1.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of works, a method statement, shall be submitted to and approved in writing by the local planning authority. The method statement shall include:

- a) Details of protection of the front boundary wall during basement excavation;
- b) Details demonstrating how the brick and stone pavers to the front garden will be safely retained on-site and protected during the duration of the works;
- c) Details demonstrating how the brick and stone pavers will be returned to their exact original position following completion of the basement excavation.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 2 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.

- 3 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DECISION