

Mr David Whittington  
The London Planning Practice  
61 Chandos Place  
London  
WC2N 4HG

Application Ref: **2010/3202/P**  
Please ask for: **Gavin Sexton**  
Telephone: 020 7974 **3231**

1 March 2011

Dear Sir/Madam

## **DECISION**

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### **Householder Application Granted Subject to a Section 106 Legal Agreement**

Address:

**99A Frognal  
London  
NW3 6XR**

Proposal:

Erection of a three storey dwelling house (Class C3) plus basement accommodation following demolition of existing dwelling.

Drawing Nos: Location Plan; Site Plan; 801/E-SS; E-S-W-D; E-N-E-D; E-P-S-D; E-S-W revA; E-N-E revA; E-P-S; E-BB-5; PP-S; PP-B; PP-LG; PP-UG; PP-R revB; PE-S-W; PE-N-E revA; PS-A-B; Letter Dated 14/06/2010 By Anstey Horne; Structural Strategy Report Dated May 2010 By Fluid Structures; Arboricultural Impact Assessment Report Dated 4th June 2010; Environmental Noise Assessment Dated June 2010 By Acoustic Plus; Sustainability & Energy Statement Dated May 2010 By KUT; Desk Study Report, ref J10088, by Fluid Structures dated May 2010; Letter from Rachel Sandrook (Fluid structures dated 20th August 2010); Tree constraints plan (March 2010); Arboricultural Impact Assessment (Upper Ground Floor) Rev A;

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



Condition(s) and Reason(s):

- 1 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 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 Council. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B1, and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006, and of DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 3 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details, by not later than the end of the planting season prior to the occupation of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B1, and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006, and of DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 4 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 to the satisfaction of the Council. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction"

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy N8 of the London Borough of Camden Replacement Unitary Development Plan 2006 and of policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies SD6, SD7B, SD8 and Appendix 1 Development Plan 2006 and of policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the of the London Borough of Camden Local Development Framework Development Policies.

- 6 Before the use commences, the climate control system plant shall be provided with the acoustic isolation and sound attenuation in accordance with the recommendations of the approved Environmental Noise Assessment. The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council.

Reason: To safeguard the amenities of the nearest residential premises in accordance with the requirements of policies SD6, SD7B, SD8 and Appendix 1 Development Plan 2006 and of policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 7 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) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

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 B1 and SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006 and policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours) of the

London Borough of Camden Local Development Framework Development Policies.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan; Site Plan; E-SS; E-S-W-D; E-N-E-D; E-P-S-D; E-S-W revA; E-N-E revA; E-P-S; E-BB-5; PP-S; PP-B; PP-LG; PP-UG; PP-R revA; PE-S-W; PE-N-E; PS-A-B; Letter Dated 14/06/2010 By Anstey Horne; Structural Strategy Report Dated May 2010 By Fluid Structures; Arboricultural Impact Assessment Report Dated 4th June 2010; Environmental Noise Assessment Dated June 2010 By Acoustic Plus; Sustainability & Energy Statement Dated May 2010 By KUT; Desk Study Report, ref J10088, by Fluid Structures dated May 2010; Letter from Rachel Sandrook (Fluid structures dated 20th August 2010); Tree constraints plan (March 2010); Arboricultural Impact Assessment (Upper Ground Floor) Rev A;

Reason:

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

- 9 Prior to the commencement of use of the roof terrace the barrier [incorporating a 1.7m high obscure glazed screen] to prevent access to the North side of the terrace as shown on the approved roof level plan [801/PP-R revB and north and east elevations [801/PE-N-E revA], shall be erected and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006, and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 10 No development shall take place until the ground investigation recommended in the structural strategy report as necessary to verify below ground conditions has been carried out. The results of the ground investigation, together with the details of any measures that are identified in it as being necessary to secure the structural integrity of the development, shall be submitted to and approved by the Council prior to the commencement of any excavation on site, and the approved measures shall be fully implemented.

Reason: In order to ensure that the development does not cause harm to the built and natural environment and local amenity in accordance with the requirements of policies B1 and SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006, and policy DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 11 Any security lighting that may be provided shall not be angled towards the adjoining property at no. 7 Oak Hill Way and shall be fitted with cowls to direct light downwards as appropriate, in order to prevent light pollution, and this arrangement shall be permanently retained and maintained as such thereafter.

Reason: In order to prevent unreasonable light pollution to the neighbouring premises in accordance with the requirements of policy SD7 of the London Borough of Camden Replacement Unitary Development Plan 2006, and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 Reasons for granting planning permission (i/ii)

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1 (Quality of life), SD2 (Planning obligations), SD6 (Amenity for occupiers and neighbours), SD7 (Light, noise and vibration pollution), SD8 (Disturbance), SD9 (Resources and energy), H1 (New Housing), B1 (General design principles), B6 (Listed buildings), B7 (Conservation areas), N5 (Biodiversity), N8 (Ancient woodlands and trees), T1 (Sustainable transport space), T2 (Capacity of transport provision), T3 (Pedestrians and cycling), and T12 (Works affecting highways); the London Borough of Camden Local Development Framework Core Strategy CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity), CS16 (Improving Camden's health and well-being) and CS17 (Making Camden a safer place); and the London Borough of Camden Local Development Framework Development Policies policies DP2 (Making full use of Camden's capacity for housing), DP16 (Transport implications of development), DP17 (Walking, cycling and public transport), DP21 (Development connecting to the highway network), DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP28 (Noise and vibration) and DP29 (Improving access).

2 Reasons for granting planning permission (ii/ii)

Furthermore the proposal accords with the specific policy requirements in respect of the following principle considerations:- high standard of design having regard to the character and appearance of the conservation area and the setting of the nearby listed building; provision of landscaping and sustainability measures and improvements to the local highway environment.

3 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ

- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 5 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 are advised to consult the Council's Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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