

Mr Jonathan Jarman
Bell Cornwell LLP
Oakview House
Station Road
Hook
RG27 9TP

Application Ref: **2017/0185/P**
Please ask for: **Jennifer Walsh**
Telephone: 020 7974 3500

30 March 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

12
12a
13
& 13a The Grove
The Grove
LONDON
N6 6LB

Proposal:

Variation of condition 9 (Approved plans) of planning permission 2012/0105/P granted on 06/06/2012 for 'Erection of a 5-storey building with basement to accommodate 4x residential flats (Class C3) (2x 1-bed units and 2x 4-bed units) and the inclusion of a roof terrace to the rear single storey lower ground floor extension, plus alterations to the front boundary wall, following demolition of the existing block of 5 residential flats'; namely for alterations to the internal layout and reconfiguration of the approved 1 bed units to remove rooms in basement i.e. kitchen and utility rooms and amendments to unit mix from 2 x 1 bed units to provide 2 x studio apartments; reconfiguration of basement level and inclusion of central lift to all floors, excluding attic.

Drawing Nos: Superseded plans: 1129/AP3 02A; 1129/AP3 03A; 1129/AP3 04A; 1129/AP3 05A; 1129/AP3 06; 1129/AP3 06 with profile of existing building; 1129/AP3 07; 1129/AP3 08; 1129/AP3 09A ;



Revised plans: 1063/Lscp 01 Rev B ; 1063/abps/04 - Left (North) ; 1063/abps/03 - Right (South); 1063/BP 100B; 1063/BP 101B; 1063/BP 102B; 1063/BP 103B; 1063/BP 104B; 1063/BP 105B; 1063/124A;

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 the parent permission 2012/0105/P granted on 06/06/2012.

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 approved shall be constructed in accordance with the details submitted and approved as part of 2013/0451/P dated 19/03/2013, which secured the appointment of a suitably qualified chartered engineer with membership of the appropriate professional body who was appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies and D1, D2, C6 and A5 of the emerging Camden Local Plan 2016.

- 3 A Sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing has been provided on site and approved by the Council via letter dated 16th February 2017 before the relevant parts of the works commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1, D2 and C6 of the emerging Camden Local Plan 2016.

- 4 The use of the roof as a terrace shall not commence until the screen, as shown on the approved drawings, has been constructed. The screen shall be permanently

retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and G1, A1, and D1 of the emerging Camden Local Plan 2016.

- 5 Details as approved under application 2013/6422/P dated 28/02/2014 of hard and soft landscaping and means of enclosure of all un-built, open areas shall be implemented in accordance with the approved details or subsequently approved details prior to occupation of the development and permanently retained thereafter. 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 CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and policies D1, D2 and C6 of the emerging Camden Local Plan (2016).

- 6 All hard and soft landscaping works as approved under reference 2013/6422/P dated 28/02/2014 shall be carried out to a reasonable standard in accordance with the approved landscape details, 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 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 ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and policies D1, D2, C6, A2 and A3 of the emerging Camden Local Plan (2016).

- 7 Details as approved under application 2013/0451/P dated 19/03/2013 of the cycle storage area for 6 cycles shall be implemented in accordance with the approved details. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and

retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies and Policy T1 of the emerging Camden Local Plan (2016).

- 8 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units and shall be permanently maintained and retained thereafter.

Reason: To ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair homes) of the London Borough of Camden Local Development Framework Development Policies and policies H1, H6, and H7 of the emerging Camden Local Plan (2016).

- 9 REPLACEMENT CONDITION 9:

The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; 1129/S 01; 1129/S 02; 1129/S 03; 1129/S 04; 1129/S 05; 1129/S 06; 1129/S 07; 1129/S 08; 1129/AP3 01 A; 1063/Lscp 01 Rev B; 1063/abps/04 - Left (North) ; 1063/abps/03 - Right (South); 1063/BP 100B; 1063/BP 101B; 1063/BP 102B; 1063/BP 103B; 1063/BP 104B; 1063/BP 105B; 1063/124A; Lifetime Home Standards October 2010; Daylight and Sunlight Report January 2011; Ground Investigation Report December 2010; Code for Sustainable Homes and Energy Assessment for Planning 3rd May 2011; Hydrogeological Review received February 2012; Limited Historical Appraisal and Analysis of the Relevant Policies under PPS 5 January 2011; Tree Survey 7th October 2010; Design and Access Statement December 2011; Basement Impact Assessment August 2011.

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

- 10 Details as approved under application 2013/0451/P dated 19/03/2013 of a programme of archaeological investigation shall be implemented in accordance with the approved details. The development shall only take place in accordance with the detailed scheme approved with this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Council.

Reason: Important archaeological remains may exist on this site. Accordingly the Council wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the

requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1, D2 and C6 of the emerging Camden Local Plan (2016).

- 11 Details as approved under application 2013/2214/P dated 20/06/2016 of piling method statement has been submitted to and approved by the Council and shall be implemented in accordance with the approved details.

Reason: To protect the underground water and sewerage utility infrastructure, in accordance with policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Development Policies and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies and policies G1, A1, D1, CC1, DM1, CC3, and A5 of the emerging Camden Local Plan (2016).

- 12 Details as approved under application 2013/3891/P dated 14/08/2013 of the scheme to dispose of foul and surface water has been submitted to and approved by the Council and shall be implemented in accordance with the approved details.

Reason: To protect the underground water and sewerage utility infrastructure, in accordance with policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Development Policies and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies and policies G1, A1, D1, CC1, DM1, CC3, and A5 of the emerging Camden Local Plan (2016).

- 13 Details as approved under application 2013/4817/P dated 20/08/2013 of detailed drawings or samples as appropriate, in respect of the following, have been submitted to and approved in writing by the Council before the relevant part of the work was begun:

a) Typical details of new railings and front boundary at a scale of 1:10 with finials at 1:1, including materials, finish and method of fixing into the plinth.

b) Plan, elevation and section drawings of all external architectural features including eaves details, brackets, architraves, columns and entablatures and chimney stacks at a scale of 1:10

c) Plan, elevation and section drawings, including jambs, head and cill, of all new window and door openings. at a scale of 1:10 with typical moulding and architrave details at a scale of 1:1.

d) Plan, elevation and section drawings of all new windows at a scale of 1:10 with typical glazing bar details at 1:1.

e) Plan, elevation and section drawings of all elevation details at a scale of 1:10

with typical details at 1:2 including recessed vertical band; brick band; stucco render; portico; cornice; chimney stack and pots and; blank windows.

The relevant part of the works shall then be carried 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 policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1, D2 and C6 of the emerging Camden Local Plan (2016).

- 14 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 CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies A2 and A3 of the emerging Camden Local Plan (2016).

- 15 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 facade 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 policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and 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 and policies G1, A1, D1, CC1, DM1 and A4 of emerging Camden Local Plan (2016).

- 16 All windows on the side elevations of the building hereby approved shall be obscured glazed (excluding the windows to the lower ground floor level) and shall be permanently retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies and policies G1, D1 and A1 of the emerging Camden Local Plan (2016).

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 2 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 6941).
- 3 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 Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.
- 4 Reasons for granting permission:-

The redevelopment of the property at 12 The Grove to accommodate 4 x residential units has already been approved under planning permission ref. 2012/0105/P dated 06/06/2012. This application seeks to vary the approved plans to include reconfiguring the internal layout to alter the approved mix from 2 x 4 bed and 2 x 1 bed to 2 x 4 bed and 2 x studio units.

The building has now been completed, yet it has not been built in accordance to the approved plans and this application considers such alterations. The previously approved layout sought to approve 2 x 1 bed units over 2 floors with a spiral staircase linking the two levels. The alterations include the provision of a studio unit at lower ground floor level, and amendments to the layout at basement level to include a gym and cinema room. Whilst the loss of the 2 x one bed units is reluctant, the internal alterations to include a single level studio unit at lower ground floor level now means that all habitable rooms benefit from an outlook and are

exposed to daylight (an improvement from the approved scheme). The units would remain in accordance with the minimum national housing standards for a studio unit. The proposed internal alterations are considered to provide a standard of accommodation in line with national and local requirements and although smaller, the revised units are considered to be an improvement in this instance to the previously approved scheme. Further internal alterations include relocating the internal lift into the central core of the main building and alterations to the rooms located within the basement floor. Such works, within the larger upper units are considered to be minor in scale and would not harm the character or appearance of the building nor wider area.

This application also includes minor amendments to the side elevations and the window and door arrangements. Due to the internal changes, the external steps to the side elevations have been remodelled so there are now 13 steps leading straight down from the front courtyard. There is a door in the centre of the side elevation and an additional window above the door at lower ground floor level. The additional window and changes to the door are considered to be minor in nature and not material to the approved scheme and inline with the architectural integrity of the build as a whole.

Due to the siting and scale of the internal and external alterations within the context of the approved scheme, it is not considered that the residential amenities of any neighbouring occupier would be harmed in terms of light or outlook. The proposed amendments would not lead to any overlooking/privacy issues. Similarly the amended scheme is not considered to lead to any greater level of noise or disturbance, subject to the previously applied conditions and legal agreement.

Overall the proposed alterations are not considered to lead to any harm to neighbouring residential amenity, design and appearance of the building, character of the streetscene and Highgate conservation area, or transport issues.

The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS1, CS5, CS6, CS11, CS13, CS14, CS15, CS17, and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP17, DP21, DP22, DP23, DP24, DP25, DP26, DP27, DP28 and DP29 of the London Borough of Camden Local Development Framework Development Policies, the London Plan 2016 and the National Planning Policy Framework 2012. The proposed development is also in general accordance with policies G1, A1, D1, D2, C5, C6, DM1, H1, H4, H5, H6, H7, T1, T2, T3, T4, A1, A2, A3, A4, CC1, CC3, CC5 and A5 of the emerging Camden Local Plan 2016.

- 5 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.

- 6 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>.
- 7 Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.
- 8 The Environment Agency recommends that developers follow the risk management framework provided in our guidance for 'Piling into Contaminated Sites' and also refer to the document: 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention.
- 9 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 10 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 11 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 12 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 13 The emerging Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft

Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D'.

David Joyce
Director of Regeneration and Planning