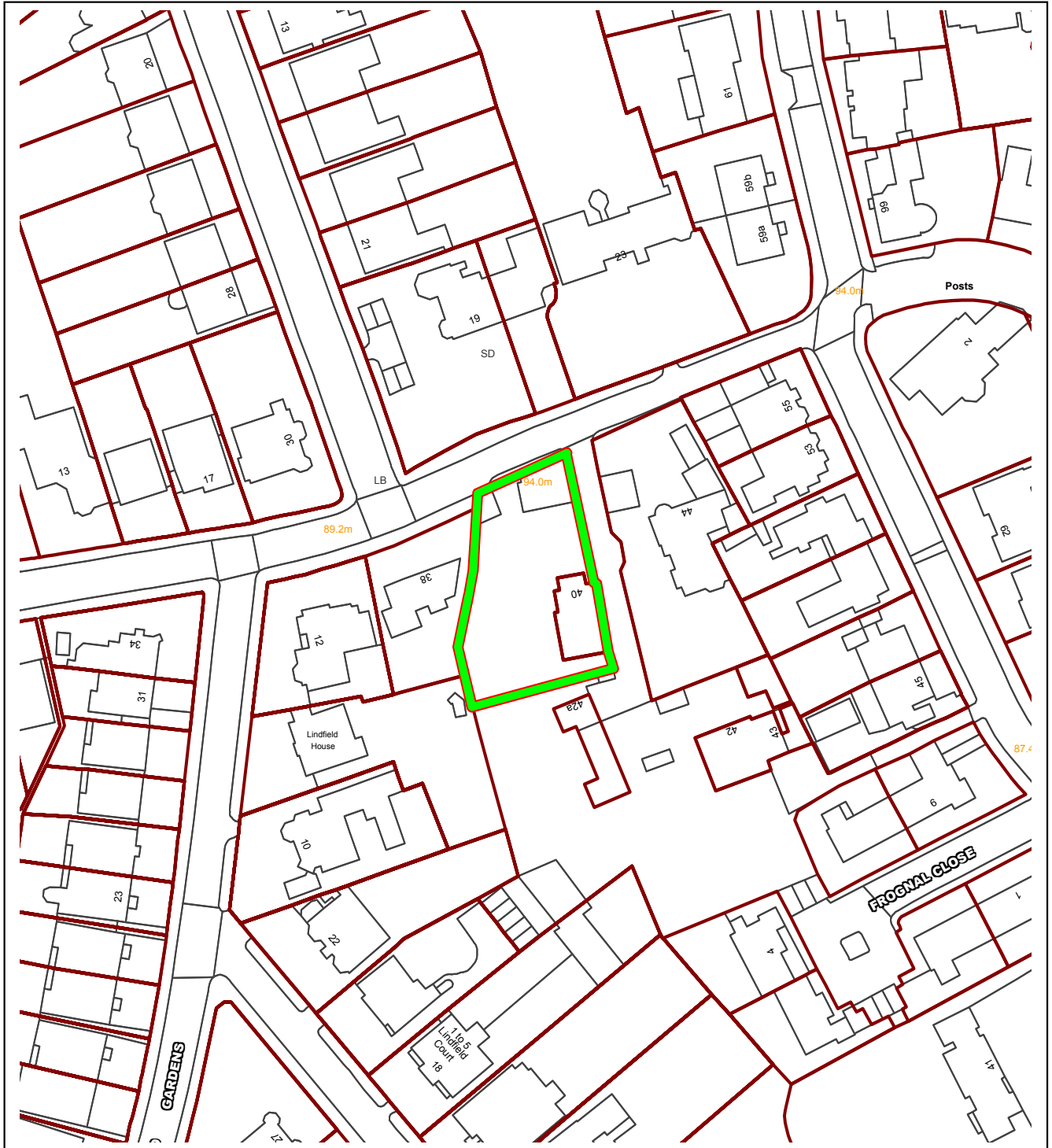


40 Frognal Lane 2014/5915/P & 2014/6018/L



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Photos





Delegated Report		Analysis sheet		Expiry Date:	27/11/2014
(Members Briefing)		N/A / attached		Consultation Expiry Date:	04/01/2016
Officer			Application Number(s)		
Kate Henry			1) 2014/5915/P 2) 2014/6018/L		
Application Address			Drawing Numbers		
40 Frognal Lane London NW3 6PP			Please refer to draft decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
1) Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling (Class C3). 2) Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling, involving new connection from existing basement.					
Recommendation(s):		1) Grant conditional planning permission subject to section 106 legal agreement 2) Grant listed building consent			
Application Type:		1) Householder application 2) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	52	No. of responses	5	No. of objections	5
Summary of consultation responses:	<p>For each application, a site notice was displayed on 15/10/2014 (consultation end date 05/11/2014) and a notice was placed in the local press on 16/10/2014 (consultation end date 06/11/2014).</p> <p>5x letters of objection have been received from: Manor Farm, 42 Frognal Lane; 19 Frognal Lane; 254a Finchley Road; 1 Lindfield Court, 18 Lindfield Gardens; 95 Redington Road.</p> <p>The concerns are summarised below:</p> <ul style="list-style-type: none"> • Lack of detail in application / BIA • Contrary to basement policy • Impact on listed building / not appropriate • Impact on trees • Impact on water table / flooding / land stability • Should extend Swiss Cottage leisure centre opening times and remove parking restrictions rather than allowing private swimming pools <p>Officer comment:</p> <p><i>Please see the Officer's Report below which addresses the impact on the listed building; the impact on trees and landscaping; the impact on nearby and neighbouring properties; and the impacts of the basement construction.</i></p> <p><i>The BIA has been updated and amended throughout the course of the application and it has been independently audited by Campbell Reith, in line with the requirements of Policy A5 and CPG4.</i></p> <p><i>Whether there is a need for the applicant to have a private swimming pool is not a relevant planning consideration.</i></p>					
Heath & Hampstead Society	<p>Objection:</p> <ul style="list-style-type: none"> • Lack of detail in application / BIA • Impact on heritage asset (listed building) • Impact on setting of listed building • No CMP provided <p>Officer comment:</p> <p><i>Please see the Officer's Report below which addresses the impact on the listed building and the impacts of the basement construction.</i></p> <p><i>The BIA has been updated and amended throughout the course of the application and it has been independently audited by Campbell Reith, in line</i></p>					

with the requirements of Policy A5 and CPG4.

Site Description

No. 40 Frognal Lane is a detached residential dwelling on the southern side of the road. It is Grade II listed. The building is two storeys tall, with a basement, and has a tiled, hipped roof. The building sits within a generously sized plot, with a private garden to the side (west) and a driveway and detached garage building to the front (north). The building is well-screened from the main road as it is located towards the rear of the plot and there is a brick wall along the front boundary of the site.

The application site is within the Hampstead Conservation Area. The following underground development constraints apply: surface water flow and flooding; subterranean (groundwater) flow; slope stability.

Relevant History

2013/7063/L - Alteration to existing boundary wall, involving the removal of the existing pedestrian gate on the northern boundary wall and its infilling with matching brickwork and installation of a new pedestrian gate on the eastern boundary wall - **Granted 31-03-2014.**

2013/6955/P - Alteration to existing boundary wall to a single dwellinghouse (Class C3), involving the removal of the existing pedestrian gate on the northern boundary wall and its infilling with matching brickwork and installation of a new pedestrian gate on the eastern boundary wall - **Granted 31-03-2014.**

2013/3106/L - Replacement and restoration of joinery, fittings and finishes and removal of unauthorised fittings and materials, and installation of a new heating system to existing dwellinghouse (Class C3) - **Granted 31-07-2013.**

2011/1341/P - Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling (Class C3) - **Granted 16-12-2011.**

2011/1174/L - Excavation to create basement level swimming pool under garden area and associated internal alterations in connection with existing residential dwelling (Class C3). - **Granted 16-12-2011.**

2009/5622/P - Erection of a single storey outbuilding within garden of residential dwelling - **Refused 02-03-2010.**

2004/2933/P - The erection of a side extension to an existing double garage to provide ancillary staff accommodation - **Granted 18-10-2004.**

2004/3233/L - The erection of a side extension to an existing double garage to provide ancillary staff accommodation - **Granted 18-10-2004.**

2004/2534/P - The erection of a single storey side extension and the replacement of a door on the rear elevation with a window, as an amendment to planning permission 2003/2758/P, granted on 02/04/04, for the erection of a single storey rear conservatory extension and 2-storey side extension for a swimming pool, plus associated elevational alterations - **Granted 03-08-2004.**

2003/1122/P - Erection of new boundary wall and railings and 2 new vehicular entrances with gates, plus provision of forecourt parking in front garden of no.38, plus landscaping works to side garden between Nos. 38 and 40 - **Refused 18-09-2003.**

9470309 - Retention of satellite dish on roof - **Refuse Listed Building Consent 28-03-1996.**

9401571 - Retention of satellite dish on roof - **Refuse Planning Permission 28-03-1996.**

9370132 - Demolition and reconstruction of south and east elevations - **Refuse List. Build. or Cons Area Consent 02-12-1993.**

9270036 - Demolition and reconstruction of west wall together with the demolition of the north wing and replacement with a new two storey extension together with works of refurbishment - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9270035 - Demolition and reconstruction of west wall together with the demolition of the north wing and replacement with a new two storey extension together with works of refurbishment - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9200132 - The erection of a two storey extension and roof dormers and garage building - **Granted 26-03-1992.**

9200131 - The erection of a two storey extension and roof dormers and garage building - **Granted 26-03-1992.**

9170163 - Works of repair and refurbishment including the partial demolition and rebuilding of the west façade - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9170162 - Works of repair and refurbishment including the partial demolition and rebuilding of the west façade - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9005147 - Partial demolition and erection of a two storey extension to a single family dwelling - **Refused 01-08-1991.**

9070907 - Demolition of garage (consent in retrospect) - **Grant List.Build. or Cons.Area Consent 15-05-1991.**

9070906 - Retrospective consent for demolition of part of southern garden wall - **Grant List.Build. or Cons.Area Consent 15-05-1991.**

9070904 - Demolition of timber garage and part of brick wall in retrospect - **Grant List.Build. or Cons.Area Consent 05-06-1991.**

9070903 - Retention and completion of partially constructed bicycle store refuse store and meter housing - **Refused 05-06-1991.**

9070835 - Demolition of two storey side extension and works of repair and refurbishment to main buildings - **Refused 01-08-1991.**

9005567 - Retention and completion of partially constructed bicycle store refuse store and meter housing - **Refused 05-06-1991.**

8770425 - Works of alteration and repair including the formation of a room within the roofspace and the addition of a conservatory - **Grant List.Build. or Cons.Area Consent 13-04-1988.**

8703330 - Works of alteration and repair including the formation of a room within the roofspace and the addition of a conservatory - **Granted 13-04-1988.**

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Camden Local Plan (2017)

A1 Managing the impact of development

A4 Noise and vibration

A5 Basements and Lightwells

D1 Design

D2 Heritage

Camden Planning Guidance

CPG1 Design (2015)

CPG4 Basements and lightwells (2015)

CPG6 Amenity (2011)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

Hampstead conservation area statement (October 2001)

Assessment

1. The proposal

- 1.1. These applications seek planning permission and listed building consent for excavation works to create a basement level swimming pool under the garden area (to the west of the host building).
- 1.2. The new swimming pool room would be accessed via the existing basement at the host building, down a flight of steps leading from a new opening created at the end of a corridor (in a space currently used for wine storage).
- 1.3. The swimming pool room would encompass the following: the swimming pool; seating area around edge of pool; plant room; steam room; shower; WC; changing room.
- 1.4. The swimming pool itself would measure 18 metres long and 3.2 metres wide and it would measure between 1.2 and 2 metres deep. The overall basement would measure up to 24 metres long and 6.8 metres wide. The height of the room (i.e. above the level of the water in the pool) would be 3.65 metres.
- 1.5. In total, the new swimming pool would be 4.8 metres below the lowest part of the existing basement at the host building. There would be a minimum of 1 metre of soil above the top of the basement.

2. Revisions

2.1. The following revisions have been made during the course of the application:

- 2.1.1. Reduction in size of basement
- 2.1.2. Removal of pool room window facing into garden
- 2.1.3. Removal of 2x above-ground mushroom vents in garden
- 2.1.4. Removal of 2x rooflights in garden
- 2.1.5. Revisions to the Basement Impact Assessment (BIA)

3. Background

- 3.1. In 2011, planning permission and listed building consent were granted for excavation works to create a basement level swimming pool under the garden (the same as the plans originally submitted with these current applications); however, the permissions were not implemented and expired.
- 3.2. The policy context has changed since 2011 with the publication of the National Planning Policy Framework in 2012 and the adoption of the new Camden Local Plan earlier this year (2017).

4. Heritage and design considerations

- 4.1. The application site is located within the Hampstead Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, the application building is Grade II listed and the Council has a statutory duty, under Section 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 4.2. Policy D1 of the Local Plan seeks to secure high quality design in development and Policy D2 notes 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.
- 4.3. Policy A5, which relates to basements, discourages proposals that would cause harm to:
- c) the character and amenity of the area;*
 - d) the architectural character of the building; and*
 - e) the significance of heritage assets.*
- 4.4. The plans have been revised during the course of the application to remove any external manifestation of the basement above ground level (the pool room window; the 2x above-ground mushroom vents; the 2x rooflights), which means it would not be possible to discern the basement swimming pool room from outside of the building. As such, it is not considered that the proposal would cause undue harm to the character and amenity of the wider area, or detract from the architectural character of the host building, in compliance with criteria (c) and (d) above.
- 4.5. With regards to the significance of the heritage asset (the listed building (criterion (e))), the accompanying text to Policy A5 notes that basement development below a listed building can harm the fabric, structural integrity, layout, inter-relationships and hierarchy of spaces and architectural features of the building. Furthermore, the addition of a floor level beneath the original lowest floor level of a listed building (basement, cellar, or vault) may affect the hierarchy and historic integrity of the floor levels within the building. The development of a basement beneath a listed building can also necessitate the removal of significant parts of the original structure and fabric of the building. In this case, the host building has been significantly altered over time, both through authorised and unauthorised works (see Planning History section), and it is not considered that creating the modest link between the existing basement and the new swimming pool room would cause undue harm to the special architectural and historic interest of the host building sufficient to warrant a refusal of the application on this basis. The fact the new swimming pool room would be largely separated from the existing basement is considered to reduce the impact on the listed building.
- 4.6. Policy A5 goes on to note that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Specific criteria

against which to assess basement development is provided. The policy notes that basement development should:

f) not comprise of more than one storey;

4.7. Paragraph 6.131 of the Local Plan notes that the Council considers a single storey for a basement to be approximately 3 to 4 metres in height, and where appropriate, the Council will allow a proportion of the basement to be deeper to allow the development of swimming pools. In this case, the height of the swimming pool room above the level of the water in the pool would be 3.65 metres, which is acceptable in terms of criterion (f).

g) not be built under an existing basement;

4.8. The proposed basement would not be built under an existing basement; instead it has been set away from the existing basement, down a short flight of steps, so as not to cause undue harm to the fabric, structural integrity, layout, inter-relationships and hierarchy of spaces and architectural features of the listed building. The proposal is considered to comply with criterion (g).

h) not exceed 50% of each garden within the property;

4.9. The proposed basement would be located to the side (west) of the host building. It is difficult to define the size of the side garden for the purpose of assessing the proposal against Policy A5 (h), due to the irregular shape and layout of the plot. Nevertheless, the side garden measures in excess of 430sqm (depending which bit is counted) and the proposed basement would measure approximately 160sqm in total. As such, the proposal complies with criterion (h).

i) be less than 1.5 times the footprint of the host building in area;

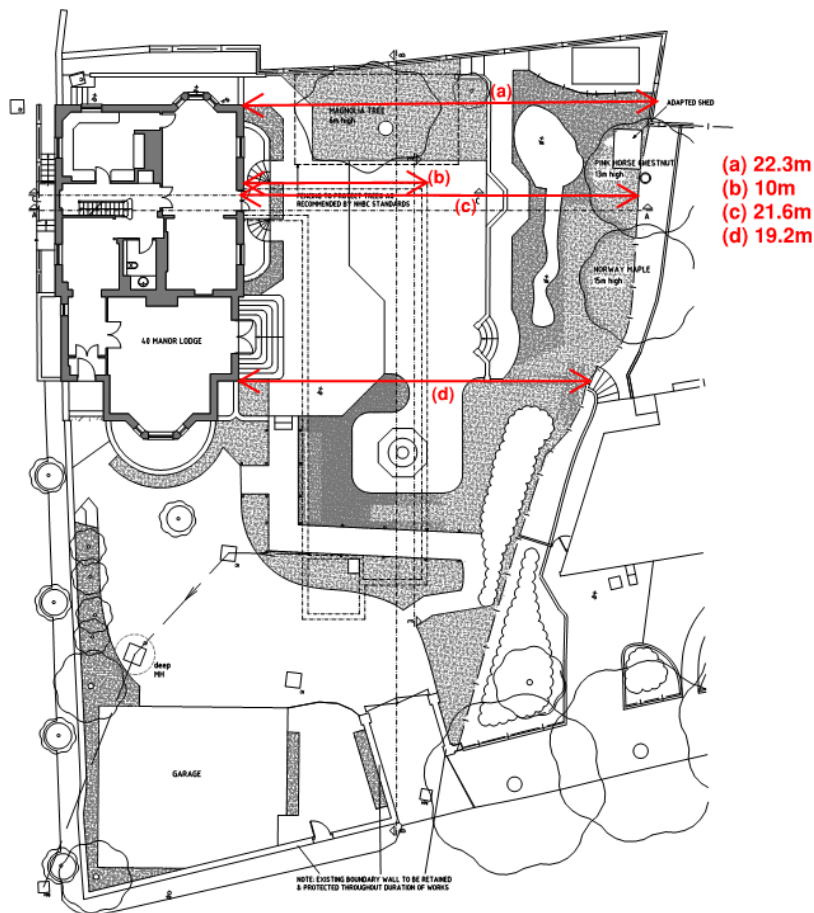
4.10. The footprint of the host building is 176sqm and the proposed basement would measure approximately 160sqm in total, which is less than 1 times the footprint of the host building (NB. the limit would be 264sqm). The proposal therefore complies with criterion (i).

j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;

4.11. The proposed basement would be located to the side of the host building rather than the rear, due to the nature of the plot whereby the main garden is to the side of the host building rather than at the rear. On this basis, this criterion is not relevant to the determination of this application.

k) not extend into or underneath the garden further than 50% of the depth of the garden;

4.12. As noted above, the host building is on an irregular-shaped plot, with the side boundary of the garden at an angle to the building rather than perpendicular. The site boundary is between 19.2 and 22.3 metres away from the side elevation of the host building (see diagram below); however, the proposed basement extends forward of the front elevation of the host building and the side boundary of the garden continues to taper inwards.



4.13. The plans have been revised to reduce the extent to which the proposed basement would extend out from the side of the host building. The proposed basement would now extend out from the side of the host building by 10 metres. This is considered to be acceptable as the basement would not extend underneath the garden further than 50% of the depth of the garden when measured at the most generous point in line with the basement (see diagram above). The proposal is considered to comply with criterion (k).

l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;

4.14. The proposed basement is set away from neighbouring property boundaries and the proposal therefore complies with criterion (l).

m) avoid the loss of garden space or trees of townscape or amenity value.

4.15. This is discussed in more detail in the Trees and Landscaping section. However, suffice to say, the Council's Tree and Landscape team are satisfied that the proposed works would not cause undue harm to trees and vegetation on the site. The proposal therefore complies with criterion (m).

4.16. To conclude, the proposed basement accords with the requirements of Policy A5 in terms of its impact on the character and appearance of the host building, the wider area, and the significance of heritage assets. The basement also complies with the criteria laid out in parts (f) to (m) of the policy and is consequently considered to be acceptable in terms of siting, location, scale, design and subordination. The proposal is therefore considered to be acceptable in this respect.

5. Impact on nearby and neighbouring properties

5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing;

artificial light levels; noise and vibration. Furthermore, Policy A5 (q) of the Local Plan requires applicants to demonstrate that proposals for basements do not harm the amenity of neighbours.

- 5.2. The main residential properties that are likely to be affected by the proposal are those that border the application site; namely 38 Frognal Lane; Lindfield House, Languard Gardens; 42A Frognal Lane; 44 Frognal Lane. All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposed works.
- 5.3. It is not considered that the swimming pool itself would cause undue harm to the visual and residential amenities of neighbouring properties. Although the proposal would increase the amount of floor space in the host dwelling, there is unlikely to be significant additional comings and goings associated with the single family dwellinghouse as a result of the addition of the swimming pool.
- 5.4. The swimming pool would require some form of plant and a noise survey has been submitted with the application. Policy A4 of the Local Plan seeks to ensure that noise and vibration is properly controlled and managed. The policy notes that the Council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. As with the previous application, a suitable planning condition will ensure that noise levels do not exceed specified limits.
- 5.5. Policy A4 also seeks to minimise the impact on local amenity from the demolition and construction phases of development. In this case, given the extent of the proposed works, the Council will secure the submission of a Construction Management Plan (CMP) by a section 106 legal agreement, which should serve to minimise the impact on neighbouring properties during the construction period.
- 5.6. Overall, subject to the suggested planning condition and securing the CMP by legal agreement, the proposal is considered to be acceptable in this respect.

6. Trees and landscaping

- 6.1. Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.
- 6.2. Policy A5 of the Local Plan requires applicants to demonstrate that proposals for basements:
(r) provide satisfactory landscaping, including adequate soil depth;
(u) do not prejudice the ability of the garden to support trees where they are part of the character of the area
- 6.3. CPG4 (Basements and lightwells) notes that basement development that extends below garden space can reduce the ability of that garden to support trees and other vegetation. It advises that sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. In this case, the proposed basement would be set well away from the site boundaries, which is considered to be acceptable.
- 6.4. CPG4 also notes that basement development should provide an appropriate proportion of planted material to allow for rainwater to be absorbed and/or to compensate for loss of biodiversity caused by the development. It is expected that a minimum of 1 metre of soil be provided above basement development that extends beyond the footprint of the building, to

enable garden planting and to mitigate the effect on infiltration capacity. In this case, at least 1 metre of soil is provided above the roof of the basement, which is considered to be acceptable.

6.5. The Arboricultural Report which was submitted with the 2011 application (dated 2008) was submitted again with this current application. However, the British Standards were updated in 2012 and there will have been tree growth since that time. A revised Arboriculture Report was therefore submitted in July 2017. The Council's Tree and Landscape team have reviewed the revised report and are satisfied that the proposed works would not cause undue harm to trees and vegetation on the site. A suitable condition is suggested to ensure that the works are carried out in accordance with the tree protection measures outlined in the report.

6.6. Overall, the proposal is considered to be acceptable in this respect.

7. Basement considerations

7.1. Policy A5 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;*

7.2. The policy goes on to note that applicants will need to demonstrate that proposals for basements:

- (n) do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';*
- (o) avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- (p) avoid cumulative impacts;*

7.3. The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith, in line with the requirements of CPG4. The BIA screening exercise identified potential issues that were carried forward to scoping. Subsequent to the issue of the initial audit, additional information was provided by the applicant.

7.4. Campbell Reith conclude that the BIA adequately identifies the potential impacts from the basement proposals and provides suitable mitigation. The applicant's BIA states that the initial standpipes used for water monitoring have now been destroyed and it is not possible to extend the current monitoring regime. The author recognises that the quality of the data needs to be improved and therefore it is suggested that additional groundwater monitoring be carried out prior to construction. A suitably worded condition can require that the works are carried out in accordance with the methods outlined in the BIA. A further condition can ensure that a suitably qualified engineer is appointed to oversee the works.

7.5. Subject to the suggested conditions, the proposal is considered to be acceptable in this respect.

8. Transport considerations

8.1. Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road, and Policy A4 seeks to minimise the impact on local amenity from the demolition and construction phases of development.

8.2. The proposal would involve the excavation and removal of a lot of material and would therefore involve a lot of vehicle movements to and from the site. A CMP will be secured by

legal agreement to ensure the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.

8.3. Subject to securing the CMP by legal agreement, the proposal is considered to be acceptable in this respect.

9. CIL

9.1. The proposal will be liable for the Mayor of London and Camden Community Infrastructure Levy (CIL) as the floor space exceeds 100sqm. The Mayoral CIL rate in Camden is £50/sqm and the Camden CIL rate for residential development (below 10 dwellings) in Zone C is £500/sqm.

9.2. Based on the information provided (net additional gross internal floor space of 160sqm), the CIL is likely to be £8000 (£50 x 160) and £80,000 (£500 x 160). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

Recommendation:

- 1) Grant conditional planning permission subject to section 106 legal agreement
- 2) Grant 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 Tuesday 29th August 2017, 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'.

TGN Architects Ltd.
21 Coldfall Avenue
London
N10 1HS

Application Ref: **2014/5915/P**

25 August 2017

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:
40 Frognal Lane
London
NW3 6PP

DECISION
Proposal: Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling (Class C3).

Drawing Nos: Site Location Plan at 1:1250; 0820-D-22; 0820-S-22; 0820-S-23; 0820-S-23.1; 0820-S-24; 0820-S-25; 0820-P-21C; 0820-P-22C; 0820-P-23D; 0820-P-24D; 0820-P-25D; 0820-P-26D; Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Environmental Noise Survey and Noise Assessment (dated 28/05/2010); Design & Access Statement (dated 11/09); Arboricultural Report (dated 01/07/2017)

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: Site Location Plan at 1:1250; 0820-D-22; 0820-S-22; 0820-S-23; 0820-S-23.1; 0820-S-24; 0820-S-25; 0820-P-21C; 0820-P-22C; 0820-P-23D; 0820-P-24D; 0820-P-25D; 0820-P-26D; Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Environmental Noise Survey and Noise Assessment (dated 28/05/2010); Design & Access Statement (dated 11/09); Arboricultural Report (dated 01/07/2017).

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

- 3 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved report by Simon Pryce Arboriculture ref: 17/033 dated 1st July 2017. The protection shall then remain in place for the duration of works on site.

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 D1 and A3 of the Camden Local Plan 2017.

- 4 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 Policy A4 of the Camden Local Plan 2017.

- 5 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

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

- 6 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment (as amended), including the recommendation for additional groundwater monitoring as set out in section 4.6 of the BIA.

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

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 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 3 The applicant is advised to note the comments of Thames Water, namely the need to contact them to discuss the need for metering (please see letter dated 15/12/2015 available on the Council's website).
- 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 that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

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.

Yours faithfully

Supporting Communities Directorate

DRAFT

DECISION

TGN Architects Ltd.
21 Coldfall Avenue
London
N10 1HS

Application Ref: **2014/6018/L**
Please ask for: **Kate Henry**
Telephone: 020 7974 **2521**

10 August 2017

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
40 Frogna Lane
London
NW3 6PP

DECISION

Proposal: Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling, involving new connection from existing basement

Drawing Nos: Site Location Plan at 1:1250; 0820-D-22; 0820-S-22; 0820-S-23; 0820-S-23.1; 0820-S-24; 0820-S-25; 0820-P-21C; 0820-P-22C; 0820-P-23D; 0820-P-24D; 0820-P-25D; 0820-P-26D; Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Environmental Noise Survey and Noise Assessment (dated 28/05/2010); Design & Access Statement (dated 11/09); Arboricultural Report (dated 01/07/2017)

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

Executive Director Supporting Communities



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 works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy D2 of the 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 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 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Regeneration and Planning