

Application ref: 2020/5297/P
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DP9
100 Pall Mall
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
22 Frognal Way
London
NW3 6XE

Proposal:

Variation of condition 3 (approved plans) and removal of condition 6 (replacement planting) of planning permission ref: 2020/1906/P dated 17/08/2020 for: 'Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3).', namely to: retain existing bay laurel tree which was previously proposed for removal and replacement.

Drawing Nos:

Superseded: D-100_Rev.2, P-(0)-100_Rev.2, P-(0)-301_Rev.1 & 400.

Amended: D-100_Rev.3, P-(0)-100_Rev.3, P-(0)-301_Rev.2 & 400_Rev.1.

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 original permission ref: 2020/1906/P dated

17/08/2020.

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

- 2 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 DH1 and DH2 of the Hampstead Neighbourhood Plan (2018).

- 3 For the purposes of this decision, condition 3 (approved plans) of planning permission 2020/1906/P dated 17/08/2020 shall be replaced with the following condition:

REPLACEMENT CONDITION 3

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

(0)-001_Rev.1, (0)-002_Rev.1, (0)-201_Rev.1, 180401-45_Rev.C1, 400_Rev.1, D-100_Rev.3, E-(0)-100_Rev.1, E-(0)-301_Rev.1, P-(0)-100_Rev.3, P-(0)-301_Rev.2, Addendum Letter by Price & Myers dated 24/04/2020, Heritage Note by Cogent Heritage Ref: 0170 dated 11/06/2020, Method Statement by MyConstruction received 06/08/2020 & Structural Report by Cranston Consulting ref:180401 dated March 2020.

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

- 4 The existing wall shall be demolished by hand and, where possible, the bricks shall be retained and reused on the replacement wall. The works shall be completed in accordance with the sample panel approved under application ref: 2020/4011/P dated 05/11/2020. The approved 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017, and DH1 and DH2 of the Hampstead Neighbourhood Plan (2018).

- 5 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural method statement by Landmark Trees ref: SR/22FW/AMS/02a dated 04/08/2020. 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 BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturalist as detailed in the approved report.

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 Camden Local Plan, and NE2 of the Hampstead Neighbourhood Plan (2018).

- 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, D1 and D2 of the London Borough of Camden Local Plan 2017, and DH1, DH2 and NE2 of the Hampstead Neighbourhood Plan (2018).

- 7 The outbuilding shown on the plans hereby approved shall remain ancillary to the use of the main property (22 Froggnal Way, NW3 6XE) and shall not be used as separate residential accommodation, business premises or similar non-ancillary use.

Reason: In order to protect the residential amenities of neighbouring occupiers in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 8 Prior to commencement of the relevant part of the development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:
- i. a detailed scheme of maintenance;
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
 - iii. full details of planting species and density.

The living roofs shall be fully provided in accordance with the approved details prior to first use of the outbuilding and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

This application seeks to vary condition 3 (approved plans) and remove condition 6 (details of replacement tree) of planning application ref: 2020/1906/P dated 17/08/2020. The previous application proposed the 'Removal of existing boundary wall and external facade of linked outbuilding and its reinstatement to match existing including formation of new gate (Use Class C3).' Following approval, it was established that the works can be completed without requiring the removal of the existing bay laurel tree. This application proposes to amend the plans, to retain the existing tree, thereby removing the need for condition 6 (replacement planting).

The amended plans show the retention of the existing bay laurel tree without having a negative impact on it's health. The Council's Tree Officer has reviewed the plans and has confirmed their acceptability. As such, the plans can be amended to show the retention of the bay laurel tree, and the subsequently redundant replacement tree condition (condition 6) can be removed.

The works are considered to be minor in the context of the originally approved scheme. The minor alteration is considered not to result in undue harm to the residential amenities of neighbouring properties. The planning history of the application site was considered prior to this determination.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan (2017), policy NE2 of the Hampstead Neighbourhood Plan (2018), the London Plan (2016), Intend to Publish London Plan (2019) and the National Planning Policy Framework (2019).

- 2 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).
- 3 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 London Borough of Camden 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.

- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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 paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer