

Application ref: 2020/4453/P
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Date: 16 April 2021

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

Richard Morton Architects
The Bungalow
Home Yard
Hatfield House
Hatfield
AL9 5NQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
40 Frognal Lane
London
NW3 6PP

Proposal:

Various alterations including erection of replacement single storey garage and annex; excavation to create basement level swimming pool under garden area; replacement windows and the re-instatement of the east side door and porch.

Drawing Nos: 178-101, 178-102, 178-110, 178-111, 178-112, 178-113, 178-114, 178-115, 178-116, 178-117, 178-120, 178-121, 178-122, 178-123, 178-124, 178-125, 178-126, 178-127, 178-128, 178-129, 178-130, 178-131, 178-132, 178-133, 178-134, 178-135, 178-136, 178-137, 178-138, 178-139, 178-140, 178-141, 178-142, 178-143, 178-144, 178-144, 178-142, 178-143, 178-144, 178-145

Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Ground Movement Analysis Report (dated 21 February), Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Design & Access Statement & Heritage Statement; Arboricultural Report (dated 01/07/2017).

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 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 policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

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

178-101, 178-102, 178-110, 178-111, 178-112, 178-113, 178-114, 178-115, 178-116, 178-117, 178-120, 178-121, 178-122, 178-123, 178-124, 178-125, 178-126, 178-127, 178-128, 178-129, 178-130, 178-131, 178-132, 178-133, 178-134, 178-135, 178-136, 178-137, 178-138, 178-139, 178-140, 178-141, 178-142, 178-143, 178-144, 178-144, 178-142, 178-143, 178-144, 178-145

Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Ground Movement Analysis Report (dated 21 February), Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Design & Access Statement & Heritage Statement; Arboricultural Report (dated 01/07/2017).

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

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

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.

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 and policies NE2, NE4 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 5 The appointed chartered engineer, as set out in the letter prepared by

Fairhurst dated 12 January 2021, hereby approved, shall 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 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 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

- 6 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment prepared by Train and Kemp dated April 2017 (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 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

- 7 The outbuilding hereby approved shall only be used for purposes incidental to the use of the main property (40 Frognal Lane) and shall not be used for any permanent sleeping accommodation, or for any other purposes whatsoever, including separate residential accommodation, or as business premises.

Reason: In order to protect the residential amenities of neighbouring occupiers and prevent substandard living accommodation in accordance with policy A1 and D1 of the London Borough of Camden Local Plan 2017.

- 8 Two Electric Vehicle Charging Points (EVCPs) shall be provided for the new garage hereby approved.

Reason: To encourage more sustainable methods of transport in accordance with policy T1 of the Camden Local Plan (2017) and Policy T6.1 (Residential parking) of the London Plan 2021.

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 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.

- 3 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.

- 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

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

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer