

Application ref: 2020/4667/P
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Date: 28 July 2021

Development Management
Regeneration and Planning
London Borough of Camden
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London
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-
21 Buckingham Street
London
WC2N 6EF
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**38 Frognal Lane
London
NW3 6PP**

Proposal:

Erection of replacement 2 storey dwelling plus basement following demolition of existing building.

Drawing Nos:

Existing drawings: PL-: 220; 301; 306; 104; 109; 117; 205; 210; 215

Demolition drawings: PL-: 219; 224; 225; 226; 108; 113; 121; 209; 214

Proposed drawings: PL-204 Rev B; PL-308 Rev A; PL-303 (submitted 10/06/2021); PL-011 Rev B; PL-: 217 D (submitted 22/06/2021); 212 C; 207 D (submitted 22/06/2021); 119 C; 115 B; 111 C; 222 B (submitted 23/06/2021); 106 B; 097 A; 311

Supporting documents: PL-100 A (comparison ground floor); Energy and Sustainability Statement prepared by SRE dated 24.05.2021; Whole Life Carbon Assessment prepared by SRE dated 24.05.2021; PL-012 A (Site Plan - Basement - Comparison); Basement Impact Assessment prepared by Train and Kemp dated 7th May 2021; Landscape masterplan 22103-IYL-8050-XX-DR-L-2001; Tree constraints and protection plan; Addendum to Tree survey and Arboricultural Method Statement prepared by TRETEC dated January 2021; Drainage Strategy prepared by Simon Dent Associates; Construction/ Demolition Management Plan; Tree survey and Arboricultural Method Statement prepared by TRETEC dated September 2020;

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 Approved drawings

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

Proposed drawings: PL-204 Rev B; PL-308 Rev A; PL-303 (submitted 10/06/2021); PL-011 Rev B; PL-: 217 D (submitted 22/06/2021); 212 C; 207 D (submitted 22/06/2021); 119 C; 115 B; 111 C; 222 B (submitted 23/06/2021); 106 B; 097 A; 311

Supporting documents: PL-100 A (comparison ground floor); Energy and Sustainability Statement prepared by SRE dated 24.05.2021; Whole Life Carbon Assessment prepared by SRE dated 24.05.2021; PL-012 A (Site Plan - Basement - Comparison); Basement Impact Assessment prepared by Train and Kemp dated 7th May 2021; Landscape masterplan 22103-IYL-8050-XX-DR-L-2001; Tree constraints and protection plan; Addendum to Tree survey and Arboricultural Method Statement prepared by TRETEC dated January 2021; Drainage Strategy prepared by Simon Dent Associates; Construction/ Demolition Management Plan; Tree survey and Arboricultural Method Statement prepared by TRETEC dated September 2020; Topographic survey 3798-T; Planning And Heritage Statement prepared by MRPP dated October 2020

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

- 3 Detailed drawings / samples of materials

Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) For the front elevation, details including sections at 1:2 of all windows (including jambs, head, cill, and dormers), ventilation grilles, external doors, gates, eaves, chimney stacks and pots;

b) For all other elevations, details including sections at 1:10 of all windows

(including jambs, head and cill), ventilation grilles, external doors and gates;
and

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

4 Brickwork and tiles

Prior to demolition, a sample panel of the facing brickwork and roof tiles, to match existing, demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given. 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.

5 Contract for entire scheme of works

The works of demolition hereby approved shall not be commenced before the Local Planning Authority has received written confirmation from a solicitor that a contract(s) for the carrying out of the entire scheme of works hereby approved has been entered into.

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.

6 Accessible and adaptable dwellings

The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.

7 Cycle storage

Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

8 Energy and renewable energy

The development hereby approved shall be constructed in accordance with the approved Energy and Sustainability Statement prepared by SRE dated 24.05.2021 to achieve a 41.96% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy including a 33.2% reduction in carbon dioxide emissions through renewable technologies. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with the requirements of policies C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

9 Solar PVs

Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

10 Sustainable urban drainage

The sustainable drainage system as per the approved site drainage drawings (1611-: 100 P2; 101 P1; 202 P1; 201 P1) prepared by Simon Dent Associates dated 7/10/20 and 25/09/20 shall be designed in detail and installed as part of the development to accommodate greenfield levels of runoff (maximum 2 litre/sec). The drainage system shall be maintained in strict accordance with all manufacturer's recommendations.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies

11 Landscaping

Prior to commencement of development (other than demolition), full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. The landscaping at the front of the property shall ensure parking space is limited to no more than two vehicles. The landscaping shall be designed to enhance the ecological and wildlife values of the site and the landscaping submission shall have reference to Policy BGI 1 (parts i to vii) of the Redington Frognaal Neighbourhood Plan. Such details shall include details of replacement trees and 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 ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

12 Landscaping compliance

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. 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.

13 Tree protection

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the Tree survey and Arboricultural Method Statement prepared by TRETEC dated September 2020 and Addendum to Tree survey and Arboricultural Method Statement prepared by TRETEC dated January 2021. 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.

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 London Borough of Camden Local Plan 2017.

14 Maximise reuse of original materials on site

Prior to commencement of any works, including demolition, a Recycling and Re-Use of Materials Strategy shall be submitted to and approved by the Local Planning Authority in writing. This should include the re-use of bricks and tiles. The strategy shall demonstrate the approach for diverting 95% of site waste from landfill, comply with the Institute for Civil Engineer's Demolition Protocol, and maximise reuse of materials on-site before salvaging appropriate materials to enable their reuse off-site.

The demolition, disposal and reuse of materials shall thereafter be carried out in accordance with the approved strategy.

Reason: To maximise reuse of original materials on site, and ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of Policies D2 and CC1 of the London Borough of Camden Local Plan 2017.

15 Whole Life Carbon Assessment Recommendations

The development shall be constructed in accordance with the assumptions and recommendations of the Whole Life Carbon Assessment prepared by SRE dated 24.05.2021 hereby approved including the use of the specified building materials (50% GGBS ready mixed concrete, medium density screed sourced from reused or recycled material and locally sourced bricks) and measures to reduce operational energy use (higher efficiency ASHPs and high performance whole-dwelling mechanical ventilation with heat recovery (MVHR) system).

Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to reducing CO2 emissions, thereby contributing to minimising the effects of climate change in accordance with the requirements of policies CC1 of the London Borough of Camden Local Plan 2017.

16 Water efficiency

The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

17 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated

shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2021 and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

18 Electric vehicle charging point

Prior to the commencement of the relevant part, details of an electric vehicle charging point shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed in full accordance with the details thus approved and permanently retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with the requirements of policies C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

19 Basement engineer

The basement works 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 basement excavation. 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 policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

20 BIA compliance

The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment prepared by Train and Kemp dated 7th May 2021 hereby approved, including but not limited to the monitoring requirements set out in paragraph 7.4.3 and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the structural, ground and water conditions of the general area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

21 Front lightwell grille

Prior to first occupation, the front lightwell shall be secured by a grille. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking and re-enacting that Order, no enclosure shall be erected around the front lightwell.

Reason: To safeguard the visual amenity of the front garden and to ensure an appropriate and accessible layout in accordance with the requirements of policies D1, D2 and A1 of London Borough of Camden Local Plan 2017.

22 Obscure glazing

Prior to occupation, the first floor window on the west elevation shall be obscure glazed and fixed shut and shall be retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of 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 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.
- 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.

- 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 advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

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