

Application ref: 2021/1497/P
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Date: 23 August 2021

Development Management
Regeneration and Planning
London Borough of Camden
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WC1H 9JE

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www.camden.gov.uk/planning

Ms Kristine Rumjanceva
12 Keats Grove
London
NW3 2RN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**12 Keats Grove
London
NW3 2RN**

Proposal:

Variation of Conditions 2 (approved plans) and 6 (Tree Protection Measures) of planning permission 2019/5443/P dated 26/02/2020 (as amended by 2020/3584/P dated 26/11/20 and 2021/0026/P dated 21/3/21) for 'Enlargement of existing side entrance porch at ground and lower ground floor levels including excavation, replacement front door and alteration to surrounding fenestration; Erection of single storey plus basement side extension including excavation (following demolition of existing garage extension); Replacement window frames to all elevations; Removal and reapplication of external render; Alterations to front boundary wall including infilling of vehicle gate and formation of new pedestrian gate; front garden side boundary wall and bin store; Front and rear garden landscaping including the erection of two garden outbuildings (following demolition of existing structures); Installation of 3 air conditioning units to rear garden'; namely amendment to Arboricultural Report

Drawing Nos: 0010; 0011; 0002; 0003; 0200; 0201; 1003 Rev 01; 0110 Rev 01; 1102 Rev 01; 1400 Rev 01; 1600 Rev 01; 1601 1:25 Rev 01; KEA_12_001; KEA_12_002; KEA_12_003; KEA_12_004; KEA_12_005; KEA_12_006; KEA_12_007; KEA_12_100_RevA; KEA_12_101_RevB; KEA_12_102_RevC; KEA_12_103 Rev.A; KEA_12_104; KEA_12_200_Rev.D; KEA_12_201; KEA_12_300 Rev.A and KEA_12_301 Rev.A.

Ground Investigation and basement impact assessment report by GEA dated 6/8/20; Structural Engineer's Basement Impact Assessment by Price and Myers dated Aug 2020; Basement Impact Assessment Audi Rev. F1 t by Campbell Reith dated Nov 2020 and Arboricultural Method Statement ref. 0221-9009 By Ruskins dated Feb 2021.

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 consent ref 2019/5443/P dated 26/02/2020.

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:

0010; 0011; 0002; 0003; 0200; 0201; 1003 Rev 01; 0110 Rev 01; 1102 Rev 01; 1400 Rev 01; 1600 Rev 01; 1601 1:25 Rev 01; KEA_12_001; KEA_12_002; KEA_12_003; KEA_12_004; KEA_12_005; KEA_12_006; KEA_12_007; KEA_12_100_RevA; KEA_12_101_RevB; KEA_12_102_RevC; KEA_12_103 Rev.A; KEA_12_104; KEA_12_200_Rev.D; KEA_12_201; KEA_12_300 Rev.A and KEA_12_301 Rev.A.

Ground Investigation and basement impact assessment report by GEA dated 6/8/20; Structural Engineer's Basement Impact Assessment by Price and Myers dated Aug 2020; Basement Impact Assessment Audi Rev. F1 t by Campbell Reith dated Nov 2020 and Arboricultural Method Statement ref. 0221-9009 By Ruskins dated Feb 2021.

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

- 3 (a) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the Council.

(b) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the Council.

In all cases the background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Prior to use, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Notwithstanding the approved drawings and support documents, full details of the proposed front garden boundary wall alongside 12B Keats Grove, including elevation and section drawings, shall be submitted to and approved in writing by the Council.

Reason: To safeguard the appearance and setting of the building 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 policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 6 The trees to be retained shall be protected during construction work in line with guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and the details hereby approved in Arboricultural Method Statement ref. 0221-9009 By Ruskins dated Feb 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 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.

- 7 The development hereby approved shall commence in line with the details approved under application reference 2020/5135/P, dated 1/12/21, securing the appointment of a suitably qualified chartered engineer with membership of the appropriate professional body 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 policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 8 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment hereby approved, including but not limited to the monitoring requirements therein and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 0.

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.

- 9 Prior to any development full details of hard and soft landscaping, means of enclosure of all un-built, open areas and details of at least three replacement trees in the front garden shall be submitted to and approved by the local planning authority in writing. Such details shall include details of 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting consent:

The original planning permission secured a condition for tree protection details which was approved under ref. 2020/5065/P. However, the scheme cannot be constructed in line with the approved plans without the removal of 3 Holm oaks (G2) as the existing retaining wall is to be removed. The previous tree report approved by condition was incorrect as it showed them as retained and set further away from the retaining wall than they exist on site. To correct this inaccuracy and allow this part of the development to be carried out a revised Arboricultural Method Statement was submitted.

The Council's Tree Team has assessed the proposal and raises no objection subject to planting of replacement trees. A landscaping condition requesting at least three replacement trees has been attached. Condition 6 now secures the updated tree protection measures.

The full impact of the scheme has already been assessed during the determination of the permitted scheme, and it is considered that the amendments would have a minor material effect in terms of appearance, neighbouring amenity and tree considerations.

The proposed amendments are not considered to cause harm to the grade II building's special interest or setting, or to the conservation area or neighbouring amenity.

Two objections were received during the consultation period and duly taken into consideration. The planning history of the site has been taken into account when coming to this decision.

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 Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 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 A1, A2, A3, D1 and D2 of the Camden Local Plan 2017 and policies NE2, DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. It also complies with the London Plan 2021, and the National Planning Policy Framework 2021.

- 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, 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 (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

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 2021.

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