

Application ref: 2020/3681/P  
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Date: 6 July 2021

**Development Management**  
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Michael Burroughs Associates  
93 Hampton Road  
Hampton Hill  
TW12 1JQ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**49 Willow Road  
London  
NW3 1TS**

Proposal: Extension of basement to the rear under existing structure and alterations to existing rear extension, to theatre use.

Drawing Nos: P3-PL-00-010; P3-PL-00-099; P3-PL-00-100; P3-PL-00-200; P3-PL-00-201; P3-PL-00-300; P3-PL-00-301; P3-PL-00-302; P3-PL-00-303; P3-PL-00-304; Design & Access, Planning & Heritage Statement letter by Michael Burroughs Associates, ref. E/4488, dated 16 August 2020; Archaeological desk based assessment September 2020; Michael Burroughs Associates Planning Statement dated 16 August 2020; 1822. 49 Willow Road. Position of Holm Oak; Tretec Holm Oak Tree Assessment July 2020; Tretec Tree Protection June 2021; Tretec response to objection 2020/3681/P 49 Willow Rd. Hampstead. NW3 1TS. October 2020. Holm Oak.; Ground Investigation and Basement Impact Assessment (BIA) by Geotechnical & Environmental Associates Limited, ref. J20023, issue 4 dated 13 August 2020; Structural Engineer's Report Basement Impact Assessment (SER) by PK & Partners Limited, ref. 2136, rev C dated August 2020; Ground Investigation and Basement Impact Assessment (BIA) by Geotechnical & Environmental Associates Limited, ref. J20023, issue 6 dated 1 April 2021; Structural Engineer's Supplementary Report Basement Impact Assessment (SER) by PK & Partners Limited, ref. 2136 49 Willow Road - BIA Supplement, rev B, dated February 2021; Schematic Lower Ground Floor Extension Construction Sequence drawing by PK and Partners, ref. 2136-101, rev E, dated 09 March 2021; Engineer Appointment letter confirmation dated 21 May 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 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

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

P3-PL-00-010; P3-PL-00-099; P3-PL-00-100; P3-PL-00-200; P3-PL-00-201; P3-PL-00-300; P3-PL-00-301; P3-PL-00-302; P3-PL-00-303; P3-PL-00-304; Design & Access, Planning & Heritage Statement letter by Michael Burroughs Associates, ref. E/4488, dated 16 August 2020; Archaeological desk based assessment September 2020; Michael Burroughs Associates Planning Statement dated 16 August 2020; 1822. 49 Willow Road. Position of Holm Oak; Tretec Holm Oak Tree Assessment July 2020; Tretec Tree Protection June 2021; Tretec response to objection 2020/3681/P 49 Willow Rd. Hampstead. NW3 1TS. October 2020. Holm Oak.; Ground Investigation and Basement Impact Assessment (BIA) by Geotechnical & Environmental Associates Limited, ref. J20023, issue 4 dated 13 August 2020; Structural Engineer's Report Basement Impact Assessment (SER) by PK & Partners Limited, ref. 2136, rev C dated August 2020; Ground Investigation and Basement Impact Assessment (BIA) by Geotechnical & Environmental Associates Limited, ref. J20023, issue 6 dated 1 April 2021; Structural Engineer's Supplementary Report Basement Impact Assessment (SER) by PK & Partners Limited, ref. 2136 49 Willow Road - BIA Supplement, rev B, dated February 2021; Schematic Lower Ground Floor Extension Construction Sequence drawing by PK and Partners, ref. 2136-101, rev E, dated 09 March 2021; Engineer Appointment letter confirmation dated 21 May 2021.

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

- 4 The trees to be retained shall be protected during construction works in line with the report prepared by Tretec, June 2021, which includes a detailed scheme-specific schedule of supervision and monitoring by an arboricultural consultant and details of an impermeable membrane to be installed along the boundary with Gardnor House (Flask Walk NW3 1HA) to prevent the leaching

of contaminates from the application site. The details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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. Any subsequent change to the tree protection measures shall be submitted to and approved by the local planning authority in writing.

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.

- 5 The basement development hereby approved shall be overseen by 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, in accordance with appointment letter dated 21 May 2021 from PK & Partners. 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.

- 6 The development hereby approved shall be carried out strictly in accordance with the BIA (and other supporting documents) compiled by Geotechnical & Environmental Associates Limited, PK & Partners Limited, as well as the recommendations in the Basement Impact Assessment Audit Report (Rev F1) prepared by Campbell Reith, dated May 2021.

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 Reasons for granting permission:

Planning permission is sought for the enlargement of the existing basement at the site to provide more space for the continued use of the basement level as a childrens theatre. The proposed excavation would enlarge the existing basement floor level by extending underneath the existing workshop building at ground floor level. As the size of the proposed basement would be confined to the footprint of the existing workshop, it is considered to comply with the size limitations and requirements of Policy A5 (Basements).

The proposal is supported by a Basement Impact Assessment which has been audited by the Council's third party structural engineers. The audit confirms the

excavation would not cause harm to the structural stability of the host and neighbouring buildings, the natural environment and local amenity including the water environment, ground conditions and biodiversity, in line with Policy A5 and CPG Basements. Given the close proximity of the works to the public highway, an Approval in Principle application will be secured through a section 106 legal agreement.

A letter confirming the engineer employed to oversee the temporary and permanent works throughout their duration has been provided which confirms his credentials in line with CPG Basements. His appointment would be secured through a compliance condition.

The site lies within a Tier II Archaeological Priority Area and therefore an Archaeological Assessment has been submitted. Greater London Archaeological Advisory Service (GLAAS) has assessed this and considered that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

There would be no external manifestation of the basement. The proposal also includes alterations to the roof of the existing extension under which the basement is proposed. The existing roof would be replaced with a new decked area and the current access door would be enlarged. These changes are considered acceptable and would preserve the character and appearance of the host building. This proposed alteration has already been granted consent as part of application ref no. 2020/3203/P dated 06/10/2020.

Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

There is a mature Holm Oak Tree at the rear of the application site, within the grounds of Gardnor House. The tree is highly visible from the public realm and significantly contributes to the character and appearance of the conservation area. An Arboricultural Assessment has been submitted which confirms that the proposed excavation would not result in any harmful impact to the existing tree and its wellbeing. The report also includes details of root protection measures from construction works and also from leaching of contaminants from the basement construction. The Council's tree officer has reviewed this information and confirmed it is acceptable subject to condition.

In relation to impact on the neighbouring amenity, given the small projection of the proposed basement extension with no external manifestations, this would not result in harm, to the neighbouring amenity in terms of loss of light, outlook nor privacy.

One objection was received prior making this decision which is addressed in consultation summary. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, A5, A3, D1, D2 of Camden Local Plan 2017. The development would also

accord with the National Planning Policy Framework 2019 and the London Plan 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 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 4 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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