

Application ref: 2022/0529/P  
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Date: 3 August 2022

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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Gianni Botsford Architects Ltd  
Second Floor, 65 Jeddo Road  
London  
W12 9ED

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:

**13A Pond Street  
London  
NW3 2PN**

Proposal:

Variation of condition 2 (Approved plans) of planning permission 2017/6907/P dated 17/12/2018 (as amended by permissions refs 2019/5904/P dated 19/2/2020 and 2021/1293/P dated 25/11/2021) for 'Erection of 3-storey dwelling, plus basement including alterations to retained extension (to east of existing cottage) and refurbishment of existing roof terrace, with associated landscape, following demolition of existing 2-storey cottage', namely to allow amendment to roof cladding profile

Drawing Nos: Proposed: Letter from Gianni Botsford Architects dated 25.3.22 and S73

Application: Amendment to Façade Material by Gianni Botsford Architects dated 17.3.22

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 planning permission ref 2017/6907/P dated 17/12/2018.

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:  
201-100\_P01; 201-101\_P01; 201-102; 201-103; 201-110; 201-111; 201-112; 201-113; 201-120; 201-121; 201-122; 201-123; 201-124.  
201-200\_P07; 201-201\_P04; 201-202\_P08; 201-203\_P03; 201-204\_P03; 201-205\_P08; 201-210\_P04; 201-211\_P04; 201-212\_P04; 201-213\_P04; 201-214\_P04; 201-215\_P06; 201-216\_P04; 201-217\_P04; 201 218 Rev.P01; 201-220\_P05; 201-221\_P05; 201-222\_P05; 201-223\_P04; 201-224\_P04; 201-225\_P04 and FFLO 136.14B.

Supporting documents:

Response to BIA audit prepared by Entuitive dated April 2018; Arboricultural Report (TP/13aPS) prepared by Tree Projects dated 8 March 2018; Gas Monitoring Report prepared by Chelmer Global Ltd dated 10 January 2017; Structural Report & Basement Impact Assessment (Rev. 7) prepared by Entuitive dated March 2018; Design & Access Statement prepared by Gianni Botsford Architects dated 27 November 2017; Planning Statement prepared by Barton Willmore LLP dated December 2017; Sustainability & Energy Statement prepared by Integration dated 20 October 2017; Heritage Assessment prepared by Heritage Collective dated October 2017; Energy Strategy update by Integration dated 2/12/19; Planning Compliance Review Report 20075.PCR.01 Rev. C by KP Acoustics dated 14.6.21; Letter from Gianni Botsford Architects dated 25.3.22 and S73 Application: Amendment to Façade Material by Gianni Botsford Architects dated 17.3.22.

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

- 3 All new concrete block walls shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing 1969 extension.

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.

- 4 The development hereby approved shall commence in line with the facing brickwork for the west elevation boundary wall details approved under 2021/3153/P dated 12/10/2021 or other such details submitted to and approved by the Local Planning Authority that include a sample panel of the facing brickwork for the west elevation boundary wall demonstrating the proposed colour, texture, face-bond and pointing.

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 The development hereby approved shall commence in line with the roof terrace

balustrades details approved under 2022/1027/P dated 27/04/2022 or other such details submitted to and approved by the Local Planning Authority that include:

Manufacturer's specification details of roof terrace balustrades and samples of those materials.

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

- 6 Throughout the implementation of the planning permission, the method statement and working practices shall be adopted, and adhered to, in accordance with the Tree Projects Report on Trees ref. TP/13aPS\_8th March 2018. 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 method statement.

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 2017.

- 7 The development hereby approved shall commence in line with the green roof details approved under 2020/0063/P dated 03/02/2020 or other such details submitted to and approved by the Local Planning Authority that 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 roof shall be fully provided in accordance with the approved details prior to first occupation 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.

- 8 The development hereby approved shall commence in line with the details approved under 2019/5660/P dated 29/11/2019, or other such details submitted to and approved by the Local Planning Authority, that demonstrate 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.

- 9 The demolition hereby permitted shall not be undertaken before a building contract for the carrying out of the works of redevelopment of the site has been made.

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.

- 10 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the BIA (Structural Report & Basement Impact Assessment (Rev. 7) prepared by Entuitive dated March 2018 and Response to BIA audit prepared by Entuitive dated April 2018) hereby approved, including but not limited to the monitoring requirements in section 6 of appendix 1 and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1 'very slight'.

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.

- 11 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the Sustainability & Energy Statement prepared by Integration dated 20.10.17 and Energy Strategy update by Integration dated 2/12/19. 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 policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 12 The cycle store for 2 cycles hereby approved shall be provided in its entirety prior to the first occupation of the dwelling, 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.

- 13 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. 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.

- 14 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. 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.

- 15 Following installation of the plant and equipment, you may apply in writing to the Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for approval by the Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and

procedures;

(g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment

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.

- 16 Prior to first use, all approved machinery, plant or equipment shall be provided with acoustic isolation and anti-vibration measures as necessary and outlined in the Planning Compliance Review Report 20075.PCR.01 Rev. C by KP Acoustics dated 14.6.2, and in accordance with the scheme hereby approved, and thereafter shall be permanently retained and maintained in accordance with the manufacturers' recommendations.

Reason: To prevent the transmission of noise and vibration throughout the building and or into any neighbouring premises, thus safeguarding 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.

Informative(s):

- 1 Reasons for granting permission:

This application seeks to change the profile of the roof cladding from a sinusoidal profile W8/25 to a square profile Sq 30/30. The perforation, material, colour and supplier remain the same. This change is due to structural concerns that the original profile was not robust enough to span and deal with wind loads and this change will overcome this issue. It is considered that the difference in visual appearance would be minor and would not harm the character and appearance of the host property or conservation area.

Given that only the profile is changing, it would not create any additional amenity concerns.

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 impact on character and appearance of the host building and conservation area.

No objections were received during the consultation period. 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 2013.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. It also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 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, 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 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).
- 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](http://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:

Yours faithfully

A handwritten signature in black ink, appearing to read 'DP', is centered on the page.

Daniel Pope  
Chief Planning Officer