

Application ref: 2015/3525/P
Contact: Elaine Quigley
Tel: 020 7974 5101
Date: 15 January 2019

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

Stephen Brandes Architects
5 Spedan Close
London
NW3 7XF
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:
4 Frognal Rise
London
NW3 6RD

Proposal:

Erection of part two storey part first floor side and rear extension, excavation of a new basement level and front lightwell, alterations to front boundary wall and front forecourt area, including new bicycle and bin store all in connect with the existing single family dwellinghouse (Class C3 use).

Drawing Nos: LOC (Site location and viewpoints); P 001; P 002; P 003 A; P 011; P 012 A; P 013 A; P 014; P 015 A; Structural Engineering Report and Subterranean Construction Method Statement produced by Elliott Wood Partnership dated June 2015; Ground Investigation Report produced by K F Geotechnical dated 12 March 2015; Site Investigation and Basement Impact Assessment produced by GEA Ltd dated June 2015; Ground Movement Assessment Report dated May 2016; Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan produced by Martin Dobson dated 5th June 2015; Construction Management Plan produced by Motion; Archaeological Assessment produced by Britannia dated January 2015

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 Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: LOC (Site location and viewpoints); P 001; P 002; P 003 A; P 011; P 012 A; P 013 A; P 014; P 015 A; Structural Engineering Report and Subterranean Construction Method Statement produced by Elliott Wood Partnership dated June 2015; Ground Investigation Report produced by K F Geotechnical dated 12 March 2015; Site Investigation and Basement Impact Assessment produced by GEA Ltd dated June 2015; Ground Movement Assessment Report dated May 2016; Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan produced by Martin Dobson dated 5th June 2015; Construction Management Plan produced by Motion; Archaeological Assessment produced by Britannia dated January 2015

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

- 4 The new sections of the front brick boundary wall hereby approved shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing front boundary wall, 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 Camden Local Plan 2017.

- 5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such 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 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, unless the local planning authority gives written consent to any variation.

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 A1 and A3 of the Camden Local Plan Submission 2017.

- 6 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which has archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: In order to minimise damage to the important archaeological remains which exist on this site, in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 7 The development 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 development. 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 A1 and A5 of the Camden Local Plan 2017.

- 8 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Structural Engineering Report and Subterranean Construction Method Statement produced by Elliott Wood Partnership dated June 2015; Ground Investigation Report produced by K F Geotechnical dated 12 March 2015; Site Investigation and Basement Impact Assessment produced by GEA Ltd dated June 2015; Ground Movement Assessment Report dated May 2016 hereby approved.

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 A1 and A5 of the Camden Local Plan 2017.

- 9 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s) in accordance with the requirements of policies A1 and A3 of the Camden Local Plan 2017.

- 10 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 policy CC3 of the Camden Local Plan 2017.

- 11 Full details in respect of the bicycle and bin store structure in the area indicated on the approved ground floor plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The structure shall be permanently retained and maintained thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies A1, D1, D2, CC5 and T1 of the Camden Local Plan 2017.

- 12 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 A1 and A3 of the Camden Local Plan 2017.

- 13 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include:
1. scaled plans showing all existing and proposed vegetation and landscape features
 2. a schedule detailing species, sizes, and planting densities
 3. location, type and materials to be used for hard landscaping and boundary treatments
 4. specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
 5. details of any proposed earthworks including grading, mounding and other changes in ground levels.

6. a management plan including an initial scheme of maintenance

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies A1 and A3 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 The Camden Local Plan was adopted on 03/07/2017, which was several months after the application gained a resolution to grant under delegated powers following presentation at Members' Briefing panel on 20/03/2017. When the application was given the resolution to grant, the Local Plan only had limited weight as the Council was yet to complete its consultation on its proposed modifications to the Submission Draft Local Plan following comments made by the Inspector during examination. While having limited weight, the emerging policies at the time were considered and referenced within the delegated report.

Following the adoption of the Local Plan officers have assessed the proposal in line with the new policies, which are mostly consistent with those within the Local Development Framework (the relevant policies that were given full weight

at the time the application were detailed in the Member's Briefing report). The main policy consideration relates to the basement works and its consistency with Policy A5 (Basements). This includes a number of criteria that restrict the siting, location, scale and design of a basement. In terms of criteria (i) it advises that basement development should be less than 1.5 times the footprint of the host building area. The new basement would be 1.53 times the footprint of the host building in area which equates to 3 sq. m. This is considered de-minimus in terms of the overall size of the basement. Criteria (l) advises that basement development should be set back from the neighbouring property boundaries where it extends beyond the footprint of the host building. The retaining wall of the basement lightwell which extends beyond the footprint of the host building extends up to the boundary with the neighbouring property at no. 22 Windmill Hill. Given the fact that the northwestern boundary is splayed at the front of the application site, the fact that there is a mature row of trees on this boundary within the garden of the neighbouring property and that this is the rear part of its garden at no. 22 Windmill Hill, it is considered that the basement would have minimal impact on the neighbouring property. Consequently the proposal is considered to be wholly consistent with the Local Plan, particularly criteria f to m of policy A5 (Basements). Given the proposal's consistency with the Local Plan, which was given weight at the time the application was presented at Member's Briefing, the development does not need to be taken back to Members' and the decision making authority and third parties have not been prejudiced in the granting of this decision.

- 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 this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be calculated on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

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 2018.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

David T. Joyce

David Joyce
Director of Regeneration and Planning