

Application ref: 2021/3607/P
Contact: Nora-Andreea Constantinescu
Tel: 020 7974 5758
Email: Nora-Andreea.Constantinescu@camden.gov.uk
Date: 23 December 2021

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

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:

New single storey infill rear extension and amalgamation of applications approved under refs 2019/1812/P, 2020/2519/P, 2020/3203/P, 2020/3681/P for change of use of ground floor and basement levels from former pottery studio (Sui-generis) to children theatre at basement level and ancillary bookshop, café and workshop at ground level (Sui-generis), with flue extract in existing chimney breast; replacement of existing mansard extension and front roof terrace, replacement of windows on side elevation; demolition of existing rear extensions and erection of a part one, two and three storey rear extension; basement extension.

Drawing Nos: P3-PL-00-010; P4-PL-120; P4-PL-100 Rev A; P4-PL-101 Rev A; P4-PL-102 Rev A; P4-PL-103 Rev A; P4-PL-300 Rev A; P4-PL-301 Rev A Front elevations; P4-PL-301 Rev A South east elevation; P4-PL-303 Rev A; P4-PL-304 Rev A;

Pitchbook; Planning statement by Michael Burroughs Associates dated 24/08/2021;

Noise Impact Assessment by 24 Acoustic dated 1st May 2019, R7865-1 Rev1; Odour Appraisal 28 March 2019; TREEREC Tree Statement July 2021; TREETEC letter

dated 16th October 2021; Trial pits plan; Email agent to confirm various details dated

01/10/2021; PK & Partners engineers appointment letter dated 11 October 2021; Paul

Crosbie at Plann Limited letter dated 7th July 2021; Fire safety summary statement

dated 14th July 2021; Cabinet & twin fans - ari vent technology Unicalss L7534;

Archaeological desk based assessment September 2020 by MOLA; Accessibility report by Beak and Claw LTD

Letter from PK & Partners dated 11 August 2021 - BIA addendum; Ground investigation and basement impact assessment report dated March 2021 Ref J20023; 2136-101 Rev E; Structural inspection report dated 8th January 2021 by PK & Partners.

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 policy D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

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

P3-PL-00-010; P4-PL-120; P4-PL-100 Rev A; P4-PL-101 Rev A; P4-PL-102 Rev A; P4-PL-103 Rev A; P4-PL-300 Rev A; P4-PL-301 Rev A Front elevations; P4-PL-301 Rev A South east elevation; P4-PL-303 Rev A; P4-PL-304 Rev A; Pitchbook; Planning statement by Michael Burroughs Associates dated 24/08/2021; Noise Impact Assessment by 24 Acoustic dated 1st May 2019, R7865-1 Rev1; Odour Appraisal 28 March 2019; TREEREC Tree Statement July 2021; TREETEC letter dated 16th October 2021; Trial pits plan; Email agent to confirm various details dated 01/10/2021; PK & Partners engineers appointment letter dated 11 October 2021; Paul Crosbie at Plann Limited letter dated 7th July 2021; Fire safety summary statement dated 14th July 2021; Cabinet & twin fans - ari vent technology Unicalss L7534; Archaeological desk based assessment September 2020 by MOLA; Accessibility report by Beak and Claw LTD
Letter from PK & Partners dated 11 August 2021 - BIA addendum; Ground investigation and basement impact assessment report dated March 2021 Ref J20023; 2136-101 Rev E; Structural inspection report dated 8th January 2021 by PK & Partners.

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

- 4 The use hereby permitted shall not be carried out outside the following times 09.00-18.00 Mondays to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, A4 and TC3 of the London Borough of Camden Local Plan 2017.

- 5 Before the use commences sound insulation shall be provided for the building in accordance with the Noise Impact Assessment R7865-1 Rev 1 dated 1st May 2019. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 6 No sound emanating from the use shall be audible within any adjoining premises between 1900 hrs and 0800 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1 of the London Borough of Camden Local Plan 2017.

- 7 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with the machinery operating at maximum capacity.

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

- 8 Prior relevant part of work begun, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises in residential use. Details shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises.

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the future occupiers in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to use, machinery, plant or equipment 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

- 10 The plant and machinery associated with the development shall only be operational between the hours of 09:00-18:00 Monday to Sunday.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies A1 and A4 of the Camden Local Plan 2017.

- 11 Prior to the use commencing, a Customer Management and Community Involvement Plan shall be submitted and approved in writing by the local authority, which includes details of the community engagement regarding the proposed use and management of customers within the premises and in close proximity.

Reason: To ensure the continuation of the premises as an Asset of Community Value and ensure the amenity of occupiers of the development site and surrounding occupiers are not adversely affected by noise and nuisance from mechanical installations/ equipment and comings and goings, in accordance with Policies A1 and A4 of the Camden Local Plan 2017.

- 12 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) Details including sections at 1:10 of proposed railings at mansard level and rear terrae
- b) Manufacture specifications and sample photo of mansard cladding.
- c) Details including sections at 1:10 of all new extension windows, plus photos of samples with their material and colour.
- d) Manufacturer's specification details and photos of samples of all facing 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 and policies DH1 and DH2 of Hampstead Neighbourhood Plan 2018.

- 13 The trees to be retained shall be protected during construction works in line with the report prepared by Tretac, June 2021 and October 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 contaminants 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.

- 14 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 11 October 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.

- 15 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:

The premises were designated as an Asset of Community Value (ACV) in 2018 when in use as a pottery with community activities. Planning permission was granted in 2019 (2019/1812/P) to change the use of the ground floor and basement premises from pottery (sui-generis) to children theatre at basement level and ancillary spaces at ground floor (sui-generis).

The puppet theatre as the main activity is to be at basement level and to include an auditorium and stage and ancillary spaces; at ground level will be a bookshop and box office at the front and kitchen with foyer and circulation space to the rear. This application proposes the same mix and configuration of uses and it is acceptable in land use terms as it aims to re-provide in a new and original manner the community benefits of the previous use which in time became so popular as to be considered an asset of community value. The proposal also responds positively to policy HC2 of Hampstead Neighbourhood Plan through the re-provision of a facility that meets the needs of the local residents. Hours of use, music and noise from premises, maximum number of children and parents, travel patterns of visitors and their management whilst on site would be controlled by a condition which would secure a Customer Management and Community Involvement Plan.

Subsequent planning applications to add a mansard roof (2020/2519/P), demolish existing rear parts and undertake a basement, ground and first floor rear extension (2020/3203/P) and a basement extension (2020/3681/P) were granted (the latter subject to a legal agreement). The development permitted by these applications is proposed to be amalgamated along with a single storey rear infill extension and minor alterations under this application.

The new single storey infill extension would extend at the rear of the site, in the remaining external area, adjacent to the neighbouring property at no. 36 Gayton Road. The extension would include a bin store area, disabled WC and baby change room, an area for buggy parking and cloakroom, all in association with the theatre use. The infill extension would result in the full coverage of the site with no external amenity space remaining for the commercial use. It is understood that the proposed extension would ensure the long-term viability and accessibility of the theatre use which is desired and supported by the community as indicated by the great number of comments in support which have been received. The proposed extension would facilitate a more inclusive, accessible and viable long term use of the community use which has been approved.

The proposed infill extension would have a sloped roof towards 36 Gayton Road, thereby maintaining a subservient appearance on the host building and also on the terrace to which it belongs. The demolition and rebuilding of the existing part single part two storey structures which is shown on the application drawings is the same as under planning permission 2020/3203/P granted consent on 06/10/2020. The new infill extension would align sympathetically in scale, projection and detailed design with those already granted consent, and overall it would preserve the character of the rear elevation and wider terrace row. To ensure high quality design, details of all new materials would be secured by condition.

In terms of impact on neighbouring amenity, due to the proposals modest projection, it is unlikely that any significant harm would arise to amenity of occupiers at no. 36 Gayton Road, in terms of loss of light, outlook or overlooking.

A short length of railings would replace a wall on the Willow Road side of the

first floor terrace. No harm would be caused to the appearance of the Conservation Area.

- 2 The ground floor kitchen area is now proposed to be relocated to the rear of the building. This was previously proposed in the middle of the building. The kitchen extract duct would remain within the building (within the existing chimney breast) and the cooking menu would remain limited to pancakes and waffles as confirmed in the Odour assessment (and as per the original consent) to ensure no harmful impact to the neighbouring amenity from cooking smells and odours.

A replacement mansard extension was granted under application 2020/2519/P. The rear and sider dormers within the mansard are proposed to be replaced by single pane timber sash dormer windows with of a simpler design and smaller projection. They would maintain the hierarchy of the openings and the character and appearance of the host building. To the front the proposed openings would have a new frame surround of same material as the mansard, which would maintain the openings as previously granted consent and therefore acceptable.

The extension of the existing basement (under the existing part single part two storey rear extensions) was granted consent under application ref 2020/3681/P. The same proposal is included in this application, supported by a Basement Impact Assessment (BIA) which was audited Council's third party basement 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. Given the close proximity of the works to the public highway, an Approval in Principal application will be secured through a section 106 legal agreement.

The basement extension would be entirely subterranean with no external manifestations. Therefore it would not result in any harm to streetscene nor to the neighbouring amenity in terms of loss of light, outlook nor privacy.

A letter confirming the engineer to be employed to oversee the temporary and permanent works throughout their duration has been provided. The engineer's credentials are 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 is a mature Holm Oak tree at the rear of the application site, within the grounds of Gardnor House. The tree is highly visible form the public realm and it contributes significantly to the character and appearance of the conservation area. An Arboricultural Assessment has been re-submitted which confirms that

the proposed excavation would not result in any harmful impact to the existing tree and its wellbeing. Additional information has been provided in relation to the root protection measures from construction works and also from leaching of contaminants from the basement construction, with cement boards. The Council's tree officer has reviewed this information and confirmed it is acceptable subject to a compliance condition to ensure the cement boards are waterproof.

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 Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

One objection was received prior making this decision. This is addressed in a consultation summary. The consultation summary also notes and summarises the letters of support which have been received.

- 3 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, A2, A4, A5, A3, D1, D2, G1, DM1, C2 and T4 of Camden Local Plan 2017; policies DH1, DH2, HC2 of Hampstead Neighbourhood Plan 2018. The development would also accord with the National Planning Policy Framework 2021 and the London Plan 2021.

- 4 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).
- 5 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.
- 6 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.

- 7 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.
- 8 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 9 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 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 . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 10 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. 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 will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 11 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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer