

Application ref: 2023/1434/P
Contact: Lauren Ford
Tel: 020 7974 3040
Email: Lauren.Ford@camden.gov.uk
Date: 29 November 2023

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

Lichfields
The Minster Building
21 Mincing Lane
London
EC3R 7AG

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:
17 Lyndhurst Gardens
London
NW3 5NU

Proposal:

Variation of condition 2 (approved drawings) of 2019/6151/P granted 29/09/2021 for the change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 1 x 5 bedroom unit, 1 x 5 bedroom unit and 1 x 4 bedroom unit, internal alterations, external alterations including a new glass link element and lowering of basement level, hard and soft landscaping including the removal of 10 trees, a summer house with internal cycling parking, a bin store, a cycle store and other associated works; namely, addition of two dormers to roof of Annexe building.

Drawing Nos: 1000 rev A, 1062, 1120 rev F, 1121 rev G, 1122 rev F1, 1123 rev F1, 1124 rev F1, 1140 rev F, 1141 rev F1, 1150 rev F1, 1151 rev F1, Noise Impact Assessment revision 02 dated 09/02/2022, and Design and Access Statement revision A.

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 permission reference 2019/6151/P granted 29/09/202.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Approved drawings

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

1120 rev F, 1121 rev G, 1122 rev F1, 1123 rev F1, 1124 rev F1, 1140 rev F, 1141 rev F1, 1150 rev F1, 1151 rev F1, 3601 rev C, 3602 rev C, 3605 rev C, 3607 rev C, Landscape masterplan ref: 2568-11-P01C, 8000 L102 rev A, 8000 L008 rev A, 8000 L003 rev A, 8000 L002 rev A, 3011 rev B, 3012 rev B, 3013 rev B, 3014 rev B, 4500 rev B, 4501 rev B, 4502 rev B, 4503 rev B.

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

3 External fixtures

No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

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 of the London Borough of Camden Local Plan 2017.

4 Brickwork sample

Before the boundary wall brickwork is commenced, a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. 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 Details of basement engineer

Price & Myers LLP shall 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 the details approved under reference 2022/5472/P granted on 11/01/2023.

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 Basement development

The basement development shall be constructed in accordance with the method and recommendations set out in the following documents: Basement Impact Assessment (including Desk Study & Ground Investigation Report) (ref: J20088), rev 6 dated December 2020, by GEA Ltd; Basement Impact Assessment (including Desk Study & Ground Investigation Report) (ref.:J20088), dated September 2020, by GEA Ltd; and the recommendations set out in Campbell Reith's audit report revision F1 dated January 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 policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017

7 Cycle parking

Prior to the occupation of the development, the cycle storage areas (including 3 spaces for the lodge, 4 spaces for the annex, and 6 spaces for the main house) shall be provided in their entirety prior to the first occupation of the development, 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.

8 Breeding bird protection

The proposed demolition or any site clearance should be undertaken outside the breeding bird season (i.e. it should be undertaken in the period September to January inclusive). Should it prove necessary to undertake demolition or clearance works during the bird nesting season, then a pre-works check for nesting birds should be undertaken by a qualified ecologist. If any active nests are found, works should cease and an appropriate buffer zone should be established (the qualified ecologist would advise). This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: In order to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of Policies A3 and CC2 of the London Borough of Camden Local Plan 2017

9 Landscaping details

Prior to commencement of above-ground development (excluding demolition and any site preparation works), full details of hard and soft landscaping and

means of enclosure of all un-built, open areas 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, and details of number, species and location of replacement trees including details of planting method and maintenance. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

10 Landscaping works

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 or prior to the occupation for the permitted use of the development, whichever is the sooner. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

11 Green Roof details

Prior to commencement of above-ground development (excluding demolition and any site preparation works), full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority. Details of the green roof provided shall include: species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, as well as details of the maintenance programme for green roof. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies A3, CC2 and CC3 of the London Borough of Camden Local Plan.

12 Water use

The development hereby approved shall achieve a maximum internal water

use of 105litres/person/day. The dwellings 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 policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

13 Energy and Sustainability

Prior to occupation of the development, the applicant will have constructed and implemented the measures contained in the Sustainability and Energy Statement by Scotch Partners dated December 2019 and such measures shall be permanently retained and maintained thereafter.

Reason: In order to secure the appropriate energy and resource efficiency measures in accordance with Policies CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

14 Obscure glazing

The obscured film shall be installed to the south facing windows of The Lodge as shown on the approved drawings prior to occupation of this unit.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

15 Approval from Thames Water

Prior to occupation, details of approval from Thames Water for the capacity into the combined sewer and evidence of their agreement to the final drainage design shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

16 Air quality - off road vehicles

All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

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

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.

- 18 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 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.

Informative(s):

1 Reasons for granting permission

Planning permission was previously granted for the change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 2 x 5 bedroom dwellings and 1 x 4 bedroom dwelling, internal alterations, external alterations including a new glass link element and lowering of the basement level, hard and soft landscaping including the removal of 10 trees, a summer house with internal cycling parking, a bin store, a cycle store and other associated works.

Permission is now sought for a minor material amendment to the approved scheme in the form of two dormer windows to the roof of the annexe building. The proposed amendment is considered a minor change that would have limited impact on the overall design of the approved scheme and would not impact the significance of the building.

The annexe building is a modern 80s addition which, as noted in the original committee report, is a poorly executed and detailed interpretation of the original building that detracts from its significance. The proposals included the re-cladding of the building, changes to the façade to provide a more contemporary, modern design that is clearly differentiated from the materiality and design of the original historic building and the addition of rooflights. The new dormers would be constructed of materials that match the approved design.

The annex is located to the far west of the site where it is shielded from views from Lyndhurst Gardens and neighbouring properties. Given the dual pitched roof of the annexe, the dormers also would not be visible from the garden of the property which sit to the south of the house, and the appearance of the

principal southern façade of the annexe would remain as approved. As such, the proposals would not compromise the overall design of the approved building or impact on the character and appearance of the Conservation Area or the significance of the listed building. The Council's Conservation Officer has reviewed these amendments and carried out a site visit and confirmed they are minor changes that would not impact the significance of the building.

The dormers would serve what was originally approved to be a plant room. The proposed plant is entirely internal and as such does not require planning permission, however, due to changes to the specifications of the proposed plant, additional space and head height to the plant room is required. A noise impact assessment has been submitted which demonstrates that the plant would comply with Camden's noise standards, and there would therefore be no additional impact on neighbouring amenity compared to the approved scheme. Additional conditions will be secured to ensure compliance with these standards. In addition, the proposed dormers would not result in any other impacts to neighbouring amenity in terms of daylight/sunlight, outlook or privacy due to their size and location.

The proposed drawings include a number of additional non-material amendments which have recently been approved under references 2023/0625/P and 2023/0605/L on 21/06/2023 and as such, they are not re-considered here.

No objections were received prior to the determination of this application and the planning history of the site has been taken into account when coming to this decision.

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, and to preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 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 D1, D2, A1 and A4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the NPPF 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 proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL

payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 4 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 London Borough of Camden 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.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 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 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) 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:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer