

Application ref: 2023/3689/P
Contact: Kristina Smith
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Date: 6 March 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444

Brinkworth
4-6 Ellsworth Street
London
E2 0AX
United Kingdom

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:
9 Lyndhurst Terrace
London
Camden
NW3 5QA

Proposal:

Variation of condition 2 (approved plans) and removal of condition 18 (ASHP details) of planning permission ref. 2020/2816/P (dated 09/06/2021) for [Demolition of existing dwelling and replacement with a three storey (plus basement) single dwelling house with terraces to front and rear and associated landscaping works], namely to enlarge basement to front to include relocated ASHPs, enlarge rear garden terrace and amendments to landscaping and fenestration

Drawing Nos: 474_L01_01; 474_L01_01; 474_L01_02; 474_L02_01; 474_L02_02; 474_L02_10; 474_L04_01; 474_L04_02; 474_L05_01; 474_L05_02; 474_L05_03; 474_L05_04; 474_L05_05; 474_L05_10; 474_L05_11; 474_L05_12; 474_L05_20; 474_L05_21; 474_L05_22; 474_L11_01; 474_L11_02; 474_L12_10; 474_L14_01; 474_L14_02;; 474_L15_02

3000; 3001; 3002; 3003; 4100; 4003; 4200 (all dated August 2023); 4000; 4001; 4002; 6004 (Rev A)

Design and access statement (dated 13.07.2020); Site investigation and basement impact assessment report (prepared by GEA, dated June 2020); Daylight and sunlight report (version 2, prepared by Point 2, dated November 2023); Daylight & Sunlight Amenity and 7 Lyndhurst Terrace (prepared by Point 2, dated 31 July 2020); Planning Stage Construction Management Plan by Price & Myers, ref. 28920, dated June 2020;

Construction Method Statement by Price & Myers, ref. 28920, dated June 2020; Arboricultural Impact Assessment Report by Tim Moya Associates, ref. 200338-PD-11, dated May 2020; Site Investigation and Basement Impact Assessment Report by Geotechnical and Environmental Associates Limited, ref J20089, issue 3 dated 28 October 2020; Construction Method Statement by Price & Myers, ref. 28920, rev 1, dated November 2020; Thermal & Carbon Compliance Report (prepared by Ritchie+Daffin, dated 21 April 2020)

9 Lyndhurst Terrace - Technical Note by Geotechnical and Environmental Associates (GEA), Ref J20089, Rev 2, dated 5th December 2023; Lyndhurst Terrace Proposed Amendments by Brinkworth Design, dated 5th September 2023; Construction Method Statement by Engineers HRW, Ref 2360, Rev 0, dated 24th October; Plant Noise Assessment Report (prepared by auricl acoustic consulting, dated 10 October 2023); Arboricultural Impact Assessment (prepared by tma dated July 2023)

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

474_L01_01; 474_L01_01; 474_L01_02; 474_L02_01; 474_L02_02; 474_L02_10; 474_L04_01; 474_L04_02; 474_L05_01; 474_L05_02; 474_L05_03; 474_L05_04; 474_L05_05; 474_L05_10; 474_L05_11; 474_L05_12; 474_L05_20; 474_L05_21; 474_L05_22; 474_L11_01; 474_L11_02; 474_L12_10; 474_L14_01; 474_L14_02;; 474_L15_02 3000; 3001; 3002; 3003; 4100; 4003; 4200 (all dated August 2023); 4000; 4001; 4002; 6004 (Rev A)

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2023; Construction Method Statement by Engineers HRW, Ref 2360, Rev 0, dated 24th October; Plant Noise Assessment Report (prepared by auric acoustic consulting, dated 10 October 2023); Arboricultural Impact Assessment (prepared by tma dated July 2023)

Reason:

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

- 3 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 windows (including jambs, head and cill), doors and external gates.

b) Sample panel of the proposed brickwork to show type, colour, bond, mortar mix, joint and pointing to be provided on site

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 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

- 4 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 local planning authority in writing. Such details shall include details of planting to the front terraces, replacement trees to the rear garden, the proposed tree to the front garden and any proposed earthworks including grading, mounding and other changes in ground levels. 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 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 any phase of the development, whichever is the sooner. 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 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 The use of the second floor roof terrace shall not commence until the planter,

as shown on the approved drawings (ref: 474_L12_03_A), has been installed. The planter shall be permanently retained thereafter.

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

- 7 Before the development commences, details of secure and covered cycle storage area for 3 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, 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 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 Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 9 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 D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 10 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Schedule 1 Part 2 (Classes A-D) of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

- 12 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.

- 13 The first and second floor windows serving the stairs on the south elevation of the development hereby approved shall be obscure glazed and fixed shut. The windows shall not thereafter be altered in any way.

Reason: To prevent unreasonable overlooking to surrounding residential occupiers at no.7 Lyndhurst Terrace in accordance with policy A1 of the Camden Local Plan 2017.

- 14 The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 and C6 of the Camden Local Plan 2017.

- 15 Notwithstanding the information shown on the approved drawings, full details of the boundary treatment including height, materials and design of the access gate shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant part of the works.

The relevant part of the works shall be carried out in accordance with the details thus approved.

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 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

- 16 Noise levels at a point 1 metre external to sensitive facades shall be at least

10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

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.

- 17 Prior to commencement of above-ground works, details of the Air Source Heat Pumps and associated equipment (including drawings and data sheets showing their location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving) shall be submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a metering system to monitor performance of the system post construction. A maintenance schedule for each system shall be provided. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

- 18 Notwithstanding what is shown on the approved drawings, prior to the occupation of the development hereby permitted, the two windows on the north elevation, shall not comprise glazing below a Finished Floor Level of 1.8m. The windows shall be retained as such for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 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 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).
- 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 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.

- 3 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.

- 4 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.
- 5 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 they 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.
- 6 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near Thames Water 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 Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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 'DP', is centered on the page.

Daniel Pope
Chief Planning Officer