

Application ref: 2024/0927/P
Contact: Lauren Ford
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Date: 21 October 2024

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

Phone: 020 7974 4444

planning@camden.gov.uk
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Pegasus Group
21 Ganton Street
London
W1F 9BN
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

The Montague On The Garden
15 Montague Street
London
Camden
WC1B 5BJ

Proposal:

Replacement of rear perimeter screens and retractable awning with aluminium framed conservatory with sliding screens and retractable roof.

Drawing Nos: Cover Letter, 06 February 2024; Built Heritage Statement, February 2024 ; P23-2223_DE_101; P23-2223_DE_102; P23-2223_DE_103; P23-2223_DE_201A; P23-2223_DE_202B; P23-2223_DE_301; P23-2223_DE_302; P23-2223_DE_303.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In order to comply with the provisions of Section 92 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: Cover Letter, 06 February 2024; Built Heritage Statement, February 2024 ; P23-2223_DE_101; P23-2223_DE_102; P23-2223_DE_103; P23-2223_DE_201A; P23-2223_DE_202B; P23-2223_DE_301; P23-2223_DE_302; P23-2223_DE_303.

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

- 3 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 London Borough of Camden Local Plan 2017.

Informative(s):

- 1 The application site is part of the Montague on the Gardens Hotel, and is part of the terrace of 18 houses dating to 1803, which are Grade II listed (no's 12-29). The late Georgian terrace is 4 storeys high, plus basement levels. The application site is located on the eastern side of Montague Street. The site abuts the privately accessible Montague Bedford Gardens to the rear which is designated a private open space. The site also lies within Bloomsbury Conservation Area.

The applicant is seeking permission for the replacement of existing rear perimeter screens and retractable awning with an aluminium framed conservatory with sliding screens and retractable roof. It would create a more permanent enclosure of the space, though with retractable glazing.

It is noted that an almost identical scheme for a slightly larger structure than that proposed was approved elsewhere on the rear elevation of the hotel in 2019 (2018/3944/P and 2018/4724/L), therefore the proposed design is consistent with the existing extensions to the rear within this area. This includes its colour (white), which is consistent with the existing structure granted in 2019.

The proposed structure is considered subservient in scale to the host building, and the structure is relatively lightweight, and visually permeable, allowing views through to the brick rear elevation of the building. The existing structure granted in 2019 demonstrates this impact. The proposal would have limited visibility, with views restricted to the rear gardens of properties on Bedford Place, and from the privately accessible Montague Bedford Gardens.

The proposal would preserve the character and appearance of the conservation area overall. It would also preserve the special architectural or historic interest of the listed building.

Special regard has been attached to the desirability of preserving or enhancing the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings

and Conservation Areas) Act 1990 as amended.

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.

Given the scale and nature of the proposed works, the proposal would not give rise to any adverse amenity related effects.

No objections were received following statutory consultation. The site's planning history has been taken into account when making this decision.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 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.

- 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, 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 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not

begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because it is not "major development" and the application was made before 2 April 2024.

- 6 ++ Summary of statutory exemptions for biodiversity gain condition:
1. The planning application was made before 12 February 2024.
 2. The planning permission is retrospective.
 3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission to which it relates was granted before 12 February 2024, or, the original (parent) planning permission to which it relates was made before 12 February 2024.
 4. The permission is exempt because:
 - It is not 'major development' and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.
 - The application is a Householder Application.
 - It is for development of a Biodiversity Gain Site.
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares, and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high speed railway transport network (High Speed 2).

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements.

The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied the adverse effect on the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

+ The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer