

Application ref: 2024/0460/P  
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Date: 6 November 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](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

DARA  
21-23 Egerton Gardens  
Flat 6  
London  
SW3 2DF  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**Goulding House**  
**85 Heath Street**  
**London**  
**NW3 6UG**

Proposal:

Change of use of the part ground floor and first floor from commercial unit (Class E) to create a residential dwelling (Class C3) accessed from Golden Yard; the demolition and replacement of the existing rear extensions; associated internal and external refurbishment works; the creation of a bin and bike store and a separate lock up retail (Class E) unit at ground floor fronting Heath Street; as well as other ancillary works.

Drawing Nos: 1955-NMA-00-XX-SK-B-00001; 1955-NMA-00-ZZ-SK-A-00100 REVP9; 1955-NMA-00-XX-SK-A-00200 REVP8; 1955-NMA-00-XX-SK-A-00300; 1955-NMA-00-XX-SK-A-00700; 1955-NMA-XX-XX-PH-A-00001; 1955-NMA-00-ZZ-SK-D-00100; 1955-NMA-00-ZZ-SK-A-00200 REVP8; 1955-NMA-00-ZZ-SK-A-00700 REVP8; 1955-NMA-00-ZZ-SK-D-00100 REVP7; 1955-NMA-00-ZZ-SK-B-00100; 1955-NMA-00-XX-SK-B-00200 REVP4; 1955-NMA-00-ZZ-SK-A-00300 REVP8; 1955-NMA-XX-01-DR-A-00600 REVP1; Planning Design and Access Statement dated January 2024, prepared by DARA Capital Ltd and Heritage Statement REV4 dated March 2023, prepared by Roger Mears Architects.

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: 11955-NMA-00-XX-SK-B-00001; 1955-NMA-00-ZZ-SK-A-00100 REVP9; 1955-NMA-00-XX-SK-A-00200 REVP8; 1955-NMA-00-XX-SK-A-00300; 1955-NMA-00-XX-SK-A-00700; 1955-NMA-XX-XX-PH-A-00001; 1955-NMA-00-ZZ-SK-D-00100; 1955-NMA-00-ZZ-SK-A-00200 REVP8; 1955-NMA-00-ZZ-SK-A-00700 REVP8; 1955-NMA-00-ZZ-SK-D-00100 REVP7; 1955-NMA-00-ZZ-SK-B-00100; 1955-NMA-00-XX-SK-B-00200 REVP4; 1955-NMA-00-ZZ-SK-A-00300 REVP8; 1955-NMA-XX-01-DR-A-00600 REVP1; Planning Design and Access Statement dated January 2024, prepared by DARA Capital Ltd and Heritage Statement REV4 dated March 2023, prepared by Roger Mears Architects.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2024.

- 4 The development hereby approved shall achieve a maximum internal water use of 110 litres per person per day. The dwelling 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.

- 5 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
  - i. a detailed scheme of maintenance
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and showing a variation of substrate depth with peaks and troughs
  - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures

to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017 and policy NE1 of the Hampstead Neighbourhood Plan 2024.

- 6 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Notwithstanding the details shown in the application the proposed vertical cycle stand in the rear courtyard area is not approved by this permission.

Reason: The development is required to provide adequate cycle parking facilities that are designed in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017 and policy TT4 of the Hampstead Neighbourhood Plan 2024.

#### Informative(s):

- 1 Reasons for granting permission.

The Grade II listed building at the application site is a commercial unit (Class E) and is currently being used as an Interior Design Studio, the commercial unit has a total floor area of approximately 107sqm at ground and first floors. The proposal involves the change of use of the rear part of the ground floor and the entire first floor measuring approximately 87sqm into a residential maisonette (Class C3). The remainder of the building (approximately 20sqm) would be refurbished with internal reconfigurations and alterations to retain the commercial floor space to the front of the property.

#### Land use

The property is Grade II listed and the significance of the listed building lies in its architectural design, plan form and historic fabric. The site is also located within the Hampstead Conservation Area and the Hampstead Neighbourhood Plan Area, and within the Hampstead Town Centre.

The front of the properties along the ground floor are mainly commercial units with residential use above. At the rear of the property properties within Golden Yard are in residential use. Housing is the priority land use of the Local Plan and therefore the creation of an additional residential unit is welcomed, in principle. The supporting text to the Local Plan is clear that the Council will attach equal weight to the quality and quantity of new homes proposed in the borough and will not sacrifice housing quality in order to maximise overall housing supply.

Loss of commercial floorspace:

Policy E2 (Employment premises and sites) states that the Council will protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents or the local economy. Council will resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction:

a) The site or building is no longer suitable for its existing business use; and b) That the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

In relation to point (a), supporting text paragraph 5.37 explains that when considering whether there is potential for business use to continue, the following points will be considered would be a) if the suitability of the location for any business use; b) Whether the premises are in a reasonable condition to allow the use to continue; c) The range of unit sizes it provides, particularly suitability for small businesses and; d) Whether the business use is well related to nearby land uses.

The proposal would include the retention of the ground floor front part of the building as commercial floorspace (19.5 sq. m). Although the retained commercial unit would be modest in size, the supporting evidence prepared by an estate agent confirms that smaller commercial units of this size in this location do attract small local independent businesses and would continue to offer viable commercial floorspace. It is therefore recognised that the refurbishment of the retained employment floorspace will secure the long-term and optimal use of the building. The existing owners are intending to return to the site once the works have been completed. The proposal would return the rear part of the property (6 Golden Yard) back to a residential dwelling, reflective of the adjacent properties and character of the Yard. The loss of 87 sq. m of commercial floor space and retention of 19.5 sq. m to continue to provide a useable amount of commercial floorspace together with the creation of a residential unit would therefore be considered acceptable in this location.

- 2 Policy H7 seeks to provide a range of unit sizes to meet demand across the borough. For market units, table 1 of the policy considers 1 bedroom/studios to have a lower priority, 2 and 3 bedroom units to be of high priority and 4 bedroom or more to be of lower priority. The proposal would provide a 2 Bed 4 Person dwelling. The floor area of the proposed dwelling would have a generous floor area (87sqm) and comfortably exceed the Nationally Described Space Standards (minimum 79sqm and 2 sqm storage space) for a two bedroom dwelling over two floors.

The dining room and living room at ground floor level would be served by one modestly sized north facing window. A larger skylight within the single storey rear extension and glass link extension at the rear of the main building would be installed providing daylight into the dining room and living room. However, outlook to the main ground floor rooms would be limited to a north facing modestly sided window, the skylight and the glazed roof of the glass link extension. All bedrooms would have adequate access to sunlight and daylight.

In this instance a degree of flexibility is shown to the quality of the residential ground floor floorspace given the constraints involved in converting an existing historic property and considerable weight is given to the importance of providing high priority self-contained housing (2-bedroom 4 person maisonette (Class C3 flats). Normally family-sized accommodation should have access to their own private amenity space. Although there is a small external amenity space at the rear of the property it is not considered useable for sitting out. Given the confined nature of the site and its location within the Hampstead town centre, the lack of outside amenity space would be accepted. The proposed dwelling provides internal storage areas, in particular at the ground floor level. For these reasons above, the proposed residential unit is considered to provide an acceptable standard of accommodation for future occupants and would be in accordance with policies H6 and D1.

#### Affordable housing

Policy H4 ensures development maximises the provision of affordable housing. The Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more, and where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. Given the proposal would not include an extension that exceeds the threshold of over 100sqm, a contribution to affordable housing would not be required in this instance.

#### Heritage and design

The proposal would include the demolition of the existing two storey structure to the rear including the glass roof and erection of a new single storey rear extension and glass link building. The proposed extension would be smaller in bulk and scale which would be built with brick to match the existing. A new single storey glazed extension is also proposed to the rear ground floor and the proposed extensions are considered to be sympathetic additions to the host building. To the rear elevation, a new window is proposed at ground floor level and a window would be reinstalled at first floor level. The proposed windows would be considered acceptable. The scheme would include the reinstatement of a historic sill which would reintroduce a loss historic feature which is welcomed.

The existing concrete pavers at the rear were removed to reveal a former staircase which would be reinstalled to provide access from the ground to the rear raised ground floor and no objection is raised in terms of its design and appearance.

- 3 No details have been submitted of the precise location of the bin stores and it is envisaged that refuse will be stored as per the existing arrangement of the commercial unit which is in the kitchen and then taken to the rear yard as per the other households. A condition is attached requiring the submission of bin store details and the provision of adequate waste storage.

#### Biodiversity/Sustainability

A modest green roof is proposed on the new single storey rear extension and the green roof would be conditioned to ensure the proposal increase the overall biodiversity of the site. The proposal is considered to be exempt from the

Biodiversity Net Gain requirements set out within Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) as it falls 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.

A condition would be attached to ensure the internal water consumption of the proposed residential units is less than 105 litres per person per day, as required by the planning policies. Compliance with this requirement shall be secured by condition.

Transport:

Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion.

The existing office space does not have any associated on-street parking permits. No dedicated onsite car parking is proposed for the new dwelling. The applicant has agreed for the dwelling to be 'car free', which would exclude the owner/occupier from obtaining any on-street parking permit for the dwelling as well as any future occupiers. The 'car free' provision would be secured via a s106 legal agreement.

Policy T1 requires cycle parking facilities in the form of 2 x long-stay cycle spaces, to be provided for the new dwelling, in accordance with the London Plan. The submitted plans show a single vertical rack in the rear yard of the property. The use of such racks is not supported by the Council as they are difficult to use, offer low levels of security and can lead to wheel damage. Given the lack of space available on site a cycle parking contribution of £1,440 would be secured towards the provision of a cycle hanger in the vicinity of the site, would be secured as part of a s106 legal agreement

Sustainability

Due to the building being Grade II listed, there are constraints in implementing further significant sustainability improvements, such as building fabric upgrades or glazing upgrades, as part of the refurbishment and conversion works. Solar panels were considered as a potential option, however, the existing roofs would not likely have the structural integrity to house the panels.

Special attention has been paid to the desirability of preserving the listed building and 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 s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### 4 Amenity

Given the relatively modest height and depth of the rear extension occurring at

ground floor level which would be lower than the existing extension being replaced the rear extension would not result in a significant reduction in sunlight and daylight to neighbouring residential dwelling[s]. Given the setting of the new window within the rear wall and the re-installation of the original window both to the rear of the property, it is not considered that the fenestration alterations would exacerbate any overlooking from the proposed dwelling into the window[s] of the neighbouring occupiers. Similarly, the reduction in size and scale of the rear extension and the location of the window within the rear wall would have negligible impact with the outlook of the neighbouring properties.

Comments have been received from the owner/occupier of 7 Golden Yard who raised concern that the application would lead to trespassing. However, the site plan that was submitted with the application indicates that the application site encompasses No 6 Golden Yard which has an existing access into Golden Yard. If trespassing occurs it would be a private issue between both parties. Concern was also raised in regard to the destruction / erection of enclosing wall and this would not be a material consideration and would be a Party Wall issue, as such an informative is attached to ensure that any Party wall issues are independently addressed. Concern was raised in regards to the loss of the chimney stack. However, no change is proposed to the existing chimney stacks. No further comments/objections were received following the statutory consultation. The planning history of the site and surrounding area has been considered when determining this application.

As such, the proposed development is in general accordance with policies A1, CC1, CC2, CC3, E2, D1, D2, H1, H6, H7, TC2, T1 and T2 of the London Borough of Camden Local Plan 2017, policies DH1, DH2, NE1, NE2, TT4 and HC1 of the Hampstead Neighbourhood Plan 2024, the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 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).
- 7 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.

- 8 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](http://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.

- 9 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.

- 10 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.

- 11 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

- 12 Biodiversity Net Gain (BNG) Informative (1/2):

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 the application 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).

++ 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 was made or granted 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).

### 13 Biodiversity Net Gain (BNG) Informative (2/2):

+ 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. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan),

and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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 typed name and title.

Daniel Pope  
Chief Planning Officer