

Application ref: 2024/3928/P
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Date: 5 December 2024

Development Management
Regeneration and Planning
London Borough of Camden
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City Planning Ltd
Third Floor
244 Vauxhall Bridge Road
London
SW1V 1AU
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**39 Marchmont Street
London
Camden
WC1N 1AP**

Proposal:

Repairs and refurbishment of residential units including repairs of main roof, replacement of rear dormers, reinstatement of missing chimney pot, replacement of door to roof terrace and installation of balustrading to roof terrace and associated internal works.

Drawing Nos: 24002-MA-PL2-XX-DR-A-001-P01, 24002-MA-PL2-XX-DR-A-041-P02, 24002-MA-PL2-XX-DR-A-040-P02, 24002-MA-PL2-ZZ-DR-A-012-P02, 24002-MA-PL2-XX-DR-A-170-P02, 24002-MA-PL2-ZZ-DR-A-110-P01, 24002-MA-PL2-ZZ-DR-A-112-P01, 24002-MA-PL2-XX-DR-A-140-P02, 24002-MA-PL2-XX-DR-A-141-P01, 24002-MA-PL2-ZZ-DR-A-022-P02, 24002-MA-PL2-XX-DR-A-005-P01, 24002-MA-PL2-XX-DR-A-300-P01, 24002-MA-PL2-XX-DR-A-306-P01, 24002-MA-PL2-ZZ-DR-A-020-P02, 24002-MA-PL2-ZZ-DR-A-021-P01, 24002-MA-PL2-XX-DR-A-080-P02, 24002-MA-PL2-XX-DR-A-050-P02, 24002-MA-PL2-XX-DR-A-051-P02, 24002-MA-PL2-XX-DR-A-305-P01, 24002-MA-PL2-ZZ-DR-A-401-P01, 24002-MA-PL2-XX-DR-A-310-P01, 24002-MA-PL2-ZZ-DR-A-400-P01, 24002-MA-PL2-XX-DR-A-070-P02, 24002-MA-PL2-ZZ-DR-A-010-P02, Cover Letter (dated 02/09/24), Design and Access Statement (dated 08/08/24), Heritage Statement (dated August 2024), Structural Condition Report (dated 15/12/23), Structural Condition Survey, Addendum to Structural Condition Survey, Structural Photo Record.

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:

24002-MA-PL2-XX-DR-A-001-P01, 24002-MA-PL2-XX-DR-A-041-P02, 24002-MA-PL2-XX-DR-A-040-P02, 24002-MA-PL2-ZZ-DR-A-012-P02, 24002-MA-PL2-XX-DR-A-170-P02, 24002-MA-PL2-ZZ-DR-A-110-P01, 24002-MA-PL2-ZZ-DR-A-112-P01, 24002-MA-PL2-XX-DR-A-140-P02, 24002-MA-PL2-XX-DR-A-141-P01, 24002-MA-PL2-ZZ-DR-A-022-P02, 24002-MA-PL2-XX-DR-A-005-P01, 24002-MA-PL2-XX-DR-A-300-P01, 24002-MA-PL2-XX-DR-A-306-P01, 24002-MA-PL2-ZZ-DR-A-020-P02, 24002-MA-PL2-ZZ-DR-A-021-P01, 24002-MA-PL2-XX-DR-A-080-P02, 24002-MA-PL2-XX-DR-A-050-P02, 24002-MA-PL2-XX-DR-A-051-P02, 24002-MA-PL2-XX-DR-A-305-P01, 24002-MA-PL2-ZZ-DR-A-401-P01, 24002-MA-PL2-XX-DR-A-310-P01, 24002-MA-PL2-ZZ-DR-A-400-P01, 24002-MA-PL2-XX-DR-A-070-P02, 24002-MA-PL2-ZZ-DR-A-010-P02, Cover Letter (dated 02/09/24), Design and Access Statement (dated 08/08/24), Heritage Statement (dated August 2024), Structural Condition Report (dated 15/12/23), Structural Condition Survey, Addendum to Structural Condition Survey, Structural Photo Record.

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.

Informative(s):

- 1 Reasons for granting planning permission:

The site consists of a mid-terrace property dating from the mid-19th century which is Grade II listed. The building is set over five floors, including a basement storey, with commercial lower ground and ground floors and residential above. This application relates to the residential units only and works to the commercial unit are sought under separate planning and listed building applications (reference 2024/3899/P and 2024/4049/L). There is also

an associated listed building application (reference 2024/4050/L) to accompany this application.

The works are considered to sensitively and sympathetically assist in refurbishing the property in terms of their design, size, location, colour and materials used. Following the submission of amended drawings to revise the design of the rear dormers they are considered to be sensitively designed dormers of a similar size with sash windows. The dormers will reflect the design and appearance of the building's fenestration and the wider terrace and are acceptable. All repairs to the parapet walls and chimney pot will match the existing in place. The replacement door to the roof terrace will have a traditional design and the proposed black iron 1.1m high railings will match those that are found along the rest of the terrace. These works are therefore acceptable.

Overall, it is considered that the proposals would preserve and enhance the historic building. It is considered that the works will enhance the townscape value and aesthetic contribution that the host building makes to both the wider terrace and the character and appearance of the Bloomsbury Conservation Area.

Due to the nature of the proposed works they are not considered to result in any adverse impacts on the amenity of neighbouring occupiers. The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, and the desirability of preserving or enhancing the character or appearance of the Bloomsbury 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 2013.

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 the works are considered to fall below the de minimus threshold 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.

As such, the proposal is in general accordance with policies A1, D1, and D2 of the Camden Local Plan 2017, 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 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.

- 4 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.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted 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 permission will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

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).

6 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.](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 centered on the page.

Daniel Pope
Chief Planning Officer