

Application ref: 2024/4375/P
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Development Management
Regeneration and Planning
London Borough of Camden
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Lisa Shell Architects Ltd
Unit EG2 Norway Wharf
24 Hertford Road
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United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Burghley Yard
106 Burghley Road
London
NW5 1AL

Proposal:

Alterations to commercial building including the replacement of ground floor windows with doors to front and rear elevations, repositioning and installation of new goods doors and installation of new door opening on ground floor front elevation, installation of access walkways at roof level on the side roof slopes, installation of openable rooflights and access hatches to roofs and replacement of automated entrance gates on Burghley Road. Drawing Nos: BGY/LO/001/K; BGY/SP/001/F; BGY/SUP/002B; BGY/SUP/003A; BGY/SUP/101B; BGY/SUP/102B; BGY/SUP/103A; BGY/SUP/104A; BGY/SUP/106; BGY/GAP/001A; BGY/GAP/002A; BGY/GAP/003A; BGY/GAP/101A; BGY/GAP/102A; BGY/GAP/103A; BGY/GAP/104A; BGY/GAP/106A; BGY/PH/001/C and BGYL005B.

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: BGY/LO/001/K; BGY/SP/001/F; BGY/SUP/001A; BGY/SUP/002A; BGY/SUP/003A; BGY/SUP/101A; BGY/SUP/102A; BGY/SUP/103A; BGY/SUP/104A; BGY/SUP/106; BGY/GAP/001A; BGY/GAP/002B; BGY/GAP/003B; BGY/GAP/101C; BGY/GAP/102C; BGY/GAP/103A; BGY/GAP/104A; BGY/GAP/106A and BGYL005C.

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 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 4 The proposed access walkways on the roof hereby approved shall be used for maintenance purposes only and shall not be accessed for any ancillary use associated with the uses taking place within the building.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 5 Before the relevant part of the work is begun, detailed drawings including plan and section drawings of the new door[s] to the front elevation at a scale of 1:10, shall be submitted to and approved in writing by the local planning authority.

To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

Informative(s):

- 1 Reasons for granting permission:

The application site dates from the 1880s, the same time as the surrounding houses and shops and was built as a single long shed with its entrance on Burghley Road. The commercial unit was designed to house horse-drawn buses operated by the London General Omnibus Company. The agent indicate that the horse-drawn transports were stored at ground floor level, with the horses stabled located at above first floor level. However, the 1890s Ordinance Survey submitted with the proposal suggests it may have been entirely given

over to stables. and the property is within Kentish Town Neighbourhood Plan area and is locally listed.

Planning permission is sought for various internal and external alterations to the existing commercial unit including the installation of maintenance access walkways above the eaves along the side elevation roof slopes; replacement of ground floor window with doors to front and rear elevations; installation of openable rooflights and access hatches to roof slopes and installation of replacement automated entrance gates on Burghley Road.

The proposed alterations to the roof of the building include the installation of rooflights to improve the natural light within the building and some of the proposed rooflights would be openable to enable improved maintenance access to the roof. The rooflights would not be readily visible from the public domain and as such, would not harm the special interest of the locally listed building nor the wider area and are therefore considered acceptable.

The proposed metal railings installed on the roof eaves would be used as walkways for the maintenance of the roof. The agent has confirmed that the safety railings are intended to provide appropriate access to the roof gutters to ensure that the existing guttering can be maintained regularly into the future. Photo evidence was submitted showing that the masonry walls of the building are almost entirely saturated due to blockages in rainwater goods, resulting in overflow of the gutters which is causing loss of pointing and so potentially structural degradation of the elements of the building that are of greatest heritage significance, the vast masonry walls. Alternative options have been explored, including the use of abseilers or tethered access from roof rails. However, the pitch of the roofslope is too great for this to be undertaken safely. Thus, in light of the above, the installation of safety railings at roof level is considered acceptable in this instance.

Alterations to the front elevation allow improved access into and within the building for the fabrication of artworks and the replacement of the window with door would not harm the design and appearance of the host building. The replacement gates to the Burghley Road elevation are required for improved automated vehicle access as well as the introduction of a pedestrian access. The scale of the doors are in keeping with the scale of the building which historically accommodated buses and has a 3.7m ceiling height at ground floor level. Notwithstanding the above, the final detailed design of the proposed door would be conditioned .

- 2 The small door would create an exit from the newly created kitchen to the rear that would be used as a fire escape passageway. This would be considered a minor alteration and would be considered acceptable.

Overall, the proposals would not harm the character and appearance of the host building, streetscene and wider area .

Given the nature of the works the proposed façade/fenestration alterations are unlikely to have an impact that would be detrimental to the neighbouring residential amenities. The proposed access walkways on the roof eaves could result in direct overlooking into the rear windows of neighbouring properties on

Fortess Road. This would not normally be supported without some form of mitigation. However, given that the proposed access walkways would only be used for maintenance purposes the level of use should not result in any harm that would be detrimental. A condition would be attached to any permission to ensure that the accessways at roof level would only be used for maintenance purposes and not for any ancillary use taking place in the building.

As this development does not impact a priority habitat and is on an existing area of hardstanding. It is therefore considered de minimis and would be 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).

No objections have been received prior to making this decision and the planning history of the site has been taken into account when coming to this decision. The Kentish Town Neighbourhood Forum advised that they have no comments to make on the application.

As such, the proposed development is in general accordance with policies D1, A1 and A3 of the Camden Local Plan 2017. The proposed development accords with D3 of the Kentish Town Neighbourhood Plan 2016, the London Plan 2021 and the National Planning Policy Framework 2024.

- 3 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).
- 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 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.

6 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, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun due to the proposal being below the de minimis threshold.

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

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 of one or more of the reasons below:

- 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).

7 + 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 both the post-development value of the onsite habitat and 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 positioned above the typed name.

Daniel Pope
Chief Planning Officer