

Application ref: 2024/5097/P
Contact: Laura Dorbeck
Tel: 020 7974 1017
Email: Laura.Dorbeck@camden.gov.uk
Date: 14 May 2025

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Lichfields
The Minster Building
21 Mincing Lane
London
EC3R 7AG
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:
17 Lyndhurst Gardens
London
NW3 5NU

Proposal:

Variation of condition 2 (approved drawings) of 2019/6151/P granted 29/09/2021 for the change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 1 x 5 bedroom unit, 1 x 5 bedroom unit and 1 x 4 bedroom unit, internal alterations, external alterations including a new glass link element and lowering of basement level, hard and soft landscaping including the removal of 10 trees, a summer house with internal cycling parking, a bin store, a cycle store and other associated works; namely, the retention and refurbishment of existing link structure rather than demolition and rebuilding and associated reduction in demolition, excavation and alterations to main house and Annexe, reduction in internal and external alterations to Annexe, and minor changes to landscaping.

Drawing Nos: 1120 rev M, 1121 rev L, 1122 rev L, 1123 rev L, 1124 rev L, 1140 rev L, 1141 rev L, 1150 rev L, 1151 rev L, 3601 rev C03, 3602 rev C03, 3605 rev C03,
Landscape masterplan ref: 2568-11-01-PL04, 9000 L1.02 rev C02, 9000 L0.08 rev C01, 9000 L0.03 rev C02, 9000 L0.02 rev C02, 3011 rev F, 3012 rev F, 3013 rev F, 3014 rev F, 5243-SP-MH-00-DR-P-410 rev C04, TFS-RS-10057-0L002 rev A09, TFS-RS-10057-0L012 rev A09.

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 the original permission granted on 29 September 2021 under reference 2019/6151/P.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approved drawings

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

1120 rev M, 1121 rev L, 1122 rev L, 1123 rev L, 1124 rev L, 1140 rev L, 1141 rev L, 1150 rev L, 1151 rev L, 3601 rev C03, 3602 rev C03, 3605 rev C03, Landscape masterplan ref: 2568-11-01-PL04, 9000 L1.02 rev C02, 9000 L0.08 rev C01, 9000 L0.03 rev C02, 9000 L0.02 rev C02, 3011 rev F, 3012 rev F, 3013 rev F, 3014 rev F, 5243-SP-MH-00-DR-P-410 rev C04, TFS-RS-10057-0L002 rev A09, TFS-RS-10057-0L012 rev A09.

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

- 3 External fixtures

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.

- 4 Brickwork sample

The boundary wall brickwork shall be completed in accordance with the details approved on 12/06/2024 under reference 2024/0831/P, or other such details as submitted for approval by the local planning authority. Such details shall include a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing. The approved panel shall be retained on site until the work has been completed.

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.

- 5 Details of basement engineer

The development hereby approved shall only commence with Price and Myers

LLP as the appointed chartered engineer 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 (in accordance with details approved under reference 2022/5472/P on 11 January 2023). 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.

6 Basement development

The basement development shall be constructed in accordance with the method and recommendations set out in the following documents: Basement Impact Assessment (including Desk Study & Ground Investigation Report) (ref: J20088), rev 6 dated December 2020, by GEA Ltd; Basement Impact Assessment (including Desk Study & Ground Investigation Report) (ref.:J20088), dated September 2020, by GEA Ltd; and the recommendations set out in Campbell Reith's audit report revision F1 dated January 2021.

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

7 Cycle parking

Prior to the occupation of the development, the cycle storage areas (including 3 spaces for the lodge, 4 spaces for the annex, and 6 spaces for the main house) shall be provided in their entirety prior to the first occupation of the development, 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 Breeding bird protection

The proposed demolition or any site clearance should be undertaken outside the breeding bird season (i.e. it should be undertaken in the period September to January inclusive). Should it prove necessary to undertake demolition or clearance works during the bird nesting season, then a pre-works check for nesting birds should be undertaken by a qualified ecologist. If any active nests are found, works should cease and an appropriate buffer zone should be established (the qualified ecologist would advise). This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: In order to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of

9 Landscaping details

Prior to practical completion, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels, and details of number, species and location of replacement trees including details of planting method and maintenance. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

10 Landscaping works

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 prior to the occupation for the permitted use of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

11 This condition was removed as part of the current application

12 Water use

The development hereby approved shall achieve a maximum internal water use of 105litres/person/day. The dwellings 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 and CC3 of the Camden Local Plan 2017.

13 Energy and Sustainability

Prior to occupation of the development, the applicant will have constructed and

implemented the measures contained in the Sustainability and Energy Statement by Scotch Partners dated October 2024 and such measures shall be permanently retained and maintained thereafter.

Reason: In order to secure the appropriate energy and resource efficiency measures in accordance with Policies CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

14 Obscure glazing

The obscured film shall be installed to the south facing windows of The Lodge as shown on the approved drawings prior to occupation of this unit.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

15 Approval from Thames Water

Final drainage design shall be in accordance with the details approved on 8 January 2024 under reference 2024/5789/P. Should there be any changes to the design, details of approval from Thames Water for the capacity into the combined sewer and evidence of their agreement to the final drainage design shall be submitted to and approved in writing by the local planning authority prior to occupation of the development.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

16 Air quality - off road vehicles

All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission

Planning permission was previously granted for the change of use from Class D1 (non-residential institution) to Class C3 (residential) as 2 x 5 bedroom dwellings and 1 x 4 bedroom dwelling, internal alterations, external alterations

including a new glass link element and lowering of the basement level, hard and soft landscaping including the removal of 10 trees, a summer house with internal cycling parking, a bin store, a cycle store and other associated works.

Permission is now sought for the following minor material amendments to the approved scheme:

- Retention and refurbishment of existing link structure rather than demolition and rebuilding and associated reductions in demolition and excavation.
- Minor alterations to internal openings and ventilation within the main house, retention of a bay window previously proposed to be demolished, and alteration of an existing ground floor window.
- Minor internal and external changes to the annex including omission of green roof.
- Landscaping changes.

The changes to the link structure have come about following a review of the development's finances and the need to reduce costs. The proposals now include the retention and upgrade of the existing link structure retaining the existing ground levels rather than demolition and rebuild and excavation of the ground level. The overall massing and design would be similar to the existing, but upgraded with higher quality and more sustainable materials. The simplified design is considered to provide a more muted development adjacent to the original listed building which is welcomed. The existing footprint and ground levels would be retained rather than extending further to the rear and into the basement which would also provide sustainability improvements compared to the approved scheme. The description of development has already been amended by non-material amendment application ref. 2024/5098/P to reflect the reduced extent of the works to the link structure.

The original application triggered the policy requirement to provide a payment in lieu of affordable housing; however, the applicant's Financial Viability Assessment concluded that it was not viable to make any contribution and as such a deferred payment was secured via S106 agreement in case the development's viability improved over time. Given the proposed amendments are partly in order to reduce costs, a viability addendum was required to determine whether the scheme could now viably make a payment. The submitted addendum showed that despite the reductions in the extent of works proposed, the build costs would still be similar to the approved scheme (the final tenders for the construction contract for the approved scheme ended up being c.1.6m more than accounted for in the original viability assessment). As such, despite making savings to the overall construction costs, they are slightly higher than previously planned for. The revised scheme therefore remains in deficit and cannot not viably make a payment in lieu of affordable housing. However, the development would still be subject to a S106 head of term requiring a late stage viability appraisal should this situation change.

The changes to the main house generally involve a reduction in the extent of alterations previously approved. An existing bay window was proposed to be removed to make way for the new link structure, which will now be retained. An existing ground floor window which has previously been unsympathetically altered will be replaced with a historically accurate casement window that also provides a required fire escape. There are minor alterations to a modern

internal partition and additional discreet ventilation tiles are proposed to be added at roof level. Finally, the opening into the link will now be retained at its existing width rather than being widened.

- 2 The Council's Conservation Officer has confirmed that the proposed amendments are acceptable and on the whole, represent a reduction in the extent of alterations to the listed building. Conditions have been imposed on the associated listed building consent requiring details and samples of the ventilation tiles and replacement window.

The proposed amendments to the Annex include minor internal changes; a reduction in the extent of proposed excavations; removal of new rooftop dormers previously proposed to house plant; removal of the green roof; retention and refurbishment of existing tiling to the rear; omission of glass guarding to the perimeter; and remodelling of the gable end to accommodate reductions in the size of the link structure. The overall aesthetic of the approved scheme will be retained, but the less visible elements will be pared back and focus will be on retaining and refurbishing the existing structure. Although the approved green roof will be removed, this was not a policy requirement of the approved scheme, and there will be limited impact on the site's biodiversity given the large garden and the reductions in hardstanding and replacement with soft landscaping elsewhere across the site. As such, it is proposed to remove condition 11 which required additional details of the green roof.

The proposed landscaping changes are largely proposed to take account of the changes to the link structure. These include the modification and simplification of the terrace and staircase to the link structure which is welcomed. Other changes include the change from hard surfacing to soft landscaping in the south west corner of the Annex garden and next to the eastern visitor entrance, redirection of the footpath to the link structure, additional pleached tree screening to the southern boundary, and realignment of the lodge garden. These would all be fairly minor changes in the context of the approved scheme and full details would still be secured by condition 9.

The proposed amendments are considered to constitute a minor change that would have limited impact on the overall design of the approved scheme and would not impact the significance of the building. Likewise, they would not impact the character and appearance of the conservation area.

The proposed amendments would not result in any additional impacts to neighbouring amenity in terms of outlook, overlooking, loss of daylight or sunlight, or noise impacts.

The Council's Transport Officer has confirmed they have no objections to the proposed amendments to the approved scheme and do not require the imposition of any further transport related conditions or obligations to those already secured.

No objections were received prior to the determination of this application and the planning history of the site has been taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building or 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 s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies D1, D2, A1 and A4 of the Camden Local Plan 2017. The proposed development also accords with 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 proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 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 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.
- 6 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.

- 7 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 8 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.
- 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 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, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because 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.

++ 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).

11 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 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>.

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 printed name and title.

Daniel Pope
Chief Planning Officer