

AS/P6159
15 November 2016

Development Management
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall
Judd Street
London
WC1H 9JE

Dear Sir/Madam,

Application made under Section 73 of the Town and Country Planning Act (1990) (as amended) to allow a minor material amendment following grant of planning permission 2013/5916/P
16a Lyndhurst Gardens, NW3 5NR
Planning Portal Ref: PP-05475307

We hereby submit, on behalf of the Applicant Lyndhurst Gardens LLP, an application under section 73 of the Town and Country Planning Act (1990) (as amended) for a minor material amendment to planning permission 2013/5916/P dated 29 October 2014. The application is submitted via the Planning Portal, and the relevant Council fee of £195 has been paid online at the time of submission.

The planning permission (2013/5916/P) is for the following aspects of development:

Erection of single storey dwelling with basement and sub-basement, following demolition of existing dwelling (Class C3) [incorporating alternative rooflights layout to north and south elevations to planning application ref: 2013/4232/P].

The application seeks to amend the following conditions:

- Condition 2 to facilitate changes to the approved plans; and
- Condition 13 which requires Lifetime Homes features and facilities to be provided in their entirety prior to the first occupation of the new residential unit.

The minor changes to the consented scheme have resulted from the detailed design that has been undertaken since the decision notice was issued. The proposed changes will improve the layout and design of the consented dwelling for the benefit of future residents, whilst maintaining the bulk, mass and form of the building as previously approved.

Planning History

The planning history as relevant to this current application is summarised in the table below.

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Council Ref:	Description of Development	Status / Date
9400146	The provision of a bay window extension to the front of the existing dwelling house	Granted 02/02/1994
2011/2456/P and 2011/2459/C	Demolition of existing two storey dwelling (Class C3) and erection of two storey dwelling including excavation at basement and sub basement level following demolition of dwelling (Class C3)	Withdrawn 04/07/2011
2011/5968/P and 2011/5981/C	Demolition of existing two storey dwellinghouse and Erection of single storey dwelling with basement and sub-basement, following demolition of existing dwelling (Class C3)	Refused 27/09/2012. Appeal submitted and dismissed 22/04/2013
2013/4232/P	Erection of single storey dwelling with basement and sub-basement, following demolition of existing dwelling (Class C3)	Non-determination: would have granted 21/01/2014. Appeal dismissed 09/07/2014
2013/4779/C	Demolition of existing two storey dwelling house	Non-determination: would have granted 21/01/2014.
2013/5916/P	Erection of single storey dwelling with basement and sub-basement, following demolition of existing dwelling (Class C3) [incorporating alternative rooflights layout to north and south elevations to planning application ref: 2013/4232/P]	Granted 29/10/2014 subject to a s106 agreement
2014/6995/P	Details required by conditions 3 (appointment of engineer to inspect, approve and monitor permanent and temporary basement construction works); 4 (additional basement construction information as itemised in Arup's letter dated 27.6.12 titled 'Audit of revised BIA June 2012'); and 9 (hard and soft landscaping) of planning permission 2013/5916/P dated 29/10/2014 (for the erection of a single storey dwelling with two level basement).	Granted 08/05/2015

Supporting Information

The following information is attached in support of this application:

- Site Location Plan
- Copy of approved plans from planning permission 2013/5916/P
- Proposal plans – prepared by Tooley Foster Architects
- Sustainability and Energy Statement – prepared by Integration
- Structural Methodology Statement – prepared by MNP
- CIL Form

Proposed Amendments

Since the application (Council Ref: 2013/5916/P) was approved in October 2014, the Applicant has undertaken further detailed design which has resulted in proposed amendments to the approved floor

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layouts and elevations. The Applicant has extensive experience in high quality residential developments in London, and the purpose of the proposed amendments is to improve the quality of the residential accommodation for the enjoyment of future occupiers.

The proposed changes to the approved plans are summarised as follows:

- Internal Changes and Site Layout
 - General
 - Internal layouts amended including stairwell being repositioned
 - Store room accessed via the rear is now proposed as a separate shed/store in the rear garden
 - Bicycle storage relocated to rear garden (adjacent to shed)
 - Removal of second stairwell providing access to sub-basement level only. Now a single staircase provides access to both sub-basement and ground floor
 - Refuse store is now accessed externally from the northern side of the house
 - Basement Level
 - Expansion of floorspace at sub-basement level to utilise full extent of consented basement excavation
 - **No additional excavation is required**, the floorspace is simply provided in areas that were already to be excavated and were unused in the consented scheme
 - All other elements of the Basement Impact Assessment approved under Approval of Details (Council Ref 2014/6995/P) remain unchanged
 - One of the living areas on the basement level has been removed and replaced with an additional bedroom
 - Removal of pool at sub-basement level and addition of a cinema/games room, study and laundry room
 - Addition of a lightwell in the western end of the courtyard/garden to provide light to the sub-basement level
- Elevations
 - Repositioning of roof lights on southern roof slope and removal of roof lights on northern roof slope
 - Removal of projecting bay windows on front (western) façade, relocation of front door and addition of a horizontal brick band feature
 - Windows along northern elevation reduced in size

It is also proposed to remove the requirement for compliance with the Code for Sustainable Homes and Lifetime Homes. The Government withdrew the need for compliance with these two standards following the Technical Standards Review in March 2015. These standards are therefore no longer applicable to the proposed development.

Planning Considerations

The proposed amendments to the scheme are intended to improve the quality of the residential accommodation. The proposed dwelling easily exceeds the minimum internal space requirements identified in Table 3.3 of the London Plan (2015) and is compliant with the relevant standards of the Mayor's Housing SPG (including private amenity space requirements).

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The proposed amendments will not have an adverse impact on adjoining neighbours. The proposed changes to the elevations result in less glazing and the number of rooflights has been decreased (by removing the rooflights on the northern roof slope). The proposal therefore complies with Policy DP26 in that it protects the quality of life of future occupiers and neighbours.

Policy DP24 requires all developments to be of the highest standard of design, and the proposal will need to preserve or enhance the character and appearance of the Conservation Area in accordance with Policy DP25. Minor changes to the design are proposed to improve the appearance of the building, including the addition of a horizontal brick band feature on the front, rear and south (side) elevations. The consented red brick on the front façade is maintained to match the neighbour's house. Overall, the proposed changes are considered to improve the appearance of the building and will therefore enhance the character and appearance of the Conservation Area in accordance with Policies DP24 and DP25.

An increase in floorspace is proposed at sub-basement level along the southern site boundary. As outlined in the attached Structural Statement, the additional floorspace does not require any additional excavation from that under the consented scheme. The structural parameters for the basement remain the same with the pile line having previously been agreed through the consented Basement Impact Statement (BIA). The additional floorspace is utilising excavated space that would otherwise be lost and have to be backfilled (resulting in additional work). Therefore the proposal results in not only additional floorspace which has no detrimental impact on the surrounding neighbours, but it is also the most logical and cost effective way to construct the project and utilise the site.

As no additional excavation is required, the proposal is considered to remain compliant with Policy DP27 which permits basement development that does not cause harm to the built and natural environment and local amenity.

A Sustainability and Energy Statement is attached which includes updates and changes from the original Energy Strategy Report that forms an approved document for the consented application. The changes included in the revised Sustainability and Energy Statement (prepared by Integration) are as follows:

- Air Source Heat Pump has been included as the main heating source and Ground Source Heat Pump has been omitted due to the technical constraints imposed on the site from the proximity of London underground lines;
- Improvement of the building fabric U-values; and
- Omission of Code for Sustainable Homes Assessment in accordance with the Written Ministerial Statement published on the 25th of March 2015.

The revised Sustainability and Energy Statement (prepared by Integration) should replace the Energy Statement that is included in the list of approved documents on the decision notice for the consented application. The updated report demonstrates that the proposal will take measures to meet the highest feasible environmental standards that are financially viable in accordance with Policy CS13.

Changes to Conditions

To reflect the proposed changes, we ask that the list of approved documents (as referenced in Condition 3) be updated to reflect the proposal plans and updated Sustainability and Energy

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Strategy. The list of drawings to replace the consented drawings is as follows:

- 4948 DE01 to replace approved plan 1228/2/AP02
- 4948 DE02 to replace approved plan 1228/2/AP15
- 4948 DE03 to replace approved plan 1228/2/AP16
- 4948 DE04 to replace approved plan 1228/2/AP08
- 4948 DE05 to replace approved plan 1228/2/AP14
- 4948 DE06 to replace approved plan 1228/2/AP17
- 4948 DE07 to replace approved plan 1228/2/AP05
- 4948 DE08 to replace approved plan 1228/2/AP07
- 4948 DE09 to replace approved plan 1228/2/AP06
- 4948 DE10 to replace approved plan 1228/2/AP04
- 4948 DE15 to replace approved plan 1228/2/AP03
- 4948 DE18 to replace approved plan 1228/2/AP12
- 4948 DE16 to replace approved plan 1228/2/AP09
- 4948 DE17 to replace approved plan 1228/2/AP10

The Government withdrew the Code for Sustainable Homes and Lifetime Homes concept in early 2015 as part of the review of the technical housing standards. We therefore request that the reference to the Code for Sustainable Homes be removed from Condition 2 and the list of approved documents, and Condition 13 (which requires Lifetime Homes features to be provided) be deleted entirely.

Deed of Variation

In conjunction with this s73 application, we intend on seeking a deed of variation to the s106 agreement associated with the planning permission (2013/5916/P). The proposed changes to the s106 agreement are as follows:

- Code for Sustainable Homes – remove all references to the Code for Sustainable Homes (for the same reasons we request Condition 13 of the decision notice be removed as outlined above); and
- Removal of Clause 4.3 (Local Construction Working Group) – we seek this requirement to be removed in accordance with the conclusion in the appeal (Ref: APP/X5210/A/13/2206940) that a Local Construction Working Group (LCWG) is not required.

We trust you have sufficient information to determine this application positively; however should you require any further information please do not hesitate to contact Sean Tickle or the undersigned.

Yours faithfully

Analeise Smith

For and on behalf of
Rolfe Judd Planning Limited

cc Daniel Baliti Vabel
Jeremy Spencer Vabel