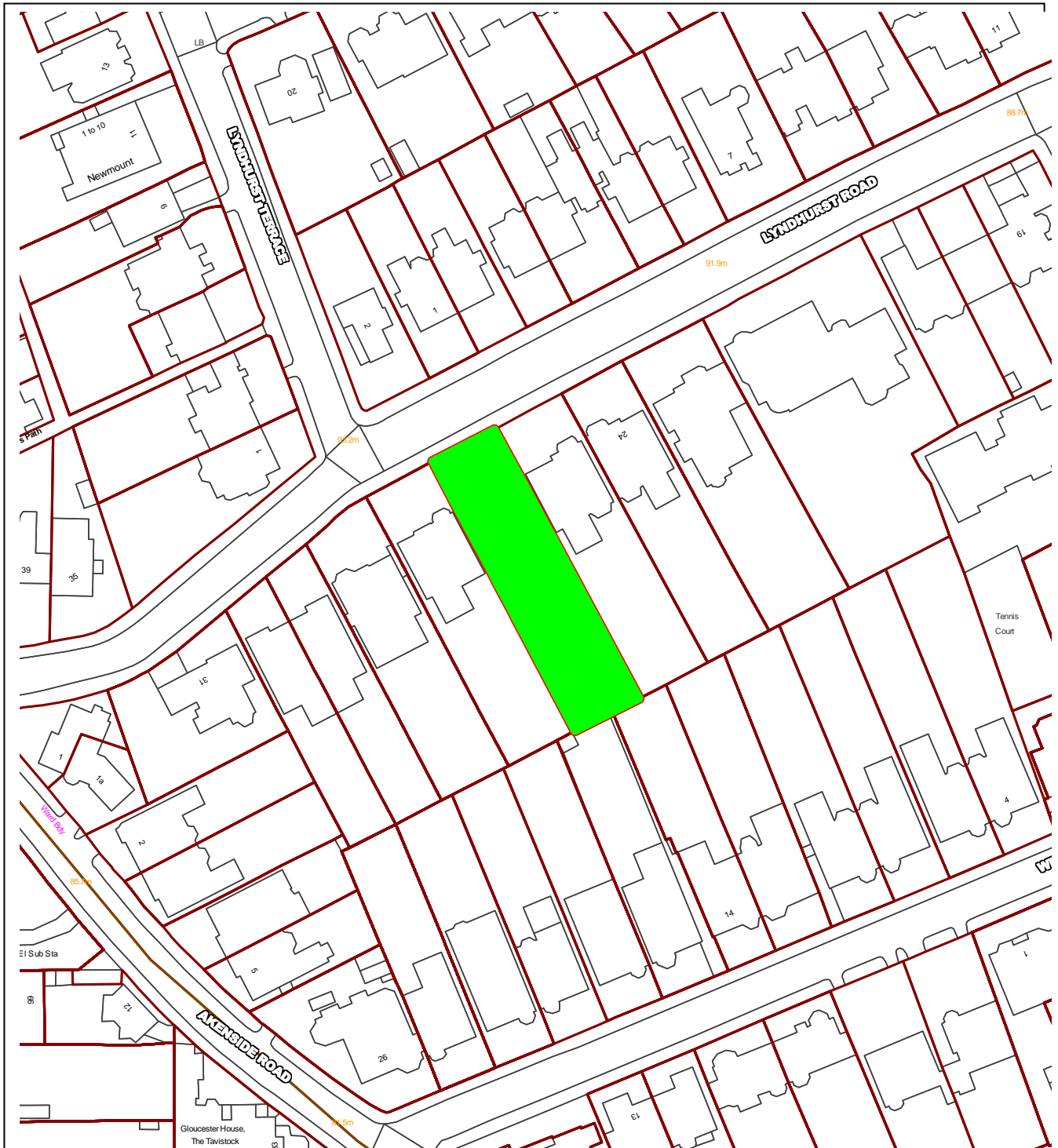


# 2017/0887/P 26 Lyndhurst Road



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Image 1. Facing North



Image 2. Facing south



Image 3. The two apple trees being replaced.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>04/11/2016</b>	
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>		<b>25/10/2016</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Obote Hope				2017/0887/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
26, Lyndhurst Road London NW3 5PB				Refer to draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Variation of condition 7 (tree protection measures) of planning permission ref: (2015/2548/P) dated 22/04/2016) for conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats, namely, rear garden: 2 x Apple - Fell to ground.							
<b>Recommendation(s):</b>		<b>Grant permission</b>					
<b>Application Type:</b>		<b>Variation or Removal of Condition(s)</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
				No. Electronic	<b>01</b>		
<b>Summary of consultation responses:</b>		N/A					
<b>CAAC/Local groups comments:</b>		Hampstead CAACs objections are as follows: <ul style="list-style-type: none"> <li>Hampstead CAAC always objects to the removal of conditions whose provision facilitate consent to scheme for the removal of the trees, this is unnecessary and the trees should retain the natural planting and general soft landscaping.</li> </ul> <p><b>See the main body of the report for the case officers' response.</b></p>					

## Site Description

The site is located on the south side of Lyndhurst Road; it comprises a large detached property which is subdivided into 4 flats. The site is not listed, but is within the Fitzjohns Netherhall Conservation Area and is noted as being a positive contributor.

## Relevant History

**2016/4940/P** - Details pursuant to condition 7 (tree report) and condition 9 (qualified engineer) of planning permission 2015/2548/P dated 18/05/2016 for: Conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats. Alterations at rear to include single storey extension and part first floor extension; enlargement of terraces, creation of inset roof terrace and excavation for swimming pool. Alterations at front to include excavation of lightwell.

**2015/2548/P** - Conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats. Alterations at rear to include single storey extension and part first floor extension; enlargement of terraces, creation of inset roof terrace and excavation for swimming pool. Alterations at front to include excavation of lightwell. **Granted** 18/05/2018.

**2011/3068/P** - Renewal of extant planning permission 2008/1668/P granted 21/07/2008 for additions and alterations to provide additional accommodation to ground and top floor flats, including erection of ground floor rear infill extension below existing projecting terrace, erection of roof extension infilling valley roof, and associated installation of 10 roof lights. **Granted** 03/08/2011.

**2008/1668/P** - Additions and alterations to provide additional accommodation to ground and top floor flats, including erection of ground floor rear infill extension below existing projecting terrace, erection of roof extension infilling valley roof, and associated installation of 10 roof lights. **Granted** 21/07/2008.

**2003/0680/P** - The siting of pre-fabricated steel shed within the communal garden for storage use. **Granted** 19/08/2003.

## Relevant policies

### National Planning Policy Framework 2012

### London Plan March 2016,

### LDF Core Strategy 2010:

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS13 - Tackling climate change through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

### LDF Development Policies 2010:

DP22 - Promoting sustainable design and construction

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

### Camden Planning Guidance 2010 - 2015:

CPG1: Design

### Fitzjohn's and Netherhall Conservation Area Statement 2001

The Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan took place from 30 January to 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

The following policies are considered to be relevant:

- Policy A1 Managing the impact of development
- Policy D1 Design
- Policy D2 Heritage

## Assessment

Planning permission was granted on the 18/05/2016 (ref: 2015/2548/P) for: Conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats. Alterations at rear to include single storey extension and part first floor extension; enlargement of terraces, creation of inset roof terrace and excavation for swimming pool. Alterations at front to include excavation of lightwell. Details of the arboricultural assessment was submitted and approved on 09/09/2016 (2016/4940/P) associated with the two Yew trees (T6 and T7) in the garden to the front of the property and the Apple Orchard (T1 and T2) to the rear would be sufficiently protected during the implementation of the proposal. Consent is now sought for the variation of the approved scheme for the felling of the 2 x Apple tree in the rear garden.

Condition 7 states: Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

## Assessment

The trees to be removed were included as "to be retained" under the original planning permission in 2015 (2015/2548/P) as part of the redevelopment of the site from 4 x self-contained flats to 3 x self-contained units and the details of the arboricultural report for the tree protection was submitted for approval in 2016 (2016/4940/P).

The Tree officers raised no objection to the loss of the trees under Notification of Intended Works to tree(s) in a Conservation Area and the proposed works were part approved part refused in 2016 under reference no 2016/6961/T. The Tree officer acknowledged that the development will have some impact in terms of the loss of the 2 x Apple Orchard Trees to the rear. However, the loss has been assessed and it is considered that the trees proposed for removal are small specimens with low public visibility which are of minimal significance and the Tree Officer's cannot expedite the Apple Tree protection. Moreover, there was no landscaping condition attached to the original consent. As such, there is no requirement for the tree protection in this instance. The trees are not visible from the public realm and therefore their loss will not impact on the character and appearance of the Fitzjohn/Netherhall Conservation Area. A tree condition is attached for the replacement of the two Apple Trees (T1 and T2)

The Council's Tree Officer has reviewed the submitted plan and the revision of the tree plan is considered acceptable for the variation of condition 7. The submitted details are considered to comply with Core Strategy policy CS15.

**Recommendation: Approve details**

### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 15<sup>th</sup> of May 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Ms Michelle Rowihab  
Stiff + Trevillion Architects  
16 Woodfield Road  
London  
W9 2BE

Application Ref: **2017/0887/P**  
Please ask for: **Obote Hope**  
Telephone: 020 7974 2555

17 May 2017

**DRAFT**

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Variation or Removal of Condition(s) Granted

Address:  
**26 Lyndhurst Road**  
**London**  
**NW3 5PB**

**DECISION**

#### Proposal:

Variation of condition 7 (tree protection measures) of planning permission ref 2015/2548/P dated 22/04/2016 for conversion of existing 4x flats into 1x6bed maisonette and 2x1bed flats, namely, rear garden: 2 x Apple - Fell to ground.

Drawing Nos: Drawing Nos: Superseded drawings: Site location plan 461/100, 461/01; 02, 03, 04, 05 Rev A, 06 Rev A, 07 Rev A, 08 Rev A.

Drawings for approval: (Prefix 1180\_): 10\_A, 11, 12, 13, 14, 15, 16, 17, 18, 19; Covering Letter dated 19 Oct 2016

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

Executive Director Supporting Communities





years from the date of the original planning permission granted on 18/05/2016 (Ref: 2015/2548/P).

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

- 2 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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The 3 x residential units as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d). Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards),

DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 6 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the western side of the first floor terrace prior to commencement of use of the roof terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 7 All tree protection measures shall be implemented strictly in accordance with condition 7 of application 2015/2548/P dated 18/05/2015.

Reason: In order to conserve and enhance the biodiversity of the site in accordance with Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans: (4399/SK) P1002; P1002; P8001 H; P8002 G; 8003 A; Arboricultural Assessment and Protection Method Statement (dated 12th June); Basement Impact Assessment (Dated 2015); Factual Report on Ground Investigation (Dated September 2015); Phase 1 Preliminary Risk Assessment (Dated September 2015); Structural Report (Hockley & Dawson); Internal Daylight Analysis Planning Application Report (March 2015); Construction Method Statement (dated 16th September 2015, Revised Arboricultural Report from ACS (TREES) dated 10th November 2016, Letter from Symmetrys Limited Consulting Structural Engineers dated 8th September 2016, and Tree Plan TPP2\_LR-re REV.B.

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

- 9 The proposed basement condition associated with condition 9 of 2015/2548/P dated 18/05/20176 has been submitted and approved under reference no. 2016/4940/P on the 29/11/2016.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 10 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d). Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further

water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 11 During the first available planting season following the completion of works, detail of the 2 x Apple trees species shall be submitted and approved. The trees shall be planted as a heavy standard with a girth size of 12-14 cms, unless otherwise agreed in writing by the local authority. The tree shall be planted and maintained to the standards set out in BS8545:2014, within the rear garden of the property.

Reason:

Any trees or areas of planting which, within a period of 5 years after planting, 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.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to

allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 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.
- 5 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.
- 6 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.
- 7 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>.
- 8 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission (2015/2548/P) is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 9 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a

material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

**DRAFT**

**DECISION**