

Application ref: 2018/5730/P
Contact: Charles Thuaire
Tel: 020 7974 5867
Date: 28 May 2020

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

HGH
45 Welbeck Street
London
W1G 8DZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

The Winter House
81 Swain's Lane
London
N6 6PJ

Proposal:

Restoration and alterations to listed Winter House; demolition of existing rear extension and replacement with a larger single storey rear extension with green roof; demolition of garden workshop; excavation to reveal the original cemetery cutting within garden (adjoining listed Mortuary Chapel), including creation of 2 new internal floors, glazed roof cover and staircase access; excavation of access tunnel at basement level to link cutting with existing house; associated landscaping and alterations to front and rear boundaries including new pedestrian gates.

Drawing Nos: Design and Access Statement dated September 2018 by shh; Planning Statement dated November 2018 by hgh; Heritage Statements dated October 2018 by Dorian Crone; Archaeological Assessment dated 9.10.18 by AB Heritage; Basement Impact Assessment Rev A dated March 2019 by Alan Baxter Partnership; letter dated 4.6.19 from Alan Baxter; tracker responses to BIA audit dated 4.6.19; 1173/12/201A, 202A, 211A, SK1000; 1173/12/1, 2, 3 (calculation sheets by Alan Baxter); Energy and Sustainability Assessment dated July 2018 by ME7; Preliminary Ecological Survey and Arboricultural Appraisal dated May 2018 by Aborweald Environmental Planning Consultancy; Draft Construction Management Plan dated June 2018; Acoustic Assessment dated 7.8.18 by Acoustics Plus; Flood Risk Assessment dated February 2018 by RPS Group;

(all suffix -PL01 unless otherwise stated) (828) 001, 002-PL04, 003, 004-PL02, 010,

011, 012, 020, 021-PL02, 022, 023, 024, 025, 026, 201, 202, 203, 204, 301, 302, 303, 304, 306, 501, 502, 503, 504, 505, 506-PL02, 507, 508, 509, 510, 511, 512, 513, 514-PL02, 515, 516, 517, 518, 519-PL02, 520, 521-PL02; landscape plan- 106509 'Initial ideas rev H';

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- Design and Access Statement dated September 2018 by shh; Planning Statement dated November 2018 by hgh; Heritage Statements dated October 2018 by Dorian Crone; Archaeological Assessment dated 9.10.18 by AB Heritage; Basement Impact Assessment Rev A dated March 2019 by Alan Baxter Partnership; letter dated 4.6.19 from Alan Baxter; tracker responses to BIA audit dated 4.6.19; 1173/12/201A, 202A, 211A, SK1000; 1173/12/1, 2, 3 (calculation sheets by Alan Baxter); Energy and Sustainability Assessment dated July 2018 by ME7; Preliminary Ecological Survey and Arboricultural Appraisal dated May 2018 by Aborweald Environmental Planning Consultancy; Draft Construction Management Plan dated June 2018; Acoustic Assessment dated 7.8.18 by Acoustics Plus; Flood Risk Assessment dated February 2018 by RPS Group; (all suffix -PL01 unless otherwise stated) (828) 001, 002-PL04, 003, 004-PL02, 010, 011, 012, 020, 021-PL02, 022, 023, 024, 025, 026, 201, 202, 203, 204, 301, 302, 303, 304, 306, 501, 502, 503, 504, 505, 506-PL02, 507, 508, 509, 510, 511, 512, 513, 514-PL02, 515, 516, 517, 518, 519-PL02, 520, 521-PL02; landscape plan- 106509 'Initial ideas rev H';

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) New glazed canopy, external staircase and associated railings of cutting

- enclosure;
- b) new rear extension to house;
- c) new boundary walls and gates

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of at least four replacement trees. 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 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 any phase of the development, whichever is the sooner. Any trees or areas of planting 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of any works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report (dated May 2018 by Arborweald Environmental Planning Consultancy) hereby approved. 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 BS5837:2012 and 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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least

10dB(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 15dB(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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Important archaeological remains may exist on this site. Accordingly the local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 10 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Important archaeological remains may exist on this site. Accordingly the local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 11 Prior to occupation of any relevant part of the development, the applicant will

have constructed and implemented all the measures contained in the Energy and Sustainability Assessment dated July 2018 by ME7 hereby approved and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 12 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed 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 which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. 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.

- 13 The basement excavations and constructions hereby approved shall be carried out in accordance with the recommendations regarding design, methodology and monitoring within the Basement Impact Assessment report (Rev A dated March 2019 by Alan Baxter Partnership) and supporting documents hereby approved.

Reason: To safeguard the structural stability of neighbouring buildings and the water environment of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 14 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- i. a detailed scheme of maintenance;
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
 - iii. full details of planting species and density.

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

- 15 The recommendations of the ecology report hereby approved shall be carried out in relation to taking a precautionary approach for reptile protection.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and protected species in accordance with policy A3 of the London Borough of Camden Local Plan 2017.

- 16 Prior to commencement of development, details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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.

- 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 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.

- 4 In relation to conditions 9 and 10 above, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

- 5 Reasons for granting permission-

The demolition of the postwar extension and ancillary garden structures is acceptable as they are of no particular merit. The new replacement single storey extension is longer than the existing one and slightly wider but remains the same height. The increase in built footprint on site by the new extension, minus the demolition of the workshop, is 10sqm and represents a 22% increase over the original house's floorspace. On balance this larger extension is considered proportionate in size to the main house; it appears subordinate in volume, design and location to the 3 storey house and appropriate in the townscape, given that it matches the depth of the neighbouring house's extension.

The site lies on designated Private Open Space (POS). The larger extension will not result in significant loss of any valuable open space or open character of the site. The new basement link and converted cutting are essentially new underground spaces and have no impact on the openness of the site. This increase in footprint within the rear garden thus does not harm the overall quantity and quality of the POS on site or the setting and quality of the adjoining POS at Highgate Cemetery.

The site also lies on Metropolitan Open Land (MOL). The NPPF in para 89 advises that an extension of a building on such land is not inappropriate provided that it does not result in disproportionate additions above the size of the original building. Its para 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The new extension, in addition to the floorspace of the new basement corridor and new enclosed floors in the cutting, total 161sqm, resulting in a 72.5% increase overall in floorspace.

This is considered to be disproportionate to the size of the existing house in both floorspace and volume. However it is considered that these additions can be justified on the basis of the significant heritage benefits arising from replacing the unattractive rear extension with a more sympathetically designed one, excavating and exposing the historic cutting, reinstating its original glazed roof and reinstating lost boundary features. Furthermore the underground structures will not have any impact on the open character of the surrounding MOL, both within the site and the adjoining Cemetery, and they will not cause any other harm such as to the setting and appearance of adjoining listed buildings and registered gardens. It is thus concluded that they can be treated under the 'Very Special Circumstances' category of NPPF advice and considered as an acceptable exception and as 'appropriate' development.

The rear extension's carefully considered contemporary design and high quality materials are considered acceptable and represents an enhancement over the existing poor quality extension. It is sympathetic in its size, form, design and relationship to this unique Grade 2* listed modernist house. The extension would not harm the character and appearance of the host building, adjoining buildings and listed structures and the conservation area.

The various alterations and replacement windows to the listed house are designed to improve the function and performance of the house's layout and its glazing. The details as revised are now considered acceptable. They will not harm the special interest of the listed house as a heritage asset.

- 6 The excavation of the historic cutting in the garden and its roofing over by a glazed canopy to create new ancillary accommodation for the house constitute an interesting and welcome aspect that will help reveal more of the history of this overall site and adjoining cemetery. The glazed canopy is designed to replicate the originally existing 19thC feature here. These elements are considered acceptable in principle subject to more details. The proposed reinstatement of the gates and the cutting are considered to be a significant heritage benefit. They will enhance the setting and appearance of the host listed building and its boundary and also reinstate lost historic features associated with the adjoining listed cemetery. The proposed underground link to the cutting connects with the proposed rear extension so there would be no harm to physical fabric of the listed building. Historic England have supported the scheme in principle subject to more detail to be secured by conditions.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Although the site originally formed part of the cemetery, records indicate that burials never took place at the location. Thus Historic England recommend 2 conditions to require that a watching brief be maintained throughout the excavation works, to ensure that any previously unrecorded archaeological features are not removed without appropriate recording, and that a historic building recording is made following clearance of the mortuary tunnel.

- 7 The proposed extension is no higher than the existing one and will not cause any loss of amenity to neighbours, in terms of light, outlook and privacy. The submitted acoustic report shows that the proposed ventilation plant in the new cutting's plant room will comply with Council standards on noise levels and will not harm neighbour amenity. The proposed illumination for the new spaces within the glazed cutting will be very modest at below 0.10 lux and will not cause any harmful light pollution.

The scheme proposes appropriate passive and building fabric design measures as well as renewable energy facilities by use of a ground source heat pump to ensure that the refurbished house and its extensions is sustainable and environmentally friendly. Overall these features will achieve a 25.7% reduction in regulated CO2 emissions which is to be welcomed and will be secured by condition.

The excavation is limited to the rearmost part of the new extension as it slightly cuts into the hillslope and the new basement level corridor link and fire escape staircase; the cutting already exists as an infilled void so technically does not involve any excavation. It is acceptable in location, layout and size and complies with policy A4 on basements and its criteria f-m where relevant. It will not impact on the stability of adjoining listed boundary walls and main house nor the retaining walls of the cutting to be exposed.

A Basement Impact Assessment has been submitted and revised, following a review by the Council's external consultants. It is now found to be acceptable and demonstrates that the scheme will not harmfully impact on surface flows, groundwater and land stability. The below-ground structures will be founded within London Clay. Perched water may be encountered during excavation and dewatering measures are proposed to control water seepage. Neighbouring buildings have been demonstrated to suffer damage no worse than Burland Category 1 (Very Slight). Movement monitoring will be employed to ensure these trigger levels are not exceeded during construction. The development will not impact on the wider hydrogeology of the area.

The site is not in a Local Flood Risk Zone but is within the Critical Drainage Area. There will be a very low risk of flooding in the area of the proposed development. Nevertheless the habitable floor areas will be sited above external ground levels, there will be minimal increase in impermeable surfaces (given that the infilled cutting is already a built feature), and surface water runoff will be reduced by 50% as a result of a new green roof and surface water retention tank. Details of a sustainable urban drainage system will be secured by condition.

The 4 small trees proposed for removal are of poor quality, have low visibility from the public realm and do not contribute to the character of this part of the conservation area. The scheme includes proposals for 6 replacement trees which will mitigate the loss of canopy cover and visual amenity and will result in a net gain of trees on site. The submitted arboricultural report demonstrates that the trees to be retain both on site and on neighbouring sites will be adequately maintained throughout development. The substantial green roof proposed on the rear extension is welcomed by increasing biodiversity and details will be secured by condition. The ecological report shows that there will be no impact on protected species or the adjoining Site of Nature Conservation Importance but recommends a precautionary approach regarding protection of reptiles.

- 8 Due to the amount of construction and excavation works involved on a constrained site, a detailed Construction Management Plan (CMP) and a CMP implementation support contribution of £3,136 would need to be secured via a S106 legal agreement. Due to the existence of an extensive private forecourt,

the proposed works are unlikely to cause significant damage to the public highway on Swain's Lane, thus no highway repairs contribution will be required in this instance.

One objection has been received prior to making this decision. This and the planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A2, A3, A4, A5, D1, D2, CC1, CC2, CC3 and T4 of the London Borough of Camden Local Plan 2017 and policies OS1, OS2, DH2, DH3, DH6, DH7 and DH11 of the Highgate Neighbourhood Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

- 9 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer