

Application ref: 2020/0441/P
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Date: 9 October 2020

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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:

**12 Gloucester Gate
London
NW1 4HG**

Proposal:

Variation of condition 3 (approved drawings) of planning permission 2016/4549/P dated 22/12/2016 (as amended by 2017/4111/P partly allowed at appeal 10/06/2019) (for erection of single storey extension connecting 12 Gloucester Gate to mews building and associated alterations), namely to allow lightwell (rather than rooflight) to courtyard.

Drawing Nos:

Superseded: Existing Site Plan PD0010 01; Revised demolition plan PD1499 04; PD1500 03; PD1501 02; PD1502 02; pd1503 02; Demolition elevation 02 - PD1601 00; Demolition drawing Section C - PD1703 00; Demolition drawing Section F - PD1704 00; Demolition drawing Section B - PD1701 00; Floor Plans - Basement - PD1998 04; Revised Lower Ground Floor Plan PD1999 08; Upper Ground Floor - PD2000 04; Upper Ground Floor Forecourt PD2000A 03; First Floor - pd2001 05; Second Floor - PD2002 04; Roof plan PD2003 04; Elevation 01 - PD2100 01; Elevation 02 - PD2101 03; Section E - PD2200 01; Revised Section B - PD2201 06; Section A - 2202 04; Revised Section C - PD2203 04; Revised Section F - PD2204 06; Section D - PD2205 08;

Revised: Existing Site Plan PG0010 01; Demolition drawing Lower Ground Floor Plan PG1499 03; PG1500 01; PG1501 01; PG1502 01; PG1503 01; Basement - PG1998 01; Lower Ground Floor Plan PG 1999 02; Ground Floor - PG2000 01; Ground Floor

Forecourt PD2000A 01; First Floor - PG2001 01; Second Floor - PG2002 01; Roof plan PG2003 01; Elevation 01 - PG2100 01; Elevation 02 - PG2101 01; Section E - PG2200 01; Section B - PG2201 02; Section A - 2202 01; Section C - PG2203 02; Section F - PG2204 02; Section D - PG2205 01; Section G - PG2206 01; Raised Garden drainage section PD3910 01; Demolition elevation 02 - PG1601 01; Demolition drawing Section C - PG1703 01; Demolition drawing Section F - PG1704 01; Demolition drawing Section B - PG1701 02; Design comparison report dated January 2020; Heritage Statement dated January 2020

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 planning permission allowed at appeal ref APP/X5210/W/18/3204334 dated 10 June 2019.

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

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/4549/P dated 22/12/2016 (as amended by 2017/4111/P partly allowed at appeal 10/06/2019) shall be replaced with the following condition:

REPLACEMENT CONDITION 3

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

Planning Statement; Heritage Statement (August 2016); Heritage Statement Addendum (July 2017); Design and Access Statement (August 2016); Design and Access Statement Addendum S73 Statement (July 2017); Basement Impact Assessment Screening and Scoping (5 July 2017); Basement Impact Assessment Addendum Report (23 June 2017); Daylight and Sunlight Report (5 August 2016); Daylight and Sunlight Correspondence (4 July 2017); Arboricultural Impact Assessment (11 August 2016); Addendum to Arboricultural Impact Assessment (14 November 2016); Tree Constraints Plan (28 July 2015); Tree Protection Plan 1 August 2016: Existing Site Plan PG0010 01; Demolition drawing Lower Ground Floor Plan PG1499 03; PG1500 01; PG1501 01; PG1502 01; PG1503 01; Basement - PG1998 01; Lower Ground Floor Plan PG 1999 02; Ground Floor - PG2000 01; Ground Floor Forecourt

PD2000A 01; First Floor - PG2001 01; Second Floor - PG2002 01; Roof plan PG2003 01; Elevation 01 - PG2100 01; Elevation 02 - PG2101 01; Section E - PG2200 01; Section B - PG2201 02; Section A - 2202 01; Section C - PG2203 02; Section F - PG2204 02; Section D - PG2205 01; Section G - PG2206 01; Raised Garden drainage section PD3910 01; Demolition elevation 02 - PG1601 01; Demolition drawing Section C - PG1703 01; Demolition drawing Section F - PG1704 01; Demolition drawing Section B - PG1701 02; Design comparison report dated January 2020; Heritage Statement dated January 2020

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

- 4 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 the replacement Cherry tree, planted screen adjoining 14 Gloucester Gate and courtyard planting. 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.

- 5 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. 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.

- 6 During the first available planting season following the completion of works, a Liquidambar styraciflua (sweet gum) tree shall be planted as a heavy standard with a girth size of 12-14 cms. The tree shall be planted and maintained to the standards set out in BS8545:2014.

Reason: In order to comply with the provisions of Section 206 of the Town and Country Planning Act 1990 (as amended).

- 7 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.

- 8 The development shall be carried out in strict accordance with the Basement Impact Assessment with Appendix A-J prepared by Technicker dated 12.08.2016 and Basement Impact Assessment - Addendum 01 & 02 prepared by Technicker dated 21.09.2016 & 04.10.2016 hereby approved.

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.

- 9 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 G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 10 Prior to the commencement of any works on site, tree protection measures detailed in the arboricultural report ref. D1006151635 dated 11/08/2016 shall be installed on site and 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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 11 Prior to commencement of the relevant part, details of measures to mitigate light spill from the rooflights and glazed extension hereby approved shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the occupation of the dwelling and shall be permanently retained.

Reason: To safeguard the special interest of the listed building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reason for granting permission

The conservation officer has reviewed the proposed amendments. Following officer's concerns, the scheme was revised to omit the lowering of the window opening in the kitchen to install a double door to the garden.

The replacement of the approved rooflight (above the basement) with an open lightwell is considered acceptable. Details of the balustrade/lightwell enclosure would be secured by condition. A condition would secure details of measures to mitigate light spill from the approved link structure and the proposed basement lightwell to ensure any night time visual impact on the neighbouring grade I buildings would be acceptable.

The planning and appeal history of the site has been taken into account when coming to this decision. One comment was received which raised concerns about the appearance of the Mews houses to the rear. The amendments sought by the current application would not make any changes to the Mews houses. No objections were received prior to making this decision. Regents Park CAAC have confirmed that the changes are acceptable subject to conditions securing details.

As the original planning permission was subject to a legal agreement to secure a CMP and highways contribution, a Deed of Variation would be required. This would also secure an increased CMP implementation support contribution (£3,136) and a Construction Impact Bond (£7,500).

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 under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the 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 and A1 of the Camden Local Plan 2017. The development also accords with the NPPF and the London Plan 2016.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations 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).

- 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 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).
- 5 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.
- 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.

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

A handwritten signature in black ink, appearing to read 'DPope', written in a cursive style.

Daniel Pope
Director of Economy, Regeneration and Investment