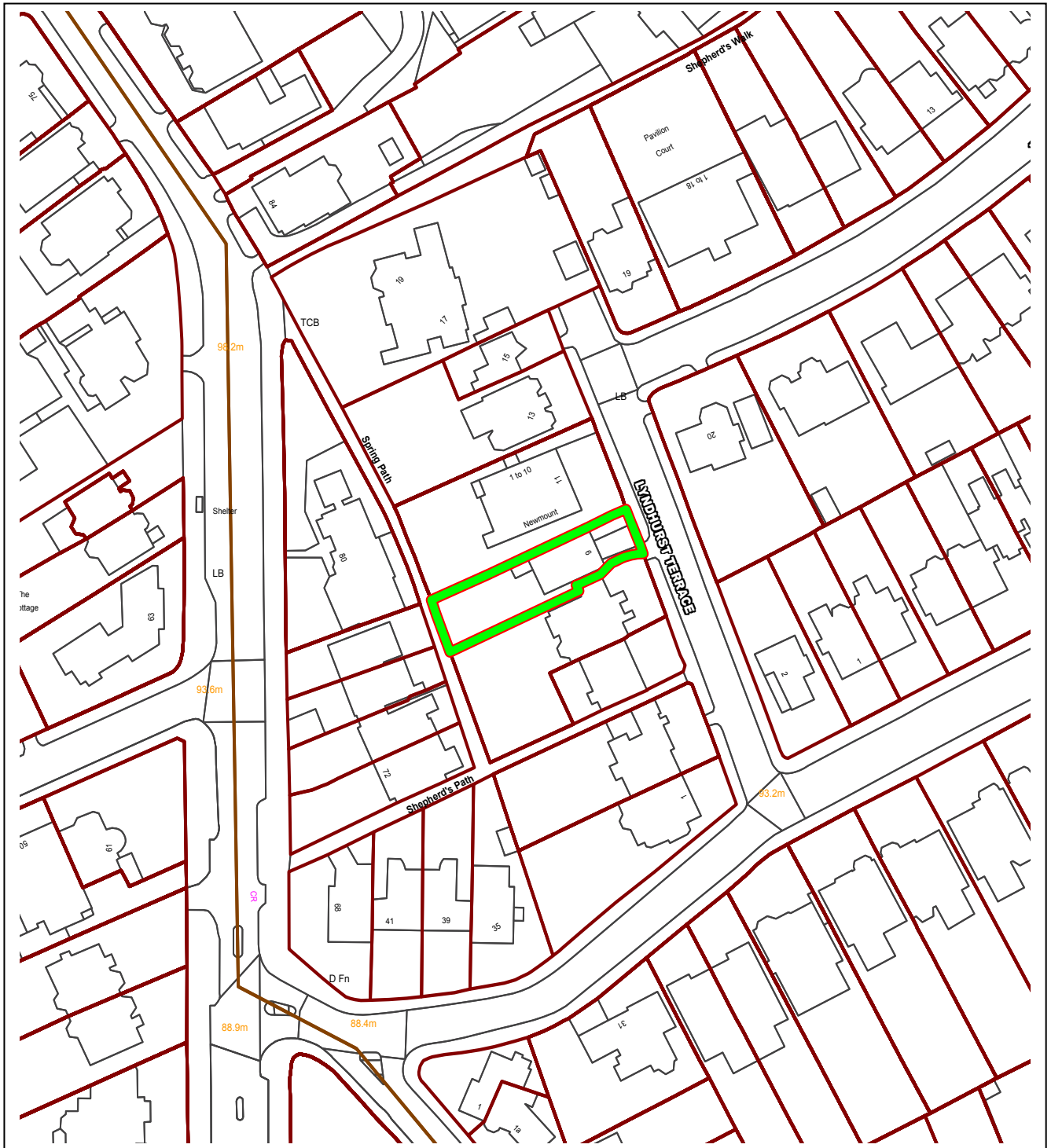


2020/2816/P – 9 Lyndhurst Terrace, NW3 5QA



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Photos of existing building





Existing streetscene



Proposed streetscene



Windows on flank elevation of no.7

Yellow = non-habitable rooms. Red = habitable room (unaffected by proposal)

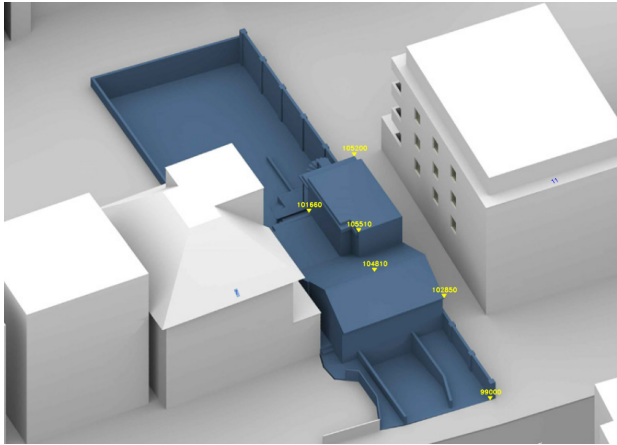


Windows on flank elevation of no.11

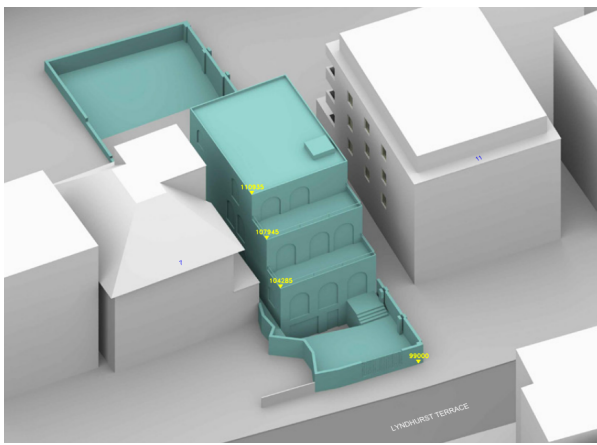
Yellow = bathroom windows, middle column = bedroom, right column = secondary living room windows



Existing massing



Proposed massing



Verified views (red wire line shows outline of proposed building)



Visualisation of proposed building



Delegated Report		Analysis sheet	Expiry Date:	19/08/2020
(Members Briefing)		N/A	Consultation Expiry Date:	
Officer			Application Number(s)	
Kristina Smith			2020/2816/P	
Application Address			Drawing Numbers	
9 Lyndhurst Terrace London NW3 5QA			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Demolition of existing dwelling and replacement with a three storey (plus basement) single dwelling house with terraces to front and rear and associated landscaping works				
Recommendation(s):	Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	8	No. of objections	8
Summary of consultation responses: <i>Officer Response in Italics</i>	<ul style="list-style-type: none"> • 3 site notices were displayed from 15/07/2020 – 09/08/2020 • A press advert was displayed on 16/07/2020 <p>8 objections were received from different addresses on the following grounds:</p> <p><u>Design and Conservation</u></p> <ul style="list-style-type: none"> • The existing building does not dominate space and allows NNW elevation of no.7 to be seen and contributes to architectural diversity of neighbourhood. In contrast, proposed development almost fills the space detracting from openness and obscuring views of no.7 • Stepped façade helps but still too tall • Plot is not very wide and leads to no.7 feeling hemmed in • The rear building line will exceed that of no.7 • Will be very visible in many windows of neighbouring properties • Proposal is extremely massive and bulky – both taller and larger than existing structure • Design deviates from Victorian facades of the conservation area • The detailed design, height, massing, materials and siting would have a detrimental impact on character and appearance of the Conservation Area. <p><i>Officer response: Please refer to ‘Design and conservation’ section of report for full assessment.</i></p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> • The building will starve no.7 of daylight. They are not well lit as it is, particularly stairwell, so any development will be detrimental • Will eclipse most of no.7’s windows • No light study prepared for no.7, only no.11 • Flat at no.7 has a bathroom and stairwell window that will be looked onto by several windows • Proposal silent on how noise and disruption will be mitigated. This is particularly concerning for elderly residents • Proposed building will significantly reduce the amount of sunlight and daylight received by no.11 • Daylight report is not clear and so its validity is questionable • The vistas from no.7 that we have enjoyed for many years will be interrupted • Claustrophobic impact on no.7 as building will only be a few meters away • Harmful loss of privacy to 74 Fitzjohn’s Avenue • Overbearing impact and loss of outlook and sunlight to properties located across Spring Path • The height increase will result in unacceptable loss of light in child’s bedroom 			

Officer response: please refer to 'Amenity' section of report.

Transport

- Bigger structure will exacerbate the traffic chaos
- Has consideration been given to London Overground railway tunnel that runs underneath the building?

Officer response: please refer to 'Transport' and 'Basement' sections of the report

Basement

- Understood Camden Council no longer accepting basement extensions on the account of issues they cause
- Lead contamination found in soil, also the case at no.76 Fitzjohn's Avenue. Any contaminated soil displacement could cause long term harm to family's health.

Officer response: please refer to 'Basement' section of the report

Trees

- All trees in rear garden to be felled with no definite plans to replace. No assurances they will be of sufficient maturity.
- Removal of all trees harmful to character and visual amenity

Officer response: please refer to 'Trees' section of the report

Thames Water responded with comments on Waste Water and Surface Water. An informative shall be attached to any permission to reflect the comments made and advise the applicant.

Councillor/ Local groups comments:

Hampstead Neighbourhood Forum does not object to the proposal but makes the following comments:

- Unresolved fenestration arrangement
- Exterior makes no sense – arch shaped windows serve no structural purpose - asymmetrical on a box structure, appearing as a contrived echo of other neo-Romanesque arches in the neighbourhood
- Floor levels relate to the modern flats next door rather than strong design of no.7
- Neither respects nor enhances the character of the area and therefore is contrary to DH1 and DH2 of the Hampstead Neighbourhood Plan.

Officer response: please refer to 'design and conservation' section of report

Hampstead Conservation Area Advisory Committee objects to the proposal, however their full comments are unavailable, perhaps due to an administrative error. Multiple attempts have been made to retrieve these via direct contact with the CAAC but no response has been received.

Site Description

The site is located on the west side of Lyndhurst Terrace and comprises a two storey house from the 1960s. Its immediate neighbours are a four storey ornate Victorian villa to the south (no.7) and a five storey modern flat block to the north (no.11).

Historic maps indicate the site was originally part of the large garden of the adjacent Villa building but has been a separate plot since the 1930s.

The site is situated in the Fitzjohns Netherall Conservation Area. It is not identified as a positive, negative or neutral contributor to the conservation area; however, its neighbour at no.7 is identified as a positive contributor and no.11 a negative contributor.

It is also situated within the Hampstead Plan Neighbourhood Area.

Relevant History

CTP/F7/2/4/7684: The erection of a two storey extension, comprising bedroom and living room, and alterations at 9 (formerly 5) Lyndhurst Terrace. **Conditional permission 04/12/1969.**

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

Publication London Plan 2020

Camden Local Plan 2017

G1 Delivery and location of Growth
A1 Managing the impact of development
A2 Open space
A3 Biodiversity
A5 Basements
D1 Design
D2 Heritage
H1 Maximising housing supply
H4 Maximising the supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials
DM1 Delivery and Monitoring

Camden Planning Guidance 2018/2019

CPG Design – March 2019
CPG Amenity – March 2018
CPG Basements – March 2018
CPG Transport – March 2019
CPG2 Housing – as amended March 2019
CPG Biodiversity – March 2018
CPG Developer Contribution – March 2019
CPG Energy efficiency and adaptation – March 2019

CPG Trees – March 2019

CPG Water and flooding – March 2019

Hampstead Neighbourhood Plan (2018)

DH1: Design

DH2: Conservation areas and Listed Buildings

NE2: Trees

NE4: Supporting biodiversity

BA1: Basement Impact Assessments

BA2: Basement Construction Plans

BA3: Construction Management Plans

TT4: Cycle and car ownership

Fitzjohns Netherhall Conservation Area Appraisal and Management Strategy (2001)

Assessment

1.0 Proposal

1.1 The applicant seeks permission for the following works:

- Erection of a new three storey 4-bed house (10m (h) x 16m (d) x 8.5m (w)) (plus single storey basement level) with PV panels at main roof level, following demolition of the existing two storey house (5.5m (h) x 13.5m (d) x 8.5m (w))
- Hard and soft landscaping including new front boundary wall

1.2 During the course of the application the following revisions were made:

- Incorporation of fixed planter to reduce views northwards (towards no.11) from second floor terrace
- Glazed balustrades on front terraces replaced with wire mesh balustrade to promote soft landscaping

2.0 Assessment

2.1 The planning considerations material to the determination of this application are as follows:

- Principle of development
- Design and heritage
- Standard of residential accommodation
- Basement considerations
- Amenity of surrounding occupiers
- Transport considerations
- Sustainability
- Trees and Landscaping

Principle of development

2.2 The proposal would see the replacement of one self-contained dwelling house with another and involves no net loss or gain of residential accommodation. The continued residential use of the site is acceptable and commensurate with the character of the area.

2.3 The existing building is not identified by the conservation area appraisal statement as making either a positive or negative contribution to the character and appearance of the conservation area within the streetscape audit, however this may be an omission as in describing the buildings on Lyndhurst Terrace, the statement reads, '*No.11 is a 1960s block of flats which is*

unsympathetic in terms of design, scale and detail, as is the two storey no.9". Either way, officers consider the existing building to be unsympathetic and that a replacement building could enhance the site's contribution to the streetscene and conservation area.

Standard of residential accommodation

- 2.4 The development would provide a large four-bedroom house with generous amount of private amenity space in the form of terraces and rear garden. The house would meet and exceed space standards. All habitable rooms would receive plentiful daylight, sunlight, outlook and privacy.
- 2.5 The dwelling has been designed as a home for the owners to occupy over their lifetime. It includes a lift from lower ground to second floor allowing for step free access throughout as well as generous room sizes. As such, the unit could be capable of achieving M4(3) but the policy compliant position is M4(2) which would be secured by condition.

Affordable housing

- 2.6 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition of residential floorspace of 100sqm GIA or more. In this case, no additional homes are being created as the development would replace an existing home.

Design and conservation

- 2.7 The Council's design policies are aimed at achieving the highest standard of design in all developments and policy D1 requires developments to consider the character, setting, context and the form and scale of neighbouring buildings, as well as the quality of materials to be used. Policy D2 'Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.
- 2.8 Policy DH1 of the Hampstead Neighbourhood Plan guides that development proposals should demonstrate how they respond and contribute positively to the distinctiveness and history of the character areas through their design and landscaping; and development proposals should demonstrate how they respect and enhance the character and local context of the relevant character areas whilst policy DH2 of the Hampstead Neighbourhood Plan notes that development proposals must have regard to the guidelines in the relevant Conservation Area Appraisal(s) and Management Strategies and that new development should take advantage of opportunities to enhance the Conservation Areas.
- 2.9 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 Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. A conservation officer has been involved throughout the negotiation process

Existing building

- 2.10 The existing building, constructed in the 1960s, does not contribute positively to the street scene in terms of its external appearance and has a number of features that are uncharacteristic of surrounding buildings and unsympathetic to the conservation area. Owing to the topography of the site, the front door is not visible from the street instead being accessed at lower ground floor level via a sloping vehicle ramp. As such, it fails to address the street. The design lacks a clear architectural language and the façade is very bare with the prominent features being three garage doors at lower ground level. Unlike most other properties nearby, there are no boundary walls to define a front garden area as the vehicle

forecourt occupies the entire frontage of the house. Its form appears a result of piecemeal development comprising a pitched roof house to the front of the site with a taller two storey flat roofed extension to the rear. That said, the overall scale of the existing building relative to its neighbours allows no.7 and no.11 to remain dominant in the street scene, in keeping with the general character of the conservation area, which is characterised by grand C19th buildings interspersed with C20th infill development. Furthermore, the height and position of the existing building in its site allows the interesting side elevation of no.7 to be viewed from the street.

Proposal

- 2.11 The building has been designed to read as a distinct and contemporary addition to the terrace but one that is sensitive to the established architectural language and avoids competing with or detracting from its neighbours.
- 2.12 Throughout pre-application discussions, the focus has been to achieve a building that avoids dominating the streetscene to the detriment of the 19th century architecture, namely its neighbour at no.7. This has led to the stepped form of the building, which is considered to successfully break up the bulk and allow the building to be more recessive within its plot and subordinate to its neighbours. It also allows a continued appreciation of the flank walls of both neighbours which helps retain their presence in the streetscene. Whilst the stepped form is not characteristic of the immediate area, this architectural approach can be seen in various celebrated mid-century buildings in Hampstead and wider Camden. The stepped form is also understood to be a reference to the motif of garden structures that are used in Art and Crafts architecture, various examples of which can be found in the surrounding Conservation Area.
- 2.13 In terms of height, the proposed building would replace an existing two storey building with a four storey building. The overall height would continue to be lower than both its neighbours whilst establishing a more consistent rhythm and coherence to the streetscape that is not realised by the existing two storey 'sunken' building. The proposed building matches the width of the existing and generous gaps would be retained on either side offering breathing space to the neighbours and a retained sense of openness. The floor levels of the property would better align with neighbouring properties which is an improvement on the existing situation whereby the ground floor entrance is down a vehicle ramp.
- 2.14 The depth of the building is greater than that of no. 7 but shallower than no. 11, creating a transition between the adjacent buildings. The back elevation reads more vertical than the stepped front façade, responding to a similar condition of the neighbouring properties, but being lower in height and therefore not imposing in terms of scale. The front building line, matches the building line of the existing house and also no.11, before stepping back at first floor level and again at second floor level. To the rear, the building line extends beyond the existing, however, this massing would not be perceived from the street and a generous sized garden is retained.
- 2.15 The character and appearance of the proposed house is distinctive and some consultation responses are concerned it is not sympathetic to its context. However, the facades interpret, in a contemporary way, the arches, terraces and recessed porches characteristic of the historic vernacular as seen in the local area. The terraces provide opportunity for landscaping to reflect the leafy character of the conservation area and soften the front façade.
- 2.16 In terms of material palette, the building would be a warm grey brick to complement both the warmer tones of the Victorian villa and the grey engineering brick of no.11. Full details of the brickwork, including a sample, will be secured by condition as well as detailed drawings of the brick arches, windows, doors and gates.
- 2.17 The proposal reinstates the boundary treatment that the site is currently missing and allows the building to be set behind a new front garden as is the character of neighbouring properties. The front boundary wall is currently shown on the drawings as being slightly higher than its

neighbour at no.7. A condition is attached to allow for further consideration of the height of the boundary treatment to ensure it is not overly defensive and facilitates engagement with the street.

Basement considerations

- 2.18 A single storey basement would be fully located underneath the footprint of the property with a front lightwell that extends to the front boundary. The basement would accommodate the two bedrooms (the rooms with least daylight requirements) which would receive daylight via a lightwell / sunken courtyard.
- 2.19 A Basement Impact Assessment (BIA) has been submitted as part of this application, in accordance with policy A5. This document has been independently reviewed by Campbell Reith with subsequent revisions provided during the course of the application. Campbell Reith has now confirmed that the BIA is in accordance with CPG Basements. The final audit report contains the following conclusions:
- The BIA has been carried out by individuals who possess suitable qualifications.
 - The new basement is to be formed in an underpinning style “hit and miss” sequence using reinforced concrete retaining walls.
 - The BIA has confirmed that the proposed basement will be founded within Claygate Member soils.
 - Groundwater was not encountered during the site investigation or subsequent monitoring rounds, therefore it is accepted that the proposed development will not impact the hydrogeology of the area.
 - It is accepted that the proposed development will not impact the hydrology of the area, or the slope stability in the area.
 - It is accepted that the removal of trees will not affect the proposed basement as long as new foundations in the zone of influence of the trees to be removed are designed in accordance with NHBC guidelines.
 - Outline structural calculations for the retaining wall and clarification of the construction sequence have been provided.
 - The ground movement assessment indicates that damage to neighbouring structures will not exceed Damage Category 1 (Very Slight).
 - A movement monitoring scheme during excavation and construction is proposed. This should be agreed as part of the party wall award.
 - Utility data is provided in the revised submission and the revised BIA includes consideration of the impact on utilities, the adjacent highway and London Overground tunnel, which is indicated to be negligible.
- 2.20 A condition will require details of a suitably qualified engineer to be provided and approved by the Council, as well as a compliance condition requiring works to be carried out in accordance with the final Basement Impact Assessment.
- 2.21 The audit report has not flagged the requirement for a Basement Construction Plan or a particular construction methodology in order to avoid damage to neighbouring buildings. In accordance with BA2 (Basement Construction Plans) of the Hampstead Neighbourhood Plan, a BCP will not be required.
- 2.22 Network Rail, who own the rail tunnel that runs underneath the site, have been consulted on the proposals and have not responded.

Amenity of neighbouring occupiers

- 2.23 The site is situated in-between no's 7 and 11 Lyndhurst Terrace, located to the south and north respectively. To the rear (east) of the property runs Spring Path with no. 74 Fitzjohn's

Avenue beyond. The proposal involves increasing the height from two to four storeys, additional massing to the rear and the incorporation of new windows. The impact on surrounding properties will be discussed in turn.

7 Lyndhurst Terrace

- 2.24 The daylight assessment did not provide data relating to the windows at this property as there are no habitable rooms that would be affected. Officers have reviewed floorplans and confirm this to be the case with the windows serving bathrooms, a kitchen and stairwells. The first floor flat benefits from unobstructed daylight and outlook to the east and west whilst the 2-bed flat to the rear of the second floor would continue to receive daylight and outlook to the west and south above the lower building adjacent at no.5. At roof level, the north facing dormer window serves a bedroom; however, this would not be impacted by the development which would sit lower. Furthermore, the dormer has dual aspect. As such, the rooms are not considered sensitive to a loss of daylight or outlook.
- 2.25 The south facing windows that serve the stairwell will be obscure glazed and secured by condition to prevent any views into windows on the north elevation of no.7.

11 Lyndhurst Terrace

- 2.26 A daylight and sunlight assessment has been submitted that examines the impact on no.11 Lyndhurst Terrace. It uses the typical methodologies of Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) to assess the impact on daylight and sunlight respectively. BRE guidance considers that daylight may be adversely affected if, after development the VSC is both less than 27% and less than 0.8 times its former value. Sunlight availability may be adversely affected if the centre of the window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March and; receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
- 2.27 The residential apartment block is situated to the north of the site and is arranged over 5 floors. The flank wall facing the proposed development comprises 12 windows over 3 floors and serving 9 rooms in total. The uses of the rooms were not known by the author of the report; however, a planning consultant representing residents at no.11 has provided the floor layouts during the application stage.
- 2.28 Based on the below diagram, the three columns of windows in the south flank elevation are understood to serve, from left to right: living room (dual aspect), bedroom, bathroom (obscure glazed).



- 2.29 The additional height would have a noticeable impact on several windows on the flank south facing windows of no.11, as demonstrated by the daylight and sunlight assessment. Given that

the living room windows are also served by a primary west-facing window and the bathroom windows are non-habitable and obscure glazed, the impact on these two columns of windows are less important than the impact on the middle column of windows which serve bedrooms.

2.30 The impact on the bedroom windows at first and second floors would not comply with BRE guidance. At first floor level, the proposal would result in a 65.66% loss of VSC, reducing it to a retained level of 9.46 whilst at second floor level, the proposal would result in a 52.35% loss, reducing it to a retained level of 16.03. In practice, more flexibility is usually afforded to VSC in an urban environment and a retained VSC of over 15 is generally considered to be acceptable which means that the only window to experience a loss beyond what is often tolerated is the first floor bedroom window. In this scenario, the impact is considered acceptable on balance for the following reasons. The first reason is to do with the site arrangement. At a height of lower ground floor plus one storey, the existing building is unusually low for its plot and as a result, the side elevation windows obtain more light from across the site boundary than would be the case in a typical street arrangement with a more consistent rhythm to the height of buildings. It is therefore not considered reasonable that the presence of flank windows at no.11 should prohibit additional height at no.9 so as to increase it to a similar height to that of its neighbours. It is worth noting that the proposed height would have to reduce considerably – probably by a storey – which would diminish the benefits the new building offers the site in townscape terms. Secondly, the window serves a secondary, rather than primary, bedroom of the flat. This is not to say the impact is unimportant but second bedrooms tend to be used more flexibly (if not at present then potentially in the future), for instance as a guest / spare room or study. The unit would continue to benefit from a well-lit, dual aspect living room and a main bedroom that is unaffected by the proposal.

2.31 In terms of privacy, the proposed building would bring second floor terraces in close proximity to the existing bathroom windows on the flank wall of no.11. Whilst the bathroom windows are obscure glazed already, there could well be a perceived sense of overlooking and so to mitigate this the applicant has agreed to a permanent planter on the second floor terrace that would prevent users from reaching the edge of the terrace. This would be retained in perpetuity.

74 Fitzjohn's Avenue

2.32 Given the distance from the application site (26m between existing rear elevations), there would be no harm to the amenities of this property in terms of loss of light, outlook or privacy.

Transport considerations

Cycle parking

2.33 Policy TT4 of the Hampstead Neighbourhood Plan notes that, in addition to the cycle parking requirements set out in the London Plan, all residential developments with three or more bedrooms should include in their design (and within the curtilage of the building) at least three cycle parking spaces for long-stay use. The proposal comprises cycle storage for 4 bikes to the front at ground floor level which would be covered and secured. However, these are currently shown as vertical style storage, a design which the Council does not support. As such, full details will be secured by condition to ensure an appropriate design.

Car Parking

2.34 At present, the site provides space for five car parking spaces – the three garage spaces plus two spaces in the driveway. It is understood that two of the garage spaces were owned and used by neighbouring residents in the adjacent apartment building. In addition to the on-site parking, the existing property benefits from on-street car parking permits.

2.35 Policy T2 of the Local Plan relates to parking and car-free development. The policy notes that

the Council will limit the availability of parking and require all new developments in the borough to be car-free. Exceptionally, where existing occupiers are to return to a property after it has been redeveloped, the Council will consider allowing the re-provision of parking available to them, where it is demonstrated to the Council's satisfaction that the existing occupier will return to the property as their principal home. In such cases, the Council will consider temporarily relaxing the car-free requirement in respect of that dwelling for the period over which that occupant resides at the property. A mechanism set out in the section 106 legal agreement would require returning owner occupiers to provide evidence that they intend to continue to occupy their home as their principal residence before any temporary relaxation of car-free status can take place. Such properties would be car-free to future occupiers who would be ineligible for on-street parking permits.

- 2.36 The applicants have now purchased both leaseholder spaces and propose to retain one on-site car parking space for personal use. An electric vehicle charging point would be provided in association. Given the 80% reduction in car parking spaces and the fact that the applicant will be staying at the property after its redevelopment, the retention of one space is a significant improvement on the existing situation and is acceptable.

Construction Management Plan

- 2.37 Given the extent of construction and excavation in a sensitive, residential location, a Construction Management Plan (CMP) will be secured by Section 106 legal agreement to ensure the proposed development does not create traffic congestion or lead to a loss of amenity for surrounding occupiers in accordance with policies A1 and T4 of the Camden Local Plan. A CMP Implementation Support Contribution of £3,136 would also need to be secured as a Section 106 planning obligation if planning permission is granted. A CMP bond of £7,500 would also be required in case the contractor fails to abide by the CMP and the Council has to take action to remediate issues.

Highway Works

- 2.38 A financial contribution would be sought for highway works directly adjacent to the site to repair any damage to the pavement caused during construction of the proposed development. The precise contribution has been requested from the Council's engineering team and would be secured as a section 106 planning obligation.

Sustainability

- 2.39 All minor applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 19% reduction in carbon emissions below Part L of the Building Regulations, of which 20% is achieved by on-site renewable technologies. Overall, the CO2 emissions for the dwelling are shown to be reduced by 2.6 tonnes equivalent to a 32.4% on the baseline Building Regulations Part L dwelling emissions rate.
- 2.40 The environmental strategy for the proposed building utilises passive principles. The envelope of the building is insulated close to Passivhaus standards complemented by triple glazed windows. The building will be heated using electricity, two high efficiency Air Source Heat Pumps (ASHPs) and a small PV array at main roof level (details secured by condition). Low energy consumption will be aided by smart metering.
- 2.41 In terms of construction, the main structure of the house is timber with floors and walls of cross-laminated timber (CLT) construction. The external wall is a load-bearing brick wall which stands outside the CLT structure.
- 2.42 The new house will be required to comply with a condition that limits total water use to 110

litres/person/day.

Trees, landscaping and biodiversity

- 2.43 The proposal would involve the removal of four trees in the rear garden including one Category B, in order to facilitate development. An Arboricultural report has been submitted with the application that has been reviewed by the Council's Tree officer who finds the proposed removals acceptable given their low visibility from the public realm and the fact they are not particularly noteworthy examples of their species.
- 2.44 The proposal will introduce more biodiversity to the site than at present through the introduction of a front garden (including a new tree) to replace the existing vehicle ramp, replacement rear garden planting and landscaping incorporated within the building's envelope by virtue of the front terraces. A full landscaping strategy including replacement tree planting for the rear garden and details of the front garden tree shall be secured by condition.

3.0 Recommendation and Planning Obligations

3.1 Grant conditional planning permission subject to a section 106 Legal Agreement to include the following Heads of Terms:

- Car-free
- Construction Management Plan (plus monitoring support fee of £3,136 and a bond of £7,500)
- Highways Contribution (tbc)

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 18th January 2021, 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 and search for 'Members Briefing'.

Application ref: 2020/2816/P
Contact:
Tel: 020 7974
Date: 12 January 2021

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

Caruso St John Architects
1 Coate Street
London
E2 9AG
United Kingdom

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
9 Lyndhurst Terrace
London
NW3 5QA

Proposal:
Demolition of existing dwelling and replacement with a three storey (plus basement) single dwelling house with terraces to front and rear and associated landscaping works

DECISION
Drawing Nos: 474_L01_01; 474_L01_01; 474_L01_02; 474_L02_01; 474_L02_02;
474_L02_10; 474_L04_01; 474_L04_02; 474_L05_01; 474_L05_02; 474_L05_03;
474_L05_04; 474_L05_05; 474_L05_10; 474_L05_11; 474_L05_12; 474_L05_20;
474_L05_21; 474_L05_22; 474_L11_01; 474_L11_02; 474_L12_01; 474_L12_02;
474_L12_03; 474_L12_04; 474_L12_10; 474_L14_01; 474_L14_02; 474_L14_03;
474_L15_01; 474_L15_02; 474_L15_03; 474_L15_04; 474_L15_05; 474_L15_22

Design and access statement (dated 13.07.2020); Site investigation and basement impact assessment report (prepared by GEA, dated June 2020); Daylight and sunlight report (prepared by Point 2, (dated April 2020); Daylight & Sunlight Amenity and 7 Lyndhurst Terrace (prepared by Point 2, dated 31 July 2020); Planning Stage Construction Management Plan by Price & Myers, ref. 28920, dated June 2020; Construction Method Statement by Price & Myers, ref. 28920, dated June 2020; Arboricultural Impact Assessment Report by Tim Moya Associates, ref. 200338-PD-11, dated May 2020; Site Investigation and Basement Impact Assessment Report by Geotechnical and Environmental Associates Limited, ref J20089, issue 3 dated 28 October 2020; Construction Method Statement by Price & Myers, ref. 28920, rev 1, dated November 2020; Thermal & Carbon Compliance Report (prepared by Ritchie+Daffin, dated 21 April 2020)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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:

474_L01_01; 474_L01_01; 474_L01_02; 474_L02_01; 474_L02_02; 474_L02_10; 474_L04_01; 474_L04_02; 474_L05_01; 474_L05_02; 474_L05_03; 474_L05_04; 474_L05_05; 474_L05_10; 474_L05_11; 474_L05_12; 474_L05_20; 474_L05_21; 474_L05_22; 474_L11_01; 474_L11_02; 474_L12_01; 474_L12_02; 474_L12_03; 474_L12_04; 474_L12_10; 474_L14_01; 474_L14_02; 474_L14_03; 474_L15_01; 474_L15_02; 474_L15_03; 474_L15_04; 474_L15_05; 474_L15_22

Design and access statement (dated 13.07.2020); Site investigation and basement impact assessment report (prepared by GEA, dated June 2020); Daylight and sunlight report (prepared by Point 2, (dated April 2020); Daylight & Sunlight Amenity and 7 Lyndhurst Terrace (prepared by Point 2, dated 31 July 2020); Planning Stage Construction Management Plan by Price & Myers, ref. 28920, dated June 2020; Construction Method Statement by Price & Myers, ref. 28920, dated June 2020; Arboricultural Impact Assessment Report by Tim Moya Associates, ref. 200338-PD-11, dated May 2020; Site Investigation and Basement Impact Assessment Report by Geotechnical and Environmental Associates Limited, ref J20089, issue 3 dated 28 October 2020; Construction Method Statement by Price & Myers, ref. 28920, rev 1, dated November 2020; Thermal & Carbon Compliance Report (prepared by Ritchie+Daffin, dated 21 April 2020)

Reason:

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

- 3 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) Details including sections at 1:10 of windows (including jambs, head and cill), doors and external gates.

b) Sample panel of the proposed brickwork to show type, colour, bond, mortar mix, joint and pointing to be provided on site

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 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

- 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 planting to the front terraces, replacement trees to the rear garden, the proposed tree to the front garden and any proposed earthworks including grading, mounding and other changes in ground levels. 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 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.

- 6 The use of the second floor roof terrace shall not commence until the planter, as shown on the approved drawings (ref: 474_L12_03_A), has been installed. The planter shall be permanently retained thereafter.

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

- 7 Before the development commences, details of secure and covered cycle storage area for 3 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, 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 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s 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, CC3 of the London Borough of Camden Local Plan 2017.

- 9 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.

- 10 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Schedule 1 Part 2 (Classes A-D) of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

- 12 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.

- 13 The first and second floor windows serving the stairs on the south elevation of the development hereby approved shall be obscure glazed and fixed shut. The windows shall not thereafter be altered in any way.

Reason: To prevent unreasonable overlooking to surrounding residential occupiers at no.7 Lyndhurst Terrace in accordance with policy A1 of the Camden Local Plan 2017.

- 14 The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

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 H6 and C6 of the Camden Local Plan 2017.

- 15 Notwithstanding the information shown on the approved drawings, full details of the boundary treatment including height, materials and design of the access gate shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant part of the works.

The relevant part of the works shall be carried out in accordance with the details thus approved.

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 and DH1, DH2 of the Hampstead Neighbourhood Plan 2019.

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 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.

- 3 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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 6 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you are considering working above or near Thames Water pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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.

Yours faithfully

