

Application ref: 2020/5207/P
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Date: 11 July 2023

Development Management
Regeneration and Planning
London Borough of Camden
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www.camden.gov.uk/planning

Phillips Planning Services Ltd
Kingsbrook House
7 Kingsway
Bedford
MK42 9BA
United Kingdom

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:
Garden House
Land Adjacent To 1 Ellerdale Road
London
NW3 6BA

Proposal:
Variation of condition 3 (approved plans), changes to wording of condition 7 (Compliance with Part M4(2)) and removal of condition 8 (Compliance with Part M4(3)), of planning permission 2015/7036/P dated 29/07/2016 for the Erection of new single-storey dwelling house with two storey basement; namely changes to internal walls.

Drawing Nos: Superseded: 28471-07 rev F; 28471-8 rev D

Replacement: 28471-07 rev H; 28471-8 rev E; Section Drawing; Setting out plan; Part M4(2) Statement Category 2 - Accessible and adaptable dwellings; Layout Plan v2; Plant maintenance schedule 05/11/2020; Supporting letter dated 09/11/2020 by Phillips Planning Services Ltd.

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 parent permission 2015/7036/P dated 29/07/2016.

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 purpose of this decision, condition 3 of planning permission 2015/7036/P dated 29/07/2016 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 and documents:

Site location Plan (drawing 15-01); 28471-05; 28471-06 rev A; 28471-07 rev H; 28471-8 rev E; 1706/02/15 rev A; 1706/02/16 rev A; Planning, Design and Access Statement dated November 2015 produced by Philips Planning Services Ltd; Basement Impact Assessment Rev B produced by Alan Baxter dated December 2015; Response to comments by Campbell Reith produced by Alan Baxter dated 27th June 2016 (ref 1706/02/HB/hb); Planning Statement Energy Assessment produced by eight associates Issue 2 dated 22/07/2016; Sustainability Statement: Double basement scheme produced by eight associates dated 10/12/2015; Construction Management Plan Rev A revised 25/07/2016 (for 2 basement storey scheme) produced by Charles Edward; Arboricultural Report and Impact Assessment Pre-Development produced by RGS dated December 2015; Addendum to arboricultural report and impact assessment received 18th May 2016; Maintenance of wildflower green roof system received on 27th June 2016; Design objectives for green roof received on 27th June 2016; Photovoltaic panels information email from Eight Associates dated 29th April 2016; Section Drawing; Setting out plan; Part M4(2) Statement Category 2 - Accessible and adaptable dwellings; Layout Plan v2; Plant maintenance schedule 05/11/2020; Supporting letter dated 09/11/2020 by Phillips Planning Services Ltd.

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

- 4 The living green roof shall be implemented in accordance with the details approved under application ref 2020/4044/P dated 16/12/2020. The living roofs 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 G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 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.

- 6 No additional windows shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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.

- 7 The new dwelling as indicated on plan numbers hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), as far as practically possible, in line with the evidence submitted Part M4(2) Statement Category 2 - Accessible and adaptable dwellings and agreed by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H1, H7, H6 of the London Borough of Camden Local Plan 2017.

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 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 A1, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 9 Soft and hard landscaping shall be implemented in accordance with the details approved under application ref 2020/5208/P dated 04/11/2021. 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.

- 10 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, prior to the occupation for the permitted use 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.

- 11 Tree protection measures shall be implemented in accordance with the details approved under application ref 2016/4223/P dated 18/11/2016.

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.

- 12 In the event that the proposed basement construction is not subject to party wall awards, the excavation works shall not commence until monitoring strategies and conditions surveys have been agreed with the owners of all neighbouring buildings where damage greater than Category 0 was predicted in the Basement Impact Assessment hereby approved- for the avoidance of doubt, this includes the garden wall, the kitchen extension to 1 Ellerdale Road, nos. 1 to 3 Ellerdale Road, 79 to 87 Fitzjohns Avenue, Coach House, 14 to 16 Prince Arthur Road and 5 Ellerdale Road.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A4 and A5 of the London Borough of Camden Local Plan 2017.

- 13 The basement excavation and construction works (both permanent and temporary) hereby approved shall be carried out in complete accordance with the construction methodology, detailed design, mitigation and monitoring measures contained in the Basement Impact Assessment reports and responses 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 policy A1 and A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The proposed changes to the approved plans under application ref no 2015/7036/P dated 29/07/2016, are mainly in relation to the access into the site and into the dwelling.

Condition 7 of application ref no 2015/7036/P dated 29/07/2016 required the new dwelling to be designed and constructed in accordance with Building Regulations Part M4(2). The development as granted, proposed access into the site via two ramps from the street pavement and another ramp to access the dwelling. Due to the site constraints, and following further site investigations and levels assessments, the access into the site has been altered to one ramp and five steps into the building. Compliance with Part M4(2) requires step free access into the dwelling which has not been achieved in this instance.

A statement was provided which explains the development compliance with general Part M(1) and some elements which comply with Part M4(2). A plan showing additional ramps to reach compliance with Part M4(2) has been submitted which would reduce the opportunity for greenery and general legibility of the site. The site and building as built have potential to accommodate future adaptations to increase accessibility of the dwelling if required, such as stair lifts, which is considered acceptable in this instance. As such, the changes in the wording of condition 7 are considered acceptable.

The changes to the access into as shown on the proposed drawings have been granted subject to planning permission 2019/2915/P dated 07/05/2020. These have now been implemented on site. On balance, given the building could be adapted to comply part M4(2), the information provided to discharge this condition is considered sufficient.

Condition 8 of application ref no 2015/7036/P dated 29/07/2016 required the new dwelling to be designed and constructed in accordance with Building Regulations Part M4(3). There is no policy requirement for one dwelling to be compliant with M4(3) Accessible (2b). Given that the development has been granted subject to a condition for compliance with Part M4(2), it is likely that the condition 8 was added in error and therefore its removal is accepted.

The full impact of the proposed development has already been assessed by virtue of the previous approval granted under permission 2015/7036/P dated 29/07/2016. The proposed amendments are therefore considered to be minor-material in the context of the original scheme and do not raise any new issues or alter the substance of the approved development.

- 2 No objections were received prior making this decision. 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, A4, A5, A3, D1, D2, H1, H3, H6, H7, CC1, CC2, CC3 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2021 and the London Plan 2021.

- 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, 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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 5 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.
- 6 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 where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer