

2019/3977: The Garden House, Vale of Health, Hampstead

Enclosed is an application to discharge Conditions 5, 7 & 8 attached to the above permission.

Permission 2019/3977 was a renewal of permission 2016/2600. The same three conditions the subject of this application were discharged under that previous permission 2016/2600: Condition 5 (16 September 2019, ref 2017/6992/P), Condition 7 (16 September 2019, ref. 2017/7059/P), Condition 8 (16 October 2020, ref. 2019/3988/P; nb this approval confirmed all conditions attached to 2016/2600 had been discharged).

The Council is aware that 2019/3977 has commenced. Work on site has been in accordance with the plans, details and conditions in that permission, and also in accordance with the details set out in the conditions discharged under 2016/2600.

However, it is acknowledged that Conditions 5, 7 & 8 attached to 2019/3977 have not formally been discharged in writing, albeit these conditions are the same as those already discharged under 2016/2600 and the build-out of 2019/3977 is progressing in accordance with the details as approved. The Council has recognised that these three conditions cannot still be considered true 'condition precedents', but have requested that an application for the discharge of the three conditions is resubmitted to ensure any technicalities as to whether they are enforceable are addressed.

(Nb: permission 2019/3977 was subject to a s106 agreement concerning the approval of a Construction Management Plan and the development be carried out in accordance with the requirements in that CMP. The provisions within the CMP will still be adhered to, and the contractor listed in the CMP remains the same.)

Accordingly, the following information is enclosed:

Condition 5

- a. EX-GA-050 rev T1
- b. PR-GA-050- rev T3
- c. L005 - Tree planting pit landscape detail
- d. Arboricultural Method Statement dated 7.12.18 ref AMS/MF/0113/18 by Marcus Foster, containing Tree Protection Plan T007 Rev A (Appendix B), Soft Landscaping Plans LD-001, 002, 003, & 004 (Appendix F)
- e. Tree and Landscape report dated 12.12.17 ref AR/MF/053/17 by Marcus Foster
- f. Garden House landscape images

Condition 7

- a. EX-GA-050 rev T1
- b. PR-GA-050- rev T3
- c. L005-tree planting pit landscape detail
- d. Arboricultural Method Statement dated 7.12.18 ref AMS/MF/0113/18 by Marcus Foster, containing Tree Protection Plan T007 Rev A (Appendix B), Soft Landscaping Plans LD-001, 002, 003, & 004 (Appendix F)
- e. Tree and Landscape report dated 12.12.17 ref AR/MF/053/17 by Marcus Foster
- f. Garden House landscape images

Condition 8

- a. 1377- C01 rev B
- b. PR-SK-500 rev T1
- c. PR-GA-050 rev T4
- d. S-50000 rev P02
- e. S-50001 rev P02
- f. Basement Impact Assessment dated 08/12/2017 by Eckersley O'Callaghan
- g. Planning Condition Discharge Report - Storm Drainage dated September 2019 by Infrastructure Design Studio

This information for each condition is the same as that approved under the previous condition discharge applications, ie 2017/6992/P, 2017/7059/P and 2019/3988/P). As the approved matters have already been considered acceptable, determined and approved in writing, it is trusted that these details can now be approved.

Leigh & Glennie Ltd

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