

Application ref: 2024/0331/P
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Date: 3 October 2024

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

Round Robin Studio Ltd
23 Elsworthy Road
London
NW3 3DS

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat C
41 Upper Park Road
London
NW3 2UL

Proposal:

Erection of an outbuilding to the rear garden.

Drawing Nos:

Site Location Plan; Design and Access Statement dated 3 May 2024 rev 01; Marcus Foster Arboricultural Survey Impact Assessment and Method Statement Report ref: AIA/MF/076/24 dated April 2024; Midayo Landscapes - Proposal Landscape Plan C156-1F dated 02 May 2024; Midayo Landscapes - Landscape Plan Details Plan C156 - Details 28 April 2024; Midayo Landscapes - Garden Maintenance Schedule; Midayo Landscapes - Design Statement; (00)009AP, (00)010AP, (00)050AP, (00)201AS, (00)202AS, (00)211AS, (20)050AP rev 02, (20)201AS rev 01, (20)211AS rev 01, (20)221AS rev 01, (20)500AP rev 02.

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:

Site Location Plan; Design and Access Statement dated 3 May 2024 rev 01; Marcus Foster Arboricultural Survey Impact Assessment and Method Statement Report ref: AIA/MF/076/24 dated April 2024; Midayo Landscapes - Proposal Landscape Plan C156-1F dated 02 May 2024; Midayo Landscapes - Landscape Plan Details Plan C156 - Details 28 April 2024; Midayo Landscapes - Garden Maintenance Schedule; Midayo Landscapes - Design Statement; (00)009AP, (00)010AP, (00)050AP, (00)201AS, (00)202AS, (00)211AS, (20)050AP rev 02, (20)201AS rev 01, (20)211AS rev 01, (20)221AS rev 01, (20)500AP rev 02.

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

- 3 Materials

The building shall be finished in timber cladding and all new external work shall be carried out in materials as detailed in the approved drawings and documents.

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 Living Roof

The living roof hereby approved shall be fully installed on the buildings in accordance with the approved plans and with the deepest shown substrate, prior to first occupation and thereafter retained and maintained for the duration of the development.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies A3 and CC3 of the Camden Local Plan 2017.

- 5 Tree Protection

The works hereby approved shall be carried out in accordance with approved details and the tree protection methods outlined in the documents and plans hereby approved, and the foundations shall only use ground screws, as set out in the Arboricultural Report (April 2024).

Reason: To ensure the retention of, and avoid damage to, the existing trees and maintain the character and amenity of the area in accordance with policy A3 of the Camden Local Plan 2017.

- 6 Incidental Use

The outbuilding hereby approved shall only be used for incidental purposes to 41 Upper Park Road and shall not be used as a separate residential dwelling or a business premises.

Reason: To protect the residential amenity of neighbouring occupiers and prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1, H6 and T2 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 (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.

- 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 Biodiversity Net Gain (BNG)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available this permission will not require the approval of a BGP before development is begun because the planning application was made before 12 February 2024.

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements.

The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied the adverse effect on the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 2023.

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

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer