

DATED 17/01/2025

2025

**(1) RARE ORIGINS LIMITED**

and

**(2) THE MAYOR AND BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN**

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**DEED OF VARIATION**

Relating to the Agreement dated 20 December 2023  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Rare Origins Limited

under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**ECHO HOUSE 1A NARCISSUS ROAD LONDON NW6 1TJ**

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Andrew Maughan  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 3935

G:\case files\culture & env\planning\AS\s106 Agreements\Echo House, 1A Narcissus Road(DoV)  
CLS/COM/AS/2111592

FINAL

THIS DEED is made on the

day of 17/01

2025

**BETWEEN**

1. **RARE ORIGINS LIMITED** (Co. Regn. No. 09719180) whose registered office is at Office 201, Floor 2, 33 Cavendish Square, London W1G 0PW (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

**WHEREAS:**

- 1.1 The Council and the Owner entered into an Agreement dated 20 December 2023 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under Title Number BB18586.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 23 October 2024 for which the Council resolved to grant permission conditionally under reference 2024/4203/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

## 2. INTERPRETATION

2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.

2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.

2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Agreement and shall not effect the construction of this Deed.

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 References in this Deed to the Owner shall include their successors in title.

2.7 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 20 December 2023 made between the Council and Rare Origins Limited

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 20 December 2023 referenced 2023/1357/P allowing erection of a four-storey building for use as 7x residential flats as shown on drawing numbers:- A.00.1, A.00.3, A.01.1, A.03.1, A.04.1, A.04.2, A.04.3, A.00.4C, A.01.2C, A.01.3D, A.01.4C, A.01.5C, A.03.2C, A.04.4C, A.04.5C, A.04.6D, I.06.1C, Energy And Sustainability Statement rev D by NRG Consulting dated June 2023, Daylight Sunlight & Overshadowing Assessment dated March 2023 by NRG Consulting, Noise Impact Assessment 1 Narcissus Road by Venta Acoustics dated 25 October 2023

**3. VARIATION TO THE EXISTING AGREEMENT**

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

3.1.1 "Development"

variation of condition 2 (approved plans) of planning permission 2023/1357/P dated 20.12.2023 (as amended by 2024/2673/P dated 29.08.2024) for: Erection of a four-storey building for use as 7x residential flats) namely to make the scheme compliant in terms of building regs, fire regs and minimum space standards. External alterations include changes to the Level 3 rear roof terrace, relocation of ASHP, brickwork, rooflights, front entrance canopy and front gate as shown on drawing numbers: - A.00.1, A.00.3, A.01.1, A.03.1, A.04.1, A.04.2, A.04.3, A.00.4C, A.01.2C, A.01.3D, A.01.4C, P-R-20-005 REV J, A.03.2C, E-F/R-20-006 REV L, P-03-20-004-REV O, E-N S-20-007 - REV H,



I.06.1C, Energy And Sustainability Statement rev D by NRG Consulting dated June 2023, Daylight Sunlight & Overshadowing Assessment dated March 2023 by NRG Consulting, Noise Impact Assessment 1 Narcissus Road by Venta Acoustics dated 07 October 2024 rev NIA1.1

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2024/4203/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted on 23 October 2024 by the Owner and given reference number 2024/4203/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2023/1357/P" shall be replaced with "Planning Permission reference 2024/4203/P".

3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

#### **4. COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the date hereof.

#### **5 PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed.

#### **6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge.

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and  
the Owner has executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY )  
RARE ORIGINS LIMITED )  
acting by a Director and its Secretary )  
or by two Directors )  
or by a Director and a Witness )

[Redacted Signature]

Director/

[Redacted Signature]

Director/Secretary/ Witness

Witness Name: PAPA CHAM

Address: 1 BRAQUE BUILDING, 86 EWER STREET, SE1 0FT

Occupation: ASSOCIATE

CONTINUATION OF S106 AGREEMENT IN RELATION TO  
ECHO HOUSE 1A NARCISSUS ROAD LONDON NW6 1TJ

THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN )  
was hereunto affixed by Order:- )



.....  
Duly Authorised Officer

*J Corder*





Application ref: 2024/4203/P  
Contact: Miriam Baptist  
Tel: 020 7974 8147  
Date: 9 January 2025

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Rare Origins Ltd  
33 Cavendish Square  
Unit 201, Floor 2  
London

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:

**Echo House**  
**1A Narcissus Road**  
**London**  
**NW6 1TJ**

Proposal:

**DECISION**  
Variation of condition 2 (approved plans) of planning permission 2023/1357/P dated 20.12.2023 (as amended by 2024/2673/P dated 29.08.2024) for Erection of a four-storey building for use as 7x residential flats) namely to make the scheme compliant in terms of building regs, fire regs and minimum space standards. External alterations include changes to the Level 3 rear roof terrace, relocation of ASHP, brickwork, rooflights, front entrance canopy and front gate.

Drawing Nos: A.00.1, A.00.3, A.01.1, A.03.1, A.04.1, A.04.2, A.04.3, A.00.4C, A.01.2C, A.01.3D, A.01.4C, P-R-20-005 REV J, A.03.2C, E-F/R-20-006 REV L, P-03-20-004-REV O, E-N S-20-007 - REV H, I.06.1C, Energy And Sustainability Statement rev D by NRG Consulting dated June 2023, Daylight Sunlight & Overshadowing Assessment dated March 2023 by NRG Consulting, Noise Impact Assessment 1 Narcissus Road by Venta Acoustics dated 07 October 2024 rev NIA1.1.

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 Planning permission expiry

This condition is intentionally left blank.

2 Approved drawings

The development hereby permitted shall be carried out in accordance with the following approved plans: The development hereby permitted shall be carried out in accordance with the following approved plans: A.00.1, A.00.3, A.01.1, A.03.1, A.04.1, A.04.2, A.04.3, A.00.4C, A.01.2C, A.01.3D, A.01.4C, P-R-20-005 REV J, A.03.2C, E-F/R-20-006 REV L, P-03-20-004-REV O, E-N S-20-007 - REV H, I.06.1C, Energy And Sustainability Statement rev D by NRG Consulting dated June 2023, Daylight Sunlight & Overshadowing Assessment dated March 2023 by NRG Consulting, Noise Impact Assessment 1 Narcissus Road by Venta Acoustics dated 07 October 2024 rev NIA1.1.

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

3 Samples of materials

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) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

4 Landscaping details

Full details of hard and soft landscaping and means of enclosure of all un-built, open areas must be carried out in accordance with the details approved under application 2024/2673/P dated 29.08.2024. 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 and D1 of the London Borough of Camden Local Plan 2017.

5 Landscape works implementation

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 (including trees existing at the outset of the development other than those indicated to be removed) 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 and D1 of the London Borough of Camden Local Plan 2017.

6 Energy and Sustainability Statement

The development shall be completed in accordance with materials and measures set out in the Energy and Sustainability Statement rev D dated June 2023, and achieve a minimum of 72.28% on-site savings beyond Part L of the Building Regulations 2013, with 73.4% achieved through the Be Green stage in the energy hierarchy.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with the requirements of policies C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

7 Internal Water Use

The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwellings 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.

8 Cycle Store Green Roof

Prior to commencement of development, the green roof to the cycle store must be carried out in accordance with the details approved under application 2024/2673/P dated 29.08.2024.

The green roof 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.

9 ASHP for Heating Only

Prior to first use of any of the air source heat pumps hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pumps shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.

10 ASHP Noise Levels

The external noise levels emitted from air source heat pumps (ASHP) equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

11 Adaptable Housing

Residential flat No 2 hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations, and residential flats Nos 3, 4, 5, 6 and 7 hereby permitted shall be constructed to comply with Part M4(1) of the Building Regulations.

Reason: To secure appropriate access for disabled people, older people and others with mobility constraints in accordance with policies H6 and C6 of the Camden Local Plan 2017.

12 Wheelchair Adaptable Housing

The following wheelchair adaptable residential unit hereby permitted shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations: Unit 1.

Reason: To secure appropriate access for disabled people, older people and others with mobility constraints in accordance with policies H6 and C6 of the Camden Local Plan 2017.



### 13 Sound Insulation

All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

The insulation shall be fully provided and fitted as per the details approved under application 2024/2673/P dated 29.08.2024.

Reason: To ensure that the amenities of future occupiers are protected in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

### 14 Enhanced Sound Insulation Details

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

The insulation shall be fully provided and fitted as per the details approved under application 2024/2673/P dated 29.08.2024.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

### 15 Plant Noise Levels

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.



16 Plant Anti-vibration Measures

Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration-isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

17 Secure Cycle Storage

Before the development commences, the covered cycle storage (Sheffield stands) for 13 cycles shall be installed as per the approved drawings. 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.

Informative(s):

1 Reasons for granting approval.

This minor material amendment application seeks permission for a number of necessary modifications to make the scheme (as approved under 2023/1357/P dated 20.12.2023, as amended by 2024/1711/P dated 22.05.2024) compliant in terms of building regulations, fire regulations and minimum space standards. External alterations include changes to the level 3 rear roof terrace, relocation of an ASHP to the level 3 roof terrace, brickwork alterations, changes to rooflights, addition of a front entrance canopy and front gate.

The terrace to the third floor flat is being extended to each side so that there are two points of access. This amendment preserves the symmetry of the building and is considered acceptable. There would still be a fixed planter at either end to set the terrace back from the edge of the building and provide a buffer between the terrace and neighbouring properties in either direction. An ASHP is to be relocated from the external plant area at ground floor, to ensure that it functions as required and meets the standards set out in the Energy and Sustainability statement. This relocation would ensure the air-circulation and maintenance requirements are met. The ASHP would serve the flat on the third floor and would be situated on the flat's rear terrace against the property, set back from the edge of the terrace. In this position it would not be visible from the public realm, nor conspicuous in private views from surrounding neighbours. The ASHP would be situated directly outside a bathroom which is not considered a sensitive use. The Council's Environmental Health Officer has reviewed this amendment and finds it acceptable and of no material harm to the living conditions of the third floor flat nor those of neighbouring properties. Conditions are attached requiring noise and vibration levels from the unit to be in accordance with the Council's requirements, and to ensure any mitigation measures are taken.

Instead of three rooflights to the rear main roofslope and two to the front main roofslope, there are now two proposed to the rear and three proposed to the front. The design of the mansard roof is such that at this height and position the rooflights would not be unduly noticeable from the street. The changes proposed are not considered to cause any harm in terms of the building's overall design. The rooflights, as per the previous permission, are considered to be similar in nature - facing upwards and designed to bring in natural light rather than to create an outlook toward any nearby properties. No harm is considered likely in terms of loss of outlook or privacy to any adjacent properties.

The brickwork alterations to the facades are considered minor in nature and the detailing is in keeping with the design and character of the property originally approved under permission 2023/1357/P. An entrance canopy would be added above the main entrance door, and a gate would be fitted to the front boundary. These features are considered minor in nature and suitable for the front of the property. The front gate has been revised to be less high and defensive.

The proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

Given the number of ASHP units would remain the same, the proposal is still considered to be acceptable in sustainability terms.

No objections have been received prior to 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, D1, CC1 and CC2 of the Camden Local Plan 2017, as well as Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 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, 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.



- 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](http://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 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.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 8 All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

9 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).

10 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is 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, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
  - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.



- It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
- The application is a Householder Application.
- It is for development of a 'Biodiversity Gain Site'.
- It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

#### 11 Biodiversity Net Gain (BNG) Informative (2/2):

##### + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

##### ++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

##### ++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

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>.

Yours faithfully

Supporting Communities Directorate