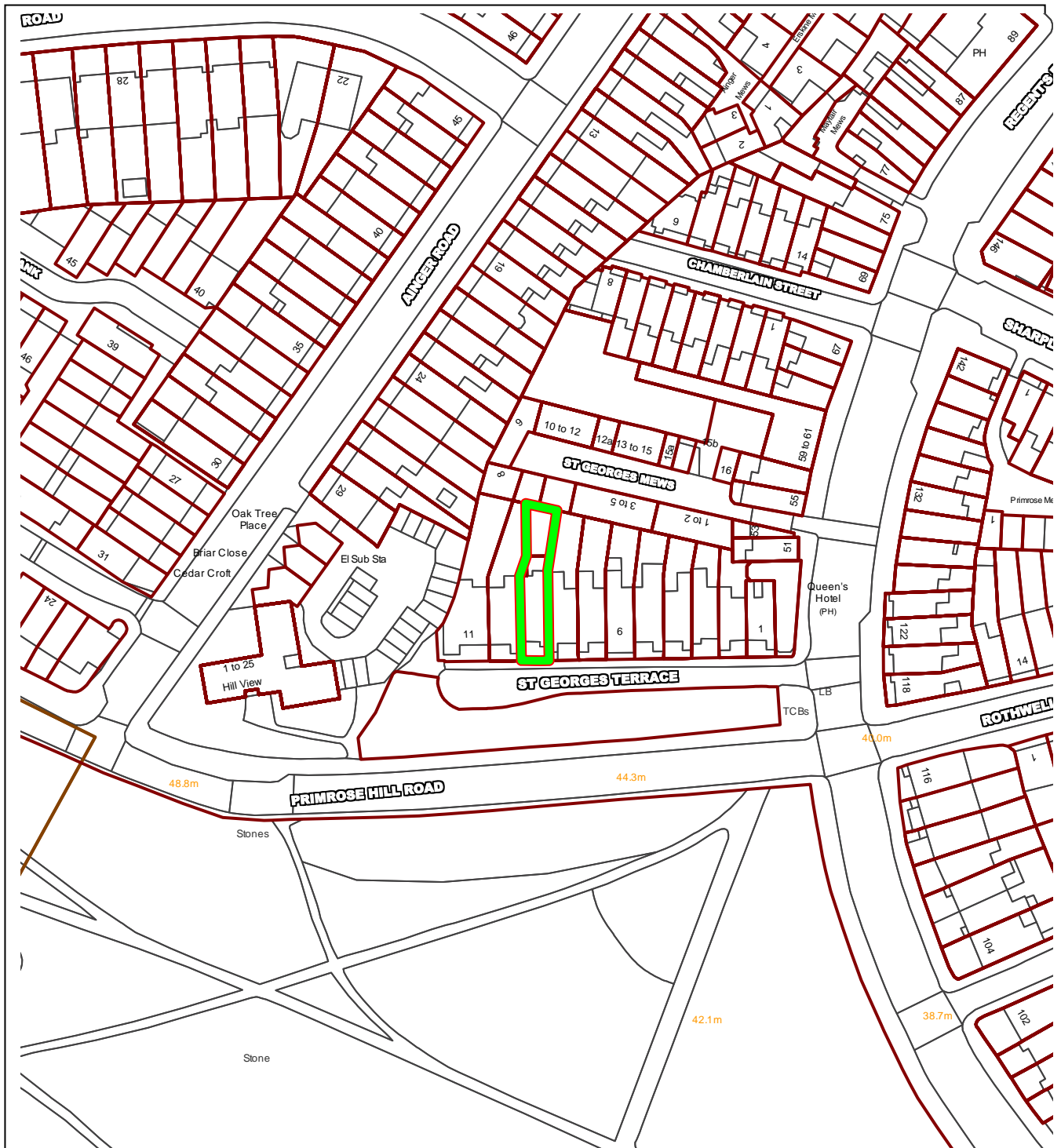


9 St George's Terrace - 2017/3315/P



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Site photos – 9 St George's Terrace

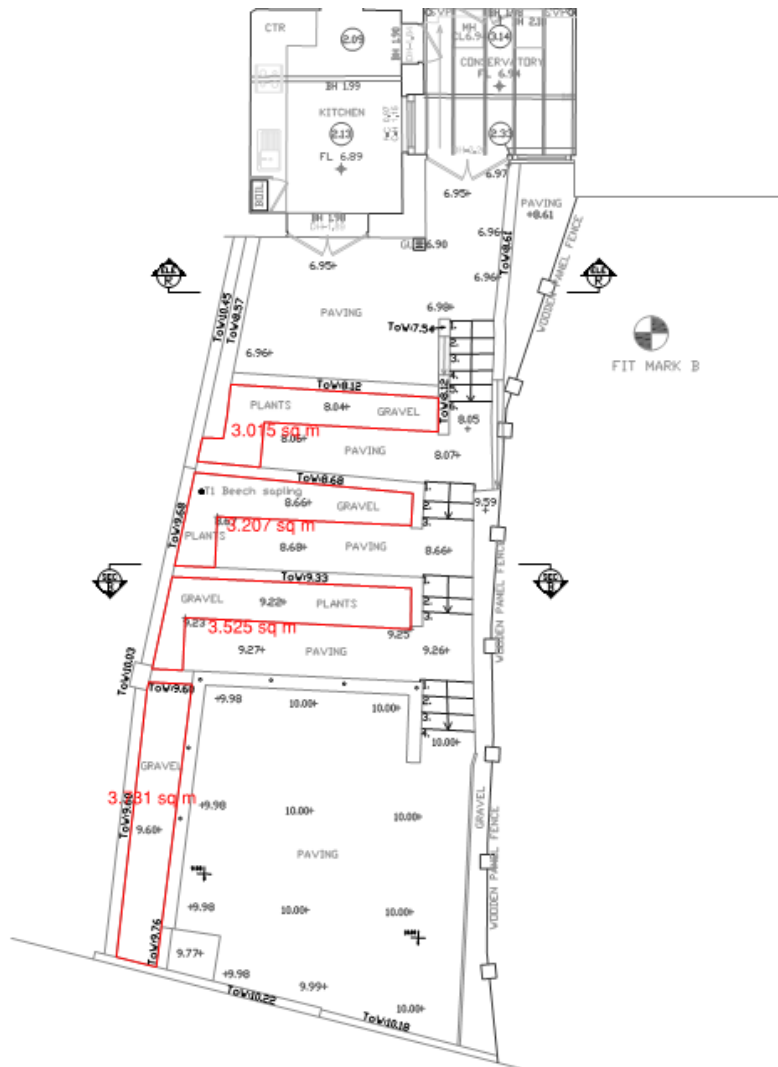


1. View towards rear elevation

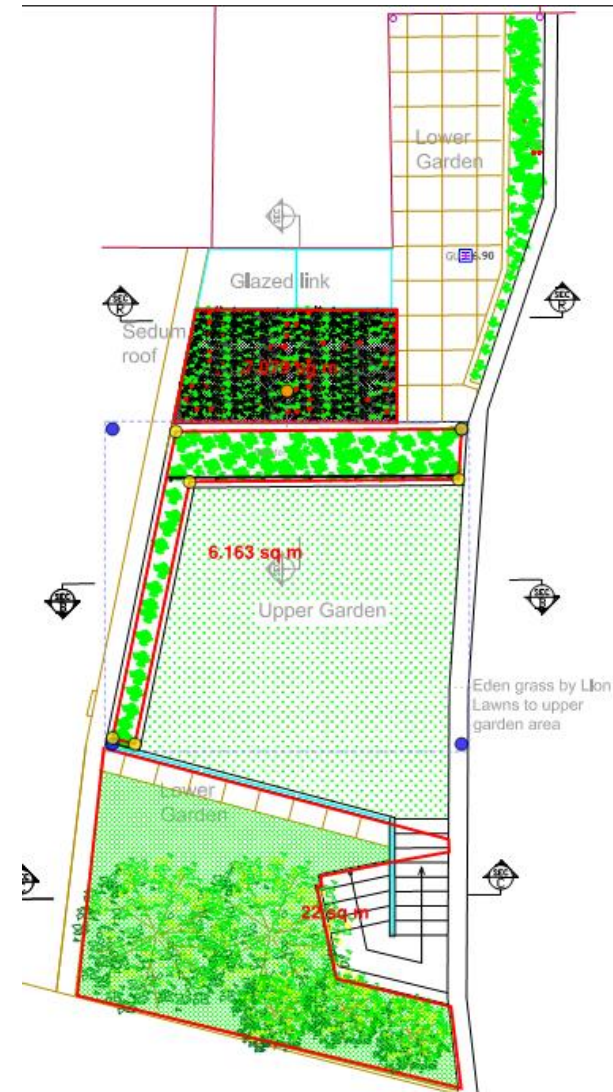


2. View of the terraced rear garden

Comparison of the total area of soft landscaping



Existing Plan



Proposed Plan

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	03/08/2017
		N/A	Consultation Expiry Date:	20/07/2017
Officer			Application Number(s)	
David Peres Da Costa			2017/3315/P	
Application Address			Drawing Numbers	
Flat Lower Ground Floor 9 St George's Terrace London NW1 8XH			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Removal of condition 5 (sustainable urban drainage) of planning permission 2016/4393/P dated 10/05/2017 (for rear extension at lower ground level with garden above (following demolition of conservatory) including excavation of rear garden)				
Recommendation(s):		Grant removal of condition		
Application Type:		Removal of condition (Variation or removal of conditions – Section 73)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	A site notice was displayed from 23/06/17 to 14/07/2017 and the application was advertised in the local paper on 29/06/17 (notice expiring on 20/07/2017). No objections were received.					
Primrose Hill CAAC:	<p>Primrose Hill Conservation Area Advisory Committee - object</p> <p>The objective of achieving sustainable urban drainage is an important one, however it is achieved in practice in different locations. It is one of the recognized purposes of designating a conservation area that development which might seem minor when considered in isolation should be judged in terms of cumulative harm to the character and appearance of the conservation area. The lie of the land on which St George's Terrace is sited has, we understand, given cause to be cautious in such matters.</p> <p>It is also one of the prime objectives of the NPPF that development should be sustainable: sustainable urban drainage is one aspect of that larger consideration and should not be undermined.</p> <p><i>Officer's comment: The condition is not necessary as the BIA Audit has confirmed that water entering the sewer system would be reduced as required by policy DP23 and Local Plan Policy CC2 and CC3. The Council's sustainability officer has confirmed that in this context the removal of the SUDS condition would be acceptable. Please see section 3 of the report below for further explanation of this assessment.</i></p>					

Site Description

The site is a 5 storey terrace property (including lower ground floor) in the Primrose Hill Conservation Area. The property is part of a Grade II listed terrace (Nos.1-11) on the north side of St George's Terrace.

Relevant History

Flat 1a, 10 St George's Terrace

2008/2831/P & 2008/3194/L: Erection of a single storey in-fill conservatory extension to the rear of the ground floor flat and minor alterations to the front and rear basement elevations. Granted 16/09/2008

2014/7274/P & 2014/7336/L: Rear extension at lower ground level with garden above including excavation of rear garden, demolition of rear conservatory and internal alterations. Non-determination would have refused 13/04/2016 Appeal dismissed 04/08/2016

Reasons for refusal

1. The proposed extension, by reason of its location, form, size and materials, would be an incongruous addition which would be harmful to the appearance and special architectural and historic interest of this listed building and the character and appearance of the conservation area.
2. The proposed extension and rear lightwell, by reason of its location, form and size, without either margins to the side of the extension or depth of soil above for planting, would harm biodiversity and undermine the garden setting of the host property, harming the listed building and the wider conservation area.
3. The proposed extension, by reason of its location and size, would undermine the spatial hierarchy and plan form of the listed building, harming its characteristic historic proportions and significance.
4. The proposed extension, by reason of insufficient side margins and insufficient depth of soil above the extension and the absence of information on SUDS, would not provide a 50% reduction in surface water run-off rates.
5. The proposed development with privacy screen, by reason of the increased sense of enclosure to the occupier of the upper ground floor flat, would be harmful to neighbouring amenity.

They were a further 3 reasons for refusal which related to the absence of a Section 106 legal agreement to secure a Construction Management Plan, Basement Construction Plan and highways contribution.

Whilst the appeal was dismissed the inspector did not support reasons for refusal 1-5. The appeal was dismissed solely on the basis that there was no legal agreement securing a highways contribution, CMP and BCP. *"Even though I have found in favour of the appellant's case in respect of the main issues, this does not outweigh or overcome the lack of a legally effective mechanism in terms of local infrastructure"*

2016/4393/P & 2016/4870/L: Rear extension at lower ground level with garden above (following demolition of conservatory) including excavation of rear garden. Granted Subject to a Section 106 Legal Agreement 10/05/2017

Relevant policies

NPPF 2012

The London Plan March 2016, consolidated with alterations since 2011

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A5 Basements and Lightwells

Policy CC2 Adapting to climate change

Policy CC3 Water and flooding

Camden Planning Guidance

Primrose Hill Conservation Area Statement

Assessment

1. Proposal

- 1.1. The application seeks the removal of condition 5 (sustainable urban drainage) from planning permission 2016/4393/P dated 10/05/2017 'for rear extension at lower ground level with garden above (following demolition of conservatory) including excavation of rear garden'.

Condition 5:

Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

2. Background

- 2.1. Planning permission was previously granted (10/05/2017) for 'rear extension at lower ground level with garden above (following demolition of conservatory) including excavation of rear garden' (2016/4393/P). A SUDS condition was included on the decision to reduce the pressure placed on the combined storm water and sewer network from foul water and surface water run-off.
- 2.2. This application seeks permission to remove this condition as the applicant reasons that this attached condition is now unnecessary/unreasonable in light of the recent appeal and basement assessment history.

3. Assessment

- 3.1. It is noted that the existing garden had 13.47sqm of soft landscaping and large areas of hard landscaping whereas the approved garden (2016/4393/P) would provide an overall increase in soft landscaping by area of 36.2sqm (including 23sqm in the lower garden, 7sqm of sedum and 6.2sqm of planters).
- 3.2. The planning inspector for the appeal (against the refusal for the rear extension at lower ground level with garden above including excavation of rear garden – planning ref: 2014/7274/P) dealt with the matter of sustainable urban drainage systems (SUDS). Within their report the inspector reasoned that:
- 3.3. *"In terms of sustainable drainage matters, the Basement Impact Assessment (BIA) identifies that the proposal would amount to a reduction in water run-off, and that there would be an increase in the ability to manage this run-off. The BIA was audited by an organisation independent of the original, and whom the Council were satisfied would provide an appropriate*

audit of the BIA and the Council has raised no significant concerns with the outcome of the audit. On this basis, I see no reason to not consider the BIA submitted, and its conclusions, as written.

- 3.4. *In this respect, the audit indicates that the drainage arrangements comply with the relevant policies of the development plan, including Policy DP23 of the CDP, which, whilst indicating that the Council will require developments to reduce the pressure on the sewer network and the risk of flooding by limiting the rate and run-off of waste water, does not indicate a specific level which should be achieved within the Policy”.*
- 3.5. As specified by Circular 11/95, all conditions applied must be necessary and reasonable in order to be justified / applied by the Council. Given the appeal decision and the assessment included within the formal Basement Impact Assessment (confirmed within the subsequent BIA Audit), it is not considered necessary or reasonable to require this condition to be retained.
- 3.6. The BIA Audit states that there will be a reduction in the area of hard surfacing due to the creation of the lower gardens. Calculations have been provided to indicate decreases in the amount of hardstanding run off into the existing sewer system by 22%, and of hardstanding run off to planted areas by 41%. The BIA Audit also confirms that the risk of higher ground water levels affecting the wider area remain low. The details previously assessed and secured are therefore considered to have already addressed the need to reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in line with policy requirements.
- 3.7. The condition is therefore not necessary as the BIA Audit has confirmed that water entering the sewer system would be reduced as required by policy DP23 and Local Plan Policy CC2 and CC3. The Council’s sustainability officer has confirmed that in this context the removal of the SUDS condition would be acceptable.

4. Conclusion

- 4.1. Grant removal of condition 5

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 9th October 2017, 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’.

Mr Grant Leggett
Boyer Planning
2nd Floor
24 Southwark Bridge Road
London
SE1 9HF

Application Ref: **2017/3315/P**
Please ask for: **David Peres Da Costa**
Telephone: 020 7974 **5262**

4 October 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**Flat Lower Ground Floor
9 St George's Terrace
LONDON NW1 8XH**

Proposal:

Removal of condition 5 (sustainable urban drainage) of planning permission 2016/4393/P dated 10/05/2017 (for rear extension at lower ground level with garden above (following demolition of conservatory) including excavation of rear garden.

Drawing Nos: Cover letter prepared by Boyer Planning dated 8 June 2017

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Informative(s):

Executive Director Supporting Communities



- 1 This approval under Section 73 of the 1990 Act removes condition 5 of the previous planning permission 2016/4393/P dated 10/05/2017 and is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION