

Application ref: 2017/5634/P  
Contact: Tessa Craig  
Tel: 020 7974 6750  
Date: 29 May 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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qR Architects Ltd  
Spectrum House, Unit 34  
32-34 Gordon House Road  
London  
NW5 1LP

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:

**9 Maresfield Gardens  
London  
NW3 5SJ**

Proposal:

Variation of Condition 3 (approved plans) of planning permission 2016/4136/P dated 11/07/2017 (for excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases), namely to infill the gap between the two approved rear extensions at lower ground and ground floor and the addition of no.1 ground floor rear window.

Drawing Nos: Superseded:

3009(PLA)100, 3009(PLA)101, 3009(PLA)102, 3009(PLA)203, 3009(PLA)203-1.

Proposed:

9MG-PP-01A Revision A, 9MG-PP-02A Revision A, 9MG-PP-03A Revision A, 9MG-PP-04A Revision A and 9MG-PP-05A Revision A.

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

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.3 of planning permission

2016/4136/P dated 11/07/2017 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:

OS Analysis of Site Layout for Daylight and Sunlight, Planning, Design & Access Statement, Arboricultural Appraisal and Implications Assessment, Basement Impact Assessment 8972\_FS\_GB, Sustainability Statement, CPG2 Statement, Heritage Statement, 3009(EXI)100, 3009(EXI)101, 3009(EXI)102, 3009(EXI)103, 3009(EXI)200, 3009(EXI)201, 3009(EXI)202, 3009(EXI)203, 3009(EXI)300, 3009(EXI)301, 3009(PLA)201, 3009(PLA)201-1, 3009(PLA)202, 3009(PLA)204, 3009(PLA)300\_301, 3009(PLA)400, 3009(PLA)001, 9MG-PP-01A Revision A, 9MG-PP-02A Revision A, 9MG-PP-03A Revision A, 9MG-PP-04A Revision A and 9MG-PP-05A Revision A.

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

- 2 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2016/4136/P dated 11/07/2017.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 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 policies D1 and D2 of the Camden Local Plan 2017.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

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 A5 of the Camden Local Plan 2017.

- 5 Before the development commences, details of secure and covered cycle storage area for 5 cycle spaces shall be submitted to and approved by the local planning

authority. 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 policies T1 and T2 of the Camden Local Plan 2017.

- 6 The proposed roof lantern on the rear extension at ground floor level shall be obscure glazed and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises 90 Fellows Road in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 7 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

- 8 Any trees or areas of planting (other than those which are shown to be removed as part of this application) 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 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 A1 and A3 of the Camden Local Plan 2017.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 Some highway licenses would be required to facilitate the proposed works. The applicant would need to obtain such highway licences from the Council prior to commencing work on site. Any such licence requirements should be discussed in the CMP. Details for the highway licences mentioned above are available on the Camden website at the hyperlink below:

<http://www.camden.gov.uk/ccm/content/business/business-regulations/licensing-and-permits/licences/skips-materials-and-building-licences/building-licences/>

- 5 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 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

*David T. Joyce*

David Joyce  
Director of Regeneration and Planning

