

Mr Frazer Hickling  
Phillips Planning Services Ltd  
Kingsbrook House  
7 Kingsway  
Bedford  
Bedfordshire  
MK42 9BA

Application Ref: **2015/7036/P**  
Please ask for: **Elaine Quigley**  
Telephone: 020 7974 **5101**

29 July 2016

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**Garden House**  
**Land adjacent to 1 Ellerdale Road**  
**London**  
**NW3 6BA**

Proposal:

Erection of new single-storey dwelling house with two storey basement on land to the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3).

Drawing Nos: Site location Plan (drawing 15-01); 28471-05; 28471-06 rev A; 28471-07 rev F; 28471-8 rev D; 1706/02/15 rev A; 1706/02/16 rev A; Planning, Design and Access Statement dated November 2015 produced by Philips Planning Services Ltd; Basement Impact Assessment Rev B produced by Alan Baxter dated December 2015; Response to comments by Campbell Reith produced by Alan Baxter dated 27th June 2016 (ref 1706/02/HB/hb); Planning Statement Energy Assessment produced by eight associates Issue 2 dated 22/07/2016; Sustainability Statement: Double basement scheme produced by eight associates dated 10/12/2015; Construction Management Plan Rev A revised 25/07/2016 (for 2 basement storey scheme) produced by Charles Edward; Arboricultural Report and Impact Assessment Pre-Development produced by RGS dated December 2015; Addendum to arboricultural report and impact assessment received 18th May 2016; Maintenance of wildflower green roof system received on 27th June 2016; Design objectives for green roof received on 27th June 2016; Photovoltaic panels information



email from Eight Associates dated 29th April 2016.

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 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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans- Site location Plan (drawing 15-01); 28471-05; 28471-06 rev A; 28471-07 rev F; 28471-8 rev D; 1706/02/15 rev A; 1706/02/16 rev A; Planning, Design and Access Statement dated November 2015 produced by Philips Planning Services Ltd; Basement Impact Assessment Rev B produced by Alan Baxter dated December 2015; Response to comments by Campbell Reith produced by Alan Baxter dated 27th June 2016 (ref 1706/02/HB/hb); Planning Statement Energy Assessment produced by eight associates Issue 2 dated 22/07/2016; Sustainability Statement: Double basement scheme produced by eight associates dated 10/12/2015; Construction Management Plan Rev A revised 25/07/2016 (for 2 basement storey scheme) produced by Charles Edward; Arboricultural Report and Impact Assessment Pre-Development produced by RGS dated December 2015; Addendum to arboricultural report and impact assessment received 18th May 2016; Maintenance of wildflower green roof system received on 27th June 2016; Design objectives for green roof received on 27th June 2016; Photovoltaic panels information email from Eight Associates dated 29th April 2016.

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

- 4 Full details in respect of the living green roof in the area indicated on the approved roof plan including:
  - (i) Details of materials, species, planting density, and substrate
  - (ii) a statement of the design objectives, including justification of roof type/species selection
  - (iii) a site specific management plan including an initial scheme of maintenance
  - (iv) a section at scale 1:20 showing that adequate depth is available in terms of the

construction and long term viability

These details shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 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.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s 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 policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No additional windows shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The new dwelling as indicated on plan numbers hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 8 The new dwelling as indicated on the plan numbers hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (3) Accessible (2b). Evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the wheelchair unit would be capable of providing adequate amenity in accordance with policies CS6 of the London Borough of

Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to commencement of the relevant part of the development , full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include:
- (i) scaled plans showing all existing and proposed vegetation and landscape features
  - (ii) a schedule detailing species, sizes, and planting densities
  - (iii) location, type and materials to be used for hard landscaping and boundary treatments
  - (iv) specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
  - (v) details of any proposed earthworks including grading, mounding and other changes in ground levels.
  - (vi) a management plan including an initial scheme of maintenance and a programme of root environment improvement works.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 11 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 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 policy CS14, and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 12 Details shall be submitted to and approved by the Council before the relevant part of the development commences to demonstrate how all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:
- (i) a tree protection plan (TPP) showing the location and nature of tree protection measures
  - (ii) appropriate working processes in the vicinity of trees
  - (iii) details of an auditable system of site monitoring
  - (iv) details of the design of building foundations
  - (v) details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site.
- The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 13 In the event that the proposed basement construction is not subject to party wall awards, the excavation works shall not commence until monitoring strategies and conditions surveys have been agreed with the owners of all neighbouring buildings where damage greater than Category 0 was predicted in the Basement Impact Assessment hereby approved- for the avoidance of doubt, this includes the garden wall, the kitchen extension to 1 Ellerdale Road, nos. 1 to 3 Ellerdale Road, 79 to 87 Fitzjohns Avenue, Coach House, 14 to 16 Prince Arthur Road and 5 Ellerdale Road.

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 CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The basement excavation and construction works (both permanent and temporary) hereby approved shall be carried out in complete accordance with the construction methodology, detailed design, mitigation and monitoring measures contained in the Basement Impact Assessment reports and responses hereby approved.

Reason: To safeguard the structural stability of neighbouring buildings and the water environment of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

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)

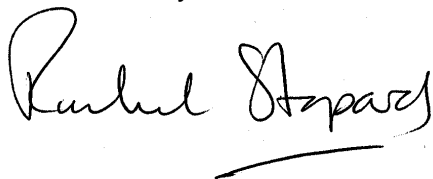
- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer. Please note also the requirements of condition 13 above regarding party wall awards to include monitoring surveys.
- 5 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.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 8 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of 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



Rachel Stopard  
Executive Director Supporting Communities

