

## Location Plan

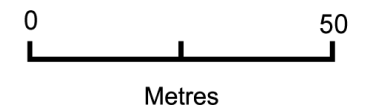
Site Address: 10, Pratt Mews, London, NW1 0AD

Date Produced: 11-Oct-2024

Scale: 1:1250 @A4



Planning Portal Reference: PP-13417695v1



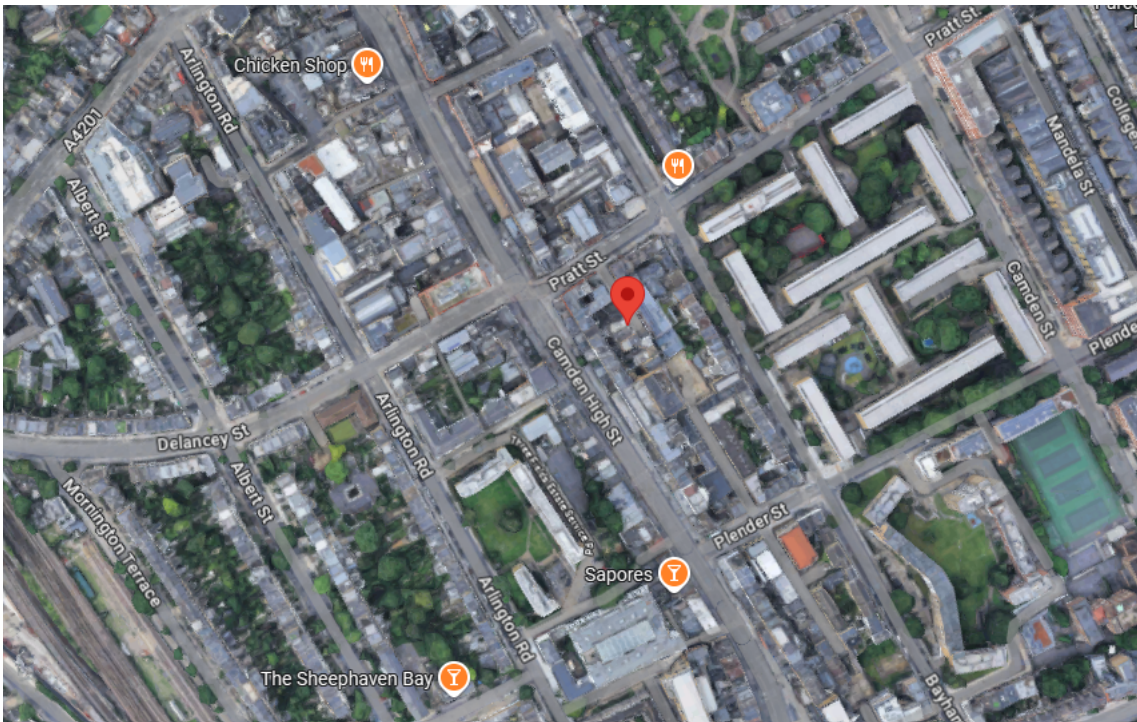


Photo 1 (above): Aerial view (source: Google 3D)

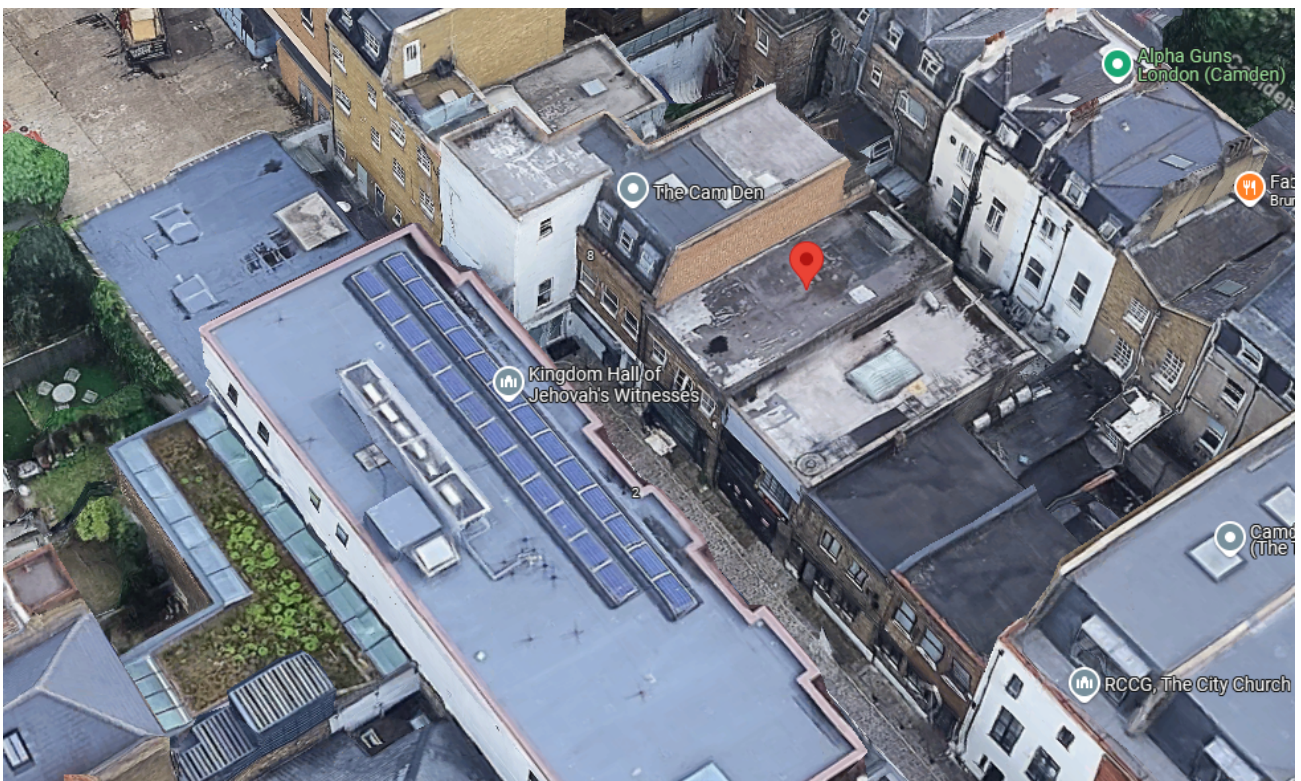


Photo 2 (above): Aerial view (source: Google 3D)



Photo 3 (above): Street view (source: Google 3D)



Photo 4 (above): Existing front and rear elevations

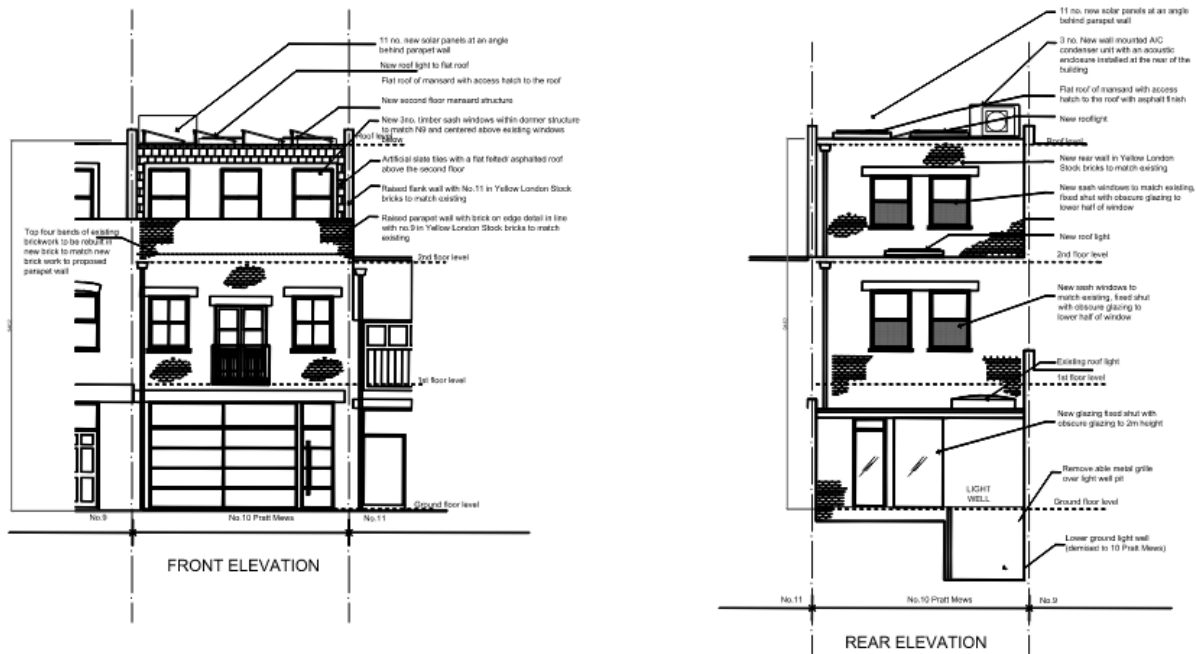


Photo 5 (above): Proposed front and rear elevations

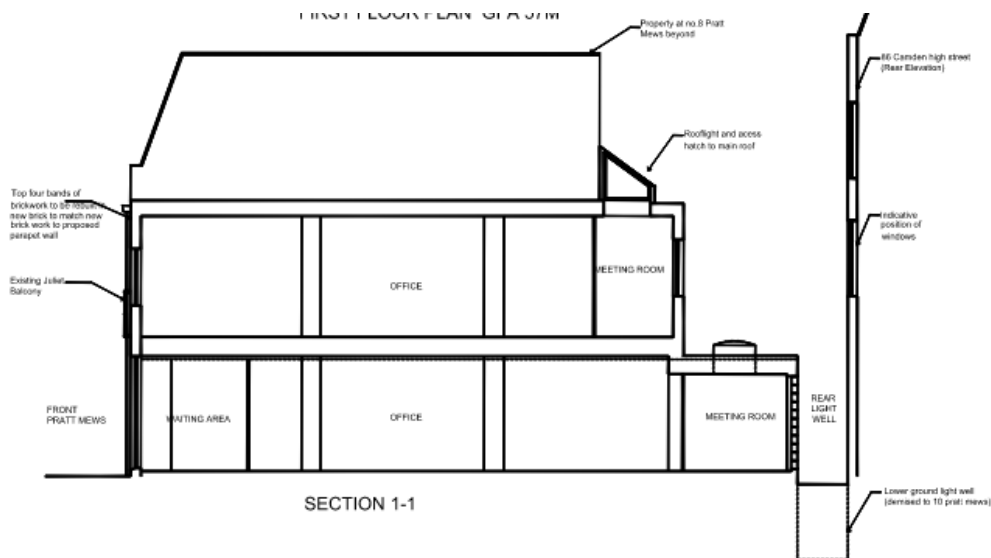


Photo 6 (above): Existing section

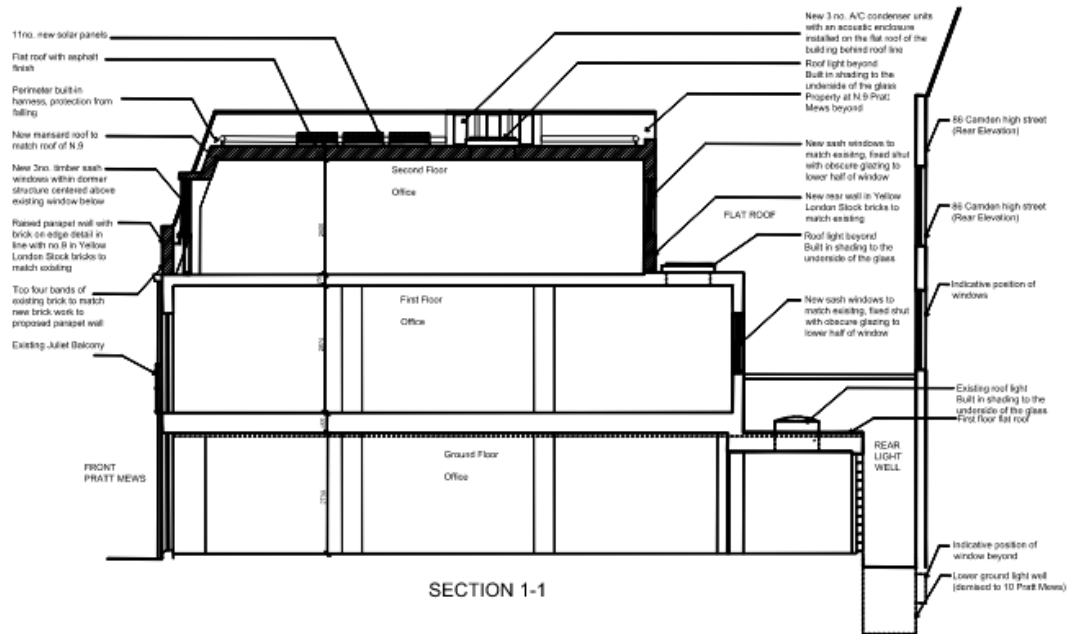


Photo 7 (above): Proposed section

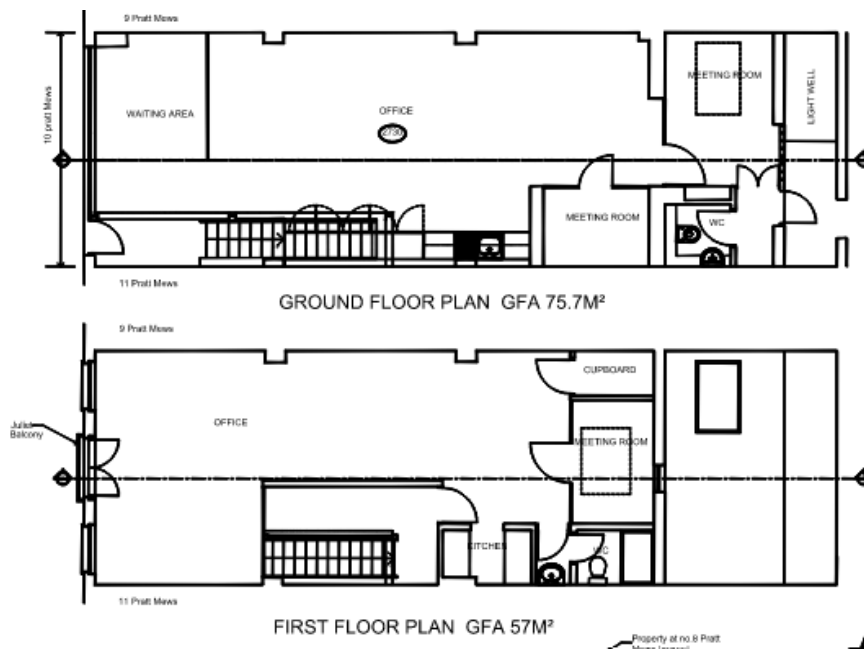


Photo 8 (above): Existing floor plans

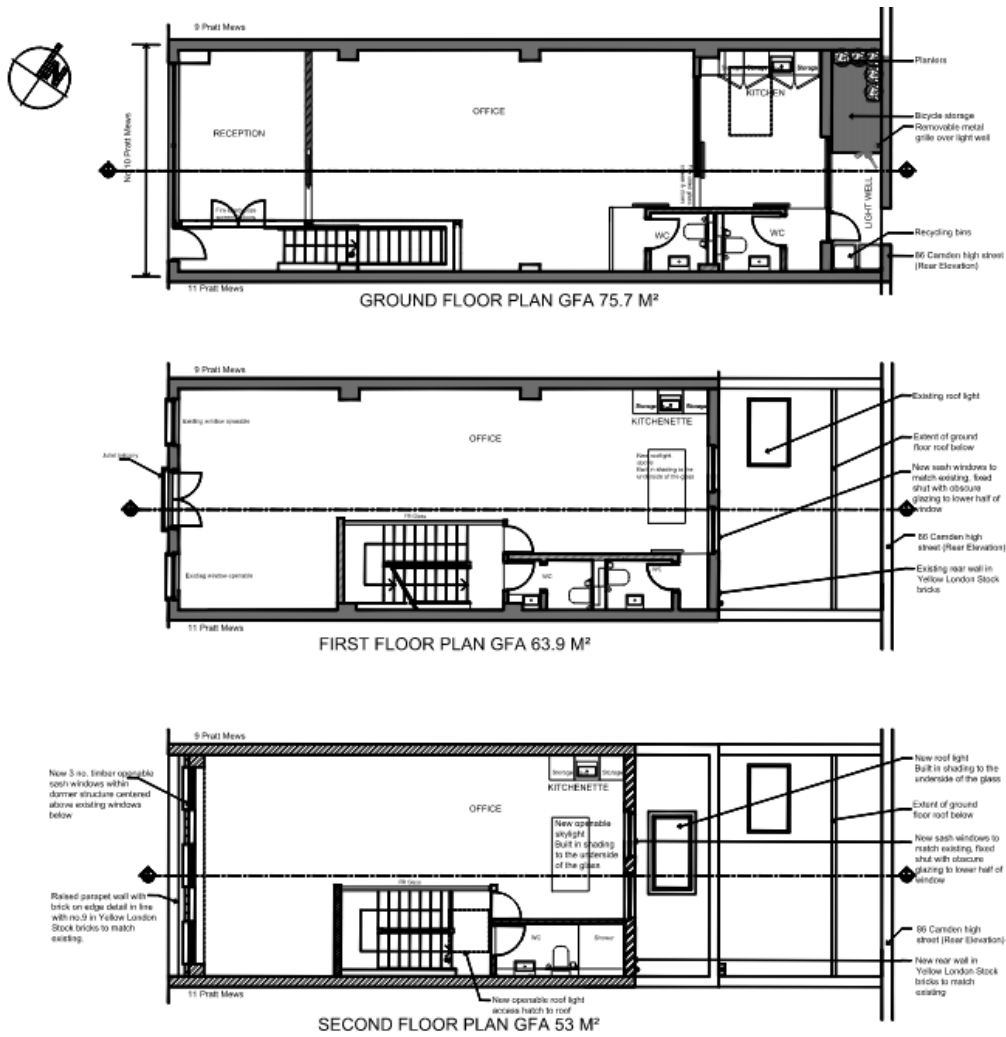


Photo 9 (above): Proposed floor plans

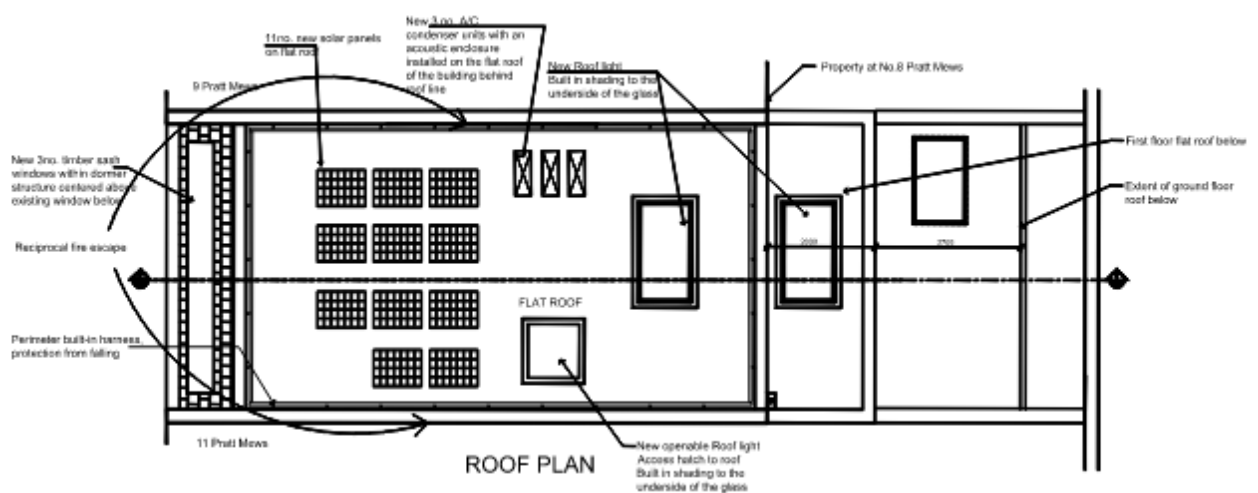


Photo 10 (above): Proposed roof plan

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>18/12/2024</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>24/11/2024</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Lauren Ford			2024/4426/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
10 Pratt Mews London NW1 0AD			See Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of mansard roof extension with solar panels, 2 x rooflights and 3 x air-conditioning units within acoustic enclosure at roof level, 1 x rooflight on rear first floor roof, and changes to existing windows and lightwells to the existing rear building elevation.					
<b>Recommendation(s):</b>		Grant conditional planning permission			
<b>Application Type:</b>		Full planning permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Summary of consultation:	Site notices were displayed near the site on the 30/10/2024 (consultation end date 23/11/2024).  The development was also advertised in the local press on the 31/10/2024 (consultation end date 24/11/2024).					
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	6
			No. Electronic	00		
Summary of consultation responses:	<p>Six objections have been received from neighbouring residents, which can be summarised as follows:</p> <ul style="list-style-type: none"><li>Concerns surrounding the credibility of the daylight and sunlight report</li><li>Daylight and sunlight report states that the proposal would be non-compliant regarding windows 61 and 62 at Regent’s House.</li><li>Impact on daylight and sunlight and reduction of daylight and sunlight</li><li>Window 24 of 84 Camden High Street fails to comply with BRE guidelines for daylight distribution.</li><li>The VSC for window 25 increases after the proposed development</li><li>Daylight distribution has not been provided for 86 Camden High Street or 11 Pratt Mews or 6 other windows in various properties.</li><li>Concerns regarding robustness of noise assessment</li><li>Noise from the proposed air conditioning (AC) units and a failed</li><li>Hot air expelled by the AC</li><li>Privacy and overlooking</li><li>Impact on parking availability</li><li>Litter</li><li>Construction impacts</li><li>Impact of additional storey on the character of the mews –</li><li>Energy rating</li></ul> <p><u>Officer comment:</u></p> <ul style="list-style-type: none"><li>Suitably qualified professionals have prepared the daylight and sunlight report, and the LPA believes that it is sufficient to inform an assessment of the harm caused to the proposal concerning the daylight and sunlight received on neighbouring windows.</li><li>Window 61 serves a living/dining/kitchen of unit 3 at Regent’s House and window 62 serves a bedroom of unit 4 at Regent’s House. Both windows do not meet BRE guidelines for daylight distribution, but this is considered acceptable for the reasons detailed in Section 5 (Amenity) below.</li><li>The consultant who prepared the daylight and sunlight report has stated that the reason there is an improvement in the VSC score for window 25 at Regent’s House is that on the existing roof, the <i>hatch to the roof light is being removed and not replaced by the proposed 2<sup>nd</sup> floor. As the proposed rear elevation wall is set back it creates a slight improvement in daylight thus the VSC score increasing by 0.4%.</i> It is noted that the change in VSC for this window is very small – existing is 16.8% and following development is 17.2%</li><li>The submitted noise impact assessment has been reviewed by the</li></ul>					

	<p>Council's Environmental Health Officer (pollution), who did not raise any concerns surrounding the robustness of the report, and confirmed that the measurement location is acceptable.</p> <ul style="list-style-type: none"> <li>• The additional story would not result in unacceptable harm to the character of the mews for the reasons outlined within Section 3 Design and Heritage below.</li> <li>• Privacy and overlooking effects are acceptable and discussed in Section 5 Amenity below.</li> <li>• Construction impacts are discussed in Section 7 Transport below. A construction management plan would be secured by way of a Section 106 legal agreement.</li> <li>• Sustainability is discussed in Section 6 below.</li> </ul>
<b>Camden Town CAAC</b>	<p>The Camden Town CAAC were consulted on the application. No response was received.</p>

## Site Description

The application site is located on the western side of Pratt Mews and comprises a two storied (plus basement) building that is currently vacant. However, the lawful (and most recent) use is Class E (office).

The site is within the Camden Town Conservation Area and has been identified as a positive contributor to the conservation area. No listed buildings are near to the site.

## Relevant History

### Application Site

**2016/5942/P:** *Erection of roof extension to create second floor level, with associated installation of rooflights and alterations to rear elevation to office building (Class B1).* **Granted**, 03/02/2017.

**2013/7963/P:** *Erection of roof extension to create second floor level, with associated installation of rooflights and alterations to rear elevation.* **Granted**, 07/02/2014.

**2008/1903/P:** *Erection of an additional floor to office building, to provide additional office space (Class B1).* **Granted**, 26/08/2008.

**2007/6256/P:** *Erection of second and third floor extension to existing 2-storey office building to provide additional office floorspace (Class B1).* **Refused**, 02/07/2008.

### Surrounding Area:

**2023/2881/P (8-9 Pratt Mews):** *Erection of an additional storey to 2 mews buildings.* **Refused**, 24/11/2023, **appeal dismissed**, 08/07/2024.

**2023/0446/P (8-9 Pratt Mews):** *Erection of an additional storey to 2 mews buildings.* **Refused**, 28/04/2023.

**2005/2721/P (8-9 Pratt Mews):** *Mansard roof extension and additional storey to the front of No. 8 to provide 1x1 bedroom flat and 1x1 studio at second floor level.* **Granted**, 22/12/2005.

**2005/1633/P (8-9 Pratt Mews):** *Erection of a first floor rear extension to accommodate a 2 bedroom flat and conversion of existing first to third floor levels from a 3 bed maisonette to 3 x 1-bedroom flats.* **Refused**, 22/07/2005.

## Relevant policies

### The London Plan (2021)

### The National Planning Policy Framework (2024)

### Camden Local Plan (2017)

D1 Design

D2 Heritage

A1 Managing the impact of development

E2 Employment premises and sites

CC1 Climate change mitigation

CC2 Adapting to climate change

T1 Prioritising walking, cycling and public transport

### Camden Planning Guidance (CPG)

CPG Design (2019)

CPG Amenity (2018)

CPG Energy Efficiency and Adaptation (2021)

## Camden Town Conservation Area Appraisal and Management Strategy

### Draft Camden Local Plan

The Council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## Assessment

### 1. Proposal

1.1. The applicant seeks permission for a roof extension to provide additional Class E (office) space. In more detail, the works involve the following:

- Roof extension, in the form of a flat-topped mansard, with 3x dormer windows to the front elevation to provide an additional 53m<sup>2</sup> of office space;
- 11x solar panels at roof level;
- 3x air-conditioning units within acoustic enclosure at roof level;
- 3x rooflights, including 2x at roof level and 1x on the rear first floor roof; and
- Changes to existing windows and lightwells to the rear building elevation.

1.2. The proposed drawings were amended following the officer's comment, whereby the air-conditioning units were relocated more centrally within the roof.

### 2. Considerations

2.1. Key planning issues to be considered are as follows:

- Design & Heritage
- Lane Use
- Neighbouring Amenity
- Sustainability
- Transport

### 3. Design & Heritage

3.1. Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.

3.2. The proposal includes a mansard roof extension with 3x dormer windows to the front elevation. There is an established pattern of roof-level development along this side of the Mews, notably 9 Pratt Mews, which adjoins the application site to the south. The proposed extension would be the same height as this neighbouring extension.

3.3. While granted prior to the adoption of the current Local Plan, it is also noted that the principle of a roof extension in this location has been established through previously granted applications at the site. Including in February 2017 under Ref. 2016/5942/P.

3.4. The mansard roof extension would be setback approximately 4.8m from the rear building

façade, and would be setback from the raised front parapet. This setback reduces its visibility and dominance when viewed from street level. Further, a flat roof is proposed, consistent with the existing one at 9 Pratt Mews. There is no objection to the proposed materials, including slate tiles, yellow stock bricks and timber sash windows. A condition would be attached requiring details of materials to be submitted for approval. Overall, the mansard design is considered to preserve the character and appearance of the mews and be acceptable in terms of detailed design.

- 3.5. The AC units and associated acoustic enclosure have been relocated following the officer's comment to be located more centrally within the roof, to reduce their visibility and are considered acceptable in design terms.
- 3.6. The proposed roof lights would not be visible from street level, would not be visually dominant, and would be acceptable in size and number.
- 3.7. The new windows proposed to the rear at first floor level are of an appropriate design, fenestration and material, as are the windows associated with the roof extension.
- 3.8. Overall, the proposed works would not harm to the character and appearance of the mews and wider conservation area. The works are considered to respect and preserve the existing property and its appearance. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. Overall, the proposal is not considered harmful to the character or appearance of the host building, street scene or the Camden Town Conservation Area and is thus in accordance with policies D1 and D2 of the Camden Local Plan 2017.

#### **4. Land Use**

- 4.1. The proposal would result in the provision of an additional Class E (office) use, which is considered acceptable under policy E2 of the Local Plan.

#### **5. Neighbouring Amenity**

- 5.1. Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm their amenity. This includes factors such as loss of outlook, loss of light and privacy.

##### *Noise*

- 5.2. A noise impact assessment has been submitted for the 3x AC units. The Council's Environmental Health (Pollution) Officer has reviewed it and confirmed that the acoustic report meets Local Plan guidelines and is acceptable in environmental health terms. Conditions relating to external noise level and anti-vibration isolators have been attached.
- 5.3. It is noted that objections have been received about the noise assessment's robustness. Council's Environmental Health (Pollution) Officer has reviewed the submitted report and did not raise any concerns surrounding the robustness of the report. They also confirmed that the measurement location is acceptable.

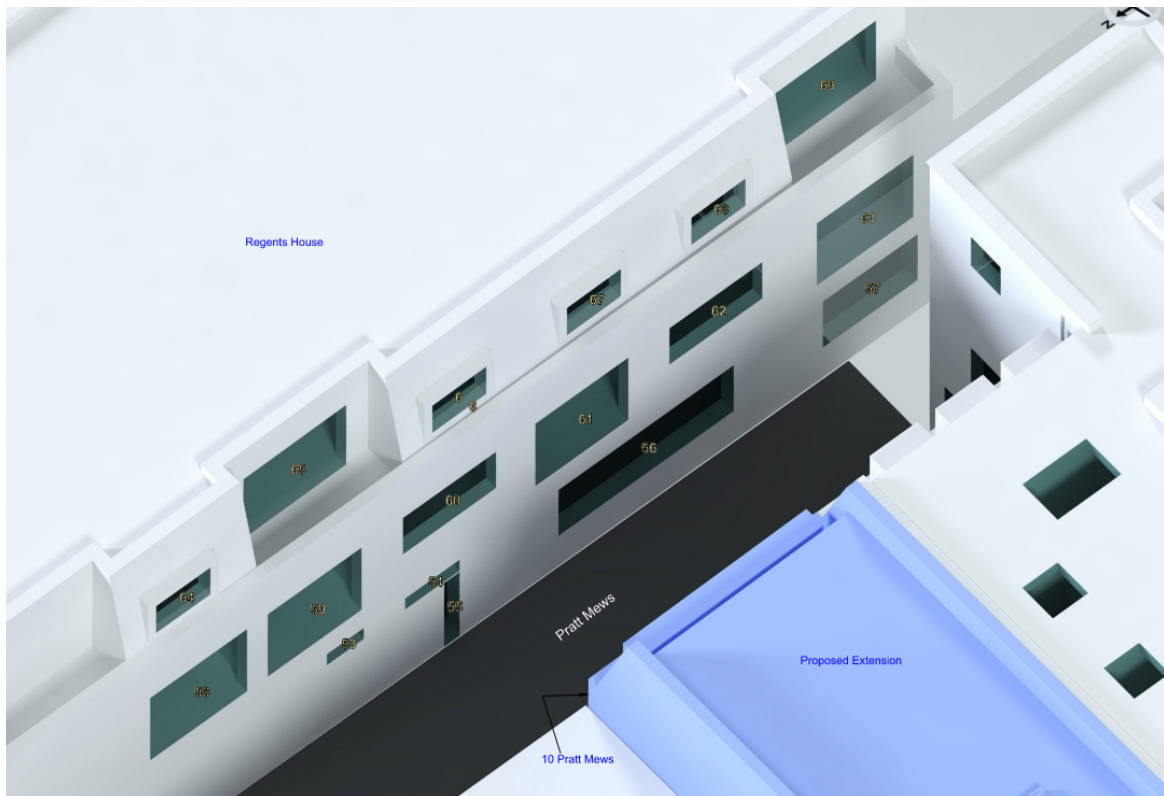
##### *Daylight and sunlight*

- 5.4. A daylight and sunlight report has been submitted with the application. This confirms that generally the proposal complies with BRE guidelines. For Daylight Distribution, BRE recommends that no less than 80% of the room should be lit by sky visible through the window under overcast sky conditions. Two windows, which each serve a separate flat, fail to meet the

BRE guidance for daylight distribution (more than a 20% loss). However, both windows comply with BRE guidance concerning Vertical Sky Component (VSC) and sunlight to windows. Further details are as follows:

- **Window 61:** Serves a living/dining/kitchen of a first-floor residential flat located at Unit 3, Regent's House.
  - Daylight distribution: Before is 72% and after is 38%, resulting in a 34% loss.
  - VSC: Before is 26.6% and after is 23%, resulting in a 3.1% loss.
- **Window 62:** Serves a bedroom of a first-floor residential flat located at Unit 4, Regent's House.
  - Daylight distribution: before is 71%, and after is 44%, resulting in a 27% loss.
  - VSC: Before is 21.5% and after is 19.4%, resulting in a 2.1% loss.

5.5. The location of the non-compliant windows (61 and 62) is shown in Figure 1 below. While the daylight distribution for both windows is more than the 20% reduction referenced in the BRE guidelines (38% and 27% respectively), it is not considered that the impact would be significant enough to warrant refusal of the application, particularly given that both windows do comply with the BRE guidelines for VSC and sunlight to windows. The BRE guidance states that daylight may be adversely affected if proposed VSC is both less than 27% and a reduction of more than 20% of its former value. The % loss of VSC for both windows is very small (3.1% and 2.1% respectively), and would not be noticeable.



**Figure 1:** Image showing the location of windows 61 & 62 at Regent's House which are non-compliant with respect to daylight distribution (Source: Daylight and sunlight report, page 27).

### Privacy

5.6. While the proposal includes new and replacement windows to the rear at ground, first and second floor levels, obscure glazing is proposed, and a condition surrounding this has been attached, thereby ensuring no unacceptable amenity related effects would arise.

5.7. While the proposal includes additional windows to the front associated with the mansard, given its setback and the established separation distances; it is not considered that there would be any unacceptable amenity related effects.

5.8. Overall, based on the above, it is not considered that there would be any harm to residential

amenity in terms of daylight, sunlight, privacy, loss of light, sense of enclosure, outlook or noise. The scheme is thus considered to be in accordance with Local Plan policy A1.

## **6. Sustainability**

6.1. The proposal includes 11x solar panels and 3x air-conditioning units, which would be used for both heating and cooling. A revised overheating assessment and solar panel design document was provided following officer comment. The Council's Sustainability Officer has reviewed the proposal and confirmed that the overheating assessment has demonstrated that the building does experience overheating (even with cooling measures incorporated) and has confirmed that the need for active cooling has been sufficiently demonstrated. The Sustainability Officer also confirmed that the proposed efficiency, number and models of air conditioning units are acceptable, as are the proposed PV cells. Conditions around active cooling and PV cells have been attached.

## **7. Transport**

7.1. Given the location of the site within a mews setting and the difficulty of accessing the site by vehicle, a construction management plan and associated implementation support contribution of £4,194 and impact bond of £8,000 is to be secured by means of a Section 106 agreement. This would ensure that the proposed development is carried out without unduly impacting neighbouring amenity, in accordance with policy A1 of the Local Plan.

7.2. A bicycle storage area is shown on the proposed drawings to the rear at ground floor level.

## **8. Recommendation**

- 8.1. Grant conditional planning permission, subject to Section 106 legal agreement consisting of the following heads of terms:
- Construction management plan;
  - Implementation support contribution of £4,194; and
  - Impact bond of £8,000.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 21st April 2025, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2024/4426/P  
Contact: Lauren Ford  
Tel: 020 7974 3040  
Date: 15 April 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)

Studio Basheva  
39  
Fairfax Road  
London  
NW6 4EL

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:  
**10 Pratt Mews**  
**London**  
**Camden**  
**NW1 0AD**

### **Proposal:**

**DECISION**  
Erection of mansard roof extension with solar panels, 2 x rooflights and 3 x air-conditioning units within acoustic enclosure at roof level, 1 x rooflight on rear first floor roof, and changes to existing windows and lightwells to the existing rear building elevation.

Drawing Nos: Location Plan, 11-Oct-2024; 2403\_Loc\_P, 11.10.2024; 2403\_P\_EX\_P\_S\_01, 11.10.2024; 2403\_P\_EX\_EL\_01, 11.10.2024; 2402\_P\_Pr\_S\_01, Revision A, 03/12/2024; 2402\_P\_Pr\_EL\_01, Revision A, 03/12/2024; 2053\_P\_Pr\_P\_01, Revision A, 03/12/2024; Design and Access Statement, Rev A, 03/12/2024; Thermal Comfort Analysis, Rev 01, Update, 02-Dec-24; Tige Neo N-type 54HL4R-B 420-440 Watt; Fujitsu, Design & Technical Manual; Daylight and Sunlight Report, 9 October 2024; Energy Performance Certificate ; Acoustic Enclosure Data Sheet, 24 September 2024; PV System, 17/09/2024; Fire Statement Form; Environmental Noise Survey and Noise Impact Assessment, 9 October 2024.

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 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 Location Plan, 11-Oct-2024; 2403\_Loc\_P, 11.10.2024; 2403\_P\_EX\_P\_S\_01, 11.10.2024; 2403\_P\_EX\_EL\_01, 11.10.2024; 2402\_P\_Pr\_S\_01, Revision A, 03/12/2024; 2402\_P\_Pr\_EL\_01, Revision A, 03/12/2024; 2053\_P\_Pr\_P\_01, Revision A, 03/12/2024; Design and Access Statement, Rev A, 03/12/2024; Thermal Comfort Analysis, Rev 01, Update, 02-Dec-24; Tige Neo N-type 54HL4R-B 420-440 Watt; Fujitsu, Design & Technical Manual; Daylight and Sunlight Report, 9 October 2024; Energy Performance Certificate ; Acoustic Enclosure Data Sheet, 24 September 2024; PV System, 17/09/2024; Fire Statement Form; Environmental Noise Survey and Noise Impact Assessment, 9 October 2024.

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

- 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 London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or 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 machinery operating at maximum capacity. A post installation noise assessment shall be carried to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. 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/ 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

- 5 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 6 The following measures, as outlined within Thermal Comfort Analysis Rev 01 Update, 02-Dec-24 shall be implemented prior to the installation of the air-conditioning units:
- Internal blinds shall be fitted to all windows
  - High efficiency LED lighting to be installed

Reason: To ensure that all development reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy in accordance with policy CC2 of the London Borough of Camden Local Plan

- 7 Prior to commencement of above ground works, drawings and data sheets showing the location, extent (no.11 panels) and predicted energy generation of photovoltaic cells (at least 937.14kwh/annum) and associated equipment to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements (perimeter built-in harness or other similar system), shall be provided. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

- 8 Prior to the occupation of the development hereby permitted, the rear ground floor window, as labelled on drawing 2402\_P\_Pr\_EL\_01, Revision A, 03.12.2024, shall be fitted with obscure, non-opening glass to a height of 2m above the internal floor level, and the window shall be retained as such for the duration of the development.

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

- 9 Prior to the occupation of the development hereby permitted, the lower half of the rear windows at first and second floor level, as labelled on drawing 2402\_P\_Pr\_EL\_01, Revision A, 03.12.2024, shall be fitted with obscure, non-opening glass, and the window shall be retained as such for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 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 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 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 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.

- 4 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).

#### 5 + 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