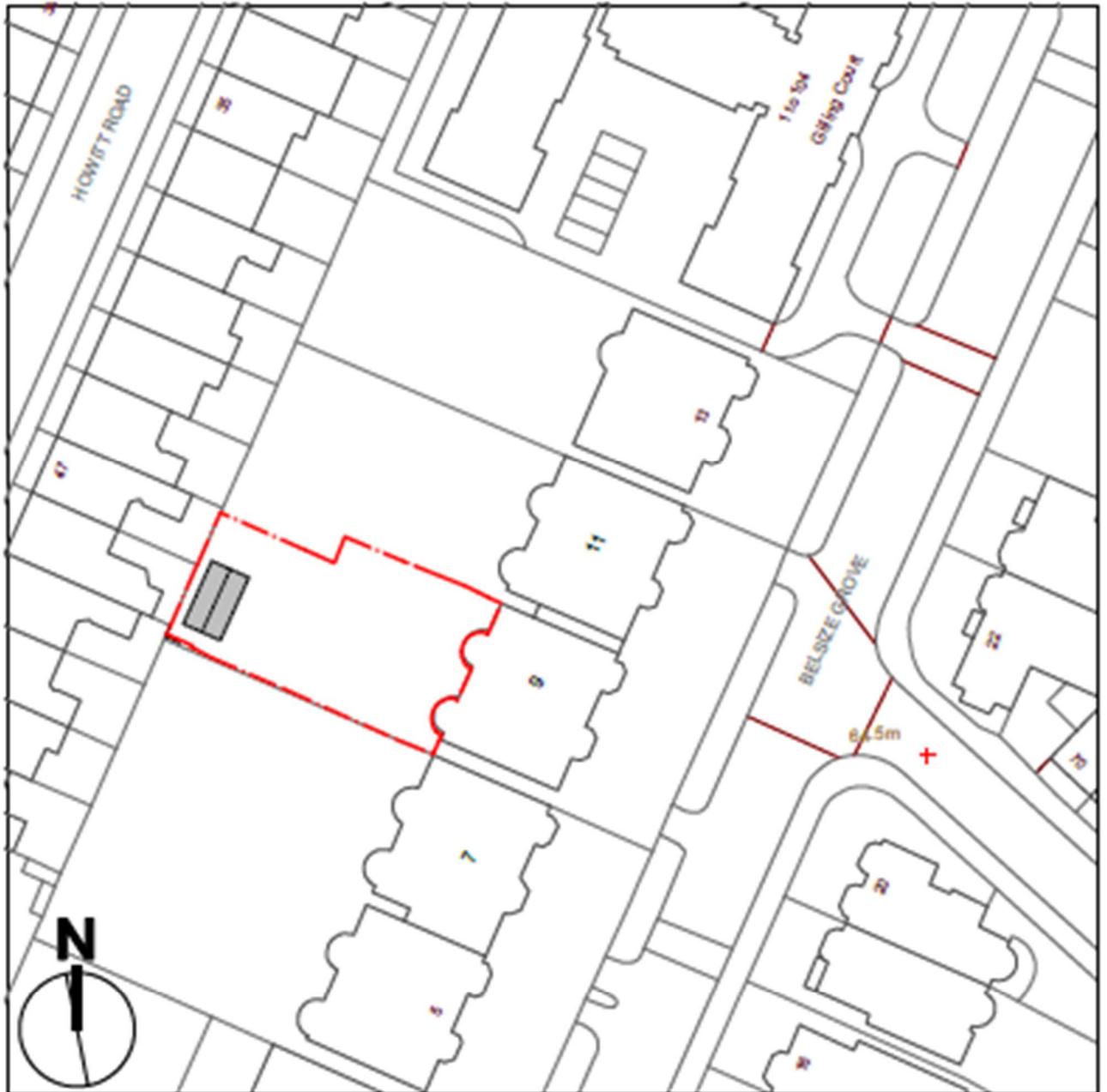


2024/3028/P

Flat 5, 9-11 Belsize Grove, NW3 4UU



2

Existing site Location Plan
Scale: 1:1000





Figure 1. As-built outbuilding



Fig 2. As-built outbuilding



Fig 3. As-built outbuilding



Fig 4. As-built neighbouring outbuilding

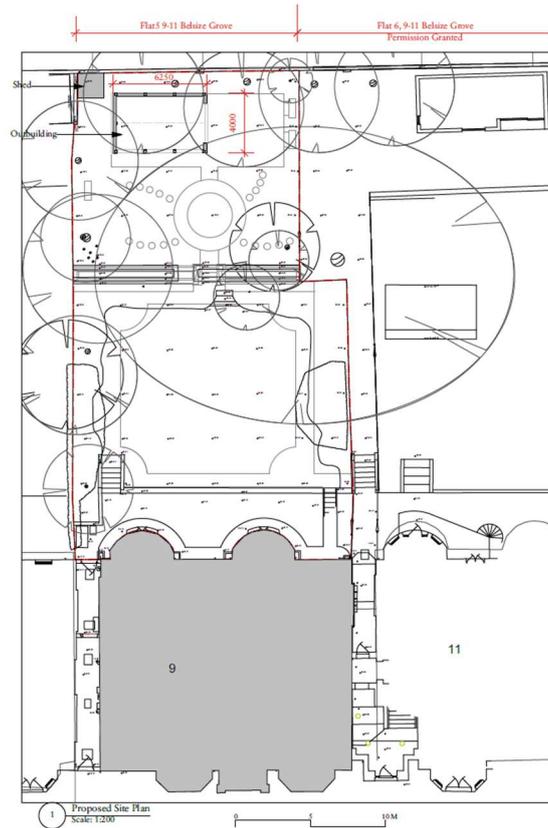


Fig 5. Existing Site Plan

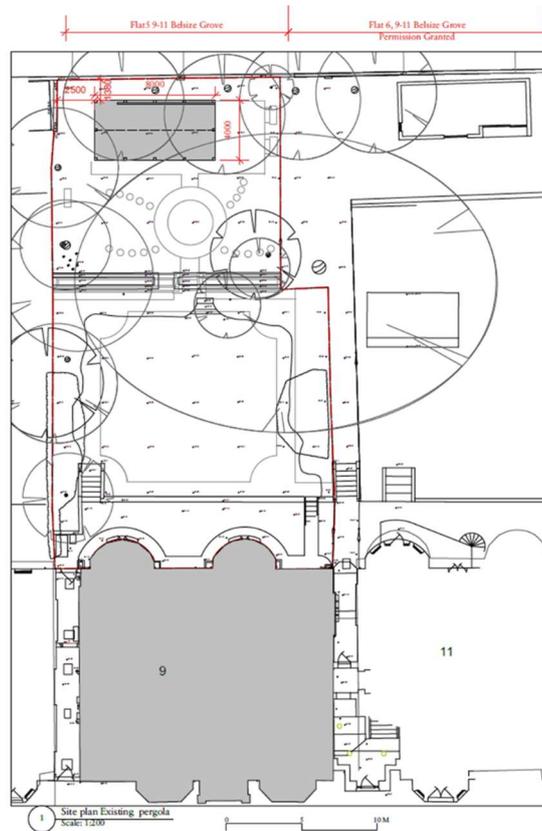


Fig 6. Proposed Site Plan



Fig 7. Existing long section with neighbouring outbuilding



Fig 8. Proposed long section, with neighbouring outbuilding

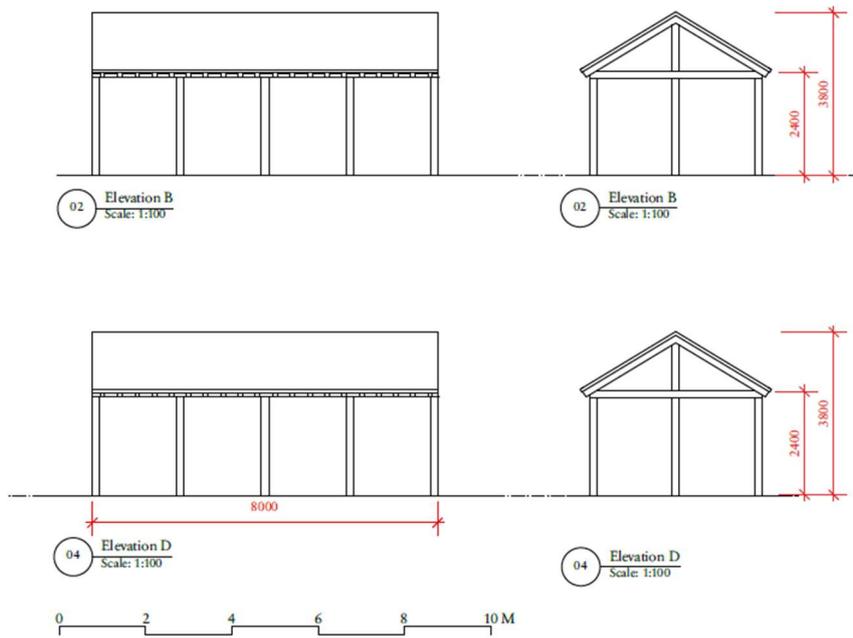


Fig 9. Existing as-built outbuilding elevations

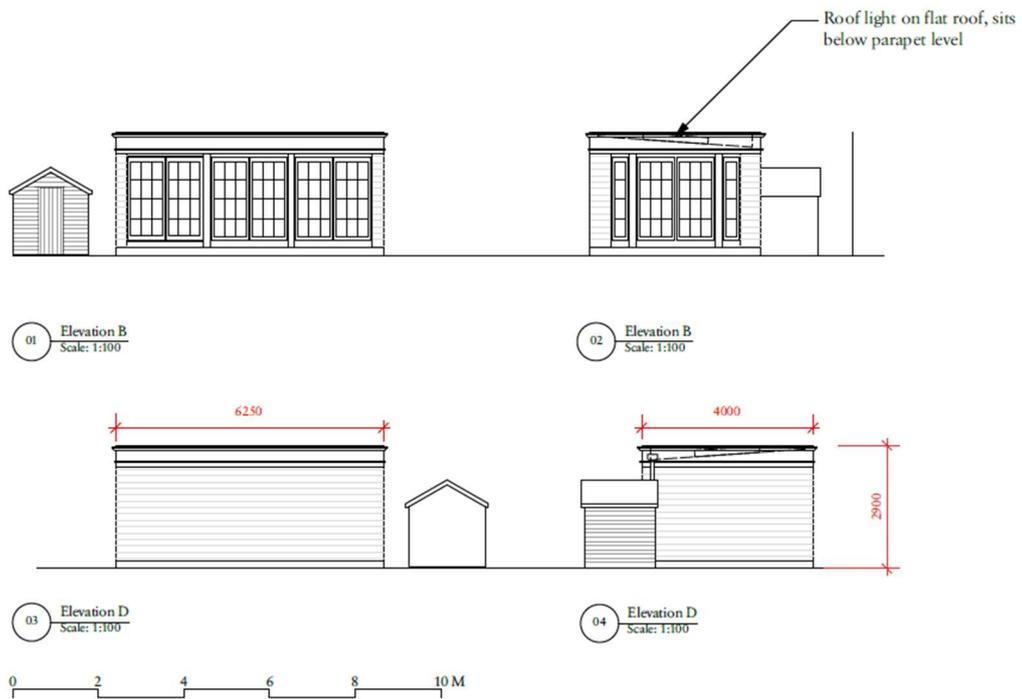


Fig 10. Proposed outbuilding elevations

Delegated Report (Members Briefing)		Analysis sheet N/A / attached	Expiry Date: 16/09/2024
			Consultation Expiry Date: 02/11/2025
Officer		Application Number(s)	
Henry Yeung		2024/3028/P	
Application Address		Drawing Numbers	
Flat 5 9-11 Belsize Grove London NW3 4UU		Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
Proposal(s)			
Erection of summerhouse / garden pavilion.			
Recommendation(s):	Granted and Warning of Enforcement Action		
Application Type:	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>Site Notices were displayed on the 08/10/2025, expiring on 01/11/2025.</p> <p>A press notice was advertised on 09/10/2025, expiring on 02/11/2025.</p> <p>Three objection letters were received during the statutory consultation period and summarised as below:</p> <p>Unauthorised Development and Enforcement Concerns were raised that the outbuilding was erected without planning permission in 2023 and has remained in place despite a stop-works notice, arguing that consideration of a retrospective application undermines confidence in the planning system and sets an unfair precedent. Residents seek clarity as to why enforcement action has not been pursued and why the unauthorised structure remains in situ.</p> <p>Scale, Siting and Impact on Amenity The development is described as excessive in scale, overbearing and sited too close to the shared boundary, resulting in a sense of enclosure, loss of outlook and dominance over neighbouring gardens. Objectors report reduced natural light to lower-ground floor rooms and gardens, loss of privacy, and increased noise and disturbance associated with use of the structure.</p> <p>Impact on Trees, Greenery and Biodiversity Residents state that construction resulted in the removal of mature trees and vegetation that previously provided screening, visual amenity and habitat value. It is argued that this has eroded the verdant character of rear gardens in the conservation area and conflicts with Local Plan policies relating to open space, biodiversity and tree protection.</p> <p>Design, Character and Conservation Area Impact Objectors consider the outbuilding visually intrusive, incongruous and incompatible with the character and appearance of the Belsize Conservation Area, contrary to design and heritage policies. Concerns are also raised that technical assessments, including sunlight/daylight analysis, are either absent or insufficiently robust.</p> <p>Comparisons with Other Developments Residents dispute the applicant's reliance on a previously approved outbuilding at Flat 6, arguing that the circumstances are materially different and that past approvals do not set a precedent. They consider the comparison misleading and maintain that the current development is significantly more harmful.</p> <p>Ongoing Harm and Resident Frustration Many objectors express frustration that the unauthorised structure has remained in use for over two years, resulting in ongoing harm to residential amenity and enjoyment of gardens. Several representations urge refusal of</p>					

the application, decisive enforcement action and restoration of confidence in the planning process.

Officer Response:

The planning system requires that all applications whether retrospective or not are assessed on their planning merits alone. The fact that works commenced prior to the submission of the application is a separate enforcement matter and does not prejudice the Council's duty to determine the proposal in accordance with the development plan. As set out in the 'Background' of this report, works were halted following discussions with Planning Enforcement Officers, and any breach of planning control continues to be monitored. The proposed scheme would amend the current outbuilding and reduce its scale. The acceptance or refusal of a planning application cannot be influenced solely by the manner in which works were initiated.

With respect to concerns around scale, dominance, loss of light, privacy, and noise, a detailed assessment has been undertaken, please refer to (Sections 3 and 4).

The structure contains no facilities that would allow it to operate as a self-contained unit and is intended solely for incidental residential use. A planning condition will secure this restriction in perpetuity, ensuring that any intensification of activity cannot occur. Given the separation distances and the ancillary nature of the building, very limited noise or disturbance is anticipated. Please refer to Section 4.

Objectors' comments relating to trees and the verdant character of the Conservation Area have been addressed in Section 5.

Regarding concerns about precedent, the planning assessment has taken into account the Council's position that each application must be determined on its own merits. Comparisons to Flat 6 have only been made where relevant to demonstrate consistency of scale and impact, not to justify inappropriate development. The proposal's footprint, height, and design are materially smaller and more subordinate than the earlier unlawful structure referenced in objections.

Belsize Park CAAC has objected on the grounds that the size and height of the proposed summerhouse/garden pavilion are excessive, asserting that the structure would be visible from surrounding gardens.

Planning Officer response:

While concerns have been raised regarding the area and height of the proposed outbuilding, the development has been designed to be modest in scale, visually subordinate, and consistent with guidance for rear-garden structures. The proposal reduces the scale of the current outbuilding on site. The garden is substantial in size (over 208 sqm), and more than 80% of it would remain open, ensuring the outbuilding does not dominate the space or appear excessive. The structure is positioned at the rear of the garden, over 24 metres from the host building, and its flat roof height of 2.9 metres remains low in relation to boundary treatments, limiting its visual impact.

The outbuilding would sit behind existing walls, trees and planting, which help soften views from neighbouring gardens. Its footprint—6.25m5 × 4m (25 sqm)—is similar and smaller to outbuildings approved for Flats 4 and 6 and remains appropriately proportioned within a garden of this size. No windows face the boundaries, and the structure has been designed with timber cladding and a green roof to ensure it integrates sensitively with the verdant garden setting and preserves the open character of the Belsize Conservation Area.

Overall, the proposal is considered subordinate, appropriately scaled, and sensitively sited, with no unacceptable harm to outlook, daylight, or neighbouring amenity.

Belsize Park CAAC

*Planning Officer
response in Italic*

Site Description

The application site is located to the rear of 9-11 Belsize Grove. Belsize Grove is a mostly residential street with substantial terraced buildings. The site is situated within the Belsize Conservation Area and are identified as making a positive contribution to the Conservation Area's character and appearance. The property is not a listed building.

It appears that when the two houses (Nos. 9-11) were combined and divided into flats, the gardens were similarly subdivided. The property is on the western side of Belsize Grove, and the large rear garden space has been subdivided to provide amenity space for the flats. Beyond this is the rear boundary of properties on Howitt Road, which have relatively small garden spaces.

The application relates to the part of the garden belonging to Flat 5, where there is currently an existing unauthorised timber structure. There are also several trees nearby.

Flats 4 and 6 each have one outbuilding of a similar size to that proposed at the subject site, approved under permissions granted in 2014 (Ref: 2013/6600/P) and 2024 (Ref: 2022/2863/P), respectively. A previous retrospective application (Ref: 2023/4603/P) was submitted and recommended for refusal. The current application is for a smaller structure than the previous one. The area is predominantly residential.

Relevant History

33932 – Change of use and works of conversion to create 16 self-contained flats. – **Granted 02/07/1982**

2003/3023/P – The erection of a timber outbuilding in the rear garden for use incidental to the residential occupation of Flat 4 – **Granted 30/04/2004**

2013/6600/P – Extension to an existing rear garden timber framed single storey structure of Flat 4 – **Granted 11/12/2013**

2022/2863/P – Erection of a single storey timber garden studio for ancillary residential purposes of flat 6 – **Granted 19/04/2024**

2023/4603/P – Erection of Summer house / Garden Pavilion of flat 5 – **Refused and Warning of Enforcement Action to be Taken 18/04/2024**

Reasons for Refusal

1. The proposed development, by reason of its size, height, position and bulk, would appear as an incongruous development that would have an adverse impact on the character and appearance of the host building, its neighbours and garden setting, and the Belsize Conservation Area. As such, the proposed development is contrary to Policies A1, D1 (Design) and Policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. In the absence of an adequate Tree Survey and Arboricultural Impact Assessment with tree protection measures, the applicant has failed to demonstrate the development does not cause unacceptable harm to trees, contrary to the aims of policies A2 and A3 of the Camden Local Plan 2017.

Relevant policies

National Planning Policy Framework (2024)
Draft National Planning Policy Framework (2025)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- Trees CPG - March 2019

Belsize Conservation Area Appraisal and Management Strategy 2002

Assessment

1. Background

1.1. Work had already begun on an outbuilding; the foundations, frame, and roof were erected on site as per the site photographs. Work was halted on 16/11/2023 following discussions with Planning Enforcement Officers. The Council issued an Enforcement Notice (Reference: EN23/0915) seeking the removal of the existing structure in the rear garden. The Notice was subsequently appealed; however, the appeal was dismissed on 2 October 2025. The Planning Inspector amended the Notice to allow a three-month compliance period, meaning the requirements of the Notice should have been met by 2 January 2026.

2. Proposal

2.1. Planning permission is sought for the erection of a new outbuilding to the rear garden of the application site, replacing the existing unauthorised outbuilding currently subject to enforcement action.

2.2. The outbuilding would measure 6.25m wide and 4m deep, featuring a flat roof with a height of 2.9m. The structure would be clad in timber, with bi-folding doors along the entire ground floor facing into the garden. There would be no windows on the rear elevations.

2.3. The proposed outbuilding is reduced in scale compared to the unauthorised outbuilding currently on site.

3. Planning Considerations

3.1. Key considerations material to the determination of this application are as follows:

- Design and Conservation
- Impact on neighbouring amenity
- Trees and Landscaping
- Biodiversity

3.2. Other matters (Enforcement)

4. Design and Conservation

- 4.1. Local Plan Policy D1 (Design) states that the Council will require that development respects local context and character. Policy D2 (Heritage) requires that developments preserve or enhance the historic environment and comprises details and materials that are of high quality and complement the local character. Developments should also respond to natural features and preserves gardens and other open space.
- 4.2. The guidance notes that garden buildings can have a significant impact on the green and open nature of gardens, potentially reducing amenity for both current and future residents. Larger structures may further affect the enjoyment of neighbouring gardens and, if used for purposes other than storage or gardening, can increase the intensity of activity within garden areas.
- 4.3. Development in rear gardens should be modest in scale, visually subordinate, and sensitively located so that its visual impact is minimal. It should preserve the open character and amenity of both the host and neighbouring gardens, incorporate soft landscaping where appropriate, maintain low building heights so that boundary outlooks are retained, use materials that complement the host property and surrounding area, and minimise any impacts on trees, adjacent structures, or water runoff.
- 4.4. There is currently an unauthorised and uncompleted outbuilding located within the rear garden, which was subject to enforcement action in 2023. The rear garden was historically subdivided, and Flat 5 now occupies the back half of the original garden, accessed by a 2.2-metre-wide strip from the rear of the building. The main garden area, excluding this access path, measures approximately 21 metres in width and 8 metres in depth. The proposed outbuilding would be positioned at the rear of this garden, adjacent to shared boundaries. Although larger than a typical garden shed, it would sit within a substantial garden area of over 208 sqm, ensuring that more than 80% of the garden is retained.
- 4.5. The outbuilding would be located over 24 metres from the host building's rear elevation, ensuring it does not appear unduly prominent. While visible, it would clearly read as an ancillary and subordinate garden structure, significantly lower than the current unauthorised structure. Although Flat 4 and Flat 6 have outbuildings, this is situated 3.8 metres away within its own garden, minimising any cumulative visual impact. The proposal therefore preserves the character and appearance of the Belsize Conservation Area, whose significance is largely derived from its leafy and verdant gardens. Where glimpsed from neighbouring properties, the structure would appear appropriately designed, modest, and secondary to the garden setting. Adequate space would remain around the building for further soft landscaping.
- 4.6. The proposed outbuilding would measure 6.25 metres in width and 4 metres in depth, with a flat roof reaching a height of 2.9 metres. It would be constructed from timber and designed with large, glazed doors facing into the garden. The outbuilding, occupying 25sqm, would be subordinate to both the building and the garden. It would not dominate the rear garden or detract from its green and verdant character, nor would it noticeably reduce the openness of the site. A condition would ensure the structure remains ancillary to the host property and not used as a self-contained dwelling.
- 4.7. Owing to its modest height and position behind existing boundary walls, public visibility would be limited. The materials and design would allow the structure to read as a coherent, contemporary addition that respects its context and will not cause harm to the character of the Conservation Area.

5. Impact on neighbouring amenity

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration. Policy A4 seeks to ensure that noise and vibration is

controlled and managed.

- 5.2. The proposed outbuilding is not considered to give rise to issues of overshadowing or loss of daylight, given its location at the far end of the rear garden and its relatively low height. The distance of approximately 6.2 metres between the proposed outbuilding and the rear elevations of neighbouring properties at Nos. 41, 43 and 45 Howitt Road, combined with the boundary landscaping, would ensure no material harm to outlook or light levels. The scale and siting of the outbuilding are comparable to those approved for Flats 4 and 6 and provide an adequate set-back from adjoining boundaries to safeguard neighbouring amenity.
- 5.3. In terms of privacy, the development would not result in overlooking. The outbuilding contains no windows facing the boundary, and its height adjacent to the boundary is modest. While concerns were raised regarding rooflights, their orientation means views from them would be vertical, preventing any harmful overlooking into neighbouring properties. The glazed openings that face back towards the host building, and its neighbours, are at a sufficient distance and scale so as to not result in a harmful level of overlooking.
- 5.4. The proposal would also not give rise to undue noise or disturbance. The outbuilding is intended solely for ancillary use to the host flat, with no facilities that would enable it to function as a self-contained unit. A planning condition will ensure that the outbuilding remains in incidental residential use only, preventing any intensification of activity that could result in noise or amenity impacts.

6. Trees and Landscaping

- 6.1. Policy D1 of the Local Plan requires development to incorporate high-quality landscape design and maximise opportunities for greening through tree planting and soft landscaping. Policy A3 further seek to protect gardens, trees, and vegetation that contribute to nature conservation, townscape quality, and residential amenity. The Local Plan notes that gardens provide important visual interest, support natural habitats, and form the setting for buildings; therefore, the Council will resist development that occupies an excessive proportion of a garden or results in the loss of trees or planting of significant amenity, ecological or cultural value. Trees and vegetation that are retained must also be appropriately protected during demolition and construction in accordance with recognised arboricultural standards.
- 6.2. The proposal involves the removal of two Category C trees (T3 and T4), which are small, located within a rear garden, and not visible from public viewpoints. Their removal would not materially affect the character or visual amenity of the locality, and the Council's Tree Officer has confirmed that these trees are of limited significance. A planning condition will require the installation and retention of appropriate tree protection measures throughout construction, along with mitigation planting, in line with BS 5837:2012. The proposed outbuilding would remain subordinate to the size of the rear garden, with ample space retained to support natural habitats and maintain a verdant setting.

7. Biodiversity

- 7.1. The statutory requirement for Biodiversity Net Gain (BNG) is subject to exemptions and transitional provisions. In this instance, the proposal does not affect any priority habitats, impacts less than 25 square metres of habitat with measurable biodiversity value, and affects less than 5 metres of linear habitat. The development therefore falls below the de minimis threshold, and the BNG requirement is not triggered. An informative will be attached to the decision notice to confirm this position.

8. Other matters (Enforcement)

- 8.1. In light of the current planning application and allowing additional time for the application to be determined, the Council will consider initiating prosecution proceedings for failure to comply

with the Enforcement Notice, EN23/0915, should the unauthorised structure remain in place three months after the planning decision date (See 'Informative no. 7 on the Decision Notice).

9. Conclusion

9.1. The proposed outbuilding complies with policies A1, A3, D1, and D2 of the Camden Local Plan 2017. The proposal also broadly complies with the London Plan 2021 and the NPPF.

10. Recommendation

Grant planning permission and warning of Enforcement Action

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16th March 2026, 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'.

Application ref: 2024/3028/P
Contact: Henry Yeung
Tel: 020 7974 3127
Email: Henry.Yeung@camden.gov.uk
Date: 12 March 2026

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

SM Planning
80-83 Long Lane
London
EC1A 9ET

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:

**Flat 5
9-11 Belsize Grove
London
NW3 4UU**

DECISION

Proposal:

Erection of summerhouse / garden pavilion

Drawing Nos: Covering Letter; Design and Access Statement; PL-00-03 (Rev:2) Arboricultural Impact Assessment; PL-00-01 Location Plan and Site Plan; PL-00-02 Existing Site Plan; PL-00-03 Proposed Site Plan; PL-00-04-Site Existing Sections AA and BB; PL-00-05-Site Proposed Sections AA and BB; PL-00-06- Elevation As Built; PL-00-07-Out Building Elevations Proposed

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 approved shall be undertaken and completed in accordance with the documents and drawings listed in condition 2 within three months of the date of this decision.

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-

Covering Letter; Design and Access Statement; PL-00-03 (Rev:2) Arboricultural Impact Assessment Received on 27/02/2026; Tree Protection Plan Rev:03; Arboricultural Impact Assessment Rev:03; PL-00-01 Location Plan and Site Plan; PL-00-02 Existing Site Plan; PL-00-03 Proposed Site Plan; PL-00-04-Site Existing Sections AA and BB; PL-00-05-Site Proposed Sections AA and BB; PL-00-06-Elevation As Built; PL-00-07-Out Building Elevations Proposed

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 policy D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 4 The outbuilding hereby approved shall only be used for ancillary purposes to the dwellinghouse at Flat 5, 9-11 Belsize Grove, London, Camden, NW3 4UU and shall not be used as a separate residential dwelling or business premises.

Reason: In order to protect the residential amenities of neighbouring occupiers and to prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1, H6 and T2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Tree Protection Plan. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.

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 A2 and A3 of the London Borough of Camden Local Plan 2017

- 6 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- iii. full details of planting species and density

The living roofs 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.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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) 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.

- 2 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).

- 3 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.

- 4 Biodiversity Net Gain (BNG) Informative (1/3):

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

5 Biodiversity Net Gain (BNG) Informative (2/3):

+ 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).

6 Biodiversity Net Gain (BNG) Informative (3/3):

+ 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 & 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.

- 7 The development must be fully implemented within three months of the date of this permission. Failure to do so may result in further formal enforcement action for non-compliance with Enforcement Notice EN23/0915.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DECISION