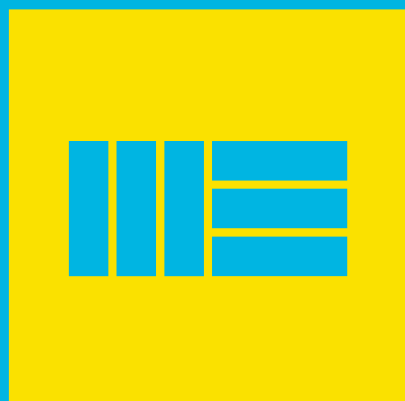


# PLANNING STATEMENT

(INC. DRAFT HEADS OF TERMS)

39A FITZJOHN'S AVENUE & LAND ADJACENT  
TO 46 MARESFIELD GARDENS, NW3

14 FEBRUARY 2024



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## 1.0 INTRODUCTION & OVERVIEW

1.1 This Planning Statement ("this Statement") has been prepared by Montagu Evans LLP on behalf of 39 Fitzjohns Avenue Ltd (the "Applicant") to support the submission of an application for 'Full Planning Permission & Demolition in a Conservation Area' ("the / this Application") for the redevelopment of '39a Fitzjohn's Avenue' and the development of 'Land adjacent to 46 Maresfield Gardens', NW3 ("the Site").

1.2 This Application seeks permission for the following description of development (the "Proposed Development"):

*"Substantial demolition and redevelopment of 39a Fitzjohn's Avenue including associated basement excavation, and the development of Land at Maresfield Gardens to provide residential (Class C3) accommodation, alongside associated basement excavation, hard and soft landscaping works, boundary treatment works, and other associated works."*

1.3 The Site constitutes part of a broader masterplan (the "Wider Site") that also includes 39 Fitzjohn's Avenue. For the avoidance of doubt however, the development of 39 Fitzjohn's Avenue does not form part of this application, as it benefits from an extant planning permission for redevelopment to provide 35 residential units.

### OVERVIEW OF THE PROPOSED DEVELOPMENT

1.4 The Proposed Development comprises the following principal elements:

- Delivery of a landscape-led masterplan to create a sense of arrival and positive place-making contribution, underpinned by a desire to bring a largely vacant, underutilised site into optimum use;
- Substantial demolition of 39a Fitzjohn's Avenue, and its redevelopment to create 4no. residential units, comprising much needed family units in the form of 2no. houses and 2no. maisonettes, across 5 storeys of built form (B & GF+3); and
- Erection of a 6 storey (B, GF+4 and plant room) building at Land at Maresfield Garden, providing 29no. high-quality residential apartments of various sizes and bedroom numbers (about which more detail is provided later in this Statement).

1.5 The form and layout of the landscape-led masterplan serves to retain the visual containment of the Site through improvements to the boundary treatment and provision of communal landscaped gardens including mature trees and perimeter planting. The configuration of new and extended building footprints within the Site releases a generous area for an integrated landscaping scheme between them and the perimeter of the Site, providing a well-enclosed green setting consistent with the verdant suburban character of the wider Conservation Area.

1.6 The various components of the Wider Site are linked by a single, cohesive landscape design that maintains the continuity of the historic relationship between the individual building plots and pattern of development, and the landscape infrastructure of the neighbourhood.

1.7 Further details are included in the **Design & Access Statement**, submitted as part of the Application.

### OVERVIEW OF PRE-APPLICATION ENGAGEMENT & CONSULTATION

1.8 Prior to the submission of this Application, the Applicant has engaged in extensive formal pre-application discussions with planning, design, and landscape officers at the LBC. All matters associated with the Proposed Development were discussed, with early engagement helping to inform overall design of the scheme. The principal meetings which have occurred to date include the following:

- **Pre-Application Meeting 1:** 25 January 2023
- **Pre-Application Meeting 2:** 15 March 2023
- **Pre-Application Meeting 3:** 31 May 2023

- **Affordable Housing Workshop:** 13 June 2023
- **Landscape Workshop:** 26 September 2023
- **Pre-Application Meeting 4:** 12 October 2023

1.9 The emerging development was also presented to the Council's Design Review Panel on the 7<sup>th</sup> July 2023, who were supportive of the Proposed Development overall, and this feedback has been incorporated into the scheme wherever possible and appropriate. The Applicant has also evolved the Proposed Development in response to the feedback provided by other local residents and stakeholders in the following meetings:

- **Site Visit with Cllr Matthew Kirk:** 7 July 2023
- **Public Consultation 1:** 13 July 2023
- **Public Consultation 2:** 15 July 2023
- **Site Visit with Netherhall Neighbourhood Association and Cllr Chung :** 19 October 2023

1.10 Further details are provided in the **Statement of Community Involvement** and **Design & Access Statement**.

#### **PURPOSE & FORMAT OF PLANNING STATEMENT**

1.11 The purpose of this Statement is to provide information in respect of the Proposed Development to allow for an informed assessment against national, regional and local planning policy and other material considerations. It also outlines the extent to which the Application is compliant with such considerations, in order to inform the overall planning balance, which demonstrates that the Proposed Development:

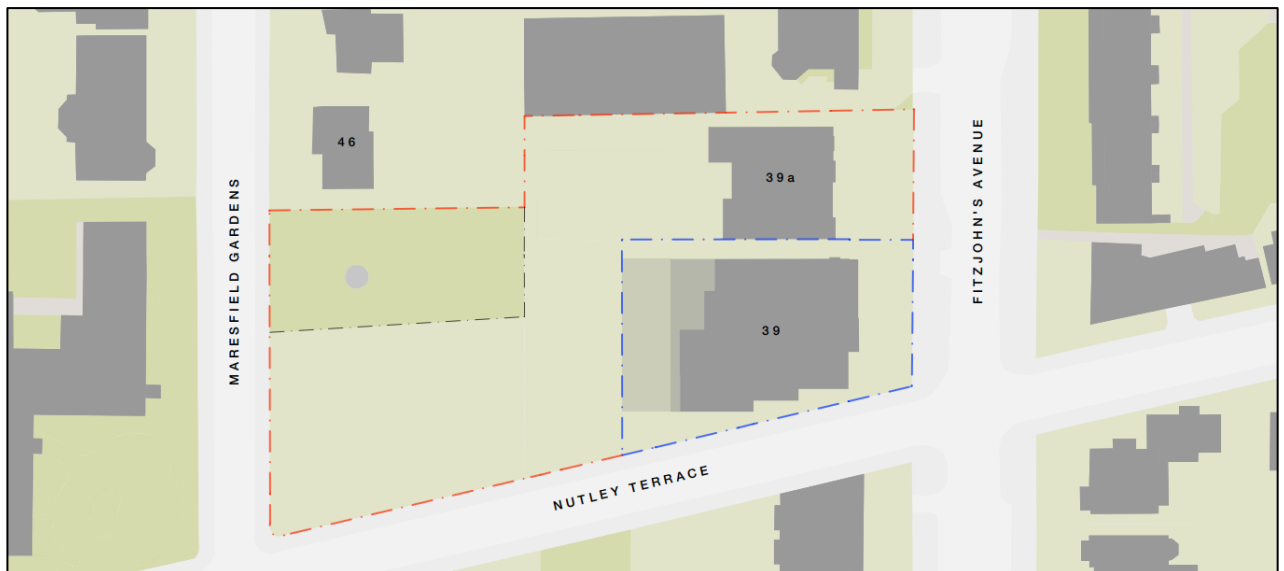
- is in accordance with the spirit of relevant planning policy at national, regional and local levels and delivers sustainable development by delivering the redevelopment of a vacant and underused site in a highly sustainable location, for residential purposes;
- delivers much needed housing, which will assist the Council in meeting its strategic housing need, and assist the Council in meeting its pressing need for truly family sized homes;
- the Applicant is willing to consider the provision of an element of off-site affordable housing, and whilst initial discussions have been undertaken with LBC the detail of this will be discussed further with LBC Officers during determination of the Application;
- ensures high quality residential accommodation with private and communal amenity space including designated play space, and a new attractive high quality landscaping and public realm approach to benefit both the occupants of the Proposed Development and the wider community;
- promotes a holistic landscape design approach that emphasises the significance of external spaces, recognising their positive impact on mental and physical health, and overall well-being;
- delivers exemplary architecture that sits appropriately within the surrounding setting, and provides a quantum of development in terms of bulk, scale and massing that optimises the Site yet respects the amenity of adjacent neighbouring buildings, and the Site's setting in a Conservation Area;
- includes a significant quantum of tree planting to promote a woodland experience, and resulting in an Urban Greening Factor score of 0.57;
- promotes the utilisation of sustainable travel modes, but includes minimal parking to support the occupation of the proposed family units by families, in-line with the overall character of the area;
- encourages exemplar energy and sustainability credentials to promote a robust, resilient scheme; and
- will generate s106 / CIL contributions to assist in the provision of local infrastructure.

1.12 **Section 1.0** provides an overview of this Statement and its purpose. **Section 2.0** introduces the Site and provides further detail in relation to the form of the wider area. **Section 3.0** provides an overview of the Proposed Development, and **Section 4.0** introduces the relevant planning policy framework against which this Application will be assessed. **Section 5.0** provides due assessment against the relevant policies, and summarises the findings of the wider supporting information submitted as part of this Application. **Section 6.0** discusses the appropriate use of planning conditions and obligations and **Section 7.0** provides the conclusion.

## 2.0 SITE AND SURROUNDINGS

### SITE LOCATION & BACKGROUND

- 2.1 The Site falls within the administrative authority of LBC, within the Belsize Ward. It measures an area of approximately 0.40ha, and fronts Fitzjohn's Avenue, Maresfield Gardens, and Nutley Terrace.
- 2.2 The Site constitutes 65% of a broader masterplan (the 'Wider Site') which measures approximately 0.60ha that also includes land of 39 Fitzjohn's Avenue. For the avoidance of doubt the development of 39 Fitzjohn's Avenue does not form part of this application and benefits from extant planning permission for 35 high quality residential units and landscaped gardens with which the Proposals are designed to seamlessly 'dovetail'.
- 2.3 The location and the extent of the Site, and its relationship with the Wider Site is indicatively shown below:



- 2.4 The Site is bound by Fitzjohn's Avenue to the east, Nutley Terrace to the south and Maresfield Gardens to the west. It is located within a predominantly residential area, however owing to its Central London location, the surrounding area does include other commercial and community uses, in close proximity. The area has a pleasant, spacious leafy residential character, albeit located on a significant north-south route within the LBC.
- 2.5 The PTAL rating the Site is 6a which indicates an excellent level of public transport accessibility. The Site is located approximately 0.7 km from Finchley Road Underground and Train station, 0.8 km from Finchley Road and Fognal Overground station, and 0.8 km from Swiss Cottage Underground Station. Numerous buses run along Fitzjohn's Avenue and Finchley Road (A41).
- 2.6 The existing buildings on the Site are not statutorily listed but located within the Fitzjohn's Netherhall Conservation Area. 39a Fitzjohn's Avenue is described in the Conservation Area Statement as making a positive contribution to the special character and appearance of the Conservation Area.
- 2.7 The nearest listed buildings are located at 48 Maresfield Gardens and St Mary's School on Fitzjohn's Avenue, approximately c. 25 metres north of the Site.
- 2.8 There are underground constraints to the Site with a tunnel running underneath which forms the London Overground City Thameslink line and there is a ventilation shaft for the tunnel located to the west of the Site.
- 2.9 The Site is located in Flood Zone 1, indicating a low probability of flooding.

## RELEVANT PLANNING HISTORY

- 2.10 Below we include available planning history of relevance, noting that in recent years LBC have granted a series of residential schemes across the Wider Site, indicating that the use of the Site for residential purposes is supported in principle, which is strongly reflected in pre-application discussions to-date:

Reference	Description of Development	Status
<b>39 Fitzjohn's Avenue</b>		
2020/2169/P	Erection of replacement side, rear and roof extensions, excavation of basement and various other alterations associated with conversion of existing dwelling (Class C3) into 35 flats (2xstudio, 9x1bed, 20x2bed and 4x3bed).	Approved
2015/3007/P	The use of the property as a single dwellinghouse.	Approved
2011/0859/P	Use of the building as a residential institutional use (Class C2).	Approved
<b>39 &amp; 39a Fitzjohn's Avenue</b>		
2018/2415/P	Alterations and extensions including demolition of link to northern wing and Nutley Terrace extension and erection of replacement side, rear and roof extensions and excavation of basement associated with conversion of existing dwelling (Class C3) into 20 flats (5x1bed; 6x2bed; 7x3bed; 2x4bed) and 1 x 12bed house (revised description)	Approved
<b>39a Fitzjohn's Avenue</b>		
2020/2172/P	Demolition of 3-storey link block and detachment with 39 Fitzjohn's Avenue and retention as a single family dwellinghouse, various minor external alterations and associated landscaping. Erection of timber refuse and cycle storage shed to rear.	Pending (see below)

- 2.11 In respect of 39a Fitzjohn's Avenue (ref. 2020/2172/P), the draft decision has been issued (approving), albeit the Section 106 Agreement not yet been completed. The draft decision notices include the reasons for granting permission, with the reasons for considering the development acceptable as follows:

- The principle of the development is acceptable, as there would be no net loss of residential dwellings and no significant loss of residential floorspace from what is a large dwelling. The proposal would separate a particularly large single-family dwelling into two separate sites. The subject site would remain a large 12-bed dwelling. The remainder would be converted into 35 flats (ref. 2020/2169/P).
- The proposal is acceptable in terms of design and impact on the character and appearance of the conservation area. The link structure being removed is a nonoriginal feature and would see the original building at No 39 Fitzjohn's Avenue (adjoining site) return to a footprint which better resembles its original state. The subject building and separated plot would also sit at a more comfortable scale in relation to the existing residential buildings throughout the surrounding area. The proposed landscaping alterations, which sees a 12-space hard-paved car park and a tennis court replaced with soft landscaped gardens (with 3 parking spaces) is an improvement which enhances the character and appearance of the conservation area and also brings biodiversity and flood risk benefits.
- The proposed bin and bike stores are acceptable and an appropriate scale and materiality which would complement their garden setting. They would also be sited to the rear of the site, not forming a visually obtrusive feature in the street scene.
- There would be no detrimental impact to residential amenity and no increase in scale or change in the character of the use.
- The proposal would reduce the existing off-street parking spaces from 12 to 3. The proposal is to be capped at 3 off-street spaces with on-street parking permit rights removed, reducing parking pressure and reliance on motor vehicles. Sufficient covered and secure cycle parking has been provided.

- 2.12 The Application has taken account of LBC's previous position as set out above in the Proposed Development, specifically when the development of the 39a Fitzjohn's Avenue element has been developed.

## 3.0 THE PROPOSED DEVELOPMENT

### OVERVIEW

- 3.1 The Applicant has developed the scheme in consultation with the local community and officers at the LBC, and the Proposed Development is for the following:

*“Substantial demolition and redevelopment of 39a Fitzjohn’s Avenue including associated basement excavation, and the development of Land at Maresfield Gardens to provide residential (Class C3) accommodation, alongside associated basement excavation, hard and soft landscaping works, boundary treatment works, and other associated works.”*

- 3.2 Full details of the Proposed Development are included in the detailed architectural plans and other submitted documents, but as outlined previously, would deliver the following:

- Delivery of a landscape-led masterplan to create a sense of arrival and positive place-making contribution, underpinned by a desire to bring a largely vacant, underutilised site into optimum use;
- Substantial demolition of 39a Fitzjohn’s Avenue, and its redevelopment to create 4no. residential units, comprising much needed family units in the form of 2no. houses and 2no. maisonettes, across 5 storeys of built form (B & GF+3); and
- Erection of a 6 storey (B, GF+4 and plant room) building at Land at Maresfield Garden, providing 29no. high-quality residential apartments of various sizes and bedroom numbers (about which more detail is provided later in this Statement).

- 3.3 Further details are included in the **Design & Access Statement**, submitted as part of the Application.

### COMPONENTS OF THE PROPOSED DEVELOPMENT

- 3.4 The form and layout of the landscape-led masterplan serves to retain the visual containment of the Site through improvements to the boundary treatment and provision of communal landscaped gardens including mature trees and perimeter planting. The configuration of new and extended building footprints within the Site releases a generous area for an integrated landscaping scheme between them and the perimeter of the Site, providing a well-enclosed green setting consistent with the character of the wider Conservation Area.
- 3.5 The various components of the Wider Site are linked by a single, cohesive landscape design that maintains the continuity of the historic relationship between the individual building plots and pattern of development, and the landscape infrastructure of the neighbourhood.

### Demolition & Redevelopment of 39a Fitzjohn’s Avenue

- 3.6 As with earlier planning permissions, the Proposed Development will remove the link between 39 and 39a Fitzjohn’s Avenue, enabling the gap between the buildings and the views of the roofscape to be restored. The existing link is a harmful later addition and its removal will restore the original configuration of the Victorian house and completely separate the later North Wing addition at 39a Fitzjohn’s Avenue.
- 3.7 The current proposal for 4no. units will necessitate the demolition of the existing internal structure behind the existing brick facades of the original building, which will be retained. The existing structure and layout with brick internal walls and timber floors forming small individual rooms off a central corridor is unsuitable for the proposed new houses and maisonettes. In addition, the floor-to-floor heights vary considerably, compromising room heights on the upper floors. It is also proposed to excavate a new lower ground floor below the existing house and therefore it is not practical to retain the existing internal structure or layout.



- 3.8 The existing retained facades to north, west and south elevations will be temporarily propped during demolition and excavation, underpinned where necessary, and refurbished once the structure is complete. The resulting composition delivers more attractive façades reflecting the rhythm of gables and bays of the existing building and the style of the neighbouring building at 39 Fitzjohn's Avenue. The changes to the roofline break down the mass to an informal and domestic scale, and successfully retain the appearance of a Hampstead house.
- 3.9 The proposals for 39a Fitzjohn's Avenue would retain much of the existing external form of the building through the retention of the north, west and south facades, but seeks to raise the height of the building by an additional storey, add two new brick gables facing Fitzjohn's Avenue, and add a new three-storey rear infill extension to match that which was previously consented in an earlier planning permission (2018/2415/P).

#### **Development Of Land at Maresfield Gardens**

- 3.10 On the Land Maresfield Gardens, the Proposed Development seeks the creation of a 6 storey building, with a basement, to deliver high-quality residential accommodation across a range of unit sizes and also associated ancillary residential floorspace to the north-east corner of the proposed upper and lower ground floors.
- 3.11 This part of the Site constitutes a historically vacant plot on the corner of Maresfield Gardens and Nutley Terrace. Despite its contemporary form, the positioning of the building takes reference from its surroundings and from the historic development pattern of the wider Conservation Area. The proposed new building would be set back from the street edge within a generous spatial envelope, which is a characteristic of many of the neighbouring high-quality suburban houses in the immediate context. Its height and scale is also in keeping with that of neighbouring properties, most notably 39 Fitzjohn's Avenue.
- 3.12 The new building located on this part of the Site has also been shaped by the mature trees in the north, west and south of the Site. At the east of the Site the building footprint also needed to respect the older, larger, and more formal development of 39 Fitzjohn's Avenue as the Wider Site's most prominent contribution to the Conservation Area. This has resulted in a single building mass that is hinged at a central location, and is located within the Site to accommodate for the Site's relationship with the surrounding context.
- 3.13 The new building offers 4no. family sized 3-bedroom apartments; 17no. 2-bedroom apartments; and 8no. 1-bedroom or studio apartments all designed to satisfy Part M(2) of the Building Regulations. Three apartments have been generously sized with additional storage in consideration of Part M(3) residents. All residential units are triple or double aspect, and have high-quality individual private amenity spaces of varying quantum.

#### **Landscape-Led Masterplan Approach**

- 3.14 The landscape design approach emphasises the significance of external spaces in the urban environment, recognising their positive impact on mental and physical health, and overall well-being. The design has been developed using a holistic approach with buildings and nature working together for a successful proposal.
- 3.15 A strategic approach has been taken to prepare a comprehensive design solution that looks at the Wider Site as an entity, to ensure the best use of space and response to architectural form is provided. With the goal of enhancing and expanding the green infrastructure, the proposal focuses on creating a green oasis for residents. Through the development of a range of outdoor spaces, green roofs, tree planting, and educational opportunities, the residents can enjoy improved access to nature and social engagement.
- 3.16 The proposed buildings at 39a Fitzjohn's Avenue and Land at Maresfield Gardens have their own character in response to the immediate and local context; the landscape approach also acknowledges the strong leafy character the Site has which is perceived from outside the boundary walls predominantly while walking along Nutley Terrace and Maresfield Gardens and within the Site, itself.
- 3.17 The hard and soft landscape strategy focuses on the integration of the development within the surrounding context and responding to the site conditions. A robust and restrained range of complementary materials and



planting is proposed that is coordinated with the architectural finishes of the built form. The aim is to create a cohesive palette to suit the natural feel of the Proposed Development that is durable in delivery.

- 3.18 The trees to be felled are predominantly ash trees, birches and fruit trees that fall in Category C or U. By removing poor quality trees along the southern boundary and replanting in denser numbers and species that reflect the woodland concept, the design future proofs the Site by providing significant compensatory planting.

## **ARCHITECTURAL DETAILING & MATERIALITY**

### **Redevelopment of 39a Fitzjohn's Avenue**

- 3.19 The proposals for 39a Fitzjohn's Avenue take a considered, traditional approach to the external appearance, materiality, and detailing, which is consistent with this part of the Conservation Area. As proposed, the building will retain the existing rhythm of gables and bays across the elevations while aligning more closely to the architectural style and quality materiality of the neighbouring building at 39 Fitzjohn's Avenue.
- 3.20 The use of a traditional building material palette, including redbrick facades, clay roof tiles, external metalwork, and purple brick and masonry detailing, makes reference to the historic context of the Site and its surroundings. Similarly, the proposals will employ traditionally-detailed fenestration, in the form of sash and casement windows and external doors.

### **Development Of Land at Maresfield Gardens**

- 3.21 The detailing and materiality of the new building in this part of the Site is defined by a more contemporary approach to the external appearance and is largely governed by its irregular external form. Nevertheless, it will reflect the heritage sensitivity of the Site through:
- The extensive use of brick to complement the pervading building material in the conservation area;
  - The dark, muted tones of the brickwork distinguish the new building as a contemporary addition to the streetscape, and separate it from the development of 39a Fitzjohn's Avenue;
  - A secondary palette of materials, including steel, plaster and timber, which references the materiality of neighbouring properties in the Conservation Area, and provides contrast to the muted brickwork;
  - The expression across the elevations of a base, middle and crown to the building is an architectural motif that is redolent of contemporary residential development; and
  - The use of vertical arrangements and detailing, in the form of recesses, loggias, and fenestration, further diffuse the mass of the proposed new building and create visual interest and scale.

### **Boundary Treatment Works**

- 3.22 The Proposed Development includes a series of improvements to the existing boundary treatment enclosing the Site to Fitzjohn's Avenue, Nutley Terrace and Maresfield Gardens. The form and materiality of the boundary treatment changes to reflect the contrasting characteristics of the different streets. The existing boundary to 39a Fitzjohn's Avenue (which is shared with No.39) is to be retained and restored, with existing openings adjusted to restrict vehicles.
- 3.23 A new replacement wall is proposed from the corner of Fitzjohn's Avenue to extend along Nutley Terrace. It will comprise reclaimed bricks laid in a traditional English Garden wall bond and surmounted by creasing tiles and rowlock bricks. The wall will step up in line with the topography and block views into the new apartments located close to the boundary. There are two proposed pedestrian openings in the wall, enclosed with metal gates, which provide access to a communal bin store and shared landscape respectively.
- 3.24 This new replacement wall will continue along Maresfield Gardens and would introduce a significance new frontage to this part of the Site. The height of the wall will rise in line with the topography and maintain the

overall sense of privacy and enclosure. On this side of the Site, a series of utility enclosures are disguised and integrated into the boundary arrangement.

- 3.25 A new gate would replace an existing solid gate which must be retained for Network Rail maintenance vehicles and provides a convenient arrival for residents to the new building on land adjacent to 46 Maresfield Gardens.

### PROPOSED RESIDENTIAL ACCOMODATION

- 3.26 The Proposed Development will provide approximately 4,676sqm of residential (Use Class C3) floorspace split across the two constituent parts of the Site, as follows:

	GIA (SQM)
Land at Maresfield Gardens	3,086
39a Fitzjohn's Avenue	1,590
<b>TOTAL</b>	<b>4,676</b>

- 3.27 The Proposed Development will deliver 33no. market residential units (Use Class C3) of the following mix:

Unit Size	Land at Maresfield Gardens	39a Fitzjohn's Avenue
1 Bed	8	0
2 Bed	17	0
3 Bed	4	2
4 Bed+	0	2
<b>TOTAL</b>	<b>29</b>	<b>4</b>
	<b>33</b>	

- 3.28 The mix of units, including the affordable housing offer, has been maximised given the constraints of the Site and the financial viability of the Proposed Development. Further detail is provided in this **Planning Statement** and within the **Financial Viability Assessment**, however all units have been designed to a high standard and have an identity and architectural appearance which has been influenced by the surrounding built form and historic building typologies and will meet or exceed the various space and amenity standards required.

### OTHER CONSIDERATIONS

#### Access & Servicing Arrangements

- 3.29 No changes are proposed to the existing access arrangements onto Fitzjohn's Avenue. This access will be retained to allow access to a small parking and servicing area. The new access onto Maresfield Gardens will be upgraded, in the form of a dropped kerb crossover. This will facilitate access for delivery vehicles only.
- 3.30 For the townhouses and maisonettes, refuse will be collected from Fitzjohn's Avenue, as per the existing situation. A refuse store is located to the north of the Site. Residents will either wheel their bins to the front of the property on the appropriate days, as per the existing arrangement, or bins movement will be facilitated by the facilities manager.
- 3.31 For the accommodation at Land at Maresfield Gardens a dedicated waste and recycling store is included to the west of the Site. Bins will be collected from Maresfield Gardens and a facilities manager will ensure bins are located in an appropriate presentation area for collection. This will be secured via planning obligation.
- 3.32 Further information is provided in the **Transport Statement (inc. Delivery & Servicing Plan)** and the **Design & Access Statement** which form part of this Application.

### **Car & Cycle Parking Provision**

- 3.33 A total of 3no. car parking spaces are provided for exclusive use by the 4no. large family units at 39a Fitzjohn's Avenue, and this represents a positive reduction from the existing 12no. parking spaces and has been agreed with the LBC through the pre-application process. The 3no. proposed car spaces benefit from EV charging points, and access to the parking area is via the existing access to the site from Fitzjohn's Avenue.
- 3.34 No parking is proposed in respect of the 'Land at Maresfield Gardens', and future residents will be restricted from applying from a parking permit via appropriate obligation. A range of measures to encourage the use of sustainable transport methods are set out in the supporting **Travel Plan**.
- 3.35 Ample provision for cycle parking is made across the Site, split between the two built forms, and including both long and short stay capacity where required, to either meet or exceed policy requirements.
- 3.36 Further information is provided in the **Transport Statement (inc. Delivery & Servicing Plan)**, **Travel Plan**, and the **Design & Access Statement** which form part of this Application.

### **Energy & Sustainability**

- 3.37 The Proposed Development is committed to achieving a high level of sustainability which will comply with policy requirements for sustainability and energy efficiency design as outlined in the **Energy Statement**, **Sustainability Statement**, and **Design & Access Statement**, as follows:

### **Redevelopment of 39a Fitzjohn's Avenue**

- 3.38 This component will include a range of measures including but not limited to:
- An electric-only system for dwelling heating and hot water demands;
  - Air Source Heat Pumps providing heating and domestic hot water from local indirect hot water storage;
  - An underfloor heating system designed to operate at Lower Temperature Hot Water temperatures;
  - Ventilation using continuous Mechanical Ventilation with Heat Recovery units.
  - Installation of Solar Panels, wherever feasible;
  - Electric vehicle charging to all proposed car parking spaces;
  - Energy efficient lighting with appropriate daylight and movement controls in common areas;
  - Water saving sanitary fittings with leak detection to plant areas;
  - External walls will have enhanced thermal insulation; and
  - Solar performing double glazing to windows.

### **Development Of Land at Maresfield Gardens**

- 3.39 The proposed new building adopts a passive design approach that incorporates low or zero carbon technologies, with the aim of minimising its energy demands. The scheme prioritises efficient heat, ventilation, and lighting provision through careful product selection, effective design practices, and robust control.
- 3.40 The building has a highly insulated and airtight envelope (targeting Passivhaus standards) with a high proportion of solid to open construction. The envelope specification exceeds minimum U-values set out in Approved Document L. Fresh air will be provided by Mechanical Ventilation with Heat Recovery units.
- 3.41 To ensure year-round comfort, heating (and hot water) is provided by three Air Source Heat Pumps located on the building's roof. In warmer weather, automated window blinds will dynamically protect apartments from excessive solar gain and overheating, and 24 Photovoltaic Panels will be installed at roof level.

## 4.0 PLANNING POLICY FRAMEWORK & LEGISLATION

- 4.1 This Application has been informed by adopted and emerging development plan policies and other relevant guidance. This section of the Statement provides a summary of the planning context, it does not provide a verbatim account of all relevant policy as this is dealt with in Section 5.0 of this Statement.

### Planning (Listed Buildings and Conservation Areas Act) 1990

- 4.2 The statutory duties of the decision-maker when considering applications which affect designated heritage receptors are set out in the 1990 Act.
- 4.3 The Site does not contain any listed buildings, but it is located within the Fitzjohn's/Netherhall Conservation Area. There are also statutorily listed buildings, conservation areas and non-designated heritage assets identified in the wider study area that may experience some change to their heritage value resulting from the indirect impact of the Proposed Development on their respective settings.
- 4.4 Section 66(1) of the 1990 Act which states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural and historical interest which it possesses."*

- 4.5 Section 72(1) of the 1990 Act, which states:

*"In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

- 4.6 It is noted here that the setting of a conservation area does not benefit from statutory protection (unlike listed buildings – see Section 66(1)), though such consideration for a conservation area's setting is included within the Development Plan. The Courts have confirmed that if the policy approach set out in the NPPF is followed then the statutory duties referred to above will have been fulfilled.

### THE STATUTORY DEVELOPMENT PLAN

- 4.7 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the Statutory Development Plan unless material consideration indicate otherwise.
- 4.8 The Statutory Development Plan for this Site and the LBC is outlined below:
- London Borough of Camden Local Plan (Adopted July 2017);
  - The London Borough of Camden Policies Map (Adopted 2019); and
  - London Plan 2021 (Adopted March 2021).
- 4.9 The Site is subject to the following designations under the current adopted Statutory Development Plan:
- Located within the Fitzjohn's / Netherhall Conservation Area
- 4.10 The Site is not subject to any other designations under the current adopted Statutory Development Plan.

## NATIONAL PLANNING POLICY FRAMEWORK

- 4.11 The National Planning Policy Framework (the "NPPF") was originally published in March 2012, and revised in 2018, 2019 and 2021 with the latest revision published December 2023 by the Ministry of Housing, Communities and Local Government. The NPPF sets out the Government's economic, environment and social planning policies for England and supersedes the vast majority of previous Planning Policy Guidance Notes and Planning Policy Statements. The NPPF is a material consideration in the determination of applications.
- 4.12 In addition to the NPPF, National Planning Practice Guidance ("NPPG") was first published in March 2014 and has been amended on numerous occasions to reflect national planning policy changes. The NPPG outlines how government planning practice should be followed and interpreted in accordance with the principles of the NPPF. Regarding decision making, the guidelines set out in the NPPG are a material consideration and accordingly should carry weight in the determining of planning applications.

## REGIONAL PLANNING POLICY

- 4.13 The London Plan (March 2021), prepared by the Greater London Authority (GLA), is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.
- 4.14 Whilst this Application does not comprises a GLA-referable scheme, the London Plan forms the London-wide policy context within which the Boroughs set their local planning agendas, and forms part of the Statutory Development Plan. The GLA have published London Plan Guidance ("LPG") and Supplementary Planning Guidance ("SPG") which provide further information about how the London Plan should be implemented.

## LOCAL PLANNING POLICY

- 4.15 The Camden Local Plan (July 2017) outlines the policies and guidance for development within the LBC until 2031, identifying where the main developments will take place, how places within the Borough will change or be protected from change. LBC has adopted supplementary planning documents which are material considerations in respect of this Application, and those of relevance are:
- Access for All CPG (March 2019);
  - Air Quality (January 2021);
  - Amenity (January 2021);
  - Basements (January 2021);
  - Biodiversity CPG (March 2018);
  - Design (January 2021);
  - Developer Contribution CPG (March 2019);
  - Energy Efficiency and Adaption (January 2021);
  - Housing (January 2021);
  - Transport (January 2021) and
  - Trees (March 2019).
- 4.16 The Local Development Scheme (December 2023) sets out the timetable for the New Draft Local Plan for the LBC. Initial consultation on Local Plan issues and further call for sites was undertaken in Winter 2022 / 2023. Preparation of Draft Local Plan and updated Site Allocations was undertaken in Autumn / Winter 2023. Consultation on the Draft Local Plan and updated Site Allocations commenced in January 2024, with adoption of the Local Plan expected in Summer 2026. Due to the early stages of the Draft Local Plan, we are of the view it currently holds limited, if any, weight in the determination of a planning application by the LBC.

## 5.0 PLANNING POLICY ASSESSMENT

- 5.1 This section of the Statement provides a detailed assessment of the proposals for the redevelopment of the Site in relation to national, strategic and local planning policy and other material considerations. As indicated below the Proposed Development is consistent with the statutory development plan when read as a whole.

### PRINCIPLE OF DEVELOPMENT AT LAND AT MARESFIELD GARDENS

- 5.2 **Policy G1 (Delivery and Location of Growth)** of the LBC Local Plan outlines that the LBC will seek to deliver growth in the Borough by securing high quality development and promoting the efficient use of land and buildings by *“supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site”* and *“resisting development that makes inefficient use of Camden’s limited land”*.
- 5.3 **Policy H1 (Maximising Housing Supply)** of the LBC Local Plan sets the aim that LBC will seek to secure a sufficient supply of homes to meet the needs of existing and future households by maximising supply and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes. In addition to providing significant housing supply, **Policy H1 (Maximising Housing Supply)** of the LBC Local Plan goes on to outline that in instances where sites are underused or vacant, they will expect the maximum provision of housing.
- 5.4 In this context, Paragraph 3.30 of the LBC Local Plan states that sites suitable for housing in terms of accessibility and amenity, and free of physical and environmental constraints that would prevent residential use, will be expected to be redeveloped for residential purposes. In this context, we therefore consider the principal of development of Land at Maresfield Gardens for residential purposes to be acceptable in principle.

### PRINCIPLE OF DEVELOPMENT AT 39A FITZJOHN'S AVENUE

- 5.5 It is proposed that the existing building at 39a Fitzjohn's Avenue will be substantially demolished as part of the redevelopment of the Site, and that the loss of the existing built form, which is no longer fit for purpose, will facilitate the high-quality redevelopment of the Site as part of the wider regeneration of the surrounding area. The principle of demolition to enable the redevelopment of the Site has been discussed with officers during the series of pre-application discussions which have been undertaken to date.
- 5.6 Directing new development to previously developed land is a principle promoted in national, regional, and local policy. The NPPF encourages the effective use of land by reusing land that has been previously developed, with planning policy at all levels supports the principle of a comprehensive redevelopment.
- 5.7 The Proposed Development would replace a poor quality building on an underused brownfield site in a sustainable location with a high quality residential development which contributes towards housing needs, and the provision of high-quality landscaping and betterment to the Conservation Area. The existing buildings are of poor quality, not fit for continued residential purposes and not considered to have any architectural or heritage benefit. In addition, the nature of the existing buildings is not in keeping with the Council's aspirations for regeneration and new development in the area, and the demolition of the existing buildings enables a comprehensive approach to redevelopment.
- 5.8 In this regard, the Proposed Development is consistent with the core principles of the NPPF which includes the requirement to proactively drive and support sustainable economic development, and deliver homes, thriving local places, encourage the effective use of land by reusing land that which has been previously developed and focus significant development in sustainable locations. The principle of redevelopment of 39a Fitzjohn's Avenue is therefore in line with national, regional and local policy objectives and a high-quality redevelopment proposal such as that put forward should be welcomed.



## PRINCIPLE OF RESIDENTIAL USES

- 5.9 The NPPF identifies that to meet the “*social objective*” a sufficient number and range of homes will need to be provided to meet the needs of present and future generations in line with emerging targets. In the context of London and Southwark’s pressing housing need, significant weight must be attached to the delivery of housing in the planning balance. The NPPF also explains that decisions should apply a presumption in favour of sustainable development and should, as a minimum, provide for objectively assessed needs for housing and other uses, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.10 The redevelopment of the Site comprising the introduction of residential use is consistent with national and regional policy guidance, with the NPPF stating “*housing applications should be considered in the context of the presumption in favour of sustainable development*”. In this context, the NPPF requires local authorities to “*support the Government’s objective of significantly boosting the supply of homes*”.
- 5.11 **Policy GG4 (Delivering the homes Londoners need)** of the London Plan seeks to ensure that more homes are delivered, creating mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs. Policy H1 (Increasing housing supply) of the London Plan supports housing delivery, particularly on brownfield sites.
- 5.12 London Plan **Policy H1 (Increasing Housing Land Supply)** requires the London boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites. Paragraph 4.1.1 outlines that the Mayor has carried out a London-wide Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA identified need for 66,000 new homes per year.
- 5.13 **Policy G1 (Delivery and Location of Growth)** of the Local Plan outlines that the LBC will seek to deliver growth in the Borough by securing high quality development and promoting the efficient use of land and buildings by “*supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site*” and “*resisting development that makes inefficient use of Camden’s limited land*”.
- 5.14 **Policy G1 (Delivery and Location of Growth)** of the Local Plan promotes the most efficient use of land in the borough and housing is regarded as the priority land use of the Local Plan. In addition to seeking to provide significant housing supply, Policy H1 (Maximising Housing Supply) of the Local Plan outlines that in specific instances where sites are underused or vacant, they will expect the maximum reasonable provision of housing.
- 5.15 In this context, the Proposed Development brings forward a high-quality and considered residential proposal that makes efficient use of a largely unused and vacant site in a highly accessible location – it seeks to optimise the use of the Site through the provision of residential units at a higher density than existing, and therefore are wholly considered to make most efficient use of LBC’s limited land in a time of significant unmet housing need.

## RESIDENTIAL CONSIDERATIONS

### Residential Density

- 5.16 Part of the approach to sustainable development advocated by the NPPF is to make the best use of available development land, especially brownfield sites, in order to significantly boost the supply of housing. The NPPF states that planning policies and decisions should support development that makes efficient use of land as well as create and sustain an appropriate mix of uses. Plans should contain policies to optimise the use of land and meet as much of the identified need for housing as possible.
- 5.17 **Policy GG2 (Making the best use of land)** of the London Plan sets out a number of qualitative criteria that should be met through development, including:



- Enabling the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres;
- Prioritising sites which are well-connected by existing or planned public transport;
- Proactively exploring the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling;
- Applying a design-led approach to determine the optimum development capacity of sites;
- Understanding what is valued about existing places and use this as a catalyst for growth, renewal, and placemaking, strengthening London's distinct and varied character; and
- Maximising opportunities to use infrastructure assets for more than one purpose, to make the best use of land and support efficient maintenance.

5.18 Furthermore, **Policy D3 (Optimising site capacity through the design-led approach)** of the London Plan states that Proposed Development must make the best use of land by following a design-led approach that optimises the capacity of Sites, including Site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a Site's context and capacity for growth, and existing and planned supporting infrastructure capacity.

5.19 In this context, **Policy D6 (Housing quality and standards)** of the London Plan requires development to:

- Be of a high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures;
- Ensure that qualitative aspects of a development such as orientation, layout, active frontages and security are key to ensuring successful sustainable housing;
- Maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution;
- Provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space;
- Deliver adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste as well as residual waste; and
- Meet the minimum standards below which apply to all tenures and all residential accommodation.

5.20 The LBC note in their Local Plan that good design can increase density while protecting and enhancing the character of an area in accordance with **Policy D1 (Design)** and **Policy D2 (Heritage)**. All development should be of excellent design quality and should sensitively consider the amenity of occupiers and neighbours and, particularly in conservation areas, the character, heritage and built form of its surroundings.

5.21 Other factors that influence density include the quality of the accommodation provided and the impact of the proposals on neighbouring amenity and local facilities. In this regard, the proposed scheme will redevelop an underused site with high quality housing as well as deliver extensive public realm and landscape improvement works which future occupants and the wider local community will benefit from. The Scheme, as demonstrated in the following sections, is of the highest design quality and causes no unacceptable impact upon amenity.

5.22 In conclusion, design quality has formed a core component of this Proposal. A design-led approach has been utilised to determine the optimum development capacity of the Site and this has been validated through consideration of the proposals at the pre-application meetings. As outlined within this Statement and the supporting **Design & Access Statement**, a robust analysis has been conducted in support of this Application to test the Proposal in respect of providing a high-quality environment for residents and consideration of impacts on the environment, amenity, and the site-specific constraints. The proposed density is therefore appropriate and should be considered to accord with policy.

### Affordable Housing

- 5.23 **Policy H4 (Delivering affordable housing)** of the London Plan outlines that the strategic target is for 50% of all new homes delivered across London to be genuinely affordable.
- 5.24 **Policy H1 (Maximising Housing Supply)** of the LBC Local Plan sets the aim that the LBC will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes.
- 5.25 **Policy H4 (Maximising the Supply of Affordable Housing)** of the LBC Local Plan confirms that LBC will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The Council will seek to negotiate the maximum reasonable amount of affordable housing on the following basis:
- a) *"the guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing;*
  - b) *targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home;*
  - c) *targets are applied to additional housing floorspace proposed, not to existing housing floorspace or replacement floorspace;*
  - d) *a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity;*
  - e) *an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings;*
  - f) *for developments with capacity for 25 or more additional homes, the Council may seek affordable housing for older people or vulnerable people as part or all of the affordable housing contribution;*
  - g) *where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing;*
  - h) *for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site; and*
  - i) *where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution (in terms quantity and/ or quality), the Council may accept provision of affordable housing offsite in the same area, or exceptionally a payment-in-lieu."*
- 5.26 The Proposed Development comprises 33 residential units in total, and is supported by a **Financial Viability Appraisal**. The FVA demonstrates that the Application cannot viably support the provision of any affordable housing on the Site or contribute via a payment-in-lieu. However, the Applicant is willing to consider the provision of an element of off-site affordable housing, and whilst initial discussions have been undertaken with LBC the detail of this will be discussed further with LBC Officers during determination of the Application.

### Residential Unit Mix

- 5.27 Chapter 5 of the NPPF seeks to deliver a mix of housing for different groups in the community. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements addressed and that land with permission is developed without unnecessary delay.
- 5.28 **Policy H10 (Housing size mix)** of the London Plan indicates that schemes should generally consist of a range of unit sizes, and this policy makes it clear that Local Planning Authorities in London should not set prescriptive dwelling size mix requirements for market and intermediate homes.

- 5.29 **Policy H7 (Large and Small Homes)** of the LBC Local Plan seeks a range of dwelling sizes across different tenures to seek to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. To achieve this, the LBC will seek to ensure that all housing development, contributes to meeting the priorities set out in the Dwelling Size Priorities Table, as below:

	Unit Size			
Unit Type	1 Bed / Studio	2 Bed	3 Bed	4 Bed
Market Units	Lower	High	High	Lower

- 5.30 The policy notes that LBC will take a flexible approach to assessing the mix of dwelling sizes proposed in each development having regard to a series of wider considerations including but not limited to evidence of specific local need, the character of development, site constraints, financial viability and to ensure choice and flexibility.

- 5.31 In this instance the Proposed Development proposes the following unit mix.

Unit Size	Land at Maresfield Gardens	39a Fitzjohn's Avenue
1 Bed	8	0
2 Bed	17	0
3 Bed	4	2
4 Bed+	0	2
<b>TOTAL</b>	<b>29</b>	<b>4</b>
	<b>33</b>	

- 5.32 The Site's location is one of London's most prosperous neighbourhoods and a desirable area to live in, particularly suited to family living with a strong education, retail and cultural offer boosted by exceptional local parks and green spaces. The unit mix proposed has taken account of the likely socio-economic profile of end users and how well their needs can be met within the Proposed Development and the wider neighbourhood.

- 5.33 On this basis, the Site-wide unit mix is considered to comply with the locational requirements indicated by the LBC Dwelling Size Priorities Table and will ensure considerations including specific local need, the character of the development, specific site constraints, financial viability and the need to ensure choice and flexibility have been fully reflected. This will ensure a range of homes of different types and sizes will attract equally diverse communities in line with the LBC Local Plan and the existing character of the wider Hampstead area:

Unit Size	Number of Total Units	Policy Requirement	Assessment
1 Bed	8	Lower	Medium
2 Bed	17	High	High
3 Bed	6	High	Medium
4 Bed+	2	Lower	Lower
<b>TOTAL</b>	<b>33</b>		

### Residential Design Standards

- 5.34 The NPPF recognises the importance of creating places that offer a high standard of amenity for existing and future users under **Chapter 12**.
- 5.35 **Policy D3 (Optimising site capacity through the design-led approach)** of the London Plan seeks to deliver appropriate outlook, privacy and amenity. **Policy D6 (Housing quality and standards)** of the London Plan seeks to ensure that development is of a high quality, providing adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. Development should be dual aspect, provide sufficient daylight and sunlight whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

- 5.36 **Policy D1 (Design)** of the LBC Local Plan seeks high quality design in development, including a high standard of living accommodation. The supporting text to the policy notes that all residential developments should be designed and built to create high quality homes, setting a range of criteria development is expected to meet.
- 5.37 **Policy H6 (Housing Choice and Mix)** sets the LBC's expectations regarding the provision of high-quality accessible units, noting that in decision making they will:
- encourage design of all housing to provide functional, adaptable and accessible spaces;
  - expect all self-contained homes to meet the nationally described space standard;
  - require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and
  - require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3).
- 5.38 The Proposed Development complies with the above with regard to internal circulation, floor to ceiling heights, dual-aspect and accessibility. Further information is provided in the **Design & Access Statement**, in respect of both 39a Fitzjohn's Avenue and Land at Maresfield Gardens, and overall the provision of high-quality units with access to high-quality landscaping and spaces as part of the wider masterplan should be welcomed.

### Open Space & Play Space

- 5.39 The extent of shared amenity complies with LBCs Public Open Space CPG and LBC Local Plan **Policy A2 (Open Space)**, exceeding the minimum recommendations of 9 sqm per resident with a proposal for 11.5 sqm per resident. The landscape is designed with multifunctional use with natural green space that provides opportunities for passive recreation but also biodiversity and community engaging.
- 5.40 In relation to play opportunities, the Proposed Development over-provides in quantum terms when compared to the GLA's Yield Calculator and associated requirements, as follows:

Age Group	Requirement (sqm)	Provision (sqm)
0-4	25.4	31.5
4-11	17.5	28.8
12+	8.2	16.5
<b>Total</b>	<b>51.1</b>	<b>76.8</b>

- 5.41 The natural play space is geared toward younger groups with many different elements for the children to enjoy. A communal lawn space can be used for active play by children of all and the Proposed Development also encourages active play and physical discovery while also providing a sensory and tactile experience through the incorporation of natural materials. Pockets of seating throughout the Site offer places and spaces to hang out and relax. Ample planting and trees, including edibles have been incorporated into the design, giving shade and inviting interaction with nature and wildlife. This high-quality overprovision should be welcomed.
- 5.42 Further information is provided in the Landscape Chapter of the **Design & Access Statement**.

### DESIGN CONSIDERATIONS

- 5.43 Good design is essential to creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. The NPPF establishes that planning should always seek to secure high quality design and that good design is indivisible from good planning.
- 5.44 Chapter 3 of the London Plan reinforces the Mayor's commitment to ensuring the delivery of good quality designed developments, which reflect and respond to London's character. **Policy D1 (London's form,**

**Character and Capacity form growth)** of the London Plan requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds successfully to the identity and character of the locality.

- 5.45 Chapter 7 of the LBC Local Plan outlines the Council's approach to design and requires all developments, including alterations and extensions to existing buildings, to be of the highest standard. Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings. Character is about people and communities as well as the physical components. Design should respond creatively to its site and its context including the pattern of built form and urban grain, open spaces, gardens and streets in the vicinity.
- 5.46 Within the holistic strategy for the Proposed Development there are buildings with differing architectural approaches. The existing building at 39a Fitzjohn's Avenue has been re-imagined, integrating its rear into landscape of the Site, and to preserve the appearance of and role of its frontage on Fitzjohn's Avenue. The design for Land at Maresfield Gardens is thoroughly embedded in the landscape. Its appearance is the product of extensive and thoughtful study of local precedents which has informed a highly considered proposal that will be well-rooted in its context to serve as a robust and positive contribution to the Conservation Area.
- 5.47 Further information is provided in the **Design & Access Statement** that accompanies this Application. The document provides further details on the design evolution and architectural approach of the Proposed Development. The bulk, scale, massing, materials, and design of the scheme have been developed so that it takes account of the immediate surrounding buildings and the wider context, whilst offering a sustainable approach to the existing buildings and features which are either valued or capable of being reused.
- 5.48 As such, the Scheme is considered to be in accordance with national, regional, and local policy requirements.

#### HERITAGE & TOWNSCAPE CONSIDERATIONS

- 5.49 The legislation governing listed buildings and conservation areas is the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 (1) of the Act requires decision makers to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*" when determining applications which affect a listed building or its setting.
- 5.50 Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay "*special attention...to the desirability of preserving or enhancing the character or appearance of that area*". For the avoidance of doubt, the Courts have held preservation to mean the avoidance of harm.
- 5.51 The NPPF states "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*". Where a proposal does not result in any harm (preservation of the conservation area) it naturally follows that the proposal is acceptable in heritage terms. If a proposal is deemed to cause harm, then that harm needs to be outweighed by public benefits associated with the proposal.
- 5.52 **Policy HC1 (Heritage conservation and growth)** of the London Plan outlines that development proposals affecting heritage assets and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within the site context.
- 5.53 **Policy D1 (Design)** of the LBC Local Plan seeks to secure high quality design in development which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with **Policy D2 (Heritage)** of the LBC Local Plan and comprises details and materials that are of high quality and complement the local character.
- 5.54 **Policy D2 (Heritage)** of the LBC Local Plan seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including conservation areas. The policy notes that, in order to maintain the



character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

- 5.55 The Site lies within Sub-Area 1 of the Fitzjohn's / Netherhall Conservation Area and the Conservation Area Statement sets out an assessment of the character and appearance of the area. Therefore, the Application is accompanied by a **Heritage & Townscape Visual Impact Assessment**.
- 5.56 The **Heritage & Townscape Visual Impact Assessment** assesses the impact of the proposals for the redevelopment of 39a Fitzjohn's Avenue & Land Adjacent To 46 Maresfield Gardens on identified heritage, townscape, and visual receptors. 'Heritage', 'Townscape' and 'Visual' are treated as individual disciplines and separate assessments are provided in accordance with legislation, planning policy and best practice guidance.
- 5.57 It concludes that the Proposed Development has been carefully considered and responds well to the Site and its Conservation Area context, and that the Proposed Development would not give rise to any unacceptable impacts to heritage assets or townscape character. The Proposed Development would demonstrably improve the appearance, character and function of the Site and would result in notable benefits to heritage, townscape, and visual receptors. It therefore satisfies the relevant policies within the development plan.
- 5.58 In accordance with the statutory duties outlined in The Planning (Listed Buildings and Conservation Areas) Act 1990, we conclude that the character and appearance of the Fitzjohn's/Netherhall Conservation Area would be enhanced by the proposals and the significance of nearby listed buildings would be preserved.
- 5.59 On this basis we consider that the proposals comply with relevant policies of the NPPF, the London Plan and the Camden Local Plan. On that basis, the decision maker will be able to discharge their legal duty under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **RESIDENTIAL & NEIGHBOURING AMENITY**

- 5.60 **Policy D3 (Optimising site capacity through the design-led approach)** of the London seeks to deliver appropriate outlook, privacy and amenity.
- 5.61 **Policy D6 (Housing quality and standards)** of the London Plan seeks to ensure that development is of a high quality, providing adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. Development should be dual aspect, providing sufficient daylight, sunlight whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 5.62 **Policy D13 (Agent of Change)** of the London Plan emphasises the importance of development being designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them and that good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area.
- 5.63 **Policy A1 (Managing the Impact of Development)** of the LBC Local Plan outlines that LBC will seek to protect the quality of life of occupiers and neighbours, and will not grant planning permission if it is considered to cause unacceptable harm to amenity.
- 5.64 The Proposed Development complies with the above with regard to internal circulation, floor to ceiling heights, dual-aspect and accessibility. Further information is provided in the **Design & Access Statement**, in respect of both 39a Fitzjohn's Avenue and Land at Maresfield Gardens, and overall the provision of high-quality units with access to high-quality landscaping and spaces as part of the wider masterplan should be welcomed.

#### **Sunlight, Daylight & Overshadowing**

- 5.65 The **Daylight & Sunlight Report** demonstrates the Proposed Development's impact upon neighbouring properties is considered to be entirely consistent with the BRE guidance and relevant planning policy in terms

of daylight and sunlight. Similarly, it confirms that in overshadowing terms all analysed gardens remain fully compliant with the BRE guidance.

- 5.66 When considering daylight and sunlight within the proposed residential units, the assessment has indicated that 97% of the overall proposed habitable rooms assessed will meet or exceed the 2022 BRE targets. Whilst direct sunlight levels are more orientation specific, the Sunlight Exposure Assessment has indicated that 79% of the overall units meet the 2022 BRE targets which is a very good level of compliance. Overall, the daylight and sunlight results within the proposed residential units indicate a very good level of compliance.

### Noise & Vibration

- 5.67 **Policy A4 (Noise and Vibration)** of the LBC Local Plan states:

*“Development should have regard to Camden’s Noise and Vibration Thresholds (Appendix 3). We will not grant planning permission for:*

- a) development likely to generate unacceptable noise and vibration impacts; or*
- b) development sensitive to noise in locations which experience high levels of noise unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.”*

- 5.68 On this basis, a **Noise & Vibration Assessment** has been prepared and this presents the measured noise levels, which have been used in the assessment of the proposed glazing requirements to ensure suitable internal noise levels are achieved at the Proposed Development with reference to ProPG, BS 8233:2014, WHO Guidelines, BS 6472-1:2008, planning policy requirements, and consideration of planning conditions imposed in respect of the neighbouring development at 39 Fitzjohn’s Avenue.
- 5.69 Plant noise emission limits have also been set in line with the requisite requirements. Given the low existing background noise levels at the Site, RBA Acoustics do not expect the typical criteria to be achievable at receptors within the Wider Site (i.e. including 39 Fitzjohn’s Avenue), and therefore have proposed relaxed criteria which they consider appropriate in terms of noise impact to this specific receptor within the Wider Site.
- 5.70 Detailed vibration measurements have also been undertaken due to the presence of the Network Railway tunnels situated beneath the Site. The vibration measurements have been analysed on an empirical basis to yield likely levels of tactile vibration within the Proposed Development. It is concluded that the levels of vibration are likely to be imperceptible and comfortably within the guideline limits and are acceptable.
- 5.71 As a result, the **Noise & Vibration Assessment** concludes that there are no reason that planning permission should be refused on noise and vibration grounds.

### Air Quality

- 5.72 **Policy CC4 (Air Quality)** of the LBC Local Plan aims to ensure the impact of development on air quality is mitigated and ensure exposure to poor air quality is reduced. LBC will take into account the impact of air quality when assessing development proposals, through the consideration of the exposure of occupants to air pollution and the effect of the development on air quality.
- 5.73 Consideration must be taken to the actions identified in the Council’s Air Quality Action Plan. Air Quality Assessments will be required where development is likely to expose residents to high levels of air pollution, and where such assessments show that a development would cause harm to air quality, LBC will not grant planning permission unless measures are adopted to mitigate the impact.
- 5.74 The Proposed Development has the potential to cause air quality impacts because of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the Site during operation, as well as expose future occupants to any existing air quality issues.



- 5.75 As such, the **Air Quality Assessment** which supports the Application, determined the baseline conditions and assessed the potential effects. These assessments concluded that air quality factors are not considered to be a constraint in planning terms, and should not be a reason that planning permission is not forthcoming.

#### TRANSPORT, ACCESS, DELIVERY & SERVICING

- 5.76 **Chapter 9 of the NPPF (Promoting Sustainable Transport)** seeks to ensure transport issues are considered from the earliest stages, so the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued and that environmental impacts of traffic and transport infrastructure can be identified and taken into account.
- 5.77 **Policy T1 (Strategic Approach to Transport)** of the London Plan indicates that development proposals should facilitate the delivery of the Mayor's strategic target of 80% of all trips made by foot, cycle or public transport and that all development should make the most effective use of land.
- 5.78 **Policy T4 (Assessing and Mitigating Transport Impacts)** of the London Plan outlines that proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. When required, transport assessments should be submitted to ensure the impact on the capacity of the transport network are fully assessed, and this application is therefore supported by a suite of transport related supporting information.
- 5.79 **Policy T1 (Prioritising Walking, Cycling and Public Transport)** of the LBC Local Plan states the Council will support and promote sustainable transport by prioritising walking, cycling and public transport.
- 5.80 Further assessment in relation to these matters is provided below.

#### Car Parking Provision

- 5.81 **Policy T6 (Car Parking)** of the London Plan seeks to restrict car parking in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.
- 5.82 **Policy T6.1 (Residential Parking)** of the London Plan indicates that new residential development should not exceed the maximum parking standards set out within Table 10.3 of the London Plan.
- 5.83 In the LBC, **Policy T2 (Parking and Car-Free Development)** confirms LBC will limit the availability of parking and require new developments to be car-free, and will:
- not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;
  - limit on-site parking to:
    - spaces designated for disabled people where necessary, and/or ii
    - essential operational or servicing needs;
  - support the redevelopment of existing car parks for alternative uses; and
  - resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.
- 5.84 As noted in **Part B** of **Policy T2 (Parking and Car-Free Development)**, LBC will seek to limit onsite parking to spaces designated for disabled people where these are needed.
- 5.85 A total of 3no. car parking spaces are provided for exclusive use by the 4no. units at 39a Fitzjohn's Avenue, and this represents a positive reduction from the existing 12no. parking spaces and has been agreed on-balance by LBC through the pre-application process. All proposed car spaces benefit from EV charging points.

### Cycle Parking Provision

- 5.86 **Policy T5 (Cycling)** of the London Plan emphasises the importance of helping to remove barriers to cycling and create a healthy environment in which people choose to cycle.
- 5.87 LBC seek high-quality cycle parking facilities for development, including redevelopments and in applications that change travel patterns and the travel profile or increase the numbers of people travelling to a site, and Applicants must provide, as a minimum, the quantity of cycle parking spaces as set out in the London Plan in facilities that are fully inclusive and accessible by step free access, noting that in the LBC Transport CPG, LBC will seek an additional 20% of spaces above the London Plan standard to support the expected future growth of cycling for those that live and work in Camden.
- 5.88 The Proposed Development at Land at Maresfield Gardens will provide 60no. long-term stay bicycle racks are located in the north-eastern section of its lower ground floor. This quantity aligns with requirements of Chapter 6 of the London Plan, with a +20% allowance for future increase in the use of cycles. These spaces are complimented by short stay racks located adjacent to the proposed building's main reception.
- 5.89 In relation to 39a Fitzjohn's Avenue, secure cycle parking for residents is provided in a lockable store at lower ground floor level providing 8no. spaces (2no. spaces per unit). The cycle store is accessed via a secure gate and external stair which is to be equipped with a bike chute rail.

### Travel Plans

- 5.90 A **Travel Plan** forms part of this Application. In summary, the Site is well located in terms of its proximity to existing key services / facilities and sustainable travel infrastructure to encourage travel by non-car modes.
- 5.91 The Proposed Development builds upon this sustainable location through the provision of infrastructure to encourage the use of sustainable modes such as walking, cycling and public transport and through 'soft' Travel Planning measures such as the provision of up-to-date walking / cycling information, and 'physical' measures such as the provision of secure cycle parking and safe walking environments.
- 5.92 The appointment of a Travel Plan Coordinator will facilitate the implementation of many of the proposed measures. Clear targets and a monitoring regime are proposed that enable those responsible to measure, report upon and maximise the effectiveness of the Travel Plan in achieving its aims and objectives.
- 5.93 A programme of impactful, yet realistic measures and deliverables are set out, that link back to the Travel Plans objectives and targets, will be secured via appropriate planning conditions or obligations.

### Delivery & Servicing Arrangements

- 5.94 **Policy CC5 (Waste)** states the desire for Camden to be a low-waste Borough, through ensuring that developments include facilities for the storage and collection of waste and recycling. LBC require developments to provide adequate facilities for recycling and the storage and disposal of waste. The Design CPG states that developers should ensure that all waste systems and storage areas in new developments or refurbished developments are:
- designed to provide adequate space for the temporary storage of all types of waste, including internal storage areas with sufficient space for the separation of temporary storage of all recycling, food waste and residual waste;
  - sensitively designed and located in relation to the local environment especially in conservation areas and listed buildings
  - safely located and accessible for all users, including waste contractors, and designed to minimise nuisance to occupiers and neighbours and their amenity
  - sufficiently flexible to accommodate future increases in recycling targets; and

- designed to include where appropriate, innovative waste management solutions that increase efficiency and help meet and exceed recycling and other waste reduction targets

- 5.95 Information to demonstrate **Policy CC5 (Waste)** has been met must be provided for all new residential developments. Facilities for home composting will be encouraged in appropriate development schemes. LBC will also seek to secure the reuse of construction waste on development sites to reduce resource use and the need to transport materials. To ensure an integrated approach to waste management and the highest reuse and recycling rates, LBC encourage the submission of a Site Waste Management Plan prior to construction.
- 5.96 No changes are proposed to the existing access arrangements onto Fitzjohn's Avenue. This access will be retained to allow access to a small parking and servicing area. The new access onto Maresfield Gardens will be upgraded, in the form of a dropped kerb crossover. This will facilitate access for delivery vehicles only.
- 5.97 For the townhouses and maisonettes, refuse will be collected from Fitzjohn's Avenue, as per the existing situation. A refuse store is located to the north of the Site. Residents will either wheel their bins to the front of the property on the appropriate days, as per the existing arrangement, or bins movement will be facilitated by the facilities manager. For the accommodation at Land at Maresfield Gardens a dedicated waste and recycling store is included to the west of the Site. Bins will be collected from Maresfield Gardens and a facilities manager will ensure bins are located in an appropriate location for collection. This will be secured via obligation.
- 5.98 Further information regarding this aspect of the Proposed Development are included in the **Design & Access Statement** and **Transport Statement** which includes a **Delivery & Servicing Management Plan** with an overarching aim to proactively manage deliveries and minimise the number of associated trips at the Site.

#### **Construction Management Plan**

- 5.99 A **draft Construction Management Plan** has been prepared by Syntegra, and forms part of this Application. It has been submitted at this early stage to allow for initial discussion with the LBC, noting that it will be formally agreed in due course via either planning conditions or obligations.

### **ENVIRONMENT, ENERGY & SUSTAINABILITY**

#### **Energy and Sustainability**

- 5.100 **Chapter 9 (Sustainable Infrastructure)** of the London Plan outlines the relevant policies in this regard, such as **Policy SI 2 (Minimising Greenhouse Gas Emissions)**, **Policy SI 3 (Energy Infrastructure)**, **Policy SI 4 (Managing Heat Risk)** and **Policy SI 7 (Reducing Waste and Supporting the Circular Economy)**.
- 5.101 **Policy CC1 (Climate Change Mitigation)** of the LBC Local Plan requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The policy and the supporting supplementary planning guidance promotes zero carbon development and requires all development to reduce carbon dioxide through following the steps in the energy hierarchy; and expects all developments to optimise resource efficiency. As a result, this Application is supported by a series of documents, including:
- Energy Statement;
  - Sustainability Assessment;
  - Whole Life-Cycle Carbon Assessment; and
  - Retention & Redevelopment Options Assessment, in respect of 39a Fitzjohn's Avenue.
- 5.102 The **Energy Statement** demonstrates the Proposed Development incorporates climate change mitigation measures to comply with applicable policies. It sets out how the Proposed Development has reviewed and secured compliance with the London Plan by reducing carbon dioxide emissions at each stage of the energy

hierarchy, and demonstrates how the proposed design is in accordance with relevant national, regional and local planning policies in terms of energy and carbon reductions.

- 5.103 It has been produced to document the steps taken to reduce the energy consumption and associated carbon emissions relating to the Proposed Development. Improvement measures identified in this report relate to the architectural design and construction as well as the proposed building services. In addition to low carbon design, all proposals for the scheme have been considered with respect to their in-use operation and the effect they may have to users operating and maintaining the building.
- 5.104 The Proposed Development is aligned with the London Plan's net zero-carbon target for all forthcoming major developments and should therefore be welcomed. It has incorporated lean design through a passive design, well-insulated building fabric, LED lighting and highly efficient energy systems. On-site design opportunities have been maximised within the constraints of the Site and the specifics of the Proposed Development, and whilst there is a shortfall in achieving the overall net zero-carbon target, and offset payment-in-lieu is proposed.
- 5.105 The **Sustainability Statement** provides an overview of sustainability measures included within the Proposed Development across a range of disciplines, which cumulatively should be viewed favourably and be given due weight in the overall planning balance
- 5.106 The Application is also supported by **Whole Life Cycle Carbon Assessment**. This is to ensure the Proposed Development reduces and manages waste in line with GLA recommendations, incorporates low carbon materials and design for longevity at the heart of design, and provides a robust, adaptable scheme that can be easily disassembled at end-of-life.
- 5.107 The results of the **Whole Life Cycle Carbon Assessment** indicate that the building is performing better than the GLA's benchmark for a residential development. The carbon emissions during RICS Module A1-A5 (cradle to post-construction) outperform the GLA's benchmark. However, the RICS Module B-C (occupant use to end of life) underperform against the GLA benchmark. This is down to lack of reasonable information at early design stages, including unknowns in terms of specific materials and quantities. As the design progresses, the team will work together to reduce and mitigate the impact of emissions in-use and at end of-life, and the Applicant is agreeable to this being managed via planning condition.
- 5.108 The Application is also supported by a **Retention & Redevelopment Options Assessment**, which discusses and presents the rationale for the proposed works to 39a Fitzjohn's Avenue, given LBC and their policies emphasise on reusing and refurbishing existing buildings where possible, as an alternative to demolishing and rebuilding. This report explores several options to determine what level of intervention for this building would lead to the best outcome in the context of carbon emissions, material use, and impact on the local area.

### **Flood Risk & Drainage Strategy**

- 5.109 **Policy CC2 (Adapting to Climate Change)** of the LBC Local Plan requires development to be resilient to climate change by adopting climate change adaptation measures, for example not increasing and wherever possible reducing surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination of green and blue roofs and green walls where appropriate; and measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.
- 5.110 LBC will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible through the implementation of **Policy CC3 (Water and Flooding)**, and will require development to:
- incorporate water efficiency measures;
  - avoid harm to the water environment and improve water quality;
  - consider the impact of development in areas at risk of flooding (including drainage);

- incorporate flood resilient measures in areas prone to flooding; e. utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible;
- not locate vulnerable development in flood-prone areas.

- 5.111 The use of SuDs will be encouraged in all basement developments that extend beyond the profile of the original building. For basements that encroach into garden space or reduce the area of permeable surface on the Site, the use of SuDs will be required to mitigate any harm to the water environment. Furthermore any existing non-permeable spaces should be reviewed to see if they can be turned into permeable surfaces to seek to reduce the risk of surface water flooding / standing water.
- 5.112 The Site is located within Flood Zone 1, and the Application is accompanied by **Flood Risk Assessments (inc. Drainage Strategy Reports)**, prepared by Price & Myers. These assessments have been carried out in accordance with the NPPF and the accompanying Planning Practice Guidance (PPG) 'Flood Risk and Coastal Change'. They also incorporate advice and guidance from the Environment Agency (EA), the LBC Strategic Flood Risk Assessment (SFRA, July 2014) and the CIRIA document. They confirm that there is no reason on planning grounds why planning permission should not be forthcoming.

### **Landscape, Biodiversity & Ecology**

- 5.113 **Policy D1 (Design)** of the LBC Local Plan seeks development which incorporates high quality landscape design and maximises opportunities for greening, for example through planting trees and soft landscaping.
- 5.114 **Policy A3 (Biodiversity)** of the LBC Local Plan protects and secures additional, trees and vegetation through development by resisting the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation, as follows:
- Requires trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout; and
  - Expects replacement trees or vegetation to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development, and expects developments to incorporate additional trees and vegetation where possible.
- 5.115 In addition, the Mayor's London Plan requires new developments to make urban greening a fundamental element of their site and building design, and to deliver net gains for biodiversity. London Plan **Policy G5 (Urban Greening)** and **Policy (G6 Biodiversity and Access to Nature)** together require developments to make urban greening a fundamental element of design and to deliver net gains for biodiversity.
- 5.116 The approach emphasises the significance of external spaces in the urban environment, recognising their positive impact on mental and physical health, and overall well-being. With the goal of enhancing the green infrastructure, the Proposed Development focuses on creating a green oasis for residents as part of a Wider Site strategy. Through the development of a range of outdoor spaces, green roofs, tree planting, and educational opportunities, the residents can enjoy improved access to nature and social engagement.
- 5.117 The Proposed Development is designed to actively promote mental and physical health and well-being by incorporating elements that connect with nature. This can be achieved through features such as tree cover, walking routes through planting, and areas for relaxation. These features expand to the Wider Site for a cohesive and explorative experience, and will be secured in due course.
- 5.118 The landscape has been developed using a holistic approach with buildings and nature working together for a successful proposal. A strategic approach has been taken to prepare a comprehensive design that looks at the Wider Site as an entity to ensure the best use of space and response to architectural form are provided.



- 5.119 While the buildings have their own character in response to the immediate and local context, the landscape acknowledged the strong leafy character the Wider Site has which is perceived from both outside the boundary walls predominantly while walking along Nutley Terrace and Maresfield Gardens and when one steps inside. The feel of a garden with canopies raising above the boundary walls is a quality that is at the core of the landscape proposal with a significant number of trees being proposed to support this woodland experience. Multifunctional spaces that provide opportunities for residents to socialise, play, walk or meditate are proposed across the Site. All these opportunities are set in a woodland dominant setting to encourage nature re-connection but also creating an unique development set in an urban environment.
- 5.120 The hard landscape strategy focuses on the integration of the development within the surrounding context and responding to the Wider Site conditions. A robust and restrained range of complementary materials is proposed that is coordinated with the architectural finishes. The aim is to create a cohesive palette which suits the natural feel of the Site and requires low maintenance.
- 5.121 The extent of the hardscape is reduced to allow space for nature, with careful consideration taken to create paths around and away from tree roots and propose permeable materials such as gravel and clay paving that help reducing water run-off. The frontage to 39a Fitzjohn's Avenue addresses the functionality of the space with materials suitable for both vehicles and pedestrians. Working in harmony and reflecting the wider and very apparent character of Fitzjohn's Avenue, stone paving formalises the main entrance into each dwelling.
- 5.122 The Proposed Development focuses on themes which include supporting and increasing biodiversity, creating additional green blue infrastructure, planting trees and developing a Nature Recovery network to support a landscape scale restoration of nature for the Wider Site. With reference to the London and Camden Biodiversity Action Plans, the Proposed Development aims to contribute to a cleaner and greener future by creating priority habitats and conserving priority species. A number of trees will need to be removed to facilitate the development which will lead to a small loss in habitat units. However the Wider Site strategy looks at developing a woodland landscape that will be managed to ensure a range of habitats.
- 5.123 As set out in the **Biodiversity Statement**, the Applicant has worked hard through the design process to seek to enhance on-site biodiversity. As part of this desire of increasing the biodiversity on Site and introducing new types of habitats, a new pond is proposed in proximity to the main entrance to Maresfield Gardens building. Located in a woodland setting, set back from the main access path and nestled within planting, it is integral to the space. The creation of a pond is of significance, and whilst the **Preliminary Ecological Appraisal** concluded that the presence of amphibians unlikely, the addition of a pond along with other features, has the potential to provide significant biodiversity gain both directly and indirectly.
- 5.124 Despite this, and the exploration and inclusion of other biodiversity enhancement measures including ground-based green walls, the provision of extensive green roofs and the creation of a substantial pond, the overall biodiversity performance is calculated at a 47% biodiversity net loss across the Site, however this is due to the strong reliance on trees within the metric. Although only 8 trees are to be lost outside of the wooded area and replaced by 35 new trees, it should be noted that if trees are removed from the metric then overall loss is drastically reduced from 47% to a 3% biodiversity net loss.
- 5.125 At this point, and without restating the **Policy D1 (Design)** and **Policy A3 (Biodiversity)** of the LBC Local Plan, as above, the Application is supported by an **Arboricultural Impact Assessment**. This confirms, following on from the biodiversity discussion above, that the potential impacts of the Proposed Development are relatively low in terms of both the quality of trees removed and also encroachment onto existing trees.
- 5.126 Recognising the importance of visual amenity to the surrounding street-scape, the landscape proposal was designed to retain the majority of trees along the Site's boundary. The 31no. trees recommended for felling are of little individual significance (Category C or U), and with the retained trees in good health and worthy of retention, and the substantial quantum of new planting including 94no.new trees, representing an uplift of 63no. trees across the Site, the overall improvement should be welcomed. Therefore, the benefits provided by the over-arching landscape-led masterplan, the Proposed Development is acceptable on arboricultural

grounds, and the creation of a woodland setting of enhanced quality would represent a significant improvement when compared to the existing situation which results in an Urban Greening Score of 0.57.

- 5.127 As set out in the **Biodiversity Statement**, the Proposed Development positively exploits all opportunities to include existing and newly planted species and landscape and biodiversity enhancements across the Site. With this in mind, and combined with the proposed long-term stewardship and management, the Proposed Development will still deliver effective taxonomic and functional diversity that we feel, on balance, is capable of being found acceptable with appropriate mitigation and the package of benefits secured by the proposals.

## GROUND CONDITIONS

### Archaeology

- 5.128 **Policy D2 (Heritage)** of the LBC Local Plan outlines that the Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate. A **Desk-based Archaeology Assessment** has therefore been prepared, which outlines that from the evidence examined there is no indication that significant archaeology of any date exists on the Site.
- 5.129 In addition, there are no archaeological deposits present on the site which merit preservation in situ, and any potential archaeological survival on the eastern side of the site is likely to have been fragmented by the foundations of the houses along Fitzjohn's Avenue. Given the lack of evidence for significant archaeology of any period and the varied, fragmented nature of survival of the substrata beneath the Site, it is suggested that the Proposed Development should continue without archaeological constraint.

### Basement Development

- 5.130 **Policy A5 (Basements)** of LBC Local Plan outlines that the Council will only permit basement development where it is demonstrated the proposal would not cause harm and will require an assessment of a scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan. The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property.
- 5.131 As a result, the following documents accompany this Application with have had regard to the LBC CPG:
- **Ground Investigation & Basement Impact Assessment;**
  - **Draft Independent Audit of Basement Impact Assessment;** and
  - **Basement Construction Methods Statement.**
- 5.132 Overall it is concluded that the proposed subterranean excavation would be acceptable, when considering the acceptable limits set out by the LBC. The Applicant is agreeable to further planning conditions to ensure that this process is monitored during the construction process, and is agreeable to monitoring actions to seek to ensure that no excessive movements occur that would lead to any detrimental impacts.

## FIRE SAFETY

- 5.133 **London Plan Policy D12 (Fire Safety)** seeks to ensure that the fire strategy for development proposals is considered at the outset. All major development proposals should be submitted with Fire Statement(s) and the Application is accompanied by the requisite assessments, prepared by Bureau Veritas. These confirm that the requisite standards and technical assessments have been considered by the outset and there is no reason in planning terms that planning permission should not be forthcoming in relation to fire safety considerations.



## 6.0 PLANNING CONDITIONS & OBLIGATIONS

### PLANNING CONDITIONS

- 6.1 The NPPG notes that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The NPPF makes clear that planning conditions should be kept to a minimum, and only used where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
- 6.2 It is expected that conditions will be attached to the permission relating to matters such as construction management to minimise impact upon neighbours, as well as the detailed elements of the scheme such as materials to ensure that a high-quality development is delivered.

### COMMUNITY INFRASTRUCTURE LEVY

- 6.3 Community Infrastructure Levy (CIL) applies to developments in London which propose new build floorspace above 100 sqm or where a new dwelling is created. The Mayor of London adopted the Mayoral Community Infrastructure Levy 2 (MCIL2) on 1 April 2019. The chargeable rate for the Proposed Development in the Site's location (within Camden) to be sought under MCIL2 is £80 per sqm for residential uses. The LBC adopted their local CIL on 30<sup>th</sup> October 2020 and the chargeable rate for the Proposed Development on a local level is £644 per sqm for residential uses. These figures exclude indexation, which would need to be applied.

### PLANNING OBLIGATIONS

- 6.4 Under Section 106 of the Town and Country Planning Act 1990 (as amended), local planning authorities have the power to enter into planning obligations with any person interested in their land for the purpose of restricting or regulating the development or use of the land.
- 6.5 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 6.6 The NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It also states that planning obligations should only be used where they are necessary, directly related to the development and fair and reasonable in scale and kind to the development. It then states where up to date policies have set out the contributions, applications that comply with them should assume to be viable and it's up to the Applicant to demonstrate whether particular circumstances justify the need for a viability assessment.
- 6.7 The LBC adopted its Developer Contributions CPG in 2019, and it identifies the kinds of planning applications that will require planning obligations. The final decision relating to the exact nature and extent of the planning obligations to be included in any Section 106 agreement will be subject to negotiation with the Council through the course of the planning application process. It is expected that the final issue of planning permission would be subject to the completion of a Section 106 Agreement, and the Applicant would welcome the opportunity to discuss likely Heads of Terms with the Council in due course.

## 7.0 CONCLUSION

7.1 This Application proposed redevelopment of the Site for the following:

*“Substantial demolition and redevelopment of 39a Fitzjohn’s Avenue including associated basement excavation, and the development of Land at Maresfield Gardens to provide residential (Class C3) accommodation, alongside associated basement excavation, hard and soft landscaping works, boundary treatment works, and other associated works.”*

7.2 The Proposed Development comprises the following principal elements:

- Delivery of a landscape-led masterplan to create a sense of arrival and positive place-making contribution, underpinned by a desire to bring a largely vacant, underutilised site into optimum use;
- Substantial demolition of 39a Fitzjohn’s Avenue, and its redevelopment to create 4no. residential units, comprising 2no. family houses and 2no. maisonettes, across 5 storeys of built form (B & GF+3); and
- Erection of a 6 storey (B, GF+4 and plant room) building at Land at Maresfield Garden, providing for 29no. high-quality residential units across a mix of units sizes.

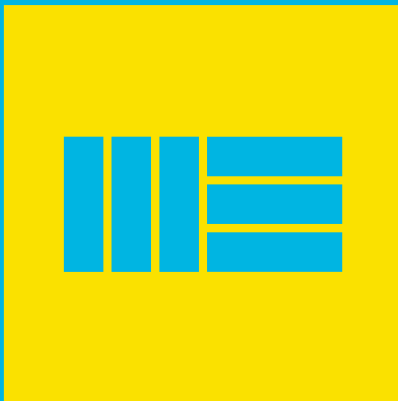
7.3 This Statement has provided an assessment of the Proposed Development against the Statutory Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. Having regard to the assessment undertaken in this Statement, the Proposed Development is considered to regenerate an underutilised site by providing new homes across a range of dwelling sizes, with the key planning benefits arising from the Scheme considered to be as follows:

- is in accordance with the spirit of relevant planning policy at national, regional and local levels and delivers sustainable development by delivering the redevelopment of a vacant and underused site in a highly sustainable location, for residential purposes;
- delivers much needed housing, which will assist the Council in meeting its strategic housing need, and assist the Council in meeting its pressing need for truly family sized homes;
- the Applicant is willing to consider the provision of an element of off-site affordable housing, and whilst initial discussions have been undertaken with LBC the detail of this will be discussed further with LBC Officers during determination of the Application;
- ensures high quality residential accommodation with private and communal amenity space including designated play space, and a new attractive high quality landscaping and public realm approach to benefit both the occupants of the Proposed Development and the wider community;
- promotes a holistic landscape design approach that emphasises the significance of external spaces, recognising their positive impact on mental and physical health, and overall well-being;
- delivers exemplary architecture that sits appropriately within the surrounding setting, and provides a quantum of development in terms of bulk, scale and massing that optimises the Site yet respects the amenity of adjacent neighbouring buildings, and the Site’s setting in a Conservation Area;
- includes a significant quantum of tree planting to promote a woodland experience, and resulting in an Urban Greening Factor score of 0.57;
- promotes the utilisation of sustainable travel modes, but includes minimal parking to support the occupation of the proposed family units by families, in-line with the overall character of the area;
- encourages exemplar energy and sustainability credentials to promote a robust, resilient scheme; and
- will generate s106 / CIL contributions to assist in the provision of local infrastructure.

7.4 In conclusion, the proposed development is considered to accord, on balance, with the relevant policies of the adopted Statutory Development Plan, as well as being consistent with national planning policy and material considerations. On balance, the Proposed Development will give rise to substantial planning benefits which are considered to significantly outweigh any harm. We therefore ask that the Application is granted planning permission accordingly, at the earliest opportunity, in line with national, regional and local policy requirements.

**MONTAGU EVANS**

**70 ST MARY AXE  
LONDON  
EC3A 8BE**



**WWW.MONTAGU-EVANS.CO.UK**

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.  
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.