

**(2) 16 - 16A HATTON SQUARE, BUSINESS CENTRE, BALDWINS GARDENS,
LONDON, EC1 7RJ**

Consideration was given to the additional information contained on the supplementary agenda.

The Planning Officer gave a presentation which outlined the key aspects of the application, including the detail of the recently consented proposal at the Bourne Estate directly opposite the site.

Members expressed concern that adverts for sites south of the Euston Road were being displayed in the Hampstead and Highgate Express, which was not read that far south. There was also concern that the area to the west of Finchley Road was also affected by this issue and that this would benefit from advertising in the Kilburn Times. Members requested that these concerns be recorded. In response, the Head of Development Management stated that there was a procurement exercise currently underway which was looking at the future of advertising and these issues were being considered as part of that process. Members requested a report back to the next available committee setting out the brief for the procurement exercise and the timescale for decision making.

RESOLVED –

THAT planning permission be granted subject to conditions and a Section 106 Legal Agreement.

ACTION BY – Director of Culture and Environment.
Borough Solicitor

(3) 59 MARESFIELD GARDENS, LONDON NW3 5TE

(4) RELATED APPLICATION

Consideration was given to the information contained on the supplementary agenda and to the deputation requests referred to in Item 5 above.

The Planning Officer gave a presentation which outlined the key aspects of the application.

In response to a question regarding the impact of the construction on neighbours and how they might be involved in development of the Construction Management Plan, the Planning Officer stated that the Section 106 legal agreement would normally require the applicant to consult with neighbours but that the level of resident involvement could be made more extensive and/or explicit if Members desired. In response to a question regarding the expected length of the project, the representative from Arup, who have been advising the Council, stated that it would be very difficult to complete the below ground work in less than a year.

In response to a question regarding the difference between slight damage and very slight damage, the representative from Arup stated that slight damage would typically be cracks of less than 5mm to the neighbouring policy, whereas very slight damage would be less than 1mm. Planning officers referred to the condition that had been included on the supplementary agenda to require the applicant to take measures to reduce damage to 'very slight'. Arup was confident that damage to the neighbour's property could be restricted to very slight damage. With regard to the substrata on the site, Arup stated that they did not anticipate there being significant groundwater at this location.

Members noted that the scheme was identical to one which was approved in 2008 and whilst this was a material consideration, there were now different policies in place. In response to a question, the Legal Adviser stated that very little weight should be given to the way that Members had voted in the past and that the application should be considered on its merits against current policies.

Councillor Rea requested that the Council should take action to place a Tree Preservation Order on the lime tree to the rear of the property which was identified as being worthy of protection in the report and asked that she be kept informed of progress on this issue.

In response to a question regarding the boundary between Party Wall legislation and the planning process, the Legal Adviser stated that whilst Party Wall legislation was a separate regime, structural impacts on the adjoining property were also relevant to planning and should be assessed within the framework of DP27, which amongst other things stated that the Council would look to manage the structural impacts of basements on neighbouring structures.

In response to a further question, the Planning Officer stated that the Council had sought as much detail as was reasonable at this stage with regard to the construction. It was suggested that an informative could be added requesting that the applicants used the Council's own building control service, but they could not be required to do so. Following further discussion, Members stated that should permission be granted, they would require the applicants to have specific stages of the construction process, with the exact stages to be specified by Arup, submitted and signed off by the Council in consultation with Arup. This would be at the applicant's expense and the sign-off would be required before the next stage of the construction could commence.

In response to a further question, the representative from Arup stated that there would be piling foundations for the basement which would be 4m deeper than the basement.

Members asked for advice on the extent to which they could consider the impact of the construction and the damage that would be caused. In response, the Head of Development Management stated that it was a case of risk management. The fact that the basement was very large did not necessarily mean that it should not be built

but it meant that the information that the Council would require would be much greater.

Members agreed that when voting on the application, the Committee would include the amendments discussed above.

On being put to the vote, with two votes in favour, seven against and two abstentions, it was

RESOLVED:

THAT planning permission and conservation area consent be refused for the following reasons:

The proposed development by virtue of its scale, depth and extent of site coverage below ground would result in overdevelopment of this plot, which is currently occupied by a modest infill development appropriate to this part of the conservation area, which would cause harm to the built environment contrary to policies CS5 and CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24, DP25 and DP27.

The proposed development by virtue of the extent of excavation and basement construction would have a disproportionate impact on the amenity of neighbours and the structural integrity of their properties contrary to policies CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26 and DP27.

The proposed demolition of this building in the absence of an approved scheme for its replacement would be likely to result in harm to the character and appearance of the surrounding conservation area, contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

ACTION BY – Director of Culture and Environment.

(5) 92 FITZJOHN'S AVENUE, LONDON, NW3 6NP

(6) RELATED APPLICATION

Consideration was given to the additional information contained on the supplementary agenda and to the written submission and deputation requests referred to in Item 5 above.

The Planning Officer gave a presentation which highlighted the key aspects of the application. During this presentation, he drew Members' attention to a photomontage which had been submitted by the objectors and which could be found on page 53 of