

Mr Glyn Emrys  
Emrys Architects  
CAP House  
9-12 Long Lane  
LONDON  
EC1A 9HA

Application Ref: **2011/1682/P**  
Please ask for: **Elizabeth Beaumont**  
Telephone: 020 7974 **5809**

16 November 2012

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) Order 2010  
Town and Country Planning (Applications) Regulations 1988

### **Householder Application Granted Subject to a Section 106 Legal Agreement**

Address:  
**53 Fitzroy Park**  
**London**  
**N6 6JA**

#### **Proposal:**

Erection of a three storey single dwelling including basement level, green roof, solar panels and landscaping following demolition of existing dwelling (Class C3).

Drawing Nos: 0932-0100-AP-002 PL02; 0932-0100-AP-003 PL03; 0932-0100-AP-004 PL02; 0932-0100-AP-005 PL02; 0932-0100-AP-006 PL02; 0932-0100-AP-007 PL02; 0932-0100-AP-008 PL02; 0932-0100-AP-009 PL01; 0932-0200-AP-001 PL06; 0932-0200-AP-007 PL01; 0932-0200-AP-008 PL01; 0932-0200-AP-009 PL01; 0932-0200-AP-010 PL01; 0932-0300-AP-001 PL05; 0932-0300-AP-002 PL05; 0932-0400-AP-001 PL05; 0932-0400-AP-003 PL06; 0932-0400-AP-005 PL06; 0932-0400-AP-006 PL06; 0932-0150-AP-001 P02; 0932-0150-AP-002 P02; 0932-0150-AP-003 P02; 0932-0150-AP-004 P03; 0932-0150-AP-006 PL04; 0932-0150-AP-007 P02; 0932-SK-048 P04; 0932-0100-AP100 PL03; RSK Geotechnical, Hydrogeological and Geoenvironmental Site Investigation Report (241919-01) Dec 2010; lifetime Homes Assessment; Groundsure GeoInsight; Construction Management Plan (90919) February 2011; Water Environment Impact Assessment (1067/R3) dated January 2011; Plant and Machinery Statement; Spoil removal calculation document; Arboricultural Method Statement for Replacement Tree Planting; Letter from



Terrain Geotechnical Consultants dated 03/02/2012; Structural Engineering Notes dated January 2012; Arboricultural Development Report (7 October 2010 Rev C); Arboricultural & Ecology Executive Summary dated 14/01/2011; General Ecology Appraisal dated 14/01/2011; Letter from Arbtech dated 13/12/2010; RSK Group Executive Summary.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 A sample panel of the facing materials (including joint details and framing) and roofing materials demonstrating proposed colour and texture shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3 The proposed replacement planting and hard and soft landscaping and means of enclosure of all un-built, open areas shall be implemented as per the approved details set out in the Arbtech report hereby approved prior to the occupation of the dwellinghouse.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details prior to the occupation for the permitted use of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following

planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 5 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the recommendations set out in the Arbtech arboricultural report hereby approved.

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

- 6 By not later than the end of the planting season following the completion of the development hereby permitted, or any phase of the development, trees shall be planted on the land in such positions and of such size and species as may be agreed with the Council. Any trees removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies..

- 7 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours of the London Borough of Camden

## Local Development Framework Development Policies

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity in accordance with policies CS13 (Tackling climate change though promoting higher environmental standards), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's clear zone) of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13 (Tackling climate change though promoting higher environmental standards), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's clear zone) of the London Borough of

Camden Local Development Framework Development Policies.

- 11 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 12 Prior to the commencement of works, detailed plans and a method statement for the build up of levels around trees affected by the driveway, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented as per the approved details and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 13 No development shall take place until details have been submitted to and approved in writing by the local planning authority in relation to the final design and construction of the basement including details of the gabion wall. Works shall be implemented as per the approved details and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 14 Prior to commencement of development details of the final design for the drainage of groundwater during and post construction shall be submitted to and approved by

the Council and thereafter retained and maintained, unless prior written permission is given by the local planning authority. Works shall be implemented as per the approved details and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

Reason: To reduce the impact of the development ground water and surface water run-off from the buildings in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 15 Before the development commences, details of the proposed cycle storage area for 4 cycles shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new dwelling, and thereafter permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies..

- 16 During the construction period (months of September to February) any bird nests that are discovered on site shall be reported to the Council and left undisturbed until such nests have been inspected.

Reason: In order to protect and conserve and enhance wildlife habitats and biodiversity during the development, in accordance with the requirements of the London Plan (Consolidated with Alterations Since 2004) and Camden Planning Guidance 2006 and policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 17 The proposed maximum vertical ground movement of 2mm at 11m shall be achieved during construction unless otherwise approved by the Council.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 18 The development hereby permitted shall be carried out in accordance with the following approved plans 0932-0100-AP-002 PL02; 0932-0100-AP-003 PL03; 0932-0100-AP-004 PL02; 0932-0100-AP-005 PL02; 932-0100-AP-006 PL02; 0932-0100-AP-007 PL02; 0932-0100-AP-008 PL02; 932-0100-AP-009 PL01;

0932-0200-AP-001 PL06; 0932-0200-AP-007 PL01; 932-0200-AP-008 PL01; 0932-0200-AP-009 PL01; 0932-0200-AP-010 PL01; 932-0300-AP-001 PL05; 0932-0300-AP-002 PL05; 0932-0400-AP-001 PL05; 932-0400-AP-003 PL06; 0932-0400-AP-005 PL06; 0932-0400-AP-006 PL06; 932-0150-AP-001 P02; 0932-0150-AP-002 P02; 0932-0150-AP-003 P02; 0932-0150-AP-004 P03; 0932-0150-AP-006 PL04; 0932-0150-AP-007 P02; 0932-SK-048 P04; 0932-0100-AP100 PL03; RSK Geotechnical, Hydrogeological and Geoenvironmental Site Investigation Report (241919-01) Dec 2010; lifetime Homes Assessment; Groundsure GeolInsight; Construction Management Plan (90919) February 2011; Water Environment Impact Assessment (1067/R3) dated January 2011; Plant and Machinery Statement; Spoil removal calculation document; Arboricultural Method Statement for Replacement Tree Planting; Letter from Terrain Geotechnical Consultants dated 03/02/2012; Structural Engineering Notes dated January 2012; Arboricultural Development Report (7 October 2010 Rev C); Arboricultural & Ecology Executive Summary dated 14/01/2011; General Ecology Appraisal dated 14/01/2011; Letter from Arbtech dated 13/12/2010; RSK Group Executive Summary.

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ
- 4 You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre. This will assist

in a key principle of PPS9 (Biodiversity and Geological Conservation) by building up the data base of up to date ecological information and this will help in future decision making

5 Reasons for granting planning permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy with particular regard to CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS16 (Improving Camden's health and well-being) and with the London Borough of Camden Local Development Framework Development Policies with particular regard to DP6 (Lifetime homes and wheelchair homes), DP16 (Transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and the availability of car parking), DP19 (Managing the impact of parking), DP20 Movement of goods and materials), DP21 (Development connecting to the highway network), DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP27 (Basements and lightwells), DP28 (Noise and vibration), DP31 (Provision of, and improvements to, open space, sport and recreation), DP32 (Air quality and Camden's Clear Zone).

6 Furthermore the proposal accords with the specific policy requirements in respect of the following principle considerations:- It is considered that the principle of the demolition of the existing building is acceptable given the acceptability of the bulk, scale and detailed design of the replacement building. The new building would not have a detrimental impact on the character and appearance of the wider conservation area or detract from the openness of the open space. Sufficient information has been submitted with respect of the basement excavation by the applicant to demonstrate that it would be unlikely to cause harm to the built and natural environment and local amenity and also be unlikely to result in flooding or ground instability. The development would not have a detrimental impact on the wider transport network subject to the CMP secure via S106. The new building has been designed to ensure the amenity of neighbouring occupiers in terms of outlook, light, privacy or sense of enclosure is not detrimentally affected.

**Disclaimer**

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