



**0932 | 53 Fitzroy Park, N6**

## Planning Statement

Statement of Planning History and Policy Review

0932\_2.01.13\_PlanningStatement\_001

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## Document Control

Revision	Date	Comments	Checked
P01	07.10.10	For Information	MB
P02	20.01.11	For Information	MB
P03	02.02.11	For Information	MB
P04	07.02.11	Planning Issue	MB

## SECTION 1.00 INTRODUCTION

- 1.1 The Planning Statement sets out the approach to site history and policy for planning applications by Postcruise Ltd, formerly Kearsley Property Ltd on the site of 53 Fitzroy Park.
- 1.2 The proposal for development is a new sustainable family house, built in a mixture of high quality traditional and contemporary materials.

The proposal will comprise a basement, lower ground, ground and first floor with 5 bedrooms split over the first and lower ground floors. In addition external parking space will be provided on the north east side of the building. New soft landscaping will include alterations to the existing boundary wall, and associated works.

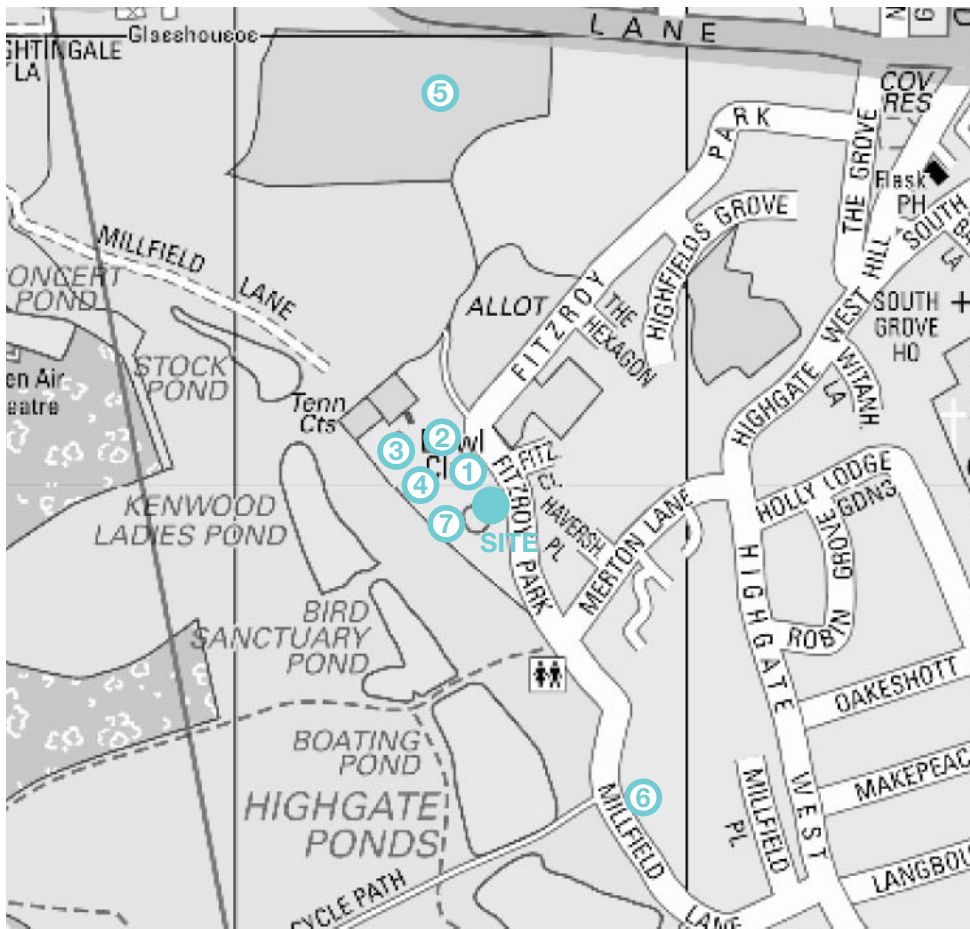
- 1.3 A full record of all public consultation by Emrys Architects is submitted alongside this planning statement. File: 0932 2.01.02 Consultation Report
- 1.4 For further design information see Emrys Architects Design and Access Statement 0932 2.01.04\_DAS\_001

## SECTION 2.00

### SITE PLANNING HISTORY

- 2.1 An application for extending the existing house by two storeys at lower ground floor and ground floor level was granted by the council on 14.07.1989 (PL/8802690). See Appendix 1
- 2.2 An application was submitted by A-EM Studio in November 2009 and was withdrawn in February 2010 after confirmation was received from LB Camden that it would not recommend for approval.
- 2.3 A pre-application for this site has recently been developed, and the scheme was discussed with the Design & Conservation officer and the planning officer at the LB Camden Planning department on the 17.03.10, 01.07.10 and again on the 22.12.10 to review plans as presented at public consultation.

## SECTION 3.00 SURROUNDING AREA PLANNING HISTORY



01 - Location Plan

### 3.1 51 Fitzroy Park

A Planning application was submitted in April 2009 for the demolition of the existing house and its replacement with a new two storey dwelling and lower GF (2009/1579/P). This site is adjacent on the North boundary, and is also located within the Fitzroy Open Space. This proposal has been granted planning permission by the local authority and is due to commence on site in 2011.

### 3.2 49 Fitzroy Park

Located to the North of the site, a Planning permission (2005/4681/P) was granted in January 2006. The application was for raising of roof level and new fenestration to existing single storey rear extension; replacement external sun blinds to rear roof slope, replacement single storey side annex together with new glazed link to main house; raising of ground level to remove ramp at front, erection of single storey garage at front, repositioning of pedestrian gate within front boundary wall of house (Class C3).

## SECTION 3.00 SURROUNDING AREA PLANNING HISTORY

### 3.3 **Fitzroy Farm**

Situated to the North-east and also within the Fitzroy Open Space area designation.

The planning permission and conservation area consent was for the demolition of the existing two-storey dwelling house (Class C3) and ancillary outbuilding and construction of a new two-storey plus basement dwelling (2006/3380/P and 2006/3381/C).

Point 7.9 of the officer's report considers that "the retention of a large area of hard and soft landscaped open space in front of the proposed building would mean that the character of the open space would be retained."

An amendment to the planning approval was submitted in December 2007. This related to amended depth of basement by additional part mezzanine floor between basement and ground floor, and reduced overall footprint of approved basement.

It was considered that the proposal would not add any visible building bulk neither would it be visible to adjacent occupiers due to the distance from these properties.

A planning application has been submitted to London Borough of Camden on 7th July 2010 for: Erection of a new basement, mezzanine and 2 storey dwelling house (Class C3), erection of plant enclosure in garden and conversion with elevational alterations of site office to ancillary staff flat, plus associated landscaping and highway works, following demolition of the existing two-storey dwelling house and 3 ancillary outbuildings. (ref: 2010/3593/P & 2010/3598/C). The application was approved on 09-07-2010.

### 3.4 **Wallace House**

This property is located to the west of the site and also falls within the Fitzroy Open Space area designation. Planning Permission was granted in September 2008 for a new extension and refurbishment of the existing dwelling (2008/2004/P).

The approved application comprised a 1st floor extension above the garage and new lower GF to provide additional accommodation.

### 3.5 **Athlone House**

Located in Hampstead Lane and in the close proximity of Fitzroy Park, falling within the Highgate Conservation Area and designated Open Space, Metropolitan Open Land and a Metropolitan Site of Nature Conservation.

This major development has been granted planning permission in June 2008 (2006/1412/P), with the consent being for alterations, extensions and conversion of Athlone House to 1 x 7 bedroom house; The Coach House to 2 x 2 -bed units; The Gate House to 1 x 1-bed house and Caen Cottage to 1 x 3-bed house: Erection of 3 new blocks to provide 22 flats with underground parking (4 x 2 beds, 12 x 3-beds and 6 x 4 beds). This included Donation of 0.98 hectare of land as extension to Heath and significant landscaping.

(Revised Application pursuant to planning permission 2003/2671/C dated 05/10/05).

### 3.6 **36 Millfield Lane**

Located to the South-East of the site, Planning Permission was granted in October 2007 (2007/2358/P) for this property, also located within an area of Open Space designation. The approval was for the demolition of existing dwelling house and outbuildings and erection of a new 3 storey single family dwelling house (C3).

## SECTION 3.00 (cont.)

### SURROUNDING AREA PLANNING HISTORY

#### 3.7 **The Water House**

This property is situated in the immediate vicinity to the West, and also within the Fitzroy Open Space.

A planning application has been submitted in February 2008 for the erection of new first floor extension above existing garage, and new lower ground floor extension to single family dwellinghouse (Class C3), to replace the existing dwelling. This proposal is currently undetermined.

## SECTION 4.00 POLICY REVIEW

- 4.1 The statutory development plans for this site comprises London Plan (consolidated 2008) and the LB Camden LDF (2010)

The proposal maps show that the site falls within an area of private open space designation (Fitzroy Open Space) and the Highgate Conservation Area.

Compliance with the relevant planning policies including the new LB Camden Core Strategy and LB Camden Development Policy are considered below:

### 4.2 SUSTAINABLE DEVELOPMENT

#### DP29 Quality of life

- 4.2.1 The replacement building will be built to the highest standards of sustainability, including high performance insulation and ground source heat pumps. See Design and Access Statement for more details.

This will represent a significant increase in energy efficiency, beyond what is possible to achieve with the existing property.

#### DP26 Amenity for occupiers and neighbours

- 4.2.2 The proposal will not affect the adjoining properties by ways of unacceptable overshadowing or overlooking.

A closed area is allocated for refuse and recycling bins to be stored and easily moved on collection days.

#### DP26 DP28 Disturbance

- 4.2.3 Disturbance due to the demolition and construction phases of the development has been addressed in the Construction Management Plan, enclosed within the application documents.

#### DP22 DP23 DP32 Resources and energy

- 4.2.4 The Construction Management Plan enclosed with this application addresses the impact of the new house during and after construction.

### HOUSING

#### 4.3 DP2 New Housing

- 4.3.1 The proposal does not provide any new housing. The proposal will, by means of a more efficient use of the land, increase the residential floorspace of the property and provide residential accommodation to the highest standards.

#### DP9 Lifetime homes and wheelchair housing

- 4.3.2 The proposed building is intended to be compliant with the 16 points for a single dwelling under the Lifetime Home Standards requirements.



## SECTION 4.00 POLICY REVIEW

It is noted that a client which is prepared to purchase a high-end dwelling such as this would not have difficulties in adapting it when it becomes necessary. The size and layout of the proposed building allow for enough flexibility for it to be achieved in the future.

Please refer to the Lifetime Homes Assessment for a full analysis of the lifetime homes criteria. - 0932\_12.04.02\_lifetimehomes\_0001

### 4.4 BUILT ENVIRONMENT

#### 4.4.1 DP24 General design principles

Refer to Emrys Architects Design and Access Statement

#### 4.4.2 DP25 Conservation area

The proposal complies with relevant government policies and guidance documents PPS 5: Planning for the Historic Environment, Camden LDP and LB Camden UDP policy in this regard, as previously shown.

As also noted before, the existing building is not identified as making a positive contribution to the character or appearance of a conservation area.

#### 4.4.3 CS14 Views

The property will not be visible from Hampstead Heath, there will be no negative impact on the views in terms of the building's setting, scale and massing. Refer to Emrys Architects Design and Access Statement for more details.

In the immediate surroundings, glimpses of the building can be seen through the foliage, however the building will not be perceived as a whole.

Due to the topography and curvature of the site, views from the road will be kept to a minimum.

### 4.5 NATURAL ENVIRONMENT

#### 4.5.1 DP31 Protecting open space

The site falls within this designated area of Fitzroy Open Space, close to its border edge. This designation covers houses and gardens of properties in Fitzroy Park and Millfield Lane.

Other Open Space designated areas surround the site. Refer to sections 4.9 for more details.

#### 4.5.2 CS15 Biodiversity

Green roofs will be used throughout and a sustainable eco-pond will be constructed to encourage the creation of wildlife habitat. Bat boxes have also been incorporated into the design and Trees felled as part of the proposal will be retained within the site as log piles, to provide the basis for a food chain. Refer to Emrys Architects Design and Access Statement for further details.

## SECTION 4.0 POLICY REVIEW

### 4.5.3 DP27 Basement and Lightwells

The Elliott Wood Structural Engineers report submitted with this planning application describes the basement construction process and addresses the current policy set out in DP27.

The basement design is to be read alongside the RSK Site Investigation report that is submitted with this application.

### 4.5.4 CS15 Ancient woodlands and trees

The arboricultural report submitted with this planning application identifies the existing trees and their condition.

The proposal involves the removal of a group of trees, all identified as “tree of low quality and value with a minimum of 10 years contribution still to make”. The felled trees will be replaced with 11 new trees in a proposed landscape plan. See drawing 0932-SK-048-LANDSCAPE PLAN\_P04.

## 4.6 TRANSPORT

The site is located on Fitzroy Park, a private road near Hampstead Heath. There is vehicular access to the site and within walking distance there are bus connections at Hampstead Lane, Highgate West Hill, Highgate Road and a London Underground station at Highgate.

A new forecourt which will remain invisible from the Road and will help ease the current congestion on Fitzroy Park and can park four cars as agreed with Camden.

A secure pedestrian access will be provided from the road, and will be wheelchair accessible.

### 4.6.1 DP17 Pedestrians and cycling

Existing off street parking space will be retained on the new scheme.

On site cycle parking adjoining the drive has been provided for secure storage of four bicycles, thus satisfying the requirements.

### 4.6.2 CS11 Residential parking standards

Camden has confirmed that four off street parking spaces may be provided to replace existing.

## SECTION 4.00 POLICY REVIEW

### 4.7 HIGHGATE CONSERVATION AREA IMPACT

The site is located within Highgate Conservation area, and considerations have been given to the provisions under PPS 5, LB Camden Development Policies and other local guidance.

This particular area is characterised by the eclectic mix of building styles and periods, as varied as art deco, Victorian and C20th Modernist design, with a number of contemporary developments which this proposal will complement.

The existing building was built in the 60's and has had alterations made to its original design over the years, and is not considered to be of particular architectural merit.

Planning Policy Statement 5 (PPS) Planning for the Historic Environment sets out national policies on conservation in the historic environment establishing whether landmarks have archaeological, architectural, or artistic interest which determine whether they are 'heritage assets'.

HE7.5 of PPS 5 sets out that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

The Development policies also adds in DP29 that before conservation area consent for demolition is granted, the Council must be satisfied that there are acceptable detailed plans for the redevelopment. Any replacement building should enhance the conservation area to an appreciably greater extent than the existing building. When a building makes little or no contribution to the character and appearance of a conservation area, any replacement building should enhance the conservation area to an appreciably greater extent than the existing building.

## SECTION 4.00 POLICY REVIEW

### 4.8 HIGHGATE CONSERVATION AREA APPRAISAL AND MANAGEMENT PROPOSAL, DECEMBER 2007

The essential character of the Highgate Conservation Area in general is identified as that of a close-knit village crowning one of the twin hills to the north of London.

The wealth of open spaces and parks, along with its allotments and parks and the many large gardens contribute to the informal landscape setting and rural atmosphere which is an important part of the conservation area character.

The sub-area of Fitzroy Park is in contrast with the village centre and in its present form was developed within the framework of the boundaries of older estates.

Its quality as a green pedestrian approach to Hampstead Heath is highlighted in the document, along with "its informal, unmade style, which gives it a rustic appearance rare in the London suburbs. This quality is important for the setting of both the Highgate Conservation Area and Hampstead Heath".

There is no one particularly unifying architectural style in the immediate area as dwellings have been constructed individually at different times. The properties are described as being large imposing properties set within generous landscaped gardens.

The existing building itself is not identified as a building making a positive contribution to the area, and is described as a flat-roofed house of a cuboid form.

There are no listed Buildings in the immediate proximity to the site, and no construction is visible from the Heath due to the amount of heavy foliage in and around the site.

## SECTION 4.00 POLICY REVIEW

### 4.9 PRIVATE OPEN SPACE

The site, as indicated on section 4.1, falls within an area of Private Open Space designation called Fitzroy Open Space. This designation covers many of the private houses and gardens of properties located on Fitzroy Park and Millfield Lane.

Other Private and public open spaces are also identified on 4.1 in the surroundings of the property, but the properties directly across the road from the site are not covered by any designation.

Camden UDP identifies 155 private open spaces within the borough. Most of these do not refer to the grounds of existing dwellings, but to allotments, London Squares, reservoirs, playing fields, cemeteries, railway, embankments and therefore have an entirely different use to Fitzroy Open Space. Other designated open spaces comprise the gardens of properties and exclude the associated dwelling.

There are no national or regional planning policies relating to private open spaces such as this. PPG 17 (planning for open space, sport and recreation), referring to the Town and Country Planning Act 1990, defines open space as:

“land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground” (...) “open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity”

Fitzroy Park offers no opportunity for sports and recreation and would fall outside the remits of this guidance. This type of open spaces is also not specifically mentioned on any of the emerging Camden Local Development Frameworks.

It is important to note at this point that the Fitzroy Open Space is not accessible to the general public, and would therefore not be used for sports and recreation as other designated open spaces would.

**Policy CS15 of the LB Camden Core Policies set out that:**

“To ensure the quantity and quality of open space and outdoor sport and recreation facilities in Camden are increased and deficiencies and under provision are not made worse, the Council will only grant planning permission for development that is likely to lead to an increased use of public open space where an appropriate contribution to the supply of open space is made. Priority will be given to the provision of publicly accessible open space.”

“Extensions and alterations to existing buildings on open space should be proportionate to the size, including the volume, of the original building. We will only allow development on sites adjacent to an open space that respects the size, form and use of that open space and does not cause harm to its wholeness, appearance or setting, or harm public enjoyment of the space. We will take into account the cumulative impact of developments where appropriate.”

## SECTION 4.00 POLICY REVIEW

Camden open space, sport and recreation Study (Final 2008) states on Paragraph 1.29 that:

“this type of space (private open space) has a different role and function to the public open space that the Council is seeking”

As set-out in point 2.08, several replacement dwellings have been granted planning permission or are being considered in this area, and within private open spaces.

The officer’s report for the application on 36 Millfield Lane states on 6.15 that:

“Policy N2 is worded in such a manner that it does not take into account the fact that individual dwellings such as this one are covered by open space designation. These properties and their gardens are not accessible by members of the public for general enjoyment or recreation and are used solely for residential purposes.”

Point 7.9 of the officer’s report for the application to replace the dwelling in Fitzroy Farm considers that:

“the retention of a large area of hard and soft landscaped open space in front of the proposed building would mean that the character of the open space would be retained.”

Though it was noted that the replacement dwelling could not be considered ancillary, it was considered in these applications that as there is no public access to the open area, and the majority of the garden would remain, the principle of a replacement dwelling would be acceptable.

LB Camden has approved, as indicated on section 2.08, many replacement buildings in the surrounding area, including several located in the same open space designation as no. 53. This reinforces the point that the principle of a replacement dwelling would be acceptable. Some of these represented a significant increase in floor space.

The increase in floor area on the proposed scheme at no. 53 will lead to an increase in footprint. However in comparison to the increase in site coverage granted at 51 Fitzroy Park, it is not unreasonable.  
See drawing 0932-0110-AP-001 for site coverage calculations.

The current scheme has been design so that the sense of openness can be retained, as most of the additional area will be located to the lower ground and basement and therefore invisible, and most of the overground bulk will remain concealed behind the mass of the trees, hedgerow and gates at the front the property.

The site is currently of residential use, and its redevelopment would not alter the current use of the site or introduce a different one in a residential area. The current building dates from the early 60’s is not energy efficient and does not make a positive contribution to the character of the area. Its redevelopment will provide a dwelling of higher aesthetic and sustainable standards with no prejudice to the character of the area and should therefore be considered acceptable.

## SECTION 5.00 CONCLUSIONS

- 5.1 This planning statement demonstrates that the proposed scheme has been interrogated under all relevant legislation and planning policy guidance. It indicates that the proposal represents a sensitive approach adopting a robust design.
- 5.2 The house has been carefully sited, and the form of the building has evolved through several iterations in response to the lines of sight as one approaches the house along Fitzroy Park.
- 5.3 The applicant has undertaken a series of detailed consultations with neighbours and local interest groups including the FRPA. A series of adjustments have been made to the scheme to accommodate comments. Please see Consultation document for a record of these comments.

(Separate doc: 0932\_2.01.04\_Consultation\_001)

London Borough of Camden



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Our Reference: PL/8802690/  
Case File No: C9/2/A  
Tel.Inqu:  
Erica Drew ext 2861  
(Please ring after 2.00pm unless  
enquiring about Tree applications.)

Date: 14 JUL 1989

Dear Sir(s)/Madam,

Town and Country Planning Act 1971 (as amended)

Permission for Development

The Council, in pursuance of its powers under the above-mentioned Act and Orders made thereunder, hereby permits the development referred to in the undermentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions.

Your attention is drawn to the General Information attached hereto.

Your attention is also drawn to the Statement of Applicants Rights.

SCHEDULE

Date of Original Application : 29th November 1988

Address : 53 Fitzroy Park N6

Proposal : Erection of a two storey side extension at lower ground and ground floor levels to provide a gallery and storeroom for artwork and a single storey side addition at lower ground level to provide a garden store and bay window to existing studio room as shown on drawing nos 1-8.

Standard Condition:

1. The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Reason for Standard Condition:

1. In order to comply with the provisions of Section 41 of the Town and Country Planning Act 1971.

Additional Condition(s):

- 01 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building, unless otherwise specified on the approved application.
- 02 The extension shall not be used otherwise than for the purposes ancillary to the dwelling house.



## APPENDIX 2

### 19.08.09\_PRE-APPLICATION FEEDBACK

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**From:** Fowlis, Victoria [Victoria.Fowlis@camden.gov.uk]  
**Sent:** 19 August 2009 13:38  
**To:** Matt Blackden  
**Subject:** 53 Fitzroy Park (ref 03436)

Dear Matt

Thank you for your recent enquiry regarding the demolition of 53 Fitzroy Park and the erection of a new building on the site.

#### Conservation & urban design

Fitzroy Park is located within the Highgate Conservation area, and has a very verdant character; the buildings are set quietly within the topography, which reads as an extension of the Heath. No. 53 is part of a group of mid-C20 architect-designed houses which form a significant part of the character of the area. The Highgate CA statement states that they "embodied original thinking about construction and lifestyles." The concentration of these buildings gives them group value, as well as being of interest individually.

53 is not identified in the CA statement as a positive contributor, but it forms a part of this unique grouping. In line with PPG 15 guidance, any replacement building will have to be of equal or greater merit than the existing building, in order to "preserve or enhance" the special qualities of the area. In this case, particular weight must be given to the contribution made by the group of C20 houses, and any replacement building should address this context in terms of scale, materials, and architectural approach.

Having reviewed your proposal, I consider that the proposed design approach responds sensitively to the particular special qualities of this part of the Highgate CA. The position, height and scale of the building responds appropriately to the plot size and Fitzroy Park streetscene. The contemporary design approach, coupled with materials such as timber window frames, lime render, and green roof, will ensure that it sits comfortably within the context in terms of the adjacent architecture, and the verdant qualities of the site and wider area.

We discussed the replacement boundary treatment; there are a variety of boundary materials in the area so I do not consider the brickwork will be out of keeping, however, the height of any new wall should be carefully considered, and we would welcome the reintroduction of planting along the boundary, as this will contribute to the street's leafy character.

#### Development control / planning policy issues

Given the sensitive nature of the area, you are strongly advised to discuss the project with your neighbours and local residents associations such as the Fitzroy Park Residents Association prior to the submission of an application.

The main considerations material to the determination of the application would be;

- Demolition of building in conservation area
- Bulk, height and footprint of new building
- Design of replacement building
- Basement and water resources
- Private open space

- Residential standards
- Sustainability
- Amenity
- Transport issues
- Construction Management Plan
- Trees and landscape strategy.

You are advised that a Construction Management Plan/Travel Plan would be required for a development of this nature. It should be recognised that these documents would need to incorporate/work with current/future Construction Management Plans/Travel Plans for other development that there may be within the area. It would be advisable to submit draft documents to the Council prior to the submission of an application to comment on a pre-application basis. Please contact the Transport Planning Team on 020 7974 6488 to discuss this matter further.

In order to assess the likely impact of the proposed excavation you are strongly advised that a hydrological report should be submitted as part of the application to address the possible impact on the groundwater within the area. This report should be prepared by a structural engineering or hydrology firm that is fully accredited by the main professional institute(s) and therefore whose advice we would accept as independent. Camden's Replacement Unitary Development Policy SD9(b) contains further guidance on this issue, this can be viewed on the Council's website at [www.camden.gov.uk](http://www.camden.gov.uk).

The basement development should provide an appropriate proportion of planted material to mitigate the reduction in the natural storm water infiltration capacity of the site and / or the loss of biodiversity caused by the development. This will usually take the place of a green roof or detention pond on the top of the underground structure.

Policy N2 (Protecting open space) of Camden Replacement Unitary Development Plan 2006 specifies that the council will not grant planning permission for the development of public or private open space unless it is for development ancillary to a use taking place on the land and for which there is a demonstrable need that cannot reasonably be satisfied elsewhere. Any development ancillary to a use taking place on an open space should be small in scale and not detract from the openness of the open space. It would be advisable for you to address this point in your submission.

It is recommended a full tree survey, arboricultural impacts statement and a method statement for the protection of trees on the site according to the standards set out in the document BS5837:2005 "Trees in relation to construction" should be submitted as part of any application. It is recommended you also include a landscape strategy for the proposed development.

You are advised that for all new housing developments, including changes of use and conversions, the Council will encourage these to be accessible to all. All new housing should be built to 'Lifetime Homes' standards and 10% of new houses should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

You are advised that issues of sustainability are a topical issue; see Policy SD9 especially given the nature of the proposal. You are strongly advised to comment on the sustainability of the scheme, to show how the proposal will, through design and construction measures: reduce energy consumption; reduce water consumption and reduce water runoff; reduce the use of materials and resources in construction and reduce waste from the construction process. The Council will consider the quality and appropriateness of materials used, and energy and resources conserved through the use of recycled and renewable building

materials, especially on-site re-use and recycling of construction waste, provided that the impact from noise, dust and transport are minimised.

I hope that this is of use. Please get in touch if you have any further queries.

Kind regards

Victoria Fowlis  
Conservation and Urban Design Officer  
Urban design & renewal service  
Culture and environment  
London Borough of Camden

Telephone: 020 7974 2659  
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## APPENDIX 3

### 03.03.10\_PRE-APPLICATION FEEDBACK

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**From:** Beaumont, Elizabeth [mailto:Elizabeth.Beaumont@Camden.gov.uk]  
**Sent:** 03 March 2010 17:12  
**To:** Glyn Emrys  
**Subject:** 2009/5369/P & 2009/5370/C - 53 Fitzroy Park

Dear Glyn,

**2009/5369/P & 2009/5370/C - 53 Fitzroy Park**

Further to our telephone conversation this afternoon please find a summary of the main issues relating to the proposed development which include comments based on discussions with the Conservation and Urban Design team and the Council's Landscape Officer. The issues include the following:

**Design/scale/bulk**

A primary consideration on the redevelopment of the site is the effect upon the largely undeveloped character of this area and the effect on the setting of and views from the Heath. Thus the new buildings height, massing and position within the site and the sloping topography must be considered carefully.

The site is within an area of private open space. The existing house has a compact square plan which sits in the SW corner of the site close to the front boundary. The submission puts forward a case that the footprint of the proposal will be similar to the existing. However it appears that the existing pergola and porch canopy have been included in this sum. It appears that therefore there would be an increase in the proposed footprint.

The proposed form is less compact than the existing footprint and takes on a linear form instead. It is considered that although the form is narrower, the wider form, with longer elevations, is more compromising of the sense of open space as viewed from the street and neighbouring properties. The continuation through high walls and formal stepped hard landscaping is considered to further compromise the open setting. The relocation of the building further into the site is also considered to add to the erosion of the openness.

The current proposal has a consistent footprint to front and rear, so while still two storeys high at the front; it is three storeys high at the rear which is considered to disconnect the design with the landscape. The lack of modulation and the formal approach to the buildings hard landscape is considered to respond more to the building than to the setting and removes from the site much of the rural landscape qualities of the site.

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27/08/2010

Concerns have been raised with the extent of the projection of the basement into the garden beyond the existing footprint of the building. Camden Planning Guidance 2006 states that sufficient margins should be left between the site boundaries and the development in order to enable natural processes to occur and for vegetation to grow naturally. These margins should be sufficiently wide to sustain the growth and mature development of vegetation. The retention of a minimum of a metre of topsoil above the basement is recommended in order to ensure that the ability for the garden to be used for soft landscaping can be maintained. Camden Planning Guidance states the Council will seek to ensure that gardens maintain their biodiversity function and that they are capable of continuing to contribute to the landscape character of an area. It is considered that the proposed basement would be excessive and the extent of the basement should be considerably reduced. I would advise you to refer to Camden's 'New Basement Development and Extensions to Existing Basement Accommodation Guidance Note February 2009' available on the Council's website [www.camden.gov.uk](http://www.camden.gov.uk).

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The site is situated within an area of designated Private Open Space. Policy N2 'Protecting Open Space' states that the Council will not grant planning permission for the development of public and private open space unless it is for development ancillary to a use taking place on the land and for which there is a demonstrable need that cannot reasonably be satisfied elsewhere. The supporting texts states that development should be small in scale and not detract from the openness of the open space.

The impact of proposed position of the replacement building, in comparison to the existing building, and the extent of linear form of development across the width of the site is considered to be detrimental to views of and affect the composition of the existing open space. While it is proposed to retain the row of trees fronting Fitzroy Park the position of the building behind the trees would alter the character of the open space and the site. The significant increase in hard landscaping is considered to be unacceptable and would harm the soft verdant feel of the site. On this basis it is considered that the development would have an impact on the open space. It is acknowledged that a significant amount of open space to the rear of the building is retained however it is considered that the proposal would introduce a dwelling which would significantly impact the openness of the site and general character of the area contrary to policy.

Although not a fully comprehensive list the type of revisions to the proposed scheme that would be required would include;

- Reduction in the extent of the basement level,
- Reduction in the form of the replacement building in terms of its proposed width,
- Reduction in height of the timber and glass element to the rear of the property
- Removal of large areas of proposed hard landscaping around the building, replacing with soft landscaping.

#### **Transport issues**

The proposal includes a hard standing area that could accommodate as many as 6 spaces excluding the driveway itself. The existing dwelling house includes provision for 4 off-street parking spaces. Camden's parking standards state that there should be a maximum of one parking space per dwelling, so there is already an overprovision of 3 spaces exceeding this maximum. It is considered that the hard standing area should be reduced in size so that it can only accommodate 4 off-street parking bays.

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#### **Construction Management Plan (CMP)**

A request by Camden for the applicant to provide a letter demonstrating consultation had with the Fitzroy Park Residents' Association has not been submitted. It is considered that the application could not be determined until this letter has been submitted.

#### **Trees**

There are major concerns that the proposed development would have a detrimental impact to the trees along Fitzroy Park due to the proximity of the development to the trees (and RPZs), the large basement excavation and the amount of hard landscaping. These trees would be considered to make a significant contribution to the appearance of the site and the wider area. It is considered that insufficient information has been submitted as part of the application in order for the impact of the development to be fully assessed. Any impact on these trees could have a detrimental impact on the character of the conservation area.

The increase in proposed hard landscaping along the front and sides of the development is considered to be unacceptable. It is considered that the scheme would need to be revised in order to incorporate additional soft-landscaping.

There are further concerns relating to the removal of a tree that may house bats, a protected species. Policy N7 (Protected species) states that the Council not grant planning permission for development that would harm protected species. It is considered that due to the nature of the tree and the proximity to a water source it is likely that the trees would be an ideal habitat. Accordingly, a bat survey would be required as part of any submission in order to assess whether there are bats and if so what mitigation measures would be incorporated into a revised scheme.

#### **Impact on wildlife**

As a result of the number of objections received in relation to the impact of the development on the neighbour ponds the Councils Nature Conservation Manager has been consulted to address the concerns raised by residents. Currently this response has not been received so I am unable to address any potential concerns relating to this issue at this time.

#### **Hydrology**

It is noted that a hydrological assessment of the site has been submitted in response to the hydrological assessment submitted as part of your submission which concludes that there would be a significant impact on the hydrology of the surrounding area. It is acknowledged you have submitted a response to the comments made in response to the proposal. If the application were to progress further, I would request that the Environmental Agency commented further on the response submitted by the FPRA.

#### **Consultation responses**

There have been a very high number (56) of objections received in response to the proposed developments. Objections to the proposed development have also been received from the Highgate Conservation Area Advisory Committee and the Fitzroy Park Residents Association. In order to provide you with detail of the issues raised in consultation responses please find a short summary below;

- Design of the replacement building,
- scale of development,
- impact of the development on the conservation area,
- impact of the basement,
- hydrological impacts,
- Concerns with the assessment of the hydrology
- structural stability,
- impact on ecology of the area,
- concerns of impact on the amenity of neighbouring occupiers,
- impact of development on the openness of the open space,
- lack of information of impact of development on the trees within the site,
- Concerns with the design of the replacement scheme – height, width, and position.

Obviously this will be disappointing. However given the concerns raised it would not be possible for the Council to support the current proposal. Due to the time period within which applications have to be determined and given the substantial amendments that would be required it would not be possible to accept amendments to the current proposal. Given the need for substantial amendments I would advise you to withdraw the current application. In order to assist you, drawings could be submitted on a pre-application basis and meetings could be arranged to discuss proposal prior to submission. The fee from the current scheme can be re-used for a future submission. Therefore the application can be withdrawn or it can continue to be determined in its current form.

It would be appreciated if you could please inform me as soon as possible and no later than the 5<sup>th</sup> March on the course of action your client would wish to take on the application.

*Please note that the information contained in this letter represents an officer's opinion and is without prejudice to further consideration of this matter by the Development Control Section or to the Council's formal decision. This e-mail is intended solely for the person to whom it is addressed.*

27/08/2010

Regards

Elizabeth

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27/08/2010

## APPENDIX 4

### 12.03.10\_PRE-APPLICATION FEEDBACK

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**From:** Beaumont, Elizabeth [Elizabeth.Beaumont@Camden.gov.uk]  
**Sent:** 12 March 2010 17:13  
**To:** Glyn Emrys  
**Cc:** Matt Blackden  
**Subject:** RE: 53 Fitzroy Park

Dear Glyn/Matt,

#### **Re: 53 Fitzroy Park**

Further to my conversation with Matt this morning, please find attached a summary of the full comments in response to the proposed development regarding Biodiversity, tree and hydrological issues from the Council's Nature Conservation Officer, Trees and Landscape Officer and Michael Kehinde from the Environmental Agency.

#### **1) Biodiversity Comments**

- *Comments are restricted to biodiversity only*
- *The proposed development lies within 119 metres of Metropolitan Open Land and Fitzroy Open Space and approximately 536 metres from Hampstead Heath Woods Site of Special Scientific Interest (SSSI).*
- *However because of its close proximity to an SSSI site, Highgate ponds, and MOL; the absence of an ecological report raises concerns regarding protected species during demolition and construction, and post development.*
- *It is possible or likely that bats may be present in the existing building and surrounding trees. Ecological assessments have not been recorded to verify whether bats are present. While trees and existing structures are self evident on a development site, wildlife may not be. Important habitats may not be readily appreciated. An ecological report is therefore essential and requires a qualified surveyor to carry out an assessment. In line with best practice a bat survey is recommended, where a survey provides adequate information to enable:*

- 1. A planning authority to determine the effects of development on bat species and to identify and stipulate any further information required on necessary mitigation, compensation or enhancement measures; and/or*
- 2. An informed decision to be taken as to whether a Habitats Regulations licence should be applied for; and/or*
- 3. The relevant licensing body to determine an application for a Habitats Regulations licence that*

[\[1\]](#)

*would then enable the lawful disturbance of bats or the damage/destruction of their roosts. '*

*Within the Sustainability Statement document it states 'The build will be sympathetic to the surrounding environment to protect and enhance the biodiversity that exists'. It does not however go into any detail of how it aims to achieve this. It is assumed this statement refers to the sedum mat green roof and pond construction.*

- *In reference to the green roof; there are several types of extensive systems available, the most common being the sedum mat which is composed of a low growing and drought tolerant vegetation known as "sedum", a lower biodiversity value green roof. Another extensive system is the wildflower meadow, which has high biodiversity value as an alternative to the sedum mat type.*
- *In reference to the pond, it would be advisable not to keep fish in the pond. Fish generate excessive amounts of body waste, which causes a build up of sludge and other toxic based problems for other pond-*

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*life, plants and water. Fish for example, will eat dragonfly eggs, newt eggs, toad eggs and many other pond insect eggs; whereby the ecology of a bio-system is weakened if not destroyed.*

- *Removal of trees; there are no details in place for any trees to be replaced with the ones proposed for removal. No further information has been submitted to assess the replacement of trees.*
- *Biodiversity and Open Space Contribution - If the contribution to on-site biodiversity is not sufficient then consideration should be given to S106 contribution to improve biodiversity conservation. The Camden Biodiversity Action Plan has enhancement targets for biodiversity. A contribution should be made towards parks and open space improvements towards the maintenance and improvement of open spaces in the London Borough of Camden.*
- *Conclusion - Biodiversity is a core element of this document in terms of habitats and species that are linked to SSSI sites. By linking this directly into landscape character types and by selecting habitats and species associated with regional and local Biodiversity Action Plans the Biodiversity is all encompassing. New developments should include greater enhancements for biodiversity and there is an opportunity for greater biodiversity enrichment.*

#### **Recommendations**

- *Undertake and submit an appropriate ecological survey, Identifying habitats and species*
- *Plant an extensive wildflower meadow green roof which has a higher value for biodiversity, and must have provision for maintenance in place*
- *That either/and/or bird boxes, swift boxes and bat boxes are incorporated into the new building*
- *Submit a proposal outlining a landscape design for tree replacement*
- *Consideration should be taken that the pond construction be free of fish to encourage a visits from a wide variety of species in reflection of the surrounding expanse of open space proximity, in this instance Highgate Ponds*

[1]

*Bat Conservation Trust (2007). Bat Surveys – Good Practice Guidelines.  
Bat Conservation Trust, London.*

#### **2. The recommendations from the Tree and Landscape officer were as follows;**

- *Submit an Arboricultural report conforming to BS:5837 2005 to assess impacts on trees and to propose tree protection measures (this is likely to result in moving any hard standing or basements out of the RPA of trees to be retained)*
- *Carry out an ecological survey of the site*
- *Submit landscape design proposals including replacement tree planting*
- *Provide a sustainable drainage strategy*
- *Provide a detailed hydrological survey to assess any developments impact on surrounding ponds*
- *Provide details for incorporating biodiversity into the design of the building e.g. Deeper substrate and biodiverse green roof, bird and bat bricks, green walls (could be climbing plants on wires) on the front façade to help blend development into the landscape*
- *Provide a visual impact assessment relating to views from the Heath.*

**3. Hydrology Issues –** The Environmental Agency were not aware of the Hydrology reports submitted by the FPRA but their comments were based on the Structural Engineering Notes and the Site Investigation Report submitted in respect of the proposed development. The additional comments were received from an officer who has commented on previous application of this nature were as follows;

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- *Both reports have correctly identified the main issues of concern relating to near-surface groundwater movement and level and its implication for flooding risk.*
- *The proviso to implement additional drainage should be set as condition to granting planning permit, as this is the only way to ensure that any additional risk of groundwater flooding is adequately mitigated.*
- *Section 4 of the Structural engineering Notes should be a commitment to implement this drainage system in the final design.*
- *This is also the same for Section 5 of the Site Investigation Report*
- *In concluding it is advised that the developer needs to show their commitment to implement the identified mitigation measures by detailing these measures in the final designs and the council should ensure this is also implemented in the construction. This would ensure that additional risk of flooding from this development is reduced to the barest minimum.*

It would be advisable to further address the points within the Haycock Report and consult with the Environmental Agency directly in response to the issues raised, prior to the submission of any further applications.

The letters of objections, comments and reports submitted in response to the application will be available for view when you visit the offices on Wednesday.

*Please note that the information contained in this letter represents an officer's opinion and is without prejudice to further consideration of this matter by the Development Control Section or to the Council's formal decision.*

Regards

Elizabeth

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## APPENDIX 5

### 16.11.10\_PRE-APPLICATION FEEDBACK

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**From:** Beaumont, Elizabeth [mailto:Elizabeth.Beaumont@Camden.gov.uk]  
**Sent:** 16 November 2010 16:45  
**To:** Matt Blackden  
**Cc:** Glyn Emrys  
**Subject:** RE: 1003 2.01 LB Camden; Feedback on 53 Fitzroy

Dear Matt,

Further to our conversation please find below a summary of a number of concerns raised by residents;

#### Hydrology

- Need for full investigation
- Concerns that the EA only assess surface flooding.

#### Retaining wall along Fitzroy Park

- Details on the wall/construction
- Will this information should be included in the CMP

#### Trees

- How will spoil affect the life of the trees that are to be retained?
- Concerns with the number of trees to be removed

#### Spoil

- Are these calculations and processes included in the CMP
- How will the need for vehicles/construction of the retaining walls affect vehicle movements?
- Queries raised regarding the accuracy of the spoil calculation given the depth of the excavation.

#### CMP

- Will there be a clause within the CMP for a commitment to liaise with the FPRA including a guarantee for any damages to the road during construction.

#### Design/bulk

- There were also concerns with the increase in footprint and the affect on the open space and how the impact on open space is assessed.

It would be useful if you could provide a response to these points in order to pass to the FPRA.

As discussed today it is advisable that the revised application is not submitted until the results of the full site investigations have been prepared.

I have passed your availability dates to Ben, the Nature Conservation Office to arrange a visit to the site.

If you have any further comments or questions please do not hesitate to contact me on the number below.

Regards,

Elizabeth

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Planning Officer  
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## Meeting Minutes

**Project:**

0932 - 53 Fitzroy Park

**Revision:**

**Ref:**

53 Fitzroy Park – planning meeting

**File Code:**

0932 2.01.03 Planning Minutes 101222

**Date:**

22<sup>nd</sup> December 2010



**Attendees:**

Elizabeth Beaumont	(EB)	Camden Planning (CP)
Stuart Minikin	(SM)	Postcruise Ltd (P)
Glyn Emrys	(GE)	Emrys Architects (EA)

No.	Issue Description:	Action:
<b>1.00 Building Height / Building Form</b>		
1.01	GE explained that there had been a request from a resident to lower the height of the roof from the current mid point to the lowest point of the existing roof. EB confirmed that the existing proposed roof level at mid point was acceptable to Camden. GE agreed to leave the roof level as is.	EA
1.02	EB suggested that EA should check that the sectional drawings (before and after), go through the centre of the roof to re emphasise the fact that the proposed roof is the mid point of the existing roof.	EA
1.03	GE asked if there were any further changes required / feedback from Camden in terms of the design of the proposed house. EB confirmed that she was not aware of any other design issues from Camden's perspective.	
<b>2.00 Computer Generated Images (CGI's)</b>		
2.01	The existing CGI's were discussed in terms of the best view and the fact that the current garden CGI's viewing point has been taken at an artificial point to show all of the house rather than the house in context. EB suggested we review viewing positions on site and photographs of the physical model to show the house further in context. GE to discuss with CGI illustrator and to take photographs of the model.	EA
<b>3.00 Footprint, Plot Coverage, open Space Policy</b>		
3.01	EB raised the point that one of the neighbours had objected to the fact that EA drawings included plot coverage	

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	calculations for sites that were outside the open space designation. GE confirmed this was because the open space designation zone was not a straight line – it meanders all over the place, and therefore the plot coverage figures have been included for the properties in and adjacent to the open space. The most obvious plot coverage comparison is still with 51 which is within the open space designation. GE confirmed that the proposed scheme is no greater coverage than the existing house at 51, and significantly less than the consented scheme at 51.	
3.02	EB suggested that as part of the Design and Access Statement EA should make specific reference to the open space policy.	EA
3.03	EB suggested that EA should review the site at 20 Highfields Grove which was won at appeal in relation to plot coverage and massing.	EA
<b>4.00</b>	<b>Site Investigation and Spoil Removal / Retention / Landscape – Trees - Ecology</b>	
4.01	The site investigation bore holes and studies were now complete and SM confirmed that there was nothing unexpected or that the Structural Engineers had not already taken into account. The 200+ page report will be forwarded to FPRA, City of London and Haycock for their information. An executive summary will also be provided.	P
4.02	GE explained that certain neighbours did not agree with the spoil calculations that EA had carried out. EA had therefore built a 3D volumetric study as a double check. The conclusion presented confirmed that the same amount of spoil was to be removed from site as previously stated in the Motion Construction Management Plan.	
4.03	GE also explained that the original spoil retention calculation was based on setting a notional datum across the site and not as a landscape design. Neighbours had complained that this basic method of calculation (as then presented) would impact on their boundary. EA had therefore developed a landscaping design in response to these concerns. The landscape design had been tailored to suit all boundary conditions, and the final landscape design had been determined following input from Camden's Ecology and Tree officers.	
4.04	EB asked that EWP the structural engineers report should make reference to the new planning basement guidelines.	EWP
4.05	The 3D soil retention studies also described quite clearly that the proposed development is further away from the road, and would not undermine the road as stated by certain residents.	
4.06	Following the site visits of the tree and ecology officers from Camden, Arbtech consultants were updating their report to reflect the agreement reached and to follow the final landscape design.	Arbtech
<b>5.00</b>	<b>Consultation</b>	
5.01	GE explained that the client body had changed from Kiersley Development to Postcruise Ltd, and that SM would in future	EA

## APPENDIX 6 (Cont.)



be liaising with neighbours. The client and EA had where possible tried to take on board all of the comments raised by neighbours and FPRA. The updated design and Access Statement would bring all of the consultation changes together.

5.02 EB stated that she would forward any other relevant points from FPRA and the neighbours that we had not been copied into. CP

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**Distribution**  
All present