

Mr Robert Shrimplin
ShrimplinBrown
ShrimplinBrown
Lion House
Oriental Road
Woking
Surrey
GU22 8AR

Application Ref: **2015/1856/P**
Please ask for: **Rob Tulloch**
Telephone: 020 7974 **2516**

28 August 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
92 Fitzjohn's Avenue
London
NW3 6NP

Proposal:
Erection of two storey dwellinghouse
Drawing Nos: Site Location Plan P094-100 Rev A; 101; 102; 103; 104; 109; 110; 111; 112; 113; 114; 115; 116; 117; 201; 202; 203; 204; 205; 206; 105 Rev A; 106 Rev A; 107 Rev A; 108 Rev A; Design & Access Statement dated February 2015; Planning Statement and Conservation Area Assessment by Shrimplin Brown dated March 2015; Arboricultural Method Statement by Adam Hollis dated 20th March 2015; Construction Management Plan by Projekt Solutions dated 3rd March 2015; Sustainability and Energy Statement by SRE dated 11th March 2015; Daylight Sunlight Report by XC2 Energy dated February 2012; Daylight Sunlight Design Note by XC2 Energy dated 12th February 2012; Ecology Report by LUC dated 20th January 2015; samples of facing materials.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan P094-100 Rev A; 101; 102; 103; 104; 109; 110; 111; 112; 113; 114; 115; 116; 117; 201; 202; 203; 204; 205; 206; 105 Rev A; 106 Rev A; 107 Rev A; 108 Rev A; Design & Access Statement dated February 2015; Planning Statement and Conservation Area Assessment by Shrimplin Brown dated March 2015; Arboricultural Method Statement by Adam Hollis dated 20th March 2015; Construction Management Plan by Projekt Solutions dated 3rd March 2015; Sustainability and Energy Statement by SRE dated 11th March 2015; Daylight Sunlight Report by XC2 Energy dated February 2012; Daylight Sunlight Design Note by XC2 Energy dated 12th February 2012; Ecology Report by LUC dated 20th January 2015; Samples of facing materials.

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

- 3 The proposed development shall not be occupied until the whole of the cycle parking provision shown on the approved drawings is provided. The whole of the cycle parking provision shall be permanently retained and maintained 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.

- 4 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of the new residential dwelling.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair homes) 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 during demolition and construction works to the satisfaction of the Council. Tree protection and site monitoring shall be undertaken in accordance with the recommendations of the Arboricultural Method Statement and Tree Protection Plan ref: TSS/92FJA/AMS/01a hereby approved, and shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to design, demolition and construction".

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 6 Details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority before the relevant works on site are commenced (but for the avoidance of doubt, not before demolition commences). The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure 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 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 7 Prior to first occupation of the development the bird and bat boxes shall be installed in accordance with the approved plans and the approved ecology report (LUC, 20/01/15) and retained thereafter.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2011, Camden Planning Guidance 2011 and policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 8 Full details in respect of the green roof shall be submitted to and approved by the local planning authority before the relevant part of the development commences (but for the avoidance of doubt, not before demolition commences). The green roof shall be a maximum 25% sedum and minimum 75% biodiverse. The details shall include 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 a 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 and 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.

- 9 Prior to first occupation of the building, detailed plans showing the details, location and extent of photovoltaic cells and solar water heaters to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 (Tackling climate change and promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.

- 10 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 11 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 12 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved Sustainability and Energy Statement by SRE dated 11th March 2015. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22

(Promoting sustainable design and construction).

- 13 All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works must stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the Local Authority.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

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 6941).
- 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 Reasons for granting permission.

The proposal is for the erection of a two storey dwelling. There is extant conservation area consent for the demolition of the existing house (2013/1448/P), and permission for the erection of a two storey house of similar size in the same location (2013/1119/P). This was subject to a section 106 agreement for a construction management plan and sustainability review. The overall size of the proposed building has been slightly reduced, in terms of height and footprint, compared to the previously approved scheme.

The proposed dwelling would be of a high quality design with timber cladding to the north elevations and white render to the south, details of which have been submitted and considered acceptable. The low scale of the proposed dwelling would result in the development having minimal impact on the area, and given the

limited visibility of the site and the proposed design the scheme would not impact on the character and appearance of the area or setting of the adjoining listed building. The house has been set to the north of the site; improving outlook, providing south facing amenity space and reducing the impact on neighbouring properties. The proposed dwelling would result in a neutral response to the area whilst providing a high quality living environment and would preserve the character and appearance of the building as well as sub-area 1 of the Conservation Area.

The proposed dwelling would provide a large four bedroom house over two floors. The overall floorspace, and bedroom sizes, would meet the residential development standards of the Camden Planning Guidance (CPG2) and the London Plan. The dwelling would meet all the necessary Lifetime Homes criteria, and a condition will ensure that the features referred to will be implemented and retained thereafter.

The applicant has submitted a daylight/sunlight report which concludes that the development will not have a significant impact on daylight to surrounding properties. Henderson Court and Greenhill face the application site with windows within 90° of due south. As these windows pass the 25° test and the report considers that they would continue to receive an adequate amount of sunlight. The proposed dwelling is slightly lower than the previously approved scheme which was not considered to have a detrimental impact on daylight or sunlight to neighbouring properties.

The proposed building would be set back at least 11m from the boundary with Fitzjohn's School to the south east. Due to the topography of the site the school grounds are at least 2m lower than the proposed dwelling, as such it is considered that overlooking of the playground and the school buildings would be reduced when compared to the existing situation. The proposed building would be 11m from St Anthony's School to the south west, but there are no windows to the proposed flank elevation directly facing the school. There are no windows proposed for the north east flank elevation, the only views of North Bridge School would be oblique views from the front of the dwelling and due to the angle and the proposed planting this is not considered to be significant. Two windows are proposed for the north west elevation, both at ground floor level, and would not directly face Henderson Court or Greenhill and would be obscured by the existing boundary and planting. Due to the low height of the proposed building and the distance from neighbouring sites it is not considered that the proposal would result in a loss of outlook for adjoining occupiers.

4 Reasons for granting permission (continued)

It is proposed to replace the existing double garage with one allowing parking for a single car. Camden Planning Guidance (CPG7) advises that existing parking rights can normally be retained on development sites, where it can be demonstrated that existing occupiers are to return to the address when it is completed. In this case the existing occupiers are returning and it is considered that the retention of a single off street parking space is acceptable. The previous scheme included a double

garage. Storage for 2x cycles is proposed for the garage which is in line with the requirements of the London Plan.

A construction management plan has already been agreed as part of the previous section 106 agreement and accompanies this application. The approved CMP will form part of the new legal agreement.

Passive design measures are proposed to be integrated into the architecture of the building to reduce energy demand. A green roof, photovoltaics and solar water heaters are proposed for the roof, along with rainwater harvesting for irrigation. Details of these will be secured by condition. The applicant has submitted a Code for Sustainable Homes pre-assessment which indicates that the proposal would achieve Level 4. This is no longer required and a condition will require the sustainable measure outlined in the submitted energy statement to be implemented.

The applicant has submitted an arboricultural impact assessment and method statement. The arboricultural report is considered acceptable in terms of the impacts it describes. Bat surveys confirmed that no roosts were recorded in the building, with no bats observed emerging from the building. Detail of the proposed bird and bat boxes are acceptable and a condition will require them to be installed in line with the approved ecology statement.

The demolition of the existing house would result in some loss of historic interest, however this is minimal due to the age, alterations and common nature of the building. Moreover this harm is mitigated by the improvements to the energy performance and interior of the building. In overall terms the scheme is considered to both preserve and enhance the character and appearance of the dwelling as well as sub-area 1 of the Fitzjohn's/Netherhall Conservation Area. The development would also involve the loss of 8x parking spaces in the North Bridge House car park, but this would still allow the school to retain at least 24 parking spaces.

One objection was received regarding the impact of noise and pollution on residents of Henderson Court. The new dwelling is not considered to have a significantly greater impact than the existing house. Noise and other impacts associated with demolition and construction are controlled by Environmental Health legislation. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5, CS6, CS8, CS11, CS13, CS14, CS15, CS16 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP6, DP16, DP17, DP18, DP19, DP20, DP21, DP22, DP23, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development

Policies. The proposed development also accords with policies 3.5, 5.3, 5.11, 6.9, 6.13, 7.4, 7.6, 7.8, 7.19 and 7.21 of the London Plan 2011; and paragraphs 14, 17, 29-41, 56 -66, and 93-141 of the National Planning Policy Framework.

- 5 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or queries to CIL@Camden.gov.uk

- 6 Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests are highly likely to be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey (undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 0845 600 3078.
- 7 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats) Regulations 1994 which protect bats from intentional or deliberate actions which may kill, injure capture a bat and from actions that intentionally or recklessly damage, destroy or obstruct access to a bat roost (whether bats are present or not) or disturb a bat when occupying a roost. Actions such as demolition and renovation works to a building, and tree felling or significant tree surgery are likely to result in a breach of the

above legislation if bats or bat roosts are present. For further information contact Natural England on 0845 600 3078.

- 8 A precautionary working approach to demolition where protected species might be present should be followed including the careful removal by hand of features which could support bats, including roof tiles, lead flashing and fascia boards.
- 9 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.
- 10 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 11 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 12 You are reminded that demolition of the existing building does not form part of this permission. Consent to demolish the existing building was granted on 28/06/2013 under reference 2013/1448/C, subject to a contract for the carrying out of the works of redevelopment of the site being made and full planning permission being granted for the redevelopment for which the contract provides. This consent expires on 28/06/2016 and works to implement the proposal must have commenced by then.
- 13 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

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson
Director of Culture & Environment