

Mr Senan Seaton Kelly  
Tibbalds Planning and Urban Design  
19 Maltings Place  
169 Tower Bridge Road  
London SE1 3JB

Application Ref: **2016/4256/P**  
Please ask for: **David Peres Da Costa**  
Telephone: 020 7974 **5262**

23 November 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:

**Arthur West House  
79 Fitzjohn's Avenue  
LONDON NW3 6PD**

Proposal:

Variation of condition 2 (approved plans) of planning permission 2014/7851/P dated 28/08/15 (for demolition of hostel and erection of 3 - 6 storey building plus excavation of 2 storey basement to provide 33 self-contained wheelchair accessible flats for the care & well-being of older people including communal garden and associated landscaping) as amended by 2015/5881/P dated 21/04/2016 (to allow reduction in flat count to 29, relocation of substation, bin store and cycle store and alterations to windows on rear elevation, ground floor elevation, roof extract and downpipes), namely to allow recessed brick balustrades to the rear and side facades, brick lintels and parapet, alteration to brick bond, brick pilasters between windows, tiled window surrounds at 3rd and 4th floor level, metal sills and to omit rustication at base of building.

Drawing Nos: Superseded drawings: 276/4221c; 276/4222c; 276/4223e; 276/4224c; 276/4225f; 276/4226c; 276/4227c; 276/4228e; 276/4260d; 276/4261e; 276/4262d; 276/4263a; 276/4296d; 276/4298d

Proposed drawings: 276: 4261g; 4260f; 4263c; 4262f; 4296f; 4295e; 4299b; 4298f; 4297e; 4221d; 4400a; 4223f; 4222d; 4225g; 4224d; 4227d; 4226d; 4229; 4228f; Information to



support s.73 and condition n.3 dated February 2017

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 the original permission 2014/7851/P dated 28/08/15.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2014/7851/P dated 28/08/2015 (as varied by condition 2 of planning permission 2015/5881/P dated 21/04/2016) shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing drawings:

276/4001, 276/4100, 276/4110, 276/4111, 276/4112, 276/4113, 276/4114, 276/4115, 276/4116, 276/4150, 276/4151, 276/4175, 276/4176, 276/4177 & 276/4178

Proposed drawings:

276/4200b; 276/4230c; 276: 4261g; 4260f; 4263c; 4262f; 4296f; 4295e; 4299b; 4298f; 4297e; 4221d; 4400a; 4223f; 4222d; 4225g; 4224d; 4227d; 4226d; 4229; 4228f; LL489000001B; LL489-150-0011 & J4901

Supporting documents:

Cover letter by Tibbalds dated 19 December 2014; Cover letter by Tibbalds dated 26 March 2015; Planning, Design and Access Statement (incorporating the landscape strategy prepared by Camlins and Townscape and Heritage Visual Impact Assessment) by Sergison Bates Architects, Tibbalds and Barton Willmore dated December 2014; Planning, Design and Access Statement Addendum by Sergison Bates dated March 2015; Addendum to Heritage and Conservation Assessment by Tibbalds dated March 2015; Townscape and Visual Addendum by Barton Willmore dated March 2015; Townscape and Visual Addendum Verified Photomontages - Methodology and Supporting Evidence by Designhive dated March 2015; Photomontage Views P1, P2, P4 & P5, Summer and Winter, Full Size by Barton Willmore dated March 2015; Area Schedule prepared by Sergison Bates 6300 B; Statement of Community Involvement by Keeble Brown dated December 2014; Construction Management Plan by Gleeds dated December 2014;

Construction Management Plan Addendum by Gleeds dated March 2015; Sustainability and Energy Statement - Design and Construction by Max Fordham LLP Issue D dated 17 December 2014; Basement Impact Assessment by Symmetrys Limited dated December 2014; Transport Assessment (including Delivery and Servicing Plan and Travel Plan) by TTP Consulting dated March 2015; Draft Delivery and Servicing Plan by TTP Consulting dated March 2015; Arboricultural Survey and Impact Assessment by Tree Maintenance Limited dated December 2014; Tree Survey, Implications Assessment and Outline Protection Method Statement (Addendum) by Tree Maintenance Limited dated March 2015; Noise and Vibration Report Issue D by Max Fordham LLP dated 17 December 2014; Ground Investigation Survey and Contaminated Land Assessment (Phase 2) by Ian Farmer Associates Limited dated November 2014; Ecological Appraisal by Camlins dated August 2014; Daylight, Sunlight and Overshadowing Assessment by EB7 dated 17 December 2014; Addendum to the submitted daylight and sunlight assessment by EB7 dated 13 March 2015; Letter recommending no archaeological requirement from English Heritage dated 30 October 2014; Air Quality Assessment by AECOM dated February 2015; Air Quality Assessment Addendum by AECOM dated March 2015; Barrister Opinion by Morag Ellis dated 1 August 2014; Molecular Filter Lifetime Determination Report by Camfil dated 26 February 2015; Financial Viability Report by GL Hearn dated 19 February 2015; Development Appraisal by GL Hearn dated 1 April 2015; Independent Review of Assessment of Viability by BPS dated 29 March 2015; Independent Review of Assessment of Viability Addendum Report by BPS dated 24 April 2015; Independent Review of Basement Impact Assessment by LBH Wembley dated March 2015; Barrister Opinion by Timothy Corner QC dated 10 April 2015; Addendum Design & Access Statement to accompany revisions by Tibbalds dated June 2015; Daylight & Sunlight Addendum Report by JLL dated 15/06/15; and Revised Consultation Summary by Keeble Brown undated; Cover letter by Tibbalds dated 19th October 2015; Planning report - Rainwater pipes; Information to support s.73 and condition n.3 dated February 2017

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

- 3 Detailed drawings, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
- a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.
  - b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.
  - c) Samples and manufacturer's details of new facing materials including brickwork and windows and door units shall be submitted to and approved by the local planning authority prior to commencement of the development and implemented in accordance with any such approval. Brickwork panels of a minimum 1.5m x 1.5m shall be presented on-site.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of work on the superstructure, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such details shall include details of proposed planting (including species and planting density), details of 2 additional trees on-site along Fitzjohn's Avenue, pruning details of existing trees, detailed hardstand materials and layout, screen planting for ground floor flats, and details of boundary walls/fences. 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 achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase 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 local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of work on the superstructure, details of at least 37 cycle parking spaces comprising 33 covered, secure and fully enclosed cycle storage/parking spaces for residents and 4 secure cycle parking spaces for staff and visitors and showering, changing and locker facilities for staff shall be submitted to and approved by the local planning authority.

The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of work on the superstructure 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 a scheme of maintenance

shall be submitted to and approved in writing by the local planning authority.

The green roof and green wall 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: To ensure that the green roof and green wall are suitably designed and maintained in accordance with the requirements of policies CC1, CC2, CC3, CC4, D1, and A3 of the London Borough of Camden Local Plan 2017.

- 8 Piling or any other foundation designs using penetrative methods shall not be permitted unless a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works, has been submitted to and approved in writing by the Local Planning Authority . The piling shall be undertaken in accordance with the approved method statement.

Reason: To safeguard existing underground sewerage utility infrastructure and controlled waters in accordance with the requirements of policy CC3 of the London Borough of Camden Local Plan 2017.

- 9 Prior to the commencement of basement excavation full details of a sustainable urban drainage system with associated scheme of maintenance, prepared in accordance with the SUDS hierarchy detailing any on and/or off site drainage works shall be submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, and shall demonstrate at least 50% reduction in run off rate from the existing conditions.

The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 10 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 any of the new residential units.

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 H6 of the London Borough of Camden Local Plan 2017.

- 11 The internal noise levels in the dwellings hereby approved shall not exceed an indoor ambient noise levels in unoccupied rooms of 30 dB(A) LA eq (1hour) and

individual noise events shall not exceed 45 dB LAmax at any time of day or night.

Prior to first occupation of the development hereby approved, noise testing and an associated report to demonstrate compliance with the above levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the occupiers of the proposed flats are not unduly disturbed by nuisance from traffic noise, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 12 Enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations values required by Part E 2014, for the floor/ceiling/wall structures separating different types of rooms in adjoining dwellings, namely living room and kitchens above bedroom and between the car stacker and the unit marked 'B.05' on the approved drawings shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure the occupiers of the proposed flats are not unduly disturbed by nuisance from traffic noise, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises are not adversely affected by noise from mechanical installations/equipment, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 14 Prior to the commencement of work on the superstructure 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 first occupation of the development and permanently 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 2016 (Consolidated with Alterations Since 2011) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 15 No part of the flat roof areas hereby approved shall be used as roof terraces, and the use of these areas shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement of policy A1 of the London Borough of Camden Local Plan 2017.

- 16 All trees to be retained and those growing on adjoining sites and public land shall be retained and protected from damage prior to commencement of works on site in accordance with the approved protection details in Tree Survey, Implications Assessment and Outline Protection Method Statement by Tree Maintenance Limited dated December 2014.

Pruning shall only be undertaken in accordance with the approved details required by condition 4 above.

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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 17 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, 'man-safe' rails or satellite dishes 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 18 Prior to any excavation, a suitably qualified chartered engineer with membership of the appropriate professional body shall be 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 local planning authority 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 A5 of the London Borough of Camden Local Plan 2017.

- 19 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made.

Reason: To protect the visual amenity of the area in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 20 The refuse storage facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 21 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: 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 2016 (Consolidated with Alterations Since 2011) and Camden Planning Guidance 2006 and policy A3 of the London Borough of Camden Local Plan 2017.

- 22 The lighting strategy shall not be carried out otherwise than in accordance with the details approved in connection with 2016/3886/P dated 19/01/2017 and shall be fully implemented before the premises are first occupied.

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 policy A3 of the London Borough of Camden Local Plan 2017.

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 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](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](mailto:CIL@Camden.gov.uk)

- 3 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 Noise and Licensing Enforcement Team, 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.
- 4 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.
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed except during the construction stage.
- 7 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail 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 this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. 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 correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

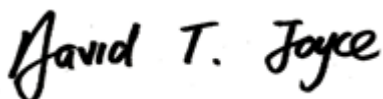
- 8 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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



David Joyce  
Director of Regeneration and Planning