

Sam Shah
Argyle House
First Floor (South)
Northwood Hills
Middlesex
HA6 1NW

Application Ref: **2017/4027/P**
Please ask for: **Gideon Whittingham**
Telephone: 020 7974 5180

15 December 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
11 Fitzjohn's Avenue
London
NW3 5JY

Proposal:

Alterations and rearrangement of layout related to rear building and 2 x flats (C3) associated to granted works ref: 2017/1263/P dated 06/07/2017 (Construction of basement floor level beneath rear building to provide additional floorspace)

Drawing Nos: Plans: 230/B; 211/L; 212/M; 213/F; 217/G; 218/G; 219/G; 220/G; 221/G; 232/C; 237/C; 256/A; 251/-; 252/-; 253/-; 254/-; 255/-.

Supporting Documents: BIA letter prepared by Cranston Consulting dated 17th July 2017; Geotechnical, Ground movement and Basement Impact Assessment, Prepared by LBH Wembley dated March 2017, Flood Risk Assessment, Prepared by LBH Wembley dated September 2016, 11 Fitzjohns Avenue Monitoring to Prevent Damage to Existing Structure and Adjoining Neighbours.

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 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 in the approved application.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Plans: 230/B; 211/L; 212/M; 213/F; 217/G; 218/G; 219/G; 220/G; 221/G; 232/C; 237/C; 256/A; 251/-; 252/-; 253/-; 254/-; 255/-.
Supporting Documents: BIA letter prepared by Cranston Consulting dated 17th July 2017; Geotechnical, Ground movement and Basement Impact Assessment, Prepared by LBH Wembley dated March 2017, Flood Risk Assessment, Prepared by LBH Wembley dated September 2016, 11 Fitzjohns Avenue Monitoring to Prevent Damage to Existing Structure and Adjoining Neighbours]

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

- 4 Detailed drawings, 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) Details of new railings at a scale of 1:10 with finials at 1:1, including materials, finish and method of fixing into the plinth.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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 A2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission

The application proposes the alteration of the basement floor layout and structure above within the rear garden, essentially amending a previous consent ref: 2017/1263/P.

With regard to the basement, the Basement Impact Assessment (BIA), Ground Movement Assessment (GMA), Construction Management Statement (CMS) and the Flood Risk Assessment (FRA) submitted as part of ref: 2017/1263/P was assessed by officers and independently audited in mind of LBC's policies and technical procedures and deemed in accordance.

This scheme seeks to undertake similar works insofar as it will be the same depth, almost the same footprint and utilise the same construction methods within the footprint of the approved scheme. On this basis and in review of the details provided by Cranston Consulting and again independently audited, the assessment as per ref: 2017/1263/P remains valid and this scheme is considered in accordance.

The alteration of the structure above (at garden floor level) would introduce more sympathetic materials to the existing and dated structure, bringing a much needed improvement to its appearance and form.

The enlarged flats would again provide a good standard of residential accommodation in terms of layout, room sizes, sunlight, daylight, ventilation and outlook.

The nature of the proposal would not result in an alteration rising significantly above the adjacent neighbouring boundary walls. The proposed lightwells would set away from adjacent neighbouring windows and would again be set behind boundary walls. The area proposed for the amended lightwells would not allow new or greater views or activities externally which could not take place within the existing arrangement.

Within this context, the proposal would not result in materially detrimental harm to the amenity levels (sunlight/daylight, outlook and privacy) enjoyed by the neighbouring occupiers.

As a result of the cumulative works needed to implement this scheme, 2016/4057/P and 2016/5782/P, the proposal would likely involve a significant amount of construction works. A Construction Management Plan (CMP) and implementation fee (£1,140) must therefore be secured as a Section 106 planning obligation. Any agreed CMP would also include a requirement to consult locally.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

Considerable importance and weight has been attached to the desirability of preserving or enhancing the character or appearance of the conservation area, under section 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 A1, A5, D1 and D2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 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

- 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 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.

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

