

Application ref: 2017/4895/P  
Contact: Charles Thuaire  
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Date: 11 September 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Oakley Hough Limited  
The Barn  
Stebbing Farm  
Fishers Green  
Stevenage  
SG1 2JB

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:  
**49 Fitzjohn's Avenue**  
**London**  
**NW3 6PG**

#### Proposal:

Variation of condition 2 (approved plans) of planning permission ref 2015/5379/P dated 1.8.16 (for Conversion of single family dwelling house to 6 no. self-contained flats; erection of a 3 storey rear extension; removal of single storey side extension; and associated alterations), namely to vary details of fenestration, dormers and escape staircase on all elevations.

Drawing Nos: 892/01,02, 03, 51, 53, 54, 60, 61; 892/110B, 111D, 112D, 113D, 100J, 101J, 102H, 103H, 104H; Fakro rooflight section, roof windows product selector specification, smoke ventilation system spec sheet; Design & Access Statement (dated August 2015); Lifetime Homes Assessment (dated August 2015); BREEAM Pre-Assessment; Energy Statement (dated April 2014); SAP Worksheets (Flats 1-6); Basement Impact Assessment (dated 21/07/2015); Basement Impact Assessment: Land Stability (dated July 2015); Basement Impact Assessment: Groundwater (dated 16/07/2015); Ground Investigation Report (dated September 2014); Heritage Statement (dated September 2015).

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 planning permission ref 2015/5379/P dated 1st August 2016

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: 892/01,02, 03, 51, 53, 54, 60, 61; 892/110B, 111D, 112D, 113D, 100J, 101J, 102H, 103H, 104H; Fakro rooflight section, roof windows product selector specification, smoke ventilation system spec sheet; Design & Access Statement (dated August 2015); Lifetime Homes Assessment (dated August 2015); BREEAM Pre-Assessment; Energy Statement (dated April 2014); SAP Worksheets (Flats 1-6); Basement Impact Assessment (dated 21/07/2015); Basement Impact Assessment: Land Stability (dated July 2015); Basement Impact Assessment: Groundwater (dated 16/07/2015); Ground Investigation Report (dated September 2014); Heritage Statement (dated September 2015).

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall achieve a maximum internal water use of 105 litres/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 policy CC3 of the London Borough of Camden Local Plan 2017.

- 5 The residential units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

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.

- 6 (This condition was discharged on 26.4.17 under ref 2016/6512/P). Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in

adjoining dwellings, eg. living room and kitchen above bedroom of separate dwelling. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policy A4 of the London Borough of Camden Local Plan 2017.

- 7 (This condition was discharged on 26.4.17 under ref 2016/6512/P).  
Before the development commences, details of secure and covered cycle storage area for 12 cycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the dwellings, 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.

- 8 (This condition was discharged on 26.4.17 under ref 2016/6512/P).  
No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. 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 D1 and A3 of the London Borough of Camden Local Plan 2017.

- 9 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation 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 D1 and A3 of the London Borough of Camden Local Plan 2017.

- 10 (This condition was discharged on 26.4.17 under ref 2016/6512/P).  
At least 28 days before development commences:  
(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and  
(b) following the approval detailed in paragraph (a), an investigation shall be

carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 11 (This condition was discharged on 26.4.17 under ref 2016/6512/P).  
The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the 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.

- 12 The development shall not be constructed other than in accordance with the conclusions, methodologies and recommendations of the Basement Impact Assessment (dated 21/07/2015); Basement Impact Assessment: Land Stability (dated July 2015); Basement Impact Assessment: Groundwater (dated 16/07/2015); Ground Investigation Report (dated September 2014) hereby approved, including inter alia the need for a movement monitoring strategy during excavation and construction. In the event that further evidence of site or building conditions necessitate amendments to the BIA or associated methodologies they shall be submitted to the local planning authority for approval in writing prior to the commencement of development and the development shall be constructed in accordance with such amendments.

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.

- 13 (This condition was discharged on 26.4.17 under ref 2016/6512/P).  
Prior to the commencement of development, a plan shall be submitted to and approved in writing by the local planning authority which illustrates the parking provision on site. Before the development is occupied the approved parking spaces shall be clearly marked out. Thereafter, the markings shall be permanently maintained and retained unless prior written consent is given by the local planning authority.

Reason: In the interests of highway safety and in the interests of safeguarding

the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1, D2, T1 and T2 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 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).
- 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 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.
- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 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 A Pre-Demolition Asbestos Survey must be carried out before the refurbishment commences.
- 6 Reason for granting permission-

The revisions involve various changes to fenestration, staircase and flank walls on the rear and side elevations follow a detailed working up of the plans including the necessity to meet building regulations. Notably a smoke vent

rooflight is introduced on the north side, the rear windows have linked juliet balconies, the north side external fire escape staircase is more accurately shown with varied dimensions, and doors and windows are relocated, omitted and added on the north and south sides.

The variations are acceptable in design terms and are appropriate and sympathetic to this building and conservation area. The various fenestration changes are relatively minor and respect the proportions and character of the building's elevations. The staircase in its revised depth and layout will not appreciably add any further visual bulk to the building and is appropriate as a utilitarian structure at the rear. The proposal is considered to preserve the character and appearance of the conservation area.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The new side window at ground level, revised Juliet balconies and varied escape staircase will not result in any additional overlooking. The staircase in its revised depth and layout will not result in any loss of light or outlook. The proposals are not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

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.

The full impact of the proposed development has already been assessed by the previous permission. No other aspects of this scheme, in terms of landuse, size or transport, have changed and thus the permission will be subject to the same conditions and S106 legal agreement clauses as before.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 7 You are advised that condition 4 (evidence of water use levels) of planning permission 2015/5379/P dated 01/08/2016 still needs to be discharged. The details must be submitted to and approved by the Local Planning Authority prior to occupation.

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 T. Joyce*

David Joyce  
Director of Regeneration and Planning