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23 April 2019

David Peres de Costa
London Borough of Camden
Development Management
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Dear David,

**APPLICATION FOR A MINOR MATERIAL AMENDMENT
MARIA FIDELIS CONVENT SCHOOL, 34 PHOENIX ROAD, LONDON, NW1 1TA
LB CAMDEN REFERENCE – 2019/1625/P**

I refer to the above application and in particular to comments received from the owner of the adjoining site at no 42 Phoenix Road, Mr Pittaway, specifically his emails of 12 April 2019 (to you) and of 15 April (to me, copied to you).

I would remind you that planning permission for the new school was granted on 1 December 2016 (LBC ref: 2016/3476/P), and that permission for the redevelopment of no 42 Phoenix Road was granted on appeal on 13 September 2017 (LBC ref: 2015/6383/P). No 44 Phoenix Road unusually provides structural support for the adjoining building at 42 Phoenix Road where it oversails Clarendon Grove, a public footpath that runs along the eastern boundary of the school between Phoenix Road and Drummond Crescent. The approved drawings for both schemes understandably do not provide construction detail.

The permission for no 42 Phoenix Road is not going to be implemented prior to completion of the school works; this was the motivation for the NMA last year to provide a more structurally robust solution to this part of the boundary (LBC ref: 2018/2405/P), while also maintaining a degree of visual permeability to users of Clarendon Grove.

We informed you on 13 November 2018, given the timescale for implementation of the 42 Phoenix Road scheme was not known (and still isn't), that Kier was considering the need to find an alternative treatment for the boundary, and that retention of part of the building was the then current intention; our advice was that this would not need planning permission. You did not respond to that email, but, by email dated 22 November 2018, you informed us that you had received a complaint about the proposed retention of part of the existing building. You had informed Mr Pittaway yourself by email on 22 November that that was the intention.

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Our view remains that retention of this portion of the building does not need planning permission, whatever the aspirations of all involved to improve the environment of Clarendon Grove at its northern junction with Phoenix Road. Kier's approach arises simply because they had been unable to conclude any agreement with Mr Pittaway about how the school development as permitted could be delivered while the existing building at no 42 Phoenix Road remained in place.

Mr Pittaway questions the basis of the application. I would remind you that this application was one requested by LB Camden officers. It arose from our on-site meeting on 23 January 2019 attended by Elizabeth Beaumont, Frances Madders and you from LBC, by Ivor Alcock and Hugh Gostelow from Kier, Adam Nickerson from Gleeds, and me. This meeting was a direct result of the enforcement complaint. Elizabeth's subsequent email of 20 February 2019 noted the position and invited the submission of this application for a Minor Material Amendment.

There has been extensive and exhaustive correspondence between Kier and Mr Pittaway regarding the works to the boundary to which, as planning consultant, I have not been party. As previously indicated, the advice from Kier's Party Wall adviser, Adam Nickerson from Gleeds, is that only some of the necessary construction works fall within the provisions of the Party Wall Act; others required structural works requiring the express consent of the owner. Such agreement has not been forthcoming and so Kier is unable to complete the permitted scheme. Kier therefore investigated alterations to the extent of the demolition taking place which would negate the need to undertake structural works requiring Mr Pittaway's consent. This would involve retaining the existing stair core to the former Maria Fidelis School which forms part of the party wall with 42 Phoenix Road and provides structural support to the cantilever structure over the public footpath.

I cannot comment on the circumstances or timeline that Mr Pittaway sets out in his email to you, other than to state that Kier categorically refutes the implication that it is they who have frustrated negotiations around an agreement for works on the property boundary. The fact is no agreement is in place and an alternative approach is required – hence this application.

I also suggest that it was perfectly proper for the meeting held with you and colleagues on 23 January 2019 to take place without Mr Pittaway: this after all was the result of an enforcement complaint and it would be completely normal practice for the LPA to meet the applicant without others present.

In any case, your assessment of the planning merits of this application is separate from the on-going, but inconclusive, discussions between Kier and the DfE on behalf of the school Trust and the owners of 42 Phoenix Road regarding works to this building. In our view, the proposed treatment of the retained portion of 44 Phoenix Road is an acceptable approach.

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Your only comment following our on-site meeting was to seek an increase in height of the proposed green wall, which we have considered but discounted because of the longer-term maintenance liabilities for the school.

I trust this assists in your consideration of the planning merits of this application, an application that you have requested be made. Should you require any further information please do not hesitate to contact me.

You will see I have responded to Mr Pittaway's email to me and indicated that I will respond only to his comments through my client, Kier, and in responding to you on any planning issues that he raises.

Yours sincerely,

Mike Ibbott
Director
for **tp bennett**

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