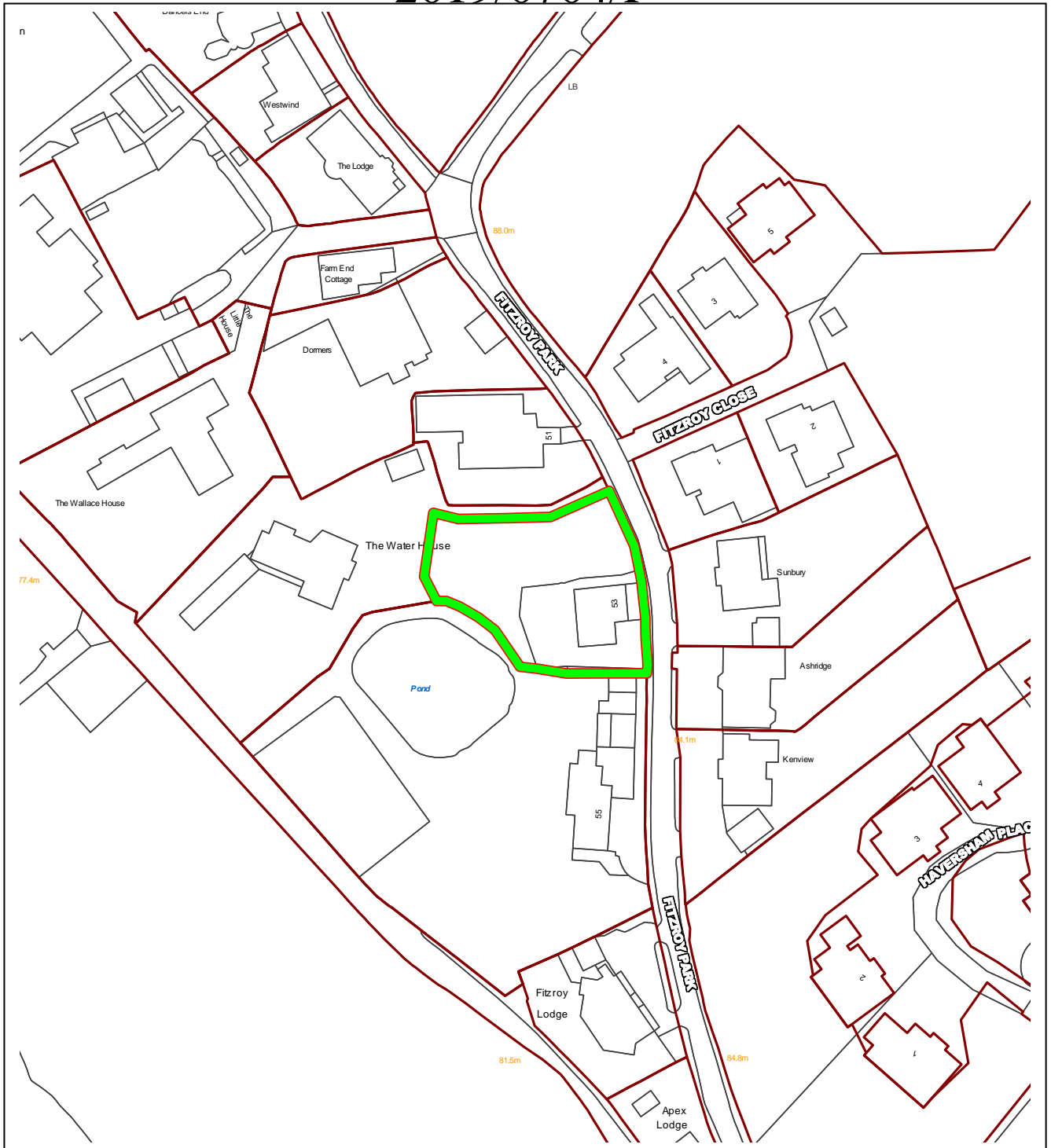


53 Fitzroy Park N6 6JA 2019/0704/P



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1. Aerial view (outdated, showing cleared site of no.51 north of existing house of no.53)



2. Aerial view (showing new house at no 51 now built)

Delegated Report		Analysis sheet	Expiry Date:	03/04/2019
(Members Briefing)		N/A / attached	Consultation Expiry Date:	20/03/2019
Officer			Application Number(s)	
Charles Thuaire			2019/0704/P	
Application Address			Drawing Numbers	
53 Fitzroy Park London N6 6JA			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Details required by condition 13 (SUDS) of planning permission ref 2018/2104/P dated 05/02/2019 (for Variation of conditions 2 (plans), 3 (materials), 8 (noise levels) and 13 (SUDS) of planning permission ref: 2015/0441/P dated 04/07/2016 for Erection of a three storey single dwelling following demolition of existing dwelling).				
Recommendation(s):		Grant approval of details		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>2 neighbours at Fitzroy Park– agree with all objections made by local groups.</p> <p><i>Officer comments-</i> <i>All the local group comments were specifically reviewed by AECOM and their specialist hydrogeologist engineer, as noted in para 2.7 below. See paras 2.2 – 2.11 for detailed assessment of issues.</i></p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Highgate Neighbourhood Forum</u> consulted- no response received.</p> <p><u>Heath & Hampstead Society</u> object-</p> <p>Detailed technical critique- confusions, inadequacies and errors in technical note, such as regarding ‘made ground’ and nature of geology on site, infiltration rates, testing for range of rainfall extremes, increase in impermeable surfacing next to heath, impact of measures such as swales and shallow infiltration.</p> <p><u>Highgate Conservation Area Advisory Committee</u> object-</p> <p>Grave problems with proposal; unacceptable that most of site is covered by hardstanding or SUDS given adjacent pond and runoff to heath and nature reserve; replacement of lost trees will be impossible with extensive hard surfaces proposed.</p> <p><u>Highgate Society</u> object-</p> <p>Agree with CAAC comments; inadequate proposals for discharging condition, which will have an adverse impact on the hydrology of Hampstead Heath and adjoining sites, and which appears to involve 70% coverage of Private Open Space with built form and hardstanding which would render impossible the replacement of trees lost on the site, thus setting a damaging precedent for the wider area of POS; urge Camden to engage expert opinion to assess the proposals.</p> <p><u>Kenwood Ladies’ Pond Association</u> object-</p> <p>Following extensive tree removal, uncontrolled runoff is increasing flow of water across Millfield Lane and into land surrounding bird sanctuary pond which will be exacerbated by scheme with so much hard surfacing; concern at potential impact on the spring-fed pond at 55 Fitzroy Park and lack of certainty about the effectiveness of the proposed drainage solutions for the development.</p> <p><u>Fitzroy Park Residents Association (FPRA)</u> object (on original and supplementary technical notes)-</p> <p>Errors, discrepancies and wrong assumptions made in report, such as regarding infiltration, water discharges, nature and function of ponds in local</p>					

hydrology, cumulative impact of basement and SUDS on neighbours, swales' impact on trees, proposed rainwater overflow connection's impact on water regime.

Further objections to additional supplementary technical note- only 2 drainage options are available here- pumping to sewer is unacceptable, 100% infiltration is not demonstrated due to inadequate assumptions and data used; the drainage design does not take account of the real values in the actual location of the SUDs which suggest much slower rates of infiltration than being suggested; hard surfacing and SUDS measures will increase built footprint of site to 66% which is unacceptable on Private Open Space next to heath; fails to take account of existing basement and SUDs at No51; following extensive tree removal, increase in surface run off has been observed discharging from the site to the pond in No55 and then overflowing across Millfield Lane to the Heath.

Developers have failed to provide reliable and accurate reports that reflect the circumstances on the development site; need to ensure that all new and amended documents are shared with local stakeholders as soon as possible to allow further comments.

Officer comments-

The details have been subject to much scrutiny by the Council's specialist consultants AECOM and further revised additional documents have been provided to address their concerns. They conclude that the drainage system employed will not harm local hydrology and ecology both on the site and in the wider area including adjacent ponds and the heath.

All the above local group comments were specifically reviewed by AECOM and their specialist hydrogeologist engineer, as noted in para 2.7 below.

See paras 2.2 – 2.11 for detailed assessment of issues.

The final landscaping scheme shows the approved house, a variety of hard surfaces and planted areas and has taken account of the proposed drainage strategy and SUDs measures. It was also considered not to harm the quality or quantity of Private Open Space. The landscaping details, along with objections from FPRA, were reported to a Members Briefing panel on 24th June; they were later approved on 26th June (see history below).

Site Description

1. The site comprises a 2-3 storey detached dwelling house set within a large garden, adjoining similar large plots with landscaped gardens and large detached houses. Fitzroy Park is a private road.
2. The site is in Highgate conservation area and on Private Open Space. It lies within Highgate Neighbourhood Plan area.

Relevant History

2015/0441/P- permission granted 04/07/2016- Erection of a three storey single dwelling following demolition of existing dwelling (Class C3).

2018/2104/P- permission granted 05/02/2019- Variation of Conditions 2 (plans), 3 (details/samples of materials), 8 (Noise Levels) and 13 (SuDS) to planning permission ref: 2015/0441/P dated 04/07/2016, for; Erection of a three storey single dwelling following demolition of existing dwelling (Class C3), to amend fenestration; lightwell added to north side; entrance relocated to the corner; bike storage relocated to south side boundary; metal spandrel changed to natural stone; external stair removed at rear lower ground floor level; metal balustrade changed to glass; cornices changed to plain natural stone; rear curved bay squared off at lower ground level; recessed blind window omitted and recessed wall revised on south elevation.

2019/0676, 0712, 1036- approval of details granted 30/05/2019 for condition 9 (cycle store), 18 (green roof), 3 (design/materials).

2019/0665, 0666- approval of details granted 26/06/2019 for conditions 5 (landscape), 7 (tree protection).

2019/0711, 0855- approval of details granted 01/07/2019 for conditions 15 (lighting), 14 (method statement).

2019/3201/P- Non-Material Amendment granted 27/06/2019 for Amendment to wording of conditions 5, 7, 13, 14 and 15 attached to planning permission ref 2018/2104/P dated 05/02/2019, namely to alter the trigger points for submitting and approving details.

Relevant policies

National Planning Policy Framework 2018

London Plan 2016

Draft London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

Camden Planning Guidance

CPG Water and flooding (2019)

Highgate Village Conservation Area Statement 2007

Highgate Neighbourhood Plan 2017

Assessment

1. Background-

1.1 The site has permission dated 4.7.16 under planning permission ref. 2015/0441/P for the erection of a three storey single family dwelling including basement level, green roofs at first floor and roof level, solar panels at roof level and associated landscaping following the demolition of the existing

part-two, part-three storey dwelling (see history above). The detailed design and layout was changed since and a variation of permission was thus granted in Feb 2019. However the overall permission is valid until 4th July 2019. The developers are seeking to discharge the remaining pre-commencement conditions before resuming works that have already started on site. They have also issued a Notice for Deemed Consent of Discharge of Conditions that takes effect on 17th July which means that, if the conditions have not been determined by that date, then they are deemed to have been discharged by default. Condition 13 on SUDs is the final pre-commencement condition to be discharged.

1.2 Further plans and documents have been provided to address concerns raised by the Council's sustainability officers and their water and flood risk consultants (AECOM). Notably a Supplementary Technical Note has been submitted to provide supplementary information, plans and calculations; 2 plans have been updated with clarifications on levels and drainage flows following comments by the engineers. Given the complexity of this case, and in particular the wider hydrogeological issues raised by objectors, AECOM have employed specialist engineers to provide further advice at the developer's expense.

1.3 The local group, Fitzroy Park Residents Association (FPRA), were advised of the supplementary technical note and have commented further, as summarised above.

2. Assessment of flood risk and drainage issues-

2.1 Condition 13 states-

Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on demonstrating 50% attenuation of all runoff. 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 G1, CC1, CC3 and C1 of the Camden Local Plan 2017.

Summary of assessment conclusion-

2.2 The Council's sustainability team, using their specialist water and flood risk consultants (AECOM) and their engineers, have reviewed the details of a sustainable urban drainage system, as further revised and updated. They now consider the details to be acceptable and sufficient to demonstrate that they will meet the requirements of the condition. In particular, they conclude that the drainage system employed will not harm local hydrology and ecology both on the site and in the wider area including adjacent ponds and the heath.

2.3 The drainage proposals indicate the SUDS features will comprise swales and detention basins, green roofs and permeable paving. The permeable paving on the patio will be permeable whereas the permeable paving on the carpark and driveway will be tanked.

History of detailed assessment-

2.4 AECOM considered the original submission to be inadequate- although the design was acceptable in terms of the SUDS hierarchy, there was some substance missing to demonstrate it would really work. Accordingly more information was requested- in particular, an updated drainage layout plan showing how it would connect to the pond and not displace a flood risk to it; details on SUDS features; changes in impermeable areas; and various technical calculations on runoff and infiltration.

2.5 The scheme was revised in April by an additional technical note to confirm that the development does not and will not have a connection to the pond. The design was changed to 100% infiltration and to ensure all rainfall, up to 1-in-100year +40% Climate Change, is captured and infiltrated on site. The scheme involved an increase in impermeable area from 24% to approximately 48% of the site. The drainage strategy proposes 3 catchment areas- one with a permeable car park with a controlled flow

outlet, a 2nd one with a bio-retention basin infiltration tank beneath the bio-retention basin plus a detention basin; and a 3rd one with just a bio-retention basin to accept flows from the paved areas.

2.6 In June, the revised drainage proposals were further reviewed by AECOM in association with their specialist hydrogeologist engineer. Although they were found to be generally acceptable in terms of SUDS Policy, more information was needed to support the feasibility of the design- there was not sufficient understanding of the local hydrogeology to be confident that the SUDS design would work. Thus AECOM required further ground investigations to determine the site hydrogeology and the evidence of groundwater levels; justification for the proposed infiltration rate; detailed site layout showing sizes, gradients and volumes of all attenuation features, including permeable paving; consideration of how exceedance flows for events greater than the above-mentioned climate change event will be managed and mitigated; consideration given to other methods of surface water discharge if infiltration is not a feasible option; and a SUDS maintenance plan.

2.7 AECOM also reviewed the objections made in March and May by local stakeholders who were concerned about the impact of the proposed drainage scheme and new basement excavation on local hydrogeology and nearby ponds. In particular, it was noted that some of the objections raised were 'quite legitimate and well-informed'. For instance, their response to the Heath & Hampstead Society objection was that 'the effect of the SuDS could be to either increase or to bypass this infiltration, but without an adequate understanding of the shallow hydrogeology it is not clear what the impact would be.' Hence, AECOM also wanted a more detailed ground investigation. Their hydrogeologist concluded that the site investigation had been inadequate to determine the baseline conditions and to assess the impact of the proposal. They noted that some stakeholder comments raised the issue of impacts on a neighbouring basement; however, it was not possible to draw conclusions on this at this stage without the hydrogeology study to confirm the baseline conditions. At present, there is no strong evidence to suggest that the design would have a negative impact on water quality or ecology at downstream ponds at no.55 or on the heath providing it is constructed as proposed.

2.8 Following this, AECOM reviewed the approved BIA documents and the Council's own BIA audit review and concluded the following-

- The BIA generally suggests the basement construction will not affect the hydrogeology of the area, with mitigation to allow the natural regime to continue. There were no certain links found between No. 53 and the ponds in No. 55 or the Heath, except for the natural seepage downslope from the higher ground to the ponds in the Heath, which the basement construction will not impede. There is also negligible risk on surrounding properties from construction.
- Infiltration beyond 1.7m of ground is very poor, with only shallow infiltration possible into the made ground which would travel towards the ponds in the Heath; there appears to be no connection to the pond in No. 55.
- The audit of the BIA accepts shallow infiltration is proposed. There were no major contaminants found in samples considered to cause significant harm to the ponds and the Heath.

2.9 AECOM were thus satisfied that the ground investigation and the infiltration rates proposed are acceptable and they understood why only shallow SUDS with attenuation is being proposed. Seepage towards the ponds would be very slow and would capture further contaminants within the soil.

2.10 Updated plans annotated with clarifications were later submitted in July to address the issues of detailed site layout and exceedance flows.

2.11 AECOM have now confirmed that the additional information is sufficient. In particular the following is noted:

- Exceedance flows paths are unchanged and follow existing topography but the development provides additional attenuation on site for exceedance flows.
- Additional proposed site levels also confirm the site drainage can be effectively drained to the swales/detention basin.
- Annotation text on the drawing also clarifies queries on the drainage runs and level differences.

3. Recommendation

Grant approval of details.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 15th July 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2019/0704/P
Contact: Charles Thuairé
Tel: 020 7974 5867
Date: 9 July 2019

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Approval of Details Granted

Address:

**53 Fitzroy Park
London
N6 6JA**

DECISION

Proposal:

Details required by condition 13 (SUDS) of planning permission ref 2018/2104/P dated 05/02/2019 (for Variation of conditions 2 (plans), 3 (materials), 8 (noise levels) and 13 (SUDS) of planning permission ref: 2015/0441/P dated 04/07/2016 for Erection of a three storey single dwelling following demolition of existing dwelling).

Drawing Nos: Technical notes by Pringuer-James consulting engineers- Drainage design for planning condition discharge dated 29.1.19 ref L2368-TN-001B, Drainage design for planning supplementary report ref L2368-TN-001-A; L2368-C-52-700/01; 002 rev 004 dated 1.7.19

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Informative(s):

1 You are reminded that conditions 11 (bird/bat boxes), 12 (PV panels), 17 (replacement tree planting) and 20 (water use evidence) of planning permission ref 2018/2104/P dated 05/02/2019 are outstanding and require details to be submitted and approved.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION