



Application ref: 2017/1047/P
Contact: Laura Hazelton
Tel: 020 7974 1017
Date: 10 June 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

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JLL
30 Warwick Street
London
W1B 5NH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:
76 Fitzjohn's Avenue
London
NW3 5LS

Proposal:

Creation of a single storey basement with lightwell to front and rear, installation of 1 x AC unit within front garden, installation of 3 x rooflights, removal of 1 x palm tree from front garden, alterations to side elevation fenestration, alterations to rear ground floor patio doors and erection of a new fence in the front garden.

Drawing Nos: FPY_001; FPY_201 rev. E; FPY_206 rev. E; FPY_202 rev. E; FPY_210 rev. D.

Documents: Arboricultural Impact Assessment, 160820-PD-11a; Design & Access Statement, January 2016; Proposed Energy Statement by Carnell Warren Associates Ltd.; Planning Statement dated February 2017; Environmental Noise Survey and Plant Noise Assessment Report ref: 23816/PNA1Rev1 dated 5 December 2018; Louvremax Acoustic Enclosure manufacturer's specifications; Responses to CampbellReith 20.12.2017, Site Investigation and Basement Impact Assessment Report 3232_J16214 - 76 Fitzjohns Ave Rep Iss 2 complete, dated July 2018; J16214 - PDISP - Overall Term - Tabular Results 171219 082108, dated December 2017; J16214 - PDISP - Short Term - Tabular Results 171219 082108, dated December 2017; MBP-7009-Construction Method Statement-V2.0, dated May 2018; Emails dated 20 August and 25 September 2018; CampbellReith Audit Query tracker - Applicant responses.

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 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

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

FPY_001; FPY_201 rev. E; FPY_206 rev. E; FPY_202 rev. E; FPY_210 rev. D. Documents: Arboricultural Impact Assessment, 160820-PD-11a; Design & Access Statement, January 2016; Proposed Energy Statement by Carnell Warren Associates Ltd.; Planning Statement dated February 2017; Environmental Noise Survey and Plant Noise Assessment Report ref: 23816/PNA1Rev1 dated 5 December 2018; Louvremax Acoustic Enclosure manufacturer's specifications; Responses to CampbellReith 20.12.2017, Site Investigation and Basement Impact Assessment Report 3232_J16214 - 76 Fitzjohns Ave Rep Iss 2 complete, dated July 2018; J16214 - PDISP - Overall Term - Tabular Results 171219 082108, dated December 2017; J16214 - PDISP - Short Term - Tabular Results 171219 082108, dated December 2017; MBP-7009-Construction Method Statement-V2.0, dated May 2018; Emails dated 20 August and 25 September 2018; CampbellReith Audit Query tracker - Applicant responses.

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

- 4 Prior to commencement of any works on site, a written programme of ground investigation for the presence of soil and groundwater contamination shall be submitted to and approved by the local planning authority in writing.

Site 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 in writing.

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 in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2018.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and policy DH1 of the Hampstead Neighbourhood Plan 2018.

- 6 No construction shall take place until a detailed design and method statement for all foundations and other development proposed below ground level which takes account of the nearby Network Rail asset, has been submitted to and approved by the local planning authority in consultation with the relevant rail infrastructure undertaker. The development shall thereafter be carried out in accordance with the approved design and method statements.

Reason: To ensure that the development does not impact on existing strategic transport infrastructure in accordance with the requirements of Policies A1 and T1 of the London Borough of Camden Local Plan 2017 and policies BA1 and BA3 of the Hampstead Neighbourhood Plan 2018.

- 7 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 throughout the construction and excavation works, in accordance with the protection details outlined in Arboricultural Report reference 160820-PD-11a dated February 2017.

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 and policy NE2 of the Hampstead Neighbourhood Plan 2018.

- 8 Prior to commencement of the relevant works, full details of hard and soft landscaping, means of enclosure of all un-built, open areas, and details of replacement tree, shall 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 A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 9 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, whichever is the sooner. 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 10 A sustainable urban drainage system (SuDs) based on a 1:100 year event with 30% provision for climate change shall be implemented as part of the development in accordance with the details set out in the Construction Method Statement for Subterranean Development ref: MBP-7009-May 2018 V2.0, and shall thereafter be 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, CC3 of the London Borough of Camden Local Plan 2017 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

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 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.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996

which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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.

High impact activities must not be conducted outside the hours of 9 am-noon and 2pm-5.30pm on weekdays.

You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974 supplemented by any additional measures required in the approved Construction Management Plan for the development. which in this instance limits saturday working in compliance with the Hampstead Neighbourhood Plan. 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 not at all on Weekends 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.

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

A handwritten signature in black ink, appearing to read 'DP', is positioned above the typed name.

Daniel Pope
Chief Planning Officer