



Application ref: 2018/6019/P
Contact: Ben Farrant
Tel: 020 7974 6253
Date: 20 May 2019

Development Management
Regeneration and Planning
London Borough of Camden
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Henning Stummel Architects
2 Smugglers Yard
London
W12 8HU

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:
**Rear of 87
Fitzjohn's Avenue
London
NW3 6NY**

Proposal:

Variation of condition 2 (approved drawings) of planning permission Ref: 2017/4180/P dated 30/04/2018 for 'Erection of a single storey 1 bedroom dwellinghouse', namely to alter the height of the street facing boundary wall.

Drawing Nos:

Superseded: 115-201-PA-Rev.K

Amended: 115-202-PA-Rev.C

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 permission ref: 2017/4180/P dated 30/04/2018.

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:

HSAL_ER_AIA_001 dated 9th February 2018 by Tree Sense, 115-110-EX, 115-200-EX, 115-210-EX, 115-010-PA, 115-020-PA, 115-110-PA-Rev.I, 115-111-PA-Rev.A, 115-112-PA-Rev.A, 115-202-PA-Rev.C, 115-300-PA-Rev.H, 115-500-PA-Rev.F, Design and Access Statement by Henning Stummel architects.

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

- 3 The cycle store hereby approved shall be provided in its entirety prior to the first occupation of the new unit, 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.

- 4 Prior to the commencement of any works on site, 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 during construction 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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 The development shall be completed in accordance with the details of windows, external doors, gates, and facing materials approved under 2018/5969/P dated 19/02/2019, or any other details submitted and approved. 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 The development shall be completed in accordance with the details of the living roof approved under 2018/5969/P dated 19/02/2019, or any other details submitted and approved.

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved Design and Access Statement by Henning Stummel architects. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of a changing climate in accordance with policies CC1, CC2 and CC2 of the London Borough of Camden Local Plan 2017.

- 8 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 9 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.

- 10 The development shall be completed in accordance with the details of hard and soft landscaping approved under 2018/5969/P dated 19/02/2019, or any other details submitted and 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 11 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 prior to the occupation for the permitted use 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for approving the details.

The application seeks to vary condition 2 (approved plans) of planning application 2018/5969/P dated 19/02/2019. Proposed are minor alterations to the stepped appearance of the front boundary wall.

The stepped nature of the boundary wall is an important part of this site, running along the entire boundary originally forming a high level wall to the garden of no.87. The wall is stepped due to the nature of the topography of the area, allowing glimpses of the garden and vegetation behind. This was an important part of the original approval, whereby landscaping details were required by condition (and subsequently discharged) to ensure vegetation would continue to grow behind the boundary wall to retain a garden appearance following the development of the residential unit.

This application originally proposed a large step in the boundary wall, which was considered to cause harm to the character and appearance of the development and surrounding conservation area. The proposal was subsequently amended to form an altered stepped arrangement which is more sympathetic to the character and appearance of the area and is considered to be acceptable. The amendment is considered to be minor in the context of the original scheme and would not raise any new issues or alter the substance of the approved scheme.

Considerable importance and weight has been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. The proposal is considered to preserve the heritage asset.

No objections were received following public consultation on the scheme. The planning history of the application site was considered prior to this determination.

A Deed of Variation is required to transfer the previous S106 (for a 'Car Free' development and contribution towards street works) to this decision.

Given the above assessment, the proposed development is in general accordance with policies A1, D1 & D2 of the Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2019.


- 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.

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 of the Chief Planning Officer.

Daniel Pope
Chief Planning Officer

