

Address:	39 Fitzjohn's Avenue London NW3 5JT		5
Application Number(s):	2018/2415/P	Officer: Rachel English	
Ward:	Frognal and Fitzjohn's		
Date Received:	23/05/2018		
Proposal: Alterations and extensions including demolition of link to northern wing and Nutley Terrace extension and erection of replacement side, rear and roof extensions and excavation of basement associated with conversion of existing dwelling (Class C3) into 20 flats (5x1 bed; 6x2bed; 7x3bed; 2x4bed) and 1 x 12bed house			
Background Papers, Supporting Documents and Drawing Numbers: (3169_) 001revA, 002, 003, 004, 005, 006, 007, 010, 11, 012, 50revD, 51revE, 52revE, 53revD, 54revB, 55revB, 56revB, 57revA, 60revB, 70, 72revC, 103, 104, 105, 106, 107, DPTPP/39FAL/010 A1, DPTPP/39FAL/010 A2, Supporting documents Design and Access Statement dated July 2019 WYG Air Quality Mitigation document dated 20th June 2019 Health Impact Assessment dated 17-5-19 Letter from Cunnane Town Planning (ref JCC/6137/CJ/Fitzjohns/R English 140619) DSA Engineering BREEAM UK Domestic Refurbishment Pre-Assessment dated May 2019 rev 4 DSA Engineering Energy and Sustainability Statement dated May 2018 rev 4 RWA London Basement Impact Assessment 3 rd May 2018 (rev E) LBH Wembley Addendum to Basement Impact Assessment dated April 2019 GIA Daylight and Sunlight report (dated 11 April 2018) Cunnane Town Planning Transport Statement dated April 2018 LBH Wembley SUDS strategy dated December 2018 HEDC Limited Development Appraisal dated 02 August 2018 HEDC Limited Development Appraisal dated 24 July 2019			
RECOMMENDATION SUMMARY: Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
Mr Frener Hillview House 1 Hallswelle Parade London NW11 0DL		N/a	

ANALYSIS INFORMATION

Land Use Details:		
	Use Class	Floorspace (GIA sqm)
Existing	Class C3 Residential	2,151sqm
Proposed	Class C3 Residential	4,190sqm

Residential Use Details:						
	Residential Type	No. of Bedrooms per Unit				
		1	2	3	4+	Total
Existing	House				1	1
Proposed	Flat	5	6	7	2	20
	House	-	-	-	1	1

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	12	0
Proposed	0	0

EXECUTIVE SUMMARY

The application site is No.39 Fitzjohn's Avenue, a large detached single family dwelling arranged over part lower ground, ground and two additional storeys located within the Fitzjohn's/Netherhall Conservation Area.

Planning permission is sought to partially demolish the link to the northern wing and the Nutley Terrace extension and erect extensions to the sides and rear and at roof level and excavation of a basement, to provide a total of 21 residential units.

The provision of additional residential units is welcomed and the proposed mix of unit size accords with policy.

The proposal does not provide any affordable housing on-site and a financial viability assessment has been provided in order to justify the lack of provision. It is not possible for the required off-site housing or a payment-in-lieu towards affordable housing. A policy-compliant scheme would provide a significantly lower return on costs, which makes it unviable. The section 106 legal agreement will ensure a review mechanism is secured if the financial situation changes.

The section 106 legal agreement will also secure obligations to mitigate the impact of the proposal in terms of the transport impacts of the scheme and the sustainability impacts.

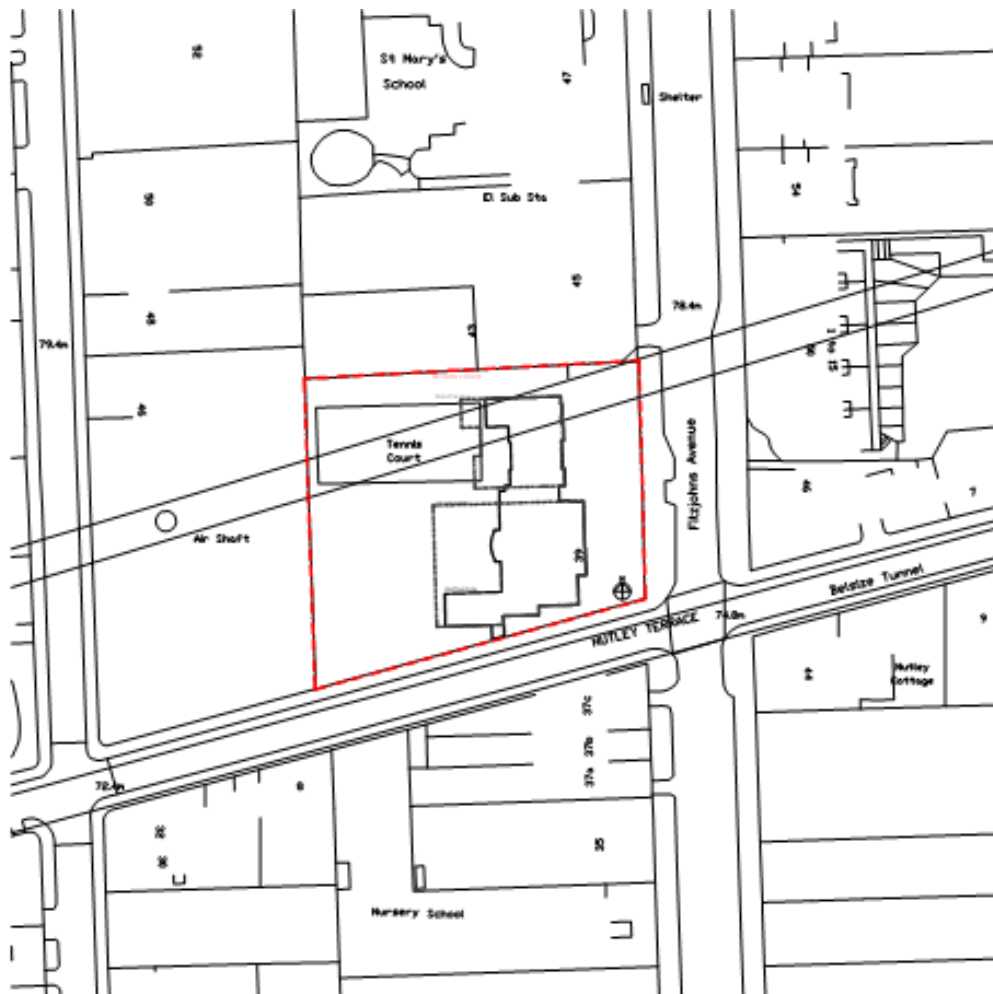
The proposal is considered to be acceptable in terms of the key considerations, namely: the principle of development / land use; the affordable housing contribution; heritage and design; neighbouring amenity; basement; trees; transport; waste and recycling; sustainability; drainage; and air quality.

OFFICERS' REPORT

Reason for Referral to Committee: The application is a major development which involves the conversion of floorspace for 10 or more new dwellings [clause 3i]

1 SITE

- 1.1 The site is bounded to the south by Nutley Terrace, to the east by Fitzjohn's Avenue, to the north is 43 and 45 Fitzjohn's Avenue and to the east by 46 Maresfield Gardens.



- 1.2 No.39 Fitzjohn's Avenue is a detached dwelling arranged over part lower ground, ground and two additional storeys. The property was originally a single residential dwelling when built in 1885 with later additions made. The northern building which is 3-storeys with a flat roof was added in the 1930's when the building was used by the Jesuits. The building was later used by the Southwell House Youth Project as a residential institution with the later additions to the building comprising dormitory rooms on the Nutley Terrace wing in the 1960's. The property is now has been in use as a single residential dwelling (Class C3)

since 2011 (see history section below). The building, is approximately 2,151sqm and also benefits from extensive grounds to the rear including a tennis court.

- 1.3 The building is not statutorily listed but located within the Fitzjohn's Netherhall Conservation Area whereby it is described in the Conservation Area Statement as making a positive contribution to the special character and appearance of the Conservation Area. There are no listed buildings adjacent to the site. The nearest listed buildings are located at 48 Maresfield Gardens and St Mary's School on Fitzjohn's Avenue.
- 1.4 There are underground constraints to the site with a tunnel running underneath part of the property which forms the London Overground City Thameslink line and there is a ventilation shaft for the tunnel to the rear of the grounds. The site lies on Claygate beds and there are groundwater flow and slow stability constraints.
- 1.5 There are protected trees in the rear/side garden. These are a Horse Chestnut tree, cherry tree, two Norway maples and two ash trees. There are also 5 silver birch trees in the rear garden lining an existing tennis court.
- 1.6 The site does not include any Maresfield Gardens frontage. Representations received refer to this vacant piece of land however this is not in the ownership of the applicant.

2 THE PROPOSAL

- 2.1 Planning permission is sought for the demolition of the link to the northern wing separating the southern and northern wings entirely. Also proposed for demolition is the Nutley Terrace extension built in the 1960's. It is proposed to erect replacement side and rear extensions and dormer roof extensions and refurbish the original facades of the building. It is proposed a single storey 5metre deep extension to the rear of the northern wing with terrace above and extend the rear building line by 6metres.
- 2.2 The northern wing building would be used as 1 x 12-bed house and the southern building would be detached and contain 20 flats (5 x 1-bed; 6 x 2-bed; 7 x 3-bed; 2 x 4-bed).
- 2.3 Also proposed is the excavation of a basement. The southern part of the building has a partial lower ground floor which occupies 50% of the building footprint. The basement would be excavated under the existing southern

building. There would be no excavation to the northern building adjacent to number 45 Fitzjohn's Avenue.

- 2.4 The entrance to the buildings would remain from the front of the buildings from Fitzjohn's Avenue.
- 2.5 The proposed cycle and waste storage would be at garden level, accessible by lift from ground level.
- 2.6 Revised drawings have been received raising the proposed floor level at garden and basement levels and reducing the proposed excavation accordingly. There is no excavation beneath the existing cellars and a single basement is proposed below the existing garden only. The extent of the proposed lightwell along Nutley Terrace has been reduced so that the existing horse chestnut tree can be retained.
- 2.7 Six silver birch trees along the side of the tennis court would be removed and replaced with six replacement trees. The trees along the Nutley Terrace boundary would be retained.

3 RELEVANT HISTORY

The site

- 3.1 2017/4654/P - Alterations and extensions to dwellinghouse (Class C3) including replacement side and rear extensions and roof extension for additional floorspace. GRANTED subject to a S106 legal agreement 27/03/2019
- 3.2 2015/3007/P - The use of the property as a single dwellinghouse. Certificate of lawfulness GRANTED 29/09/2015.
- 3.3 2011/0859/P - Use of the building as a residential institutional use (Class C2) Certificate of lawfulness GRANTED 14/04/2011.
- 3.4 PW9702372 - Erection of a roof extension to provide an additional floor to existing three storey rear addition. Refused Planning Permission 19/06/1997.
- 3.5 PW9702334R1 - Erection of a single storey extension to the rear. GRANTED Planning Permission 20/08/1997.
- 3.6 PWX0203100 - Rebuilding of a 114.5m stretch of boundary wall to Nutley Terrace. GRANTED Planning Permission 23/01/2003.

Land at rear of 43-45 Fitzjohn's Avenue:

- 3.7 2012/1692/P and 2012/1814/C - Erection of building comprising basement and ground floor with green roof for use as 3-bedroom single-family dwellinghouse (Class C3) (following demolition of existing garage building). GRANT Planning Permission and Conservation Area Consent subject to s106 Legal Agreement
- 3.8 2010/6824/P (APP/X5210/A/11/2152963) - Additions and alterations including a two storey rear extension at lower ground and ground floor level, two storey glazed infill extension, alterations to both front and rear fenestration and facades to existing residential building that provides a combination of self-contained (Class C3) and non self-contained flats (Sui Generis) and ancillary manager's office. Appeal For Non Determination ALLOWED 12/09/2011
- 3.9 2017/2974/P - Details pursuant to condition 2 (approved plans) of planning permission 2010/6824/P dated 06/01/2011 for: Additions and alterations including a two storey rear extension at lower ground and ground floor level, two storey glazed infill extension, alterations to both front and rear fenestration and facades to existing residential building that provides a combination of self-contained (Class C3) and non self-contained flats (Sui Generis) and ancillary manager's office. Namely, the reduction of the angled rear infill extension between the lower-ground and ground floor and reduction of the depth of the full width extension at upper ground floor extension. Variation of Planning Permission GRANTED 04/09/2017.

4 CONSULTATION SUMMARY

Local groups/stakeholders

4.1 Hampstead CAAC have the following comments:

- The lack of car parking is noted and applauded and should be enforced by the scheme being designated car free. The current vehicle access and front area must be kept free for delivery and emergency vehicles.

Officer response: The scheme will be car free in compliance with policy T2, where no provision for resident parking is made within the development or on the street.

- Object to the provision of the condenser units in the proposed lightwell in terms of noise. The development should be planned to maximise natural ventilation.

Officer response: these will be subject to the Council's strict noise criteria.

- Proposed double basement appears unnecessary and contrary to policy

Officer response: this is discussed in the basement section below

- Insufficient details of boundary treatments
Officer response: there is sufficient information submitted at this stage. A condition will be added requiring further information to be submitted and approved.
- Is the site an overdevelopment?
Officer response: the proposals will bring an underused building back into use and create an additional 20 residential units.
- The site areas, ownership and proposed uses should be clarified
Officer response: the ownership of the site is outlined in the site plan.
- The potential vehicular access to the western site is concerning
Officer response: There would be no vehicular access to the site
- Welcome the separation of the two original buildings which promises reduction in visible scale of the development as well as the later buildings.
Officer response: Noted
- Object to the loss of trees to provide development space. The amount of garden take up is not apparently excessive in terms of currently policy and Draft New London Plan but there are tree losses without replacements proposed.
Officer response: The plans have been revised to limit the number of tree losses. The Council's Tree Officer has reviewed the proposals and considers them acceptable. See Tree section below for further discussion.
- There should be affordable units if the number of units v. proposed floor space allocation so indicates.
Officer response: see affordable housing section below for further discussion.

4.2 Netherhall Neighbourhood Association object to the application and have the following comments:

- Separation of the two original buildings and removal of the later link building which have no visual merit are welcomed.

Officer response: Noted

- Welcomed that there is no proposal for parking. The scheme should be car free with no parking permits assigned to any residence. Concerned that the site plan indicates an access retained from the western part of Southwell House which is not directly referred to in the submission. Vehicular access should not be permitted to the rear garden area from the western part of the Southwell House garden.

Officer response: Noted. There is no vehicular access to the site proposed.

- The scheme excludes half the original garden area of the Southwell House and gives no indication of proposals for the western half which border Maresfield Gardens/Nutley Terrace. It is unclear as to the ownership of the western half. The scheme makes no reference to the existing land or proposals. There is local concern about the effect of cumulative development and development of both halves of the site would have an adverse impact and severely distorts the assessment of the site for any S106 agreement.

Officer response: the applicant does not own the land fronting Maresfield Gardens. The ownership of the site is demonstrated by the red line in paragraph 1.1.

- There is an unacceptable overall loss of green open garden space due to impervious surfaces and hard-landscaped areas for vehicular access. The proposals show the rear of the southern building extending out considerably into the rear garden. There is particular loss of garden space as a result of the double basement level of the sunken hard-surface terrace with 3 descending planting troughs leaving inadequate garden space at the western boundary. The rear of the northern garden is almost completely taken up by tennis court and not useable as a lawn for general leisure use for the residents' enjoyment. The loss of garden space will diminish the character of the Conservation Area. The front garden is almost fully hard landscaped for cars.

Officer response: The tennis court and front parking area have been removed from the proposals. It is considered that there is sufficient garden remaining.

- There are a large number of new dwellings with no provision for affordable housing accommodation. The omission of half the site from the application distorts the assessment that the development cannot financially support affordable housing.

Officer response: the applicant does not own the land fronting Maresfield Gardens. The ownership of the site is demonstrated by the red line in paragraph 1.1.

- The proposals constitute overdevelopment of the site. The increase of 4438sqm almost doubles the size of the already large building. No objection to the architectural approach to the redevelopment which is in keeping with the area but the increase in area and massing is excessive.

Officer response: the proposals will bring an underused building back into use and create an additional 20 residential units.

- The proposals have a double basement at the rear and a single basement at the front which is facilitated by the removal of a large Horse Chestnut tree. The submission does not give sufficient justification for the removal of the tree and does not discuss replacement trees in terms of species or quantities. There are references to the loss of silver birch trees however these should be clearly stated and justified. The close proximity of a tree to the basement terracing would result in the damage of the roots and eventual loss of the tree

Officer response: The plans have been revised to limit the number of tree losses. The Council's Tree Officer has reviewed the proposals and considers them acceptable. See Tree section below for further discussion.

- Object to a double basement

Officer response: this is discussed in the basement section below

- No boundary treatment is shown for the western boundary on the drawings.

Officer response: there is sufficient information submitted at this stage. A condition will be added requiring further information to be submitted and approved.

4.3 Thames Water has no objection to the application but makes the following comments:

- The existing combined water infrastructure is unable to accommodate the needs of the development proposals. Therefore a condition should be added requiring network upgrade work or a housing and infrastructure plan. The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be required in order to avoid sewer flooding and/or potential pollution incidents.

Officer response: it is recommended that a condition is added accordingly

- Thames Water requests the Applicant incorporate within their proposal, the minimum pressure in the design of the proposed development and should aim to have a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date.
- Thames water requires a site drainage strategy that outlines the pre- and post- development points of connection to the public sewer system and peak discharge rates. Thames Water would expect surface water to be attenuated to greenfield run-off rates.

Officer response: this is noted and an informative is added to inform the applicant.

4.4 **Historic England** do not wish to offer any comments and suggest that the Council seeks the views of their own specialist conservation advisers.

4.5 **Network Rail** - no comments received.

Adjoining Occupiers

- Two site notices were displayed from the 27th June 2018 until the 21st July 2018. A press advert was placed on 28th June 2018 in the Ham and High. The application was re-advertised in order to more accurately reflect the description of development. The application was re-advertised on 25th April 2019 in the Ham and High and site notices displayed from 26th April 2019.

First consultation period

- Two responses were received following the first round of consultation - one objection from an unspecified address and one comment from an unspecified property on Maresfield Gardens) with the following replies:
 - The proposals for the redevelopment of the site are showing a 100% increase in the size of the property with a reduction by half of the site area, quadrupling the site coverage and huge additional massing.

Officer response: See design section below for assessment.

- There is a huge loss of green open space with a double basement

Officer response: The plans have been revised to limit the number of tree losses and remove the existing tennis court to create additional soft landscaping. The Council's Tree Officer has reviewed the proposals and considers them acceptable. See Tree section below for further discussion.

- The application does not specify the rear half of the site. We do not know what will happen to the rest of the block fronting Maresfield Gardens and Nutley Terrace. There should be a planning condition that the proposals for the whole block should be considered at the same time and not piecemeal.

Officer response: the applicant does not own the land fronting Maresfield Gardens. The ownership of the site is demonstrated by the red line in paragraph 1.1.

- Concerned about noise/disturbance to residential amenity. Building work in the vicinity has been occurring in evenings and weekends. Request that there is no weekend working site as is in place in Royal Borough of Kensington and Chelsea.

Officer response: The Council has a legal duty to protect residents from the effects of noise (including vibration) and other environmental issues affecting amenity, which could result from construction activity under the Control of Pollution Act 1974, Environmental Protection Act 1990 and Prevention of Damage by Pest Act 1949. The Council will seek the submission of a Construction Management Plan, secured via S106 legal agreement. The CMP will set out the measures that a contractor will take, both on-site and offsite, in order to reasonably minimise the detrimental effects of construction and incorporate mechanisms that overlap with other regulatory regimes (particularly highways and environmental protection).

Second consultation period

- One further response was received from the freeholder of the neighbouring site at 43-45 Fitzjohn's Avenue including 43a Fitzjohn's Avenue. Comments received included:
 - Support for the proposals as the applicant has an excellent track record of restoring and redeveloping period properties to a very high standard with the proposed plans being well thought out.
 - Concerns had been raised about overlooking from the two terraces at the North West corner of the site however the applicant considered these and suggested adding privacy screens to ensure privacy into 43a Fitzjohn's Avenue is maintained.

5 POLICIES & GUIDANCE

5.1 National Planning Policy Framework 2019

5.2 The London Plan 2016

5.3 Draft New London Plan Consolidated Suggested Changes (July 2019)

5.4 Camden Local Plan (2017)

G1 Delivery and location of growth

H2 Maximising the supply of self-contained housing from mixed use schemes

H3 Protecting existing homes

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

A5 Basements

C6 Access for all

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T4 Sustainable movement of goods and materials

CC1 Climate change mitigation

CC3 Water and flooding

CC4 Air quality

CC5 Waste

DM1 Delivery and monitoring

5.5 Supplementary Planning Policies

Camden Planning Guidance

CPG Design (March 2019)

CPG Amenity (March 2018)

CPG Access for all (March 2019)

CPG Basements (March 2018)

CPG Transport (March 2019)

CPG Biodiversity (March 2018)

CPG Water and flooding (March 2019)

Interim CPG housing (March 2018)

CPG Trees (March 2019)

CPG Planning for health and wellbeing (March 2019)

CPG Energy efficiency and adaptation (March 2019)
CPG Developer contributions (March 2019)

Fitzjohn's and Netherhall Conservation Area Appraisal and Management Strategy 2001

ASSESSMENT

The principal considerations material to the determination of this application are considered in the following sections of this report:

6	Principle of the use
7	Affordable housing
8	Housing mix and standard of accommodation
9	Design and Conservation
10	Impact on neighbouring amenity (Amenity)
11	Basement Development (Basement)
12	Air Quality
13	Sustainability and Energy
14	Transport
15	Trees
16	Planning obligations
17	CIL
18	Conclusions
19	Recommendations
20	Legal comments
21	Conditions and informatives

6.0 Principle of the use

- 6.1 A certificate of lawful development was granted in 2015 (ref 2015/3007/P) confirming the lawful use of the building as residential. Planning permission

was granted for extensions to the dwellinghouse in early 2019 (ref 2017/4654/P). The building is currently occupied by guardians however was occupied by a single family until last year.

- 6.2 This application seeks to split the building into two to create a northern building to create a 12 bedroom dwellinghouse and the southern building to create 20 flats. The principle of additional residential floor space is strongly supported as a priority land use under policy H1 of the Camden Local Plan. The Council seeks to maximise the supply of new housing and this building is considered to be underused for its large size. The principle of additional housing on the site therefore complies with policy.

7 Affordable housing

- 7.1 Policy H4 seeks to maximise the supply of affordable housing in the borough and expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The proposal seeks to provide a new unit with the plans indicating an increase of 2,039 sqm GIA. The policy notes that, for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site.
- 7.2 The previous approval on this site (ref 2017/4654/P) did not trigger the requirement for affordable housing in policy H4 as it was one residential unit only. This application creates an additional 20 residential units therefore policy H4 applies.
- 7.3 The sliding scale target, starting at 2% for one home and increasing by 2% for each home added to capacity, is applied to the additional floorspace proposed. The affordable percentage is calculated on the basis that 100m² (GIA) is sufficient 'capacity' for a single home (rounded up or down to the nearest 100 sqm). A financial contribution towards affordable housing would therefore be required on the following basis:
- 7.4 Based on an uplift in GIA of 2,039 sqm the percentage affordable housing target would be 40% (capacity for 20 units (rounded to the nearest 100sqm) so $20 \times 2\% = 40\%$). The proposed uplift in GEA is 2,184sqm. The AH floorspace target, at 40% of the GEA uplift of 2,184sqm, is therefore 873.6sqm GEA.
- 7.5 A financial viability assessment has been submitted as part of the application by HEDC Ltd on behalf of 'the Applicant' that states that the scheme cannot provide any affordable housing contribution either on site, or as a payment in lieu. The assessment has been independently audited by BPS who conclude that while they consider that the benchmark land value has been overstated and consider that there is a smaller deficit than stated by the Applicant, BPS agree that the development cannot viably deliver an affordable housing contribution.
- 7.6 Whilst the scheme cannot provide affordable housing at present BPS recommend that a late stage review mechanism is secured via S106 legal

agreement. This would be secured as a payment in lieu (PIL) which is sought at a rate of £2,650 per sqm of GEA. The full policy compliant financial contribution is therefore 873.6sqm x £2,650 = £2,315,040.00. This is based on measurements taken from the submitted plans and the final financial contribution would be dependent on the PIL figure at the time of agreeing the Section 106 Agreement. This would be a review for a deferred affordable housing contribution (DAHC) at a future date, capped at £2,315,040.00, to test whether the scheme can afford to pay a contribution.

8 Housing mix and standard of accommodation proposed

- 8.1 Policy H7 requires a mix of sizes of homes. The proposed unit mix should broadly accord with the Dwelling Size Priorities Table. The proposed unit mix across the site is as follows:

Unit size	Existing	Proposed	%
One-bed/studio units	0	5	24%
Two-bed units	0	6	29%
Three-bed units	0	7	33%
Four-bed or more units	1	3	14%
Total	1	21	100%

- 8.2 The proposed mix would be appropriate with the largest proportion of units being two-bedroom and three-bedroom units (29% and 33% respectively). The main priority of policy H7 is for two-bed and three-bed units.
- 8.3 The proposed units all meet or exceed the Nationally Described space standards and would provide an appropriate standard of accommodation for future occupiers. All bedrooms in the development would be double bedrooms with a floor area of more than 11.5sqm. Three of the units would be duplex units and the majority of units would be double or triple aspect flats.
- 8.4 Two of the flats are designed to be accessible and sized in accordance with Building Regulations Part M4 (3). Compliance would be secured by condition (condition 20).

9 Design and Conservation

- 9.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed

buildings. Camden's Local Plan is supported by CPG (Design) and the Fitzjohn's and Netherhall Conservation Area Statement.

- 9.2 The existing dwelling is located within the Fitzjohn's/Netherhall Conservation area and the building is highlighted as making a positive contribution to the character and appearance of the conservation area. The council have a duty to preserve the character and appearance of the conservation area. Great weight and importance will be given to any harm caused to the heritage assets.
- 9.3 The overarching legislation governing the consideration of applications for planning consent that affect heritage assets is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering developments that affect a conservation area Section 72 of the Act requires local planning authorities, in considering whether to grant planning permission with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 9.4 The main issues to consider are the impact the built development would have on the character and appearance of the building and the wider conservation area having regard for the recent permission to extend the building (ref: 2017/4654/P) granted subject to s106 legal agreement on 27/03/2019.
- 9.5 The approved 2017 scheme allowed for extensions to the existing dwelling consisting of rear and a roof extension to the main part of the house and a remodelling of the modern (northern) part to make it more in-keeping the traditional form and appearance of the Victorian villas found on Fitzjohn's Avenue. The scheme also demolished and replaced the southern flank extension which ran along Nutley Terrace and replaced it with a more sympathetic extension to the host building. Overall the extant permission for works was considered to enhance the significance of the conservation area. Large scale, often opulent dwellings, form an important part of the character of the affluent area, contributing to the significance of this part of the conservation area, built to house very large family dwellings. The architectural language of the street and scale of the residential properties contribute to the significance and this proposal is considered to preserve this relationship. This application seeks to demolish the link between the northern and southern buildings. It is considered that this will improve the appearance to make two buildings and enhance the character of the streetscene and Conservation Area.
- 9.6 This scheme proposes similar above ground physical external changes to the building as approved under planning application 2017/4654/P with the addition of a further rear ground floor extensions and the excavation of a basement to the southern wing. The external changes were previously approved under the same policy regime and there is no material circumstances which would require a different decision to be made in this instance. Moreover design and scale of the works are similar to those approved at numbers 3, 5, 7 Fitzjohns Avenue (ref 2008/4976/P). The rear elevation of the property, and indeed

creation of lightwells, is less visible from the public realm and there are a variety of extensions and additions to buildings in the area. The changes to the rear façade would not make a notable contribution to the significance of the wider conservation area.

- 9.7 The external changes occur at basement level with the formation of accommodation at lightwells through the excavation beneath the building. The building is of a scale which can easily accommodate the additional floors and the creation of the lightwells would not impact the character of the building and would have no harm to the wider conservation area.
- 9.8 The principal works for this application is the conversion of the southern building to provide 20 residential units. Any harm which may be caused from a design perspective (to be clear none is found) would be outweighed by the creation of multiple residential units. The proposal is considered consistent with the approval 2017/4654/P and it is in compliance with the aims of policies D1 and D2 of the Local Plan. Conditions are recommended requiring detailed drawings to be submitted (condition 4).

10 Amenity

- 10.1 Policies A1 and A4 of the Local Plan seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 10.2 The proposals on the northern side of the site are very similar to that approved under application 2017/4654/P. The majority of differences to the approved scheme affect the southern building which is adjacent to Nutley Terrace and has no surrounding residential occupiers. From the development there would be approximately 40m to the east of No.46 Maresfield Gardens and therefore any detrimental impact in this respect is considered negligible, by virtue of this significant distance.
- 10.3 The most impacted property as a result of the development would be no.43 Fitzjohn's Avenue which features one opening facing the proposed development, however this serves an entrance and is also set beyond and behind the boundary wall; therefore any detrimental impact in this respect is considered limited.
- 10.4 No.45 Fitzjohn's Avenue, has its flank facade 8m to the north of the proposal. This building is subdivided into bedsits with ancillary office accommodation. Windows directly looking south from No.45 Fitzjohn's Avenue towards the site at upper floor level serve ancillary rooms/spaces (laundry rooms and stairwells), whilst windows from habitable spaces primarily have oblique views as they're located within bay windows. In context of the existing relationship and amenity levels currently enjoyed, the proposal would be of no greater detriment than the existing arrangement.

- 10.5 The proposed basement would not cause harm to neighbouring amenity in terms of outlook, privacy or daylight owing to its location beneath ground level and the proximity away from neighbouring properties.
- 10.6 Additional windows and terraces would be introduced to the north elevation with terraces at first and second floor levels and new windows at first and third floor levels. It is recommended that a condition is added requiring that the windows are opaque glazed as these serve a bathrooms or dressing rooms therefore do not require an aspect (condition 23). The windows on number 45 Fitzjohn's Avenue facing the application site serve a stairwell and internal void rather than habitable rooms, and as such would not cause demonstrable harm to neighbouring privacy compared to the existing situation. It is recommended that the terraces on the north façade have privacy screens to protect the amenity of the occupiers of 43 and 45 Fitzjohn's Avenue. Whilst there would be no direct overlooking as a result of the proposals these measures would enable any loss of privacy to be kept to the absolute minimum (condition 22).
- 10.7 The proposals include the installation of a plant roof at garden level of the building and a lift in centre of the southern wing. No specifications of the type of mechanical plant to be installed have been submitted. The nearest neighbouring residential occupiers are at 43 and 45 Fitzjohn's Avenue. The Council would seek to ensure that the proposed plant would not have an adverse impact on the residential occupiers of the proposed building as well as the surrounding area therefore a condition is added requiring full details including an acoustic report should be submitted and approved (condition 17).

11 Basement

- 11.1 Policy A5 states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:
- a. Neighbouring properties;
 - b. The structural, ground, or water conditions of the area;
 - c. The character and amenity of the area;
 - d. The architectural character of the building; and
 - e. The significance of heritage assets.
- 11.2 In determining proposals for basement and other underground development, the Council requires an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment, and where appropriate, a Basement Construction Plan.
- 11.3 The Council requires applicants to demonstrate that proposals for basements:
- a. Do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';

- b. Avoid adversely affecting drainage and run-off or causing other damage to the water environment;
 - c. Avoid cumulative impacts;
 - d. Do not harm the amenity of neighbours;
 - e. Provide satisfactory landscaping, including adequate soil depth;
 - f. Do not harm the appearance or setting of the property or the established character of the surrounding area;
 - g. Protect important archaeological remains; and
 - h. Do not prejudice the ability of the garden to support trees where they are part of the character of the area.
- 11.4 The Council requires evidence of the impact of basement schemes in the form of a Basement Impact Assessment to be carried out by appropriately qualified professionals. Basement Impact Assessments must include geotechnical, structural engineering, and hydrological investigations and modelling to ensure that basement developments do not harm the built and natural environment or local amenity. Basement Impact Assessments must be prepared according to the specifications set out in our supplementary planning document Camden Planning Guidance on basements and the Camden Geological, Hydrogeological and Geological Study (ARUP 2010).
- 11.5 A Site Investigation and Basement Impact Assessment Report was submitted with the application on 3rd May 2018 prepared by RWA London Civil and Structural Engineers (rev E). In accordance with policy A5 of the Camden Local Plan, the BIA was audited by Campbell Reith, a firm of independent, professionally qualified auditors of BIAs, acting on behalf of The Council. Their first audit report concluded that the report was inadequate and significant further information was required to be submitted including the following:
- Confirmation of the qualification of the authors
 - Site investigation report confirming the underlying ground conditions
 - A SUDs assessment (sustainable drainage)
 - A geotechnical interpretation, including retaining wall design parameters.
 - Outline temporary works and permanent structural calculations
 - A Ground Movement assessment
 - Consultations with Network Rail
 - Outline methodology and guidance for monitoring structural movements during construction
- 11.6 The applicant subsequently issued an addendum to the Basement Impact Assessment produced along with a SUDS strategy by LBH Wembley dated December 2018. This was sent to Campbell Reith for their comments.
- 11.7 Campbell Reith issued their final audit report in April 2019. Following the receipt of this additional information, it was confirmed that the basement proposals comply with the requirements of CPG: Basements and policy A5 of the Camden Local Plan. The revised BIA reports include screening, scoping, site investigation and impact assessment stages as required by the CPG.
- 11.8 The qualifications of the authors of the BIA and the addendum to the BIA authors meet the requirements of CPG. The SUDs Strategy report submitted

has been prepared presenting various options for mitigating potential hydrological impacts. The proposed development will result in an increase in garden area because of the proposed removal of the existing tarmac tennis court.

- 11.9 The Ground Movement Assessment (GMA) indicates “Very Slight” damage for the neighbouring building to the north, which is in accordance with CPG. Negligible damage is indicated for the infrastructure in the vicinity.
- 11.10 Following the concerns of Officers about the depth of the proposed basement and comments from the local amenity societies about the “double basement”, revised plans were submitted reducing the overall excavation by 1m. The proposed excavation for the new Basement level is now a maximum of 3.5m below the existing garden - equivalent to 3m plus the 1m step up to the existing cellar visible on site. The new Basement level is only 3.5m below the existing garden level, not 4.5m as originally proposed. This complies with Camden’s requirement for new basements to have a maximum depth of 4metres. The applicant has submitted a drawing comparing the existing and proposed floor levels showing that rather than a double basement, the proposal involves lowering the floor level of the existing lower ground floor, and then excavating a basement below the rear portion of the lower ground floor. Revised drawings have been submitted reducing the size of the lightwell along Nutley Terrace in order to retain the Horse Chestnut tree along Nutley Terrace.
- 11.11 Campbell Reith conclude that the development will have no impact upon the hydrogeological conditions or the slope stability of the site. The BIA reports have been reviewed by a professional with suitable qualifications in accordance with CPG.

12 Air quality Assessment

- 12.1 As the site is in a poor air quality area and the scheme is residential and will introduce new receptors, policy CC4 of the Camden Local Plan expects a detailed Air Quality Assessment (AQA) to be conducted including dispersion modelling. All developments are expected to meet the Mayor’s Air Quality Neutral requirements. The applicant has submitted an air quality assessment (AQA). The report reviews the existing air quality conditions in the vicinity of the proposed development site and the likely air quality impacts resulting from the proposed development.
- 12.2 The AQA was assessed by the Council’s Sustainability Officer who considered that further mitigation measures were needed where air intakes and openable windows may be placed. The revised document shows that a NOx filtration product will be used which is considered appropriate and it is recommended that a condition is added to the decision notice requiring a lifetime system maintenance and further details of air quality monitoring should be submitted and approved (condition 8 and 9).

13 Sustainability and Energy

- 13.1 As this is a major application, an Energy and Sustainability Statement was submitted by the Applicant. This was assessed by the Council's Sustainability Officer who had concerns with the submission in relation to the lack of reporting of energy modelling and CO2 emissions therefore a failure to demonstrate compliance with policies CC1 and CC2. The applicant submitted a BREEAM pre-assessment and revised Energy and Sustainability statement including sustainable design measures.
- 13.2 Although we would secure an energy and a sustainability strategy through a legal agreement, it is also recommended conditions be added to prevent development commencing until further information has been submitted that demonstrates the maximum energy savings and sustainable methods of construction (condition 16).

14 Transport

Cycle parking

- 14.1 For the size of development, the proposal would need to provide at least 35 covered, secure and fully enclosed cycle parking spaces in accordance with Policy T1 of the Local Plan and table 6.3 of the London Plan. The proposal would provide 36 covered, secure and fully enclosed cycle parking spaces within the property. This is welcomed. The bike store is in accordance with the cycle facilities section of CPG Transport. A step-free access route would be available via a lift and it is assumed that the cycle parking would consist of 2-tier racks (34 spaces) and 'Sheffield' stands (2 spaces). The provision and ongoing retention of these facilities should be secured by condition (condition 14).

Car Parking

- 14.2 The proposal will result in the creation of 20 new flats. All 20 new flats would be car-free in accordance with Policy T2 of the Local Plan which would be secured by a S106 legal agreement. Following officer comment, the drawings have been revised and no car parking spaces will be provided on site and the front garden area will be replaced by a soft landscaping scheme. Details and provision of the landscaped area will be secured by conditions (conditions 11 and 12).

Servicing and Refuse/Recycling Collections

- 14.3 The servicing and refuse/recycling collection would take place from Fitzjohn's Avenue as per the existing situation. Appropriate storage space is shown in the garden level of the southern wing.

Construction Management

- 14.4 Policies A1 and T4 of the Local Plan state that Construction Management Plans (CMPs) should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the

construction process. The policies also relate to how development is connected to the highway network. The proposal will generate a significant volume of construction traffic on a day to day basis. The site is located directly adjacent to a pedestrian crossing, on a corner and is also in close proximity to various schools. A construction management plan (CMP) and a CMP implementation support contribution of £7,565 is to be secured to ensure the impacts of development can be mitigated to the satisfaction of the Council. These planning obligations would be secured via a S106 legal agreement.

Highways Maintenance

- 14.5 The proposal is likely to cause significant damage to the public highway directly adjacent to the site during construction. In addition, as the scheme is to be car free two redundant vehicular crossovers would need to be removed and repaved as footway. A highways contribution would therefore need to be secured to allow the Council to undertake these highway works on completion of the development. The highways contribution required has been costed at £9,638. This planning obligation would be secured via a legal agreement.

Pedestrian, Cycling and Environmental Improvements

- 14.6 The development will lead to a significant increase in the number of residents living at the property. This will result in increased trips to and from the site when compared to the existing situation. The Council is currently developing a road safety and traffic improvement scheme for Fitzjohn's Avenue. A Pedestrian, Cycling and Environmental Improvements contribution of £50,000 should be secured towards this scheme. This planning obligation would be secured via a legal agreement.

15 Trees

- 15.1 The applicant has submitted an Arboricultural Impact Assessment. The scheme involves the removal of six category C birch trees (T10-T15). The trees are internal to the site and considered to be of minimal visibility from the public realm. The trees are not considered to be significant to the character of this part of the conservation area. Replacement trees of the same species are proposed to mitigate the loss of visual amenity and canopy cover provided by the trees proposed for removal.
- 15.2 The most significant trees on site, T1- T6; (Norway maple x2, Cherry x2, Holly x1 and Horse chestnut x1) are to be retained and protected from damage throughout development. Trees T1-6 are highly visible from the public realm and significantly contribute to the character of this part of the conservation area and street scene. The application has been revised to remove a light well adjacent to Nutley Terrace that was within the root protection area of T6 (a horse chestnut tree) following tree officer input. This is considered a huge improvement to the scheme and the Council welcomes the retention of the horse chestnut tree. The revised basement footprint does not extend beyond the existing footprint on the Nutley Terrace elevation thus reducing the impact

on T6 to an acceptable level. Pruning of T6 has been included which is recommended irrespective of the development and is considered to be of a minor nature.

- 15.3 There is no excavation proposed within the root protection areas of trees that are to be retained and where the root protection areas are outside of tree protection fencing, ground protection is proposed to minimise soil compaction.
- 15.4 The tree protection plans and arboricultural method statements (demolition and construction phase) are considered sufficient to demonstrate that the on-site trees will be adequately protected. The Council's Arboricultural Officer considers that the tree protection measures, secured by way of condition, would adequately protect the remaining retained trees on site.

16 Open space

- 16.1 Policy A2 of the Local Plan seeks to secure planning obligations to address the additional impact of proposed schemes on public open space taking into account the scale of the proposal, the number of future occupants and the land uses involved. The residential development will lead to an increase demand for and use of public open spaces. For residential development, the Council will seek 9sqm per occupier. Where it is not feasible to deliver the full amount of public open space required, the Council will accept a financial payment in lieu of provision.
- 16.2 The residential capital cost of the Open Space contribution is calculated as follows: 9 sqm x 20 (number of additional dwellings) x 2.28 (average residential occupancy for the Frognal and Fitzjohns ward) x £200 (the total capital cost of providing public open space per sqm) = £82,080. This contribution would be secured by legal agreement.

17 Planning obligations

- 17.1 The following contributions are required to mitigate the impact of the development upon the local area, including on local services. These heads of terms will mitigate any impact of the proposal on the infrastructure of the area.

Contribution	Amount (£)
CMP Implementation Support Contribution	£7,565
Highways contribution	£9,638
Pedestrian, Cycling and Environmental Improvements	£50,000
Affordable housing – review mechanism clause with Deferred Affordable Housing Contribution	£2,315,040.00
Energy	Carbon offsetting contribution (tbc following renewable strategy)
Open space	£82,080

18 CIL

- 18.1 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL). The increase in floorspace for the development is 2,039sqm. The proposal would be liable for $£50 \times 2,039 = £101,950$
- 18.2 The proposal will be liable for the Camden Community Infrastructure Levy (CIL). The site lies in Zone C (Highgate, Hampstead) where CIL is calculated at £500 per square metre of additional GIA floorspace. The applicant will be liable for $£500 \times 2039\text{sqm} = £1,019,500$.

19 CONCLUSION

- 19.1 Overall, the proposed development is considered sympathetic and subordinate to the host building and would preserve the character and appearance of the host building and wider conservation area. The provision of an additional 20 residential units in the Borough is welcomed. The amenity of neighbouring residents would be maintained. The development is considered to comply with policies of the Local Plan subject to the applicant entering into a S106 legal agreement securing, a construction management plan and additional financial contributions.

20 RECOMMENDATIONS

- 20.1 **Planning Permission is recommended subject to conditions and a Section 106 Legal Agreement with the following heads of terms:**
- CMP Implementation Support Contribution
 - Car free
 - Highways contribution
 - Pedestrian, Cycling and Environmental Improvements
 - Affordable housing – review mechanism clause with Deferred Affordable Housing Contribution
 - Sustainability Plan
 - Energy and renewables plan (with carbon offsetting)

21 LEGAL COMMENTS

- 21.1 Members are referred to the note from the Legal Division at the start of the Agenda.

22 Conditions – planning application

1	This development must be begun not later than three years from the date of this permission.
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	Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: (3169_) 001revA, 50revD, 51revE, 52revE, 53revD, 54revB, 55revB, 56revB, 57revA, 60revB, 70., 72revC, 103, 104, 105, 106, 107, DPTPP/39FAL/010 A1, DPTPP/39FAL/010 A2.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>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.</p> <p>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.</p>
4	<p>The rooflights hereby permitted shall be of a traditional conservation type and shall be flush with the roof and not projecting above the roof covering.</p> <p>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.</p>
5	<p>Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:</p> <p>a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.</p> <p>b) Typical details of new railings and balustrades at a scale of 1:10 with finials at 1:1, including method of fixing.</p> <p>c) Samples and manufacturer's details of new facing materials including windows; timber and brickwork. The sample panels of all facing materials should include (but not be limited to) brickwork, clay roof tiles, decorative hung clay tiles to front elevation gable; arched red rubbers, samples of the decorative terracotta detailing including the decorative feature panels to front and side elevations, decorative elements to top the chimney stacks and the varies corning, demonstrating the proposed colour, texture, face-bond and pointing.</p> <p>The relevant part of the works shall then be carried in accordance with the approved details</p> <p>Reason: To safeguard the appearance of the premises and the character of the</p>

	immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.
6	<p>No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.</p> <p>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.</p>
7	<p>Prior to commencement, full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and boiler stacks and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.</p> <p>Reason: To protect the amenity of future occupiers and neighbouring occupiers in accordance with policy A4 of the London Borough of Camden Local Plan 2017.</p>
8	<p>Prior to occupation evidence that an appropriate NO2 filtration system on the mechanical ventilation intake has been installed and a detailed mechanism to secure maintenance of this system should be submitted to the Local Planning Authority and approved in writing.</p> <p>Reason: To protect the amenity of residents in accordance with policy CC4 of the London Borough of Camden Local Plan 2017 and policy 7.14 of the London Plan 2016.</p>
9	<p>Air quality monitoring should be implemented on site. No development shall take place until</p> <ol style="list-style-type: none"> prior to installing monitors, full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance; prior to commencement, evidence has been submitted demonstrating that the monitors have been in place for at least 3 months prior to the proposed implementation date. <p>The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.</p>

	Reason: To protect the amenity of residents in accordance with policy CC4 of the London Borough of Camden Local Plan 2017.
10	<p>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 Plans reference DPTPP/39FAL/010 A1 and DPTPP/39FAL/010 A2.</p> <p>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.</p>
11	<p>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 at least 6 replacement trees, 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.</p> <p>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.</p>
12	<p>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.</p> <p>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.</p>
13	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

	<p>plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).</p> <p>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.</p>
14	<p>Prior to first occupation, the following bicycle parking shall be provided: - secure and covered parking for 36 resident's bicycles All such facilities shall thereafter be retained.</p> <p>Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 and T2 of the London Borough of Camden Local Plan 2017.</p>
15	<p>No properties shall be occupied until confirmation has been submitted to the local planning authority that either: all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Reason: To ensure that the development does not adversely impact on existing waste networks in accordance with the requirements of Policies A1 and CC5 of the London Borough of Camden Local Plan 2017</p>
16	<p>Prior to commencement of development other than site clearance & preparation, details of rainwater recycling proposals should be submitted to the local planning authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.</p> <p>Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local plan Policies</p>
17	<p>Prior to first use of the relevant part of the development, details of plant machinery shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the external noise level emitted from plant/machinery/equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to</p>

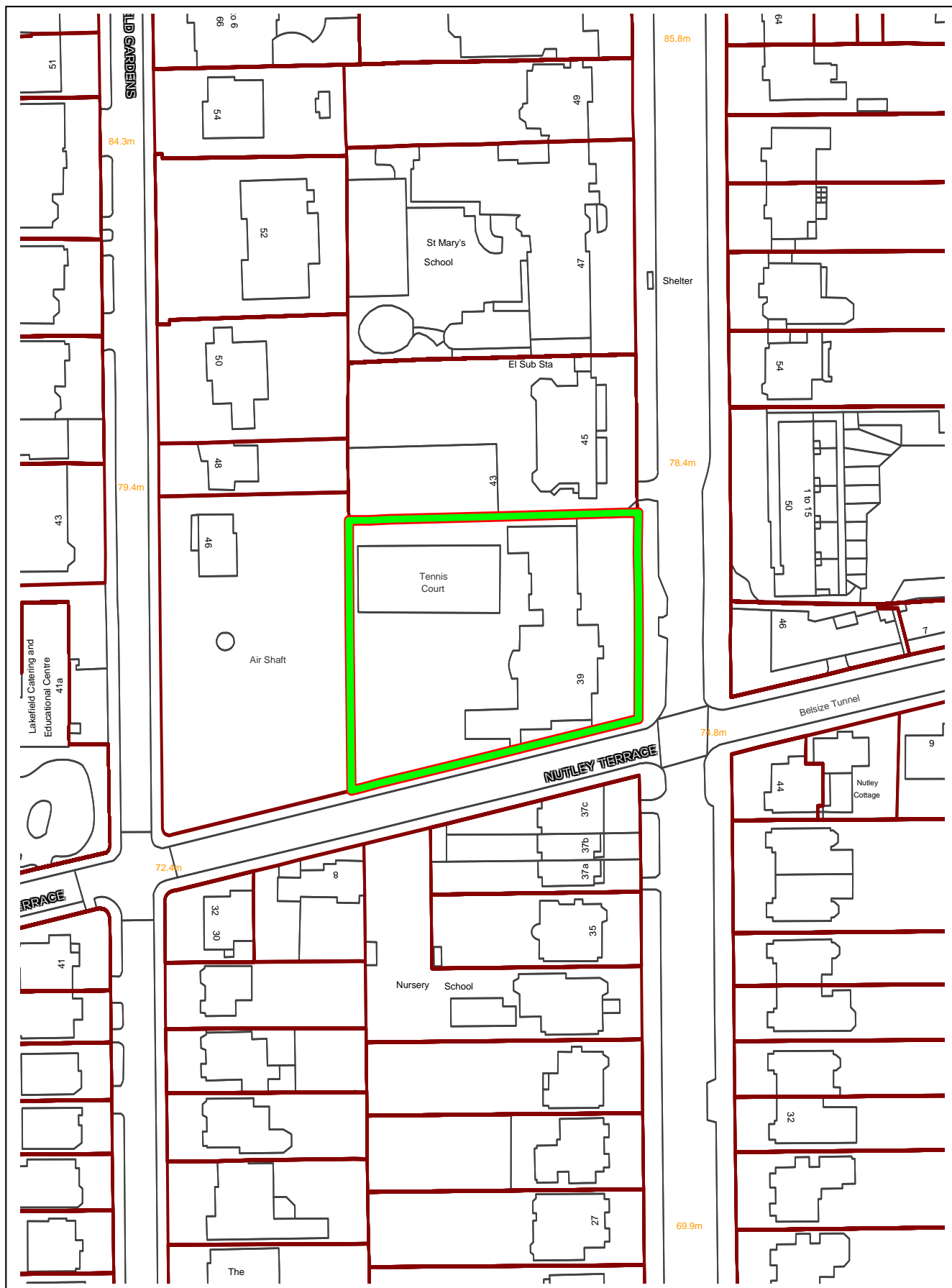
	<p>occupation of the development and thereafter be permanently retained.</p> <p>Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with policy A1 of the London Borough of Camden Local Plan 2017.</p>
18	<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.</p> <p>Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.</p>
19	<p>The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation of each unit, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.</p> <p>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.</p>
20	<p>The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.</p> <p>Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policy A1 of the London Borough of Camden Local Plan 2017.</p>
21	<p>The units indicated as such on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.</p> <p>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</p>

	accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017.
22	<p>A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on terraces at first and second floors on the northern building and third floor of the southern building prior to commencement of use of the roof terraces and shall be permanently retained.</p> <p>Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.</p>
23	<p>The windows shown on the northern façade of the northern building at first floor level, shall be obscurely glazed and shall be permanently retained thereafter.</p> <p>Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.</p>
24	<p>Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.</p> <p>Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local plan Policies.</p>

Informatives

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	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.
4	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.
5	If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. You are advised to demonstrate what measures you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to the Thames Water's Risk Management Team.
6	The site lies near to underground tunnels as a result you are advised to consult with Network Rail prior to any ground works.



Application No: 2018/2415/P

**39 Fitzjohn's Avenue
London, NW3 5JT**

**Scale:
1:1250**

**Date:
26-Jul-19**

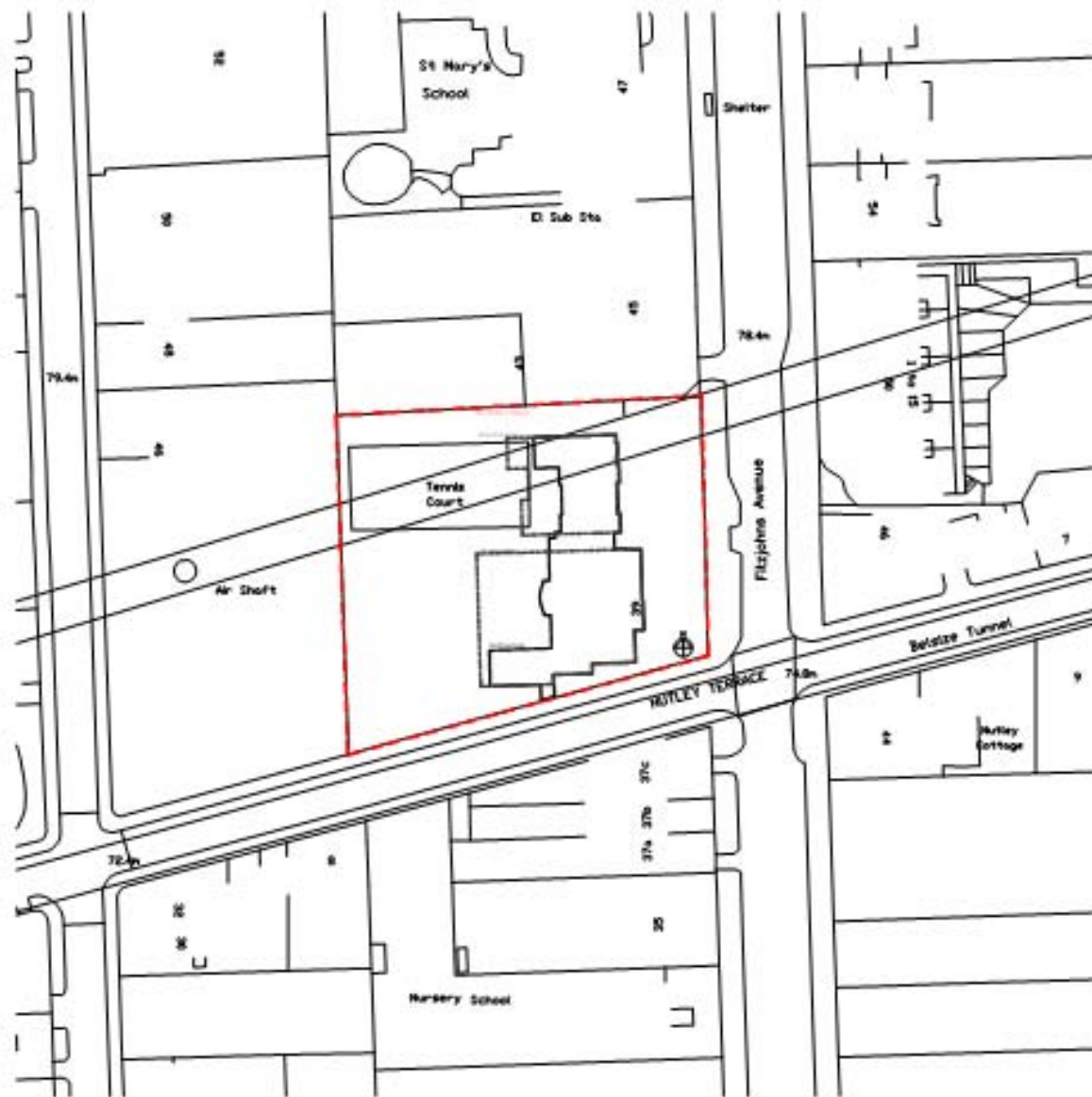


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Planning Committee

- 8 August 2019
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2018/2415/P
39 Fitzjohn's Avenue NW3 5JT

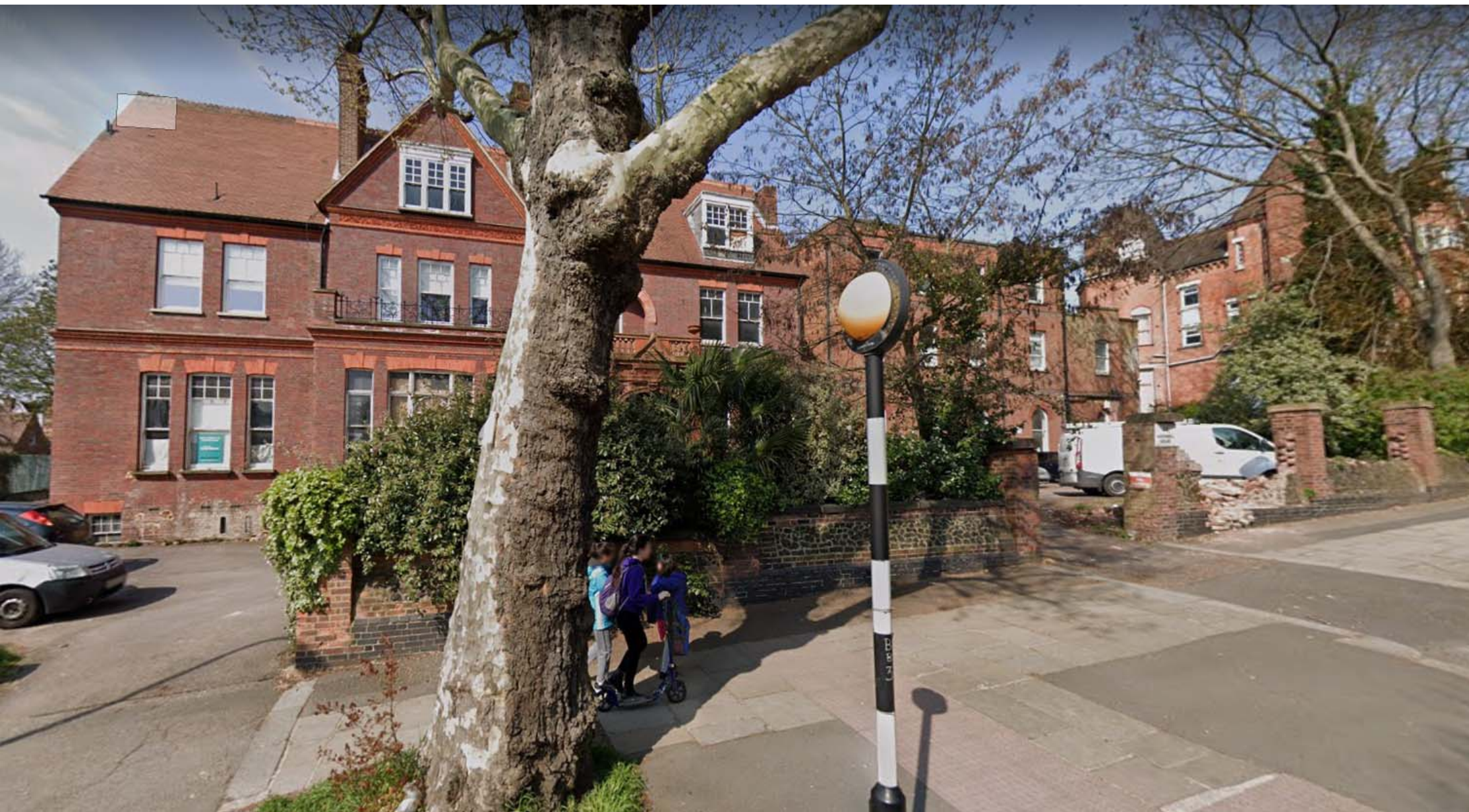





















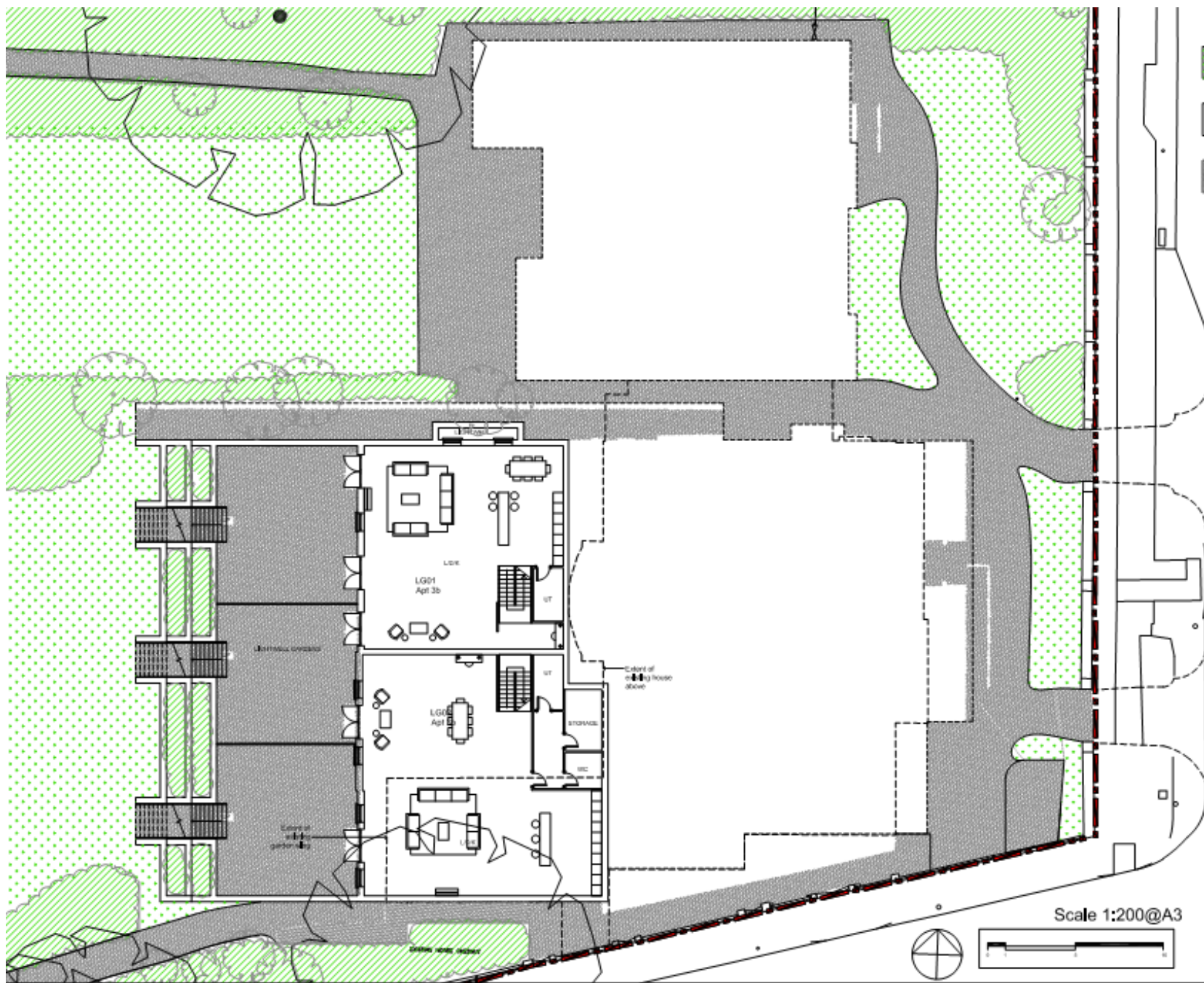
-  EXISTING EXTERNAL + OTHER WALLS + WINDOWS TO BE RETAINED. ALL FEATURES FULLY PROTECTED
-  EXISTING STRUCTURES TO BE DEMOLISHED
-  EXISTING WALLS + INTERNAL CONSTRUCTION TO BE DEMOLISHED + RECONSTRUCTED.

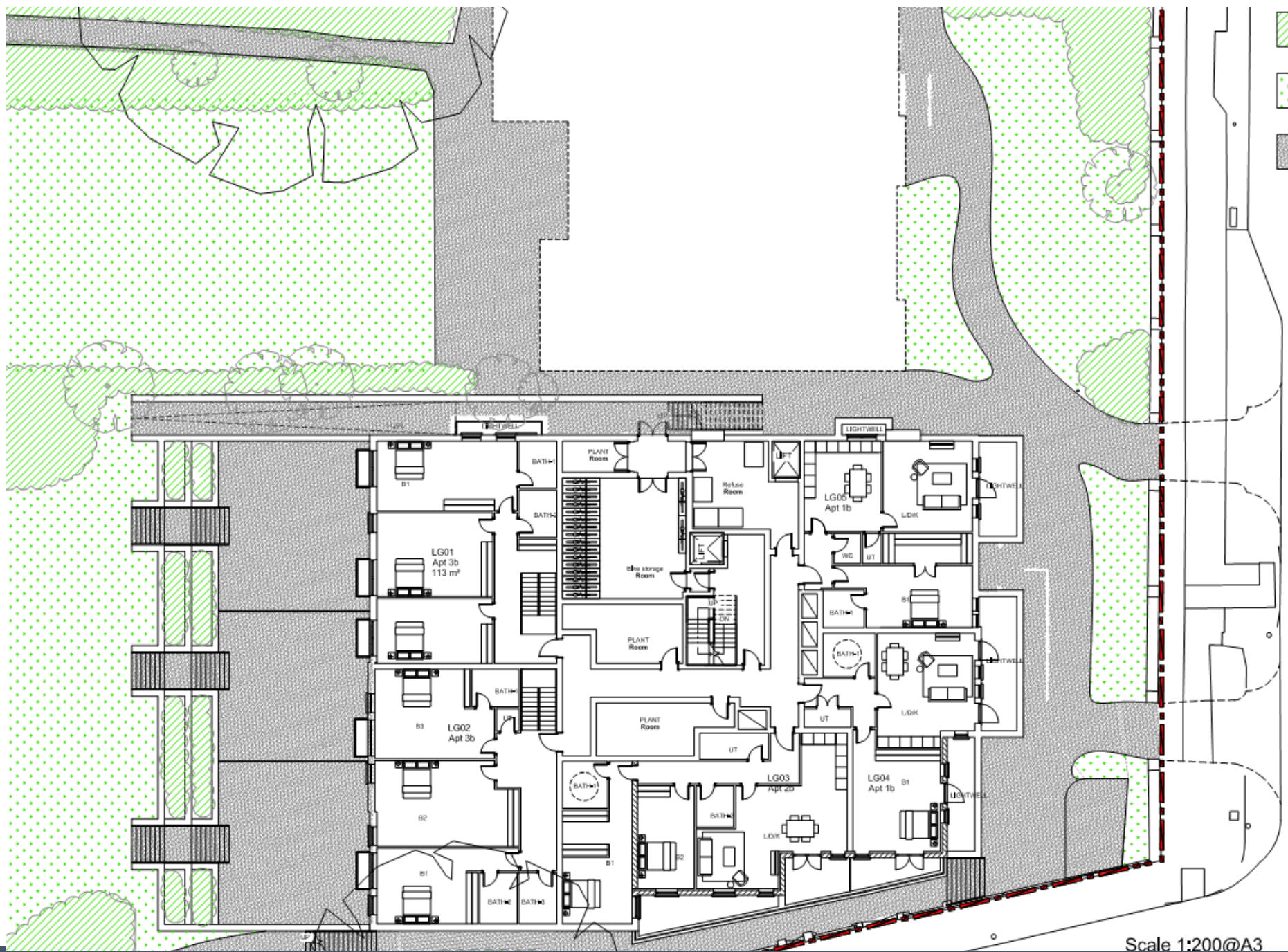


Proposed East street elevation
Scale 1:200@A3

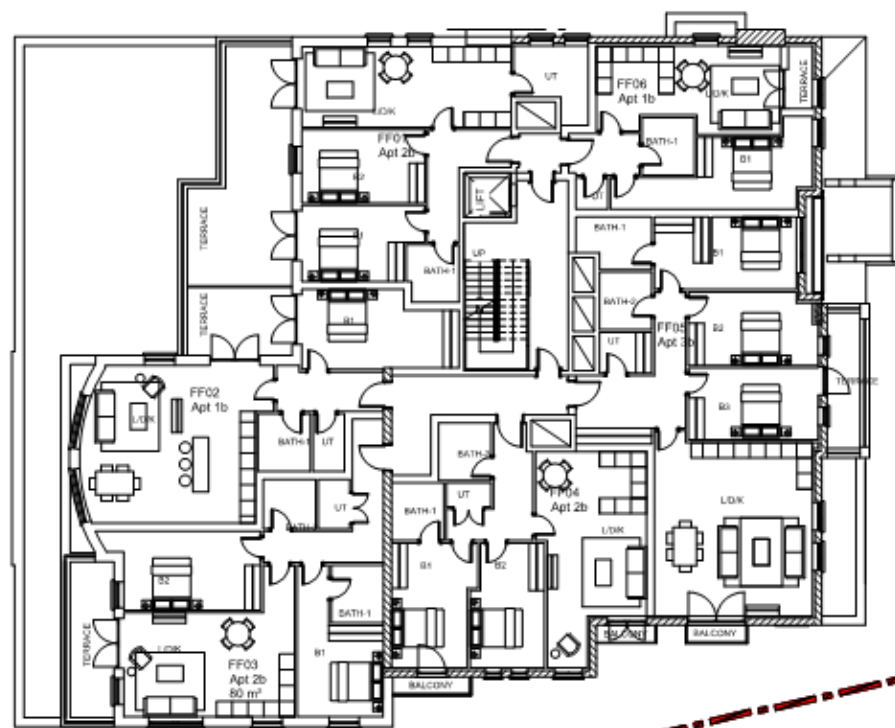
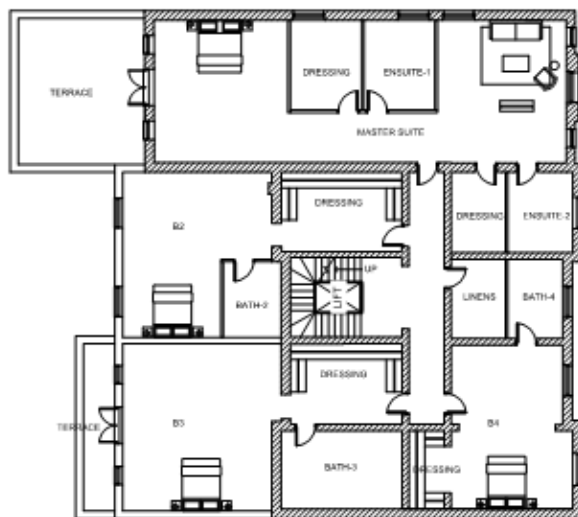


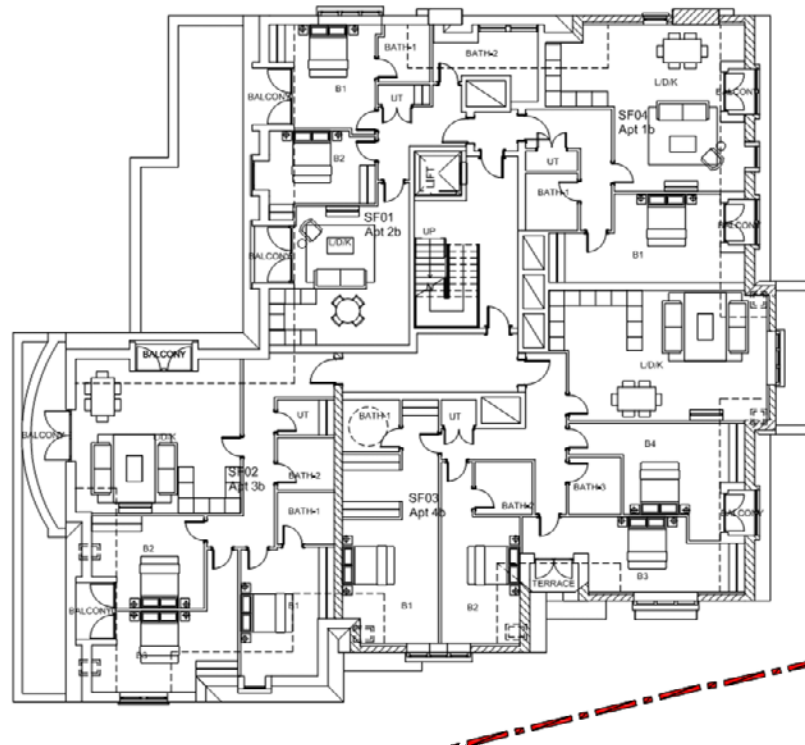
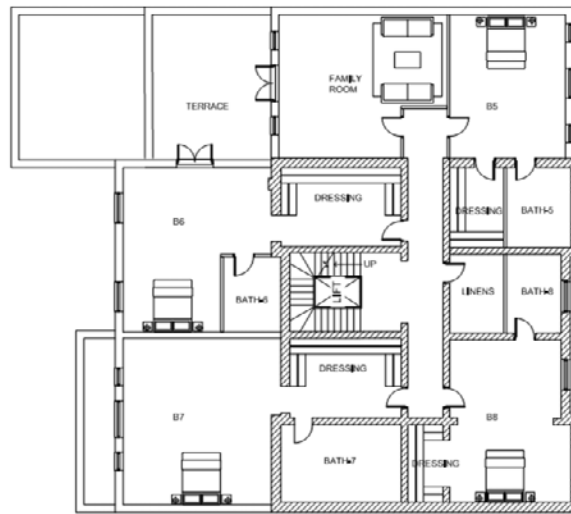
CONSENTED SCHEME ELEVATION
2017/4654/P

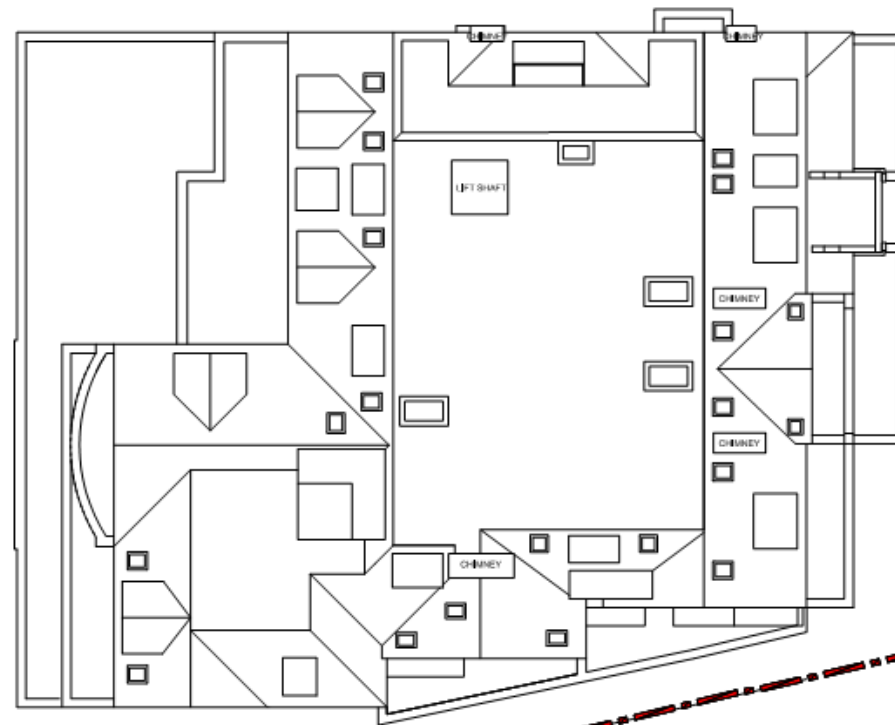












Scale 1:200@A



Proposed South street elevation
Scale 1:200@A3



CONSented SCHEME ELEVATION
2017/4654/P

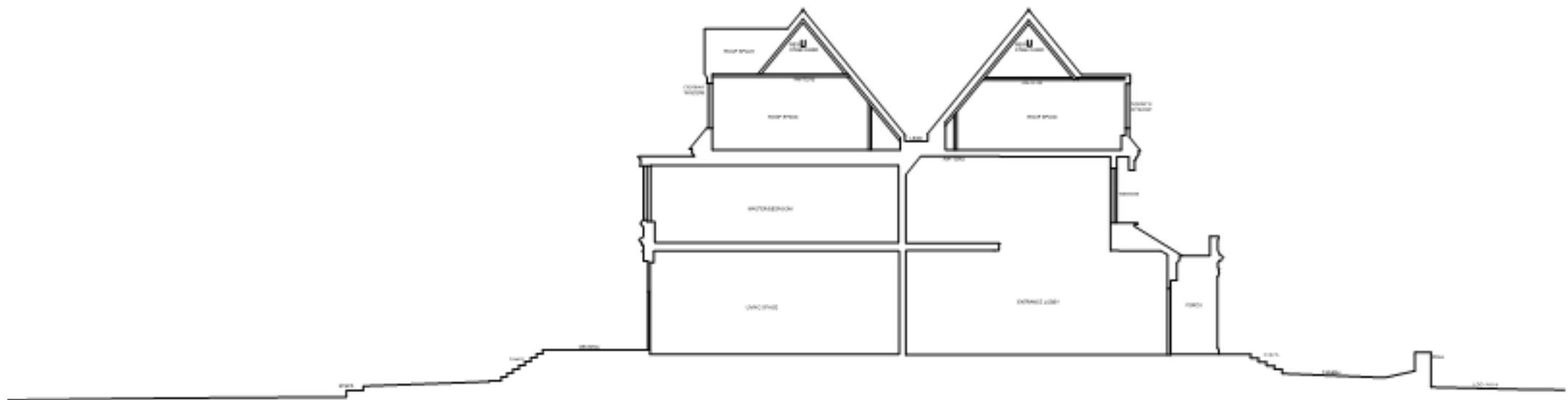
Proposed West street elevation
Scale 1:200@A3





Proposed North street elevation 2
Scale 1:200@A3





Existing Section X-X
Scale 1:200@A3

