

Application ref: 2018/2415/P
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Date: 23 March 2022

Development Management
Regeneration and Planning
London Borough of Camden
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planning@camden.gov.uk

www.camden.gov.uk/planning

Mr Frener
Hillview House
1 Hallswelle Parade
London
NW11 0DL

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

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

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 (revised description)

Drawing Nos: (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.

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 5; RWA London Basement Impact Assessment 3rd May 2018 (rev E); LBH Wembley Addendum to Basement Impact Assessment dated April 2019; LBH Wembley letter dated 6th August 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

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

(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.

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 5; RWA London Basement Impact Assessment 3rd May 2018 (rev E); LBH Wembley Addendum to Basement Impact Assessment dated April 2019; LBH Wembley letter dated 6th August 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

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 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.

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.

- 5 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:
- 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.
 - b) Typical details of new railings and balustrades at a scale of 1:10 with finials at 1:1, including method of fixing.
 - 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.

The relevant part of the works shall then be carried in accordance with the approved details

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 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.

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.

- 7 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.

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.

- 8 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.

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.

- 9 Air quality monitoring should be implemented on site. No development shall take place until
- a. 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;
 - b. 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.

The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.

Reason: To protect the amenity of residents in accordance with policy CC4 of the London Borough of Camden Local Plan 2017.

- 10 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.

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.

- 11 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.

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.

- 12 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.

- 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 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.

- 14 Prior to first occupation, the following bicycle parking shall be provided:
- secure and covered parking for 36 resident's bicycles, as shown on the approved plans.
All such facilities shall thereafter be retained for their designated use.

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.

- 15 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.

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

- 16 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.

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

- 17 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 occupation of the development and thereafter be permanently retained.

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.

- 18 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.

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.

- 19 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.

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.

- 20 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.

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.

- 21 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.

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.

- 22 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.

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.

- 23 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.

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.

- 24 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phases of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

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 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 5 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.
- 6 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.
- 7 The site lies near to underground tunnels as a result you are advised to consult with Network Rail prior to any ground works.
- 8 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.

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 2021.

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 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer