

Address:	39 Fitzjohn's Avenue London NW3 5JT		3
Application Number(s):	2020/2169/P	Officer: Nathaniel Young	
Ward:	Frognaal and Fitzjohn's		
Date Received:	18/05/2020		

Erection of replacement side, rear and roof extensions, excavation of basement and various other alterations associated with conversion of existing dwelling (Class C3) into 35 flats (2x studio, 9x1bed, 20x2bed and 4x3bed).

Background Papers, Supporting Documents and Drawing Numbers:

Existing: 3169_001 Rev A, 3169_003, 3169_004, 3169_005, 3169_006, 3169_007, 3169_010 Rev B, 3169_011 Rev B, 3169_012 Rev B, 3169_013 Rev B

Demolition: 3169_103 Rev A, 3169_104 Rev A, 3169_105 Rev A, 3169_106 Rev A, 3169_107 Rev A

Proposed: 3169_050 Rev P1, 3169_051 Rev P1, 3169_052 Rev P1, 3169_053, 3169_054, 3169_055, 3169_056, 3169_057, 3169_060, 3169_070, 3169_071, 3169_076 ASHP, 3169_080, 3169D-A Statement

Supporting documents:

Planning Statement, Savills, May 2020
Employment and Training Strategy, Savills, July 2020
Transport Statement, Motion, April 2020
Crime Impact Statement, Savills, July 2020
Health Impact Assessment, Savills, May 2020
Daylight and Sunlight, GIA, Letter dated 27.04.2020
Daylight and Sunlight, GIA, Internal Daylight and Sunlight Assessment 27.04.2020
Air Quality Assessment, WYG, May 2020
Updated Air Quality Assessment, Tetra Tech, August 2021 Rev2
Updated to included additional information on energy strategy
Affordable Housing Viability, HEDC, May 2020
Additional Letter To Savills Dated 14 Jan 2021
Tree Plan, DCCLA, June 2020, TP/39FAL/01B
Tree Protection Construction Phase, DCCLA, June 2020, CPTPP/39/FAL010 B2
Arboricultural Method Statement, DCCLA, June 2020
Basement Impact Assessment, RWA London, REV E, May 2018
Addendum to BIA, LBH Wembley Engineering, Ver 1.3, April 2019
Further addendum to BIA, LBHGEO, Ver 1.0 dated March 2020
Energy Statement, DSA Engineering, rev 0.1, May 2021
Sustainability Statement, DSA Engineering, May 2021
BREEAM Pre-Assessment, DSA Engineering, Rev 5, July 2021
Whole Life Cycle Carbon Emissions Assessment, Hodkinson, May 2021

Construction Management Plan Pro-Forma, Version A, 22 July 2020
Surface Water Drainage and Outline SUDs Strategy, LBHGEO, Version 3.1, 20
Sept 2021

**RECOMMENDATION SUMMARY: Grant Conditional Planning Permission
Subject to a Section 106 Legal Agreement**

Applicant:

39 Fitzjohn's Avenue Limited

Agent:

Mr David Whittington
33 Margaret Street
London
W1G0JD

ANALYSIS INFORMATION

Land Use Details:		
	Use Class	Floorspace (GIA sqm)
Existing	Class C3 Residential	1,564sqm
Proposed	Class C3 Residential	2,982sqm

Residential Use Details:						
	Residential Type	No. of Bedrooms per Unit				
		1	2	3	4+	Total
Existing	House	-	-	-	1	1
Proposed	Flat	11	20	4	-	35
	House	-	-	-	-	0

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	2	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.

The planning committee resolved to grant planning permission for application 2018/2415/P in August 2019 for:

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

The S106 Agreement for this application has been signed and the permission granted on 23 March 2022.

This 2018 application ("the 2018 application") is a material consideration as it represents an implementable fallback position.

The planning committee resolved to grant planning permission for application 2017/4654/P in March 2019 for:

Alterations and extensions to dwellinghouse (Class C3) including replacement side and rear extensions and roof extension for additional floorspace.

The S106 Agreement for this application has been signed and the permission granted on 27 March 2019.

This 2017 application is to be referred to as the “the 2017 application” in this report.

The current application now before the planning committee, is one of two applications submitted to the Council on what was previously a single site and the subject of the 2018 application. The separate pending application at the adjacent building No. 39a Fitzjohn’s Avenue is to be considered separately. This is for a single separate dwelling house.

Planning permission is sought to 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 35 car-free residential units.

The provision of additional residential units is welcomed. It would help the Council meet its housing targets which is a priority of the Local Plan 2017. This application increases the number of units which could be provided under the 2018 permission from 20 to 35. This increase (15 units) represents a more efficient use of this brownfield land by the provision of smaller units, but all of which will comply with national minimum space standards. The proposed mix would be appropriate with the majority of units being two-bedroom and three-bedroom units (68.5% of total). The main market priority of policy H7 is for two-bed and three-bed units. Whilst there is a reduction in three and four bed units compared to the 2018 application (this is inevitable in dividing the property differently to secure additional housing), it is not in one of the wards identified in the local plan as having a particular shortage of larger units, and the biggest increase is in the two bed units which can still accommodate family living. The units are to be provided within a built envelope largely the same as that already approved by the Council under application the 2017 application and the 2018 application.

The 2018 application which could be implemented does not provide any affordable housing or upfront payment in lieu, although there is a review mechanism. This application proposes a small upfront payment in lieu of affordable housing, which in this context, is to be welcomed. A review mechanism would still be secured to ensure a deferred payment for affordable housing if the financial situation changes. The submitted viability assessment has been reviewed by the Council’s appointed consultants BPS chartered surveyors who agree with this approach. In line with policy, they have assessed the two adjacent sites together for the purposes of establishing the maximum reasonable level of payment in lieu.

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

On balance, the proposal is considered acceptable on its merits, and an improvement over the 2018 application. This current application reduces the number of larger homes from 9 to 4 which in some locations might be a concern, but this is not in a ward with a low proportion of large dwellings. Furthermore, the proposal would provide an additional 15 homes and an upfront payment towards the provision of affordable housing.

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 the existing northern wing of the existing dwelling house which is the subject of a separate proposal which is to be determined under another application.



- 1.2 Beyond that adjacent application site at No.39a to the north, is 43 and 45 Fitzjohn's Avenue and to the west, at the rear is 46 Maresfield Gardens.
- 1.3 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 Jesuits. The building was later used by the Sowell 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.

- 1.4 The property now has a lawful use as a single residential dwelling (Class C3) since 2011 (see history section below).
- 1.5 In August 2019, this Committee resolved to grant planning permission for the following development (ref: 2018/2415/P) (“the 2018 application”):

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 1x 12bed house

- 1.6 This site covered the entirety of the building that spans No.39 and No.39a as described above, and the permission was granted recently following delays in signing the s106 agreement (due to complications with Network Rail’s interest).
- 1.7 In order to assist the delivery of residential units at this site and in order to provide a more market compatible scheme, the applicant has now split the site above into two separate yet immediate adjacent sites – the Network Rail asset runs under the northern site which is not part of this application.
- 1.8 No 39, which is the subject of this application, is the main body of the existing dwelling house, whilst the site at No.39a is formed by a smaller more subservient northern wing with gardens and a tennis court to the rear. The applications are made by the same applicant.
- 1.9 The sites have been split to enable ease of delivery in terms of addressing matters relating to the Network Rail tunnel and vent shaft to the rear of the sites. Splitting the two sites means that there is greater flexibility in the market to deliver one or both of the sites together.
- 1.10 This does mean however that the LPA must ensure that both sites can come forward either together or separately. They must therefore both be able to co-exist, in planning terms, if one or both come forward.
- 1.11 The building(s) are not statutorily listed but located within the Fitzjohn’s Netherhall Conservation Area whereby it is described in the Conservation Area Statement (and in the current draft conservation area appraisal) 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.
- 1.12 There are underground constraints to the site with a tunnel running underneath part of the site to the north (no.39a) which forms the London Overground City Thameslink line and there is a ventilation shaft for the tunnel to the rear, but outside the application site. The site lies on Claygate beds and there are groundwater flow and land stability constraints.

- 1.13 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.
- 1.14 The site does not include any Maresfield Gardens frontage.
- 1.15 The PTAL rating the site is 6a which indicates an excellent level of public transport accessibility. The site is located approximately 0.7 km from Finchley Road Underground and Train station, 0.8 km from Finchley Road and Frognal Overground station, and 0.8 km from Swiss Cottage Underground Station. Numerous buses run along Fitzjohn's Avenue and Finchley Road (A41).
- 1.16 The surrounding area is primarily residential in character with a number of institutions within the area, including a number of schools. St Mary's School is located to the north of 39 Fitzjohn's Avenue. The area has residential character, albeit located on a principal and busy north-south route within the Borough.

2 THE PROPOSAL

- 2.1 Planning permission is sought to convert and extend the existing building to form a total of 35 flats. The extensions proposed are similar to the 2017 application approved for extensions to the single dwelling house, and more so to the subsequent 2018 application, for similar rearward, side extensions and basement excavations but with some alterations to fenestration.
- 2.2 This application proposes a higher number of smaller (area) flats (35 units, up from 20 units within the 2018 scheme), within a similar built envelope as that already approved under the 2017 application, and the same as the 2018 application. The applicant advises that this is as a consequence of the requirement to provide residential units of a size and scale that more readily responds to the market. There is no significant increase in floorspace proposed at this building compared to the 2018 application, and this application is to provide a more deliverable scheme rather than increased area or floorspace.
- 2.3 The proposals seek to retain the principal elevations to the front and side and the applicant has purposefully followed parameters set by the 2018 20-unit planning application.
- 2.4 Planning permission is also 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 which lies adjacent to the southern boundary which has been removed in part.
- 2.5 The development seeks to provide a total of 35 units within the following mix of units (2x studio, 9x1bed, 20x2bed and 4x3bed).
- 2.6 A total of four wheelchair adaptable flats are to be provided to be compliant with Part M4(3) and these units are identified within the Design and Access Statement.

- 2.7 External amenity space for the units will be provided by a combination of private terraces, balconies, lightwell space and larger more formal private garden areas. The allocation of the amenity space provision is dependent upon the location and orientation of each of the flats, including its vertical position within the development
- 2.8 It is proposed to erect replacement side and rear extensions and dormer roof extensions and refurbish the original facades of the building as per the 2018 application.
- 2.9 Also proposed is the excavation of a basement below this existing rear part of the building, as per the 2018 application.
- 2.10 The existing dwelling house has a partial lower ground floor beneath the main (raised) ground floor) of the building. This opens out to rear garden level. At this rear garden level an extension would project rearwards and link to garden space beyond. Below this level, a new basement level would be excavated under the rear lower ground extension. This level would also include lightwells for private external amenity space for these basement flats. The level of excavation proposed would be very similar to what was previously approved under the 2018 application (no increase horizontal or vertical depth, minor change in footprint width in rear garden). Basement units would continue to meet space standards and receive adequate levels of light and outlook.
- 2.11 In essence therefore there is no excavation beneath the existing cellars (lower garden level) and a single basement is proposed below the existing garden only.
- 2.12 The entrance to the buildings would remain from the front off the main front forecourt in Fitzjohn's Avenue.
- 2.13 The proposed cycle and waste storage would be at garden level, accessed by lift from ground level via a ramp. Visitor cycle parking would be provided within the front forecourt area, along with a holding bay for refuse.
- 2.14 The main refuse and recycling room will be enclosed at lower ground level accessible via lift and the external ramp to street (front forecourt level) and basement levels and reducing the proposed excavation accordingly.
- 2.15 The trees along the Nutley Terrace boundary would be retained.

3 RELEVANT HISTORY

39 & 39A Fitzjohn's Avenue

- 3.1 2020/2172/P - Demolition of 3-storey link block and detachment with 39 Fitzjohn's Avenue and retention as a single family dwellinghouse, various minor external alterations and associated landscaping. Erection of timber refuse and cycle storage shed to rear. Concurrent application – not yet determined.

- 3.2 2018/2415/P (the 2018 application) - 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; GRANTED subject to S106 Agreement 23/03/2022.
- 3.3 2017/4654/P (the 2017 application) - 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.
- 3.4 2015/3007/P - The use of the property as a single dwellinghouse. Certificate of lawfulness GRANTED 29/09/2015.
- 3.5 2011/0859/P - Use of the building as a residential institutional use (Class C2) Certificate of lawfulness GRANTED 14/04/2011.
- 3.6 PW9702372 - Erection of a roof extension to provide an additional floor to existing three storey rear addition. Refused Planning Permission 19/06/1997.
- 3.7 PW9702334R1 - Erection of a single storey extension to the rear. GRANTED Planning Permission 20/08/1997.
- 3.8 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 Thames Water:

Thames Water request that the following condition be added to any planning permission.

"No properties shall be occupied until confirmation has been provided that either:

- 1. Capacity exists off site to serve the development, or*
- 2. A housing and infrastructure phasing plan has been agreed with Thames Water. 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, or*
- 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed."*

Officer response: Conditions will be attached 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.

4.2 Historic England: No comments received.

4.3 Network Rail: Assurance that the basement and its construction will not impact the stability of these tunnels and undermine operational railway safety is required. This must be demonstrated by a ground movement assessment and a full detailed construction method statement to be agreed and approved Network Rail's Asset Protection Team prior to any work being undertaken on site.

Officer response: Conditions will be attached accordingly.

4.4 Belsize Society:

- Air-sourced heating system equipment housing is unsightly.

Officer response: the 2.3m high acoustic enclosure, would be an appropriate location, not in close proximity to residential properties and would resemble a garden outbuilding in scale and is not considered to be an incongruous nor overly dominant structure. It would largely be masked by matures trees and boundary wall which border the site.

- Affordable housing issue is not addressed in the application. BPS will need to review.

Officer response: an affordable housing contribution would be secured and the financial viability information has been appropriately reviewed by BPS chartered surveyors.

- No wildlife survey provided

Officer response: It is not considered necessary that a wildlife survey is produced for a proposal of this nature and scale. The subject application does not span across the whole site (like the previous applications did) – it is restricted to the more immediate curtilage of No. 39. The proposed landscaping plans are considered to be acceptable.

- Rail authorities need to review and approve proposals (due to nearby railway tunnels).

Officer response: Network Rail have reviewed the application and the recommended conditions have been appropriately attached.

- Details of surface water drainage proposals required.

Officer response: Surface water drainage details are included in the SuDS strategy and implementation will be secured by way of condition.

- Boundary walls, gate etc will need to be sympathetic to the area

Officer response: Design details of such features are to be secured by way of condition, such features will be in keeping with the character and appearance of the surrounding area.

Adjoining Occupiers

Three site notices were displayed from the 7th August 2020 until the 31st August 2020. A press advert was placed on 13th August 2020 in the Ham and High.

- Five responses were received (15 Fairfax Place, Flat 1 20 Netherhall Gardens, 17 Belsize Court, 26 Belsize Crescent, and one unknown address) which raised the following issues:

Overdevelopment/ flats not compliant with minimum space standards

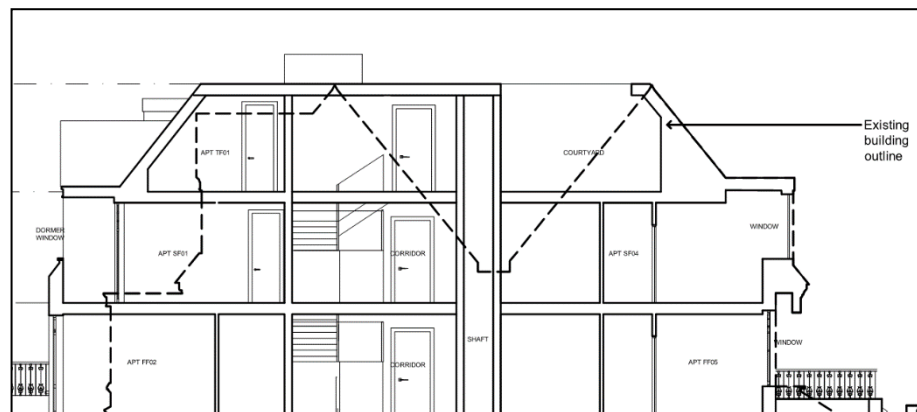
Response: The building envelope is largely the same as what was previously granted in 2019, and in the 2018 application recently granted (2022), and it is considered to sit comfortably within the application site. All flats meet the Nationally Described Space standards as set out within the accompanying planning statement. It is considered to be a more efficient use of the site and provides more much needed self-contained housing of which there is a shortage (priority land use). Increased densities are envisage in areas such as this with excellent transport connections.

Affordable housing weakness

Response: Unlike the 2018 application which did not provide any affordable housing or payment in lieu, this application now proposes an upfront payment in lieu towards affordable housing, which in this context, is to be welcomed. The current proposal results in an increase in new housing in the borough and provides more practically sized units (all of which meet space standards) which enables an affordable housing contribution to be made this time around.

Heights concerns

Response: Proposal is no taller than what was previously approved under the 2017 application, or what was approved in the 2018 application. Proposed flat roof does not appear to be any taller than the existing roof ridge.



Loss of trees

Response: No loss of significant trees is proposed. The trial pit investigation found no significant roots in the area proposed for excavation. The tree protection plan and arboricultural method statement are considered sufficient to demonstrate that that trees to be retained will be adequately protected in accordance with BS5837:2012.

Proximity to underground Railway

Response: All matters relating to Network Rail matters can be adequately controlled by condition as per normal protocols. A ground movement assessment and a full detailed construction method statement (to be agreed and approved Network Rail's Asset Protection Team prior to any work being undertaken on site) is to be required by condition before excavation works begin.

5 POLICIES & GUIDANCE

5.1 National Planning Policy Framework 2021

5.2 National First Homes Policy (Written Ministerial Statement May 2021)

5.3 The London Plan 2021

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 Guidance

CPG Design

CPG Amenity

CPG Access for all

CPG Basements

CPG Transport

CPG Biodiversity

CPG Water and flooding

CPG Housing

CPG Trees
CPG Planning for health and wellbeing
CPG Energy efficiency and adaptation
CPG Developer contributions

Planning Statement on the Intermediate Housing Strategy and First Homes
(March 2022)

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

DRAFT Fitzjohn's/Netherhall Conservation Area Appraisal 2022

London Borough of Camden Housing Delivery Test - Action Plan August 2021

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
11	Basement Development
12	Air Quality
13	Sustainability and Energy
14	Transport
15	Trees
16	Open Space
17	Employment and Training Opportunities
18	Planning Obligations
19	CIL
20	Conclusions

21	Recommendations
22	Legal Comments
23	Conditions and Informatives

6 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 planning committee resolved to grant permission for similar extensions again under application Ref: 2018/2415/P and splitting the building into flats.
- 6.2 This application seeks to split the existing building into two to create a northern building for use as a large single family dwellinghouse (part of a separate application) and the southern building to create 35 flats. The principle of creating additional residential floorspace and residential units is strongly supported as housing is the 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 given its large size. The principle of additional housing on the site therefore complies with policy.
- 6.3 The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area of relevant plan-making authorities introduced by the government. It measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. In 2020, the measurement for Camden was 79% - which means that Camden has to produce an action plan and apply a 20% buffer to our 5-year housing land supply. As such, there is a need to place significant weight on the provision on housing. As no heritage harm has been identified, the 'tilted balance' would now apply (unlike with the previously approved scheme), which places significant weight in favour on granting permission to proposals which involve the provision of housing.

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 new units with the plans indicating an increase of 1,418 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 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).

- 7.3 Based on an uplift in GIA of 1,418 sqm the percentage affordable housing target would be 28% (capacity for 14 units (rounded to the nearest 100sqm). The affordable housing floorspace target is therefore 397.04 sqm, (rounded to 397 sqm). The application does not include the provision of any affordable housing on site.
- 7.4 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 there would be a deficit and that the development cannot viably deliver an affordable housing contribution. Notwithstanding this, the applicant has offered to make a payment in lieu of £280,000 upfront on the basis that they are hopeful that the viability would improve. This is welcomed and would be secured by S106 agreement.
- 7.5 BPS has also recommended (notwithstanding the upfront payment) that a late-stage review mechanism is also secured via S106 legal agreement. This would be secured as a payment in lieu (PIL) which is sought at a rate of £5,000 per sqm of GIA. The full maximum deferred contribution = 397sqm x £5,000 = £1,985,000. 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. The maximum, minus the upfront payment of £280,000 reduces the outstanding deferred contribution to £1,705,000. There would be a late review for a deferred affordable housing contribution (DAHC) at a future date, to test whether the scheme can afford to pay any further contribution and this would be secured by section 106 legal agreement.
- 7.6 The national First Homes policy has now come into effect for developments that trigger an affordable housing contribution. First Homes are a new type of discount housing for sale. National policy indicates that First Homes should form 25% of the affordable housing sought in a development, and that where a payment in lieu (PIL) is sought in place of affordable housing, 25% of the value should be used to deliver First Homes. However, the Council has adopted a Planning Statement on the Intermediate Housing Strategy and First Homes, which indicates that First Homes in Camden would not be affordable to median income residents, and consequently First Homes will not be sought in the borough. Having regard to the national and local policies relating to First Homes, any funds arising from PIL and deferred affordable housing contributions are expected to contribute to the Council's preferred affordable housing types identified by Local Plan Policy H4 and CPG Housing 2021, namely social-affordable and intermediate rented housing.

8 Housing Mix and Standard of Accommodation

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	11	31.4%
Two-bed units	0	20	57.1%
Three-bed units	0	4	11.4%
Four-bed or more units	1	0	0%
Total	1	35	100%

8.2 The proposed mix would be appropriate with the majority of units being two-bedroom and three-bedroom units (68.5% of total). The main market priority of policy H7 is for two-bed and three-bed units. Whilst there is a reduction in three and four bed units compared to the 2018 application (this is inevitable in dividing the property differently to secure additional housing), it is not in one of the wards identified in the local plan as having a particular shortage of larger units, and the biggest increase is in the two bed units which can still accommodate family living.

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. All units would receive adequate levels of light and outlook with the majority being double or triple aspect flats.

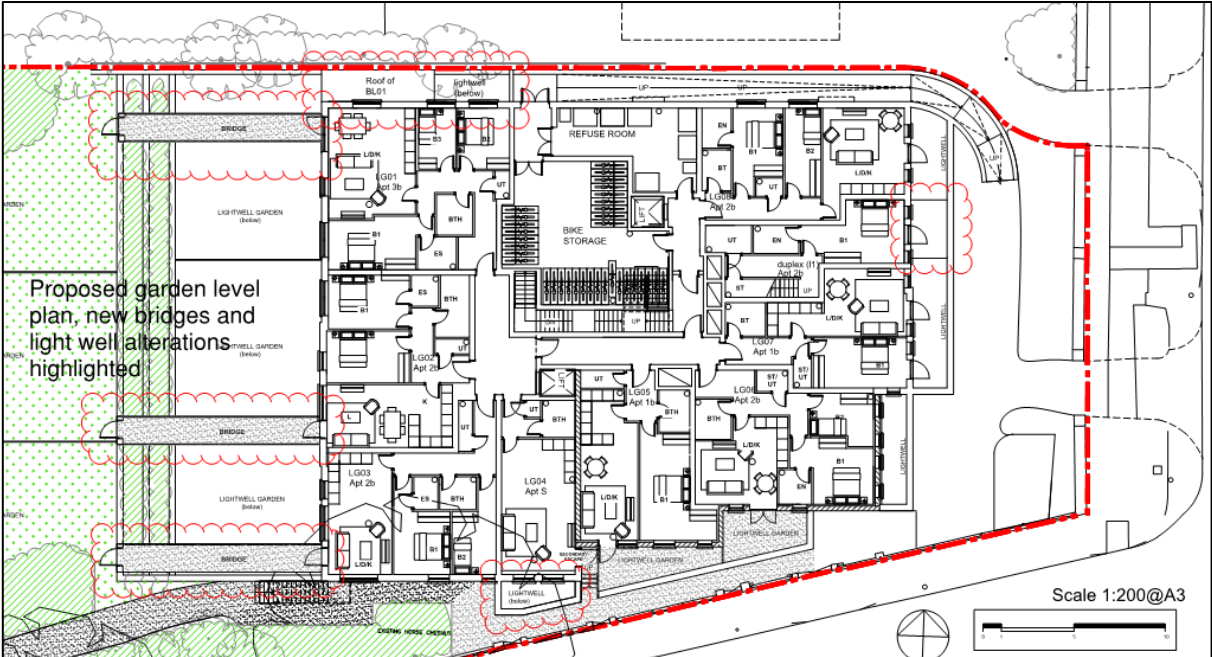
8.4 All residential fats will follow Building Regulations Part M4(2). In addition, 4 no. flats (10%), flats BL01, BL03, GF06 and FF05 are designed as wheelchair adaptable dwellings as Building Regulations part M4(3). Compliance would be secured by condition (condition 16).

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 to the extant permissions.
- 9.5 The footprint of the extended building, No. 39, is identical to the earlier 2018 permission for conversion to 20 apartments (Ref: 2018/2415/P) and has the same relationship to the existing side boundary and to adjacent properties. The only notable above ground changes would be the introduction of a lightwell courtyard within the mass of the roof to provide amenity space to the two top floor flats which cannot be seen from street level and the bridges at the rear that connect the upper ground to the garden space. There are also some relatively minor fenestration changes and basement level lightwell changes, but these are consistent with the character and appearance of the building and the wider area. The subject scheme proposes similar above ground physical external changes to the building as approved under planning application ref: ref: 2018/2415/P. The external changes were previously considered under the same policy regime and there is no material change in circumstances which would require a different decision to be made in this instance.



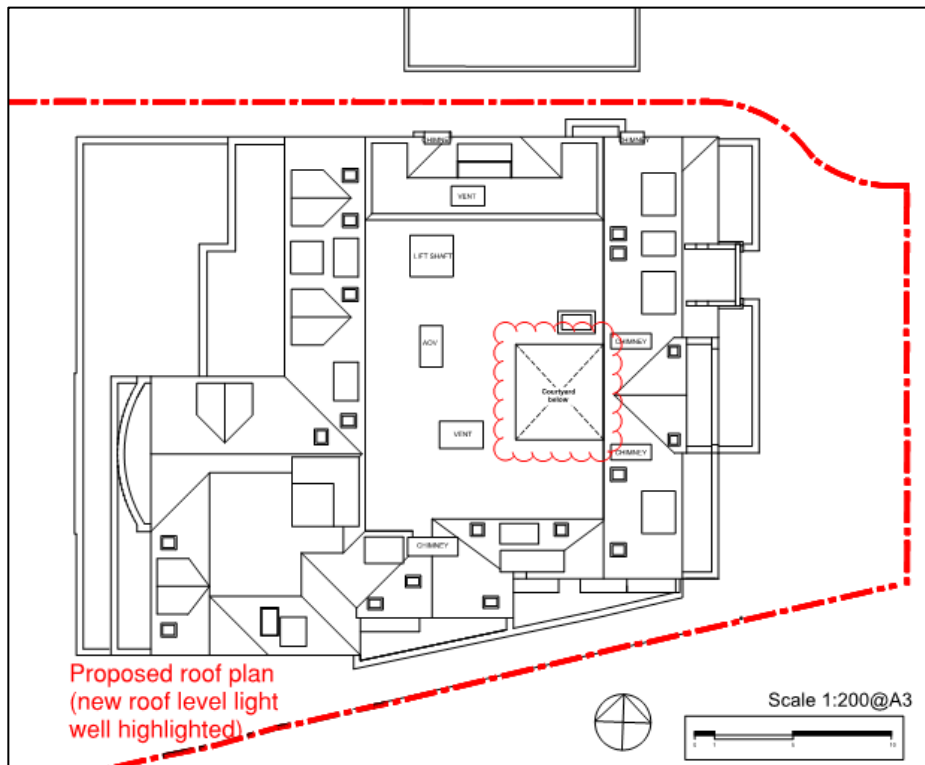


Proposed East street elevation
Scale 1:200@A3

Proposed East Elevation - Fitzjohns Avenue



Previously consented Elevation - Fitzjohns Avenue
(subject to S106 agreement)



Proposed roof plan
(new roof level light well highlighted)

Scale 1:200@A3

9.6 As with the previous 2018 application, 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. If the subject application were to be successful and the concurrent one at No. 39A were not to be then the element of the link block within the red line for No.39 would be demolished, leaving the element of the link block within No39a standing. The party wall would be reinstated to seal up No.39a. This can be done because the red line runs along the party wall which only requires a party wall agreement and would not need to be within the S106 for No.39a. This scenario would also be considered acceptable and would not cause harm to the character and appearance of the conservation area.



9.10 The principal works for this application are the conversion of the building to provide 35 residential units. Any harm which may be caused from a design perspective (and none is found) would be outweighed by the creation of multiple residential units. The proposal is considered consistent with the approval ref: 2018/2415/P and it is in compliance with the aims of policies D1 and D2 of the Local Plan. A condition is recommended requiring detailed drawings of all windows, doors, facing materials, railings, balustrades and decorative features to be submitted to ensure quality of the final build (condition 5).

10 Impact on Neighbouring Residential 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, day light and sunlight.
- 10.2 As previously stated, the footprint of the extended building (No. 39) is identical to the earlier 2018 application for conversion to 20 apartments (ref: 2018/2415/P) and has the same relationship to the existing side boundary and to adjacent properties. Unlike the previous 2018 scheme, the subject application only involves No. 39 (No. 39A is considered in a separate application). As such, there are no nearby residential properties to the proposed development which could be materially detrimentally impacted (all previous potential impacts identified were related to the relationship between No. 39A and Nos. 43 and 45 Fitzjohn's Avenue).
- 10.3 From the development there would be approximately 50m 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. No. 39A would separate the proposal from No.45 Fitzjohn's Avenue, preventing any significant impact to the north of the subject site.
- 10.4 It is not considered that the increased number of units (35) would result in a substantial increase in noise and disturbance beyond what was previously considered acceptable (20). The additional units proposed under the current application introduce more separate outdoor spaces. These will be provided with planting and screening between. All details of screening, planting, obscure glazing and other measures to reduce instances of overlooking and loss of privacy to neighbouring occupiers and occupiers within the proposed development would be secured by condition 24.
- 10.5 The proposal would involve the installation of plant equipment, notably air source heat pumps in the rear garden. These would be housed in their own acoustic enclosure, not in close proximity to any residential properties. A condition is attached (condition 12) which requires the submission of plant equipment details prior to first use of the equipment. It also restricts the external noise level emitted from the plant equipment to 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. Additionally, a post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary.

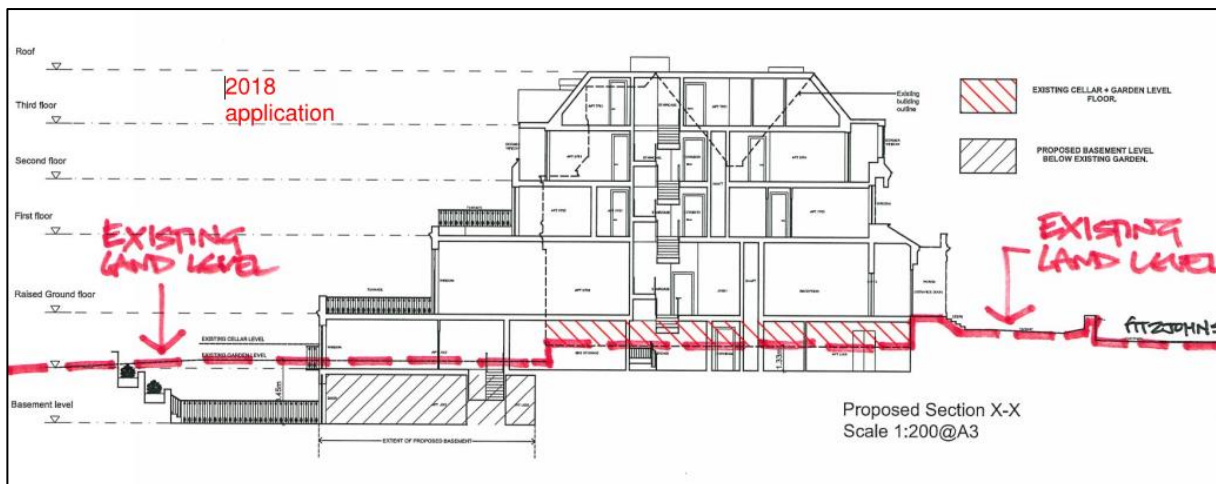
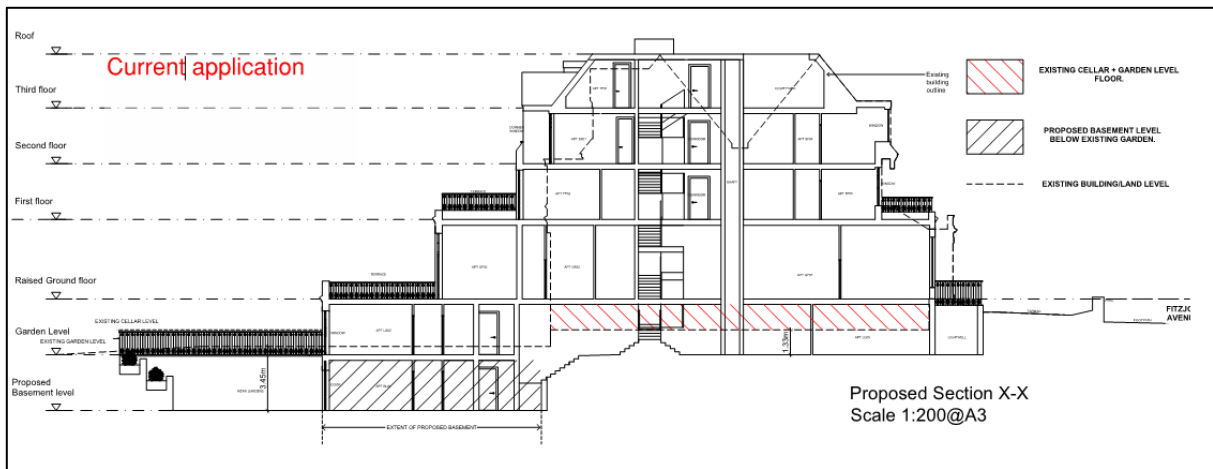
11 Basement Development

- 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 prepared by RWA London Civil and Structural Engineers (rev E) dated May 2018. An addendum to BIA prepared by LBH Wembley Engineering, Ver 1.3 dated April 2019 and a further addendum to BIA prepared by LBHGEO, Ver 1.0 dated March 2020 was also submitted. 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 the following:
- 11.6 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.

- 11.7 The extent of excavation would be similar to the 2018 application (no notable increase in horizontal or vertical depth). The proposal, again, includes excavation of a lower ground floor and deepening of the existing basement. The lower ground floor will extend outside of the existing building footprint to the rear by lowering the existing cellar by 1.33m to approximately match the rear garden level. The deeper basement will be within the rear garden to a new finished floor level 3.45m below the existing rear garden, approximately 4.50m below the existing cellar. Retaining walls are proposed for the construction of light wells. The key difference between the current proposal and the 2018 proposal is that there is a minor increase in the width of the basement as it extends into the rear garden and minor alterations to two side lightwells and one front lightwell.



- 11.8 The previously submitted GI report presents factual and interpretative information. The proposed basement will be founded within London Clay Formation in generally dry conditions.

- 11.9 A SuDS Strategy report has been provided which identifies a number of options to mitigate the risk of flooding, relevant to the latest development proposals. The references in the Addendum BIA should be updated to reflect the latest SuDs Strategy report.
- 11.10 The Ground Movement Assessment (GMA) indicates Burland Category 1 “Very Slight” damage for the neighbouring building to the north, which is in accordance with CPG Basements. Negligible damage is indicated for the infrastructure in the vicinity.
- 11.11 Consultation with Network Rail has been undertaken and the correspondence dated September 2020 identifies the requirements with regard to the existing railway tunnels in the proximity which are to be undertaken and approved prior to any construction work commencing on site.
- 11.12 It is accepted that the development will not impact on the wider hydrology of the area and is not in an area subject to flooding. It is accepted that the development will have no impact upon the hydrogeological conditions or the slope stability of the site.
- 11.13 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. Overall, the basement in terms of form remains largely as it was under the 2018 application, and the addendums to the BIA to bring the assessment up to date with the proposal remaining in line with the development plan. The development 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. This is secured by condition 13. A construction management plan is to be secured through planning obligation to ensure the development is constructed in a way which minimises the impact to neighbouring residents.

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 considers the AQA to be acceptable. The latest energy strategy (May 2021 Energy Statement) is zero onsite emissions for space heating and hot water via ASHPs.

The AQN assessment has calculated neutrality for both building and transport emissions. The facades are predicted via a detailed model to experience NO2 and PM10 concentrations below the long term AQ objectives. No mitigation would be required. The proposal is considered to be acceptable subject to a condition requiring the submission of details of air quality monitoring (condition 7).

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. All main targets are met and exceeded in accordance with Policies CC1 and CC2 of the Camden Local Plan 2017. The BREEAM pre-assessment proposes an overall rating of Excellent 72.92% (Policy target is Excellent 70%). These sustainability measures are to be secured through S106 sustainability plan which are to include:

- Design Stage BREEAM Domestic Refurbishment certificate at Pre-implementation stage
- Post Construction BREEAM Domestic Refurbishment certificate at Pre-occupation stage
- Both should certify performance at each stage in accordance with the approved minimum targets:
 - Overall rating 72.92% ‘Excellent’

BREEAM Rating					
	Credits Available	Credits Achieved	% Credits Achieved	Weighting	Category Score
Management	11	11	100.00%	12.00%	12.00%
Health & Wellbeing	12	8	66.67%	17.00%	11.33%
Energy	29	23	79.31%	43.00%	34.10%
Water	5	3	60.00%	11.00%	6.60%
Materials	48	20	41.67%	8.00%	3.33%
Waste	5	3	60.00%	3.00%	1.80%
Pollution	8	5	62.50%	6.00%	3.75%
Innovation	10	0	0.00%	10.00%	0.00%
Total	128	73	57.03%	110.00%	72.92%

13.2 The development plan expects zero carbon for major development (ten or more units) with at least 35% overall reductions beyond Building Regulations. The targets also include a 10% reduction at the be lean stage (efficiency), and a 20% reduction at the be green stage (renewables).

- New build parts - Overall a minimum 54% CO2 on-site reduction beyond Building Regulations.

- Refurbished parts - Overall minimum 63% CO2 on-site reductions beyond Building Regulations.
- Combined site gives a 60.8% CO2 on-site reduction beyond building regulations in line with the policy requirements.
- Overall, the site achieves a 9.6% reduction at the be lean stage (target 10%), and a 56.7% reduction at the be green stage (target 20%). While there is a minor shortfall in the be lean stage against the 10% target, this is due to challenges around the air tightness as the new build elements connect to an existing building being refurbished. Overall, the proposal exceeds many of the sustainability targets and an offset payment will bring the development to zero carbon in line with policy.
- The offset payment of £31,835 (estimated) will be secured by a s106 legal agreement, along with an Energy Efficiency and Sustainability Plan which will secure a range of measures including those set out above.

13.3 Air source heat pumps (ASHP) and photovoltaic cells are to be installed as part of the development's energy efficiency measures. Conditions (19 & 20) are attached requiring full details of both the ASHP and PV cells, including the installation of meters to monitor their energy output. All renewable energy technologies are to be permanently retained and maintained thereafter.

14 Transport

General

- 14.1 A Transport Statement (TS) has been submitted in support of this application. The application site is located adjacent to Fitzjohn's Avenue at the northwest corner of the road's junction with Nutley Terrace. Fitzjohn's Avenue is a Borough Distributor road. The neighbouring area is predominantly residential in nature, although Hampstead Village is located 600 metres to the north. The site has a PTAL rating of 5 up to 6a (depending on the part of the site), which is considered to be a very good to excellent level of public transport accessibility. The high PTAL rating is largely due to the site being less than 960 metres from two tube stations. It is a sustainable location for additional housing.
- 14.2 Parking on the surrounding road network forms part of a controlled parking zone (CA-B Belsize), restricted between Monday to Friday 09:00 and 18:30 hours and Saturday 09:30 and 13:30 hours, within specified bays.

Cycle Parking

- 14.3 The Transport Statement states that 64 Long Stay cycle parking spaces and 12 Short Stay cycle parking spaces will be provided. These numbers accord with the requirements of London Plan (Intend to Publish, December 2019).
- 14.4 The Long Stay cycle parking is in the 'Garden Level' floor and is accessed by a ramp. The 'Garden Level' floor plan shows 34 spaces. The Design & Access statement says the bikes are stored on Josta 2 tier racks and while this would be acceptable, the type of rack and final details are secured by condition 9.

- 14.5 The Short Stay cycle parking is identified in the front of the building and is acceptable.

Car Parking

- 14.7 The proposal will result in the creation of 35 new flats. All 35 new flats will need to be car-free in accordance with Policy T2 of the Local Plan. This planning obligation would be secured via a legal agreement. All existing car parking spaces within the site will be removed and replaced by a landscaping scheme.

Servicing and Refuse/Recycling Collections

- 14.8 Such activity would take place from Fitzjohn's Avenue as per the existing situation.

Construction Management

- 14.9 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 and is also near various schools. A construction management plan (CMP), a CMP implementation support contribution of £7,565 and a Construction Impact Bond of £15,000 should 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 legal agreement.

Highways Maintenance

- 14.10 The proposal could cause significant damage to the public highway directly adjacent to the site during construction. In addition, a redundant vehicular crossover would need to be removed and repaved as footway in accordance with Transport CPG clause 5.15. A highways contribution would therefore need to be secured to allow the Council to undertake these highway works on completion of the development. This planning obligation would be secured via a legal agreement. Estimate for reinstatement of highway damage. The figure is £15,181.94.

Pedestrian, Cycling and Environmental Improvements

- 14.11 The development will lead to an 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 given the additional impact on the infrastructure as a result of the additional occupiers in the area. This planning obligation would be secured via a legal agreement.

15 Trees

- 15.1 The applicant has submitted an Arboricultural Impact Assessment which is considered to be acceptable (as with the previous scheme). All 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.
- 15.2 The proposal had the potential to impact on Horse Chestnut (T6) where the lightwell will be excavated within its potential RPA. However, further investigations were carried out to confirm the rooting spread from T6. These were undertaken using the Air Spade Methodology and a further assessment of the trenches by the applicant's arboricultural consultant. The investigations found no significant roots in the area proposed for excavation. As such, it is not considered that there would be any significant impact of the scheme on T6. The Council's Arboricultural Officer considers that the tree protection plan and arboricultural method statement are considered sufficient to demonstrate that that trees to be retained will be adequately protected in accordance with BS5837:2012.

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. Although the scheme has a range of amenity space available of occupiers, the nature of the site (a converted private home) means the scope for public open space on site is limited. 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: $9 \text{ sqm} \times 35 \text{ (number of additional dwellings)} \times 2.28 \text{ (average residential occupancy for the Frognal and Fitzjohns ward)} \times \text{£}200 \text{ (the total capital cost of providing public open space per sqm)} = \text{£}143,640$. This contribution would be secured by legal agreement.

17 Employment and Training Opportunities

- 17.1 The Council would expect to secure a strong package of employment and training opportunities through a s106 legal agreement to ensure that local people were able to benefit during the construction phase of the scheme, and from any affordable workspace provided. These include:
- 17.2 Construction phase:
- The applicant should work to CITB benchmarks for local employment when recruiting for construction-related jobs as per section 68 of the Employment sites and business premises CPG

- The applicant should advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely.
- The applicant should provide a specified number (to be agreed) of construction work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's King's Cross Construction Skills Centre, as per section 70 of the Employment sites and business premises CPG
- The build costs of the scheme are estimated at £8.5 million. The applicant must recruit 1 construction apprentice paid at least London Living Wage per £3million of build costs, and pay the council a support fee of £1,700 per apprentice as per section 65 of the Employment sites and business premises CPG (5 apprentices and £8,500 support fee in this instance). Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre. Recruitment of non-construction apprentices should be conducted through the Council's Inclusive Economy team.
- Because the value of the scheme exceeds £1 million, the applicant must also sign up to the Camden Local Procurement Code, as per section 71 of the Employment sites and business premises CPG; and
- The applicant provide a local employment, skills and local supply plan setting out their plan for delivering the above requirements in advance of commencing on site, as per section 63 of the Employment sites and business premises CPG.

18 Planning obligations

- 18.1 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
CMP Impact Bond	£15,000
Highways contribution	£15,181.94 (estimate)
Pedestrian, Cycling and Environmental Improvements	£50,000
Affordable housing payment	£280,000
Affordable housing – review mechanism clause with Deferred Affordable Housing Contribution	£1,705,000 (deferred)
Energy Carbon Offset	£31,835 (estimate)
Open space	£143,640
Apprentice support fee	£8,500

19 CIL

- 19.1 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL). The increase in floorspace for the development is 1,418sqm. The proposal would be liable for £50 x 1,418 = £70,900.
- 19.2 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 x 1418sqm = £709,000.

20 Conclusion

- 20.1 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 35 residential units in the Borough is welcomed. The amenity of neighbouring residents would be maintained. While a reduction in the proportion of family sized units (compared to the previously approved scheme) is unfortunate, the provision of an additional 15 units of self-contained housing (priority land use) and the new offer of an upfront Affordable Housing PIL is considered to outweigh this concern, particularly given the significant weight that officers have placed on the additional homes. The proposal is broadly the same as the 2018 application but with 15 additional units and a partial upfront payment towards affordable housing. The development is considered to comply with policies of the development plan as a whole, subject to conditions and the applicant entering into a S106 legal agreement.

21 Recommendations

- 21.1 Planning Permission is recommended subject to conditions and a Section 106 Legal Agreement with the following heads of terms:
- CMP Implementation Support Contribution
 - CMP Impact Bond
 - Car Free
 - Highways Contribution
 - Pedestrian, Cycling and Environmental Improvements
 - Open space contribution
 - Affordable Housing payment
 - Affordable Housing viability late stage review (review mechanism clause with Deferred Affordable Housing Contribution)
 - Energy and Renewables Plan (with carbon offsetting)
 - New parts – min of 54% CO2 reduction beyond Part L 2013
 - Refurbished parts – min of 63% CO2 reduction beyond Part L 2013
 - Sustainability Plan (BREAMM Excellent rating 72.92%)
 - Carbon off-set payment

- Local Employment and training

22 Legal Comments

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

23 Conditions and Informatives

1	<p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Existing: 3169_001 Rev A, 3169_003, 3169_004, 3169_005, 3169_006, 3169_007, 3169_010 Rev B, 3169_011 Rev B, 3169_012 Rev B, 3169_013 Rev B</p> <p>Demolition: 3169_103 Rev A, 3169_104 Rev A, 3169_105 Rev A, 3169_106 Rev A, 3169_107 Rev A</p> <p>Proposed: 3169_050 Rev P1, 3169_051 Rev P1, 3169_052 Rev P1, 3169_053, 3169_054, 3169_055, 3169_056, 3169_057, 3169_060, 3169_070, 3169_071, 3169_076 ASHP, 3169_080, 3169D-A Statement</p> <p>Supporting documents: Planning Statement, Savills, May 2020 Employment and Training Strategy, Savills, July 2020 Transport Statement, Motion, April 2020 Crime Impact Statement, Savills, July 2020 Health Impact Assessment, Savills, May 2020 Daylight and Sunlight, GIA, Letter dated 27.04.2020 Daylight and Sunlight, GIA, Internal Daylight and Sunlight Assessment 27.04.2020 Air Quality Assessment, WYG, May 2020 Updated Air Quality Assessment, Tetra Tech, August 2021 Rev2 Updated to include additional information on energy strategy Affordable Housing Viability, HEDC, May 2020 Additional Letter To Savills Dated 14 Jan 2021 Tree Plan, DCCLA, June 2020, TP/39FAL/01B Tree Protection Construction Phase, DCCLA, June 2020, CPTPP/39/FAL010 B2 Arboricultural Method Statement, DCCLA, June 2020 Basement Impact Assessment, RWA London, REV E, May 2018 Addendum to BIA, LBH Wembley Engineering, Ver 1.3, April 2019 Further addendum to BIA, LBHGEO, Ver 1.0 dated March 2020</p>

	<p>Energy Statement, DSA Engineering, rev 0.1, May 2021 Sustainability Statement, DSA Engineering, May 2021 BREEAM Pre-Assessment, DSA Engineering, Rev 5, July 2021 Whole Life Cycle Carbon Emissions Assessment, Hodkinson, May 2021 Construction Management Plan Pro-Forma, Version A, 22 July 2020 Surface Water Drainage and Outline SUDs Strategy, LBHGEO, Version 3.1, 20 Sept 2021</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 boundary walls, gates, railings and balustrades at a scale of 1:10 with finials at 1:1, including method of fixing.</p> <p>c) Details of all planting and screening between amenity space, in order to ensure they would appropriately protect residential amenity of future occupiers.</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 corncing, 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>

	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	<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>Air quality monitoring should be implemented on site. No development shall take place until:</p> <ol style="list-style-type: none"> 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. <p>The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.</p> <p>Reason: To protect the amenity of residents in accordance with policy CC4 of the London Borough of Camden Local Plan 2017.</p>
8	<p>The development, hereby approved, shall be carried out in accordance with the Surface Water Drainage and Outline SUDs Strategy, LBHGEO, Version 3.1, 20 Sept 2021. The sustainable urban drainage system shall be implemented as part of the development and thereafter retained and maintained.</p> <p>Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.</p>
9	<p>Prior to first occupation, details of secure and covered parking for 64 resident's bicycles (long stay) and 12 visitor bicycles (short stay) shall be submitted and approved by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and thereafter be permanently 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>
10	<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>
11	<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 2017</p>
12	<p>Prior to first use of the relevant part of the development, details of plant machinery, including air source heat pumps, 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 10dBA, by 15dBA 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. The approved details shall be implemented prior to 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>

13	<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>
14	<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>
15	<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>
16	<p>The following wheelchair adaptable residential units hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations: Flats BL01, BL03, GF06 and FF05.</p> <p>All other residential units hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.</p> <p>Reason: To provide access for disabled people, older people and others with mobility constraints, and ensure the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 and C6 of the London Borough of Camden Local Plan 2017.</p>
17	<p>Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report by David Clarke Chartered Landscape Architect and Consultant Arboriculturist ref: dated June 2020. All trees on the site, or parts of trees growing</p>

	<p>from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturist.</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 Camden Local Plan 2017.</p>
18	<p>Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to a new owner, if applicable), the legal owner(s) of the development should submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk. The owner should use the post construction tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.</p> <p>Reason: To ensure whole life-cycle carbon is calculated and reduced and to demonstrate compliance with Policy SI 2 of the London Plan 2021.</p>
19	<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 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.</p>
20	<p>Prior to commencement of above ground works, details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps 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</p>

	<p>each system, including safe access arrangements, shall be provided. The equipment 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 2017.</p>
21	<p>Prior to first occupation confirmation must be provided to the Local Planning Authority and Thames Water that either:</p> <ol style="list-style-type: none"> 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. 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, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. <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 2017.</p>
22	<p>Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:</p> <ul style="list-style-type: none"> · The type and method of construction of foundations · Any increase/decrease of loading on the tunnel both temporary and permanent. <p>Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.</p> <p>Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.</p> <p>Reason: To safeguard the structural stability of nearby rail infrastructure in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.</p>
23	<p>Other than the areas explicitly identified on the approved drawings as a roof terrace, no part of any other roof of the building shall be used as a roof terrace or other form of open amenity space. Any access out onto this area shall be for maintenance purposes only. The balustrade hereby approved shall be installed prior to the use of the terrace and shall be retained and maintained thereafter.</p> <p>Reason: In order to protect the existing residential amenities of the occupiers of neighbouring properties in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.</p>

24	<p>Prior to the occupation of the development, full details of screening, obscure glazing and other measures to reduce instances of overlooking and loss of privacy to neighbouring occupiers and occupiers within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and permanently maintained thereafter.</p> <p>Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017</p>
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Informatives

1	<p>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).</p>
2	<p>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.</p>
3	<p>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.</p>
4	<p>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.</p>
5	<p>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.</p>

6	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.
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	Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.