

Address:	Land adjacent to 46 Maresfield Gardens & 39a Fitzjohn's Avenue London NW3	1	
Application Number(s):	2024/0728/P		Officer: Daren Zuk
Ward:	Belsize		
Date Received:	22/02/2024		
Proposal:	Development of the land adjacent to 46 Maresfield Gardens including the erection of a five-storey (plus basement floor) building to provide new residential accommodation (Class C3), associated basement excavation, hard and soft landscaping works, boundary treatment works, and other associated works. Substantial demolition and redevelopment of 39a Fitzjohn's Avenue for the provision of residential accommodation (Class C3) including erection of three-storey rear extension, part one-/part two-storey roof extension, associated basement excavation, hard and soft landscaping works, front boundary treatment works, and other associated works.		
<p>Background Papers, Supporting Documents and Drawing Numbers:</p> <p>Existing Drawings: 3169A_002, 3169A_003, 3169A_004, 3169A_005, 3169A_006 rev A, 3169A_007, 3169A_011 rev B, 3169A_012 rev B, 3169A_SKT010</p> <p>Proposed Drawings: 325/4100a, 325/4101a, 325/4200b, 325/4201b, 325/4205, 325/4210e, 325/4211e, 325/4212e, 325/4213e, 325/4214e, 325/4215f, 325/4216d, 325/4250b, 325/4270d, 325/4271d, 325/4310, 325/4311, 325/4470, 3169A_D01, 3169A_D02, 3169A_D03, 3169A_D04, 3169A_200b rev D, 3169A_201b rev D, 3169A_202b rev D, 3169A_203b rev D, 3169A_204b rev D, 3169A_205b rev E, 3169A_211 rev B, 3169A_315 rev B, 3169A_316 rev B, 3169A_317 rev B, 3169A_325 rev C, 3169A_326 rev C, 3169A_350b rev B, 3169A_351b rev B, 3169A_352b rev B, 3169A_353b rev B, 3169A_355 rev A, 3169A_SKT001 rev B, 3031-XX-DR-L-101-PL05, 3031-XX-DR-L-102-PL05, 3031-XX-DR-L-103-PL04, 3031-XX-DR-L-104-PL05, 3031-XX-DR-L-105-PL05, 3031-XX-DR-L-106-PL01, 3031-XX-DR-L-107-PL01, 3031-XX-DR-L-108-PL01, 3031-XX-DR-L-302-PL04, 3031-XX-DR-L-303-PL04, 3031-XX-DR-L-304-PL04, 3031-XX-DR-L-601-PL03, 3031-XX-DR-L-602-PL02, 3031-XX-DR-L-603-PL02, 3031-XX-DR-L-604-PL02,</p> <p>Documents: Design and Access Statement (prepared by Sergison Bates, dated February 2024); Covering Letter (prepared by Montagu Evans, dated 14 February 2024); Planning Statement (prepared by Montagu Evans, dated 14 February 2024); Heritage, Townscape and Assessment (prepared by Montagu Evans, dated February 2024); Financial Viability Assessment (prepared by Quod); Independent Viability Review (prepared by BPS, dated 24 May 2024); Independent Viability Review Addendum Report 1 (prepared by BPS, dated 14 October 2024); Desk-based Archaeology Assessment (prepared by Mills Whipp, dated September 2023); Travel Plan (prepared by Syntegra, dated February 2024); Transport Statement (inc. Delivery and Servicing Plan) (prepared by Syntegra, dated February 2024); Sustainability Statement (prepared by Qoda); Energy Statement for land adjacent to 46 Maresfield Gardens (prepared by Qoda, dated February 2024); Flood Risk Assessment and Drainage Strategy Report for 39a Fitzjohn's Avenue P03 (prepared by Price Myers, dated May 2024); Flood Risk Assessment and Drainage Strategy Report for land adjacent to 46 Maresfield Gardens P05 (prepared by</p>			

Price Myers, dated November 2024); Air Quality Assessment (prepared by Syntegra, dated January 2024); Acoustic Planning Assessment (prepared by RBA, dated 31 January 2024); Pre-Redevelopment Options Review for 39a Fitzjohn's Avenue (prepared by Qoda); Whole Life Carbon Assessment (prepared by Qoda); Structural and Civil Engineering Construction Method Statement Report for 39a Fitzjohn's Avenue (prepared by Price Myers, dated February 2024); Structural and Civil Engineering Construction Method Statement for land adjacent to 46 Maresfield Gardens (prepared by Price Myers, dated February 2024); Statement of Community Involvement (prepared by Cavendish, dated January 2024); Daylight and Sunlight Report (prepared by EB7, dated 31 January 2024); Planning Fire Safety Strategy for 39a Fitzjohn's Avenue (prepared by Bureau Veritas, dated 12 February 2024); Fire Statement (prepared by Bureau Veritas, dated 12 February 2024); Bat Emergence Survey (prepared by Ecology Network, dated February 2024); Preliminary Ecological Appraisal & Preliminary Roost Assessment (prepared by Ecology Network, dated February 2024); Biodiversity Statement (prepared by Ecology Network, dated August 2024); Arboricultural Impact Assessment (prepared by Landmark Trees, dated 14 February 2024); Ground Investigation & Basement Impact Assessment for 39a Fitzjohn's Avenue (prepared by GEA, dated 7 February 2024); Ground Investigation & Basement Impact Assessment for land adjacent to 46 Maresfield Gardens (prepared by GEA, dated 7 February 2024); BIA Audit Letter Response (prepared by GEA, dated 17 June 2024); Outline BIA Structural Calculations (prepared by Price Myers, dated June 2024)

RECOMMENDATION SUMMARY:

Grant conditional planning permission subject to a Section 106 Legal Agreement

Applicant:

39 Fitzjohn's Avenue Limited
 100 Marylebone Road
 London
 NW1 5DX

Agent:

Montagu Evans LLP
 70 St Mary Axe
 London
 EC3A 8BE

ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
C3	Dwellings (flats)	630	4,676	+ 4,046
Total	All uses		4,676	+4,046

Proposed housing mix and tenure						
Tenure	Studio	1 bed	2 bed	3 bed	4+ bed	Total
Market	/	8	17	6	2	33
Total homes	/	8	17	6	2	33

Existing and proposed homes			
Tenure	Existing homes	Proposed homes	Difference in homes
Market homes	1	33	+ 32
Tenure	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
Market homes	630	4,676	+ 4,046
Affordable homes (off-site private flipped to affordable housing)	0	308	+ 308

Parking details			
Car Type	Existing spaces	Proposed spaces	Difference
Car – General	3	3	0
Cycle Type	Existing spaces	Proposed spaces	Difference
Cycle – residential long stay	0	68	+ 68
Cycle – short stay (all uses)	0	4	+ 4

- i) The site comprises an existing three-storey residential building at 39a Fitzjohn's Avenue (known henceforth as '39a FJA') as well as undeveloped land adjacent to 46 Maresfield Gardens. The existing building is not statutorily listed but located within the Fitzjohn's Netherhall Conservation Area.

- ii) The proposal would refurbish and substantially alter the existing building at 39a FJA in addition to erecting a new five-storey (plus basement) building on the land adjacent to 46 Maresfield Gardens (known henceforth as the 'Garden building'), to provide a total of 33 new residential dwellings on the site. Given the emphasis on maximising housing supply in Local Plan Policy H1 and the NPPF, and Camden's current Housing Delivery, the provision of housing on the site is positive and should be given significant weight.
- iii) The scheme will provide a well-designed and sensitive new building on an under-utilised site, while also refurbishing an existing building, opening up the opportunity for additional high-quality housing on the site. The height of the new building is considered appropriate given the setbacks from Maresfield Gardens and Nutley Terrace, the significant retained green screening, as well as not exceeding the height of the neighbouring positive-contributing 39 Fitzjohn's Avenue. The proposal would also have very limited impact on the amenity of neighbouring occupiers.
- iv) The proposals are considered to preserve the character and appearance of the Fitzjohn's Netherhall Conservation Area. In addition, there are a number of public benefits including the delivery of 33 new homes on the site, provision of four off-site affordable homes, landscaping and public realm improvements, and the provision of Community Infrastructure Levy contributions and other financial contributions to be secured through a S.106 legal agreement.
- v) As well as supporting the environmental improvements through car-free development (on-street parking permit free), the proposal also exceeds key energy and carbon reduction targets through a sustainable development. Greening and sustainable drainage measures reduce the risk of flooding in the area while supporting biodiversity. The scheme provides residential growth in an area with good walkability and access to public transport services.
- vi) The scheme complies with the development plan as a whole and is recommended for approval.

OFFICER REPORT

Reason for Referral to Committee:

Major development involving the provision of more than 10 new dwellings (Clause 3(i)) and is subject to the completion of a legal agreement for matters which the Director of Economy, Regeneration and Investment does not have delegated authority (Clause 3(iv)).

1. SITE AND BACKGROUND

Designations

1.1 The following are the most relevant designations or constraints:

Designation	Details
Conservation Area	Fitzjohn's Netherhall
PTAL (Public transport accessibility)	6a
Underground development constraints and considerations	<ul style="list-style-type: none">- Subterranean (groundwater) flow- Slope stability- Claygate beds- 50m buffer to Claygate beds- National Rail Tunnel

Table 1 - Site designations and constraints

Description

1.2 The site is bounded by Fitzjohn's Avenue to the east, Nutley Terrace to the south, and Maresfield Gardens to the west and comprises 39a FJA and the plot of land adjacent to 46 Maresfield Gardens.

1.3 The site is located in the Fitzjohn's Netherhall Conservation Area with 39a FJA not directly mentioned in the Conservation Area Appraisal, thus it is considered to have a neutral contribution. The area is primarily residential, with mostly detached dwellinghouses with generous gardens surrounding the site. Lakefield Hospitality Training College is located to the west of the site on Maresfield Gardens.

1.4 There are underground constraints to the site with a tunnel running underneath which forms the London Overground City Thameslink line. There is also a ventilation shaft for the tunnel located on the northwestern portion of the site.



Figure 1 – Aerial view of the site.

- 1.5 The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent) and is close to Finchley Road Underground Station and Finchley Road & Frognal Overground Station, as well as bus services along Finchley Road.

2. THE PROPOSAL

- 2.1 The proposal is for the erection of a new five-storey building (including basement level) on the land adjacent to 46 Maresfield Gardens (the 'Garden building'), as well as refurbishment and extensions to the existing dwelling at 39a FJA, providing a total of 33 new homes on the site. The proposal also includes significant landscaping works, including tree removal and tree retention as well as new boundary treatments to the Fitzjohn's Avenue, Nutley Terrace, and Maresfield Gardens frontages.
- 2.2 The new homes would provide a mix of 8 x 1-bed, 17 x 2-bed, 6 x 3-bed, and 2 x 4+-bed homes, all with private amenity space. The new homes would also have access to shared outdoor and indoor amenity areas.

3. RELEVANT HISTORY

The site

- 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. **Granted subject to a S.106 legal agreement 22/10/2024, implemented with demolition and site preparation works commenced.**

39 Fitzjohn's Avenue

- 3.2 **2018/2415/P** – 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 (5 x1 bed; 6 x 2 bed; 7 x 3 bed; 2 x4 bed) and 1 x 12 bed house (revised description). **Granted subject to a S.106 legal agreement 23/03/2022, not implemented.**
- 3.3 **2020/2169/P** – 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 (2 x studio, 9 x 1 bed, 20 x 2 bed and 4 x 3 bed). **Granted subject to a S.106 legal agreement 16/11/2022, implemented with demolition and site preparation works commenced.**
- 3.4 **2024/335/P** – Non-material amendment to planning permission 2020/2169/P dated 16/11/2022 for the '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)', NAMELY for changes to the proposed landscape and access plans to align with neighbouring planning permission 2024/0728/P. **To be determined.**

4. CONSULTATION

Statutory Consultees

Lead Local Flood Authority (LLFA – Camden)

- No objections subject to conditions in relation to green roofs, sustainable drainage systems (SUDS), and rainwater harvesting.

Officer response:

The requested conditions would be attached.

Other Consultees

GLAAS

- No comment.

Historic England

- No comment.

HSE Planning Gateway One

- No comment.

Thames Water

- No objections subject to the inclusion of an informative regarding minimum pressure to future customers.

Network Rail

- No objections subject to the implementation of a surface water drainage strategy.

TfL (Transport)

- Proposed cycle provision is in line with London Plan requirements in policy T5.
- At least 5% of all spaces should be capable of accommodating a larger cycle in line with the London Cycling Design Standards.
- The development should be car-free.

Officer response:

Details of the proposed cycle provision, which shall include at least 5% of spaces capable of accommodating larger cycles, will be secured by condition. Although the existing three on-site parking spaces at 39a FJA will be retained (no net increase), all 33 new homes (both 39a FJA and the Garden building) will be secured as on-street parking permit free by means of the S.106 agreement.

Local Groups

Fitzjohn's Netherhall CAAC

- 4.1 *The Fitzjohn's Netherhall CAAC was consulted but did not provide a response.*

Netherhall Neighbourhood Association

- 4.2 The Netherhall Neighbourhood Association provided a response. The key issues raised are:

Expiry Period

- Concerns were raised regarding the statutory three-week consultation period and that not enough time is given for documents to be reviewed by affected parties.

Officer response: The Local Planning Authority (LPA) has no control over when an application is submitted, nor does it have any legislative authority to extend consultation periods past the required 21 days. It is required to process applications in accordance with legislation which sets out the procedure to be followed. In addition, there was an extension to the formal consultation period following re-consultation to address the red line error. This gave interested parties a total of over three months to respond.

Nonetheless, all representation received to date have been taken into account in accordance with the requirements of the Statement of Community Involvement (2024).

Piecemeal Proposals

- Concerns were raised that the landscaping works to neighbouring 39 Fitzjohn's Avenue would be covered under a separate application and should be included under the current application.

Officer response: The subject site and neighbouring site at No.39 are under separate red line boundaries and can be considered separately. However, the planning permission Ref: 2020/2169/P for No.39 has now been partially implemented and all conditions, including those relating to landscaping must be complied with in full. Amendments to consented schemes are covered under amendment applications under S96A or S73 and cannot be varied under new applications which are for neighbouring properties.

Planning Notice

- Concerns were raised regarding the site notice as it was originally displayed, which included 39 Fitzjohn's Avenue.

Officer response: The original site notice included neighbouring 39 Fitzjohn's Avenue within the red line in error. A new site notice was posted with the correct red line boundary, and consultation period restarted.

Adjoining Occupiers

- 4.3 Three site notices in total were displayed, one each along Fitzjohn's Avenue, Nutley Terrace, and Maresfield Gardens. The notices were displayed on 15/03/2024 until 08/04/2024 and again from 31/05/2024 until 24/06/2024 (with updated red line boundary). The application was also advertised in the Ham & High from 21/03/2024 (expired 14/04/2024).
- 4.4 Objections were received from at least five (5) local households. The objections received by the Council are on the Council's website. The key issues raised are.

Principle of Development

- Height of proposed buildings is excessive for the area.
- Additional floorspace of 50,000sqft is considered overdevelopment.
- Combined developments of 39 and 39a FJA and the new Garden building are too much for the area.

Officer response: Please see Section 7 (Land Use) for assessment of the principle of development. The height of the proposed Garden building is

considered appropriate for the location and context and will not be taller than neighbouring no.39 Fitzjohn's Avenue. The site is considered a suitable location for the addition of new residential accommodation and has been sensitively integrated into the garden context to minimise impact on the immediate area.

New Housing

- The housing provided does not meet Council needs.
- No affordable housing provided on site.
- Prices of new flats would be prohibitive, especially without on-site parking.

Officer response: Please see Section 8 (Affordable Housing and Viability) for assessment of the housing need.

Design and Heritage

- Design of the building doesn't fit the historic context.
- Removal of trees would have a negative impact on the character of the area.

Officer response: Please see Section 12 (Design) for assessment of the design of the proposals.

Trees and Open Space

- More green space should be retained as part of the development.
- Concerns regarding the feasibility of retaining trees along the Nutley Terrace and Maresfield Gardens.

Officer response: Please see Section 18 (Trees, Biodiversity, BNG) for assessment of impact on trees.

5. **POLICY**

National and regional policy and guidance

National Planning Policy Framework 2024 (NPPF)
National Planning Practice Guidance (NPPG)
London Plan 2021 (LP)
London Plan Guidance (LPG)

Local policy and guidance

Camden Local Plan (2017) (CLP)

Policy G1 Delivery and location of growth
Policy H1 Maximising housing supply
Policy H4 Maximising the supply of affordable housing
Policy H6 Housing choice and mix
Policy H7 Large and small homes
Policy A1 Managing the impact of development

Policy A2 Open Space
Policy A3 Biodiversity
Policy A4 Noise and vibration
Policy A5 Basements
Policy D1 Design
Policy D2 Heritage
Policy CC1 Climate change mitigation
Policy CC2 Adapting to climate change
Policy CC3 Water and flooding
Policy CC4 Air quality
Policy CC5 Waste
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development
Policy DM1 Delivery and monitoring

Camden Site Allocations 2013

The site is not allocated in the current site allocation or the draft local plan referenced below.

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

Air Quality - January 2021
Basements - January 2021
Biodiversity CPG - March 2018
Design - January 2021
Developer Contribution CPG - March 2019
Energy efficiency and adaptation - January 2021
Housing - January 2021
Transport - January 2021
Trees CPG - March 2019
Water and flooding CPG - March 2019

Other guidance:

Planning Statement - Intermediate Housing Strategy and First Homes (2022)
Fitzjohn's Netherhall Conservation Area Character Appraisal & Management Plan (2022)

Draft Camden Local Plan

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

6. ASSESSMENT

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

7	LAND USE
8	AFFORDABLE HOUSING AND VIABILITY
9	HOUSING MIX
10	QUALITY OF HOUSING
11	IMPACT ON NEIGHBOURING AMENITY
12	DESIGN
13	HERITAGE
14	BASEMENTS
15	WASTE & RECYCLING
15	SUSTAINABILITY AND ENERGY
16	TRANSPORT
17	PUBLIC OPEN SPACE
18	TREES, BIODIVERSITY, BNG
20	COMMUNITY INFRASTRUCTURE LEVY (CIL)
21	CONCLUSION
22	RECOMMENDATION
23	LEGAL COMMENTS
24	CONDITIONS
25	INFORMATIVES

7. LAND USE

Proposed New Housing

7.1 Self-contained housing is regarded as the priority land use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of underused land and buildings. As such, the erection of a new residential building and refurbishment of an existing building to provide new self-contained residential dwellings in a highly sustainable and existing residential neighbourhood is compliant with policy H1.

- 7.2 The Housing Delivery Test (HDT) is an annual measurement of housing completions introduced by the government. It measures net additional dwellings provided against the homes required over the last 3 years. The government's most recently published figure is for 2022, when the government's measurement for Camden was 69% - which means that Camden's development plan policies are treated as being out-of-date in relation to housing proposals, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.
- 7.3 London Plan Policy H1 and Table 4.1, set a 10-year housing target for Camden of 10,380 additional homes from 2019/20 to 2028/29, so 1038 a year.
- 7.4 The proposed uplift of 32 new dwellings (33 total) within a sustainable and existing residential location would contribute towards the strategic objectives of the CLP and contribute to the borough's housing, which must be given significant weight.

8. AFFORDABLE HOUSING AND VIABILITY

Affordable housing requirements

- 8.1 Camden Local Plan policy H4 and the Housing CPG seek provision of affordable housing. Where the uplift in residential floorspace has the capacity for 10 or more new homes (assuming 100sqm per home on average), the council expects affordable housing to be provided on site, subject to viability. Should viability or practicability issues mean affordable homes cannot be provided on site, then a cascade approach is triggered requiring that the applicant first explore provision off-site, then a payment in lieu.
- 8.2 The scheme provides 4,676sqm of residential floorspace which equates to capacity for 47 homes (4,676/100sqm home), meaning the policy expects on site provision in this case, unless this is unviable.
- 8.3 Policy H4 sets out a 50% target for affordable housing in terms of floorspace for developments with a capacity of 25 homes or more. This means a floorspace target of 2,338sqm of affordable housing (50% of 4,676sqm).
- 8.4 Whilst Officers explored options for on-site affordable housing at the site, such as within the refurbished building at 39a FJA, the policy makes clear, as does the NPPF, that affordable housing provision should be dependent on the viability of the scheme. In this case, the applicant has demonstrated that it is not financially viable to provide affordable housing.

Viability

- 8.5 The following sets out a summary of the viability position, as advised by BPS who are the Council's independent viability consultants.

Viability summary	BPS Values
Affordable housing floorspace (%)	0%
Benchmark Land Value (BLV)	£6,635,000
Gross development value (GDV)	£50,196,465 (+£150,000 remaining parking)
Construction Costs	£24,874,070
Developer Profit (% of GDV)	17.5%
Surplus for affordable housing	-£1,739,063

Table 2 – Viability Summary

- 8.6 There are still several points of disagreement between BPS and Quod (the applicant's viability consultant). However, BPS have advised that based on their assumptions the scheme would still result in a notable deficit as detailed above, meaning it cannot be expected to contribute to affordable housing provision.
- 8.7 The applicant's position remains that the scheme is around £13.4 million in deficit, or around £3.6 million excluding a 20% target profit. The BPS position is that this is unrealistic, and BPS identify a smaller but still significant £1.7 million deficit instead. There are also notable gaps in the Benchmark Land Value (BLV) – Quod's £8,250,000 to BPS's £6,635,000 - and the profit target – Quod's 20% to BPS's 17.5%.
- 8.8 Despite the disagreements on many of the inputs and values, BPS have acknowledged that the scheme is clearly in deficit and cannot contribute to affordable housing. Furthermore, additional financial contributions from the scheme have been identified since the BPS review and these costs would increase the deficit even further.
- 8.9 Despite agreement that the scheme is in deficit and cannot provide affordable housing, the applicant has nonetheless agreed to provide off-site affordable homes, acknowledging the significant need for affordable homes in the borough and to weigh in the schemes favour in the planning balance. These would be in the form of four, two-bedroom four-person homes for social-affordable rent at a site the applicant owns on Liddell Road, West Hampstead. The site, which was approved on 31/03/2015 under 2014/7651/P, has been constructed and is partially occupied, and is located 1.6km west from the subject site.

- 8.10 The applicant has advised that the four homes, which are currently unoccupied market homes within the development, will be flipped to affordable and taken on by Innisfree Housing Association who already own and operate other affordable homes in the Liddell Road development.
- 8.11 The S.106 Agreement will secure the four flats as London Affordable Rented Housing (social-affordable rent) at an early stage in the development, meaning rapid delivery of the affordable housing prior to any of the market housing on the main development site. The S.106 Agreement will also secure that the affordable housing obligations will remain in effect, i.e. these four off-site homes will be delivered, regardless of (i) any changes in viability and (ii) any subsequent amendments to the planning permission for this site.
- 8.12 The floorspace of the four off-site affordable homes is 308 sqm NIA, which represents around 365 sqm GIA. This represents 8% of the total GIA on the main development site. Although far less than the 50% policy target, the provision of four high-demand affordable homes close to the site is considered a positive offer, especially when considering the viability position.
- 8.13 When affordable housing provision is not viable, as in this case, the council would normally just require a late-stage review mechanism to see if the council can secure a Deferred Affordable Housing Contribution (DAHC) once the actual values and costs of the scheme are known. In this case, the applicant is offering to provide off-site housing, despite the viability position, which weighs in favour of the scheme. Despite the off-site offer of four affordable homes, BPS have advised that a late-stage viability review should still be secured given the shortfall compared to the policy target. This means the council can seek a DAHC which would be assessed under a late-stage review mechanism secured by s106 legal agreement. Any contribution secured as part of this review would be payable in addition to the provision of the four off-site flats secured in the S.106 Agreement.
- 8.14 Late-stage review mechanisms normally use the BPS or agreed figures for key inputs like the BLV and profit target. However, in this case notable differences remain as discussed above. Notwithstanding these differences, given the offer of the off-site affordable housing which would allow fast delivery of affordable homes at the most affordable rents, officers and BPS recommend accepting the applicant's BLV and target profit because a deferred contribution is unlikely once the off-site delivery is factored in. The review mechanism will require our preferred BPS BLV and target profit values to be used for further viability review making a deferred contribution more likely than if the applicant's figures were used. The DAHC is not certain, and the ability to secure it will depend on viability improving, for example, because construction costs fall, or development values increase. If the viability improves when real inputs (like the actual costs and values of the scheme) are used, and a surplus is then identified, 60% of that surplus will

be paid to the council, with 40% retained by the developer as an incentive to improve the viability, in line with the Housing CPG.

- 8.15 The national policy for 25% of affordable housing as First Homes no longer applies. Delivery of First Homes can, however, continue where local planning authorities judge that they meet local need. The Council has adopted a Planning Statement on the Intermediate Housing Strategy and First Homes, which indicates that some affordable housing tenures, including First Homes, would not be affordable to median income residents in Camden, and consequently First Homes and other unaffordable tenures will not be sought in the borough. Any homes delivered as part of the proposal, whether on site, off-site, or through 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.

9. HOUSING MIX

- 9.1 Policy H7 seeks a mix of large and small homes in each development (where large homes are defined as those with 3 bedrooms or more) and expects developments to contribute to the priorities set out in the Dwelling Size Priorities Table.

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

Table 3 - Dwelling Size Priorities (Local Plan Table 1)

- 9.2 The CLP priorities table above shows the higher priorities for **Market homes** are for 2 and 3-bed homes. More than half of the new homes proposed in the scheme are 2 and 3-bed homes (69%), with the remainder being 1-bed and 4+-bed homes. The market home mix is set out in the table below, showing a balanced mix that contributes to the LP priorities.

Home size	Number proposed	Proportion of homes
1-bed	8	24%
2-bed	17	52%
3-bed	6	18%
4-bed (and over)	2	6%
Total	33	100%

Table 4 - Dwelling mix summary for market homes

9.3 Overall, the scheme provides a balanced mix of homes, suitable to the location and making a contribution to the identified needs in the development plan, in accordance with CLP policy H7. The provision of 4no. 2 bedroom off-site affordable homes also complies with the policy in terms of tenure and size.

10. QUALITY OF PROPOSED HOUSING

10.1 CLP policy H6 is about housing choice and mix, and it aims to minimise social polarisation and create mixed, inclusive, and sustainable communities, by seeking high quality accessible homes and a variety of housing suitable for Camden's existing and future households.

10.2 In line with LP policy D6 and CLP policies H6 and D1, housing should be high quality and provide adequately sized homes and rooms and maximise the provision of dual aspect dwellings. CLP policy A2 encourages opportunities to provide private amenity space which is reflected in a requirement to provide amenity space in LP policy D6. CLP policy A1 seeks to protect the amenity of occupiers in relation to several factors, including privacy, outlook, light, and noise. CLP policy A4 says suitable noise and vibration measures should be incorporated in new noise sensitive development.

10.3 LP policy D5 says development should provide the highest standard of accessible and inclusive design, which allows them to be to be used safely, easily and with dignity by all, also reflected in CLP policies D1, H6, and C6.

Design and layout

10.4 Part of the design-led approach to delivering effective high-density housing is about ensuring the development does not compromise the size and layout of homes, ensuring high quality homes across the scheme. CLP policy H6 confirms that new residential development should conform to the Nationally Described Space Standards, and this is reflected in LP policy D6 which sets the same minimum space standards in Table 3.1 of the London Plan 2021. The relevant excerpt from the table is reproduced below.

Type of dwelling		Minimum gross internal floor areas* and storage (square metres)			
Number of bedrooms (b)	Number of bed spaces (persons(p))	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *	N/A	N/A	1
	2p	50	58	N/A	1.5
2b	3p	61	70	N/A	2
	4p	70	79	N/A	2
3b	4p	74	84	90	2.5
	5p	86	93	99	2.5
	6p	95	102	108	2.5

Table 5 - Minimum internal space standards (London Plan Table 3.1, Policy D6)

- 10.5 All of the new homes in the scheme meet or exceed the minimum standards. The new homes would have good floor to ceiling heights and good room sizes. They are well laid out with simple and rational plan forms. All homes in both 39a FJA and the Garden building also feature private balconies, terraces, or gardens.
- 10.6 CLP policy A2 states developments should seek opportunities for providing private amenity space, and LP policy D6 says that 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. All of the balconies and terraces meet the minimum space requirements, and ensure a good depth and width in line with LP policy requirements.
- 10.7 The 29 homes in the Garden building have their own secure front doors which will be served by residential cores with one staircase and one lift. The cores provide access to a secure lobby leading to the street, communal amenity space, as well as cycle storage. The basement level cycle storage also has a separate external entrance with staircase for more direct access. Communal internal amenity space is also located within the Garden building at ground floor level allowing shared space for residents which can be used flexibly. The four homes in 39a FJA also feature their own secure front doors, either directly front the front garden or through a shared entrance. The homes will also have access to the shared internal amenity space in the Garden building.
- 10.8 LP policy D6 says the number of dual aspect homes should be optimised. The policy does however support a design-led approach where single aspect homes are considered a more appropriate design solution to meet the requirements of Policy D3 - Optimising site capacity through the design-led

approach. It can be acceptable where it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

10.9 All 33 of the proposed homes would be dual or triple aspect, and are considered to receive adequate passive ventilation, daylight/sunlight and privacy, and avoid overheating.

10.10 Overall, the proposed homes and amenity space comply with policy and would result in a high-quality development and provision for future occupiers.

Noise and vibration

10.11 At roof level, new plant facilities (ASHPs) are proposed to serve each of the new homes in the Garden building, whereas plant facilities for the new homes in 39a FJA are located within enclosures in the rear basement lightwells. A Noise Impact Assessment was submitted indicating that, with the provision of mitigation measures such as acoustic enclosures to be secured by condition, the noise emitted from the units would be within the requirements of Policy A4. The proposals have been reviewed by the Council's Environmental Health Officer who deem them to be acceptable.

10.12 Noise from plant within and on top of buildings would be conditioned in terms of noise levels, and there would be a requirement for anti-vibration mounts.

10.13 The dwellings will be constructed to a high standard that would ensure that the occupiers are not unduly impacted by noise from inside the block, or outside the building, in accordance with the development plan.

Daylight and Sunlight

Methodology

10.14 The internal daylight/sunlight report applies the relevant BRE guidelines to the proposed homes. The leading industry guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The development plan supports the use of the BRE guidance for assessment purposes, however, it should not be applied rigidly and should be used to make a balanced judgement.

10.15 Paragraph 130(c) of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site if the resulting scheme would provide acceptable living standards.

10.16 Given the floor plans and layout of the new homes, each would be provided with multiple windows and from different perspectives. It is clear from the floor plans that all of the homes, due to their size and number of windows,

would easily comply with BRE guidelines and provide a good level of daylight/sunlight and a full daylight study is not required in this instance.

Accessible Homes

- 10.17 The flats have been designed to a high standard of accessible and inclusive design, and CLP policy H6 requires 90% of new-build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair homes). The Garden building provides level access to each of the floors as well as communal and outdoor areas, while two of the new homes in 39a FJA also feature level access.
- 10.18 The proposed homes have been designed to accommodate 10% as M4(3) of the Building Regulations, with the remaining 90% meeting M4(2). The M4(3) standard refers collectively to "Wheelchair User Dwellings". This includes Wheelchair Adaptable Dwellings under M4(3)(2)(a) (ones which can be easily adapted for a wheelchair user), and Wheelchair Accessible Dwellings under M4(3)(2)(b) (ones which are fully adapted for a wheelchair user when constructed).
- 10.19 A condition would be attached to secure the provision of the accessible and wheelchair dwellings.

Conclusion

- 10.20 The proposed homes are considered acceptable in terms of aspect, outlook, noise, light, and amenity space and would provide an acceptable level of amenity. They would provide accessible homes for all, including provision of wheelchair homes, allowing the buildings to house an inclusive community that can use them safely, easily and with dignity.

11. IMPACT ON NEIGHBOURING AMENITY

- 11.1 CLP policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. Impact from construction works are also relevant but dealt with in the 'Transport' section. The thrust of the policies is that the quality of life of current and occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

Daylight and sunlight

- 11.2 A Daylight and Sunlight Report has been submitted as part of the application which details the impact on light to neighbouring properties.
- 11.3 The leading industry guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The

development plan supports the use of the BRE guidance for assessment purposes, however, it should not be applied rigidly and should be used to quantify and understand impact when making a balanced judgement.

- 11.4 Paragraph 130(c) of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards.

Methodology

- 11.5 The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several metrics in its assessment of surrounding buildings which are described in the BRE guidance:

- **Vertical Sky Component (VSC)** – The daylight on the surface of a window. A measure of the amount of sky visible at the centre of a window.
- *The BRE considers daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (a reduction of more than 20%) its former value.*
- **No Sky Line (NSL)**, also known as **Daylight Distribution (DD)** – The daylight penetration into a room. It measures the area at desk level (“a working plane”) inside a room that will have a direct view of the sky.
- *The NSL figure can be reduced to 0.8 times its existing value (a reduction of more than 20%) before the daylight loss is noticeable.*
- **Annual Probable Sunlight Hours (APSH)** - The amount of sunlight that windows of main living spaces within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period. The main focus is on living rooms.
- *The BRE considers 25% to be acceptable APSH, including at least 5% during the winter months. If below this, impacts are noticeable if less than these targets, and sunlight hours are reduced by more than 4 percentage points, to less than 0.8 times their former value. It recommends testing living rooms and conservatories.*
- **Sun-hours on Ground (SoG)**, also known as **Overshadowing** – The amount of direct sunlight received by open spaces.
- *The BRE recommends at least half (50%) of the area should receive at least two hours (120 mins) of sunlight on 21 March (spring equinox), and the area which can receive some sun on 21 March is less than 0.8 times its former value.*

- 11.6 The assessment has set significance criteria which is the approach recommended by BRE guidance in the case of EIAs. Officers endorse the approach, and the criteria used in the table below.

BRE compliant	20.1% to 30% reduction	30.1% to 40% reduction	More than 40.1% Reduction
Negligible	Minor Negative	Moderate Negative	Major Negative

Table 6 - Impact criteria

- 11.7 The analysis carried out an assessment for the properties within close proximity to the site and who would be impacted. Below is a table demonstrating the site and the properties assessed.

Address	Assumed Use	Proximity to the Site
43 Fitzjohn's Avenue	Residential	North
45a Fitzjohn's Avenue	Residential	North
39 Fitzjohn's Avenue	Residential	South and East
37 Fitzjohn's Avenue	Residential	Southeast
8 Nutley Terrace	Residential	South
32 Maresfield Gardens	Residential	South
41 Maresfield Gardens	Residential	Southwest
46 Maresfield Gardens	Residential	North

Table 7 – List of properties assessed

Assessment

- 11.8 The figures from the assessment confirm that all windows comply with BRE guidelines in terms of VSC, NSL, and ASPH. There are mostly very minimal losses for all measurements, therefore the daylight/sunlight impact of the proposed development is acceptable.

Outlook and Enclosure

- 11.9 Due to the siting of the Garden building, which provides significant distances between the building face and neighbouring buildings, as well as the works to 39a FJA, it is not anticipated that the development will have a demonstrable impact on any neighbouring occupiers with regards to loss of outlook or sense of enclosure.

Privacy and Overlooking

- 11.10 The Garden building includes windows and terraces on all elevations. The new homes at 39a FJA also feature existing windows on all elevations, and a small number of new windows on the north and south elevations, as well as new terraces at the rear.

- 11.11 The windows and terraces on the new five-storey building are considered to be sufficiently set back by a minimum of 18m in all directions, thus limiting the impact on neighbouring properties with regards to loss of privacy or overlooking. The new building also benefits from significant green screening and mature trees which would further aid in limiting amenity impacts to neighbouring occupiers.
- 11.12 The proposed plans for 39a FJA feature new windows on all four elevations. The north (side) elevation, which is the only elevation that faces a neighbouring property, already features windows at ground and first floor level. The proposed plans include new windows at those levels, as well as at roof level. Impact on neighbouring amenity due to the addition of windows on the north elevation is considered limited as there are existing views along that elevation and the new windows will be from the same homes within 39a FJA. New roof terraces at the rear will also feature privacy screens which will be secured by condition.



Figure 2 – Proposed 39a FJA side (north) elevation. Windows at ground and first floor are existing, while the roof level windows are new. The rear facing terraces (right) feature privacy screens.

12. DESIGN

- 12.1 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. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan

Document is supported by Supplementary Planning Guidance CPG (Design).

12.2 Local Plan 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. To comply with Policy D2, extensions to properties within conservation areas should integrate with and enhance the host building and not be dominant or obtrusive. Similarly, new buildings within Conservation Areas are expected to contribute positively to their respective distinctive character, resulting in new buildings which preserve or enhance their special character. This includes the preservation of trees and garden spaces which contribute to the character and appearance of the Conservation Area.

12.3 Camden's Design CPG emphasises Camden's commitment to design excellence and expects development schemes to consider: the context of a development and its surrounding area; the design of the building itself; the use and function of buildings; using good quality sustainable materials; creating well connected public spaces and good quality public realm; opportunities for promoting health and well-being; and opportunities for improving the character and quality of an area.

Design Review Panel

12.4 The proposals were reviewed by the Design Review Panel during the pre-application process on 7 July 2023. In summary, the panel welcomed the depth of analysis given by the design team to understand the character of the surrounding context and how this has been used to inform the proposals.

12.5 However, the Panel considered that further work was required to create a cohesive landscape master plan in relation to the rear gardens at 39 and 39a FJA providing opportunities for play and social interaction for residents across the site alongside creating more biodiversity.

12.6 The panel welcomed the design of the Garden building and commented that it had the potential to become a "beautiful addition" to the area. However, they considered that the proposals were too high in relation to surrounding buildings and a reduction in height was needed.

12.7 In response to the Panel's comments the landscape design was refined to augment opportunities for play and social interaction and incorporated a number of features to increase the biodiversity value of the garden. The landscape plan refinements also included alterations to the approved landscape plan to 39 Fitzjohn's Avenue (under ref. 2024/3325/P – to be determined), in order to incorporate it into the site-wide landscape master plan. The building was also reduced in height by one storey to bring it to a commensurate height to larger buildings close by. Officers are satisfied that the changes made satisfactorily address the DRP's concerns.

Garden Building

- 12.8 The proposals for a new five-storey (plus basement) Garden building in the land adjacent to 46 Maresfield Gardens seeks to integrate the new building into the garden landscape, which is characterised by an extensive tree coverage, particularly around, or close to, the site boundaries on Nutley Terrace (south) and Maresfield Gardens (west). The siting of the proposed building only requires the removal of lower grade trees (See Section 18 Trees, Biodiversity, BNG) whilst avoiding damage to trees which define the garden character of the site. New tree planting reinforces the site's green character.
- 12.9 Local objections have been received around the loss of the garden character of the site resulting from the proposals. However, Officers consider that the careful siting of the building along with measures to protect trees to be retained during construction (which will be secured by condition) and new planting, will preserve the verdant character of the site thus minimising harm on the character and appearance of the immediate area.
- 12.10 The proposed building comprises an excavated floor sunken below the main level of the garden (that appears as a partial basement) with a five-storey building above with part 3 and part 4 storey projecting loggias/bays. A setback roof storey houses plant for the building.



Figure 3 – Proposed elevations (Garden building)

- 12.11 The irregular form breaks up the mass of the proposed building and aids its integration into the landscape setting, being specifically designed to integrate mature trees into the design.



Figure 4 – Renderings of Garden building along Nutley Terrace

12.12 In terms of the height and scale, the long sections below demonstrate how it is of an equivalent height to 39 Fitzjohn’s Avenue and other buildings of similar scale along Fitzjohn’s Avenue. Also shown is how the height of the loggias relates to lower scale buildings on Nutley Terrace and Maresfield Gardens. Local objections have been received concerned that the proposed building is out of scale with the prevailing townscape; however, Officers consider that the proposed building is of a corresponding scale to larger buildings within the immediate neighbourhood and therefore is of an appropriate scale.





Figures 5 and 6 – Sectional drawing showing indicative height comparison for the new Garden building.

- 12.13 The proposed building is predominantly brick in a restrained variety of dark warm tones and colours in response to the garden setting of the building. The proposed brick is smaller in dimension than a typical UK brick size, in response to the fine-grained detail of leaves forming the adjacent tree canopies. Variety and interest are created by a patterning of brick work across the building surfaces.



Figure 7 – Garden building bay study.

- 12.14 The patterning of the darker brick tones is accentuated by the use of a lighter mortar colour and the lighter colours of the concrete lintels, parapets and stained timber window casements. The remaining material palette comprises a range of warm earthy tones and fine-grained detail which complements the brick tones and the garden setting.

39a Fitzjohn's Avenue (39a FJA)

- 12.15 39a FJA is the only existing building in the site and comprises a 1930s extension to neighbouring 39 Fitzjohn's Avenue. The building was used as dormitories for the Jesuits who occupied the site in the 21st Century. It is a three-storey flat roofed structure, with a plain red brick facade with flared and arched window lintels. The building is not noted as being of any particular architectural merit and not directly mentioned in the Conservation Area statement. Consequently, it is regarded as making a neutral contribution to the character and appearance of the Conservation Area.
- 12.16 The works to 39a FJA echo the earlier planning permission 2018/2415/P which included an additional storey and rear extension, together with refurbishment of the existing front facades. The proposed extensions and alterations in the current scheme match the volume and massing approved under the 2018 proposal, with the addition of the basement level.
- 12.17 The works include an additional floor of accommodation within an inset mansard roof with traditional dormer windows set behind the existing parapet. This roof addition introduces a more cohesive skyline profile more in keeping with the neighbouring roof of No.39 Fitzjohn's Avenue. Other minor alterations to the front facade include reutilising existing window opening for new external doors, creation of a front lightwell and associated balustrading, and new windows.
- 12.18 At the rear, the existing elevation will be fully removed and replaced with infill extensions to the same footprint and with similar elevations as the 2018 planning permission. The new rear facade will reflect the prevailing pattern of windows and doors and are articulated in height, width, and disposition to reflect the order and proportion of the constituent parts of the facade. The new brickwork to the rear extension will similarly reflect the original building with gauged brick flat lintels and heavy brick string course.
- 12.19 The roofs to the extended areas will be of traditional hipped construction with clay tile covering and traditional dormer windows. All material details will be secured by condition to ensure there is no harm to the host building or the wider Conservation Area.
- 12.20 At the rear, the new basement level will extend beyond the new rear building face, to provide additional residential accommodation while also balancing openness of the rear garden area and providing amenity area. Both the front and rear lightwells will be finished in matching materials.

- 12.21 Overall, the proposed elevation design and composition results in more attractive facades reflecting the rhythm of gables and bays of the existing building and the style of neighbouring No.39. The changes to the roofline break down the mass of an informal and domestic scale adding interest to the currently flat roofed elevations, resulting in the appearance of a large Hampstead house and enhancing the site and streetscape.



Figure 8 – Axonometric view of proposed alterations to 39a FJA.

Boundary Treatment

- 12.22 The boundary wall to the front of the site along Fitzjohn’s Avenue will be repaired and enhanced with existing openings adjusted to restrict vehicles crossing over the pavement. Access points from the wider site from Fitzjohn’s Avenue will remain open and ungated. This will preserve the current visual permeability between the street and the relatively open forecourt to the two buildings. Secure gates positioned between the two buildings and the two respective side boundaries of the site will preserve security of future resident’s private amenity.



Figure 9 – Garden building and boundary treatment on Maresfield Gardens

- 12.23 The wider site boundary will adjust at the junction of Fitzjohn’s Avenue and Nutley Terrace to reflect the contrasting characters of these streets, and the differing activities of the wider site. The proposed new brick boundary wall along Nutley Terrace will be constructed of reclaimed bricks, the appearance of which will mediate between the found condition of the Conservation Area and the introduction of the new Garden building on the west part of the site.
- 12.24 The wall will step with the topography of the ground inside and outside the wider site. At each step in the wall the tiles and rowlock courses are scrolled to soften the transition. Openings in the wall will be gated with generously spaced, and finely detailed.
- 12.25 As the new wall progresses west from Fitzjohn’s Avenue it follows the shallow fall of Nutley Terrace. Like the existing condition, the proposed brick boundary wall is tall. In places where ground levels within the site are far higher than those on the adjacent pavement, the wall will be simultaneously retaining earth and providing protection from falling. Two pedestrian openings in the wall are proposed, allowing for communal bins of No.39 to be moved to the pavement. The second opening appears in the same style and provides access to the shared landscaped amenity area to the Garden building.
- 12.26 Continuing north from the junction at Nutley Terrace, the new boundary wall along the Maresfield Gardens boundary remains as low as possible before rising with the steeper topography of Maresfield Gardens. With the steps increasing in scale there is more interest, allowing for glimpses into the site while also tall enough to hide the sequence of bin stores and electrical substations.

- 12.27 The potential visual barrier the wall creates is offset by the wide, visually permeable gate that will replace the existing solid vehicle gate into the site. This existing access must be retained for Network Rail maintenance vehicles.

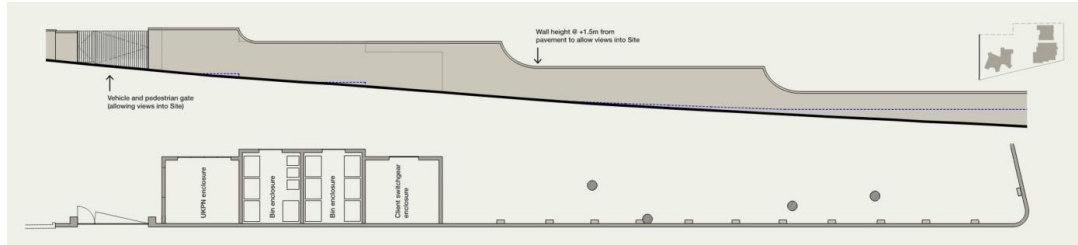


Figure 10 – Proposed boundary treatment along Maresfield Gardens.

Landscaping

- 12.28 The proposal aims to integrate the new residential building into the existing garden space whilst preserving the sites green character. New tree planting replaces trees to be removed and supplements the existing tree canopy across the site. The resulting landscape is that of a woodland character with intervening spaces for play, recreation, social interaction and repose. Central to the landscape design is the theme of providing residents with opportunities for contact with nature with the attendant health and wellbeing benefits that brings.
- 12.29 A limited vehicular access to the site for servicing and deliveries to the main entrance is accessed from Maresfield Gardens. A series of paths through the woodland setting through and around the site provides contact with nature.



Figure 11 – Proposed landscaping plan, with access routes.

- 12.30 While the two buildings on the site (the Garden building and 39a FJA) have their own character in response to the immediate and local context, the landscaping acknowledges the strong leafy character of the wider site which is perceived from both outside the boundary walls predominantly while walking along Nutley Terrace and Maresfield Gardens.
- 12.31 A comprehensive and unified landscape design for the wider site has been developed that includes the subject site and neighbouring 39 Fitzjohn's Avenue. The design has been key in unifying the three buildings and creating a landscape where residents from all three buildings benefit from private and communal amenities.
- 12.32 A separate non-material amendment application for the neighbouring property at 39 Fitzjohn's Avenue (Ref. 2024/3325/P) has been submitted to integrate the landscaping on that site into the wider site master plan. This has been assessed by Officers in relation to the current application and will be decided under delegated authority following Planning Committee's consideration of the current scheme.

13. HERITAGE

- 13.1 The site is within the Fitzjohn's Netherhall Conservation Area, the character and appearance of which the Council has a statutory obligation to preserve or enhance. The character of the immediate area is chiefly as a villa suburb, with generous gardens and a variety of architectural styles given some cohesion by a relatively consistent building line and generous spaces between buildings (usually expressed as a mature garden with forecourts at the front). The Conservation Area Appraisal and Management Strategy uses a photo of the application site as an example of "extensive rear garden area."
- 13.2 Building over unbuilt space anywhere in the Borough requires careful consideration and could only be supported where the benefits of the development, combined with a neutral or positive impact on the Conservation Area, outweigh the loss of the green space. In this instance it is clear that the site was historically intended for development but was taken into the curtilage of 39 Fitzjohn's Avenue rather than being built on. This gave No.39 a very generous garden when compared to the other houses of the same period facing onto Fitzjohn's Avenue. A similar situation existed for most of Maresfield Gardens, where villas were added to the rear gardens of some of the houses facing onto Fitzjohn's Avenue and Netherhall Gardens, indicative of typical incremental, but planned, suburban growth in the early 1900s.
- 13.3 It would therefore be wrong to state that the original development intention of the site was that it should always be a garden. However, it would also be wrong to state that the existing site makes a negative or neutral contribution. Its spacious and open green appearance obviously makes a positive contribution to the character and appearance of the area and any

development on the site should augment the verdancy to offset the reduction in openness. Clearly the site can support a detached building providing that building does not detract from the prevailing scale and character of the immediate area.

- 13.4 In heritage terms there is no reason in principle why the site could not support residential development in the form of a single structure. The nearest listed buildings to the site are 48 Maresfield Gardens (Grade II) and 47 Fitzjohn's Avenue (Grade II). The proposed development of the site is not considered to have anything beyond a peripheral impact on the setting of these given the lack of uniformity of their existing context, the scale and form of the proposed development and the distance between the listed building and the site.
- 13.5 The quality of the architecture proposed for the new Garden building is considered to be of a very high quality. The scheme has the benefit of a DRP review at which there were concerns raised regarding its impact on the character and appearance of the Conservation Area and its scale relationship with the surrounding Victorian (and later) building stock.
- 13.6 The creation of the Garden building was also assessed against the redevelopment of the historic buildings on the site, where large basement lightwells form part of the scheme. The overall site needs to be considered in terms of part 3.6 of the Conservation Area Appraisal and Management Strategy which focuses on harm:
- There is loss of rear garden space and the open character of rear gardens through rear extensions, swimming pools, lightwells, outbuildings and excessive hard surfaced areas. The result has involved loss of trees visible through building gaps.*
- 13.7 Following the DRP the scheme has been considerably revised. The scale of the balconies has been reduced and made proportional to the internal areas of the flats they serve. Alterations to the lightwells of the basement of the proposed new building have also been undertaken.
- 13.8 The most significant improvement to the scheme is the reduction in height which has been critical in altering the scale of the proposed new building from unacceptable to acceptable. The building would now have a datum in line with that of No.39 which, although at the upper limit, would not exceed the height of the Victorian building other than in some consolidated areas of plant and overrun. The revisions mean that the proposed building is now of a scale and massing which reflects and respects the scale and massing of No.39.
- 13.9 There are public objections to the scheme which, in heritage terms, may be taken to relate to the loss of green space, the fact the proposed building is of

five storeys above grade as opposed to the prevailing 2-3 in the vicinity and the view that the proposed building is considered to be overdevelopment of the site. It is appreciated that the loss of unbuilt space is a considerable alteration in the extant condition and there is understandable local concern regarding that issue. However, the proposed building is of a similar footprint and height to 39 Fitzjohn's Avenue and its height and footprint in relation to the size of its plot is not so very different to large Victorian villas in the vicinity. Were a house of similar dimensions to have been constructed on the site in the 19th Century it is unlikely that anyone now looking at the site would consider it to be "over-developed."

- 13.10 It is noted that some of the concerns regarding over-development relate to the number of occupiers of the building, and it is true that the proposed building is a block of flats, not a single dwelling. Overdevelopment is commonly taken to refer to the 'amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services', or 'impact on local amenity and character.' The proposed structure is not considered to lead to over-development of the site in visual/townscape terms and therefore the prevailing local visual amenity and character would not be deleteriously affected.
- 13.11 The acceptability of the visual impact of the proposals will be highly dependent on the retention and augmentation of planting to the perimeter of the site because the mature trees on the boundary certainly make a positive contribution to the character and appearance of the area. However, the interior part of the site, which would be occupied by the proposed building, is largely devoid of mature planting and therefore there would not be a loss of tree cover on that part of the site.
- 13.12 Section 72(1) of the Listed Buildings Act 1990 directs that: In the exercise of various functions under the Planning Acts in relation to land in conservation areas (including determination of planning applications) the Council is required to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 13.13 The proposed development results in a clear change to the character and appearance of the subject site, but existing elements of its existing positive contribution (mature boundary planting) are retained and augmented. Currently detracting aspects, such as the boundary wall, are enhanced. The scale of the proposed structure is considerable and clearly an alteration to character when compared to the extant (unbuilt) character of the subject site
- 13.14 The scale of the proposed building when taken in conjunction with the gradient of the land, datum heights of surrounding buildings, the materials and design of the proposed building and the general historical building-to-plot ratios in the area is found to be in accordance with the general pattern of development. If the application were to be approved such a decision could

be made while still meeting the Council's obligation to have regard to the preservation and enhancement of the Conservation Area. On balance the proposals are considered to preserve the character and appearance of the Fitzjohn's Netherhall Conservation Area.

14. BASEMENTS

- 14.1 Camden Local Plan policy A5 (Basements) seek to permit basement development where it is demonstrated that it will not cause harm, structurally, in amenity terms, environmentally or in conservation/design terms.
- 14.2 Two new basements are proposed as part of the development across the site, including a basement floor level for the Garden building as well as a new basement and basement extension to 39a FJA.
- 14.3 The application was accompanied by a Basement Impact Assessment authored by individuals with appropriate qualifications. An independent review was carried out by the Council's basement consultant (Campbell Reith) who reviewed the Basement Impact Assessment for potential impact on land stability and local ground and surface water conditions arising from basement development. A condition is recommend to require that the excavation be carried out in accordance with the recommendations in the BIA.
- 14.4 Campbell Reith concludes that the BIAs are adequate and in accordance with the criteria laid out in policy A5 and guidance contained in CPG Basements. The proposed basement is considered acceptable, subject to the appointment of a suitably qualified engineer to oversee the works will be secured by condition.
- 14.5 Overall, the proposal complies with policy A5 (Basement) of the 2017 Local Plan.

15. WASTE AND RECYCLING

- 15.1 The scheme would provide adequate provision for storage of waste and recycling, as required by CLP policy CC5. There is an external residential refuse and recycling store facility for the Garden building located along the west boundary wall near the site entrance from Maresfield Gardens. The walk route between the Garden building and the facility is step free and close to the highway.
- 15.2 For 39a FJA, the waste and recycling storage facility would be located in the front garden, along the north boundary. The walk route between the front doors in the building are a minimal distance and close to the highway.
- 15.3 The waste and recycling storage facilities for the two buildings will provide sufficient space for the required number of refuse and recycling bins, as per

the Design CPG and the Council's technical guidance. A condition has been attached to ensure that the bin store is installed prior to occupation of the homes.

16. SUSTAINABILITY AND ENERGY

16.1 In November 2019, Camden Council formally declared a Climate and Ecological Emergency. The council adopted the Camden Climate Action Plan 2020-2025 which aims to achieve a net zero carbon Camden by 2030.

16.2 In line with London Plan (LP) policies, SI1, SI2, SI3, SI4, SI5 and SI7 and Camden Local Plan (CLP) policies CC1, CC2, CC3, and CC4, development should follow the core principles of sustainable development and circular economy, make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

Redevelopment strategy

16.3 The GLA's Circular Economy Statement LPG sets out a design approach for existing buildings and includes a decision tree to inform the design process from the outset. The stages are: retain and retrofit; partial retention and refurbishment' disassemble and reuse; and demolish and recycle. Policy CC1 of the Camden Local Plan requires all development proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building (part e) and optimise resource efficiency (part f).

16.4 Feasibility studies were undertaken to explore whether full retention and refurbishment of 39a FJA was feasible and could deliver the development objectives. A report entitled 'Pre-Redevelopment Options Review' was submitted with the application that looked at the potential for reuse of the existing building, its opportunities and limitations, together with its condition. Three options were explored: Option 1 involves limited alterations, with a view to maximising reuse and minimising embodied carbon and consisting of retaining the building as a single dwelling, but the maximised retention limits the ability for other areas of the scheme to be improved including provision of additional self-contained dwellings; Option 2 introduces sensitive refurbishment and extensions to maximise the size of accommodation, while retaining the structure and making acoustic, thermal, and fire performance improvements but as a single dwelling; and Option 3 involves structural interventions to allow layout reconfiguration to deliver additional self-contained dwellings within the building, but would require structural replacement with only elements of the facade retained (ie, current application).

16.5 One of the key factors limiting the existing building to be converted into multiple self-contained dwellings without the level of demolition proposed is

due to the lack of internal stair cores linking the ground floor to the upper levels. The building was originally designed as an annexe to the main building at no.39, with each level receiving access from a single internal stair core within the link structure to no.39. Previous permissions have permitted the removal of the link structure (thus severing the two properties), thus requiring new internal stair cores to be constructed. To facilitate the new internal stair cores for the maisonette homes, significant removal of existing internal partitions and floor plates are required.

- 16.6 The existing building has a number of limitations that would require major modifications to achieve high quality, accessible internal space suitable for residential accommodation. This includes a building that is constrained in terms of its structural layout and lack of internal stair cores that is most suitable for use as bedsits (ie, many bedrooms in a dormitory style layout); the MEP services are in poor condition and generally unsuitable for retention; and the building fabric has been estimated to perform far poorly than current standards for thermal performance. The result is that upgrades to the building fabric and MEP would be required regardless of which option was chosen, with internal structural upgrades required to make the building more accessible, including introduction of new internal stair cores. And, in order to subdivide the building into multiple self-contained dwellings, structural replacement would be required.
- 16.7 It is recognised that these limitations are not insurmountable and there will be cases where a building has similar features and a full retention and retrofit options is the best-case scenario. However, in this case, the proposal seeks development on the site to increase site capacity and provide new self-contained housing. Full retention of the existing building would not allow the site to realise its full potential.
- 16.8 To ensure greater resource efficiency through recycling and reuse of materials, a condition requiring 95% of construction and demolition waste to be reused, recycled, or recovered, and 95% of excavation waste to be put to beneficial use is attached in line with policy S12 of the London Plan.

Whole Life Carbon

- 16.9 The Whole-Life Carbon (WLC) emissions are the total carbon emissions resulting from the construction and the use of a building over its entire life (this is assessed as 60 years), and it includes its demolition and disposal. This is split into modules that assess each stage of the building's life.
- 16.10 The A-Modules concentrate on the emissions from the building materials (A1-A3 extraction, supply, transport and manufacture) and the construction stages (A4-A5 transport, construction and installation).
- 16.11 The B-Modules concentrate on the use stage of the building (B1-B5 use, maintenance, repair, replacement, refurbishment), but the modules that deal

with operational energy and water use are excluded (B6-B7). This is because they are “regulated emissions” and so are considered separately and in detail in relation to the zero-carbon target (see the “Energy and carbon reductions” section below).

- 16.12 The C-Modules deal with the end-of-life stage of the building (C1-C4 deconstruction demolition, transport to disposal, waste processing for reuse, recovery or recycling, disposal).
- 16.13 Carbon sequestration is when carbon dioxide is removed from the atmosphere and held in materials, for example the carbon absorbed by trees as they grow and locked in timber until the end of its life. It is important to consider this in the end-of-life phase because the carbon is released again at the end of its life (when it decomposes), so it is included in the total A-C-Modules.
- 16.14 The GLA WLC assessment guidance sets out minimum benchmarks for different building typologies per square metre of gross internal area in kilograms of carbon equivalent (kgCO₂e/m² GIA). It also encourages development to aim for more ambitious aspirational benchmarks. The table below show how the development performs against the benchmarks, as well as the aspirational targets as these are the most appropriate for comparison for this development.

Modules	Min benchmark RESIDENTIAL (kgCO₂e/m² GIA)	Aspirational Benchmark for RESIDENTIAL (kgCO₂e/m² GIA)	Proposal (kgCO₂e/m² GIA)
A1-A5	<850	<500	735
B-C (excl B6 & B7)	<350	<300	438
Total A-C (excl B6&B7 but inc sequestration)	<1200	<800	1149

Table 8 - Summary of Whole-Life Carbon results for the residential development

- 16.15 In this case, the development generally meets the benchmarks as shown above, although does not quite meet the minimum benchmark for B-C. This is mainly down to lack of reasonable information at early design stages, including unknowns in terms of specific materials and quantities. The proposal does not surpass the aspirational benchmarks but further work through the energy and sustainability plans (secured by S.106 agreement)

can help bring it closer to those minimum and aspirational targets, as well as confirmation at a later stage when materials and quantities are confirmed. A condition is attached to make sure a post construction assessment of WLC is completed and provided for monitoring and compliance.

Energy and carbon reductions

- 16.16 To minimise operational carbon, development should follow the energy hierarchy set out in the London Plan (2021) Chapter 9 (particularly Policy SI2 and Figure 9.2) and major developments should meet the target for net zero carbon. The first stage of the energy hierarchy is to reduce demand (be lean), the second stage is to supply energy locally and efficiently (be clean), and the third step is to use renewable energy (be green). The final step is to monitor, verify and report on energy performance (be seen).
- 16.17 After carbon has been reduced as much as possible on-site, an offset fund payment can be made to achieve net zero carbon.

Energy and carbon summary

- 16.18 The following summary table shows how the proposal performs against the policy targets for operational carbon reductions in major schemes, set out in the London Plan and Camden Local Plan.

Policy requirement (on site)	Min policy target	Proposal reductions
Be lean stage (low demand): LP policy SI2	10%	32%
Be green stage (renewables): CLP policy CC1	20%	73%
Total carbon reduction: LP policy SI2 and LP CC1	35%	77%

Table 9 - Carbon saving targets (for majors) and the scheme results

- 16.19 The operational carbon savings and measures set out below will be secured under an Energy and Sustainability Strategy secured by S.106 agreement which includes monitoring, in compliance with the development plan.

Total carbon reductions

- 16.20 Reductions are measured against the baseline which are the requirements set out in the Building Regulations. Major development should aim to achieve an on-site reduction of at least 35% in regulated carbon emissions below the minimums set out in the building regulations (Part L of the Building Regulations 2021). To achieve net zero carbon, a carbon offset payment will be secured that offsets the remaining carbon emissions caused by the development after the required on-site reductions, measured from the agreed baseline.

- 16.21 This is charged at £95/tonne CO₂/yr (over a 30-year period) which is 401 tonnes x £95 x 30 years = £38,058. This amount will be spent on delivery of carbon reduction measures in the borough.
- 16.22 Residential development should be exceeding the target now, so GLA guidance has introduced a more challenging aspirational target of 50% on-site total savings that residential development should aim to achieve.
- 16.23 In this case, the development significantly exceeds the policy target of 35% reductions and aspirational target of 50%, achieving an overall on-site reduction of 77% below Part L requirements as shown in Table 9 above. The carbon offset of £38,058 will be secured by S.106 agreement to bring it to zero carbon, in compliance with the development plan.

Be lean stage (reduce energy demand)

- 16.24 London Plan policy SI 2 sets a policy target of at least a 10% (residential) reduction through reduced energy demand at the first stage of the energy hierarchy.
- 16.25 In this case, the development significantly exceeds the policy target of 10% (resi), reducing emissions by 32% at this stage through energy efficient design, in compliance with the development plan. The proposals involve high performance insulation, low air permeability, efficient glazing, and addresses the requirements of the cooling hierarchy and overheating which can avoid the use of active cooling in the development. The proposal includes energy efficient measures like MVHR, Wastewater Heat Recovery, low energy light fittings.

Be clean stage (decentralised energy supply)

- 16.26 London Plan Policy SI3 requires developers to prioritise connection to existing or planned decentralised energy networks, where feasible, for the second stage of the energy hierarchy. Camden Local Plan policy CC1 requires all major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network.
- 16.27 In this case an assessment of the existing London heat map has been made and demonstrated that there are no existing or planned district heating networks within the vicinity of the proposed development.

Be green stage (renewables)

- 16.28 Camden Local Plan policy CC1 requires all developments to achieve a 20% reduction in CO₂ emissions through renewable technologies (after savings at Be Lean and Be Clean), where feasible, for the third stage in the energy hierarchy.

16.29 In this case, the development significantly exceeds the policy target of 20%, reducing emissions by 73% at this stage through renewables, in compliance with the development plan. The proposal includes PV panels on the roof with full details secured by condition. A condition will be added to secure a meter to monitor the energy output from the approved renewable energy systems. The proposal includes low carbon heating like Air Source Heat Pumps (ASHPs) which are proposed on the roof of the new Garden building and within the rear garden of 39a FJA, both details will be secured by condition.

Be seen (energy monitoring)

16.30 The London Plan policy SI 2 requires the monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered. In this case, the development has committed to reporting.

16.31 The Energy and Sustainability Strategy secured by S.106 Agreement will secure reporting to the GLA in line with their published guidance.

16.32 Overall, the scheme performs well and provides significant site wide savings beyond the Building Regulations and so complies with the development plan as a whole in this regard.

Climate change adaption and sustainable design

16.33 Local Plan policy CC2 expects non-residential development, and encourages residential development arising from conversion, extension or change of use, to meet BREEAM Excellent.

16.34 The development features retention of the majority of trees along the site boundary, enhancement of existing green spaces on the site, intensive green roof cover on the new Garden building, sedum roof over bin stores and 39a FJA roof, use of permeable materials such as gravel and clay paving for hard landscaping in order to reduce surface water runoff, utilising existing tree cover to mitigate overheating through enhanced shading, and sustainable drainage.

16.35 The development has applied the cooling hierarchy by using passive measures like deep window reveals, balconies, high performance glass, and utilising existing tree cover to avoid the need for active cooling in line with policy CC2.

16.36 The development plan (CLP policy CC3 and LP policy SI12 and SI13) also seeks to ensure development does not increase flood risk, reducing the risk of flooding where possible. Development should incorporate sustainable drainage systems (SUDS) and water efficiency measures.

16.37 In this case, the development incorporates SUDS and also includes the provision of a green roof integrated with the solar panels, which would enhance the biodiversity of the site and reduce water runoff, details of which

will be secured by condition. A condition has been added to secure water efficiency measures, ensuring a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use) for each home.

17. TRANSPORT

Policy Review

- 17.1 Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of car parking and requires all new developments in the borough to be car-free.
- 17.2 Policy T3 sets out how the Council will seek improvements to transport infrastructure in the borough. Policy T4 addresses how the Council will promote the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road.
- 17.3 [Camden's Transport Strategy](#) (CTS) aims to transform transport and mobility in Camden, enabling and encouraging people to travel, and goods to be transported, healthily and sustainably. The CTS sets out the Council's objectives, policies, and measures for achieving this goal. Priorities include:
- Increasing walking and cycling
 - Improving public transport in the Borough
 - Reducing car ownership and use
 - Improving the quality of our air
 - Making our streets and transport networks safe, accessible, and inclusive for all.
- 17.4 In 2022 the Council reviewed progress on the CTS and also set out a delivery plan for the period covering 2022/23 - 2024/25. This was presented to [Cabinet on 14th December 2022](#). The plan includes commitments, all of which are pertinent to this application, and which will be expanded upon in later sections, to:
- Implement the northbound (uphill) segregated cycle lane on Fitzjohn's Avenue, with pedestrian improvements at side road junctions, which form part of a borough-wide '*Healthy Routes - strategic cycling corridors*' programme of works.
 - Continue to expand our dockless e-bike and e-scooter hire network, and
 - To contribute towards the implementation of the CTS Cycling Action Plan and Walking and Accessibility Action Plan.
- 17.5 London Plan Policy T1 (Strategic approach to transport) states that Development Plans should support, and development proposals should

facilitate, the delivery of the Mayor's strategic target of 90% per cent of all trips in inner London to be made by foot, cycle, or public transport by 2041.

- 17.6 London Plan Policy T1 also states that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking, and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

Site Location and Access to Public Transport

- 17.7 The site is located approximately 600m south of Hampstead Town centre and is bound by existing residential properties to the north, Fitzjohn's Avenue to the east, Nutley Terrace to the south, and Maresfield Gardens to the west. The site is in close proximity to Finchley Road, which is part of TfL's Transport for London Road Network (TLRN).

- 17.8 The site is easily accessible by public transport with a Public Transport Accessibility Level (PTAL) rating of 6a (excellent). The nearest London Underground stations at Finchley Road, Hampstead, Belsize Park, and West Hampstead, are located approximately 650m south-west, 850m north, 1.1km east and 1.4km east of the site, respectively. West Hampstead also provides access to national rail and London Overground services. Finchley Road & Frognal London Overground Station is located approximately 750m west of the site. The nearest bus stops on Fitzjohn's Avenue are within a 100m walking distance north and south from the site. Further bus stops are located on Finchley Road, with the closest being approximately 500m west of the site.

- 17.9 The site is easily accessible from a signed cycle route which runs north-south via Maresfield Gardens and Fitzjohn's Avenue. The site will also benefit from the proposed northbound segregated cycle lane on Fitzjohn's Avenue.

Trip Generation

- 17.10 The TRICS database was used to derive the anticipated total person trip rates generated by the proposed development. The proposed trip generation analysis featured in the Table 3 of the TS is reproduced here:

Mode	%	AM Peak		PM Peak		Daily	
		Arr	Dep	Arr	Dep	Arr	Dep
Total Person Trips	100%	5	24	17	10	129	128
Work mainly at or from home	36%	-	-	-	-	-	-
Underground, metro, light rail, tram	22%	1	5	4	2	29	29
Train	2%	0	0	0	0	3	3
Bus, minibus or coach	4%	0	1	1	0	5	5
Taxi	1%	0	0	0	0	1	1
Motorcycle, scooter or moped	1%	0	0	0	0	1	1
Driving a car or van	6%	0	1	1	1	8	8
Passenger in a car or van	0%	0	0	0	0	1	1
Bicycle	3%	0	1	0	0	3	3
On foot	11%	1	3	2	1	14	14
Other method of travel to work	1%	0	0	0	0	1	1

Table 10 – Anticipated total person trip rates.

17.11 The analysis shows that the proposal will result in a substantial increase in person trips, the majority of which are projected to be taken by public transport and active travel. It is anticipated that a high volume of the walking trips is likely to be made from Finchley Road, Hampstead, Belsize Park, and Finchley Road & Frognal stations, and bus stops on Fitzjohn's Avenue and Finchley Road. Considering the increase in active travel, the applicant will be requested to provide financial contributions towards the aforementioned cycle lane on Fitzjohn's Avenue.

Travel Planning

17.12 A Travel Plan (TP), included within the TA, is provided in support of the planning application. This is welcomed as it demonstrates a commitment to encouraging and promoting trips by sustainable modes of transport. Modal share projections for walking and cycling will need to be set in accordance with Camden's Transport Strategy and the Mayor's Transport Strategy.

17.13 A travel plan covering and an associated monitoring and measures contribution of £11,348 will be secured by S.106 Agreement if planning permission is granted.

Access and Permeability

17.14 The site is accessed from Fitzjohn's Avenue and Maresfield Gardens. Maresfield Gardens is a single carriageway, two-way residential road which is subject to a 20mph speed limit. Fitzjohn's Avenue is also a single-carriageway two-way road which is subject to a 20mph speed limit. Both roads are street lit and benefit from sufficiently wide footways, while the site benefits from vehicle crossovers and a dropped kerb on both roads.

17.15 The existing access onto Fitzjohn's Avenue is proposed to serve a small parking and servicing area for 39 and 39a FJA. A new access is proposed

onto Maresfield Gardens for the new Garden building, for delivery and service vehicles only. This access is also required for Network Rail to access the rail tunnel ventilation shaft located on the property. A condition has been added to prohibit the area being used for resident or visitor parking.

Cycle Parking

- 17.16 Cycle parking has been provided in accordance with Local Plan policy T2. In the new Garden building, 60 cycle parking spaces are located within the basement level, with direct external access via an external staircase. In 39a FJA, 8 secure cycle parking spaces are located along the south elevation at basement level, with external access for residents of that building. Four short stay parking spaces will be located on the east side of the site. The details and provision of cycle parking will be secured by condition, including provision of larger cycles in the Garden building.

Car Parking and Vehicle Access

- 17.17 The site is located in Controlled Parking Zone (CPZ) CA-B Belsize, which operates 08:30-18:30 Monday to Friday and 09:30-13:30 on Saturday or pay and display with maximum stay of four hours.
- 17.18 The site at 39a FJA accommodates an area of hardstanding to the front of the property, providing space to accommodate approximately 3 cars, all of which will feature EV charging points to be secured by condition. These parking spaces are a reduction from the previously provided 12 car parking spaces on the site, approved as part of the previous 2018 consent. It is proposed to retain the 3 on-site parking spaces in line with the extant permission, which would result in no net increase in on-site parking spaces. The entirety of the site, comprising both the new Garden building and 39a FJA, would be secured as parking permit car free by means of the S.106 agreement, removing the right of future residents to be provided with on-street parking permits. On balance, given that all 33 new homes would be secured as car-free and there is no net increase in on-site parking spaces, the proposal is considered to be compliant with Local Plan policy T2.
- 17.19 Regarding disabled parking, London Plan Policy T6.1 'Residential parking,' section G states: *'Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:*
- *Ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset*
 - *Demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.'*
- 17.20 Paragraph 5.22 of the Camden Planning Guidance on Transport states: *'The amount of disabled parking should be in accordance with the London Plan.'*

Paragraph 5.20 further informs: ‘...in any case the maximum distance Blue Badge holders should be expected to travel is 50 metres from the entrance to the site’.

- 17.21 Therefore, it is considered appropriate to seek an off-site contribution of £4,000 per disabled parking space to be provided on the public highway in a suitable location ideally within 50m from the Garden building site.
- 17.22 Officers expect the large majority of visitors to travel to the site by sustainable modes of transport. However, there is potential for some visitors with electric vehicles to drive to the site with a view to parking in an ‘Electric Vehicles Only’ parking bay in the controlled parking zone. The uptake of electric vehicles is increasing significantly, and there are many EV resident permit holders in the vicinity of the site. This would put pressure on infrastructure which has been provided primarily for local stakeholders. Officers therefore suggest that an additional electric vehicle charging point (fast charger) be provided on the public highway in the general vicinity of the site. A financial contribution of £10,000 will be secured by S.106 agreement in accordance with Local Plan Policy A1 if planning permission were granted.

Construction Management

- 17.23 Construction management plans are used to demonstrate how developments will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). A Construction Management Plan was submitted; however, the document does not adhere to the Council’s guidance.
- 17.24 The site is located in close proximity of many schools and Finchley Road, which forms part of the TLRN. Traffic congestion is a significant problem in this part of the borough, particularly during peak periods but often throughout the day on Monday to Friday. Our primary concern is public safety, but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g., noise, vibration, air quality, temporary loss of parking, etc). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.
- 17.25 The Council will expect construction vehicle movements to and from the site to be scheduled to avoid peak school periods to minimise the impacts of construction on the pupils’ safety. It will be necessary restrict construction traffic to the hours of 9.30am to 3.00pm on weekdays.
- 17.26 A detailed CMP document will be secured by S.106 agreement in accordance with Local Plan Policy A1 if planning permission is granted. This will be prepared using the Council’s CMP proforma. The applicant is requested to visit [LB Camden guidance on construction management](#). The contractor will need to register the works with the Considerate Constructors’ Scheme. The contractor will also need to adhere to the CLOCS standard for Construction Logistics and Community Safety.

- 17.27 The development will require input from officers at construction stage. This will relate to the development and assessment of the CMP as well as ongoing monitoring and enforcement of the CMP during construction. Implementation support contributions of £30,513 and impact bonds of £32,000 will be secured by S.106 agreement in accordance with Local Plan Policy A1 if planning permission were granted.
- 17.28 A further requirement to form a construction working group consisting of representatives from the local community prior to commencement of demolition or construction will also be secured by S.106 agreement if planning permission is granted.

Highway Works

- 17.29 The applicant would be financially responsible for any works relating to changes or repairs to the highway. The Council therefore seeks to secure a highways contribution to make any changes or repairs to the public highway in the direct vicinity of the development. This will be secured by S.106 agreement if planning permission is granted.
- 17.30 The redevelopment of the site is also likely to lead to damage to the adjacent footways on Maresfield Gardens and Fitzjohn's Avenue. It is suggested that a highways contribution of £60,000 be secured by S.106 agreement if planning permission is granted.

Pedestrian, Cycling, and Environmental Improvements

- 17.31 In line with the increase in walking and cycle trips generated by the proposed development and further promoted by the requested Travel Plan, and the need for pedestrian, road safety and public realm enhancements, we will seek a contribution of £90,000 towards implementation of the northbound (uphill) segregated cycle lane on Fitzjohn's Avenue, with pedestrian improvements at side road junctions, which form part of a borough-wide 'Healthy Routes - strategic cycling corridors' programme of works. The contribution amount would be secured by S.106 agreement if planning permission is granted.
- 17.32 Overall the proposal complies with Camden's Transport policies, securing high quality public realm works, providing car free development and ensuring the development's impacts and construction are managed correctly.

18. PUBLIC OPEN SPACE

- 18.1 CLP policy A2 seeks to secure publicly accessible open space as part of a scheme to address the impact of schemes on the demand for public open space. This takes account of the scale of the proposal, the number of future occupants and the land uses involved.
- 18.2 The Public Open Space CPG sets out the triggers for providing Public Open Space (POS). The guidance expects a contribution for development with:

- 11 or more self-contained homes
 - 11 or more student rooms, units, or occupiers
 - 1,000sqm GIA of new commercial (or higher education where appropriate)
- 18.3 The CPG expects developments with 11 or more dwellings to provide 9sqm of POS for every occupant. With 32 new homes, this development triggers the requirement. The residential requirement for the POS is 9sqm x 32 (the number of additional dwellings) x 2.05 (the average dwelling occupancy for the ward) = **590.4sqm**.
- 18.4 Although the proposal includes private balconies and a large communally shared garden, the scheme would provide no true public open space and so these components cannot count towards the POS provision, which is separate from private amenity space. The site is already constrained (existing mature trees, underground tunnel, and tunnel ventilation shaft) and providing a policy compliant amount of public open space on site would not result in an efficient use of the land.
- 18.5 Where it is not feasible to deliver the full amount of public open space required, the CPG accepts a financial payment in lieu (PIL). The PIL is used for provision, maintenance, and improvement of new and existing open space.
- 18.6 The PIL is made up of a capital cost and maintenance cost contribution. The capital cost is calculated at a rate of £200/sqm which would be £118,000 and the maintenance cost is calculated at a rate of £70/sqm (covering a 10 year period) which would be £41,300. Therefore, the total POS contribution is £159,300, which will be secured by means of the S.106 Agreement in accordance with policy C2.

19. TREES, GREENING, AND BIODIVERSITY

Impact on trees, greening and biodiversity

- 19.1 Local Plan policy A3 deals with biodiversity and expects development to protect and enhance nature conservation and biodiversity, securing benefits and enhancements where possible. It resists the removal of trees and vegetation of significant value and expects developments to incorporate additional trees and vegetation.
- 19.2 The western portion of the site is heavily tree planted, especially along the Nutley Terrace and Maresfield Gardens boundaries. Arboricultural and ecological studies denote a poor condition of the current state of the site with low quality trees. However, it is acknowledged that the overall massing of the site's tree canopy contributes to the site's green character.
- 19.3 Recognising the importance of visual amenity to the surrounding street scape, the landscape proposal was designed to retain the majority of trees

along the boundary. Careful maintenance will be given to trees on site to improve their quality but also to ensure no damage will occur during site works.

- 19.4 There are 54 trees on the property and adjoining land outside of the application boundary that are within close proximity to the development. The submitted Arboricultural Impact Assessment has identified the 54 trees as mostly moderate and low-quality trees but with high quality trees T48 and T49 as standout specimens. All trees are material constraints on development, but these latter ones require particular consideration. At the other end of the spectrum, the felling of a number of trees is recommended regardless of development for trees that have been identified as poor quality for long term retention due to structural or health reasons.
- 19.5 The report has assessed the impacts of the development proposals and concludes there would be at most a medium level impact – half of the trees on site (but significantly less than half of the canopy cover) will be removed to facilitate construction. Those removed have generally more collective than individual specimen value, such that their loss could be mitigated with new planting.

Tree Category (quality)	No. of trees	No. to be removed
Category A (high, 40yrs life)	2	0
Category B (moderate, 20 yrs life)	14	6
Category C (low, 10yrs life)	31	17
Category U (should be removed)	7	7
Total	54	30

Table 11 – Summary of trees and proposed removals

- 19.6 The principal impacts in the current proposals are the removal of the 30 trees noted above. Whilst in purely numerical terms, this is half of the trees present however, in terms of canopy cover it is a significantly smaller portion of the whole. Those removed generally have more collective than individual specimen value, with their loss mitigated with new planting. It is also noted that the removal of a number of these trees is recommended regardless of development and that the overwhelming majority of tree removals are internal to the site within the wooded envelope remaining. The immediate reduction in canopy cover through felling is therefore considered a medium impact unlikely to harm either the resource or the wider Conservation Area.
- 19.7 The impact of the scheme on the 30 trees to be retained will be of an acceptable level. The tree protection details are considered sufficient to demonstrate the trees to be retained will be adequately protect throughout development.

- 19.8 Conditions requiring compliance and with tree protection details and landscaping details to include details of 94no. replacement trees (representing an uplift of 63no. trees across the site) and tree pit sizes will be secured by condition.

Statutory Biodiversity Net Gain

- 19.9 The statutory Biodiversity Net Gain (BNG) provisions apply to this site. The baseline condition of existing habitats at the site is very high, given the dominance of undeveloped land, and in particular the significant canopy foliage to support nesting birds and bats and the ecological niches for invertebrate species.
- 19.10 The proposal is to partially replace the existing habitats on site with a new building with a biodiverse green roof, communal garden area, and significant new planting on the site.
- 19.11 Under the current proposals, the scheme would result in a 40.46% net decrease; however, trading summary rules will not be satisfied due to the loss of trees on site. The applicant has investigated and is intending to purchase off-site biodiversity units to make up the shortfall resulting from their proposals.
- 19.12 Notwithstanding this, it is considered that the loss of the existing trees on site will be sufficiently mitigated by the planning of biodiversity green roofs on both the new Garden building and 39a FJA and replacement trees to be planted on site, an overall benefit to local wildlife.
- 19.13 Council's Nature Conservation Officer considers that the biodiversity gain condition is capable of being discharged successfully. The 10% gain can be met through purchasing credits / through off-site provision. This would be confirmed via discharge the statutory BNG condition. The statutory condition will not be repeated on the decision notice, in line with guidance, but informatives explaining the statutory obligations will be included on the decision.

20. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 20.1 The CIL applies to all proposals which add 100m² of new floorspace or an extra dwelling. The amount to pay is the increase in floorspace (m²) multiplied by the rate in the CIL charging schedule. The final CIL liability will be determined by the CIL team.

21. CONCLUSION

- 21.1 The scheme is positive use of an underused residential building and back garden site, providing much needed homes in a highly sustainable location that would comfortably integrate within and contribute to the vitality of the

area. The new Garden building utilises high quality design and materials and has been designed to integrate itself into the verdant green setting with retention of trees along the site boundary, while also respecting neighbouring historic buildings and the wider Conservation Area. The extended and refurbished 39a FJA seeks to retain the facades, while also substantially restructuring the building to make it suitable for new self-contained residential accommodation. It would be a highly sustainable development with low embodied carbon and lower operational energy use.

21.2 As well as supporting the environmental improvements through car-free development, the proposal also exceeds key energy and carbon reduction targets through a sustainable development. Greening and sustainable drainage measures reduce the risk of flooding in the area while supporting biodiversity. The scheme provides residential growth in an area with good walkability and access to public transport services.

21.3 The scheme complies with the development plan as a whole and is recommended for approval.

Public benefits

21.4 No harm has been identified to heritage assets but if the committee decides there is harm, there are a number of public benefits that could weigh against that harm.

- Provision of 33 new homes on the site (an uplift of 32).
- Provision of 4 off-site affordable homes.
- Significant retention of trees on site.
- Supporting sustainable modes of transport through car free development for the Garden Building and car capped development for 39a FJA.
- Significantly exceeding energy and carbon reduction targets through a highly sustainable development.
- Significant contributions towards the provision of local infrastructure and facilities through CIL and other financial contributions.

22. RECOMMENDATION

22.1 Grant conditional Planning Permission subject to a Section 106 Legal Agreement with the following heads of terms:

- Requirement to enter into a S.106 Agreement securing 4no. 2-bedroom houses at Liddell Road as Social Affordable Rent in perpetuity.
- Requirement that the new homes hereby permitted at '39a Fitzjohn's Avenue' and the Garden building on 'land adjacent to 46 Maresfield Gardens' shall not be occupied until the off-site affordable housing is transferred to a Registered Provider and available for letting as affordable

housing. (Note, requirement to remain in place and bind the land regardless of any subsequent viability review)

- Viability review - Deferred Affordable Housing Contribution.
- Construction Management Plan
- CMP Implementation Support Contribution £30,513
- CMP Impact Bond £32,000
- Construction Working Group (CWG)
- Highways Bond £60,000
- Travel Plan £11,348
- Pedestrian, Cycle, and Environmental Improvements £90,000
- Disables Parking £4,000
- Elective Vehicle Parking (off-site) £10,000
- Car free development (some units car capped)
- Energy Carbon Offset of £38,058
- Energy and Sustainability Plans
- Habitat Management and Monitoring Plan
- Public Open Space £159,300

23. LEGAL COMMENTS

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

24. CONDITIONS

Standard conditions

1 Time limit

The development hereby permitted must be begun not later than 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 Approved drawings

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

Existing Drawings:

3169A_002, 3169A_003, 3169A_004, 3169A_005, 3169A_006 rev A, 3169A_007, 3169A_011 rev B, 3169A_012 rev B, 3169A_SKT010

Proposed Drawings:

325/4100a, 325/4101a, 325/4200b, 325/4201b, 325/4205, 325/4210e, 325/4211e, 325/4212e, 325/4213e, 325/4214e, 325/4215f, 325/4216d, 325/4250b, 325/4270d, 325/4271d, 325/4310, 325/4311, 325/4470, 3169A_D01, 3169A_D02, 3169A_D03, 3169A_D04, 3169A_200b rev D, 3169A_201b rev D, 3169A_202b rev D, 3169A_203b rev D, 3169A_204b rev D, 3169A_205b rev E, 3169A_211 rev B, 3169A_315 rev B, 3169A_316 rev B, 3169A_317 rev B, 3169A_325 rev C, 3169A_326 rev C, 3169A_350b rev B, 3169A_351b rev B, 3169A_352b rev B, 3169A_353b rev B, 3169A_355 rev A, 3169A_SKT001 rev B, 3031-XX-DR-L-101-PL05, 3031-XX-DR-L-102-PL05, 3031-XX-DR-L-103-PL04, 3031-XX-DR-L-104-PL05, 3031-XX-DR-L-105-PL05, 3031-XX-DR-L-106-PL01, 3031-XX-DR-L-107-PL01, 3031-XX-DR-L-108-PL01, 3031-XX-DR-L-302-PL04, 3031-XX-DR-L-303-PL04, 3031-XX-DR-L-304-PL04, 3031-XX-DR-L-601-PL03, 3031-XX-DR-L-602-PL02, 3031-XX-DR-L-603-PL02, 3031-XX-DR-L-604-PL02

Documents:

Design and Access Statement (prepared by Sergison Bates, dated February 2024); Covering Letter (prepared by Montagu Evans, dated 14 February 2024); Planning Statement (prepared by Montagu Evans, dated 14 February 2024); Heritage, Townscape and Assessment (prepared by Montagu Evans, dated February 2024); Financial Viability Assessment (prepared by Quod); Independent Viability Review (prepared by BPS, dated 24 May 2024); Independent Viability Review Addendum Report 1 (prepared by BPS, dated 14 October 2024); Desk-based Archaeology Assessment (prepared by Mills Whipp, dated September 2023); Travel Plan (prepared by Syntegra, dated February 2024); Transport Statement (inc. Delivery and Servicing Plan)

(prepared by Syntegra, dated February 2024); Sustainability Statement (prepared by Qoda); Energy Statement for land adjacent to 46 Maresfield Gardens (prepared by Qoda, dated February 2024); Flood Risk Assessment and Drainage Strategy Report for 39a Fitzjohn's Avenue P03 (prepared by Price Myers, dated May 2024); Flood Risk Assessment and Drainage Strategy Report for land adjacent to 46 Maresfield Gardens P05 (prepared by Price Myers, dated November 2024); Air Quality Assessment (prepared by Syntegra, dated January 2024); Acoustic Planning Assessment (prepared by RBA, dated 31 January 2024); Pre-Redevelopment Options Review for 39a Fitzjohn's Avenue (prepared by Qoda); Whole Life Carbon Assessment (prepared by Qoda); Structural and Civil Engineering Construction Method Statement Report for 39a Fitzjohn's Avenue (prepared by Price Myers, dated February 2024); Structural and Civil Engineering Construction Method Statement for land adjacent to 46 Maresfield Gardens (prepared by Price Myers, dated February 2024); Statement of Community Involvement (prepared by Cavendish, dated January 2024); Daylight and Sunlight Report (prepared by EB7, dated 31 January 2024); Planning Fire Safety Strategy for 39a Fitzjohn's Avenue (prepared by Bureau Veritas, dated 12 February 2024); Fire Statement (prepared by Bureau Veritas, dated 12 February 2024); Bat Emergence Survey (prepared by Ecology Network, dated February 2024); Preliminary Ecological Appraisal & Preliminary Roost Assessment (prepared by Ecology Network, dated February 2024); Biodiversity Statement (prepared by Ecology Network, dated August 2024); Arboricultural Impact Assessment (prepared by Landmark Trees, dated 14 February 2024); Ground Investigation & Basement Impact Assessment for 39a Fitzjohn's Avenue (prepared by GEA, dated 7 February 2024); Ground Investigation & Basement Impact Assessment for land adjacent to 46 Maresfield Gardens (prepared by GEA, dated 7 February 2024); BIA Audit Letter Response (prepared by GEA, dated 17 June 2024); Outline BIA Structural Calculations (prepared by Price Myers, dated June 2024)

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

Pre-start conditions (any works)

3 Air Quality Monitoring

No demolition or development shall commence until all the following have been complied with:

a) prior to installing monitors, full details of the air quality monitors have been submitted to and approved in writing by the local planning authority. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they will be installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance;

b) A confirmation email should be sent to airquality@camden.gov.uk no later than one day after the monitors have been installed with photographic evidence in line with the approved details; and

c) Prior to commencement, a baseline monitoring report including evidence that the monitors have been in place and recording valid air quality data for at least 3 months prior to the proposed implementation date shall be submitted to the Local Planning Authority and approved in writing.

The monitors shall be retained and maintained on site in the locations agreed with the local planning authority for the duration of the development works, monthly summary reports and automatic notification of any exceedances provided in accordance with the details thus approved. Any changes to the monitoring arrangements must be submitted to the Local Planning Authority and approved in writing.

Reason: Development must not commence before this condition is discharged to manage and mitigate the impact of the development on the air quality and dust emissions in the area, and London as a whole, and to avoid irreversible and unacceptable damage to the environment, in accordance with policies A1, A4 and CC4 of the Camden Local Plan 2017 and policy SI1 of the London Plan.

4 Pre-demolition Audit

Prior to the commencement of works on site, a resource management plan shall be submitted including a pre-demolition audit, demonstrating how best endeavours are made to reuse/recycle/recover construction and demolition waste, and use excavation waste used for beneficial purposes. The plan shall thereafter be delivered in accordance with the approved details.

Reason: To ensure all development optimise resource efficiency in accordance with policy CC1 of the London Borough of Camden Local Plan Policies and to reduce waste and support the circular economy in accordance with policy SI 7 of the London Plan 2021.

5 Tree Protection Measures

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled 'Arboricultural Impact Assessment ref. BRF/MRS/AIA/0Bb' (dated 14 February 2024). 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 in accordance with BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

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.

Pre-start conditions (other than demolition or site clearance)

6 Detailed design drawings and samples

Notwithstanding the details shown on the approved plans, prior to commencement of works (other than demolition and site clearance), detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Detailed drawings including plans, coloured elevations and sections of all windows (including jambs, head and cill), external doors, screening, balconies, balustrades, parapets, planters and associated elements at a scale of 1:20;
- b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site). Sample bay panel of materials to be provided at a suitable size (provided on site / at agreed location for review) to include typical window with all neighbouring materials and details; and
- c) Typical details of railings and balustrades at a scale of 1:20, including method of fixing.
- d) Detailed drawings of the boundary wall including plans, coloured elevations, sections at a scale of 1:20, and manufacturer's specifications details on the proposed brick and samples of those materials to be provided.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

7 Landscaping

Notwithstanding the details shown on the approved plans, prior to commencement of works (other than demolition and site clearance), no development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. 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.

8 Waste Management

Notwithstanding the details shown on the approved plans, prior to commencement of works (other than demolition and site clearance), no development shall take place until a Waste Management Plan has been submitted to and approved by the local planning authority in writing. Site waste shall be stored and managed strictly in accordance with the details set out in the approved Waste Management Plan.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of Camden Local Plan policy CC5. Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies A1 and CC5 of the Camden Local Plan 2017.

Prior to above ground works

9 Details of green or living roof

Prior to commencement of above ground works, full details of the living roofs in the areas indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority. The details shall include:

- a) a detailed scheme of maintenance;
- b) sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used; and
- c) full details of planting species and density.

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

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

10 Details of PV Panels

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 both the Garden building and 39a FJA 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 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

11 Details of ASHPs

Prior to commencement of above ground works, details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 (or COP of 4 or more or SCOP of 3.4 or more) 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 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.

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.

Prior to occupation or use

12 Basement Engineer Details

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, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. 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 ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and 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.

13 Waste and refuse storage

The refuse and recycling facility as approved shall be provided prior to the first occupation of (i) 39a FJA and (ii) the Garden building and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

14 Whole Life Carbon – post construction assessment

Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to ZeroCarbonPlanning@london.gov.uk and SustainabilityPlanning@camden.gov.uk, along with any supporting evidence as per the guidance.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Camden Local Plan policies CC1, CC2, CC3, and CC4, and London Plan policies, SI1, SI2, SI3, SI4, SI5 and SI7.

15 SuDS – Evidence of Installation

Prior to occupation of the development, evidence that the SUDS system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Planning Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

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 CC2 and CC3 of the London Borough of Camden Local Plan.

16 Anti-vibration isolators for plant

Prior to occupation of the development, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

17 Long-stay cycle parking

Prior to occupation of the development, the approved long-stay cycle parking facility comprising a cycle storage room with two tier racks for 60x bicycles and space for larger cycles within the Garden building, and 8x bicycles spaces for 39a FJA , shall be provided as shown on the approved Proposed Ground Floor Plan as referenced in condition 2 of the permission, and shall thereafter be permanently retained as such.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

18 ASHPs – Active Cooling

Prior to first use of the air source heat pumps hereby approved to serve the residential dwellings only, the active cooling function shall be disabled on the factory setting and the air source heat pumps shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.

Compliance conditions

19 Basement Impact Assessment Compliance

The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the 'Ground Investigation & Basement Impact Assessment for 39a Fitzjohn's Avenue (prepared by GEA, dated 7 February 2024)', 'Ground Investigation & Basement Impact Assessment for land adjacent to 46 Maresfield Gardens (prepared by GEA, dated 7 February 2024)', 'BIA Audit Letter Response (prepared by GEA, dated 17 June 2024)', 'Outline BIA Structural Calculations (prepared by Price Myers, dated June 2024)', 'Basement Impact Assessment Audit 39a Fitzjohn's Avenue (prepared by Campbell Reith, dated August 2024)', and 'Basement Impact Assessment Audit land adjacent to 46 Maresfield Gardens (prepared by Campbell Reith, dated August 2024)' hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and 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.

20 Non-road Mobile Machinery (NRMM)

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

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 Camden Local Plan policies A1 and CC4.

21 Noise limits for plant

The external noise level emitted from plant, machinery or equipment at the development, with any specified noise mitigation hereby approved, shall be lower than the typical existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014

at the nearest or most affected noise sensitive premises, with machinery operating at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the site and surrounding properties is not adversely affected by noise from mechanical installations and equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

22 Controlling use – residential only for permanent accommodation

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020, or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the residential flats hereby permitted shall only be used for permanent residential accommodation, and not for temporary sleeping accommodation (tenancies of fewer than 90 days) or for any other purposes whatsoever.

Reason: To protect the permanent residential accommodation in the borough in accordance with Policies H1 and H3 of the London Borough of Camden Local Plan 2017.

23 No additional external fixtures

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent or superseding orders, 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.

24 Roof Terraces

No flat roofs within the development shall be used as terraces/amenity spaces unless marked as such on the approved plans, without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of policy A1 of the Camden Local Plan.

25 Parking Restriction

The vehicular access route for the new Garden building from Maresfield Gardens, shown on drawing no. '325/4201/b', shall not be used for resident or visitor parking and remain clear of vehicles at all times. The area shall only be accessed by required Network Rail or service vehicles for maintenance purposes.

Reason: To prevent future occupants from adding to traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport in line with policy T2 of the London Borough of Camden Local Plan 2017.

26 Implementation of Landscaping

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 (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 of the London Borough of Camden Local Plan 2017.

Building regulations (imposed optional requirements)

27 Wheelchair and accessible homes (building control optional requirements)

Units 3 and 4 in the 39a Fitzjohn's building, as indicated on the plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4(3). Three units in the Garden building (land adjacent to 46 Maresfield Gardens), as indicated on plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4(3). All other dwellings hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.

Reason: To secure appropriate access for disabled people, older people, and others with mobility constraints, in accordance with policies H6 and C6 of the Camden Local Plan 2017.

28 Water use (building control optional requirements)

The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, with an additional 5 litres/person/day for external water use.

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.

25. 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>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.</p>
4	<p>You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at https://www.camden.gov.uk/about-construction-managementplans. No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.</p>

5	<p>This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, tree protection, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from TfL (on Finchley Road) and/or the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. No licence or authorisation will be granted until the Construction Management Plan is approved by the Council.</p>
6	<p>All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.</p>
7	<p>Note 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 Team, 5 Pancras Square, London, N1C 4AG (Tel. No. 020 7974 4444) or by email to: planningobligations@camden.gov.uk</p>
8	<p>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 breach of condition and would require a further grant of planning permission.</p>
9	<p>Thames Water will aim to provide customers with 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. The developer should take account of this minimum pressure in the design of the proposed development.</p>
10	<p>If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid</p>

	<p>potential fines for improper usage. More information and how to apply can be found online at www.thameswater.co.uk/buildingwater</p>
11	<p>Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to their website: www.thameswater.co.uk/developers/largerscale-developments/planning-your-development/working-near-our-pipes</p>
12	<p>Non-road mobile machinery (NRMM) is any mobile machine or vehicle that is not solely intended for carrying passengers or goods on the road. The Emissions requirements are only applicable to NRMM that is powered by diesel, including diesel hybrids. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit "http://nrmm.london/".</p>
13	<p>Biodiversity Net Gain (BNG) Informative (1/2):</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.</p> <p>Based on the information provided, this permission WILL require approval of a BGP before development is begun because none of the statutory exemptions or transitional arrangements summarised below are considered to apply.</p> <p>++ Summary of transitional arrangements and exemptions for biodiversity gain condition</p> <p>The following are provided for information and may not apply to this permission:</p>

	<p>1. The planning application was made before 12 February 2024.</p> <p>2. The planning permission is retrospective.</p> <p>3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.</p> <p>4. The permission is exempt because of one or more of the reasons below:</p> <ul style="list-style-type: none"> - It is not “major development” and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024. - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat). - The application is a Householder Application. - It is for development of a “Biodiversity Gain Site”. - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding). - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).
14	<p>Biodiversity Net Gain (BNG) Informative (2/2):</p> <p>+ Irreplaceable habitat: If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.</p> <p>++ The effect of section 73(2D) of the Town and Country Planning Act 1990 If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be</p>

regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

Planning Committee

23 January 2025

2024/0728/P

Land adjacent to 46 Maresfield
Gardens & 39a Fitzjohn's Avenue
London
NW3 5JT









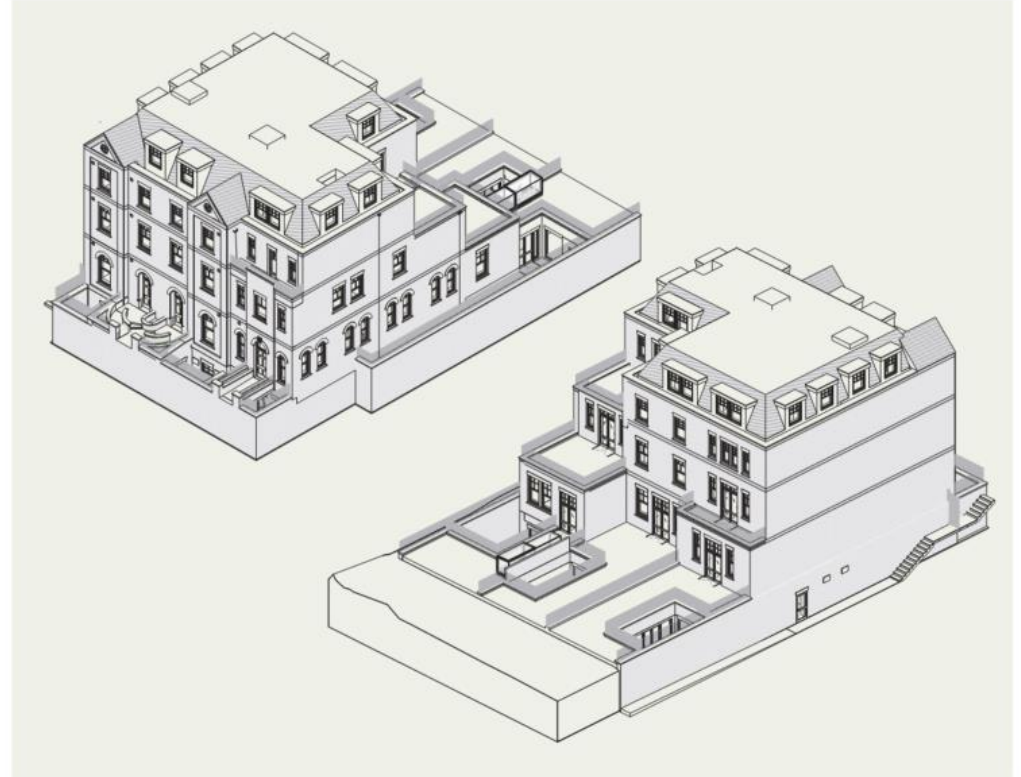












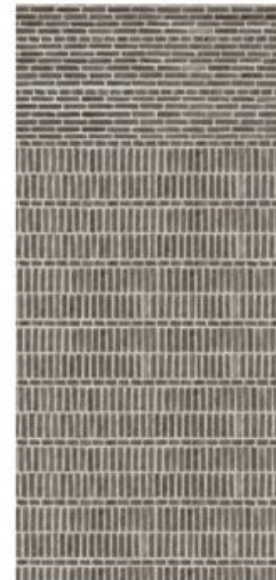






Top brick frieze:
Alternating one row of headers,
two rows of soldier courses

Brick body:
Alternating one row of headers
6 rows of staggered stretcher bond



Brick plinth:
Alternating one row of headers
two rows of soldier courses

Elevation fragment studies showing motifs of a base, frieze, lintels, sills and loggias

Study for a brickwork 'textile' using
soldier, string and staggered courses

