

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **PLANNING COMMITTEE** held on **THURSDAY, 23RD JANUARY, 2025** at 7.00 pm in Council Chamber, Town Hall, Judd Street, London WC1H 9JE

MEMBERS OF THE COMMITTEE PRESENT

Councillors Heather Johnson (Chair), Edmund Frondigoun (Vice-Chair), Lotis Bautista, Nasrine Djemai, Tommy Gale, Liam Martin-Lane, Tom Simon and Robert Thompson

MEMBERS OF THE COMMITTEE ABSENT

Councillors Eddie Hanson, Adam Harrison, Andrew Parkinson and Sue Vincent

ALSO PRESENT

Councillors Linda Chung and Judey Dixey

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of the Planning Committee and any corrections approved at that meeting will be recorded in those minutes.

MINUTES

1. APOLOGIES

Apologies for absence were received from Councillors Eddie Hanson, Adam Harrison and Sue Vincent.

An apology for lateness was received from Councillor Liam Martin-Lane.

2. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

There were none.

3. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made

available to those that requested them. Those seated in the Chamber were deemed to be consenting to being filmed. Anyone wishing to avoid appearing on the webcast should move to one of the galleries.

4. REPRESENTATIONS TO THE COMMITTEE

RESOLVED –

THAT the written submissions and deputation requests contained in the supplementary agenda be accepted.

5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was no such business.

6. MINUTES

Consideration was given to the Minutes of the previous meeting.

RESOLVED –

THAT the Minutes of the meeting held on 14 November 2025 be agreed and signed as an accurate record of the meeting.

7. PLANNING APPLICATIONS

Consideration was given to the report of the Executive Director Supporting Communities.

7(1) LAND ADJACENT TO 46 MARESFIELD GARDENS & 39A FITZJOHN'S AVENUE, LONDON NW3

Consideration was also given to the information provided in the Supplementary Agenda, the written submissions and deputation requests referred to in Agenda Item 5 above. Consideration was also given to the information included in the Tabled Paper.

The Committee considered a model of the proposed development. The Head of Development Management reported that while viewing the model, the following points were noted:

- The location of Fitzjohn's Avenue, Nutley Terrace, and Maresfield Gardens.

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- No. 46 Maresfield Gardens and the adjacent land, where the proposed garden building would be located, were both identified.
- No 39 was identified and members were reminded that it was outside the application site.
- Officers noted that a non-material amendment application had been submitted to adjust the landscaping for an approved permission on that site, to integrate it with the proposals under consideration for the neighbouring sites.
- Officers highlighted No. 39a was the building proposed to have extensions to the roof, side, basement and rear.
- It was noted that this was previously going to be a single dwelling under an earlier permission but would now be separated into four units by this scheme.
- Officers noted that the affordable housing units were off-site.
- It was confirmed that the sites were all owned by the same developer.
- Members raised questions regarding viability and the impact of splitting the sites on the ability to deliver affordable housing. Officers advised these should be raised during the later discussion.

Councillor Judy Dixey addressed the Committee as Ward Councillor.

Members expressed disappointment about the lack of an affordable housing provision on site. Planning Officers provided the following information, in response to questions about affordable housing:

- Affordable housing could not be provided on-site due to viability constraints.
- Whilst the council's policy required affordable housing, it was only where it was viable to do so. As providing affordable housing on this site was deemed unviable, there was no policy requirement for it in Council or central government policy.
- Despite this, however, the developer had committed to taking a risk and providing some affordable housing off-site by converting 4 existing private homes on another site they owned to affordable housing and for them to be transferred to a registered provider who already managed affordable homes on that site.
- If only a late-stage review was relied upon, there was no guarantee of affordable units, securing four units upfront provided certainty that some affordable housing would be provided.
- Under the late-stage review, if additional funds were generated, the Council would only get 60% of any surplus and it would likely be a payment in lieu to the Council's affordable housing fund, rather than the provision of affordable units.
- The off-site units would be London Living Rent, which was identified as the most accessible tenure option for lower-income residents.
- The official policy requirement for affordable housing on this scheme was 0%, because of the viability position, yet the developer was offering 8%, exceeding expectations.

The Council's Viability Consultant provided the following information in response to questions on the viability of the scheme:

- Financial viability assessments submitted by the applicant were reviewed by BPS on behalf of the Council. There was some disagreement between the developer and the Council on some of the figures within the assessment including the Benchmark Land Value (BLV), costs and target profit.
- The applicant BLV was assessed as £8.25m compared to the Council's BLV of £6.635m.
- This difference arose due to the assessed value of refurbished properties.
- A key disagreement was over the target profit return. The applicant sought 20% whereas the Council considered 17.5% to be more appropriate.
- The developer projected an overall deficit of £13.4 million, resulting in a negative profit margin of 7%, which was deemed unrealistic by BPS.
- However, even with the Council's revised figures the scheme is accepted to be £1.7 million in deficit.
- Irrespective of the disagreement over the numbers, the overall conclusion, however, was that the scheme remained in deficit, making on-site affordable housing financially unfeasible, on which both the applicant and the Council were in agreement.
- Notwithstanding that, the Developer was providing four affordable units off-site and as a result sought the higher profit margin and BLV used in the late-stage viability review as compensation for their offer and early delivery.
- The Developers' figures were to be included in the Section 106 agreement because the affordable housing was conditional on those being adopted. A proviso was to be included in the agreement that if the affordable units were not provided, the BPS recommend benchmark land value and profit figures would be used.
- One of the main reasons for discrepancies in figures was due to the challenge in assessing the final property values upon completion.
- Base construction costs were reviewed, with pricing adjusted to match the specifications expected in a high-value area. Although gaps in cost estimates existed, they were not as significant as seen in other areas.

Officers responded to further questions, as follows:

- The estimated Community Infrastructure Levy (CIL) for the development was around £3.8 million in the viability report, but the final amount would be formally confirmed by the CIL team at the CIL liability stage. It was safe to assume it would be somewhere between £3 and £4million.
- Camden had a shortfall of both affordable and market-rate housing, which the development sought to address.
- While property prices in the development were expected to be out of reach for many residents, the scheme would be able to deliver a range of housing options to meet broader housing needs.
- Biodiversity measures had been considered within the application, such as green roofs, green water management, bat boxes, additional planting on site, and removal of low quality or unsuitable trees.

The applicant responded to questions, setting out their views as follows:

- The Developer had owned the site since 2018, and the buildings had remained vacant for around six years and were continuing to deteriorate.
- Therefore, due to the site's ongoing disuse, the developer sought to bring the buildings back into active use despite the financial risk involved.
- The Developer confirmed that they acquired the site in 2018, but split the site due to issues with ownership, the developer held the freehold for 39, but the virtual freehold at No. 39a.
- Network Rail had a railway tunnel running through No. 39a and having third parties involved could result in delays with the Section 106 legal agreement, therefore the site was split and separate proposals pursued to allow no. 39 to be developed first.
- A series of different consultation exercises for the site were carried out, these included members of the project team taking ward councillors on a tour of the site. Site visits were also offered to local residents and the local neighbourhood association.
- Further to this, two public consultation events were undertaken on 13 and 15 July 2023. To advertise those events as widely as possible, over 1500 flyers were issued and 17 individuals attended those exhibitions across both dates.

The depute responded to questions, setting out their views as follows:

- There had been a public consultation held when the proposals were still in development.
- Residents had put many questions to the applicants, and whilst responses were provided some residents had been left with more questions and felt some points had not been responded to.
- A site visit and a roundtable discussion had taken place, but some residents remained concerned that some questions had not been answered.
- Concerns had centred around the affordable housing provision, the design of the Garden Building in terms of its scale and appearance because, which was deemed to not be in keeping with the conservation area, and the site being closed off to the rest of the neighbourhood.
- A construction management plan should consider that the development was in the centre of the neighbourhood, within a healthy school street area, and that emergency vehicles would require clear access to the Royal Free Hospital.

On being put to the vote, with five in favour of the officer recommendation and three against, it was

RESOLVED –

THAT Planning Permission be granted subject to conditions and Section 106 obligations, as set out in the agenda.

**ACTION BY: Director of Economy, Regeneration & Investment
Borough Solicitor**

7(2) LEIGH HOUSE (LOWER GROUND FLOOR FLAT), 73 SOUTH END ROAD, LONDON NW3 2RJ &

7(3) RELATED APPLICATION

Consideration was also given to the information provided in the Supplementary Agenda, the written submissions and deputation requests referred to in Agenda Item 5 above.

Councillor Linda Chung addressed the Committee as Ward Councillor.

Officers responded to questions, as follows:

- Paragraph 10.14 of the report, which indicated a reduction in garden space of 57.3 square metres, included the loss from both the garden room and the rear extension.
- Measurements were based on gross external area rather than gross internal area, making the usable floor space within the garden room appear larger.
- The overall height of the boundary treatment included a brick wall of 1.96 metres with additional trellis bringing the total height to approximately 3.8 metres.
- The proposed outbuilding would be 2.9 metres high, which was below the trellis line.
- Officers confirmed that the outbuilding would be positioned behind 79 South End Road, which was roughly eight metres from 12A Keats Grove.
- As some of the trellis was in poor condition, it would be replaced with new trellis.
- Whilst views of the neighbouring properties bathroom window at 12A Keats Grove from the outbuilding may be possible, this was not considered a habitable space and therefore there were no overlooking concerns.
- Furthermore, the outbuilding's windows and doors were oriented towards the applicant's own garden, rather than neighbouring properties and the window at an elevated height. Therefore, the report had concluded that the outbuilding would not cause significant overlooking or privacy issues.
- The 0.6 metre gap along the boundary would be retained, which would provide space for some greenery, however as there was an existing boundary wall at the end it could not provide a green corridor.

The applicant clarified that the application site was number 73 and that the proposed outbuilding would be located to the rear of No. 79. The boundary treatment was a brick wall of 1.96 meters with a timber boarded fence of 1.21 meters atop. The proposed outbuilding would be 2.9 metres high, which was below the trellis line.

On being put to the vote, with four in favour of the officer recommendation, one against, and two abstentions, it was

RESOLVED –

- i) THAT Planning Permission be granted subject to conditions and Section 106 obligations as set out in the agenda; and
- ii) THAT listed building consent be granted subject to conditions as set out in the agenda.

**ACTION BY: Director of Economy, Regeneration & Investment
Borough Solicitor**

**7(4) LAND ADJACENT TO 1 REGENCY LAWN, CROFTDOWN ROAD,
LONDON NW5 1HF**

Consideration was also given to information contained within the tabled paper.

The Planning Officer presented the application, clarifying that the application required consideration by the Committee because the applicant was a Council officer.

On being put to the vote, unanimously in favour of the officer recommendation, it was

RESOLVED –

THAT Planning Permission be granted subject to conditions and Section 106 obligations as set out in the agenda.

**ACTION BY: Director of Economy, Regeneration & Investment
Borough Solicitor**

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 9.42 pm.

CHAIR

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MINUTES END