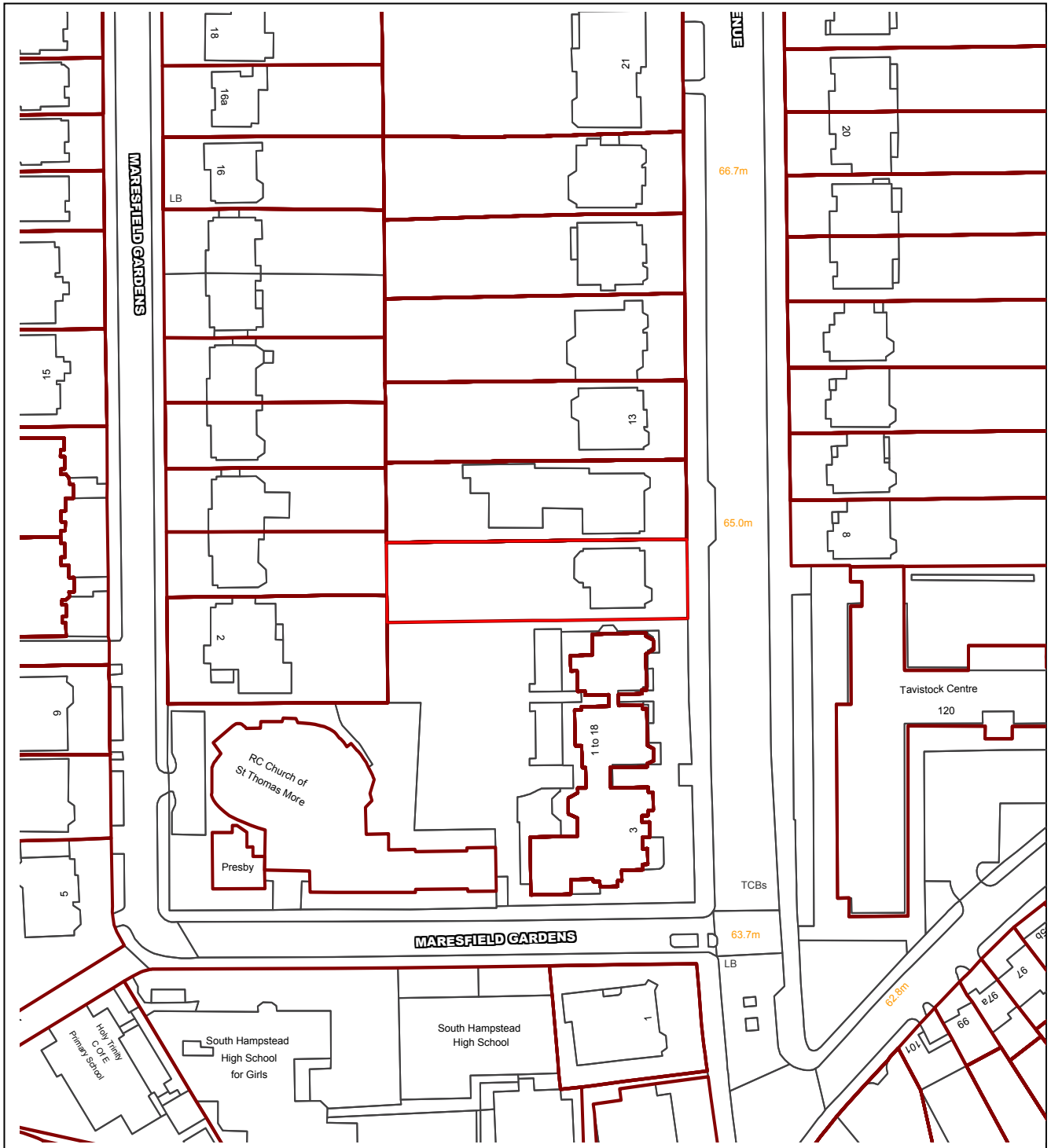


9 FITZJOHN'S AVENUE



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Front of application site



South side of application property



Flank of no 7



Closest lime tree to the south side of application property



Rear of application property



Rear of no 11



Rear of no 7



Existing trees along the south side boundary of the application site



Rear boundary of the application site



Rear extension at no 11

Delegated Report		Analysis sheet	Expiry Date:	12/08/2013
(Members Briefing)		N/A	Consultation Expiry Date:	25/07/2013
Officer			Application Number	
Aysegul Olcar-Chamberlin			2013/2547/P	
Application Address			Drawing Numbers	
9 Fitzjohns Avenue London NW3 5JY			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Change of use from hostel for temporary accommodation of homeless families (Class C1) to single family dwelling house (Class C3) involving erection five-storey rear extension (including basement and attic level); excavation of new basement, part two / part single-storey rear extension with ground floor level terrace; alterations to front lightwell; alterations to rear, front and both flank elevations including erection of chimney to south flank; installation of 4 x rooflights on main roof; alterations to front boundary wall; relocation of existing crossover; and associated landscaping (following demolition of existing rear fire escape stair structure and single storey and five storey rear extensions).				
Recommendation:		Grant conditional permission subject to S106 agreement		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	47	No. of responses	03	No. of objections	00
			No. Electronic	01		
Summary of consultation responses:	<p>A site notice was displayed from 26/06/2013 to 17/07/2013. A press notice was also advertised on 04/07/2013.</p> <p>3 occupiers of neighbouring properties supported the application and in summary, they made the following comments:</p> <ul style="list-style-type: none"> The proposal would improve the character and appearance of the existing building and the surrounding area. 					
CAAC/Local groups comments:	<p>The Netharhall Neighbouring Association support the proposal. The summary of their comments are:</p> <ul style="list-style-type: none"> The proposal would ensure the building's future; It maintains the front façade, reintroduce the original window treatments and removes recent crude changes and unsightly extensions and alterations. The proposal would reintroduce walls and ironwork along street boundary and increasing soft landscaping to the frontage. <p>The Heath and Hampstead Society objected to the proposal. In summary, their concerns are:</p> <ul style="list-style-type: none"> The loss of HMO contradicts policy DP24. The proposed glass extension is out of character with the character of Conservation Area. The use of extensive glass cannot be energy effective, however the BREEAM calculations are manipulated. The BIA is unconvincing without the Engineer's report, which cannot be downloaded. Tree lime trees closest to the basement excavation cannot be safely protected, the Council's tree officer needs to be consulted. <p>Fitzjohns/Netherhall CAAC objected to the proposal. In summary, their concerns are:</p> <ul style="list-style-type: none"> Loss of hostel accommodation contradicts the Council's policies. <p>Response: All the documents except affordable housing statement could be viewed on the Council's website. The rest of the concerns are addressed on within this report's assessment section below.</p> <p>Thames Water raised no objection to the proposal. In summary, their comments are:</p> <ul style="list-style-type: none"> The developer is responsible for making proper provision for drainage to ground, water courses or a suitable sewer. The applicant should ensure that storm flows are attenuated or 					

regulated into the receiving public network through on or off site storage.

- When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.
- Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- The applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- If the proposed building work falls within 3 metres of the pipes which are shared with the neighbours or are situated outside of the property boundary the applicants should contact Thames Water (Thames Water on 0845 850 2777 or for more information please visit Thames Water website at www.thameswater.co.uk).
- Thames Water will aim to provide customers with a minimum pressure of 10mhead (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.

Thames Water's comments were included in the informative.

Site Description

The application site is a large three storey, plus semi-basement level and attic level accommodation, 19th century detached house on the west side of Fitzjohn's Avenue in the Fitzjohns/Netherhall Conservation area. The property sits on a generous plot with a large garden to the rear, and as it is setback from the street there is an area of hardstanding to the front that can accommodate two cars. There is a large staircase to the rear which is a fire escape. The property has been vacant for more than one year and used to provide temporary accommodation for homeless families (hostel).

The property is identified as a positive contributor to the appearance and character of the conservation area. Fitzjohns Avenue forms a central part in the Conservation Area which has a mixture of architectural styles within a broad framework of broadly similar building types. In common with a number of other properties in this section of Fitzjohn Avenue there is emphasis given to the entrance porch and broad steps.

The surrounding area is mainly residential. The adjoining site, formally known as 3-7 Fitzjohn's Avenue, has recently been redeveloped from a hotel to a block of residential flats. The adjoining site, 11 Fitzjohn's Avenue provides residential home for elderly people.

Relevant History

Application Property:

2012/6451/P- Planning permission was granted on 26/04/2013 for "Change of use from hostel for temporary accommodation of homeless families (Class C1) to single-family dwelling house (Class C3)".

9300477 – Planning permission was granted on July 1993 for "Change of use from an elderly persons

nursing home (Class C2) to a hostel for the temporary accommodation of homeless families (Class C1)".

4 Maresfield Gardens

2012/0779/P – Planning permission was granted on April 2012 for “Change of use from hostel accommodation to single dwelling house (Class C3) and erection of rear extension at lower ground floor and upper ground floor level (following demolition of existing outbuilding); roof terrace at rear ground floor level with stairs to garden; and installation of 3 x rooflights to rear roofslope”.

2011/5718/P – Planning permission was granted on January 2012 for “Change of use from hostel to single dwelling house (Class C3)”.

Relevant policies

National Planning Policy Framework (NPPF) (2012)

The Landon Plan (2011)

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

DP2 (Making full use of Camden’s capacity for housing)

DP3 (Contributions to the supply of affordable housing)

DP4 (Minimising the loss of affordable housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP8 (Accommodation for homeless people and vulnerable people)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP19 (Managing the impact of parking)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden’s heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basement and lightwells)

DP28 (Noise and vibration)

DP29 (Improving access)

Camden Planning Guidance 2011 (as amended 2013)

CPG1 – Design

CPG 2 - Housing

CPG3 - Sustainability

CPG 4 – Basement and lightwells

CPG 6 - Amenity

Fitzjohn/Netherhall Conservation Area Statement

Assessment

Background

1. Following the officer's concerns over the design and the standard of the proposed basement accommodation the proposed scheme has been revised. The revisions include:

- The depth of the front lightwell below the garden level was reduced to the existing depth (removal of basement light wells).
- The proposed habitable rooms at new basement level are replaced with cinema room and wine cellar. There would be no habitable rooms on the proposed basement level.
- The roof/top floor element of the proposed five storey extension was altered from largely glazed rectangular shape to a hipped roof with a small rear gable feature and the proposed rear roof terrace on third floor level omitted from the proposal.
- New mock chimney resembling the detailing of the existing chimney added to the proposed south side elevation.
- Alterations to the size and positioning of the second row of windows on the proposed south side elevation.
- Alterations to the detailing of the proposed second floor French doors on the front elevation to make them similar to the first floor windows below.
- Using red rubber brick Cornish to existing instead of stone cornice.
- New side windows are proposed to be opaque glazing and not openable below 1.8m height where facing habitable rooms of the neighbouring properties.

2. Further joinery details of the proposed glass extension to the existing rear brick wall and addendum to Basement Impact Assessment were also submitted during the progression of the application.

Proposal

3. It is proposed to change of use of the existing building from a hostel for the temporary accommodation of homeless families (Class C1) to a single-family dwelling house (Class C3) including the following alterations and extensions:

- Five-storey rear extension (including the basement and attic levels): The proposed extension would replace the existing five storey side/rear extension (that accommodates a lift) and would have a traditional style with a hipped roof. The proposed extension would project 2.1m beyond the existing extension and would have a width of 4.6m.
- Part two- part single-storey rear extension with ground floor level terrace: The proposed rear extension would be mainly in glass and would wrap around the existing two storey bay feature. The proposed single storey element would project 4.3m beyond the proposed five storey extension and would have a width of 4.6m. The roof of the single storey element would be used as a rear ground floor terrace (19sqm). The proposed two storey element with a width of 8.1m and height of 4.8m (above garden level) would wrap around the existing two storey bay feature. It would join the proposed five storey rear extension and would project 2.6m beyond the existing rear bay and 4.6m beyond the rear wall of the host building (close to no 11).
- Basement extension: The proposal would include a basement excavation of approximately 636 m³. The proposed basement extension would be a single storey and would be pretty much within the foot print of the existing house (only the small area around the rear bay would be

extended up to the depth of the existing rear/side extension).

- Alterations to rear, front, north side and south flank elevations: The proposed alterations to the front elevation would involve replacement of windows and doors with timber double glazed ones. The alteration to the side elevations would involve insertion of new sash windows, doors and glazed panels, removal of some of the windows and new mock chimney to the south side elevation. The existing rear fire escape stair structure would be removed and new windows and doors to rear elevation of first, second and third floor levels would be inserted.
- Installation of 4 x rooflights on the main roof: The proposed rooflights to the rear roof slopes would be conservative type ones and medium to large rooflights would be inserted above the flat roof sections of the main roof.
- Alterations to front boundary wall: The existing gate piers leading to the main entrance door and steps would be retained. New metal gate to the altered driveway would be inserted between the new piers. New metal railings would also be fixed above the low boundary wall.
- Relocation of crossover: The new crossover would be closer to the shared boundary with no 7 and would have a width of 3m which is 0.6m less than the existing.
- Associated landscaping: The front garden would be repaved and replanted. The paved area close to the house in the rear garden would be repaved and partially excavated to provide a patio area accessible from the proposed lower ground floor level. There would also be new steps from the patio to the grass area in the rear garden. All the existing trees would be retained.

Land Use

4. The principle of the proposed change of use has already been established with the approval of the previous planning application which was approved earlier this year (ref: 2012/6451/P).

5. The existing property consists of a lower ground floor, ground, first, second and third floors providing 14 bedrooms. There are also communal kitchens, bathrooms, living and storage areas. The proposed house would have an additional basement level and generously sized 8 bedrooms, living rooms, study, gym, cinema rooms and storage rooms. The internal existing floor space is approximately 770sqm. The internal floor area of the proposed dwelling house would be approximately 1040sqm.

6. Policy CS6 aims to encourage housing generally, and this does include accommodation such as large family houses, which is seen as part of providing a variety of housing types for different groups. Policy DP4 generally resists development that would involve loss of any form of affordable housing (hostels, bed sits etc) and refers to policies DP7 and DP8 for detailed guidance for assessing proposals that affect sheltered housing, care homes and accommodation for homeless and vulnerable people. Policy DP8 resists the net loss of accommodation for homeless people or vulnerable people unless:

- adequate replacement accommodation will be provided; or
- it can be demonstrated that there is a surplus of homes for older people in the area; or
- it can be demonstrated that the existing homes are incapable of meeting contemporary standards for homes for homeless people or vulnerable people.

7. The Council owned the site until it was sold in early this year. This was part of a process entitled *Moving on and up: Strategy for providing accommodation for homeless people: Alternative use of decommissioned hostel sites*. A review of accommodation for homeless people took place in light of what had been achieved with reducing the number of homeless persons. The conclusions, which were agreed by Executive in December 2009 (Ref: HASC/2009 63) and Cabinet in September 2010 (Ref: HASC/2010/17), were that this site, along with 4 Maresfield Road (immediately to the rear) and three others could be disposed of as they were surplus to requirements. In addition, the buildings were considered either unsuitable and/or in need of considerable work to bring them up to standard.

Once this was agreed work was done to ensure that the residents were re-housed with a view to de-commissioning the use by March 2011.

8. Loss of the hostel use of the site was considered to be acceptable during the assessment of the previous application (ref: 2012/6451/P). The existing building was no longer needed to accommodate homeless people due to the Council's re-accommodation strategy explained above. The site disposal and alternative accommodation for the residents is provided elsewhere, therefore the loss of hostel use is still considered to be acceptable in this application, as it was under 2012/6451/P and relevant policies have not changed since then.

Affordable housing

9. Policy DP3 seeks a contribution to affordable housing on sites capable of providing 10 units or more, and this is considered to be a site of 1000sq m gross floorspace. The current property has a GEA of 864sqm. The proposal would result in additional floor area (GEA) of 300sq m increasing the total floor area to 1164sqm. 233sq m of the proposed additional space would be located at the basement level.

10. Policy DP3 refers to whether or not a site has the 'capacity' to accommodate 10 or more additional dwellings and supporting text in paragraph 3.8 of this policy considers the floorspace of 1000sq m (GEA) to be capable of accommodating 10 units. Paragraph 2.23 of CPG2 also states that the Council will take into account whether the additional area is capable of contributing to the number of homes in the scheme, for example would the floorspace provide appropriate amenity, and any other constraints that would prevent 10 dwellings from being developed. When determining the capacity based on the floorspace threshold the consideration needs to be given the suitability of the additional floorspace for habitable accommodation.

11. The majority of the additional residential floorspace would be at the new basement level which has no access to daylight or outlook and is therefore not suitable for use as a self-contained flat. The additional residential floor area excluding the 233sqm at basement level would therefore be 67sq m increasing the floor area of the property to 931sq m. Given the proposed residential floor area suitable for habitable accommodation would be below the 1,000sqm threshold it would be unreasonable to expect an affordable housing contribution from the proposed scheme.

12. Moreover, the site already has extant consent for a new dwelling under the 2012/6451/P consent, therefore it can be considered that only 300sqm would now be added to the housing floorspace already approved and this is well below the 1,000sqm threshold.

Quality of the resulting residential accommodation (including accessibility)

13. Policies CS6, DP5, and DP6 and Camden Planning Guidance 2 on Housing are of relevance. The application indicates that the floorspace would be re-furnished to a high standard. The proposed dwelling house would be spacious and all habitable rooms would benefit from good outlook and good levels of daylight/sunlight. The proposed basement level would not have any habitable rooms therefore lack of access to outlook and daylight is not an issue.

14. Policy DP6 requires new dwellings to be designed to fully comply with Lifetime homes standards. The applicants submitted a Lifetime Homes Statement to address policy DP6. The proposal would not fully accord with the principles of lifetime homes, given the site constraints. There are steps up to the main entrance door, which would make level access difficult. The Lifetime Homes Statement states that there would be entrance level living space and WC and showering facilities, a new lift through the floor levels would be installed and the layout of the proposed house would allow adequate circulation space for wheelchair users.

15. The proposed house is considered to provide good living standards and a condition is recommended to secure the listed lifetime homes features.

Design and Impact on Conservation Area

16. Policy DP24 states that the Council will require all developments, including alterations and extensions to be of the highest standard of design and respect character, setting, form and scale of the neighbouring properties and character and proportions of the existing building. Policy DP25 also states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. The existing property was originally built as a large house and the use of the property as a single dwellinghouse is welcomed in design terms. The impact of the proposed extensions and alterations are explored below:

Alterations to front elevation:

17. Many of the original windows on the front elevation have been replaced with timber casement windows and it is proposed to reinstate sash windows with subdivided sections to the top of the upper panes. These are consistent with the architectural character of the building and its neighbours and therefore the proposed front elevation is considered to improve and enhance the character and appearance of the conservation area.

Rear extension and alterations:

18. The removal of the unsightly external staircase and replacement of the unsympathetic lift shaft extension (in brick) with more sympathetic full height side/rear extension would improve the character and appearance of the building. The proposed full height extension would project 2.1m further than the existing lift shaft extension but it will still align with the rear building line of the adjacent property at no 7. The proposed extension would be mainly in solid brick work and would have a traditional roof form respecting the main roof profile.

19. The proposed windows and doors above upper ground floor level would be more sympathetic to the style and age of the building. The proposed fenestration detailing of the proposed extensions below the first floor level would be in modern style. The proposed glazed two storey extension would be built around the retained attractive bay feature and would have aluminium frames connected to the brick wall with joints. The proposed single storey extension would be largely glazed and the roof terrace above it would be secured by glass balustrade. Although the extensions to the lower portion of the building would be bold and contemporary, they would still be relatively modest in scale given the proportions of the house. Given the lower position of these contemporary additions and their lightweight appearance they are not considered to dominate or visually overwhelm the scale of this large house.

Alterations to roof:

20. The roof profile will generally remain as existing apart from the new full height extension and extended flat roof section behind the new mock chimney. The proposed extensions would be subservient to the main roof profile. The pitched roof of the full height extension would improve the existing roof profile. Both the enlarged flat roof section and the proposed large roof lights would not be visible from the public views. The proposed alterations to the roof are considered to be acceptable in design terms.

Basement:

21. As the proposed basement level would be below the lower ground floor level and it does not manifest itself externally nor include any associated alterations to the existing front lightwells it would not affect the character and appearance of the building.

Front boundary treatment and Landscaping:

22. Due to the moving the vehicle access further to the south minor modifications and improvements

are proposed to the front boundary treatment. The original pair of piers that demarcate the pedestrian entrance to the building are to be retained, as is the existing hedge which softens the boundary. The proposed boundary treatment would not be significantly different from the existing and is considered not detract from the appearance of the streetscene and the wider conservation area.

23. Cumulatively, the proposed alterations and extensions are considered to be subservient to the host building and respect the pattern of development in the area. Overall, the proposed scheme represents an enhancement of this fine late Victorian house.

Impact on Trees

24. There are mature trees on the on application and adjoining sites that could be affected during the construction of proposed basement excavation and rear extensions. A tree survey was submitted with this application, and includes a site plan showing the location of trees and the tree protection fence, details of the protection fence and the amenity value of the trees. The tree survey also states that the roots of the row of lime trees along the south side boundary (which would be most affected by the proposal) are most likely running the westwards and parallel with the site boundary.

25. The Council's tree officer considered that the proposal could be built without causing significant harm to the lime trees as the proposed basement level would not project beyond the side footprint of the house. The tree officer recommended a condition for the details of tree protection measures.

26. Subject to the recommended condition the proposal is considered to be acceptable.

Basement Impact

27. Development Policy DP27 states where a basement development is deeper than one full storey below ground level (3 metres in depth) the Council would require evidence, including geotechnical, structural engineering and hydrological investigations and modelling to demonstrate that basement developments do not harm the built and natural environment or local amenity. This evidence forms part of a Basement Impact Assessment (hereinafter a BIA) that at the very minimum contains a screening exercise, to determine whether further scoping, site investigation or technical evidence is necessary. This is to ensure that basement developments do not harm the built and natural environment or local amenity. In this case the basement extends between 2.7m and 4.6m towards the rear garden beyond the original footprint and is approximately 4m m below ground level therefore a BIA was necessary.

28. The applicants submitted a BIA report in accordance with the criteria set out in section 2 of CPG4. According to the desk study historically a tributary of the River Tyburn flowed to the eastern side of Fitzjohn's Avenue and there are no registered landfills, historic landfills, registered waste transfer sites or waste management facilities within 250m of the site. The application site is also not in an area identified to be at risk from surface water flooding. In summary, the site investigation revealed the following:

- The London Clay was encountered and proved to the maximum depth investigated of 15m.
- The borehole records of 3-7 Fitzjohn's Avenue dated March 2007 indicated made ground to depths of between 0.4m and 3m underlain by London Clay (proved the maximum depths of investigated of 30m).
- Ground water monitoring standpipes were instated in tree boreholes to depths of 6m and 7m and monitored from 27/02/2013 to 19/03/2013 on site. During the monitoring of the site the groundwater was encountered in three boreholes (with varying depth of between 1.70 to 5.68m) these levels were considered not to reach equilibrium levels therefore it is considered that groundwater will not be a critical risk receptor. Desiccation (dryness) was encountered in

boreholes in close proximity to existing trees and a seepage was encountered at a depth of 11m.

- The trail pits dug by hand on site indicate that the existing house is founded at depths of between 0.20 and 1.10m on made ground or naturally reworked London Clay and showed a perched water at a depth of 0.95m.
- Contamination testing has revealed slightly elevated concentration of lead and total PAH including benzo(a)pyrene within the samples of the made ground.
- The proposed excavation is likely to result in elastic heave and long term swelling of the London Clay.
- Temporary support and sheet piles to maintain the stability and excessive ground movement, underpinning of the existing foundations and groundwater control are recommended during basement excavation.

29. The proposed basement level would be 2.8m from 11 Fitzjohn's Avenue and 5.4m from 7 Fitzjohn's Avenue. According to an addendum to the Basement Impact Assessment submitted dated 30/07/2013 the expected damage to the adjacent properties as set out in Burland Category to be category 1 (very slight) for 7 Fitzjohn's Avenue and Category 1 for 11 Fitzjohn's Avenue.

30. The supporting information concerning basement impact is considered to be sufficient to demonstrate that the proposed basement could be built without harming the ground conditions and structural stability of the neighbouring properties and the standard basement condition is secured to ensure the works are undertaken and monitored by a qualified engineer as the proposed basement excavation could have an impact on the surface water flow and groundwater flow if the recommended temporary structures and mitigation measures are not implemented appropriately. In terms of land contamination a condition for further soil and ground water contamination and details of mitigation measures (if necessary) is recommended.

Neighbouring amenity

31. Development policy DP26 seeks to ensure that the amenities of existing and future occupiers are not unduly impacted by development in terms of overlooking, outlook and loss of daylight/sunlight.

Daylight:

32. A daylight study was submitted with the application to establish the significance of the impact of the proposed development on the daylight amenities of the adjacent properties (7 and 11 Fitzjohn's Avenue). According to the daylight study the proposal would have a negligible impact on daylight amenities of the adjacent properties and the windows on the flank elevation of 7 Fitzjohn's Avenue facing onto the proposed extensions would not suffer reductions of more than 20% of the existing Vertical Sky Component (VSC) values.

33. The proposed two storey rear extension adjacent to the shared boundary with 11 Fitzroy Avenue would be approximately 3.6m above the boundary wall and within the 45 degree line would overshadow half of the lower ground floor rear window of no 11 close to the shared boundary. This window together with other windows serves to a living area on the lower ground floor level. The impact of the proposed two storey extension is unlikely to be greater than the existing external staircase on the daylight amenities on no 11.

Overlooking:

34. The new windows on the proposed north side elevation of the building would not directly face onto the flank windows of no 11 which serve habitable rooms. Given the relationship between the two properties the proposal is considered not to worsen the existing overlooking situation between the

application property and no 11.

35. The windows on the flank elevation of no 7 which face on to the south side of the application property serve habitable rooms. The new windows on the proposed south elevation would increase the existing overlooking between these two properties. To overcome privacy concern to no.7, opaque glazing would be added to side windows, and bottom sash to be fixed. It is proposed that two rows of the proposed new windows close to the rear on the south side elevation to be obscure glass. The bottom sash of these proposed windows would also be fixed. This will be secured by condition.

36. The proposed 1.8m high privacy screen on the south side elevation of the proposed upper ground floor rear roof terrace would also be adequate to protect the privacy of the adjacent lower level flats at no 7.

37. Subject to conditions for obscure glass windows and privacy screen mentioned above the proposed scheme is considered not to have a significant impact on the amenities of the neighbouring properties.

Sustainability

38. The relevant policies are CS13, DP22 and DP23. Policy DP22 requires developments to incorporate sustainable design and construction measures. An energy statement dated 19/06/2013 and BREEAM Refurbishment Report dated 19/04/2013 were submitted with the application in order to address Policies CS13, DP22 and DP23.

39. The proposed scheme would offer a minimum BREEAM 'Excellent' level (with a score of 71.94% in accordance with the BREEAM Domestic Refurbishment pre assessment 2012. The proposed scheme will achieve a 69% score of un-weighted credits in the Energy Category, 80% score of un-weighted credits in Water Category and 36% of un-weighted credits in Material Category. High levels of thermal performance, insulated external walls, new insulated walls, highly insulated roof and ground floors, double or triple glazed windows, use of energy efficient appliances and lighting are proposed to improve energy performance of the building. According to the energy statement the primary focus to reduce carbon emission would rely on the design measures mentioned above to reduce energy demand due to the site constraints.

40. In accordance with paragraph 9.12 of CPG3 the minimum standard for un-weighted credits for energy, water and materials should be 60%, 60% and 40% respectively. There would be small shortfall in material category. This is due to the limited possibility of re-use of the existing materials. Given the proposed scheme would be capable of achieving high scores in energy and water categories it is considered to comply with the aims of the relevant sustainability policies.

41. According to policy DP22 this size of development should meet at least 'very good' in BREEAM and it should be encouraged to meet 'excellent'. The S106 legal agreement of the previous conversion scheme (ref: 2012/6451/P) expects the conversion scheme to meet 'very good' rating. Given that a s106 agreement is recommended to secure that the proposed scheme would achieve at least 'very good' in BREEAM.

PD Rights

42. The proposed dwellinghouse would benefit from permitted development rights for rear extensions and alterations. Further alterations and extension to the proposed houses could compromise the overall architectural composition of the proposed development and may harm the amenities of the neighbouring properties therefore a condition for the removal of permitted development right is recommended.

Transportation

43. There is an existing crossover in place at the front of the site allowing access to a front area where two cars can be parked, and it appears that up to two could be accommodated. The proposed landscaping of the front garden including the relocation of the existing crossover would reduce the number of on-site car parking spaces to one. This would comply with the appendix 2 of the Development Policies (usually a maximum of 1 space per dwelling). Policies CS11 and DP17 seek to encourage sustainable modes of transport in Camden and DP18 addresses the supply of car parking in the borough to reduce congestion and promote the use of more sustainable modes. In this case it would be justifiable to prevent future occupiers from being able to acquire on-street parking permits via S106 legal agreement in accordance with policy DP18.

44. It is proposed to locate 4sqm bike storage area internally on the proposed ground floor accessible from the front garden via the side entrance door. Camden's Parking Standards for cycles (Appendix 2 of Camden Development Policies), states that 1 storage or parking space is required per residential unit; however, for larger residential units (3+ beds), the London Plan requires 2 cycle parking spaces per unit. The proposed cycle storage could accommodate up to three bicycles and therefore it is considered to be acceptable.

Managing the Impacts of Construction:

45. The proposed development includes significant demolition and excavation works to an extent that could affect the local transport network in the area during construction therefore a Construction Management Plan is required prior to work commencing on site. It is recommended that a detailed CMP should be via S106 agreement prior to the proposed works commencing on site.

Highway Works:

46. Given the extent of the proposed works the public highway adjacent to the site could be adversely affected. Therefore, it is recommended that a S106 agreement secure a financial contribution to repair damage to the footway and the vehicular crossover following completion of the development. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate. The Design Team in the Transport Strategy Service estimated the cost for this work to be £6,195.34.

Refuse Storage

47. It is proposed to store refuse and recycle bins in area behind the front boundary wall. This area is considered to be sufficient for a single dwellinghouse. A condition for the provision and retention of the proposed refuse and recycle storage facilities is included in the decision notice.

Community Infrastructure Levy (CIL)

48. On the basis of the additional floor area of 270 sqm the proposed scheme would be liable to the Mayor's CIL of £13,500 (270 sqm x £50). Within Camden this is set at £50 per square metre.

Conclusion

49. The proposed change of use would not be contrary to the Council's strategy for homeless and vulnerable persons as an alternative accommodation has been provided elsewhere. The proposed house would be large, and the quality of the accommodation would be high. The proposed alterations and extension would not harm the character and appearance of the building and the conservation area. Subject to the recommended safeguarding conditions the proposal would not significantly affect the residential amenities of the neighbouring properties. Finally, the recommended S106 obligations would ensure reduced impact on transportation conditions, further stress on parking conditions and implementation of suitable sustainability measures

Recommendation: Grant conditional planning permission subject to a S106 agreement for the

following heads of terms.

- Car capped housing;
- Construction Management Plan;
- Highway contribution; and
- Sustainability measures (post construction certificate to ensure the proposed development would meet the BREAAAM 'very good'.

DISCLAIMER

Decision route to be decided by nominated members on Monday 11 November 2013. For further information please click [here](#)

AZ Urban Studio
83 Weston Street
LONDON
SE1 3RS

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2013/2547/P**

07 November 2013

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
9 Fitzjohns Avenue
London
NW3 5JY

DECISION
Proposal:
Change of use from hostel for temporary accommodation of homeless families (Class C1) to single family dwelling house (Class C3) involving erection five-storey rear extension (including basement and attic level); excavation of new basement, part two / part single-storey rear extension with ground floor level terrace; alterations to front lightwell; alterations to rear, front and both flank elevations including erection of chimney to south flank; installation of 4 x rooflights on main roof; alterations to front boundary wall; relocation of existing crossover; and associated landscaping (following demolition of existing rear fire escape stair structure and single storey and five storey rear extensions).

Drawing Nos: 9FIT-001 P2 (Site Location Plan); 9FIT-002 P2; 9FIT-003 P2; 9FIT-004 P2; 9FIT-005 P1; 9FIT-020 P2; 9FIT-030 P2; 9FIT-031 P2; 9FIT-032 P2; 9FIT-033 P2; 9FIT-050 P1; 9FIT-051 P1; 9FIT-052 P1; 9FIT-053 P1; 9FIT-054 P1; 9FIT-060 P1; 9FIT-070 P1; 9FIT-071 P1; 9FIT-072 P1; 9FIT-073 P1; 9FIT-100 P5; 9FIT-101 P7; 9FIT-102 P5; 9FIT-103 P6; 9FIT-104 P2; 9FIT-200 P4; 9FIT-300 P7; 9FIT-301 P2; 9FIT-302 P3; 9FIT-303 P3; 9FIT-304 P1; 9FIT-305 P1; and 9FIT-SK07 P1.

Supporting Information: Tree Survey dated April 2013 by TRETEC; Daylight and Sunlight Study dated 17th April by Right of Light Consulting; Addendum to Basement Impact Assessment dated 30/07/2013 by Engenuiti Partnership Addendum to Basement Impact Assessment by Engenuiti Partnership; Site Investigation and Basement Impact

Assessment Report dated April 2013 by GEA; Energy Statement dated 19/06/2013 by Ian Waters Design Ltd; BREEAM Refurbishment Report dated 19/04/2013 by Ian Waters; Affordable Housing Statement dated 31/07/2013 by AZ Urban Studio.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 9FIT-001 P2 (Site Location Plan); 9FIT-002 P2; 9FIT-003 P2; 9FIT-004 P2; 9FIT-005 P1; 9FIT-020 P2; 9FIT-030 P2; 9FIT-031 P2; 9FIT-032 P2; 9FIT-033 P2; 9FIT-050 P1; 9FIT-051 P1; 9FIT-052 P1; 9FIT-053 P1; 9FIT-054 P1; 9FIT-060 P1; 9FIT-070 P1; 9FIT-071 P1; 9FIT-072 P1; 9FIT-073 P1; 9FIT-100 P5; 9FIT-101 P7; 9FIT-102 P5; 9FIT-103 P6; 9FIT-104 P2; 9FIT-200 P4; 9FIT-300 P7; 9FIT-301 P2; 9FIT-302 P3; 9FIT-303 P3; 9FIT-304 P1; 9FIT-305 P1; and 9FIT-SK07 P1.

Reason:

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

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 the approved protection details.

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 policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 5 Prior to first occupation of the house hereby approved the proposed sash windows openings on the south side elevation (close to rear) as indicated on drawing 9FIT-302 P3 shall be obscure glazed and not be openable below 1.8m above the floor levels. The obscure glazed openings and limited opening arrangements shall be permanently retained and maintained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 A 1.8 metre privacy screen shown on drawings 9FIT-302 P3 and 9FIT-300 P7, shall be erected on the south side of the proposed upper floor rear roof terrace prior to commencement of use of the roof terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A and C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to first occupation of the house hereby approved, the internal cycle storage area shown on the approved lower ground floor plan shall be provided and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 and DP18 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of the residential unit hereby approved.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

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

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 12 At least 28 days before development commences:
- (a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and
 - (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.
- The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 14 Prior to first occupation of the house hereby approved, the refuse and recycling storage facilities shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained as such thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS18 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 You are advised to take into consideration Thames Water's comments listed below:
 - The developer is responsible for making proper provision for drainage to ground, water courses or a suitable sewer.
 - The applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
 - When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of Ground Water.

- Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

- The applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- If the proposed building work falls within 3 metres of the pipes which are shared with the neighbours or are situated outside of the property boundary the applicants should contact Thames Water (Thames Water on 0845 850 2777 or for more information please visit Thames Water website at www.thameswater.co.uk).

- Thames Water will aim to provide customers with a minimum pressure of 10mhead (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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

DECISION