

Delegated Report		Analysis sheet	Expiry Date:	(1) 16/07/2013 (2) 11/06/2013
		N/A / attached	Consultation Expiry Date:	23/05/2013
Officer		Application Number(s)		
Jason Traves		(1) 2013/2213/P (2) 2013/2216/C		
Application Address		Drawing Numbers		
14 Netherhall Gardens London NW3 5TQ		Refer to draft decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of 3-storey building plus roof (following demolition of annex wing to Otto Schiff House including link block) and alterations to retained building, including excavation of basement under both buildings, roof terraces to the front, side and rear elevations, new dormer window to rear roofslope and replacement dormer to Netherhall Gardens elevation, demolition of existing single-storey side extension and replacement with new single-storey extension, erection of rear ground floor level extension, in connection with conversion from 23 x 1-bedroom self-contained flats to 14 x self-contained flats (6 x 2-bedroom, 4 x 3-bedroom and 4 x 4-bedroom) (Class C3) and associated landscaping.				
Recommendation(s):		Refuse Planning Permission and Conservation Area Consent Applications		
Application Type:		(1) Full Planning Permission (2) Conservation Area Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	06	No. of objections	05
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed 24/04/2013 expiring on 15/05/2013 and a public notice displayed in the local press on 02/05/2013, expiring on 23/05/2013. Letters were sent to neighbours on 22/04/2013, expiring on 13/05/2013.</p> <p><u>Objection</u></p> <p>5 objections were received raising the following concerns:</p> <ul style="list-style-type: none"> • Loss of residential units and not making full use of the capacity of the site; • The design has little architectural merit; • Proposed replacement building 02 is larger and would impact on Otto Schiff and the conservation area; • Impact to the conservation area in terms of tree loss with references made to the Mayor’s ReLeaf program; • Basement restricting vegetation potential as well as permanent loss of potential; • Noise impact from the car park and questioning the effectiveness of the baffles; • Questioning of the assessment and findings of the noise report • Overlooking of playgrounds from balconies; • Impacts during construction: dust, damage/subsidence from excavations, proximity of the building office on site, traffic, parking, air pollution, accident risk to school children in neighbourhood; • Loss of sky from kitchen, garden and bedrooms; • Loss of views; • Loss of light • Privacy impact: Windows of Otto Schiff changing to habitable rooms and resulting in privacy/overlooking; • Noise and privacy impacts from proposed Otto Schiff balconies; and • Car park – traffic and pedestrian safety impacts. <p>It is noted that the following remedies were suggested by objectors to various concerns raised:</p> <ul style="list-style-type: none"> • Underpin and restore Otto Schiff House to its existing size/ external dimensions only (i.e. no new floors or underground; no extra floor on back extension; no balconies that can see 10 Nutley Terrace; all windows on east (10 Nutley Terrace) side of Otto Schiff House to be frosted); • Move building site office to the centre of the works away from the drive of 10 Nutley Terrace; • Plan major demolition and building work with big lorries for the summer holidays to mitigate traffic and children issues; and • Increase the proposed traffic management – to increase safety and 					

decrease noise and environmental impact.

Comments

1 further letter of comment was received that queried the timescales for assessment.

Transport for London (TfL)

"With respect to the above application, I can confirm that TfL have the following comments:

- *The application site is located approximately 200m from the A41 Finchley Road, which forms part of the Transport for London Road Network (TLRN).*
- *At present, only three car parking spaces are provided on site, although existing residents are not prevented from applying for parking permits in the surrounding CPZ and it is understood that 12 residents currently hold permits. The application proposes 13 car parking spaces for the 14 residential units, at a ratio of 0.93 spaces per unit with occupiers prevented from applying for CPZ permits.*
- *It is understood that LB Camden are looking for an application on this site to not increase car parking from the existing three spaces. London Plan Policy 6.13 Parking states that all developments in areas of good public transport accessibility (the site records a Public Transport Accessibility Level of 6a, representing excellent access to public transport) should aim for significantly less than 1 parking space per unit. The intention of this policy is to discourage car use in such areas and encourage alternative methods of travel such as cycling, walking and public transport.*
- *Although it is accepted that the level of car parking linked specifically to this site will not increase as a result of the application (with cars previously parked on street now being provided for on site), there is a concern that by providing additional capacity in the CPZ through introduction of new bays and moving parking demand into the site, car use in the area could increase. As such, TfL feel that consideration should be given to reducing the amount of parking proposed on site, and in addition one of the proposed new CPZ bays could be allocated for car club use, reducing the need for residents of the development to own their own cars.*
- *24 cycle parking spaces are proposed in accordance with London Plan standards, which is supported.*
- *The Mayor of London introduced his Community Infrastructure Levy (CIL) on 1 April 2012. Most development that receives planning permission after this date will be liable to pay this CIL. The proposed development is in the London Borough of Camden, where the charging rate is £50 per square metre of floorspace. Further details can be found at <http://www.london.gov.uk/publication/mayoral-community-infrastructure-levy>."*

Network Rail

"Belsize Tunnel:

Due to The close proximity of The proposed development to The Belsize tunnel, consultation and approval from Network Rails engineers is required.

Network Rail's Engineer is to approve details of any development works, from the outside face of the tunnel extrados with special reference to:

- a) The type and method of construction of foundations*
- b) Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary*
- c) Any other issues unique to the site*

Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.

The applicant should contact Network Rails asset protection team on AssetProtectionLNE@networkrail.co.uk who will assist in managing the construction and commissioning of the project."

Environment Agency (EA) - no comments to make in regards the application

Metropolitan Police Crime Prevention Design Advisor - The SBD (Safer by Design) crime prevention measures are appropriate.

Thames Water

"Waste Comments

Thames Water requests that 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.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that 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.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommends the following informative be attached to this planning permission. 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.”

**CAAC/Local groups*
comments:**

*Please Specify

Fitzjohns/Netherhall CAAC – provided the following comment:

- Replace decking to r/o flats 1 and 2 with soft landscaping;
- Suggest rainwater harvesting to serve planted areas; and
- Querying if affordable housing provision is applicable to this application.

Heath & Hampstead Society – objection received raising the following issues:

- Notes the large amount of supporting information and also, that the application only varies slightly to the previous scheme that they objected to;
- Loss of community and querying if the existing housing serves a social housing function;
- Comment that there is no need for luxury housing;
- Basement car parking at odds with policies discouraging car use, noting the scheme is well positioned in relation to public transport and should be car free; and
- Tree loss will impact on the conservation area.

Netherhall Neighbourhood Association – objection received raising the following concerns:

- The design of dormers and windows;
- Single storey extension of Otto Schiff House facing Netherhall Gardens is uncomfortable, protrudes forward and should be removed along with first floor terrace which is inappropriate; and
- Comment that this application is an opportunity to remedy the previous decision to allow such an unacceptable extension.

In addition to the objection, a further letter was received separately from another member in support, identifying the following aspects:

- Retention/renovation of Otto Schiff House is welcomed and replacement of the annexe which has poor architectural quality;
- Acoustic louvres to basement are supported subject to survey assessment;
- Removal of Nutley terrace vehicle crossover and parking welcomed;
- Apparent minor relocation of basement access noted;
- Suggest new extension on the corner of Otto Schiff House which replaces an existing is uncomfortable and a missed opportunity to restore frontages to the original design;
- Materials condition recommended - should be high quality to maintain architectural quality of the building and to be in keeping with neighbours;
- Supports basement parking and seeks car-capped agreement to prevent street parking permits;
- Opposed to the removal of site parking as it would result in increased on-street parking pressure;
- Full landscaping details should be conditioned; and
- Construction times and method should be restricted, having regard to residential character and nearby schools.

Site Description

The application site is 0.22Ha, is located on the corner of Netherhall Gardens and Nutley Terrace and slopes away to the south. The application site is located in the Fitzjohns Netherhall Conservation Area in Sub Area One, 'Fitzjohns'. The property is also located in an area with a high public transport accessibility level (PTAL) of 6a.

It is understood that the site was occupied by the Otto Schiff Trust from the 1950s to late 2010, a charity providing accommodation for Holocaust survivors.

The council is further lead to understand that the site was sold in 2011 to new owners and are currently used as short-term market lets, as the Otto Schiff Trust moved its surviving residents in late 2010 to more suitable accommodation for their needs in Barnet.

The built form as existing on the site essentially comprises two components namely, a substantial 1880s detached villa on the northern half of the site which fronts Nutley Terrace. Secondly, a large, post-war 20th century 'annex' extension developed by the Otto Schiff Trust in the 1960s, which is linear in plan form and is parallel with and set back from Netherhall Gardens. It comprises 3 storeys including a roof extension dating from the 1990s, and is connected to the main house by a lightweight enclosed link.

The house dates from 1885 and is considered to make a positive contribution to the conservation area because it is characteristic and contemporary with a swathe of initial development in the area. The house is constructed from red brick with terracotta decoration, has steeply pitched slate roofs and fenestration is timber sash windows, many of which are incorporated into full height bay windows. There is a small brick extension which is thought to date from the 1970s on the west side of the house. It is known as the 'summerhouse' and is visible from the street. The house has small front and side gardens, behind a brick boundary wall contemporary with the house. The original substantial back garden, lining Netherhall Gardens, has been built on by the later 20th century annex extension which is considered to make a neutral contribution to the conservation area by way of its height, bulk, form and architectural detailing, it being noted that the conservation area statement does not include it as a positive contributor. Although, the conservation area statement does describe the extension as, "an erosion of open space". Overall, the site has a green, landscaped appearance, with substantial trees typical of the leafy character of the conservation area.

Whilst this part of the conservation area is characterised as residential, the area is noted for its education establishments including the South Hampstead Junior School, No. 12 Netherhall Gardens which is adjoining the application site to the south. Also, the South Hampstead High School, No. 5 Netherhall Gardens which is across Netherhall Gardens to the west. To the east of the site, the property is adjoined by No. 10 Nutley Terrace, a 2-storey single family dwelling house, whose rear garden borders the length of the eastern boundary of the application site. Further still to the east are the rear gardens of the of Maresfield Gardens properties, being Nos. 31-41 (odd).

Relevant History

Along with various TPO applications, the site history is as follows:

2012/4141/P & 2012/4142/C - Erection of 3-storey building plus roof (following demolition of annex wing to Otto Schiff House including link block) and alterations to retained building, including excavation of basement under both buildings, roof terraces to the front, side and rear elevations, new dormer window to rear roofslope and replacement dormer to Netherhall Gardens elevation, demolition of existing single-storey side extension and replacement with new single-storey extension, erection of rear ground floor level extension, in connection with conversion from 23 x 1-bedroom self-contained flats to 14-self contained flats (6 x 2-bedroom, 4 x 3-bedroom and 4 x 4-bedroom) (Class C3) and

associated landscaping – **Withdrawn 05.10.2012** following Camden’s advice to the agent that the scheme could not be supported for the following reasons, namely:

- Parking;
- Tree protection/landscaping/basement;
- Design – new Building 02;
- Basement Impact Assessment;
- Privacy/overlooking;
- Sustainability;
- Basement design (Swept paths); and
- Air quality.

2008/5555/P - Alterations to the rear building including removal of link to original building and external fire escape stair, extensions at ground, first and second floor level and creation of new pedestrian access from Netherhall Gardens. **Granted 02.03.2009**

9005037 - Change of use and conversion from Old Peoples home comprising bedsit-rooms self contained flat lets and communal facilities to sheltered self-contained flats for the elderly with warden accommodation together with the erection of a third storey extension to the rear wing to provide additional accommodation – **Granted 27.03.1991**

9070810 - Alterations involving demolition of flat roof and tank housing over rear wing of building in a conservation area. – **Withdrawn 08.05.2003**

19698 - Installation of a new dormer window at second floor level. – **Granted 07.01.1975**

19331 - Construction of a mansard roof on the north west side of the building at second floor level to provide additional accommodation for staff. – **refused 04.10.1974**

10202 - The formation of a new means of access to the highway on the Nutley Terrace frontage of No. 14 Netherhall Gardens – **Granted 03.02.1971**

Relevant policies

NPPF 2012

London Plan 2011

Mayor’s Housing SPG (Nov 2012)

Mayor’s Transport Strategy (May 2010)

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

CS10 Supporting community facilities and services

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

CS16 Improving Camden’s health and well-being

CS17 Making Camden a safer place

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
DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP7 Sheltered housing and care homes for older 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
DP20 Movement of goods and materials
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 Basements and lightwells
DP28 Noise and vibration
DP29 Improving access
DP31 Provision of, and improvements to, open space, sport and recreation

Supplementary Planning Policies

Camden Planning Guidance 2011:

CPG1 Design
CPG2 Housing
CPG3 Sustainability
CPG4 Basements and Lightwells
CPG6 Amenity
CPG7 Transport
CPG8 Planning Obligations

Fitzjohns/Netherhall Conservation Area Statement (Mar 2001)

Assessment

In summary, the proposal involves alterations and additions to the existing Otto Schiff House and demolition of the linked annex block (Also referred to as Building 02) to convert 23 1-bed flats into a scheme of 14 flats comprising of 6 2-beds, 4 3-beds and 4.4-beds. The proposal also involves the excavation of a basement to accommodate habitable accommodation as well as car parking for 13 cars, as well as refuse and bicycle storage and plant including a combined heat and power plant (CHP). The proposal involves the formation of a ramped access leading to the new vehicular entry point via Netherhall Gardens. A separate pedestrian entry will be created to serve Building 02. At ground level, it is noted that 2 – 3 car parking spaces on the frontage to Nutley Terrace will be removed with landscaping and boundary wall treatment reinstated in their place.

The proposed alterations and additions to Otto Schiff House include the following:

- Floorplan reconfigurations;
- Changes to external openings including windows, doorways and rooflights;
- Formation of basement wells;
- Demolition and rebuilding of the extension facing Netherhall Gardens (terrace above);
- Replacement of chimney stacks;
- Extension of south elevation benefitting flat 14 (terrace above);
- Terrace over the main entrance fronting Nutley Terrace;
- New dormers;
- Basement linking with new Building 02 which includes car parking, cycle parking, refuse

storage and services including a combined heat and power plan (CHP);and

- Removal of the surface parking fronting Nutley terrace and reinstatement of landscaping and boundary treatment.

Building 02 is the new 4 storey building which will replace the existing 3 storey linked annex. It has similar setback to the east and southern boundaries but is closer to Netherhall Gardens with its deeper floor plate. The basement parking wraps around its southern edge and opens onto Netherhall Gardens. Outdoor amenity space is provided in the curtilage of Otto Schiff and Building 02, being a mixture of decked/hard spaces and soft landscaping. The basement extends beyond the building footprint and as such, some landscaped areas are not genuine deep soil planting which is otherwise limited to the periphery of the site. A modified boundary wall treatment and entrance to Netherhall Gardens is proposed.

According to the planning statement, the following changes have been made since the withdrawn scheme:

- Louvred roof added to the basement ramp;
- Basement ramp gradient reduced from 1:10 to 1:12 to allow for cyclists;
- Basement ramp now includes a cycle route and traffic lights;
- Glazing /openings to proposed Building 02 reduced generally by 5%;
- The surface parking spaces in front of Otto Schiff house are deleted and landscaping and boundary wall reinstated in their place;
- A doorway is inserted in the ground floor bay window of Otto Schiff House facing Nutley Terrace benefitting unit no. 01;
- A basement level bedroom in flat no. 02 of the proposed Building 02 has been reconfigured to improve sunlight/daylight levels;
- The roof is extended over the top floor side balconies to proposed Building 02;
- Glazing is obscured (sandblasted) on north and south elevations to address overlooking concerns;
- Glass balustrades changed to metal railings;
- Internal layout of Building 02 flat no. 07 is reconfigured to provide a larger terrace to the living space;
- Reduction in extent of basement so as to reduce the potential conflict with Root Protection Areas; and
- Car club parking space added to Nutley Terrace (Although, there is no supporting information from any registered operators to confirm they would wish to take up this space)

The principal considerations which are material to the determination of this application are:

- Principle of development
- Design and conservation
- Quality of residential accommodation
- Neighbour amenity
- Transport
- Sustainability and trees
- Basement Impact Assessment
- Planning obligations

In the course of the assessment of the application, the agent was advised that the scheme was contrary to policy, being an unsustainable form of development involving excessive car parking provision in an area otherwise well served by public transport. Without prejudice, the agent was provided the opportunity to narrow issues in other respects and supporting plans and information were submitted which involved the following changes, namely:

- Indication of approximate locations of waterbutt storage (SUDS);
- Additional PV panels to the roof of Otto Schiff House;
- Enlargement of a basement window in Building 02;
- Clarification that Building 02 photovoltaic panels (PVs) would not be visible from the street;
- Clarification in CGIs of the reduction in decked amenity space in association with Otto Schiff House;
- Inclusion of Lifetime Homes Standards features on floorplans of Otto Schiff House and Building 02;
- Revised swept paths for basement car parking spaces; and
- Revised energy statement indicating achievement of level 4 Code for Sustainable Homes (CFSH).

It should be noted that there was no re-notification of the proposal as amended because the changes were considered minor in the context of the proposal.

Principle

Demolition in conservation area

Pursuant to policies C14 and DP25, the acceptability of substantial demolition within a conservation area is dependant upon there being a suitable replacement building. As such, the acceptability of demolition is subject to the considerations set out below.

Loss of C3 units

There are 23 small self-contained market units. The proposal would result in the reprovision of 14 units, representing a net loss of 9 self contained dwelling units.

Although policy DP2 sub clause 'f' states that the council will resist developments that would involve the net loss of 2 or more homes, exceptions apply including proposals which enable substandard units to be enlarged to meet residential space standards. This is the case for the application property involving small units which do not meet current floorspace standards or Lifetime Homes Standards (LTHS).

Furthermore, it should be noted that there is no net loss in residential floorspace. Residential floorspace will increase by 976sqm which is consistent with policy DP2 and CS6 which seek to maximise the supply of housing. In addition, the scheme accords with the principle of making the most efficient use of the land by seeking development that makes full use of the site (policy CS1).

Loss of sheltered housing and care homes for older people

The current use of Otto Schiff House and the annex is as self-contained market C3 residential flats. As there were no conditions or obligations associated with the 1991 permission (See history section) there is no issue or objection to the scheme on grounds of loss of sheltered housing or housing for older people pursuant to policy DP7. It should be noted that, had it continued to be operated by the Otto Schiff Trust as sheltered housing for holocaust survivors, the criteria of policy DP7 for considering the loss of floorspace would need to be addressed i.e. over time there is a decreasing need for this particular group and in addition, the accommodation is outdated and no longer fulfilling needs generally, hence the Otto Schiff Trust move in 2010 to more suitable accommodation in Barnet (points 'd' and 'f' of DP7).

Mix

The scheme seeks to replace the existing small units with 2, 3 and 4 bed flats which are 'very high'

and 'medium' priority dwelling sizes in the borough, in accordance with policy DP5. In addition the provision of 2 bed units equates to 43% of the scheme, which is very near the target of DP5 for 40%. It should be noted at paragraph 6.39 of the Core Strategy that the specified dwelling size priorities are a borough-wide objective and should not be used prescriptively to determine the mix of individual sites.

Affordable housing

Given the existing 23 no. market units on site and the floorspace increase is less than 1000sqm (para 5.21 of the Planning Statement), the proposal does not trigger any affordable housing requirement in accordance with policy DP3.

Density

The site has a PTAL 6a and for urban areas, the London Plan 2011 indicates a guideline density range of 200-700 habitable rooms per hectare. The application site area is 0.22Ha and the proposal has equivalent to 66 habitable rooms which equates to a density of 300 habitable rooms per hectare. This is within the density range and furthermore, there are no symptoms of overdevelopment with respect to the habitable accommodation component of the proposal.

[NB: Calculations of habitable room for purposes of density calculations counts very large open plan living/dining/kitchen rooms as 2 rooms and basement rooms without external windows are excluded]

Design and conservation

Achieving high quality design and appearance as well as considering street scene and the wider context including conservation areas, is a requirement of policies CS5, CS14, DP24 and DP25.

The design has been subject to extensive negotiation as part of council's pre-application program and following the withdrawal of the previous application.

The property is not statutorily listed therefore, internal changes are of no consequence to conservation values. In respect of the external changes, local policies seek to positively preserve and enhance the character and appearance of the host building, street scene and conservation area.

In respect of the alteration and additions for which the council's design and conservation officer has had full regard, the following aspects in particular are noted:

- It is proposed to convert the existing accommodation in the main house to large duplex flats. It is intended to keep the main staircase and hallway which is welcomed. There are no design-based comments to make regarding the interior as the building is not statutorily listed;
- There is no design-based objection to a basement extension in this location, subject to compliance with DP27 and all other relevant policies, since the design and location of the lightwells has been carefully considered so that they are positioned away from the public realm and they do not compromise features such as bay windows. It is essential that the design recognises a strong characteristic of the house and its relationship with its context is the way the ground floor of the house anchors itself to the ground. However, it should be noted that this assessment assumes that a structural methodology has been produced for the basement works, including all underpinning works and the resultant impact on the main house will not necessitate any further alteration to its appearance to what has been shown in the submitted plans;
- The proposal includes the demolition of the 'summerhouse', a 1970s extension on the west side of the house and its replacement with a new-build extension. This element is quite visible from the street. There is no in-principle objection to the replacement of the extension, and previous concerns regarding the impact of the roof terrace on the streetscene have been

generally met by the removal of a glass balustrade and its replacement with a more traditional metal handrail with vertical supports. Similarly, there is no objection to the first-floor terrace on the south side of the building, away from the street, also using a metal balustrade to complement the host building;

- The proposal to reinstate the wall (and hedge) on the boundary of Nutley Terrace is welcomed, subject to the detailed design matching the existing. However, there are concerns regarding the replacement of the central window in the ground floor bay window to the east of the main entrance with French doors, an element which is not traditional in a ground floor street elevation in a Victorian building of this type. The deletion of this doorway is recommended and could be addressed by way of an appropriately worded condition or informative.

Regarding the new Building 02, the council's design and conservation officer makes the following points:

- Since the existing annex is not deemed to be a positive contributor to the conservation area, and therefore does not preserve or enhance the setting of a designated heritage asset, it has been established that there is no need for an NPPF heritage/demolition statement to be produced. The demolition of the extension is thus considered acceptable in principle subject to a suitable replacement building and/or landscaping. However, it is noted that there is not an acceptable replacement building at this stage because of the integral car parking provision which is excessive and therefore cannot be supported on sustainable transport grounds. Alternatively, in terms of demolishing the annex building and returning this part of the site to landscaping, it should be noted that there would be a concern about the net loss of residential C3 accommodation;
- The new-build element contains dual aspect, front-to-back flats on four floors. The approach taken is to create a detached building which reads as a separate entity on the site from the main Victorian house. Although this new-build element will be completely separate and a greater distance away from the main house than the existing extension, it will have a deeper footprint and will have a front building line closer to Netherhall Gardens, generally consistent with 19th century building found to the immediate south. It will consist of three storeys, with a fourth storey emulating an attic form. The storey heights will reflect those of the adjacent buildings. As an architectural composition the building will generally be symmetrical, although the main ground-floor entrance will be set off centre. Overall, it will read as a substantial building within the conservation area, with close similarities in terms of height, bulk, form and footprint to the late 19th century villas immediately to the south. It will also give the impression of standing in its own generous grounds without compromising the setting of the existing 19th century house. It should be noted that the basement accommodation will not be visible from the conservation area, other than the garage entrance which will be discreetly positioned to the side of the development and accessed down a ramped driveway behind the proposed main vehicular front gate;
- In terms of detailed design, the facades have been developed in close conjunction with officers so as to achieve a satisfactory composition in terms of proportion of solid to void, including windows at ground floor level and balconies at upper floor levels. Generally, the size and proportions of openings has been reduced to produce a more restrained architecture complementing the architecture of the surrounding buildings (predominantly late 19th century). The architectural approach remains simple and contemporary. Also of note is the treatment of the balconies employing simple metal balustrades with vertical uprights rather than glazed screens (previously proposed) which would have been out of keeping with the character of the area. In order to comply with the Council's CPG, the dormer windows have also been reduced in size and recessed back from the eaves so that they are fronted by aprons to render them subordinate, as found elsewhere in the street. Dormers on the side elevations will be partly concealed by tall red chimney stacks which will give the building a sense of verticality in keeping with the area. The top floor gables have been modified as a result of negotiations with officers, so that their form and proportions complement the gables of neighbouring Victorian

buildings including the gables found on the adjacent host building. The gables now contain reduced areas of glazing with a higher proportion of solid to void (achieved through a combination of transparent and white low iron glass), giving a less ostentatious look than previously proposed;

- It is generally considered that the chosen palette of materials, including red brick, stone panels, painted timber, aluminium framed glazing, and steel balustrading will be sympathetic to the established range of materials to be found in the conservation area. However, if the council is minded to approve the application, it is vital that the detailing of the building including materials is conditioned, including the need for samples of all materials to be agreed in writing by the council. To this end, it is advisable that brick samples are erected on site demonstrating colour, texture, bond, pointing technique, mortar colour and mix;
- It is also advisable that all landscaping and boundary treatment is conditioned. In design terms the proposed boundary treatment along Netherhall Gardens is only considered to be in keeping with the area provided that the mature trees and existing wall is retained (it should be noted that this wall contains structural ties along much of its length, likely to result from root growth from the trees in the immediate vicinity). Similarly the proposed openings for a vehicular and pedestrian gate should be sensitively integrated into the wall, and should therefore be subject to condition in terms of detailed and fully annotated plan, section and elevation drawings (minimum scale 1:10).

Therefore, the proposal is considered to preserve and enhance the character and appearance of the Fitzjohns/Netherhall Conservation Area and thereby accords with policies CS14, DP24 and DP25, as well as demolition and new-build guidance to be found in the Fitzjohns/Netherhall Conservation Area Statement and in CPG1.

Quality of residential accommodation

Residential development standards

Camden's CPG2 and the London Plan state that new self-contained dwellings should satisfy the following minimum areas for overall floorspace:

No. Persons	1	2	3	4	5	6
CPG2 – min floorspace (sqm)	32	48	61	75	84	93
London Plan – min floorspace (sqm)	37	50	61	70/74	86/90	95/99

In addition, Camden Planning Guidance also requires first and double bedrooms to achieve a minimum floor area of 11sqm. The proposed units are an ample size in excess of the space standards in the London Plan and Camden Planning Guidance, and the bedrooms also comfortably meet both standards. The houses would benefit from good daylight and sunlight, are all dual aspect units and with the exception of one unit within the converted Otto Schiff House, the rest enjoy private amenity space in a combination of rear gardens and balconies. Privacy relationships between Otto Schiff House and the new Block 02 have been considered and any potential direct overlooking between habitable room windows is addressed by obscure glazing.

In respect of servicing, adequate space for the storage of refuse and recycling is provided in the proposed basement. This provision could be secured by condition if the council was minded to approve the application.

Lifetime Homes

The application is supported by a Lifetimes Homes Assessment which seeks to address the 16 design related criteria. Whilst not all the criteria are complied with for example the existing stepped entrance to Otto Schiff House, the scheme reasonably addresses the criteria to the satisfaction of the council's access officer on balance.

Neighbour amenity

Consideration of any amenity impacts to neighbours is a requirement of policy CS5, DP26 and DP28.

The proposal has the following immediate relationships to surrounding properties:

- 10 Nutley Terrace: A two-storey detached dwelling house whose rear well situation adjoins Otto Schiff House. Its long, linear rear garden runs the length of the east boundary of the application site; and
- South Hampstead Junior School, No. 12 Netherhall Gardens: A three-storey school with playgrounds in the rear garden area. Its pedestrian access immediately adjoins the southern boundary of the application site, beside the proposed basement ramp entrance.

Privacy and overlooking

In this regard, the direct built form relationships to No. 10 Nutley Terrace are unchanged including the positioning of windows. Although, the arrangement of Otto Schiff House therein may change, this is not considered to be a material worsening of the existing relationship.

In respect of the Building 02 relationship to South Hampstead Junior school, all windows facing the school on the south elevation would be obscure glazed and the top-floor south facing balcony has been deleted. It is note that east facing windows Building 02 afford no marked increase in overlooking that otherwise existing in the current building. Also, the top floor east facing balcony is enclosed by the gable end roof, which obscures overlooking of the school in part.

Separation distances to properties further afield such as across Netherhall Gardens to the west or to the rear of Maresfield Gardens to the east are in excess of 18m and there are no overlooking concerns therefore. It should be noted that relationships across the public highway of Nutley terrace are not materially altered with the retention of Otto Schiff House.

Outlook

In summary, the additions to Otto Schiff House as well as Building 02 which has a wider footprint and higher ridge height compared to the existing annex building, whilst evident from neighbouring properties, are not considered to result in an undue loss of outlook or increasing sense of enclosure. The pattern of development is essentially unchanged with gains being made for Building 02 floor area through a reduced setback to Netherhall Gardens and basement excavation, rather than reducing the rear garden. The additions and alterations to Otto Schiff House are relatively contained and do not encroach upon neighbours. CGIs of the existing and proposed built form as viewed from the rear garden of No.10 Nutley Terrace and the rear play area of South Hampstead Junior school further demonstrate that there is no harm in this respect.

Daylight, sunlight and overshadowing

The application is supported by a daylight, sunlight and overshadowing assessment by Delva Patman Redler that considers relationships to the immediate neighbours as well as further afield against the criteria of the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight:

A Guide to Good Practice'. The report confirms that there will be no loss of daylight or sunlight to neighbours nor overshadowing of gardens to warrant refusal.

Noise and general disturbance

Immediate built form relationships with neighbours are not altered significantly to suggest any additional cumulative harm is likely to result in terms of noise and general disturbance from internal rooms and external amenity spaces. Notwithstanding, it is noted that any unreasonable or excessive noise or disturbance is covered by the Environmental Protection Act 1990.

In respect of the introduction of the basement parking area, the vehicular ramp is identified by objectors as a possible breakout point for noise. The application is supported by an acoustic report. Through the application of acoustic louvers applied to the roof of the basement ramp as it approaches the south east corner of the site, the report demonstrates that any noise will not exceed existing ambient levels as measured at the nearest noise sensitive neighbours. As such, the council's environmental health officer raises no objection to the proposal subject to conditions in respect of plant and the acoustic louvers if the council was minded to approve the application.

Construction

In respect of the potential impacts associated with the construction phase including noise, air pollution, traffic and parking and safety, demolition waste and debris, these could be addressed by a s106 planning agreement requirement for a construction management plan (CMP) if the council was minded to approve the application.

Therefore, the proposal does not pose harm to the amenity of adjoining occupiers to warrant refusal and thereby accords with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

Transport

London Plan chapter 6 policies consider the integration of transport and development, connecting London, ensuring better streets as well as specifying parking standards. Policies support the objective of London being a city which is easy, safe and convenient for everyone to access jobs, opportunities and facilities with an efficient and effective transport system which amongst other things, encourages more walking and cycling. Camden policies CS11 also seek to promote sustainable transport including walking, cycling and public transport and improvement to streets and places.

Car Parking

Introduction

Currently, there is hard standing in the front setback to Nutley Terrace which is capable of accommodating between 2 to 3 cars. In addition, it is understood from the council's Parking Services that 6 flats have on-street parking permits.

Camden Planning Guidance 7: Transport defines 'highly accessible areas' as those with a PTAL level of 4 and above. As the site has a PTAL score of 6a, it clearly meets the definition of highly accessible.

The site is located within Controlled Parking Zone CA-B, which operates between 9am and 6.30pm Monday to Friday and 9.30am to 1.30pm on Saturdays.

As the application site meets both criteria, in that it is located within a CPZ and is easily accessible by public transport, it is considered appropriate for it to be designated as car free.

Policy review

At the national policy level, the NPPF 2012 states that the purpose of planning is to help achieve sustainable development (p11). There is a presumption in favour of sustainable development which should be approved without delay if it accords with the development plan or if the plan is absent, silent or relevant policies are out of date, grant permission unless “...*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*” or “...*specific policies in this Framework indicate development should be restricted*” (para 14).

The core planning principles of the NPPF identifies 12 principles that should underlay plan-making and decision-taking including “...*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...*”

In section 4 ‘Promoting Sustainable Transport of the NPPF, para 29 states that “[t]*ransport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.*”

Paragraph 30 states that “[e]*ncouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.*”

Paragraph 32, which outlines matters to be taken into account in the consideration of development which generates significant amounts of movement, states that “[d]*evelopment should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*”

Paragraph 39, “[i]*f setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*”

Clearly, this review of the NPPF demonstrates that sustainable development, a principle underpinning The Plan at the national level does not endorse schemes that encourage trips by private vehicles as in the case of this proposal with near to 1:1 car parking provision and certainly not at the expense of more sustainable modes and in areas of high accessibility.

In terms of local policy and guidance, CS11 states in respect of making private transport more sustainable that it will seek to minimise provision of private parking in new development through car free developments in the boroughs most accessible locations and car capped development.

Development Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary car parking provision and that we expect development to be car free in town centres and “*other areas within Controlled Parking Zones which are easily accessible by public transport*” which is thus applicable to the application site. DP18 further states that where the need for car parking is accepted, development should not exceed the maximum car parking standard for the area in which it is located (excluding spaces designated for disabled people).

For car free and car capped developments, the Council will limit on-site car parking to spaces designated for disabled people, any operational or servicing needs and spaces designated for the occupiers of development specified as car capped (DP18 part 'a').

Car free developments are defined as those where no car parking is provided on site and where the occupants are prohibited from obtaining on-street parking permits from the Council. A car capped development is defined as one where a limited amount of parking is provided on site and no parking permits are issued.

Further to DP18, para 18.5 refers to the parking standards in Appendix 2 which specifies a maximum of 0.5 spaces per dwelling in Low Parking Provision areas. Bullet point 1 of para 18.5 further confirms they are maximum standards "...to encourage people to consider all alternatives to private car travel". In this PTAL 6a location the site is well located for residents to consider alternatives to the private car. Further still, para 18.6 states:

"As we generally seek car free development in the Low Parking Provision Areas, we will only apply the car parking standards for these areas where a developer can demonstrate to the Council's satisfaction that such parking should be provided on site."

Notwithstanding the case parking put forward by the applicant, there is nonetheless no demonstrable need for the parking as discussed later in 'Agent justification for car parking provision'.

The Council therefore does not accept the provision of car parking at this site at the proposed rate of near to 1 space per unit. This site is ideally located for consideration as a car free development. A small number of disabled parking spaces may be acceptable in the context of the existing 3 parking spaces, a level of parking which the council accepts is existing and could be reasonably retained as part of the redevelopment. However, use of the disabled parking spaces would be restricted to blue badge holders and this would be controlled via a s106 planning agreement. The applicants have proposed 1 disabled parking space and this is considered acceptable. However, the provision of a further 12 car parking spaces is not acceptable. If the basement car parking was omitted, the disabled parking space could be provided at surface level in the location of the existing parking spaces fronting Nutley Terrace.

Further in respect of local policies:

- CS11 Promoting sustainable and efficient travel: Providing a new off-street car park to provide near to 1 space per unit is contrary to the core strategy of promoting sustainable transport choices to reduce the environmental impact of travel, especially by car;
- DP17 Walking, cycling and public transport: The Council will resist development dependant on travel by private motor vehicles. With a new basement car park for private vehicles at a ratio of 1 space per unit, this development is considered to be dependant on travel by private motor vehicles;
- DP18 Parking standards and limiting the availability of car parking: The proposed development incorporates 13 off-street parking spaces. Camden's LDF requires developments such as this to be car-free. As this is a fundamental design issue it cannot be dealt with by condition;
- DP19 Managing the impact of parking: The Council will resist development that would add to on-street parking demand or otherwise harm existing on-street parking conditions. The inclusion of the new basement car park requires a new dropped kerb to be provided on Netherhall Gardens, which would result in the loss of existing publicly available on-street parking, which is contrary to point 'c' as it would harm existing on-street parking conditions and point 'd', would be a detrimental amendment to the existing CPZ control. Although, this would be off-set by the removal of the drop kerb on Nutley Terrace which would allow for 3 to 4 new on-street car parking spaces, representing a net gain.

Agent justification for car parking provision

The applicant maintains that the parking is needed for several reasons:

- To be viable (See Planning Obligations section),
- Accords with parking standards (The above policy commentary demonstrates that near to 1:1 provision does not accord with parking standards and furthermore, even if standards were applied in isolation of the policy which they are not, the proposal exceeds these),
- There are precedents for schemes with parking;
- To address the topographical issues of the connections to public transport which makes access by all users difficult i.e. steep gradients down to Finchley Road; and
- There is a trade-off between higher parking permit potential in the existing development versus the proposed on-site parking in this application.

In terms of precedents, the applicant has referred to a number of developments in the vicinity of the site where car parking has been provided at the rate of 1 space per unit, stating that this has set a precedent in which this development should be viewed. In each case mentioned, the development's planning history predates the adoption of the current Local Development Framework policy and guidance.

In terms of topographical issues such as steep slopes which the applicant contends are a factor which should be considered, it should be noted that in no national, regional or local policy is there any evidence of an allowance or concession for car use in areas of high PTAL. The development control response to the TfL PTAL system is applied without any special concessions for topography (London Plan para 6.43). Nonetheless, in further consideration of this point, it is noted that the Mayor's Transport Strategy (May 2010) makes mention in paragraph 204 of accessibility from the start to the end of the journey, being the 'Whole Journey Approach' to accessibility. Rather than this setting criteria and circumstances to relax a car-free or car-capped approach, the 'Whole Journey Approach' is as follows:

"Ensuring the transport system is accessible from the start to the end of the journey, by overcoming the barriers that exist for some users, will enable more 'spontaneous' travel that will benefit the economy and help overcome some pressing social problems. The approach being taken by the strategy therefore is to ensure the whole journey is accessible."

Indeed, the 'Whole Journey Approach' which acknowledges circumstances beyond a PTAL classification, nonetheless accords with sustainability principles and promotes improving access and thereby the uptake of sustainable modes of travel rather than making allowances or concessions for private motor vehicle use. The 'Whole Journey Approach' recognises that there may be physical barriers to users of transport which may affect their journey options and promotes making improvements to increase accessibility and facilitate spontaneous travel. Therefore, in the consideration of this application and the gradient of connections to public transport, any suggestion that the steepness of the slope deters or prevents its use is not a basis to reconsider or relax the approach to parking which generally seeks to promote car free development which otherwise accords with sustainable development principles.

Nonetheless, in more detailed consideration of the applicant's case, they have referred to the gradient between the site and Finchley Road. It is noted that whilst there is a set of steps and a ramp leading from Finchley Road, the incline past this point is less steep and generally reduces as one approaches the site from Finchley Road. The applicants claim that this acts as some sort of disincentive to the elderly and infirm or people carrying shopping and/or people with children. Whilst the incline may not be as easy to overcome for such groups as compared to the able bodied, it is not considered to be a significant deterrent. Even if this were the case, there are alternative routes available from the site to

Finchley Road, such as via Frognal and Netherhall Way. Whilst it is not a planning consideration, there is certainly no available anecdotal evidence to suggest that the topography between Finchley Road and the residential area to the west is a deterrent to people moving into this highly desirable area.

In terms of the applicant's references made to parking standards:

- The guidance note to Camden's Development Policies Appendix 2 clearly states that *"[i]n line with the policy DP18 – Parking standards and limiting the availability of car parking, the parking standards that follow aim to Deter unnecessary car use"*.
- Also, The Mayor's London Plan table 6.2 (pp204-5) includes the note that *"[a]ll developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit"*.
- In terms of the Mayor's Housing SPG (Nov 2012), Annex 2 Car Parking Provision Guidance paras clearly indicates, that: *"There is a widespread perception that the Plan's parking standards above have to be applied mechanistically, effectively with little or no regard to other relevant policies. Legally, this is not the case, and the Mayor's intent comes from reading the Plan as a whole. If this is done it can be seen to provide local flexibility, supporting the NPPF with scope to take account of accessibility; type, mix and use of development; availability of, and opportunities for, public transport; local car ownership; and the overall need to reduce use of high emission vehicles, as well as responding strategically to London's unique circumstances."* (para A2)
- *"Policy 6.13C states that the "maximum standards set out in Table 6.2 ... should be applied to planning applications" should be implemented in the context of the much more broadly based and over-arching Policy 6.13A in which "the Mayor wishes to see an appropriate balance being struck between promoting new development and preventing car parking provision that can undermine cycling, walking and public transport use."* (Mayors Housing SPG para A3)
- Paras A4 onwards in the Mayor's Housing SPG indicates that any flexibility relates to Outer London rather than Inner London.

In terms of the existing development's potential parking impact versus the proposal, the applicants have also referred to the ability of existing residents of the site to each apply for parking permits. This statement is irrelevant. The existing units are very small and presumably relatively cheap to rent. Very few of the tenants of such small units are expected to own or use cars. Indeed, as of 10th June 2013, just 6 of the 23 units have a parking permit, equivalent to 26% of households currently on site. None of the existing residents are expected to return to the site should the proposed development receive planning permission and proceed. As such, there is no case with regard to the retention of parking rights (the right to a permit) in the new proposal which is only a consideration in the cases where it can be demonstrated that the existing occupiers will return to the address when the development is completed (Camden CPG7 paras 5.19-20).

Therefore, there is considered that there is no valid justification of the near to 1:1 parking provision which is in option to the policy and guidance cited in this report.

Balancing parking and scheme benefits

Whilst a scheme benefit is the provision of accommodation which meets current standards, this is not to say that the current accommodation does not fulfil a housing need, it being noted that Otto Schiff and the rear wing are tenanted.

Furthermore, other than the reasons cited by the agent as discussed above, there is no planning reason preventing new accommodation coming forward without the proposed parking.

Any benefit of 14 market dwellings is not considered to outweigh the impact of its parking, namely:

- Parking provision would encourage the use of private vehicles which is unsustainable;
- Parking provision which promotes trips by private cars is at odds with the role that transport policies play in contributing to wider sustainability and health objectives;
- Parking provision which promotes trips by private car is at odds with the approach of encouraging development which reduces greenhouse gas emissions and reduces congestion; and
- The scheme promotes private car use which undermines the uptake of alternative modes such as cycling, walking and public transport.

In addition:

- The near to 1:1 parking ratio is much higher than levels of car ownership 0.48% as evidenced in census data sampling of the immediate area around the site (Census sample area 'Camden 008C' area i.e. Finchley Road to Netherhall Gardens);
- There is not a trade-off with affordable housing or other planning priorities to justify parking on an economic viability basis;
- The proposed car parking level is greater than the existing number of permits;
- It is unlikely that the current residents would occupy the redeveloped site and as such there is no hardship to contend with; and
- There is no demonstrable need for the spaces.

Therefore, there is no justification or exceptional basis upon which to warrant approving a scheme with near to 1:1 parking in a highly accessible location.

Access and servicing

The site will be serviced on street from Nutley Terrace and Netherhall Gardens, as occurs at present. As there is a decrease in the number of residential units it is likely that the number of deliveries will also decrease.

The car park access is located on Netherhall Gardens in the south west corner of the site. The vehicle ramp has been designed to be capable of being used by cyclists and has a gradient of 1 in 12. As the ramp operates on a one way basis a system of traffic lights will be used to control vehicles entering and leaving the car park. The car park access is not considered to constitute a safety risk.

Cycle Parking

The London Plan Revised Early Minor Alterations (June 2012) requires the provision of 1 cycle parking space per 1 or 2 bedroom unit, 2 spaces for 3+ bedroom units, and 1 space per 40 units for visitors. The proposal is for 14 residential units consisting of 6 two-bedroom, 4 three-bedroom and 4 four-bedroom units; therefore 22 cycle parking spaces are required. The applicant has included provision for 24 cycle parking stands in the basement. These can be accessed either via the car park ramp or the lifts in each building. The ramp gradient, at 1 in 12, is suitable for use by cyclists. The provision of cycle parking should be secured by condition if the council was minded to approve the application.

Construction Management Plan (CMP)

DP21 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a CMP secured via a Section 106 Planning Agreement.

Due to the scale and nature of this development and the sensitive location, a CMP will be required in order to mitigate any adverse impacts. Any occupation of the highway, such as for hoarding, skips or

storage of materials, will require a licence from the network management team and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure that the work is carried out in such a way as to not adversely affect the safety or operation of the public highway or the amenity of local residents.

Highways Works Immediately Surrounding the Site

In order to tie the development into the surrounding urban environment a financial contribution would be required to repave the footway around the site and remove the existing crossover on Nutley Terrace. This is in line with policy DP21. An added benefit of the highways works is that any damage to the highway caused by construction activities can be repaired.

This work and any other work that needs to be undertaken on the public highway will need to be secured through a Section 106 Planning Agreement with the Council.

Sustainability, trees and biodiversity

Sustainability

London Plan Chapter 5 policies are the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes minimising CO2 emissions according to Policy 5.2 as well as requiring a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. The overall approach to energy should be in line with the Mayor's Energy Hierarchy (i) using less energy ('be lean'); ii) supplying energy efficiently ('be clean'); ii) using renewable energy ('be green'). This approach is reflected in Council's policies CS13, DP22, DP23 and DP32.

In line with the first element of the hierarchy as well as Camden's Policy DP22, an Amended Code for Sustainable Homes (CFSH) pre-assessment by MTT Sustainable Building Services Solutions has been submitted indicating Level 4 'Excellent' can be achieved. The following measures have been identified to reduce energy consumption including the following:

Energy

- The use of Accredited Construction Details for the following building junctions where possible: ground/intermediate floors; roofs/eaves/gables; windows/sills/jambes; corners between walls; balconies;
- Improvements to u-values and air permeability where possible;
- Provision of energy display devices which record electricity and heating usage;
- Provision of A+ rated fridge freezers, A rated dishwashers and B rated washer dryers; and
- Provision of at least 14 cycle storage spaces for the new build dwellings.

Water

- Collection of rainwater for irrigation of soft landscaping.

Materials

- The Main Contractor will be instructed to procure the majority of materials from responsible sources;
- The architect will ensure that the roof, internal walls, external walls, windows, ground and upper floors are at least B or A rated under the Green Guide to Specification.

Waste

- The Main Contractor will be instructed to ensure that 85% of construction waste will be diverted from landfill/recycled, in addition to producing and implementing a Code compliant Site Waste

Management Plan.

Health and Wellbeing

- Daylighting calculations will be undertaken to determine whether the minimum daylight factors will be achieved. Effective measures to improve daylighting will be considered and implemented where possible; and
- Sound insulation levels to all walls and floors between dwellings shall be maximised, such that the highest feasible improvement over Building Regulations part E is achieved.

Ecology

- An Ecologist will be appointed to provide recommendations and ensure that highest feasible increase in ecological value is achieved.

CFSH compliance would be secured as part of the s106 planning agreement if the council was minded to approve development on this site.

With regard to the second element of the hierarchy and Council's CPG3 'Sustainability' and the supply of energy, the site is not within an area of existing or potential combined heat and power networks and as such, there no justification for seeking a planning contribution for future connection. Instead an on-site combined heat and power plant (CHP) is proposed.

With regard to the third element of the hierarchy and the use of renewable energy technologies on site, a Sustainability Statement and Energy Strategy Report has been prepared by MTT which has evaluated a range of potentially available technologies for the site. The recommended strategy for supplying energy by renewable means in the most efficient way is by the use of photovoltaics. A total of 24 no. photovoltaics (39sqm) are proposed on the roof of the new Building 02 (as well as an addendum plan nominating additional locations on the roof of Otto Schiff House which are unlikely to be visible in the street scene) to reduce energy demand for hot water production.

Overall, the proposed measures achieve a CO2 emission reduction of 25.51% above building regulation standards as confirmed by SAP (Standards Assessment Procedure) calculations submitted with the sustainability statement (London Plan Policy 5.2). The proposal therefore complies with the minimum London plan requirements for CO2 reductions for year 2010-2013 schemes and is acceptable in this regard.

Trees and biodiversity

If the council was minded to approach the application, conditions would be recommended to secure the ecological roofs as well as bat and bird boxes in the interests of biodiversity (CS15, DP22).

Basement Impact Assessment

The technical feasibility of basements is assessed in terms of possible effect upon groundwater flow, slope stability and structural stability in accordance with policy DP27. Camden Planning Guidance CPG4 'Basements and lightwells' provide detailed design guidance in respect of basement development. The applicant has submitted a report by Sinclair Johnston Consultancy.

The site is not located in an area which has experienced surface water flooding and therefore a Flood Risk Assessment is not required.

A reduction in hard landscaped area is proposed and a SUDS is proposed although, no design detail is provided at this stage and therefore would need to be secured by condition if the council was minded to approve the application.

In respect of site contamination, the BIA includes a remediation method statement. No objection is raised by the Councils contaminated land officer subject to a contaminated land condition if the council was minded to approve the application.

Key finding of the BIA are provided below.

Screening/Scoping

- Subterranean (groundwater) flow: Proposal may possibly extend into the saturated London Clay formation during winter conditions; additional 490sqm hard surfaced area will be created; SUDS are proposed to reduce surface runoff rates;
- Slope ground stability: Slopes in excess of 7 degrees; London clay presence; felling of trees as part of the proposal; history of shrink-swell subsidence; within 5m of a public highway; foundations depth will increase significantly in comparison to neighbours; immediately adjacent to Network Rail's Belsize Tunnel; and
- Surface flow and flooding: additional 489sqm hard surfaced area will be created (comprising increased footprint of 95sqm and 394sqm impermeable hard standing).

Ground Investigation

- A nominal layer of made ground (0.45-0.65m), London Clay was proved to the maximum depth investigated of 10m;
- "The underlying London Clay comprises firm to stiff dark brown to grey occasionally fissured salty clay with occasional partings of fine sand and scattered traces of selenite" (App D, p12); and
- Groundwater was not encountered.

Impact Assessment

- Potential adverse impacts to slope stability as a consequence of the proposal;
- Potential adverse impact upon subterranean flows;
- Increased run-off; and
- Worst case Burland damage category 0 (negligible).

Report conclusions

- Foundation design to address slope stability impact including liaising with Network Rail re. proximity to Belsize Tunnel and report by Simon Pryce Arboriculture to be consulted in respect of impact of the felling of trees and works in tree root zones;
- Confirmation of a Non productive Strata (London Clay) under site means that the proposal is unlikely to have a significant impact on subterranean flows;
- Increased peak run-off rates due to increased hard surfaced area addressed by a 50-75 cubic metre SUDS which will deal with 1 in 100 year events plus 30%; and
- Measures to guard against heave.

Overall the above report demonstrates that there are no significant impacts to subterranean (groundwater) flow, slope ground stability, surface flow and as such, no impact to neighbours and future occupiers to warrant refusal, provided the appropriate design, procedures, approach and safeguards are adopted in accordance with the report recommendations.

Planning obligations

In the case of an approval and accordance with CS19 'Delivering and Monitoring the Core Strategy' and CPG8 'Planning Obligations', the following obligations would be sought in the interests of

sustainable development, to meet the particular needs and requirements for the operation of the scheme and to mitigate identified impacts to make the scheme acceptable in accordance with clause 122 of The Community Infrastructure Levy Regulations 2010:

- Highways;
- Car-capped;
- CMP Local Procurement Code if value >£1m;
- Apprenticeship: 1 no. per £3m build cost plus £1,500 per apprentice;
- CFSH; and
- Energy strategy.

It should be noted that although the mix of units is changing, there is a net loss in unit number and as such, education and open space contributions are not applicable (CPG8, CPG5).

Finally, it should be noted that a valuation report by Montagu Evans (Dated 09/04/2013) has been submitted to justify the proposed development and the car parking provision in particular. However, the valuation report concedes that the use of viability to justify car parking “...does not fit into the true sense of viability as defined by paragraph 173 of the National Planning Policy Framework...” (p19). Nowhere is it evident in policy and guidance of The Plan that viability is a material planning consideration in the assessment of car parking provision or justifies a scheme that does not accord with the sustainable development principle of the NPPF. Viability is only an applicable consideration to affordable housing provision and by implication, s106 planning contributions (CS19 & DP3). Nonetheless, the viability indicates a further 3 options (Do nothing and continue to receive rental income; refurbish and re-let at high rents; refurbish and sell on individual units) that the applicant may pursue if the subject application was not approved. There are no planning implications from the other 3 options. That car parking increases value is evident, but not a reason to depart from planning policies and guidance in respect of achieving sustainable development which necessarily involves a car free approach in areas of high PTAL.

Conclusion

The application is a resubmission of a redevelopment proposal that for all intents and purposes is the same as the previously withdrawn scheme, being a redevelopment of 23 smaller units into 14 larger units with a basement car park that results in near 1:1 provision i.e. 13 spaces. Other issues have been narrowed to the point of requiring conditions and planning obligations if the council was minded to approve the scheme.

However, the parking provision promotes private car use in area of high accessibility, contrary to sustainable transport principles. The suggested matters put forward in favour of parking are not supported, and other examples of development with parking which have been identified are not considered to be relevant precedents. Therefore, the scheme is not supported, representing an unsustainable development, being in opposition to policy and as cited in this report and is therefore recommended for refusal for this reason.

Recommendation: Refuse planning permission and listed building applications