

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>29/01/2013</b>	
		N/A		<b>Consultation Expiry Date:</b>		<b>10/01/2013</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Christopher Heather				2012/6451/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
9 Fitzjohns Avenue London NW3 5JY				See draft decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Change of use from hostel for temporary accommodation of homeless families (Class C1) to single-family dwelling house (Class C3)							
<b>Recommendation(s):</b>							
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>43</b>	No. of responses	<b>02</b>	No. of objections	<b>00</b>
				No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		Flat 7, De Laszlo House, 3-7 Fitzjohns Avenue, and Flat 8a, 11 Fitzjohns Avenue • <i>Land Use</i> – Support the proposed use which is considered more suitable in this location, and would improve the neighbourhood.					
<b>CAAC/Local group comments:</b>		Fitzjohns/Netherhall CAAC • <i>Land Use</i> – Concerns raised about the loss of the temporary accommodation, as there is little in the area and it is unlikely to be re-provided in the future.  The Heath and Hampstead Society • <i>Land Use</i> – Objections to the loss of the hostel use, as there is considered to be an urgent and demonstrable need for such accommodation within the Borough, and the information submitted by the applicant is not considered sufficient to justify the loss. The proposal is considered contrary to DP4 on the loss of affordable housing, and the supporting text, which requires that such accommodation should stay within the public sector. There is no obvious case for luxury housing in its place. Concerns that the site has been sold on the basis that planning permission for change of use would be granted.					

## Site Description

The site is a large detached building on the western side of Fitzjohns Avenue slightly north of the junction with Maresfield Gardens. It is within the Fitzjohns/Netherhall Conservation Area, of which Fitzjohns Avenue forms a central part. Within the area there is 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, and the building as a whole is considered to make a positive contribution to the conservation area. The property sits on a generous plot with a large garden to the rear, and as it is setback from the front there is an area of hardstanding to the front. There is a large staircase to the rear which is a fire escape.

## Relevant History

**July 1993:** Planning permission (Ref: 9300477) granted 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

**January 2012:** Planning permission (Ref: 2011/5718/P) granted for "Change of use from hostel to single dwelling house (Class C3)".

**April 2012:** Planning permission (Ref: 2012/0779/P) granted 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".

## Relevant policies

### **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)  
DP2 (Making full use of Camden's capacity for housing)  
DP3 (Contributions to the supply of affordable housing)  
DP4 (Preventing 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)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise and vibration)

### **Camden Planning Guidance**

CPG 2 Housing  
CPG 6 Amenity  
CPG 8 Planning obligations

### **Fitzjohn/Netherhall Conservation Area Statement**

## Assessment

### **Proposal**

The proposal is for a change of use from a hostel for the temporary accommodation of homeless families (Class C1) to a single-family dwelling house (Class C3). The 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. No external alterations are proposed. Currently, it is only partly occupied, and the reasons for

this are explored in the *Land use* section. It is likely that an application will be submitted in the near future for external changes, but this proposal is exclusively for the change of use.

### Land use

The assessment falls into two parts: the loss of the existing use, and the introduction of the proposed. The current use is as a hostel for homeless persons. Policy CS6 aims to encourage housing generally, and this does include accommodation such as this, which is seen as part of providing a variety of housing types for different groups. Policy DP4 builds on this and advises that the Council will resist the loss of affordable housing floorspace, including hostel space. Policy DP8 also provides greater detail. The supporting text notes the success that has been achieved over a number of years at reducing the number of homeless individuals but acknowledges that it is not possible to make completely accurate predictions of future need as it can be subject to change on a continual basis. DP8 itself advises on the criteria that will be used to assess a proposal for the loss of accommodation such as this, and these can be summarised as follows:

- Whether or not there is adequate replacement accommodation which is:
  - Suitable for the intended occupiers in terms of standard of facilities, the level of independence, and the provision of support/care.
  - Accessible to public transport, workplaces, shops, services, community facilities and social networks for the intended occupiers.
  - Able to make a contribution to mixed and inclusive communities; or
- Whether or not it can be demonstrated that the accommodation is no longer required for the particular homeless or vulnerable person it serves, and whether their needs can be accommodated better in a different way or elsewhere; or
- Whether or not the existing accommodation is capable of meeting contemporary standards for housing homeless or vulnerable persons.

Where this can be demonstrated to the Council's satisfaction the policy advises that there is an expectation that the development will provide an equivalent amount of residential floorspace for vulnerable people or older people, or for permanent self-contained housing.

The Council owned the site until relatively recently before it was sold. 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.

The reports considered that the best solution for this site and 4 Maresfield Road was for them to be sold on the open market, which they subsequently were. When the site visit was conducted only a couple of the rooms were occupied and these appeared to be by single persons rather than couples or families. Therefore, based on the Council's approach to the site thus far, and the site visit it is concluded that the loss of the hostel is acceptable in accordance with policies CS6 and DP8. The former occupants have been moved to other suitable accommodation, and hence the current site can be lost to this use without prejudice to homeless and vulnerable persons. Also, in their current state they do not meet contemporary standards. The site history for 4 Maresfield Road illustrates that this is the same approach that was followed there. The objection from the CAAC and the Heath and Hampstead society is acknowledged; there is a duty on the Council to house homeless and vulnerable persons, and so if the need increases in the future it would be incumbent on the Council to address it. Until this time it is not considered possible to prevent the loss of this existing use. Therefore, the proposal is technically contrary to the working of policy DP4, but when assessed against the guidance within DP8 there is considered to be a justification for its loss. It is important to note that the Council's approach to this site (and others) outlined above is a material consideration which feeds into the assessment, as this decision was not reached without an evidence base. It is not the case that the loss of the current land use is considered acceptable simply because of this, and it is made having assessed the proposal against the policy above.

The other aspect of this is the acceptability of the principle of having a self-contained unit. The surrounding area is predominantly residential, and as the house was constructed as a single residential use it is difficult to argue that returning it to this use is in any way harmful. This would also reflect the character of the conservation area.

### **Affordable housing**

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 1000sqm gross floorspace. The current property is approximately 770sqm, and so falls below this. Therefore, it is not considered possible to require such a contribution.

### **Quality of the resulting residential accommodation (including accessibility)**

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 quality of the resulting dwelling is expected to be high. Although minimal internal alterations are shown on the drawings they could be done without planning permission and would ultimately be for the occupier of the unit to determine. There would be a pleasant outlook from all rooms at ground floor and above, and although this would be less at basement level this is only one portion of the house and so not objectionable. The same would apply to levels of daylight received in each room.

The proposal would not fully accord with the principles of lifetime homes, given the specific site circumstances. There are steps up to the entrance, which would make access difficult. The applicant has provided an assessment, and those criteria which can be met have been indicated, and this could be secured through condition. Therefore, although not fully in compliance with policy DP6 the proposal achieves all that it can.

There would be a large garden to the rear which would be proportionate to the size of the unit itself, and adequate space internally or externally to provide for cycle storage and refuse storage, in accordance with policies CS18 and DP17.

### **Neighbouring amenity**

As the proposal does not include any external alterations the impact on the amenity of residents is limited to the principle of a residential use in this location. As noted earlier such a use is compatible with the nearby land uses and would not be expected to cause nuisance, and so accords with policies CS5 and DP26. The letter of support from a neighbouring occupier suggests that this conclusion is shared by some.

### **Sustainability**

The relevant policies are CS13 and DP22. The proposal would be above the threshold at which a development would be expected to achieve a rating of "excellent" for BREEAM Refurbishment (which supersedes EcoHomes). The nature of the development makes this less straightforward because there are no external alterations, it is purely for the change of use, and the methodology for part of the assessment assumes that some changes are proposed to allow for a comparison between 'before and after' energy calculations. The applicant has submitted an assessment which commits to doing those elements which only require simple internal measures (such as a commitment to providing a suitable water meter or efficient white goods). Part of the assessment is also a theoretical exercise based on what could be done to achieve the energy efficiency requirements, and this includes some quite significant internal alterations such as dry-lining, secondary glazing, and new floor insulation. This indicates that a "very good" rating is the best that could be achieved. Although less than the "excellent" rating this is considered to be the best that can be achieved under the circumstances, and this would be secured through the section 106 agreement.

### **Highways and transportation**

There is a crossover in place at the front of the site allowing access to a front area where cars can be parked, and it appears that up to two could be accommodated there. It is not considered possible to require their removal, but it would be justifiable in accordance with policies DP18 to prevent future occupiers from being able to acquire on-street parking permits. Appendix 2 of the Development Policies notes that a maximum of 1 space per dwelling would be usual. The site already has one more than would be allowed under normal circumstances, hence why it is important that this is secured now through a Section 106 legal agreement. As noted earlier there is ample opportunity to store bicycles on the site in accordance with policy DP17.

### **Community Infrastructure Levy (CIL)**

The proposal would create one additional new unit of accommodation measuring approximately 770sqm internal floorspace. However, as this is a change of use and there is no additional floorspace provided it would be exempt from making a contribution towards the Mayor's CIL.

### **Conclusion**

The proposed change of use reflects the Council's strategy for homeless and vulnerable persons, and following an assessment of future needs for this type of accommodation it was sold on the open market. The property to the rear has already obtained planning permission for the same use as is now proposed. The unit would be large, and the quality of the accommodation would be high, albeit not fully compliant with lifetime homes. There

are no external alterations and so the impact on neighbours would be negligible, and the use is compatible with the area generally. There is a commitment to “very good” for BREEAM Refurbishment and this is considered the best that can be achieved given the nature of the proposal. Finally, with an obligation to remove eligibility for on-street parking permits the proposal would not have a greater impact than is currently the case.

**Recommendation:** Grant planning permission with conditions and subject to a Section 106 legal agreement.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 11<sup>th</sup> March 2013. For further information please click [here](#).**