



**TOWN PLANNING &
HERITAGE STATEMENT**

**6 NUTLEY TERRACE,
LONDON,
NW3 5BX**

OSMAN SHAFI

DECEMBER 2015

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**Approved by:
Suzy Wilson**

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1.0 INTRODUCTION

1.1 This Planning and Heritage Statement has been prepared on behalf of Mr Osman Shafi in support of a proposal for the redevelopment of 6 Nutley Terrace, London NW3 5BX.

1.2 The planning application seeks permission for the following:

'Demolition of existing dwelling and erection of a new development to provide two detached dwelling houses with associated access onto Nutley Terrace.'

1.3 The proposal in respect of 6 Nutley Terrace seeks to demolish the existing house and erect two new 7 bedroom semi-detached dwelling houses.

1.4 It should be noted that this exact scheme was approved under application ref. 2012/2632/P which was granted planning permission on the 12th February 2013. The 3 year period under which application ref. 2012/2632/P can be implemented will elapse on 12th February 2016. This application seeks a new permission to provide an extension of a further 3 years for which the development is able to be implemented.

1.5 The proposals are fully justified in this Statement.

1.6 The Statement should be read with reference to the submitted drawings and supporting documents. The supporting documents are as follows:

- Arboricultural Impact Assessment
- Basement Impact Assessment
- Code for Sustainable Homes Assessment
- Daylight and Sunlight Report
- Daytime Bat Survey
- Design and Access Statement
- Energy Statement
- Groundwater Investigation Report
- Sustainability and Energy Statement
- Transport Statement

2.0 SITE AND SURROUNDINGS

Site Description

- 2.1 The site is located at the eastern end of Nutley Terrace in the Borough of Camden. The site currently consists of a large detached two storey red brick house, with off road parking to the front and extensive rear garden. The site is of broad rectangular shape and extends to approximately 0.14 hectares.
- 2.2 The existing building dates to the 20th Century. The surrounding area consists of various residential properties varying in architectural style and period. To the west is a three storey red brick Victorian property (Nutley Cottage) with its rear garden backing on to the forecourt of 6 Nutley Terrace. Immediately to the east is a three storey redbrick Victorian property (no. 4 Nutley Terrace). To the north a part 3 and 4 storey modern residential scheme has recently been completed in glass and light coloured stone to provide two residential houses.
- 2.3 Further north-west, a 20th Century 5 storey block of flats with roof space accommodation is located. On the northern side of the road, to the east, are 2 two storey red brick Victorian houses. On the southern side of the road, to the east, is a modern redbrick flat development which is 4 storeys in height.
- 2.4 The site lies within the Fitzjohns Netherhall Conservation Area. However the current property is not statutorily listed and the nearest statutorily listed building is some distance from the site. As detailed above, no single architectural style or period dominates the local context of Nutley Terrace.
- 2.5 Photographic images of the site and surrounding area are available in KSR Architects' Design and Access Statement which accompanies this Statement.

3.0 RELEVANT PLANNING HISTORY

3.1 The following details relevant planning history for the site and surrounding area.

The Application Site - 6 Nutley Terrace

3.2 **2012/2632/P** – Planning permission was granted on the 12th February 2013 for an identical scheme to the one proposed by this application. The scheme was for:

'the demolition of the existing dwelling and erection of two detached dwelling houses with lower ground level accommodation and new driveway'.

3.3 The officer's report noted that the proposals for redevelopment of the existing property were acceptable in principle. In addition the report stated that the existing house *"is not a particularly good example of inter-war villa"* and *"it has discernibly less architectural quality and character than its older neighbours"*. It summarises that *"given the lack heritage significance of the existing building its demolition is considered to be acceptable subject to a suitable replacement scheme"*.

3.4 A copy of the decision notice and officer's report is attached at **Appendix 1**.

3.5 **2015/2229/P** – A planning application was submitted on 14th May 2015 and is currently being considered by Camden Council for the:

'Erection of a 4 storey building (including basement) comprising 6 flats (Class C3) (3 x 4 bed units and 3 x 2 bed units) following demolition of existing dwelling (C3) new vehicular crossover and provision of associated landscaping.'

3.6 There are several other applications which relate to works to various trees within the site due to the sites Conservation Area status.

Other relevant sites - 5 Nutley Terrace/ 46 Fitzjohn Avenue

3.7 Attention is drawn to 5 Nutley Terrace, which is located directly opposite 6 Nutley Terrace to the north of the site, and has a detailed planning permission,

for residential redevelopment, as below. The scheme has been implemented and is substantially completed.

3.8 **2007/6230/P**: Planning permission was granted on 19th November 2008 for:

'the redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of the existing garages.'

3.9 The officer's report notes that No.5 Nutley Terrace was previously occupied by six lock-up garages, which were part of Fitzjohn's House at 46 Fitzjohn Avenue. The report states that the proposal respects the building lines (paragraph 6.7) and has been designed so as not to visually compete with the existing buildings, serving as a more subordinate infill development. It also states that the proposed design was "an acceptable contemporary intervention to the street scene, avoiding any pastiche of surrounding buildings" in paragraph 6.9.

3.10 **2012/2793/P**: Planning permission was granted on 25th July 2012 for alterations to the 2008 consent to change House A garage 1 to an office ancillary to Unit A, replacement of glazed roof of House A to green roof, erection of a louvered/brick extension at rear first floor level to accommodate air conditioning and alterations to the façade. The officer's report stated that the proposed alterations were acceptable in policy terms.

3.11 The approved development at 5 Nutley Terrace sets a precedent for redevelopment of such a scale and bulk as proposed at 6 Nutley Terrace.

3.12 The decision notice and officer's reports are attached at **Appendix 2**.

4.0 RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF)

- 4.1 The National Planning Policy Framework (NPPF) came into force on 27 March 2012 and provides a presumption in favour of sustainable development. The Framework introduced twelve core principles which underpin the planning system. They include establishing a planning system which proactively drives and supports sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and places the country needs, and to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value.
- 4.2 Paragraph 49 sets out that housing applications should be considered in the context of the presumption of sustainable development.
- 4.3 Paragraph 50 states that in order to deliver a wide range of homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities, local planning authorities should:
- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes; and;
 - Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 4.4 Paragraph 128 of the National Planning Policy Framework (NPPF). requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 4.5 Paragraph 137 states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a

positive contribution to, or better reveal the significance of, the asset should be treated favourably.

London Plan Further Alterations

4.6 The latest version of the London Plan, which incorporates alterations to the Plan since 2011 was adopted on 10th March 2015. The relevant policies form the revised Plan are as follows:

Policy 3.3 – Increasing housing supply

Policy 3.4 – Optimising housing potential

Policy 3.5 – Quality and design of housing developments

London Borough of Camden Local Development Plan

4.7 The adopted planning policy at a local level (London Borough of Camden) is set out in the following documents:

- Core Strategy (adopted 2010)
- Development Policies Document (adopted 2010)

4.8 In addition the following Supplementary Planning Documents and Guidance are relevant:

- London Borough of Camden Planning Guidance (CPG 1) – Design (adopted July 2015)
- London Borough of Camden Planning Guidance (CPG 2) - Housing (adopted July 2015)
- Londo Borough of Camden Planning Guidance (CPG3) – Sustainability (adopted July 2015)
- London Borough of Camden Planning Guidance (CPG 4) – Basements and Lightwells (adopted July 2015)
- Fitzjohns/Netherall Conservation Area Statement (adopted February 2001)

4.9 The adopted Proposals Map demonstrates the site lies within the Fitzjohns Netherhall Conservation Area.

4.10 The relevant Core Strategy policies are set out below:

Policy CS1 – Distribution of growth

Policy CS4 – Areas of more limited change

Policy CS5 – Managing the impact of growth and development

Policy CS6 – Providing quality homes

Policy CS11 – Promoting sustainable and efficient travel

Policy CS13 – Tackling climate change through promoting higher environmental standards

Policy CS14 – Promoting high quality places and conserving our heritage

Policy CS19 – Delivering and monitoring the Core Strategy

4.11 The relevant Development Policies Document are set out below:

Policy DP2 – Making full use of Camden’s capacity for housing

Policy DP5 – Homes of different sizes

Policy DP6 – Lifetime homes and wheelchair housing

Policy DP16 – The transport implications of development

Policy DP17 – Walking, cycling and public transport

Policy DP18 – Parking standards and limiting the availability of car parking

Policy DP19 – Managing the impact of parking

Policy DP22 – Promoting sustainable design and construction

Policy DP23 – Water

Policy DP24 – Securing high quality design

Policy DP25 – Conserving Camden’s heritage

Policy DP26 – Managing the impact of development on occupiers and neighbours

Policy DP27 – Basements and lightwells

5.0 PLANNING ANALYSIS

Principle of Development

- 5.1 The surrounding context is residential and therefore the proposal accords with the existing land use context. The proposed residential use is in-keeping with the surrounding development.
- 5.2 Core Strategy Policy CS6 sets out that housing is the priority land use in the London Borough of Camden. The Council will aim to make full use of Camden's capacity for housing by maximising the supply of additional housing to meet or exceed a target of 8,925 homes from 2010-2025, including 6,550 additional self-contained homes.
- 5.3 Core Strategy Policy CS1 states that development will be directed to highly accessible locations. Policy CS4 states that areas of high accessibility are suitable locations for the provision of homes.
- 5.4 One of the NPPF's core planning principles is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Additionally Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption of sustainable development. Therefore significant weight should be placed on the need to support the delivery of new homes through the planning system.
- 5.5 The proposal involves the construction of two new family sized dwellings, which will provide a net increase of one unit in line with Core Strategy policy CS5. The development proposals incorporate an appropriate amount of on-site car parking located at front of the properties to allow for easy access in line with the Lifetime Homes standards, Core Strategy Policy CS11 and Development Management policies DP17, DP18 and DP19.
- 5.6 The site is in area with a PTAL rating of 6A which is excellent. The site is located in the Swiss Cottage area which is one of the accessible locations suitable for housing development as stated in Core Strategy policies CS1 and CS3. It is considered that the principle of development is therefore policy compliant.

Please refer to KSR Architects' Design and Access Statement for a detailed analysis of access considerations.

- 5.7 The site has an extant detailed planning permission for the demolition of the existing house and erection of two replacement dwellings (LPA ref. 2012/2632/P). This application seeks to renew the previously approved scheme and therefore this shows that the principle of redevelopment of the site is deemed to be acceptable in principle. All details of the proposal submitted as part of this application are identical to application ref. 2012/2632/P. Camden's Local Development Framework has not changed since the 2013 permission was granted, and therefore the proposal is considered to be policy compliant.
- 5.8 Additional supplementary planning guidance documents have come into force since the 2013 permission was granted in the form of Camden's Planning Guidance Documents. However it is considered that the development is in line with these documents as set out in the Design section below, and therefore is policy compliant.
- 5.9 The proposal for residential development at the site is therefore in accordance with the planning policy framework.

Design

- 5.10 Core Strategy Policy CS14 sets out the Council's strategic planning policy requirement for design quality in development, through respect of local context and character. Development Management Policy DP24 reinforces the expectation that development will have the highest design standards. It expects the design of development to have considered character, setting, context, form, and scale, proportions of existing buildings, materials, topography, landscaping, amenity space and accessibility.
- 5.11 CPG 1 - Design states that Camden is committed to excellence in design and schemes should consider the context of a development, the design of the building, the use of the building, the materials use and public spaces.
- 5.12 CPG 1 - Design goes on to state that development in Conservation Areas will only be permitted if it enhances the character and appearance of the area. In addition landscape design and green infrastructure should be fully integrated into the design of schemes.

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- 5.13 The proposals also provide significant enhancements to landscaping and planting in line with Development Management Policy DP25.
- 5.14 CPG 2 - Housing provides guidance on internal space standards and outdoor amenity space standards for residential development within Camden. It is considered that the proposal meets all specified standards as set out by this document.
- 5.15 Policy DP6 requires that all new housing developments should meet life time home standards and 10% should either meet wheelchair housing or be easily adaptable to meet them.
- 5.16 Development Policy DP26 states that the Council will protect amenity of neighbours and not grant planning permission for development which harms that amenity. Policy DP26 will review development considering factors such as visual privacy and overlooking, overshadowing and outlook, sunlight, daylight and artificial light levels, noise and vibration levels, odour/fumes/dust, microclimate and attenuation measures.
- 5.17 A design led approach has been at the centre of the proposals. The design seeks to respond to the local character and context, whilst not being pastiche.
- 5.18 Careful consideration has been given to the height of the development. The proposal will be a slightly lower in height to No. 4 Nutley Terrace, and considerably lower in height than No.1 and No.3 Nutley Terrace. It is considered that this proposed height responds well to the context of the area, reflecting the character of various heights of properties.
- 5.19 In terms of appearance, the proposed materials respond to the characteristics of the area, particularly with regard to the broad use of brick and the new colour palette provided by No. 5 Nutley Terrace. The use of an orange-red brick colour was considered appropriate by case officers for application ref. 2012/2632/P and therefore no alterations have been made to the materials proposed in the application. The brick matches those incorporated on neighbouring properties, and reflects the colour stone of No.5 Nutley Terrace, whilst adhering the traditional brick colour in the wider context.

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- 5.20 There will be no unacceptable harm caused to the amenity of neighbouring properties via the loss of privacy or light. The scheme has been carefully designed to ensure there is no overlooking of neighbouring properties.
- 5.21 The overall design of the proposed building has been considered in terms of streetscape impact, as well as its visual impact upon the wider conservation area. The proposed roof seeks to respond to the varying roofscapes of the surrounding area.
- 5.22 A detailed description and analysis of the overall design of the scheme has been included within KSR Architects' Design and Access Statement, which accompanies this Statement.
- 5.23 Policy DP22 requires that developments incorporate sustainable design features including green and brown roofs where appropriate. Policy DP22 also requires that all developments be built to Code for Sustainable Homes Level 4.
- 5.24 CPG 3 - Sustainability identifies that new buildings should be designed to minimise carbon emissions. It is noted that the best way to achieve minimised carbon emissions is through good design and insulation.
- 5.25 The proposal has been designed to Code for Level Sustainable Homes Level 4 and meets Lifetime Home standards.
- 5.26 In addition the new buildings will provide significant improvements in carbon emissions both through their use of modern materials and the installation of green roofs which will provide good insulation, and through the use solar panels which will reduce reliance on electricity for future inhabitants.

Basement

- 5.27 Development Policy DP27 states that the Council requires the basement development to consider the impact on drainage, flooding, groundwater conditions and structural stability. It also states that such development will only be permitted where it does not cause harm to the built and natural environment, amenity, or result in flooding or ground instability.
- 5.28 CPG 4 - Basements and Lightwells states that basement schemes should not cause undue harm to the amenity of neighbouring properties, do not have a

detrimental impact on groundwater environments and do not have any effects on surface water run-off or ground permeability.

- 5.29 An appropriate Basement Impact Assessment (BIA) which addresses the issues set out and the appropriate methodologies for implementation has been prepared by Elliotwood and accompanies this Statement, and an appropriate Groundwater Impact Assessment prepared by Chord Environmental Ltd has also been prepared and is submitted in support of this application.
- 5.30 CPG 4 – Basements and Lightwells states that where basements and visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the character and appearance of the surrounding area.
- 5.31 The proposed basement will not extend beyond the proposed terraces at the ground floor level, and therefore will not encroach upon the gardens of the proposed dwellings. In addition the basements will not be visible from the front of the properties and will therefore have no visual impact on the property or the character of the surrounding area.
- 5.32 Two lightwells are proposed at the front of the property. However, these will be screened from view by appropriate landscaping and boundary treatments, and will have no impact on the existing streetscape of Nutley Terrace.
- 5.33 The proposed basement will be used as living accommodation for the proposed units, providing bedroom accommodation and additional family/living accommodation, as well as direct access to the garden.

Transport

- 5.34 Core Strategy Policy CS11 states that the council will promote cycling and walking. Development Policy DP17 states that the development should make adequate provision for cyclists.
- 5.35 Policy DP19 states that Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment. Considerations include highway safety and detrimental visual impact caused by prominent car parking areas.

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- 5.36 It sets out in Policy DP19 that off street parking will have to preserve the buildings setting and character, preserve enclosure, trees or other features in forecourt and garden and an appropriate Transport Assessment should be submitted for planning applications for new development.
- 5.37 It is noted that the site location benefits from a PTAL rating of 6a, which is the highest rating. Therefore the site is within a sustainable location with links to public transport. The site provides opportunities for walking and cycling to nearby amenities and services, including retail, leisure, community services and employment opportunities.
- 5.38 There are currently three existing car park spaces which serve the existing dwelling. The car park spaces are all located to the front of the property close to Nutley Terrace. It is noted that three proposed car park spaces were approved as part of the extant development scheme to demolish the existing dwelling house and replace it with 2 dwelling houses under consent ref. 2012/2632/P. This demonstrates the Council are satisfied that three parking spaces are appropriate at the site.
- 5.39 As part of the development proposals appropriate amounts of both cycle and car parking will be provided. It is proposed to locate 3 no. car park spaces at the front of the house. In addition, 2 no. cycle storage docks are proposed for each house securely located behind the gated access to the rear garden. It is considered that the proposed parking is adequate and will cause no harm to the setting and character of the building and wider site.
- 5.40 A full Transport Statement has been prepared by TTP Consulting in support of the application. The Statement should be read in conjunction with the Design and Access Statement prepared by KSR Architects.

6.0 HERITAGE STATEMENT

Overview

- 6.1 As noted above, the site lies within the Fitzjohns Netherall Conservation Area. Core Strategy Policy CS14 states that the Council will preserve and enhance heritage assets in the borough. Development Policy DP25 states character of Conservation Areas will be maintained via preserving and enhancing the character and appearance.
- 6.2 Policy DP25 also states that the Council will prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character and appearance of the Conservation Area.
- 6.3 Policy DP25 sets out that that the Council will preserve trees and garden spaces which contribute to the character of the Conservation Area which provide a setting for Camden's architectural heritage.
- 6.4 Para 126 of the NPPF states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 6.5 The Fitzjohns Netherhall Conservation Area Statement explains that Nutley Terrace has few buildings facing the road except at the eastern end, which includes the application site. It states that the dwellings at the eastern end of the road are detached properties set within extensive plots.
- 6.6 The Statement goes on to explain that nos. 1 & 2 Nutley Terrace form important corners at the junction with Daleham Gardens. It identifies the low-profile, single-storey Nutley Cottage as providing a pleasant contrast to the wider built form. Nutley Cottage is identified as a 'building which makes a positive contribution' to the Conservation Area. The Statement also notes that Nutley Terrace runs above the Belsize railway tunnel.

Development within the Conservation Area

- 6.7 The eastern end of Nutley Terrace is rather secluded and characterised by established mature planting. The area comprises large detached dwellings

broadly dating from the late 19th Century (nos. 1 and 3 Nutley Terrace). Nos. 2 and 4 Nutley Terrace were similar to nos. 1 and 3, but no. 2 has been replaced. The lock-up garages opposite the application site have been replaced with a modern residential development, which is still under construction. It is evident that the area has experienced recent and on-going change in terms of development proposals.

Heritage Appraisal

- 6.8 The application site itself is not noted as a building of merit in the Conservation Area Appraisal. Indeed officers acknowledge that the building is a neutral contributor to the character, appearance and setting of the Conservation Area. The proposed scheme will therefore replace an unremarkable existing house with two new buildings which will respect the existing character of the Conservation Area and will provide a significant benefit to the appearance of the area as a whole.
- 6.9 The site is of sufficient size to accommodate two dwellings whilst respecting the overall urban grain, form and scale of the wider area. The proposed buildings will be comfortably sited within the plot and will not appear cramped or overdeveloped. The buildings will be sited towards the front of the plot to provide sufficient distances between the property and the plot boundaries and appropriate gardens to the rear.
- 6.10 The proposed scale of development is in keeping with the character and appearance of the Conservation Area. The design seeks to respond to the varying architectural style of the surrounding area.
- 6.11 It is considered that the proposed scheme takes the opportunity to fully preserve and enhance the Conservation Area with a new development that is of high architectural and aesthetic quality which respects the Area and wider area. Overall the scheme will replace a relatively non-descript building with two buildings which will substantially enhance the Conservation Area.

7.0 CONCLUSIONS

- 7.1 This assessment has had due regard to all relevant national and local planning policies and guidance including the National Planning Policy Framework and National Planning Policy Guidance.
- 7.2 The proposal has been informed by a design-led approach to provide a sensitively designed housing scheme in the Conservation Area setting. The accompanying scheme has resulted from previously permitted application ref. 2012/2632/P.
- 7.3 The redevelopment scheme will remove a building which is acknowledged provides a neutral contribution to the Conservation Area. It is considered that the proposed development provides a high-quality and well-designed scheme and will fully enhance the character, appearance and setting of the Conservation Area.
- 7.4 The new residential accommodation has been designed to respond to the character and appearance of the area, and particular and careful consideration has been given to overall scale, including height, and appropriate materials selection.
- 7.5 The proposal will provide 2 new residential units, creating an additional family sized unit, which is the preferred land use in the London Borough of Camden. The scheme meets the long-standing and widely-held aspiration of increasing the supply and delivery of new homes within the London Borough of Camden. The proposals provide an appropriate mix of dwellings which satisfy the Council's standards in terms of size, layout and overall floor space.
- 7.6 The principle of this proposal is deemed to be acceptable via the 2013 consented scheme (LPA ref. 2012/2632/P, approved on 12 February 2013) at the site. The accompanying scheme is identical to the consented scheme and no planning policy implications that have changed since the scheme was approved in 2013. In terms of proposals for demolition and redevelopment of residential properties, the development scheme at no.5 Nutley Terrace (now completed) is also a material consideration.
- 7.7 The scheme will incorporate significant enhancements to landscaping by providing appropriate hard and soft landscaping to the site.

- 7.8 The accommodation has been designed to the required Code for Sustainable Homes Level 4 and the development will also meet Building Regulations Part M and Lifetime Homes standards.
- 7.9 The proposal will not have an adverse impact affect on the amount of parking provision, access or local highway safety and convenience, as demonstrated by the accompanying Transport Statement prepared by TTP Consulting.
- 7.10 Moreover the proposal will not have a detrimental impact upon neighbouring or future resident's amenity and privacy, flood risk and drainage issues or land/ground conditions.
- 7.11 Overall the proposals meet the requirements of national planning policy, the London Plan and the London Borough of Camden's Development Plan and appropriate Conservation Area design.

APPENDIX 1

2012/2632/P: DECISION NOTICE AND OFFICERS REPORT

Address:	6 Nutley Terrace London NW3 5BX	
Application Number:	2012/2632/P	Officer: Aysegul Olcar-Chamberlin
Ward:	Frognal & Fitzjohns	
Date Received:	08/05/2012	
Proposal: Erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated landscaping (following demolition of existing dwellinghouse).		
Drawing Numbers: NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; and 031.		
Supporting Documents: Heritage Appraisal by KM Heritage; Arboricultural Impact Assessment Report by Landmark Trees dated 20 th October 2011. Transport Statement by TTP Consulting dated February 2012; Basement Impact Assessment by Elliottwood (Rev.P1) dated January 2012; Basement Impact Assessment Appendices continued (Rev. P1) by Elliottwood dated January 2012; Groundwater Impact Assessment by Chord Environmental Ltd dated November 2011; Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment by HOARE LEA (revised) dated October 2012; Daylight and Sunlight Report in respect of 6 Nutley Terrace by GL Hearn Property Consultant dated 19 th January 2012; Planning Statement by Geoffrey Searle; Lifetime Homes Standards by KSR Architects dated May 2012; e-mail from KSR Architects dated 07 th September 2012; and e-mail from KSR Architects dated 02 nd October 2012.		
RECOMMENDATION SUMMARY: Grant conditional permission subject to S106 Legal Agreement		
Related Application:	Conservation Area Consent	
Date of Application:	23/05/2012	
Application Number:	2012/2710/C	
Proposal: Demolition of existing dwellinghouse (Class C3).		
Drawings Numbers: NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031; and Heritage Appraisal by KM Heritage.		
RECOMMENDATION SUMMARY: Grant conditional conservation area consent		
Applicant:	Agent:	
Mr Omar Shafi Flat-4 Oakhill House Oakhill Park London NW3 7LP	KSR Architects 14 Greenland Street London NW1 0ND	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House	x 1	313.7 m ²
Proposed	C3 Dwelling House	x 2	1112.7 m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Single Dwelling House	-	-	-	-	-	-	1	-	-
Proposed	Single dwelling House	-	-	-	-	-	-	2	-	-

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	2	0
Proposed	2	0

OFFICERS' REPORT

Reason for Referral to Committee: The proposal involves demolition of existing buildings within a conservation area [Clause 3(v)].

1.0 SITE

1.1 The application site is a two storey dwellinghouse set in a large plot on the south side of Nutley Terrace in the Fitzjohns/Netherhall Conservation Area. The application property has been significantly altered and contributes neutrally to the character and appearance of the conservation area. In particular, a significant proportion of the front garden has been lost to car parking spaces.

1.3 The surrounding area has a residential character.

2.0 THE PROPOSAL

2.1 Original

The application seeks conservation area consent for demolition of the existing building and planning permission for the erection of two new houses. Each of the proposed houses would have three storeys (including attic level) and a basement level of accommodation. The proposal would result in the provision of an additional 799sqm of residential floorspace.

The existing crossover would serve the proposed house 6B and a new crossover is proposed to serve the proposed house 6A.

2.2 Revisions

The proposed scheme has been amended since it was originally submitted and additional information has also been submitted:

- Alterations to canopy/door hood of the proposed house 6A to match with the circular detailing of the doors hood of the proposed house 6B;
- Omission of the proposed condensers in the rear gardens of each of the proposed houses;
- Internal alterations to incorporate Lifetime Homes Standards such as accessible main entrances, WCs and bathrooms, stair lift and lift through floor levels; and
- Revisions were made to the Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment.

3.0 RELEVANT HISTORY

3.1 Application property

8703163: Planning permission was granted on 21/07/1988 for the partial development by the erection of a three storey extension and change of use of the existing building including works of conversion, external alterations and installation of dormer windows to form 5 no. flats and the provision of four parking spaces in the forecourt. This permission was not implemented.

8770407: Conservation Area consent was granted on 21/07/1988 for the partial demolition of the existing house in association with the above application but it was not implemented.

8703164: Planning permission was refused on 28/04/1988 for the development to provide five flats with a basement car park by way of partial demolition change of use and extension on four floors to the side rear and front. The associated conservation area was also refused on 28/04/1988.

2011/3679/T: Notification was given on 25/08/2011 for the removal of Copper Beech tree which had a TPO. The Council's tree specialist considered this tree to be in severe decline without an apparent cause and recommend a Sweet Chestnut as its replacement.

2011/4576/T: No objection raised to the removal of the Ash tree located in the rear/side garden on 14/11/2011. The Council's tree specialist observed a sudden decaying condition of this tree without an apparent cause and recommended a small leaved Lime (*Tilia cordata*) as a replacement.

3.2 Opposite site (Garages at rear of Fitzjohn's Avenue)

2007/6230/P: Planning permission was granted on 19/11/2008 for the redevelopment of the site by the erection of a part 3 and part 4 storey building with

basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages.

2007/6231/C: Conservation area consent in connection with the above application was granted on 19/11/2008 for the demolition of a single storey block of 6 garages.

2012/0659/P: Planning permission was granted on 10/08/2012 for an amendment to planning permission granted 19/11/08 (ref: 2007/6230/P), namely enlargement of basement area.

2012/1691/P: Planning permission was granted on 25/05/2012 for alterations during the course of construction to planning permission granted 18/11/08 (ref: 2007/6230/P), namely, erection of louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning.

2012/2793/P: Planning permission was granted on 25/07/2012 for alterations during the course of construction to planning permission granted 19/11/08 (ref: 2007/6230/P), namely, changing House A garage 1 to an office ancillary to Unit A, replacement of glazed roof of House A to a green roof, erection of a louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning and addition of overhead lift on the roof of each house, and alterations to rear façade treatment at rear third floor level.

4.0 **CONSULTATIONS**

4.1 **English Heritage**

Recommend that the applications should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.2 **Fitzjohns/Netherhall Conservation Area Advisory Committee**

No objection.

4.3 **Environment Agency**

The main issues identified are the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. The following is recommended:

- The surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.
- Surface water runoff rates and volumes from the site must be managed in accordance with the [London Plan](#) (July 2011) - which sets higher standards than NPPF for the control of surface water run-off. Policy 5.13 - Sustainable drainage (page 155) of the London Plan states that "development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons

for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible" in line with the drainage hierarchy.

4.4 **Thames Water**

No objection subject to the following:

- Developer should make proposed provision for drainage to ground, water courses or suitable sewer.
- In respect of surface water the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 845 850 2777.
- Informative: Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9litres/minute at the point where it leaves Thames Water pipes. The developer should take into account of this minimum pressure in the design of the proposed development.

4.5 **Adjoining Occupiers**

	Original
Number of letters sent	55
Total number of responses received	11
Number of electronic responses	6
Number in support	4
Number of objections	7

A site notice was displayed from 29/05/2012 to 19/06/2012 and the application was also advertised in the Ham and High on 07/06/2012.

Objections were received from the occupants of Lower Basement Flat (4), Ground Floor Flat, First Floor Flat (2) and Top Floor Flat 44 Fitzjohns Avenue, Flat 2 3 Nutley Terrace and a family interested in 44 Fitzjohns Avenue and an interested purchaser of Flat 2 44 Fitzjohns Avenue.

4.6 The following issues were raised:

Demolition:

- The proposal would be contrary to Camden's conservation policy which tries to avoid unnecessary demolition of the buildings.

Design:

- The new buildings would be set back by a metre or two from the front consistent line, pushing the whole development further south.
- The proposed mansard roof would be heavily accented dormer window and would clash with the conservation area roofscape.

- The proposal would significantly increase the built up area beyond the current footprint.

Basement:

- Any excavation involving London clay would impact upon neighbouring foundations.
- The Basement Assessment fails to identify the concurrent basement planning across the road at 5 Nutley Terrace, to address the multiple drain-off features of this total loss of green space, to mention sewage overload experience and to address the extensive subsidence at 1 and 3 Nutley Terrace. Both the sewage overload and subsidence have recently been resolved.
- A serious flooding incident occurred in Nutley Terrace 18 months ago.

Amenity:

- There would be noise nuisance from the new building.
- The proposed houses would be a massive and unneighbourly intrusion into the amenities of the top floor occupants.
- The analysis did not take into consideration the impact on Nutley Cottage and 44 Fitzjohns Avenue.
The proposed houses would have four storeys and would reduce the privacy, daylight and outlook to the neighbouring properties.

Others:

- It is not clear why a beautiful copper beech tree was removed from the rear garden of 6 Nutley Terrace.
- The arboricultural report refers to hazard trees removed in 2011 but they are not specified.
- The two trees which were already removed have not been replaced.
- A map of the location in Arboricultural report is not accurate. 3 Nutley Terrace fronts the green space which is the garden of the property, with views to Tavistock Clinic.
- It is very difficult to park in Nutley Terrace.
- There could be asbestos in the building structure which could be released into the air during the demolition. There should be checks for asbestos prior to demolition.

4.7 The occupiers of 29 Daleham Gardens supported the application except for the rear extension which extends the property into the current garden area. They considered that aspect of the proposal to degrade view from the top two floors.

4.8 The occupiers of Flats 4 and Flat 5, 36 Fitzjohns Avenue and 38 Fitzjohns Avenue supported the proposed development.

5.0 **POLICIES**

5.1 **National Planning Policy Framework (NPPF) (2012)**

On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning

applications. The NPPF replaces a number of national planning policy documents (listed at Annex 3 of the NPPF).

5.2 **The London Plan (2011)**

5.3 **LDF Core Strategy and Development Policies (2010)**

Camden Core Strategy

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

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

CS18 – Dealing with our waste and encouraging recycling

CS19 – Delivering and monitoring the Core Strategy

Camden Development Policies

DP2 – Making full use of Camden's capacity for housing

DP5 – Homes of different sizes

DP6 – Lifetime homes and wheelchair housing

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP 20 – Movement of goods and materials

DP21 – Development connecting to the highway network

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

DP32 – Air quality and Camden's Clear Zone

5.4 **Supplementary Planning Policies**

Camden Planning Guidance 2011

CPG1 – Design (Section 2)

CPG 2 – Housing (Section 4)

CPG 3 – Sustainability (Section 9)

CPG 4 - Basements and lightwells (Section 2)

CPG 6 – Amenity (Section 6 and Section 7)

CPG 7 – Transport (Section 5, Section 6 and Section 9)

Fitzjohns/Netherhall Conservation Area Statement (2001)

6.0 ASSESSMENT

6.1 The principal consideration material to the determination of this application are summarised as follows:

- Land Use;
- Demolition;
- Design and Appearance;
- Trees and Landscaping;
- Basement Impact;
- Mix and standards of accommodation;
- Lifetime Homes;
- Amenity;
- Sustainability;
- Transport; and
- Other Issues.

6.2 Land Use

6.2.1 Policy DP2 encourages development proposals to make full use of Camden's capacity for the provision of new housing. Whilst policy CS6 promotes different types of housing that are needed this policy also draws attention to the other considerations that are covered by other policies. These considerations are good design and layout, contribution to neighbourhood and residential amenity etc.

6.2.2 The application site is almost double the plot sizes of the rest of the houses in the area and has the capacity to accommodate two separate dwellings. Provided that the proposed houses provide acceptable living conditions for the future occupiers without compromising the neighbouring amenity and the character of the conservation area the proposal is considered to be acceptable in principle. This is explored further below.

6.3 Demolition

6.3.1 Policy CS14 seeks to ensure preservation and enhancement of Camden's heritage assets and their settings. In that respect policy DP25 aims to prevent the total or substantial demolition of buildings that make a positive contribution to the character and appearance of a conservation area.

6.3.2 The existing house is not a particularly good example of an inter-war villa and it has been altered in a number of respects. It has discernibly less architectural quality and character than its older neighbours to the east and west, and is plain and blocky without having any notable 'moderne' quality. The building is not identified in the Conservation Area Statement as making a positive contribution to its character and appearance. Given the lack of heritage significance of the existing building its demolition is considered to be acceptable subject to a suitable replacement scheme. The details and suitability of the proposed scheme is explored below.

6.4 Design and Appearance

- 6.4.1 Policy DP25 states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. In addition to that this policy also acknowledges that the Council will take into account conservation area statements, appraisals and management plans when assessing applications within conservation areas. In terms of characteristic features the Conservation Area Statement considers trees, original boundary walls (in particular brick walls facing onto street) and gaps between properties and in rear gardens to contribute significantly to the appearance and character of the conservation area. Many of the properties including the application property on Nutley Terrace are detached properties.
- 6.4.2 Scale of proposed development: The existing plot would be divided into two and each of the plots would accommodate a detached dwelling house covering roughly one third of the plot size.
- 6.4.3 The proposed scheme does not result in over development and the proposed houses would occupy only a modest portion of their plots and do not seek to encroach on garden space. The site is large enough to accommodate two houses comfortably within the scale and urban grain of Nutley Terrace without appearing cramped, and the design succeeds in creating two dwellings that appear appropriately massed and positioned on their site. The proposed height would also be consistent with the parapet height of the adjoining property at 4 Nutley Terrace. The height and scale of the development would not look out of place in the street scene.
- 6.4.4 Streetscene: The scheme draws upon the underlying classicism of the residential architecture of the older houses in the area, such as 1, 3 and 4 Nutley Terrace and houses in Fitzjohns Avenue and Daleham Gardens. The two buildings are similarly proportioned and of a consistent palette of materials however each has an individually detailed cast stone front portico with imposing hardwood front door and principal ground floor window to give subtle distinction.
- 6.4.5 The new facades follow the established proportions and rhythm found along the street. The relationship of parapet line, windows / dormer windows proportions and entrance porch also take their references from No.4. The scheme takes the opportunity to enhance the conservation area with a new development that is of greater architectural quality than the existing house at 6 Nutley Terrace.
- 6.4.6 It is noted that that side of Nutley Terrace is characterised by a continuation of high front boundary walls. A few gates have already been inserted into the small sections of the boundary walls. The existing high brick wall on the front boundary of the application property would be mainly retained. Only a small section of it would be demolished to insert a new gate where the new crossover would be located. A new gate would also be inserted where the existing crossover is located. The principle alterations to the front boundary treatment are considered to be acceptable.

- 6.4.7 The proposed front lightwells which would serve the proposed basement levels would be modestly scaled and secured by railings. The front lightwell to the house 6A would be mainly screened by the high front boundary wall. The proposed lightwell to the House 6B would be behind the existing crossover and therefore would be more noticeable on the streetscene. Given its scale and positioning it would not harm the appearance and character of the streetscene and the wider conservation area.
- 6.4.8 Materials: The materials reflect the characteristic palette of the Fitzjohn's Netherhall Conservation Area consisting of rubbed red brickwork and incorporating traditional details including gauged brick flat arches, cornice, expressed brick quoins, stone porticos and bottle balustrades. Windows are typically traditional timber framed double glazed sash windows to give enhanced environmental performance. The traditional slate roof is a prominent feature of the houses and includes appropriately proportioned lead clad dormer windows.
- 6.4.9 Conclusion: The proposed houses have been designed to sit comfortably in the streetscene. The proposal would result in a modern sympathetic design which responds positively to the character and appearance of the conservation area. Overall the proposed scheme complies with the relevant policies outlined above. Conditions should be used to secure further details of the windows, door, gate and materials.

6.5 Trees and Landscaping

- 6.5.1 Policy CS14 promotes high quality landscaping. In addition to that policy DP25 aims to preserve trees and garden spaces which contribute to the character of the conservation area and which provide a setting for Camden's architectural heritage. Policy CS15 aims to protect and improve biodiversity value by protecting trees and promoting the provision of new trees and vegetation.
- 6.5.2 The submitted Arboricultural Impact Assessment includes a tree survey and tree work implications. The assessment is considered to demonstrate trees to be retained would not be harmed by the proposed development. A number of trees on the site are considered to provide a high level of visual amenity and to contribute to the character of the conservation area. A method statement and tree protection plan conforming to BS:5837 2012 (Trees in relation to design, demolition and construction) can be secured by condition to ensure trees are protected during demolition and construction works.
- 6.5.3 It is not clear from the submitted tree survey whether replacement trees for recently removed trees were planted in accordance with the recommendations of the Council's tree specialist. The tree survey shows only one recently planted new tree (*Castanea Salvia/ Sweet Chestnut*) on the north east corner of the front garden. However, another replacement tree (*Tilia cordata/ small leaved Lime*) was also recommended.
- 6.5.4 Some landscaping details were submitted with the application. The location of the existing and the proposed trees are shown on the proposed site plan but the trees shown on the proposed landscape master plan does not correspond to the trees on

the proposed site plan. Further details of the proposed planting including new trees (particularly the small leaved lime requested by the tree officer when the Ash was removed in 2011) and surfacing materials are required. Given the amount of excavation works the proposed landscaping details should indicate changes in the ground levels. Therefore a condition for details of hard and soft landscaping is recommended.

6.6 **Basement Impact**

- 6.6.1 The existing building is a two storey detached house without a basement level. The existing rear garden slopes down from the rear of the existing house towards the rear boundary of the site. The angle of the slope is 3° – 4°. The existing building footprint is proposed to be increased from 175 m² to 390 m². The existing hardstanding would be increased from 180 m² to 270 m² (including the proposed terraced patio areas to the rear). Each of the proposed houses would have a basement level extending a maximum of 4.2m depth below ground level and set back by approximately 1.5m from the shared boundaries on either side. In total the proposed basement levels would have a floor area of 376m². The proposed basement levels would be served by front lightwells and sunken gardens at the rear. The proposal would require approximately 1950 m³ excavation works.
- 6.6.2 Given the proposal would involve total demolition of the existing dwelling the main considerations for the basement excavation are the impact on the structural stability of the neighbouring properties, ground stability, ground water conditions and surface water flow.
- 6.6.3 The application site is not located within a Flood Zone identified by the Environment Agency and Nutley Terrace is not identified as at risk of surface flooding in CPG4 but the proposed development involves large amounts of basement excavations. In line with policies DP23 and DP27 the applicant has provided a report for Basement Impact Assessment (BIA) presented by Elliott Wood Partnership. Elliott Wood Partnership commissioned Geotechnical and Environment Associates (GEA) to carry out a desk study and ground investigation.
- 6.6.4 A site investigation showed that the underlying ground appears to be a silty clay overlaid by a thin layer of made ground (maximum depth of 1.2m), the ground water is probably at two thirds of the basement depth and the Belsize Network Rail Tunnel runs under the road on Nutley Terrace at around 23m below ground. A weathered zone of soil to firm silty sandy clay extend to depths of between 4.75m and 5.50m (bgl).
- 6.6.5 The proposed basement would be constructed by forming a secant piled wall from a series of reinforced concrete piles. This wall would be designed to safely support the ground, water and surcharge loads and would be installed around the footprint of the basements to enable safe excavation and construction of the basement levels. The foundation of the basement would be a reinforced concrete raft supported on a series of concrete piles.
- 6.6.6 The Land Stability Impact Assessment prepared by GEA Ltd concludes that the proposed development would be unlikely to result in any specific land or slope

stability issues as the proposed basement excavation would be 6m from the highway and the foundations of the proposed basement levels would not immediately abut the adjacent properties' foundations. This assessment also confirms that the proposed basement excavation could be managed using standard engineering solutions to ensure the stability of the adjacent foundation.

- 6.6.7 The Groundwater Impact Assessment carried by Chard Environmental Ltd was also included in the report and confirms that the proposed development would be unlikely to result in significant changes to the ground water regime beneath the site. The monitoring standpipes installed during the site investigation showed that groundwater within the London Clay to be more than 5m below the ground level during October 2011. The results reflect the very low permeability of the London clay, groundwater entered very slowly after completion of the borehole (between August and October). The report states that these are considered to be true groundwater levels but states that it would be expected that the level rises in winter conditions. The Tyburn flows 50m to the east of the site. The Tyburn is culverted and acts as a surface water sewer for the area. The London Clay does not support ground water flows to the Tyburne and is hydraulically isolated from it. Although ground water as discrete pockets of water would likely to be encountered within the depth of the proposed basement excavation these low volume pockets of water would not pose a significant risk in terms of flooding and they could be dealt by sump pumping. Consequently, the report confirms that the risk of the site being affected by groundwater flooding is low.
- 6.6.8 The Surface Water Assessment part of the report states that the site has a negligible risk of surface water flooding. The application site is under 1 ha in area and within Flood Zone 1 which is identified as having a low probability of fluvial and tidal flooding. Other sources of surface water flooding pose a negligible risk in this part of the Borough. As the proposed development increases the amount of hard-standing on the site it is considered that it could increase surface run-off therefore a SUDS is recommended, this would capture runoff and attenuate peak flow from the site to prevent surface flooding.

6.7 **Mix and Standards of Accommodation**

- 6.7.1 Policy DP5 states that the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes. It goes on to state that the Council will expect a mix of large and small homes in all residential developments. In addition to this, the dwelling size Priority Table places a 'very high priority' on 2 bedroom units and a 'medium priority' on large homes (3 bedroom or more). This policy also acknowledges that it will not be appropriate for every development to meet the Priority Table.
- 6.7.2 The proposed scheme is for two very large dwellings with seven bedrooms each in an area where large dwelling houses form part of the character. The proposed houses were designed to continue that pattern and would benefit from generously sized gardens. Given this the provision of large house in this location is considered to be acceptable.

6.7.3 Proposed House A would have a floor area of 567.5m² and House B would have a floor area of 545.2m². Both of the houses are acceptable in terms of size and exceed the recommended space standards set out in Camden Planning Guidance 2 (Housing). All of the bedrooms also meet the recommended space sizes and will benefit from adequate storage space.

6.7.4 All the habitable rooms (except the bedrooms at basement level) would also be well lit and ventilated. The bedrooms at basement level would be served by front lightwells (approx. 1.6m in depth x 3m in width each) and therefore would receive less daylight than the rest of the habitable rooms. Given the rest of the houses would provide good living standards the lower level of light is considered to be acceptable. Both houses benefit from private amenity space.

6.8 Lifetime Homes

6.8.1 In line with Policy DP6, a lifetime Homes assessment was submitted as part of the application and it outlined those measures of the Lifetime Homes criteria which would be met. Most of the lifetime homes criteria would be met. For example:

- There would be a low step at the new entrances which would allow a 1:17 gradient ramp. This would be a gentle slope and suitable for wheelchair users.
- The proposed car parking spaces would be suitable for disabled users.
- There would be accessible WC and shower rooms on the ground floor levels.
- The staircases would be suitable for incorporation of a stair lift.
- Locations of potential lifts through floors are shown on the proposed plans.

6.8.2 It is considered that the applicant has sought to comply with the requirements as far as practicable in the context of the site, and the proposal complies with policy DP6.

6.9 Amenity

6.9.1 Policy DP26 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.

6.9.2 The proposed houses would project further towards the rear garden than the existing house and would be approximately 1.6m higher than the existing house. The proposed House 6A would also be closer to 4 Nutley Terrace than the existing house. There is a separation distance of 8.5m between the existing house and No. 4. The proposal would reduce this distance by 1.5m. The separation distance between the House 6A and the original flank wall of no 4 would be approximately 7m. The proposed house 6A would project approximately 4m beyond the side extension of no 4. The single storey rear element of the proposed house 6B would project approximately 9m beyond the rear building line of the existing house. The projecting rear part of House 6B would be set back by approximately 5m from the shared boundary with Nutley Cottage and 44 Fitzroy Avenue. The side building line of the House 6B would be in line with the side building line of the existing building. The separation distance between the House 6B and the rear of 44 Fitzjohn's Avenue would be nearly 18m.

Outlook:

- 6.9.3 The mature trees, shrubs and tall fencing along the shared boundary with Nutley Cottage and 44 Fitzroy Square limits the outlook from these properties to the garden of the application property. Given the relationship of these properties to the proposed houses and the existing mature vegetation the proposal is not considered to cause a significant loss of outlook and sense of enclosure to their properties.

Privacy:

- 6.9.4 The existing high boundary treatments protect overlooking from the application property to the neighbouring properties at ground floor and garden levels. There are existing windows on the west side elevation of the existing building which directly face onto the rear dormer window of Nutley Cottage within approximately 8m. The proposed dormer window on the west side elevation of House B would be obscure glass and therefore would not worsen the existing overlooking (this should be secured by condition). There would not be direct overlooking from the proposed balcony at rear first floor level on House 6B towards Nutley Cottage. The separation distance between this balcony and the rear windows of 44 Fitzjohn's Avenue would be more than 18 metres. Considering the existing conditions and taking into account the relationship between the proposed House B and its neighbours, the proposal is not considered to cause significant loss of privacy to these neighbouring properties.
- 6.9.5 There is existing overlooking from the first floor terrace and windows of the existing building on the east side elevation to the flank windows of 4 Nutley Terrace within approximately 14m. The proposed House 6A would have windows on its east side elevation which would directly face to the flank windows of No. 4 within approximately 7m. All the windows on the proposed west side elevation of House 6A would be obscure glass (this should be secured by condition). That would be adequate to protect the privacy of no 4. There would also be oblique overlooking from the proposed first floor balcony on the rear elevation of House A to the rear windows and garden of no 4 within close proximity.
- 6.9.6 The proposal subject to safeguarding conditions for the provision and retention of the obscure glazing is not considered to harm the privacy of the neighbouring properties.

Daylight:

- 6.9.7 The applicant has submitted a report for the assessment of the impact on daylight/sunlight to the neighbouring properties in accordance with the BRE standards which form the basis of daylight impact assessment and in accordance with the guidance in CPG6.
- 6.9.8 According to BRE guidance if windows achieve more than 27% of VSC values they are considered to receive a good level of daylight. Where a window is impacted on by a proposed development if the window continues to receive a VSC of 27% or no less than 80% of its former value then the loss of daylight would not be noticeable. Similarly, if a window receives 25% of Annual Probable Sunlight hours and at least 5% within window months then it would be considered to be well lit and any

reduction in these levels would not be noticeable so long as it was at least 80% of its former value.

6.9.9 The daylight/sunlight report includes an assessment for Nutley Cottage, 3 Nutley Terrace, 4 Nutley Terrace, 44 Fitzjohn's Avenue and 48 Fitzjohn's Avenue. The report concludes that the impact on all properties with the exception of Nutley Cottage would be within BRE guidelines, there would be no loss of daylight or sunlight in excess of BRE guidelines. The exception to this is Nutley Cottage; all the windows with the exception of one ground floor window serving the living room would continue to receive VSC and APS within BRE guidelines. The affected window would achieve 0.79 of its existing values, in view of the very marginal adverse impact of the development it is not considered that this would be sufficient to warrant refusal of the development.

6.9.10 Noise:

As part of the sustainability measure air source heat pumps (ASHPs) are proposed to be located in the rear garden of the each of the proposed houses. These pumps would be located at least 20m from the closest neighbouring property. No details or acoustic/noise assessment submitted for ASHPs. A condition is recommended for the details of the ASHPs and their noise assessment.

6.9.11 Consequently, it is considered that the proposed development would comply with policies CS5 and DP26.

6.10 **Sustainability**

6.10.1 The applicant submitted Code for Sustainable Homes Assessment and Energy Statement in support of the development and in order to address Policies CS13, DP22 and DP23.

6.10.2 According to the Code for Sustainable Homes Assessment the proposed development would achieve Code Level 4 with 65.48% credit from Energy, 66.66% credit from water and 50% credit from materials. This accords with the requirements of current planning policies.

6.10.3 The energy statement indicates that the applicant intends to reduce CO2 emissions by 50% for the proposed development. This reduction would be achieved by enhancing building performance (improved U-values and air tightness), use of energy efficient equipment and fixings, use of renewable energy technologies such as solar panels, and low carbon technologies such as air source heat pumps. These measures are welcomed.

6.10.4 It is recommended that the Energy Statement and Code for Sustainable Homes (including a design and post construction review) should be secured via S106 legal agreement.

6.11 **Transport**

6.11.1 The site has a PTAL score of 6a, which indicates that it has an excellent level of accessibility by public transport. The Transport Statement submitted with the

application states that the PTAL score is 4, however it would appear from the TfL's recently updated website that a number of additional bus services are now being run which accounts for the discrepancy. The nearest station is Finchley Road, located to the southwest of the site, whilst Belsize Park is located to the east and Finchley Road & Frognal is located to the west. The nearest bus stops are located on Fitzjohn's Avenue and additional bus services are available from Finchley Road, to the east of the site. Belsize Tunnel, which is used by Thameslink and Midland Main Line services, runs beneath Nutley Terrace.

- 6.11.2 The site is located within Controlled Parking Zone CA-B, which operates between 9am and 6.30pm Monday to Friday and between 9.30am and 1.30pm on Saturdays. The site currently has a garage and an area of hardstanding at the front of the property which is used for parking. It is proposed that 1 off-street parking space be provided for each property. The proposed house 6a would be accessed from the existing crossover, whilst the proposed house 6b would require the formation of a new crossover. This would require the loss of a resident's parking bay and an amendment to the existing Traffic Management Order.
- 6.11.3 Development Policy DP19 seeks to resist the loss of residents parking, whilst DP18 promotes car free development in areas within Controlled Parking Zones which are easily accessible by public transport. Camden Planning Guidance 7: Transport defines highly accessible areas as those which have a PTAL score of 4 and above. The development site is located within an area in which we would expect car free development, i.e. no of-street parking would be provided and the occupants would be unable to obtain parking permits from the Council. The proposed parking is thus in contravention of policy. Given the level of existing parking on site and that the applicants are willing to surrender their parking permits via S106 agreement the proposed development is considered to be acceptable in this case.
- 6.11.4 In addition to that, a survey of occupancy rates carried out earlier this year found that only 29 of the 53 resident bays on Nutley Terrace were occupied, which gives an occupancy rate of 55%, in view of this it is considered that the loss of a parking bay would not have a detrimental impact on parking conditions in Nutley Terrace.
- 6.11.5 The new crossover would require works to the footway and an amendment to the Traffic Management Order, which would need to be paid for by the applicant if the application were to be approved. As the proposal involves the complete demolition of the existing building and its replacement with 2 new dwellings we would also seek to repave the existing crossover and the footway adjacent to the site on Nutley Terrace. The highway works should be secured by means of a Section 106 contribution.
- 6.11.6 DP18 requires development to sufficiently provide for the needs of cyclists, the standards are contained in Appendix 2 of the Development Policies document. The London Plan also provides guidance on cycle parking standards these are outlined in Table 6.3 of The London Plan 2011. Camden's Parking Standards for cycles state that one storage or parking space is required per residential unit, however for larger residential units (3+ beds), the London Plan requires two cycle parking spaces per unit. The submitted plans show that cycles can be stored down the side path of each house, but does not include details of this facility. Given that the

site has adequate capacity to provide secured cycle parking facilities a condition is recommended to secure further details of cycle storage/parking.

6.11.7 The proposed development comprises demolition and excavation works to an extent that could affect the local transport network in the area therefore a Construction management Plan is required prior to work commencing on site. A Construction Management Plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users is recommended to be secured via a S106 agreement.

6.11.8 The proposal is considered to be acceptable in transport terms subject to S106 agreement for car-capped housing, Construction Management Plan and financial contribution towards highway works and a condition for details of cycle storage/parking.

6.12 Other Issues

6.12.1 CIL: You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm GIA and one unit. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £39,950. This does not include any surcharges or indexation which may be applied to a CIL payment.

6.12.2 Affordable housing contribution is considered not to be applicable in this case as the additional residential floor space would be below 1000 and given the nature of the proposed development the proposal would not have the capacity to accommodate 10 additional dwelling on the site.

6.12.3 Refuse Storage and Management: Refuse and recycling storage facilities would be located within the front garden and residents will take the bins to the back of the pavement on collection day. In accordance with the Council's standards residential developments of fewer than 6 dwellings could be serviced by a kerbside waste and recyclables collections, whereby sacks are left on kerbside on collection days.

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

7.0 CONCLUSION

7.1 The proposed development is considered to be acceptable in principle, as it would relate much more appropriately to the traditional development pattern of the surrounding properties, which are positive contributors to the character and appearance of the area, in terms of design, materials, size and bulk than the existing building.

7.2 The proposed residential units are appropriately designed in terms of size, accessibility and access to facilities such as refuse and cycle storage. The proposed development has been designed with sustainability in mind and incorporates low carbon and renewable energy technologies. During the design of the proposed development, sufficient consideration has been given to the impact of the proposed development on the character of the area and the amenities of the neighbours in terms of impact and on their daylight/sunlight and privacy.

7.3 Subject to conditions and a S.106 agreement with the terms that are listed below planning permission and conservation area consent are recommended to be granted.

- Car-capped housing;
- Construction Management Plan;
- Associated highway works; and
- Sustainability measures: Design and post construction review of Code for Sustainable Homes and Energy Statement.

8.0 **LEGAL COMMENTS**

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

Richard Solomon
KSR Architects
14 Greenland Street
London
NW1 0NDApplication Ref: **2012/2632/P**
Please ask for: **Aysegul Olcar-Chamberlin**
Telephone: 020 7974 **6374**

12 February 2013

Dear Sir/Madam

DECISIONTown and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988**Full Planning Permission Granted Subject to a Section 106 Legal Agreement**Address:
6 Nutley Terrace
London
NW3 5BX

Proposal:

Erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated landscaping (following demolition of existing dwellinghouse).
Drawing Nos: NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031; Heritage Appraisal by KM Heritage; Arboricultural Impact Assessment Report by Landmark Trees dated 20th October 2011. Transport Statement by TTP Consulting dated February 2012; Basement Impact Assessment by Elliottwood (Rev.P1) dated January 2012; Basement Impact Assessment Appendices continued (Rev. P1) by Elliottwood dated January 2012; Groundwater Impact Assessment by Chord Environmental Ltd dated November 2011; Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment by HOARE LEA (revised) dated October 2012; Daylight and Sunlight Report in respect of 6 Nutley Terrace by GL Hearn Property Consultant dated 19th January 2012; Planning Statement by Geoffrey Searle; Lifetime Homes Standards by KSR Architects dated May 2012; e-mail from KSR Architects dated 07th September 2012; and e-mail from KSR Architects dated 02nd



October 2012.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

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

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

- 2 Detailed drawings, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.

b) Samples and manufacturer's details of all new facing materials including masonry, windows and door frames, glazing.

c) Plan, elevation and section drawing including materials of the proposed new gate on the front boundary at a scale of 1:10.

The samples shall include a brickwork panel no less than 1m by 1m including junction with window openings demonstrating the proposed colour, texture, face-bond, pointing, expansion joints and vertical and horizontal banding, which shall be erected on site for inspection by the local planning authority.

The relevant part of the works shall then be carried in accordance with the approved details

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

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

NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031; Heritage Appraisal by KM Heritage; Arboricultural Impact Assessment Report by Landmark Trees dated 20th October 2011. Transport Statement by TTP Consulting dated February 2012;

Basement Impact Assessment by Elliottwood (Rev.P1) dated January 2012; Basement Impact Assessment Appendices continued (Rev. P1) by Elliottwood dated January 2012; Groundwater Impact Assessment by Chord Environmental Ltd dated November 2011; Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment by HOARE LEA (revised) dated October 2012; Daylight and Sunlight Report in respect of 6 Nutley Terrace by GL Hearn Property Consultant dated 19th January 2012; Planning Statement by Geoffrey Searle; Lifetime Homes Standards by KSR Architects dated May 2012; e-mail from KSR Architects dated 07th September 2012; and e-mail from KSR Architects dated 02nd October 2012.

Reason:

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

- 4 No development shall take place until full details of hard and soft landscaping (including replacement tree planting) and means of enclosure of all un-built, open areas have been submitted to and approved in writing by the local planning authority. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels and replacement trees for the recently removed trees. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

- 6 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the

permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 7 Full details in respect of the green roof in the areas indicated on the approved plans shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.

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

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

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

- 10 Prior to first occupation of the buildings the windows on the east side elevation of House 6A and the dormer window on the west side elevation of House 6B as shown on the approved drawing shall be obscure glazed and fixed shut or fitted with restricted opening (not opening more than 100mm) and as permanently

retained and maintained as such thereafter.

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

- 11 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 12 Prior to commencement on the relevant part of the development details of the proposed Air Source Heat Pumps (ASHP) including a noise impact assessment (to demonstrate compliance with condition 11) and manufacturer's specification (including details of maximum noise output when they are in operation, cumulative noise output, a plan showing distance to the nearest windows of residential property and background noise levels), and mitigation measures if necessary shall be submitted to and approved in writing by the Council. The ASHP shall be installed in accordance with the details thus approved and permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Prior to commencement of development details of a sustainable urban drainage system (SUDs) shall be submitted to and approved in writing by the local planning authority. The approved system shall be implemented as part of the development prior to first occupation and thereafter retained and maintained .

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden

Local Development Framework Development Policies.

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

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

- 15 Before the development commences, details of secure and covered cycle storage area for two cycles for each of the proposed houses shall be submitted to and approved in writing by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

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

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

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

Informative(s):

- 1 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to 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), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity), CS18 (Dealing with our waste and encouraging recycling) and CS19 (Delivering and monitoring the Core Strategy) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP2 (Making full use of Camden's capacity for housing), DP5 (Homes of different sizes), DP6 (Lifetime homes and wheelchair housing), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking), DP20 (Movement of Goods and Materials), DP21 (Development connecting to the highway network), 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) and DP32 (Air quality and Camden's Clear Zone). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer's report.

- 5 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

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

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

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

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

- 6 If you proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- 7 You are advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9litres/minute at the point where it leaves Thames Water pipes. The developer should take into account of this minimum pressure in the design of the proposed development.
- 8 You are advised that the proposed landscaping scheme required by condition 4 should include the small leaved lime which should have been planted to replace the Ash tree removed in 2011.

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

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444

APPENDIX 2

**5 NUTLEY TERRACE/46 FITZJOHN
AVENUE DECISION NOTICE AND OFFICERS REPORT**

Address:	Garages at rear of Fitzjohn's House 46 Fitzjohn's Avenue (fronting Nutley Terrace) London NW3 5LU	
Application Number:	2007/6230/P	Officer: Cassie Plumridge
Ward:	Frognaal & Fitzjohns	
Date Received:	18/12/2007	
Proposal:	Redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages.	
Drawing Numbers:	Site Location Plan 5NT/S001; Arboricultural Report; Rainwater Storage Specification; Site Layout analysis for Daylight and Sunlight; 5NT/S101A; 5NT/S201A; 5NT/S301A; 5NT/101C; 5NT/102A; 5NT/103A; 5NT/201; 5NT/202; 5NT/203A; 5NT/204A; 5NT/301A; 5NT/302A; 5NT/501; 5NT/601; 5NT/602; 5NT/603; 5NT/X101A; 5NT/205; 5NT/701; 5NT/702; 5NT/703.	
RECOMMENDATION SUMMARY:		
Grant Planning Permission, subject to a legal agreement		
Date of Application:	18/12/2007	
Application Number:	2007/6231/C	
Proposal:	Demolition of a single storey block of 6 garages.	
Drawing numbers:	Site Location Plan 5NT/S001; Arboricultural Report; Rainwater Storage Specification; Site Layout analysis for Daylight and Sunlight; 5NT/S101A; 5NT/S201A; 5NT/S301A; 5NT/101A; 5NT/102A; 5NT/103A; 5NT/201; 5NT/202; 5NT/203A; 5NT/204A; 5NT/301A; 5NT/302A; 5NT/501; 5NT/601; 5NT/602; 5NT/603; 5NT/X101A; 5NT/205; 5NT/701; 5NT/702; 5NT/703.	
RECOMMENDATION SUMMARY: Grant Conservation Area Consent		
Applicant:	Agent:	
Mr FARHAD LAKANI UNIT D PARK ROYAL LONDON NW10 6PL	Belsize Architects 48 Parkhill Road LONDON NW3 2YP	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	SG	Residential Garages	103.9m ²
Proposed	SG C3	Residential Garages Residential Dwellinghouse	727.2m ²

Residential Use Details:										
	Residential Type	No. of bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>		1		1					

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	6	0
Proposed	5	0

OFFICERS' REPORT

Reason for Referral to Committee:

- **Clause 3 (v) - development involving the demolition or partial demolition of any building in a conservation area.**
- **Clause 3 (ii) - development involving the erection of a building containing more than one single dwellinghouse.**

1. SITE

- 1.1. The subject site is within the Fitzjohns/Netherhall Conservation Area.
- 1.2. The application site consists of a block of six lock-up garages constructed on a modest plot of land on the northern side of Nutley Terrace, between Fitzjohn's Avenue and Daleham Gardens. The garages were constructed at the same time as Fitzjohn's House, a 1940s, red brick block of flats immediately to the west of the site, situated on the corner of Fitzjohn's Avenue and Nutley Terrace. The 5th storey of Fitzjohn's House was added in 1997. Prior to this new penthouse being built, there was a 1-bedroom flat at that level.
- 1.3. To the east of the garages are two detached houses (nos. 1&3) with a narrow gap between them. They are double-fronted with double-height canted bay and double square bay, raised above the road and visible despite a high front boundary wall. To the rear of the garages is a large garden associated with the residential development at no. 50 Fitzjohn's Avenue, which largely contributes to the verdant gap behind the garages, as viewed from Nutley Terrace. South of the garages is no. 6 Nutley Terrace, a large detached dwelling, on an infill site which would have originally formed part of the rear garden of no. 44 Fitzjohn's Avenue.
- 1.4. Whilst the site was developed at the same time as Fitzjohn's House, it benefits from a separate title boundary and each of the garages either forms part of the freehold or is subject to leasehold agreements.
- 1.5. It is noted in the Conservation Area Statement that the "lock-up garages adjacent to no. 46 Fitzjohn's Avenue are detrimental to the appearance of the streetscape" and

as such are not considered to make any contribution to the character and appearance of the conservation area.

2. THE PROPOSAL

- 2.1 Demolition of the existing lock-up garages and redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new dwelling units, comprising 1 x 2-bed unit at basement to second floor levels and 1 x 4-bed unit at basement to third floor levels with roof terraces at first and third floor levels and 5 garages at ground floor level at the rear of Fitzjohn's House, 46 Fitzjohn's Avenue, and fronting Nutley Terrace, London NW3.

Revisions

- 2.2 The refuse bins for the neighbouring site 'Fitzjohn's House' are currently stored on the subject plot adjacent to the existing garages. The scheme was revised to include an indicative refuse storage area for Fitzjohn's House on the subject site. A condition has been recommended to require further details of the proposed refuse store, and its provision on the site.
- 2.3 It is important to note that the current scheme is identical that previously considered and agreed by the Development Control Committee in May 2007, with the exception that a refuse store area has been indicated on the plans (in the existing location); please see the following history section for further details.

3. RELEVANT HISTORY

3.1 F7/8/C/18559

Planning permission was granted on 15th March 1954 for the erection of six lock-up garages and store room at the rear of "Fitzjohn's House", 46, Fitzjohn's Avenue, Hampstead, and the widening of the existing means of access to Nutley Terrace.

3.2 2004/4259/P and 2005/0620/C

In February 2005 an application for planning permission and conservation area consent was lodged by PM&A Architects and Engineers for the partial demolition of the garages and erection over the garages, of 3 x 3-storey houses. The application was withdrawn in April 2005, following concerns raised by officers.

3.3 2007/0507/P and 2007/0508/C

An application for planning permission and conservation area consent was lodged on February 2007. The applications sought approval for the *Redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages.*

- 3.4 This application was recommended for approval, subject to a legal agreement, and this recommendation was agreed by the Development Control Committee on 3 May 2007. However, the applicants withdrew the application prior to the legal agreement being signed, and therefore the application was not formally determined.

3.5 The current scheme is identical that previously considered and agreed by the Development Control Committee in May 2007, with the exception that a refuse store area has been indicated on the plans (in the existing location).

3.6 **2007/5053/P**

Planning permission was granted on 21/12/2007 for *Retention of an area of hard standing and enclosing wall to the front garden*. This hardstanding area is adjacent to the Fitzjohn's Avenue boundary of the site.

3.7 **2008/2088/P**

An application for planning permission was lodged on 21/04/2008; further information was required, which was received on 27/05/2008. The application seeks permission for '*The erection of a dustbin enclosure on an existing hard standing adjacent to the front garden*'. The application is yet to be determined; the 8-week decision target date for the application is 22/07/2008.

It is noted that the concerns raised by neighbours regarding the location of the refuse store adjacent to the Fitzjohn's Avenue boundary, will be considered as part of this application. The current application does not propose to locate the refuse store adjacent to the Fitzjohn's Avenue boundary.

4. CONSULTATIONS

4.1 Statutory Consultees

English Heritage

English Heritage advised that they did not want to comment on the application and that the application should be determined in accordance with the national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.2 Conservation Area Advisory Committee

The Fitzjohns/Netherhall Conservation Area Advisory Committee did not comment on the application. It is noted that they did not object to the previous applications (2007/0507/P and 2007/0508/C).

4.2 Local Groups

The **Heath and Hampstead Society** objected to the application and in summary raised the following concerns:

- *Loss of trees*
Response: please see section 6.47 for comments regarding this concern.
- *Unnecessary garages and parking*
Response: please see section 6.52 for comments regarding this concern.
- *Overshadowing*
Response: please see section 6.21 for comments regarding this concern.
- *Overlooking*.

Response: please see section 6.19 for comments regarding this concern.

4.3 Adjoining Occupiers

	Original
<i>Number of letters sent</i>	59
<i>Total number of responses received</i>	17
<i>Number of electronic responses</i>	10
<i>Number in support</i>	0
<i>Number of objections</i>	17

4.4 Objections were received from the following properties:

- **Flat 1, Fitzjohn's House, 46 Fitzjohn's Avenue**
- **2x Flat 1 and Flat 2, Fitzjohn's House, 46 Fitzjohn's Avenue**
- **Flat 5, Fitzjohn's House, 46 Fitzjohn's Avenue**
- **Flat 7, Fitzjohn's House, 46 Fitzjohn's Avenue**
- **Flat 9, Fitzjohn's House, 46 Fitzjohn's Avenue**
- **Flat 12A, Fitzjohn's House, 46 Fitzjohn's Avenue** (represented by Langhall Properties Limited, 56-60 St Johns Street, EC1M 4DT)
- **Flat 12, Fitzjohn's House, 46 Fitzjohn's Avenue**
- **3 Nutley Terrace**
- **Flat 1, 50 Fitzjohn's Avenue**
- **Flat 3, 50 Fitzjohn's Avenue**
- **Flat 6, 50 Fitzjohn's Avenue**
- **Flat 15, 50 Fitzjohn's Avenue**
- **34 St Johns wood Road**
- **3x Anonymous**

4.5 In summary the following concerns were raised:

- *Height and bulk*
Response: The height of the development has been designed to step between the larger 5-storey 'Fitzjohn's House' and the 3-storey property at no. 3 Nutley Terrace. In the context of the two adjoining properties, the height of the development at part 2- and part 3-storeys is considered acceptable.
- *Design*
Response: It is considered that the architectural idiom proposed is an acceptable contemporary intervention to the street scene, avoiding any pastiche of surrounding buildings.
- *Choice of materials*
Response: A simple contemporary materials palette is proposed of stone and timber cladding to the street scene, and dark brown brick work to the rear. The material palette is considered to harmoniously integrate with the overall character of the conservation area albeit in a contemporary form.
- *Loss of trees and wildlife habitat*
Response: please see section 6.47 for comments regarding this concern.

- *Noise pollution and disruption during construction*
Response: this is not a relevant planning consideration. It is noted that an informative will be placed on the permission reminding the applicant of the need to comply with the Councils environmental health guidelines for noise pollution.
- *Car parking*
Response: The scheme will result in two new residential dwellings, which is not considered significant enough to result in a material increase in traffic generation. Each of the existing garages is leased out and is not included in the car parking provision for any particular site. One garage space would be provided for each new residential unit on site, while a Section 106 legal agreement would secure that the occupiers not be entitled to on street parking permits.
- *Loss of light*
Response: please see section 6.21 for comments regarding this concern.
- *Overlooking*
Response: please see section 6.19 for comments regarding this concern.
- *Subsidence*
Response: this is not a relevant planning consideration. An informative will be placed on the permission advising of the need to comply with relevant Building Regulations.
- *Services already overloaded, increase stress*
Response: this is not a relevant planning consideration.
- *Reduce property values*
Response: this is not a relevant planning consideration.
- *Consultation was not carried out correctly by the applicant with neighbours.*
Response: the agent advised when lodging the application that the applicant had separated the freehold of the garages and the block of flats, and therefore notices had only been served on owners of the garages for the new applications. However, in order to alleviate concerns raised by neighbours, the agent subsequently undertook notifications under Section 66 of the Town & Country Planning Act 1990 to all interested parties.

The applicant was reminded by the Council that it is the applicants responsibility to carry out the notifications required under Section 66 of the Town & Country Planning Act 1990; this is not the responsibility of the Council. The applicant was reminded that a failure to carry out these notifications correctly would mean that any permission granted would be vulnerable to a legal challenge and that if the Court's are satisfied that the notification requirements have not been fully met then they would quash the permission.

- *Relocation of garbage storage for Fitzjohn's House adjacent to Fitzjohn's Avenue (smell, noise, loss of hedge).*

Response: The location of the refuse store adjacent to Fitzjohn's Avenue does not form part of this application. Please see section 6.31 of the report for further comments regarding the proposed refuse storage arrangements that form part of this application, and section 3.6 and 3.7 for the history regarding refuse storage and hard standing on the site adjacent to the Fitzjohn's Avenue boundary.

5. **POLICIES**

Set out below are the UDP policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

5.1 **Camden Replacement Unitary Development Plan 2006**

- S1 & S2 – Strategic Policy on Sustainable Development
- SD1 – Quality of Life
- SD6 – Amenity for Occupiers & Neighbours
- B1 – General Design Principles
- B7 – Conservation Areas
- H1 – New housing
- H7 – Lifetime homes and wheelchair housing
- T9 – Impact of Parking
- N8 – Trees

5.2 **Camden Planning Guidance 2006**

- Car free and car capped housing
- Conservation areas
- Cycle access – parking and storage
- Daylight and sunlight
- Design
- Energy and onsite renewable facilities
- Landscaping and trees
- Lifetime homes and wheelchair housing
- Materials and resources
- Overlooking and privacy
- Residential development standards

5.3 **Fitzjohns/Netherhall Conservation Area Statement**

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- The acceptability of the proposed demolition of an unlisted property in a conservation area.

- The footprint, height, bulk, massing and choice of materials of the two replacement buildings.
- The acceptability of new residential accommodation in land use terms.
- Impact of local residential amenity.
- The quality of the accommodation for the future occupiers
- Refuse storage
- Lifetime Homes and Wheelchair Housing.
- Sustainable aspects of the design.
- Trees and landscaping.
- Traffic and car parking.

6.2 The acceptability of the proposed demolition of an unlisted property in a conservation area.

6.3 The application site is currently occupied by six lock-up garages to the rear of Fitzjohn's House, at 46 Fitzjohn's Avenue, and fronts Nutley Terrace. The existing lock-up garages are single storey in height and are noted in the Conservation Area Statement as being detrimental to the appearance of the streetscape and as such are not considered to make any contribution to the Fitzjohns/Netherhall Conservation Area.

6.4 Policy B7, Part B relating to the demolition of unlisted buildings in Conservation Areas states: *"The Council will not grant conservation area consent for the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area..."*.

6.5 The garage block that is the subject of the application is an unlisted building within the Fitzjohns/Netherhall Conservation Area, and as such the demolition of the building is considered acceptable as long as the replacement building preserves or enhances the character of the conservation area.

6.6 The footprint, height, bulk, massing and choice of materials of the replacement building.

6.7 The proposal respects the building lines and orientation of the existing garages and Fitzjohn's House, engendering an appropriate degree of spatial separation, particularly with respect to the gap view and no. 3 Nutley Terrace. By stepping the building form and orientating the bulk of the scheme westwards, the verdant gap remains apparent from the street scene.

6.8 In terms of overall height, the proposal has been designed as a scale transition between the significant block of flats to the west and 3-storey dwelling houses to the east, so as to not visually compete with the existing buildings, serving as a more subordinate infill development.

6.9 It is considered that the architectural idiom proposed is an acceptable contemporary intervention to the street scene, avoiding any pastiche of surrounding buildings.

6.10 The front elevation is suitably punctuated and recessed, modulating the overall form, creating a series of elements, rather than one solid entity, which is considered

more appropriate in the context of such a confined site. It is a rational and simple elevation.

6.11 Given that the ground floor level needs to be maintained for garage use and dwelling entrances, a simple vertical timber slatting is proposed as the elevational treatment, as a means of visually unifying this level, improving the presence on the street compared with the existing garages. In the absence of a front garden, this element of the elevation could serve as an abstract notion of a boundary treatment. Similarly it is considered that the timber element compliments the stone facades above

6.12 In the absence of a front garden, as most of the area belongs to garages under different ownership, a minimalist landscape is proposed. This area is to remain open and paved with granite setts to allow for vehicular access to all garages. In the absence of rear gardens, the proposed northern elevation takes advantage of 'borrowed' green views associated with no. 50 Fitzjohn's Avenue, by using a generous fenestration pattern.

6.13 A simple contemporary materials palette is proposed, which is deemed acceptable. This includes timber slatting at ground floor level and stone cladding and glazing above. The rear of the building will be constructed from dark brown facing brick. The materials palette provides an appropriate integration within the street scene character, allowing the building to be identifiable as a contemporary building within the conservation area while allowing a sufficient integration with the character of the neighbouring properties either side, and the contemporary addition opposite.

6.14 It will be necessary to condition the proposed materials to ensure the highest possible quality. This is particularly relevant for external facing materials with respect to the following elements – windows, glazing (including the back painted, frosted & etched elements and the entrance canopies), balustrading, doors, facing materials (stone, vertical timber slats and brick) and brick boundary wall (rear). In addition full details of any proposed hard/soft landscaping would be required. It is imperative that the timber cladding element be specifically conditioned, to ensure that the weathering capabilities are safeguarded such that treated timber is used from the outset. A sample materials board should be erected on site for Local Planning Authority inspection.

6.15 The acceptability of new residential accommodation in land use terms.

6.16 Housing is the priority use of the UDP and the creation of two new residential units is therefore welcomed by policy H1, subject to compliance with relevant policies.

6.17 Policy H8 states that the Council will only grant permission for residential development that provides an appropriate mix of unit sizes including large and small units. The mix of units within the development would include 1x 4-bedroom unit and 1x 2-bedroom unit. Accordingly, it is considered that the mix provided would accord with the objectives of this policy.

6.18 Impact of local residential amenity.

6.19 ***Privacy***

The proposal is not considered to adversely impact on the privacy of adjoining properties. Glazing on the side elevations has been kept to a minimum and, where windows have been inserted, they are at oblique angles to prevent any direct overlooking into habitable rooms. In addition, the rear facing windows would have an outlook over the communal garden and not towards any habitable rooms, again retaining an adequate level of privacy to neighbouring properties.

6.20 The roof terraces have been designed and positioned to preserve the privacy of both the occupiers of the new building and the neighbouring properties. The terrace on the 4-bedroom unit would have views towards the street, which will enhance passive surveillance to and from the site whilst being located more than 20m from any habitable room of the dwelling opposite. Additionally, the larger terrace would afford views over the street, to the rear towards the flank wall of no. 3 Nutley terrace. It is noted that this terrace has been set back from the side of the building, such that views down to the rear garden of the property and the windows at ground floor level would not be compromised.

6.21 ***Daylight, Sunlight and Overshadowing***

The Council assesses the effects of development on current received daylight to existing habitable rooms in residential development, through the standards recommended in the Building Research Establishment (BRE) report: Site Layout Planning for Daylight and Sunlight – A guide to Good Practice (1991); which has been embodied within policy SD6.

6.22 The main flank wall of Fitzjohn's House is a sheer brick wall with no punctuations; there is a window at each level set back further from the flank wall, which to some extent, is affected at ground, 1st and 2nd floor levels. A qualitative assessment has been carried out of the proposal's impact on daylight received to these windows, using the quantitative tests of the Vertical Sky Component (VSC) principle. The submitted analysis has demonstrated that the windows at ground, 1st and 2nd floor level would experience a reduction in received daylight from the existing VSC of 28.5% to 15.5%. This figure represents an 11.5% shortfall of the minimum recommended 27% VSC. This indicates that there would be a noticeable reduction in daylight to these rooms.

6.23 However, the VSC principle does have shortcomings and can only measure the impact on daylight from one point. The windows of note on the adjoining Fitzjohn's House benefit from a dual aspect and in this regard an Average Daylight Factor (ADF) principle provides a more accurate representation of the total light received to habitable rooms. The ADF provides that living rooms, dining rooms and kitchens are the main rooms that should be assessed in terms of potential daylight loss, whilst'bedrooms should be analysed, although they are less important'. The applicant's daylight report demonstrates that an acceptable degree of sunlight to these windows, which consist of a bedroom at ground floor level and kitchens at 1st and 2nd floor levels would continue to be preserved to acceptable levels if the proposal was to be implemented.

6.24 Given the placement of the new development in front of the neighbouring property at no. 3 Nutley Terrace, and with consideration to the gap between the two properties, there is not expected to be any adverse reduction in sunlight or daylight to this property that would warrant refusal of the scheme.

- 6.25 The existing communal garden (behind no. 50 Fitzjohn's Avenue) is covered by substantial vegetation which results in a shaded garden. The presence of the propped building would not result in undue additional shading to this substantive garden and as such is not considered to materially affect the light received within the garden area.
- 6.26 **The quality of the accommodation for the future occupiers.**
- 6.27 The scheme proposes two residential units within the building, which would each benefit from their own independent entrance door and internal lift access to all floor levels. One residential unit would consist of 4-bedrooms and the other residential unit consists of 2-bedrooms. Each proposed residential unit is considered to provide a good standard of residential accommodation for future occupants in terms of layout, room sizes, daylight and sunlight, outlook and amenity space, compliant with the requirements of the CPG.
- 6.28 The 4-bedroom residential unit would comprise five levels of accommodation; basement, ground, 1st, 2nd and 3rd floors. The layout of this unit would consist of the following:
- a) The basement would accommodate a family playroom with large skylight to provide natural light.
 - b) The ground floor would accommodate an entrance hall, office, WC, integral garage and storage/plant room.
 - c) The 1st floor would accommodate two bedrooms with their own en-suite bathrooms.
 - d) The 2nd floor would accommodate two bedrooms with their own en-suite bathrooms.
 - e) The 3rd floor would accommodate an open plan kitchen/living room with 12.48m² of terrace/outdoor amenity space.
- 6.29 The 2-bedroom residential unit would comprise four levels of accommodation; basement, ground, 1st and 2nd floors. The layout of this unit would consist of the following:
- a) The basement would accommodate a family playroom with large skylight to provide natural light, storage room and WC.
 - b) The ground floor would accommodate an entrance hall and integral garage.
 - c) The 1st floor would accommodate two bedrooms and two bathrooms, and study.
 - d) The 2nd floor would accommodate an open plan kitchen/living room and WC.
 - e) A roof terrace would be provided at third floor level with approximately 43m² of outdoor amenity space.

6.30 CPG 2006 sets out specific guidance in relation to internal arrangements and specifically sets out guidance in the recommended minimum bedroom sizes for new units. The proposal is well above the minimum floor areas for the respective 2- and 4-bedroom residential units. All bedrooms are of a generous habitable size and all rooms receive adequate daylight, sunlight and sufficient outlook. Whilst the constraints of the site do not allow for direct garden space, there is sufficient access to roof terrace areas on the 3rd floor of the building, as well as access to the nearby public park networks.

6.31 Refuse storage

6.32 Refuse and recycling areas for the new flats has been incorporated into the overall design with integral storage cupboards on the front elevation of the building adjacent to the main entrance doors. The refuse/recycling cupboards benefit from easy access to the street and provide sufficient space for domestic use.

6.33 It is noted that the refuse bins for the neighbouring site 'Fitzjohn's House' are currently stored on the application site. Neighbours have raised concerns regarding the current refuse storage for Fitzjohn's House being altered as a result of this proposal. The applicant submitted plans showing an indicative location for refuse storage on the site; maintaining the existing informal location of the euro bins, to establish the fact that the principle of relocating the current refuse storage area can be satisfied. However, the current application does not propose to relocate the storage for Fitzjohn's House to the hard standing adjacent to Fitzjohn's Avenue boundary.

6.34 It is recommended that a condition be placed on the decision notice requiring details of the design, housing and method of waste storage and removal (including recycled materials) be submitted to and approved by the Council prior to construction and that the approved facility shall therefore be provided prior to the first occupation of any of the new units and permanently maintained.

6.35 Subject to this condition the application is considered acceptable in terms of its provision of refuse and recycling storage for the new units and for the occupiers of Fitzjohn's House.

6.36 Lifetime Homes and Wheelchair Housing

6.37 Policy H7 - Lifetime Homes and Wheelchair Housing states that *'The Council will encourage all new housing developments, including changes of use and conversions, to be accessible to all. All new housing should be built to 'Lifetime Homes' standards and ten per cent of new housing should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The Council will grant planning permission for proposals designed to improve existing properties to make them suitable for people with disabilities.* The applicant has provided detailed comments with regard to the 16 standards of Lifetime Homes, which are considered to suitably address the standards; particularly for a small residential development.

6.38 Sustainable aspects of the design.

- 6.39 It is noted that a development of this scale is not required to provide a Code for Sustainable Home Assessment (or EcoHomes Assessment), or to provide for renewable energy use on site. However, Policy SD9 of the UDP requires that developers have regard to sustainability issues associated with use of resources and energy. The principal components to the policy relevant to a scheme of this size are that the house is sited and designed in a manner that does not cause harm to the water environment, water quality or drainage systems and prevents or mitigates flooding. In addition, the policy seeks development that conserves energy and resources through designs for energy efficiency, renewable energy use (not a specific policy requirement in this case as the scheme does not meet the threshold), and optimising energy supply. The scheme includes the following sustainable features.
- 6.40 **Green Roof**
The roof to the 3-storey building is entirely green and some parts of the terrace to the 2-storey building would also be covered by a green roof. A green roof is the most sustainable type of roof covering. It maintains a more constant temperature. It also encourages the presence of wild life. Excessive water run off from sudden flash flooding would be controlled better.
- 6.41 **Rain water harvesting**
The proposal is for installation of a tank underground to collect rainwater from the roof and the terraces.
- 6.42 **Natural ventilation**
The staircase acts as a cooling tower. The window behind the timber slats on the ground floor and the windows on the top floor would allow for movement of air. Cool air would enter on the ground floor and heat would escape from the top.
- 6.43 **Insulation**
The building is insulated externally. The roof is also a warm roof which means that the perimeter of the building (walls and roof) keeps a much more constant temperature and the external change in the weather has less effect on the inside. This would reduce the need for heating or cooling of the building.
- 6.44 **Glazing**
Solar reflecting double-glazed units are to be installed. The gap in the double glazed units is to be 18 mm and to be filled in with argon gas. The high specification of the glazing would reduce the heat gain. The large expanse of glass would allow natural light and passive solar gain into the building and thus reduce need for electricity during the daytime.
- 6.45 **Locally sourced materials**
All stone cladding, brick and glazing products will be sourced from within the United Kingdom.
- 6.46 The scheme is considered to have appropriate regard the policy SD9.
- 6.47 **Trees and landscaping**

- 6.48 The proposals involve the removal of a multi-stemmed Sycamore [T5] growing on the boundary with no.3 Nutley Terrace within a raised bed. The development of this tree in this position is unsustainable, and therefore the tree is considered to have a limited safe useful life expectancy. Its removal is considered to be acceptable. The proposal also involves the removal of another Sycamore [T2] growing on the rear boundary of the site. This tree is suppressed by the larger more prominent Sycamore beyond. The tree is also leaning. Its removal is considered to be acceptable. It is noted that tree schedule in the arboricultural report refers to the removal of T3 rather than T2 which is contrary to Section 7 of the Arboricultural Report; this appears to be an error and will require appropriate conditioning to safeguard T3.
- 6.49 The proposals have taken account of the root protection zone of T4 [another Sycamore growing just beyond the rear boundary of the site] by avoiding excavation of this part of the existing embankment. This is considered to be acceptable.
- 6.50 The incorporation of the sedum roof within the design is also welcomed and should help to enhance the ecology of the site and to provide a vegetative link to the communal garden behind. Full details of the green 'sedum' roof will be required by condition.

6.51 Transportation

6.52 *Car parking*

The existing provision of on-site parking is 6 spaces within the lock-up garages. These spaces are either part of a freehold or subject to leasehold agreements and do not represent part of a parking provision for any particular site. The development would result in the loss of one garage with a resulting 5 garages; with one each attributed to the new residential units. Policy T7 allows for a maximum of 1 space per residential unit and in this regard the scheme accords with the objectives of this policy.

- 6.53 The creation of two new residential units would however intensify the residential use on the overall site, which has the potential to impact on available on-street car parking. The site is located in an area that has an over prescription of parking permits with a ratio of 1:1.17 and therefore, in order to overcome objections relating to the existing capacity of the street network, it is considered that the two newly created dwellings would need to be car-free development such that future occupiers will not be eligible for on-street parking. This would be required by way of a Section 106 legal agreement.

6.54 *Cycle storage*

In addition, the Council requires the provision of secure cycle parking for new residential units. The need for secure cycle parking in accordance with the Council's Parking Standards (Appendix 6) has not been acknowledged in the submission; however, there is sufficient space within the storage areas and integral garages associated with each residential unit to accommodate cycles in a secure manner. It is not considered necessary or appropriate to safeguard a dedicated area for cycle storage as part of the scheme.

7. CONCLUSION

- 7.1 The existing building on the site is not considered to contribute to the Conservation Area; therefore the demolition of the building is acceptable. The proposed redevelopment is considered to result in a building accommodating two new residential units of a high quality in terms of its design and materials, and is considered to complement the character and appearance of the area. No demonstrable harm is envisaged to the existing amenities of the occupiers of the adjoining properties as a result of the proposal. The scheme is considered to generally comply with all the relevant UDP policies, Camden Planning Guidance 2006 and with the Fitzjohn's/Netherhall Conservation Area Statement. As such the proposal is recommended for approval.

8. LEGAL COMMENTS

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

9. HEADS OF TERMS OF SECTION 106

- 9.1 The proposed Heads of Terms are:

- Terms to ensure that the future occupiers of the two new residential units would not be eligible for on-street parking permits.

Mr Shahriar Nasser
Belsize Architects
48 Parkhill Road
LONDON
NW3 2YP

Application Ref: **2007/6230/P**
Please ask for: **Cassie Plumridge**
Telephone: 020 7974 **5821**

19 November 2008

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

Garages at rear of Fitzjohn's House
46 Fitzjohn's Avenue (fronting Nutley Terrace)
London
NW3 5LU

Proposal:

Redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages.

Drawing Nos: Site Location Plan 5NT/S001; Arboricultural Report; Rainwater Storage Specification; Site Layout analysis for Daylight and Sunlight; 5NT/S101A; 5NT/S201A; 5NT/S301A; 5NT/101C; 5NT/102A; 5NT/103A; 5NT/201; 5NT/202; 5NT/203A; 5NT/204A; 5NT/301A; 5NT/302A; 5NT/501; 5NT/601; 5NT/602; 5NT/603; 5NT/X101A; 5NT/205; 5NT/701; 5NT/702; 5NT/703.

The Council has considered your application and decided to grant permission subject to the following condition(s):



Condition(s) and Reason(s):

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

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

- 2 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B1 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies B1 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 4 Details of the sedum roofs, including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long-term viability of the green roof, and a programme for a scheme of maintenance, shall be submitted to and approved by the Council prior to the commencement of works. Thereafter, the green roof shall be fully provided in accordance with the approved details, and permanently retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and design advice in the Council's Supplementary Planning Guidance

- 5 Notwithstanding the information contained within the 'Tree Schedule' which forms

part of the Arboricultural Report, this permission grants consent for the felling of the trees identified as 'T2' and 'T5' as outlined in Section 7 of the Arboricultural Report and does not grant consent for the removal of 'T3' as identified within the 'Tree Schedule'.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on the character and amenities of the area in accordance with the requirements of policies B1, B7 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 6 Before the development commences, details of the location, design, housing and method of waste storage and removal including recycled materials shall be submitted to and approved by the Council and the approved facility shall be provided prior to the first occupation of any of the new units and permanently maintained and retained as such thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies SD6, SD7B, SD8, Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 7 The details of the external timber cladding to be used on the building shall not be otherwise than as shall have been submitted to and approved by the Council before any work is commenced on the relevant part of the development. Such details shall include the colour and type of the timber cladding, and details regarding its weathering capabilities, specifically to ensure the cladding material will retain its colour and appearance. The timber cladding shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the conservation area in accordance with the requirements of policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 8 Sample panels of all external facing materials, including but not limited to the following shall be submitted for approval prior to commencement of construction of the approved development:
 - a. the facing materials (stone, vertical timber slats and brick);
 - b. brick boundary wall;
 - c. windows, glazing (including the back painted, frosted and etched elements), entrance canopies and doors.

An approved sample panel shall be provided on site and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the conservation area in accordance with the requirements of policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Informative(s):

1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies S1, S2, SD1, SD6, B1, B7, H1, H7, T9 and N8. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).

4 You are advised that the Council will expect all new buildings and structures to be as energy efficient and sustainable as is reasonably practicable and welcomes the measures that have been indicated to date.

5 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Highways Management Team (tel: 020-7974 6956) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclable materials. For further information contact Council's Street Environment Service (Waste) on 020 7974 6914 or see the website www.camden.gov.uk/waste.

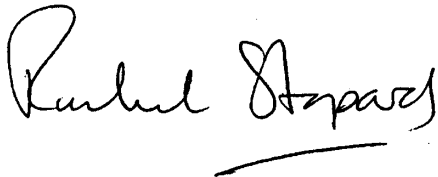
7 You are reminded, in relation to the requirements of Condition 6 above, of the need [as secured in the accompanying S.106 Legal Agreement] for the applicant to make suitable provision for the storage of refuse and recyclable materials arising from the flats in Fitzjohn's House. The Council will expect the submitted details to either demonstrate provision of these facilities on the application site or otherwise demonstrate how this requirement is to be satisfied. You are further advised that the Council will consult with all interested parties prior to approving any details, and it is strongly recommended that you consult directly with the residents of Fitzjohns

House before you submit your preferred solution to the Council.

- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Sites Team, Urban Design and Regeneration.
- 9 You are advised that the Council will expect the details submitted pursuant to condition 6 above to
- 10 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Culture & Environment

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Mr Andrea Carbogno
Belsize Architects
48 Parkhill Road
London
NW3 2YP

Application Ref: **2012/2793/P**
Please ask for: **Nicola Tulley**
Telephone: 020 7974 **2527**

25 July 2012

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

Garages at rear of Fitzjohn's House
46 Fitzjohn's Avenue (fronting Nutley Terrace)
London
NW3 5LU

Proposal:

Alterations during the course of construction to planning permission granted 19/11/08 (ref: 2007/6230/P) for redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages, namely, changing House A garage 1 to an office ancillary to Unit A, replacement of glazed roof of House A to a green roof, erection of a louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning and addition of overhead lift on the roof of each house, and alterations to rear façade treatment at rear third floor level.

Drawing Nos: (prefix 5NT) (Dated January 2007) S101A; S201A; S301A; X101A; Arboricultural Report; Rainwater Storage Specification; Site Layout analysis for Daylight and Sunlight (prefix 5NT) (Dated May 2012) P101A; P102; P103; P201; P202; P203; P204;



P301; P302; Noise assessment produced by 'paceconsult' dated 27th February 2012.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following:

APPROVED PLANS:

(prefix 5NT) (Dated January 2007) S101A; S201A; S301A; X101A; Arboricultural Report; Rainwater Storage Specification; Site Layout analysis for Daylight and Sunlight (prefix 5NT) (Dated May 2012) P101A; P102; P103; P201; P202; P203; P204; P301; P302; Noise assessment produced by 'paceconsult' dated 27th February 2012.

SUPERSEDED PLANS:

(prefix: 5NT) (Dated January 2007) 101A; 102A; 103A; 201; 202; 203A; 204A; 301A; 302A.

Reason:

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

- 2 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

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

- 3 Notwithstanding the information contained within the 'Tree Schedule' which forms part of the Arboricultural Report, this permission grants consent for the felling of the trees identified as T2 and T5 as outlined in Section 7 of the Arboricultural Report and does not grant consent for the removal of T3 as identified within the Tree Schedule.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on the character and amenities of the area.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before the use commences, the 2x air-conditioning plants shall be provided with acoustic isolation and sound attenuation in accordance with the scheme of attenuation within the noise assessment dated 27th February 2012 'paceconsult' approved by the Council. The acoustic isolation shall thereafter be maintained in effective order to the manufacturers specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The details (including samples) of the: facing materials for: side and rear elevations; overhead lifts; and timber clad louvres, to be used on the building shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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

- 7 The office space at ground floor level of unit 1 hereby approved as shown on drawing no. 5NT_P101A (May 2012) shall only be used in connection with and ancillary to the residential use (use class C3). Separate access to the office from the front elevation is not permitted unless prior written consent from the Local Planning Authority is obtained.

Reason: To ensure that the office space is ancillary to the approved residential use of the building and does not introduce new uses which may conflict with adopted Council policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above).
- 3 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies: CS5 (Managing the impact of growth and development) CS11 (Promoting sustainable and efficient travel) CS14 (Promoting high quality places and conserving our heritage) CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies: DP18 (Parking standards and limiting the availability of car parking) 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). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

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

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

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

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

- 5 The applicant is advised that the details of conditions which were discharged under planning reference 2011/4124/P apply and should be carried out in accordance with those details unless otherwise amended.

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Delegated Report		Analysis sheet	Expiry Date:	25/07/2012
(Members Briefing)		N/A	Consultation Expiry Date:	20/07/2012
Officer			Application Number(s)	
Nicola Tulley			2012/2793/P	
Application Address			Drawing Numbers	
Garages at rear of Fitzjohn's House 46 Fitzjohn's Avenue (fronting Nutley Terrace) London NW3 5LU			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Alterations during the course of construction to planning permission granted 18/11/11 (ref: 2007/6230/P) for redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages, namely, changing House A garage 1 to an office ancillary to Unit A, replacement of glazed roof of House A to a green roof, erection of a louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning and addition of overhead lift on the roof of each house, and alterations to rear façade treatment at rear third floor level.				
Recommendation(s):		Approve planning consent		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	41	No. of responses	02	No. of objections	02
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 08/06/2012 to 29/06/2012. A notice was placed in the Ham & High on 14/06/2012.</p> <p>Two letters of objection were received from: Flat 2 & Flat 4 3 Nutley Terrace. The following issues were raised:</p> <ul style="list-style-type: none"> • This is another application to revise the original application to add more features on this cramped site. • Note change of use of garage to office – if this is for business use then it is clearly unsuitable. The original planning application was granted on the premise that 5 garages were retained and no further pressure on existing parking spaces in Nutley Terrace. • Rooftop lifts – again rising the roof profile and affecting appearance. • Air conditioning units, object to their noise and appearance to the rear of the property which are overlooked by gardens and terraces. • The site was never suitable for 100% site coverage. <p>Officer response: See assessment below.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Heath & Hampstead Society have raised objection to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • Concerned that the development is about to commence – but it has not yet commenced as per the description. • The development should comply to up to date policies contained within Camden's LDF. The important issues are: the need for a BIA; gross intrusion into the privacy of the gardens 48-50 Fitzjohns Avenue; the considerable tree losses mainly on 48-50 Fitzjohns Avenue. <p>Officer's response: The application form notes that work commenced on-site in October 2010. There is also photographic evidence to show that this work relates to basement excavation. As such the development associated with application reference 2007/6230/P has been implemented.</p>					

Site Description

The application site consists of a block of six lock-up garages located on a modest plot of land on the northern side of Nutley Terrace, between Fitzjohn's Avenue and Daleham Gardens. The garages were constructed at the same time as Fitzjohn's House, a 1940s, red brick block of flats immediately to the west of the site, situated on the corner of Fitzjohn's Avenue and Nutley Terrace. These garages have now been demolished in respect of planning application reference 2007/6230/P, however works of substantial construction are yet to progress until the determination of amendment applications.

The application site is within the Fitzjohns/ Netherhall Conservation Area.

Relevant History

Application site: Garages Nutley Terrace

Planning application, reference 2012/0659: Amendment to planning permission granted 19/11/08 (ref: 2007/6230/P) for the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Class C3), namely enlargement of basement area. REGISTERED.

Approval details, reference 2011/4124/P, was granted for: Details of hard & soft landscaping, green roof, windows and external cladding materials required by conditions 2, 4, 7 & 8 of planning permission dated 19/11/2008 (Ref. 2007/6230/P) for (Redevelopment of the garages at rear of Fitzjohn's House, by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages).

Planning permission, reference 2007/6230/P, was granted for: Redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages. Decision date: 19th November 2008.

Conservation area consent, reference 2007/6231/C, was granted for: Demolition of a single storey block of 6 garages.

Conservation area consent, reference 2007/0508/c, was granted for: Demolition of six existing single storey garages.

46 Fitzjohns House

Full planning permission, reference 2012/1849/P, was granted for: Alterations to boundary treatment and relocation of refuse storage from adjacent to garages on Nutley Terrace to rear of main building and erection of new bin enclosures, in association with use of building as flats (Class C3).

Approval of details, reference 2008/5721/P, was granted for: Details of location, design, housing and method of waste storage and removal including recycled materials, pursuant to condition 6 of planning permission 2007/6230/P for redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units.

Relevant policies

The London Plan: Spatial Development Strategy for Greater London 2011

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

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

DP18 Parking standards and limiting the availability of car parking

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

Supplementary Planning Policies

Camden Planning Guidance (2011)

CPG 1 Design
CPG2 Housing
CPG 4 Basements
CPG7 Transport

Fitzjohns and Netherhall Conservation Area Appraisal and Management Strategy 2001

Assessment

Proposal & background

Planning permission was granted on 19th November 2008 for the redevelopment of the five garages, which are sited adjacent to Fitzjohn's House and front onto Nutley Terrace, for the erection of a part 3 and part 4 storey building with basement to accommodate 1x 2 bed unit and 1x 4 bed unit with roof terraces and retention of five garages at ground floor level.

As stated above works have commenced at the application site and therefore the permission for redevelopment under planning reference 2007/6230/P has been implemented. A number of subsequent applications have been submitted to alter/amend this permission, some of which have been withdrawn which is the likely cause for confusion for residents and local groups. All conditions which required further submission of details to be discharged by the Local Planning Authority have been granted, refer to details in planning history above.

A recent planning application was granted planning permission to the site adjacent, for the alteration of refuse storage. To date no further applications have been made final (granted planning permission) for amendments/alterations to the original permission.

The current application seeks approval for the following amendments to planning permission reference 2007/6230/P:

- Changing unit A garage into an office space (ancillary to the enjoyment of occupiers)
- Replacement of glazed roof of unit A to a green roof.
- Louvred brick extension at ground floor and rear first floor level.
- Air conditioning units.
- Overhead lift on both roofs.
- Alterations to rear façade treatment.

Amendments: Officers requested a revised plan which clearly illustrated that the front facade of the proposed office would be fixed shut and inaccessible from the front forecourt, in addition to showing allocation of off street parking spaces.

In view of the amendments proposed the main considerations subject to the determination of this application are: design & appearance; residential and neighbouring amenity; parking; open space & biodiversity.

Changing unit A garage to office accommodation;

Planning permission, reference 2007/6230/P, was approved for the loss of one garage with a resulting 5 garages; with one attributed to each of the residential units. The officers' committee report also noted that the 2x residential units would intensify the residential use on the overall site which has the potential to impact on available on-street parking. This proposal would remove 'House 1 Garage' to the four bedroom unit to provide a

larger office space for this unit.

The existing garages are either part of the freehold or subject to leasehold agreements and do not represent part of a parking provision for any particular site. The agent has subsequently notified officers that garage 2 has been bought by the owner of House A and therefore this unit would retain 1x off street parking space.

The office shown on the submitted plans would only be accessible within the internal floorspace of unit A and not be accessible from the front forecourt. In addition the office would be used as ancillary to the enjoyment of the residential unit as a home office not to be used for the operation of a business with visiting clients. A condition shall be attached to secure that this office space would be used as ancillary to the residential unit.

The application site is within controlled parking zone 'CAB' and sited in an area with very good access to public transport. In view of the requirements of DP18 the residential units would be car free which would remove future occupants rights to apply for a parking permit, secured by a S106 legal agreement.

Replacement of glazed roof of house A to a green roof;

As approved under reference 2007/6230/P part of the roof at third floor level would be glazed above the stairwell with the majority of roof to unit A featuring a green roof details of which have been discharged. As part of the proposal the applicant has proposed to remove the glazed section of roofing and install with a green roof. This amendment would reduce the proportion of light spillage at night and would increase the biodiversity of the site which is deemed acceptable in relation to policies: CS14; CS15 & DP26 of Camden's LDF.

Louvered brick extension at ground floor (adjacent to east elevation unit B) and rear first floor level (unit A);

At ground floor level a single storey louvred extension would be located to the back of the side (east) elevation adjacent to Number 3 Nutley Terrace. This would be sited above the approved skylight which was designed to provide daylighting into the basement living area. Given that there are approx. 6 skylights remaining, allowing light into the basement this would have no impact on amenity of this unit. The extension would be approx. 1.3m wide, 1.7m in depth and 3.1m in height, including 600mm deep acoustic louvres clad in timber slats.

The application site, prior to excavation, had a significant change in ground level so that the roof to the rear of the garages sat level to the ground behind. In consideration of the splayed site and change in ground levels the louvred extension would not be clearly visible from the public realm. Nonetheless, further detail of the timber slats will be required by condition to ensure its quality.

At rear first floor level a single storey louvred extension is proposed, sited adjacent the neighbouring boundary of Fitzjohn's House. The proposed extension would square the rear elevation at first floor level only and as explained above, due to the change in levels at this point the louvred extension would be seen from ground level at the rear elevation. The brick extension would be 2.6m in height, 1.5m wide and 1.7m deep.

Although the louvred brick extension is sited on the neighbouring boundary of Fitzjohn's House, its depth and height is not considered to cause undue harm to neighbouring amenity. In view of the above the proposed louvred brick extensions are deemed acceptable in relation to policies: CS14; DP24; DP25 & DP26 of Camden's LDF.

Air conditioning

Air conditioning units are proposed to be housed within the louvred brick extensions 1 x unit (PUHY-P250YJMa) will be sited in each extension. The noise from the air conditioning units would be intermittent, as such the noise levels would need to be 10db below background noise level in accordance with policy DP28. A noise assessment produced by 'paceconsult' has been submitted in support of the application, the following will summarise their findings.

The nearest noise sensitive windows to each air conditioning unit either side of the building are identified as: Fitzjohn's House, first floor level and 3 Nutley Terrace, first floor. The lowest recorded background noise level was at night at 37.8dba as such the noise level of units should not rise above 28dba, similarly Day: 48dba and Evening 44.7dba. In assessment of AC units proposed the respective noise levels would rise above levels required to meet policy DP28.

The assessment concludes that attenuation is required to allow the units to run over a 24hr period, as such acoustic louvres are proposed – double bank louvre of approx. 600mm depth. The octave band performance of

louvres is provided and the specification of louvres installed would be required to meet the reductions stated in this assessment and shall be secured by condition.

Environmental Health officers have raised no comment in relation to the noise assessment. The lifts are sited both sides of the building, and therefore should not cause undue disturbance to either unit. (Refer to section below for details of lifts)

Overhead lift on both roofs

The development as approved by planning reference 2007/6230/P included the provision of lifts, one to each unit at either side of the building. The mechanics required for the lifts result in the need for two overhead structures. The proposed lift overhead to unit B (adjacent to 3 Nutley Terrace) would be 0.4m in height, lower than the height of glass balustrading at this level. The proposed lift at unit A would also be 0.4m in height but would raise the roof profile at this level.

Developments should ensure that the provision of building services equipment is sited within the envelope of the building structure. While the overhead to the lifts should have been considered at an earlier stage, they would be sited towards the rear of the roof and would not bring the height to an uncomfortable level in relation to adjacent properties. Therefore, in view of their size and scale the proposed alteration is considered acceptable in relation to policies: CS14; DP24 & DP25 of Camden's LDF.

Alterations to rear façade treatment at rear third floor

The building as approved by planning permission reference 2007/6230/P proposed back painted glass to the rear third floor level. The applicant has proposed to change this treatment to dark brown brick as per the approved material for the majority of the building. The rear elevation is already successfully broken by a high proportion of glazing with window reveals and this alteration would simplify the appearance of the rear elevation which is considered acceptable in relation to design guidance CPG1 and policies: CS14; DP24 & DP25 of Camden's LDF.

A brick sample has been submitted 'Staffordshire Blue Brindle Smooth' which would form the facing brick on the side and rear elevations. Condition 8 of planning reference 2007/6230/P (materials) was discharged under planning reference 2011/4124/P the brick sample submitted and deemed acceptable was 'Ibstock, Cottbus 10' a brown colour brick. While officers acknowledge that this is a contemporary design building the facing material on side and rear elevations should be softer to acknowledge the adjacent buildings and be appropriate for a large expanse of brickwork. A condition would be attached requiring the submission of a brick sample to be approved by the Local Planning Authority.

Conclusion

The proposed amendments are considered acceptable in relation to policies: CS11; CS14; CS15; DP18; DP24; DP25; DP26; DP28 of Camden's Local Development Plan, providing the above recommended conditions are attached.

Recommendation

Approval with conditions.

DISCLAIMER

Decision route to be decided by nominated members on Monday 23rd July 2012. For further information please click [here](#).

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