

# Garden House, Land adjacent to 1 Ellerdale Road (2015/7036/P)



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1. Aerial view



2. View from rear of 81 Fitzjohns Avenue



<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>11/02/2016</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>10/03/2016</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Elaine Quigley				2015/7036/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Garden House Land adjacent to 1 Ellerdale Road London NW3 6BA				See decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of new single-storey dwelling house with two storey basement on land to the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3).							
<b>Recommendation(s):</b>		Grant conditional planning permission subject to a Section 106 Legal Agreement					
<b>Application Type:</b>		Full Planning Permission					

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>33</b>	No. of responses	<b>05</b>	No. of objections	<b>05</b>
			No. Electronic	<b>00</b>		
Summary of consultation responses:	<p>A site notice was displayed from 01/02/2016 to 22/02/2016 and a press notice was advertised in a local newspaper on 04/02/2016 that expired on 25/02/2016.</p> <p>5 letters of objection have been received from neighbouring properties at Flat B, 85 Fitzjohn's Avenue, 85 Fitzjohn's Avenue, 1A Ellerdale Road, 1B Ellerdale Road and 1C Ellerdale Road raising the following concerns:</p> <p><i>Note that these are the same as those received to the concurrent application ref 2015/6843/P that was agreed at Members Briefing panel on 11<sup>th</sup> July (see history below)</i></p> <p><b>ORIGINAL DRAWINGS</b></p> <p><b>Principle of the new dwelling</b></p> <ul style="list-style-type: none"> <li>Erecting a building in Ellerdale Road is absolutely unacceptable</li> <li>There is already dense housing in this conservation area</li> </ul> <p><i>Officer comment: The principle of the new dwelling has already been accepted following history of permissions for a new house on the site since 2005 (see paragraph 3.2)</i></p> <p><b>Layout</b></p> <ul style="list-style-type: none"> <li>Extractor vents for the kitchen and boiler are located closer to the roof terrace of no. 1B Ellerdale Road. They should not release close to the roof terrace of 1B or living area of 1A</li> </ul> <p><b>See paragraph 3.14</b></p> <p><b>Parking</b></p> <ul style="list-style-type: none"> <li>There is already insufficient supply of parking bays</li> </ul> <p><b>See paragraph 3.17</b></p> <p><b>Disruption</b></p> <ul style="list-style-type: none"> <li>The local residents have suffered from the wasteful and disruptive demolition of Hyelm (79 Fitzjohns Avenue)</li> </ul> <p><b>See paragraph 3.15</b></p> <p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>The conservation area has valued and important wild life, trees and plants that are essential to the quality of the environment</li> </ul> <p><b>See paragraph 3.24</b></p> <ul style="list-style-type: none"> <li>The ecological impact of this development is insupportable</li> </ul> <p><b>See paragraph 3.24</b></p> <p><b>Basement works</b></p> <ul style="list-style-type: none"> <li>We want to make sure that the development is safe and sound and will not lead to subsidence of our flat (at 1 Ellerdale Road), especially our kitchen extension which is supported by poles.</li> </ul> <p><b>See paragraph 3.8 to 3.11</b></p>					

### **Visual impact of roof alterations**

- Objection to the change in structure and layout of the roof. When the original planning permission was granted in 2013, it included a sedum roof with 3 small round rooflights. Now, more infrastructure on the roof and much less sedum planting. The new proposal would include 10 photovoltaic panels and four roof lights (the larger two of which would be motorised for opening). This would be unsightly for all surrounding properties within the conservation area.

**See paragraph 3.5 to 3.6**

- The photovoltaic panels may be mechanised to tilt towards the sunlight. This would result in all surrounding properties looking at raised mechanism for most of the time. This would be unsightly and intrusive for surrounding properties looking out over what once was a garden area.

**See paragraph 3.5 to 3.6**

- The kitchen windows look directly out on the roof of 1 Ellerdale Road. The residents of this flat feel already compromised by having to overlook a concrete structure and do not think it necessary for the applicant to make any further changes to the roof plan as originally granted, and add further and much less discrete constructions on the flat roof.

**See paragraph 3.12**

- The amendments in the proposed surface of the roof diminish their amenities as direct neighbours. These changes will also jeopardise the feel and look of the proposed building in a dedicated conservation area.

**See paragraph 3.5, 3.6 and 3.24**

### **Noise**

- It is assumed that the large opening roof lights will be motorised. Between the photovoltaic panels and the large mechanised rooflights the property will become more industrial in its appearance than the original approved sedum roof.

**See paragraph 2.1 and 3.13**

### **Information on the drawings**

- The proposed drawings give the wrong impression that the metal railings above the existing kitchen extension are for a fire escape. The railings in fact enclose a roof terrace

**Officer comment:** *a site visit was undertaken to the application site during the course of the application and the presence of the roof terrace on the roof of the single storey rear extension at no. 1 Ellerdale Road was noted and formed part of the assessment of the application*

### **REVISED DRAWINGS**

One letter raising further comments were received from the residents of Flat B, 1 Ellerdale Road to the revised scheme:

- Pleased to see removal of sliding rooflights

### **Sustainability**

- Still concerned about PV cell positions and query if they will be static or moveable

**See paragraph 3.5**

### **Kitchen extractor and boiler flue locations**

- Still concerned about the location of the kitchen extractor and the impact it will have on the neighbours. It should be sited further away so there is less

	<p>chance for the fumes and grease to be dispersed.  <b>See paragraph 2.1 and 3.14</b></p> <p><b>Disturbance</b></p> <ul style="list-style-type: none"> <li>Concerned about the recent construction works as work at neighbouring site (Arthur West House) has created shockwaves through the ground that has shaken the house along Ellerdale Road. Concerned that the old properties may not be able to withstand the kind of structural disturbance of construction.  <b>See paragraph 2.1 and 3.13</b></li> </ul>
<p><b>CAAC/Local groups*  comments:</b>  *Please Specify</p>	<p><u>Fitzjohn's Netherhall CAAC</u> – no response received</p>

## Site Description

The site is located on the southern side of Ellerdale Road and comprises the north eastern side garden of no.1 Ellerdale Road and part of the rear garden of no. 81 Fitzjohn's Avenue that has become a separate plot. The site is vacant, with pedestrian access only off Ellerdale Road. The site is generally not visible from the public realm, by virtue of its backland location and predominantly enclosed nature – being screened by nos. 83, 85 and 87 Fitzjohn's Avenue, as well as fences, garages and/or walls.

To the front of the site is a single storey detached brick built garage with a short drive that fronts onto Ellerdale Road. To the west is 1 Ellerdale Road, a 4.5 storey townhouse (including lower ground floor and attic accommodation, which is separated into self-contained flats. To the rear is a single storey kitchen extension that forms part of no. 1A Ellerdale Road. The roof of the extension is used as authorised roof terrace that forms part of no. 1B Ellerdale Road.

To the east are 4 semi-detached properties that front Fitzjohn's Avenue. They are 4.5 storeys including the lower ground floor and attic accommodation.

To the south and south east is Arthur West House, a large corner building of 3-6 storeys in height. The building was originally used as a hostel (sui generis use class). Planning permission has recently been granted for 33 self-contained wheelchair accessible flats for the care and well-being of older people (see planning history section below). Demolition of the buildings has been completed and excavation works are currently being undertaken.

The site is located within the Fitzjohns/Netherhall Conservation Area (CA). 1 Ellerdale Road is not a listed building.

## Relevant History

There have been a number of planning permissions granted for this site for a new dwelling dating back to 2005. The most recent and relevant planning permissions are listed below.

### Application site

Planning permission was granted on 23/08/2005 (ref 2005/1168/P) for erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road.

Planning permission was granted on 28/05/2010 (ref 2010/0861/P) for renewal of planning permission granted 23/08/2005 (ref: 2005/1168/P) for the erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road.

Planning permission was granted on 24/05/2011 (ref 2010/5841/P) for amendments including a ramped pathway, fenced courtyard and redesigned front elevation to planning permission granted 28/05/2010 (ref: 2010/0861/P) for the erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road .

Planning permission was granted on 24/05/2011 (ref 2010/5841/P) for amendments including a ramped pathway, fenced courtyard and redesigned front elevation to planning permission granted 28/05/2010 (ref: 2010/0861/P) for the erection of a new single-storey dwellinghouse on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road.

Planning permission was granted on 02/11/2011 (ref 2011/4005/P) for amendments to amended planning permission granted 24/05/2011 (ref: 2010/5841/P) for the erection of a new dwelling house on land to the rear 81 Fitzjohn's Avenue to include increase in site area for enlarged garden, increase in built footprint of house and rebuild of boundary walls.

Planning permission was granted on 21/10/2014 (2012/6484/P) for erection of new single-storey dwelling house with single basement on land behind the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3). Valid until 2017.

**A concurrent application has been submitted (2015/6843/P)** for erection of new single-storey dwelling

house with single basement on land to the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3). This application has been recommended for approval and **has been agreed at Members Briefing on 11<sup>th</sup> July 2016** subject to the successful signing of the s106 agreement.

### **Adjoining sites**

#### Arthur West House, 79 Fitzjohn's Avenue

Planning permission was granted on 28/08/2015 (2014/7851/P) for demolition of hostel and erection of 3 - 6 storey building plus roof plant enclosure and excavation of 2 storey basement to provide 33 self-contained wheelchair accessible flats for the care and well-being of older people (13 x 2-bed & 20 x 3-bed) including ancillary extra-care and treatment rooms, restaurant, health and well-being facility, gym, communal lounges, guest suite, cycle and mobility scooter storage and staff facilities with basement level car park, communal garden and associated landscaping.

### **Relevant policies**

**National Policy Planning Framework (NPPF) 2012**  
**National Planning Policy Guidance 2014**

#### **London Plan 2016**

#### **LDF Core Strategy and Development Policies**

##### **Core Strategy**

CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
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  
CS16 Improving Camden's health and well-being  
CS17 Dealing with our waste and encouraging recycling

##### **Development policies**

DP19 Managing the impact of parking  
DP22 Promoting sustainable design and construction  
DP23 Water  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and Lightwells  
DP28 Noise and vibration  
DP29 Improving access  
DP32 Air quality and Camden's Clear Zone

##### **Supplementary Planning Policies**

#### Camden Planning Guidance (CPG) 2011

CPG6 (Amenity)  
CPG7 (Transport)

#### Camden Planning Guidance (CPG) 2015

CPG1 (Design)  
CPG2 (Housing)  
CPG3 (Sustainability)  
CPG4 (Basements and Lightwells)

Fitzjohns and Netherhall Conservation Area Statement (CAS) 2001



## Assessment

### 1.0 Proposal

1.1 Planning permission is sought for the erection of new single-storey dwelling house with a two storey basement on land to the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3).

1.2 This scheme is effectively a variation to the recently approved scheme in 21/10/2014 (2012/6484/P). In brief, the purpose of this application is to seek approval for the same scheme (overall size, height, and layout) but with a two storey basement rather than a single storey basement.

1.3 The key differences from the 2014 approved scheme are as follows-

- Change from single storey basement to two storey basement, the lowest floor to accommodate a 3<sup>rd</sup> bedroom, cinema and gym plus identical lightwell to above
- Reconfiguration to the internal layout
- Changes to the roof including relocation and enlargement of three roof lights, installation of 10 photovoltaic roof panels and replacement of sedum roof with wild flower green roof
- Removal of glass balcony at the rear, alterations to rear lightwell, including removal of glass balcony and relocation of door access at ground floor rear elevation.

### 2.0 Revisions

2.1 During the course of the application several revisions have been made to the plans and additional information has been submitted in order to address officer and third party concerns. These include:

- Additional information submitted in relation to the Construction Management Plan including details of vehicle movement times, routes, parking and loading arrangements
- Removal of 2 sliding and openable rooflights to be replaced by 2 fixed shut rooflights
- Removal of sedum roof to be replaced with wild flower green roof
- Relocation of kitchen extract duct, boiler flue and wc extract from the south western part of the roof closest to the single storey rear extension of no. 1 Ellerdale Road to the north eastern part of the roof adjacent to the rear boundary with no. 85 Fitzjohn's Avenue
- An addendum to the tree report in respect to the mature ash tree in the rear garden of no. 83 Fitzjohn's Avenue, regarding details of a trial excavation has been undertaken on site to identify the extent of its root structure.

### 3.0 Issues

3.1 The main issues to be considered as part of the proposal include:

- Land use
- Residential standards
- Design
- Basement works
- Amenity
- Transport
- Sustainability
- Trees and biodiversity
- Other matters
- S106 legal agreement

#### Land use

3.2 The principle of a new single storey dwelling house with basement at land to the rear of no. 81 Fitzjohn's Avenue has been accepted over the last 10 years with previous planning permissions since 2005. Planning permission was granted on 23/08/2005 for the erection of a new single storey dwellinghouse and the consent was renewed on 28/05/2010 by planning permission ref 2010/0861/P and most recently by planning permission granted on 21/10/2014 (ref 2012/6484/P). The previous 2014 planning permission for the erection of a new house in the conservation area is still valid until 2017 and thus no further assessment is needed on the issue.

#### Residential standards

3.3 The internal layout of the dwellinghouse would be altered as part of the proposed scheme. However three bedrooms would now be provided – one in the lower basement and two in the upper basement level rather than ground floor level in the approved scheme. The lower basement floor would include a bedroom, gym, cinema

room and shower room; the upper basement floor would include two bedrooms, a dressing room, laundry room and plant room; and the ground floor level would include a living/dining area, kitchen area, study and WC. From 1st October 2015 the planning authority are no longer able to apply Lifetime Homes conditions, housing designed in line with our wheelchair design guide, and our space standards for dwellings in CPG2. New build residential developments now must comply with the access standards in Part M of the Building Regulations. This includes parts 1 (Visitable dwellings), part 2 (Accessible and adaptable dwellings) and M4 (3) wheelchair user dwellings. We will expect all new building housing developments to meet Building Regulations M4 (1) and (2). The proposal meets part M of the building regulations and this would be secured by condition.

Although the habitable rooms are single aspect they would receive adequate levels of daylight and ventilation and would be considered acceptable. The bedrooms within the house would be located within the basement level with access to the ground floor from the internal stair and would be considered acceptable. Although the 3rd bedroom at the lowest basement level would have poor light and outlook, this is acceptable in the circumstances of its use and its secondary nature to the 2 other main bedrooms. The other rooms at this level are non-habitable ones.

### **Design**

3.4 The external height, size, mass, and overall detailed design of the proposed new house would not change from the previously approved scheme in 2014. The external design of the basement remains relatively unchanged with only minor alterations at the rear. There is therefore no objection to the design of the new house in terms of its impact on the surrounding streetscene or the conservation area.

3.5 Concern has been raised by local residents regarding the number of photovoltaic (PV) panels on the roof and the potential visual clutter this would create on the roof of the new dwelling. The plans have been revised to relocate the 10 PV array in a cluster on the north eastern corner of the roof to minimise their views from the flats within no. 1 Ellerdale Road. Views of the roof would be restricted from surrounding public vantage points by the parapet enclosure walls. The agent has confirmed that the PV's would remain static and flat on the roof. Therefore it would only be possible to gain minimal views of the PV's from private views and would not have a harmful impact on the character or appearance of the conservation area.

3.6 Concern has also been raised by local residents regarding the size of the rooflights that are now proposed to be installed within the roof and the increased visual clutter and resultant loss of sedum roof. The plans have been revised to ensure that the rooflights would remain fixed shut rather than openable. The proportion of the roof that would be covered with rooflights and PV panels has been reduced from the previously approved scheme. However following negotiations with the applicant the approved sedum roof has now been replaced with a wildflower green roof which would create more of a garden appearance with improved biodiversity and enhanced environmental credentials. The new dwellinghouse would still retain 85% of the roof as a green roof and therefore the extent of PV panels and roof lights would not be considered to harm the character and appearance of the conservation area.

3.7 The basement would express itself externally at the rear by an enclosed lightwell which is identical to the 2014 planning permission. The lightwell would be one storey deeper as a result of this new scheme but would have no impact on the house's overall appearance. This would not be visible from public vantage points and would not have a harmful impact on the character or appearance of the conservation area and would be considered acceptable.

### **Basement**

3.8 The proposed two storey basement would extend under the footprint of the new house and would extend 7.9m in depth. The footprint of the two storey basement remains unchanged between the approved scheme and the proposed scheme but it would be 4.9m deeper. The other main difference between the approved scheme and the proposed scheme is the construction method for the construction of the basement. The previous approved scheme was to be constructed via a part contiguous bored piled wall and underpinned boundary walls with reinforced concrete linings. Following discussions with the contractor, the piling specialist and the structural engineers prior to the submission of the application, it was determined that a full contiguous bored piled wall foundation around the whole perimeter would be a much quicker construction process allowing for a shorter construction programme and offers more certainty.

3.9 In line with DP27 a revised basement impact assessment was submitted in support of the application. This

has been independently reviewed by the Council's auditor (Campbell Reith). The auditor has advised that the BIA –

- There is potential for groundwater within the Claygate Member to enter the excavation due to the relief of pressure above. The BIA allows for dewatering during construction where necessary and the risk of base failure is addressed in supplementary information presented in Appendix 3.
- An analysis has been undertaken of horizontal and vertical ground movements and their effects on the surrounding building though no proposals are provided for a movement monitoring strategy during excavation and construction. The detailed proposals for this should be agreed as part of the party wall awards.
- It is accepted following review that the surrounding slopes to the development site are stable.
- It is accepted that the basement will extend into the Claygate Member and that there is potential for lenses of material containing groundwater under pressure to be encountered. The inclusion of permeable material around the outside of the basement walls is accepted as a mitigation measure to allow groundwater flow to be maintained. It is accepted following review that the development will not impact on the wider hydrogeology of the area and is not in an area subject to flooding.
- Category 0 to 1 damage is anticipated for the neighbouring structures considered with the exception of the kitchen extension to 1 Ellerdale Road and the boundary wall which are indicated to be Category 2. The BIA states the damage assessment is considered to be conservative and the damage to the neighbouring structures is unlikely to exceed Category 1. The applicant provided a response to this request via a separate statement received 27/06/16. This summary confirmed that a preliminary assessment of the pile capacity has been carried out and reviewed against the requirements of CIRIA C580. Based on the information provided, the auditors have no further queries on this point.
- The magnitude of heave on adjacent structures was queried; however it was agreed that given the presence of a heave protection layer and the small footprint of the basement, a full calculation would not be required as part of the BIA.
- The BIA offers movement monitoring of the adjacent structures, however no details are given. Details and trigger levels may be agreed as part of the Party Wall awards. Condition surveys are recommended only if there are no party wall awards involved for the basement and a condition is attached to this effect.
- It is accepted that the BIA and supplementary information presented adequately identify the potential impacts arising out of the basement proposals and describe sufficient mitigation.

3.10 Based on the expert advice from Campbell Reith, subject to their recommendations, the proposal is considered to be in line with the requirements of policy DP27 and CPG4. The application is therefore considered to be acceptable in this respect.

3.11 Condition 8 of the previous 2014 approval required details of the appointed chartered engineer, who will inspect, approve and monitor the critical elements of both temporary and permanent basement construction works to be submitted and approved in writing by the Council. Given that the project has progressed to an advanced stage, details of the appointed engineer have been included with the application documents. This is considered acceptable and a condition requiring this information is not therefore required.

### **Amenity**

3.12 The height, size, mass and overall design (including locations of windows) of the new house would remain unchanged from the approved scheme. The new dwellinghouse would therefore have no additional harmful impact on the amenity of the neighbouring properties over and above the approved scheme.

3.13 The original plans included the installation of 2 retractable roof lights within the roof of the new house. Concerns were raised by local residents about the potential noise and disturbance when the roof lights were opened. The plans have now been revised to replace the openable roof lights with fixed shut roof lights to ensure that there would be no additional harm noise or disturbance from the new dwelling.

3.14 The original plans also included a kitchen extract duct, boiler flue and wc extract protecting from the roof of the new house on the south western part of the roof closest to the single storey rear extension of no. 1 Ellerdale Road. Following concerns from local residents regarding the close proximity to their windows and external private amenity space and the potential impact of fumes, smells and grease. The plans have been revised to relocate the extract duct and flue to the north eastern part of the roof adjacent to the rear boundary with no. 85 Fitzjohn's Avenue. This would ensure that any potential fumes or smells from the kitchen extract

and boiler flue would be reduced to the immediate neighbours at 1 Ellerdale Road and would not have a harmful impact on their amenity. The kitchen extract duct and flue would be located approximately 16m from the rear elevations of nos. 83, 85 and 87 Fitzjohn's Avenue and would not be considered to have an adverse impact on the amenity of these properties.

3.15 Concern has been raised by local residents about the basement works and the potential noise and disturbance from these works. The basement works have already been agreed in principle as a result of the 2014 planning permission. The noise and hours of construction work would be controlled by environmental health legislation and any permission would include an informative reminding the applicant of this.

## **Transport**

### Cycle parking

3.16 It is noted one Sheffield stand will be provided for 2 cycle parking spaces. Cycle parking facilities should be covered, secure and fully enclosed. The previous planning permission did not include any requirements to provide cycle parking spaces within the development. Given the fact that there has been no policy change since the previous planning permission it would be unreasonable to insist on a covered, fully enclosed cycle parking space. It is considered that there would be sufficient space within the new dwelling to store a bicycle therefore it would not be necessary to secure these details to be submitted by a condition.

### Car free development

3.17 The previous planning permission required the new development to be car free. This was secured by a s106 agreement. This requirement would remain relevant and necessary to this development and would therefore be subject to a s106 agreement for car free development.

### Construction management plan (CMP)

3.18 The proposal would include a new two storey basement level to be constructed under the footprint of the new dwelling. A draft CMP has been provided as part of the proposal. It would be necessary to secure the details and recommendations within the CMP within a s106 agreement.

## **Sustainability**

### CO2 emissions

3.19 Policy DP22 (Promoting sustainable design and construction) states that the Council will require development to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. Policy 5.2 (Minimising carbon dioxide emissions) of The London Plan 2015 introduces a carbon dioxide reduction target for new development to make a 35% improvement on the 2013 building regulations. It recommends that the energy hierarchy be followed: energy efficiency, decentralised energy, renewable energy technologies.

3.20 The applicants have submitted an energy statement in support of the application which details the energy efficiency measures. These would achieve 42.7% which meets and exceeds the 35% target set by Policy 5.2 of the London Plan and would be considered acceptable.

3.21 Concern has been raised by local residents about the number of PV cell panels on the roof and the additional visual clutter this would create. The previously approved scheme did not show any PV's on the roof. Following discussions with the agent it has been confirmed that the renewables solution and building specification are necessary to comply with the energy targets in the London Plan. The energy consultants have advised that if they were to reduce the number of PV's by one, it would reduce the carbon emissions improvement to approximately 37%. This would still exceed the London Plan target but however would allow no room for manoeuvre at the point of assessment, prior to occupation. Should the structure not perform within the parameters of the energy model there would be a danger than the SAP will show an energy rating below the target threshold. Although the proposal would result in the installation of 10 PV panels on the roof which may be considered to increase the visual clutter on the roof of the new house, on balance, given the requirement to meet energy targets set by the London Plan, this would be considered necessary (see the design section above for the assessment of the visual impact).

### Water efficiency

3.22 All new units must achieve water efficiency of 110 litres per day. This element would be secured by condition.

### **Tress and Biodiversity**

#### Trees

3.23 There are no trees within the site itself; however there is an ash tree in the rear garden of no. 83 Fitzjohn's Avenue and in the garden of no. 81 Fitzjohn's Avenue. A tree report has been submitted followed by an addendum to this report to specifically deal with the matters arising from recent trial excavations to establish the presence, size and significance of any tree roots emanating from the ash tree at no. 83. The addendum to the tree report advised that there was one significant root (and several minor roots) extending within the footprint of the building. Although this is clearly a major root, the Council's Tree Officer has confirmed that the overall health of the tree, and the lack of any other significant roots within this area suggests that, in principle, the loss of this root is something the tree could recover from. The Tree Officer has advised that, this additional information, coupled with the existing permission (with almost identical tree impacts) would not raise any objections to the scheme subject to a condition being attached to the permission for a programme of root environment improvement works for the tree as part of any landscaping.

3.24 The tree at no. 81 has not been surveyed. An application was submitted to fell this tree in the rear garden in 2011 (2011/4147/T). No objections were raised by the Council to their removal however this permission expired on 14/09/2014 and the tree remains in situ. Notwithstanding this the trees are clearly of little merit and would be unlikely to be significantly affected by the proposal. The Tree Officer has confirmed that the omission of this tree from the report would not warrant a refusal of the scheme on this issue alone and raises no objection to the scheme as a whole.

#### Biodiversity

3.25 The site is open garden land and contains a general area of patchy lawn. There are no plants or other vegetation on the site. The erection of a new dwellinghouse would not result in a loss of an existing biodiversity habitat. The roof of the new dwellinghouse would include a wildflower green roof. This would introduce greater habitat options. The mixture of species includes Oxeye Daisy, Lady's Bedstraw, Cats Ear and Yellow Camomile, three native sedum varieties, and herbs such as Wild Marjoram and Thyme, and flowering perennials such as Dianthus. This would result in the creation of a new habitat in a place of a standard garden lawn and provides support for the natural colonisation of local plants, birds and small animals, encouraging a wider spread of species in the area. The final details of the species mix would be required by condition.

#### **Other matters**

3.26 The 2014 permission included a condition to remove the permitted development rights of the new dwelling. This is still considered to be relevant and necessary given the size of the plot and the sensitive nature of the development site.

### **S106 legal agreement**

#### Heads of terms

3.27 The previous 2014 permission included s106 agreement heads of terms relating to car fee agreement, construction management plan and sustainability plan. These heads of terms would still apply to this proposal and are the same as those proposed for the more recently agreed scheme ref 2015/6843/P. The applicant has agreed to enter into a s106 agreement to secure these heads of terms.

#### **Recommendation**

4.0 Grant conditional planning permission subject to s106 agreement.

***DISCLAIMER: The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25th July 2016, nominated members will advise whether they consider this application***

***should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Phillips Planning Services Ltd  
Kingsbrook House  
7 Kingsway  
Bedford  
Bedfordshire  
MK42 9BA

Application Ref: **2015/7036/P**

21 July 2016

Dear Sir/Madam

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Garden House**  
**Land adjacent to 1 Ellerdale Road**  
**London**  
**NW3 6BA**

Proposal:

**DECISION**  
Erection of new single-storey dwelling house with two storey basement on land to the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3).

Drawing Nos: Site location Plan (drawing 15-01); 28471-06 rev A; 28471-05; 28471-07 rev F; 28471-8 rev d; 1706/02/57 rev A; 1706/02/56 rev A; Planning, Design and Access Statement dated November 2015 produced by Philips Planning Services Ltd; Basement Impact Assessment Rev B produced by Alan Baxter dated December 2015; Response to comments by Campbell Reith produced by Campbell Reith dated 27th June 2016 (ref 1706/02/HB/hb); Planning Statement Energy Assessment Single Basement Scheme produced by eight associates dated 04/12/2015; Sustainability Statement produced by eight associates dated 04/12/2015; Construction Management Plan revised 06th May 2016 produced by Charles Edward; Arboricultural Report and Impact Assessment Pre-Development produced by RGS dated December 2015; Addendum to arboricultural report and impact assessment received 18th May 2016; Maintenance of wildflower green roof system received on 27th June 2016; Design objectives for green roof received on 27th June 2016; Photovoltaic panels information email from Eight Associates dated 29th April 2016.

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

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

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

Condition(s) and Reason(s):

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

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

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

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans- Site location Plan (drawing 15-01); 28471-06 rev A; 28471-05; 28471-07 rev F; 28471-8 rev d; 1706/02/57 rev A; 1706/02/56 rev A; Planning, Design and Access Statement dated November 2915 produced by Philips Planning Services Ltd; Basement Impact Assessment Rev B produced by Alan Baxter dated December 2015; Response to comments by Campbell Reith produced by Campbell Reith dated 27th June 2016 (ref 1706/02/HB/hb; Planning Statement Energy Assessment Single Basement Scheme produced by eight associates dated 04/12/2015; Sustainability Statement produced by eight associates dated 04/12/2015; Construction Management Plan revised 06th May 2016 produced by Charles Edward; Arboricultural Report and Impact Assessment Pre-Development produced by RGS dated December 2015; Addendum to arboricultural report and impact assessment received 18th May 2016; Maintenance of wildflower green roof system received on 27th June 2016; Design objectives for green roof received on 27th June 2016; Photovoltaic panels information email from Eight Associates dated 29th April 2016.

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



- 4 Full details in respect of the living green roof in the area indicated on the approved roof plan including:
- (i) Details of materials, species, planting density, and substrate
  - (ii) a statement of the design objectives, including justification of roof type/species selection
  - (iii) a site specific management plan including an initial scheme of maintenance
  - (iv) a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability

These details shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The building 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.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No additional windows shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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 new dwelling as indicated on plan numbers hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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.

- 8 The new dwelling as indicated on the plan numbers hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (3) Accessible (2b). Evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the wheelchair unit would be capable of providing adequate amenity in accordance with policies 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.

- 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-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

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 commencement of the relevant part of the development , 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:
- (i) scaled plans showing all existing and proposed vegetation and landscape features
  - (ii) a schedule detailing species, sizes, and planting densities
  - (iii) location, type and materials to be used for hard landscaping and boundary treatments
  - (iv) specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014.
  - (v) details of any proposed earthworks including grading, mounding and other changes in ground levels.
  - (vi) a management plan including an initial scheme of maintenance and a programme of root environment improvement works.

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 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.

- 11 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.

- 12 Details shall be submitted to and approved by the Council before the relevant part of the development commences to demonstrate how 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 during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:
- (i) a tree protection plan (TPP) showing the location and nature of tree protection measures
  - (ii) appropriate working processes in the vicinity of trees
  - (iii) details of an auditable system of site monitoring
  - (iv) details of the design of building foundations
  - (v) details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site.
- The development thereafter shall be implemented in strict accordance with the approved details.

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

- 13 In the event that the basement construction is not subject to party wall awards, the excavation works shall not commence until monitoring strategies and conditions surveys have been agreed with the owners of neighbouring buildings and their occupiers which are within 6m of the basement boundary.

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 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above).
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

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

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

We will then issue a CIL demand notice setting out what monies needs to 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](mailto:CIL@Camden.gov.uk)

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer. You are advised also that, if the basement construction is not subject to party wall awards, monitoring strategies and conditions surveys should be agreed,

prior to commencement of any excavation works on site, with the owners of neighbouring buildings and their occupiers which are within 6m of the basement boundary.

- 5 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 Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 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.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 8 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

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

Yours faithfully

Supporting Communities Directorate