

<b>Address:</b>	49 Fitzjohn's Avenue London NW3 6PG		<b>8</b>
<b>Application Number:</b>	2015/5379/P	<b>Officer:</b> Kate Phillips	
<b>Ward:</b>	Frognal & Fitzjohns		
<b>Date Received:</b>	22/09/2015		
<b>Proposal: Conversion of single family dwellinghouse to 6 no. self-contained flats (2no. 2-bed, 2 no. 3-bed and 2no. 4-bed); erection of a 3 storey rear extension; removal of single storey side extension; and associated alterations</b>			
<b>Background Papers, Supporting Documents and Drawing Numbers</b>			
892/01; 892/02; 892/03; 892/50; 892/51; 892/52; 892/53; 892/54; 892/60; 892/61; Design & Access Statement (dated August 2015); Lifetime Homes Assessment (dated August 2015); BREEAM Pre-Assessment; Energy Statement (dated April 2014); SAP Worksheets (Flats 1-6); Basement Impact Assessment (dated 21/07/2015); Basement Impact Assessment: Land Stability (dated July 2015); Basement Impact Assessment: Groundwater (dated 16/07/2015); Ground Investigation Report (dated September 2014); Heritage Statement (dated September 2015)			
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission subject to section 106 legal agreement</b>			
<b>Applicant:</b>		<b>Agent:</b>	
c/o agent		Turley The Charlotte Building 17 Gresse Street London W1T 1QL	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		934 m <sup>2</sup> approx
Proposed	C3 Dwelling House		1100 m <sup>2</sup> approx

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

Parking Details:
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	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	3+	
Proposed	3	

## **OFFICERS' REPORT**

**Reason for Referral to Committee: Development which involves the creation of five or more residential flats from the conversion and extension of an existing building [Clause 3 (iii)]**

### **1. SITE**

- 1.1 No. 49 Fitzjohns Avenue is a large, detached, three storey (with basement), red brick building on the west side of the road. The building has an in-out driveway at the front with room to park 3 cars. At the rear of the building is a private garden, accessed from the lower ground floor of the building.
- 1.2 The building has previously been used as a convent and was connected to St Mary's School (the adjacent building to the south), but it was converted back to a single family dwellinghouse in April 2014, pursuant to planning permission reference 2013/6477/P.
- 1.3 The application site is within the Fitzjohns Netherhall Conservation Area and the application building is identified in the Fitzjohns Netherhall Conservation Area Statement (2001) as making a positive contribution to the character and appearance of the conservation area.
- 1.4 The following underground constraints apply at the application site: hydrological constraints (Claygate Beds); slope stability.

### **2. THE PROPOSAL**

#### **Original**

- 2.1 The proposal is for the conversion of the building from a single family dwellinghouse into 6 separate self-contained flats (2x 2-bed, 2x 3-bed and 2x 4-bed).
- 2.2 The proposal includes a three storey, staggered rear extension (lower ground, upper ground and first floor levels), which will involve the enlargement of the existing lower ground floor (basement) and excavation works at the rear of the building. As part of the works to the lower ground floor, a sunken terrace will be created at the rear and one of the existing lightwells at the front of the building will be enlarged.
- 2.3 The proposal also involves the removal of the single storey side extension (which previously provided a link into the adjacent school buildings).

## Revision[s]

- 2.4 Cycle parking provision has been illustrated within the communal garden.

## 3. RELEVANT HISTORY

- 3.1 2013/6477/P - Change of use from a convent (Sui Generis) to a single dwelling house (C3) – Granted Subject to a Section 106 Legal Agreement 11-04-2014.

## 4. CONSULTATIONS

### Statutory Consultees

- 4.1 None

### Fitzjohns Netherhall Conservation Area Advisory Committee

- 4.2 No comments received (consultation end date 04/03/2016)

### Adjoining Occupiers

<i>Number of letters sent</i>	37	
<i>Total number of responses received</i>	0	
<i>Number in support</i>	0	
<i>Number of objections</i>	0	

- 4.3 A site notice was displayed on 23/10/2015 (consultation expiry date 13/11/2015) and a press notice was displayed on 29/10/2015 (consultation expiry date 19/11/2015).

## 5. POLICIES

- 5.1 National Planning Policy Framework (NPPF) 2012

- 5.2 London Plan 2015

- 5.3 LDF Core Strategy and Development Policies

### LDF Core Strategy

CS1 Distribution of growth

CS3 Other highly accessible areas

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 and encouraging biodiversity

CS18 Dealing with our waste and encouraging recycling

## CS19 Delivering and monitoring the Core Strategy

### LDF Development Policies

DP2 Making full use of Camden's capacity for housing  
DP3 Contributions to the supply of affordable housing  
DP5 Homes of different sizes  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP20 Movement of goods and materials  
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  
DP29 Improving access  
DP31 Provision of, and improvements to, public open space and outdoor sport and recreation facilities

## 5.4 **Supplementary Planning Policies**

### Camden Planning Guidance (CPG)

CPG1 Design (2015)  
CPG2 Housing (2015)  
CPG3 Sustainability (2015)  
CPG4 Basements and Lightwells (2015)  
CPG6 Amenity (2011)  
CPG7 Transport (2011)  
CPG8 Planning Obligations (2015)

## 5.5 **Fitzjohns Netherhall Conservation Area Statement (2001)**

## 6. **ASSESSMENT**

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

- The principle of development
- Housing: Dwelling mix and amenity of occupiers
- Design
- Neighbouring amenity
- Transport considerations
- Trees and landscaping
- Energy and sustainability and water
- Basement considerations
- Planning obligations

## **The principle of development**

- 6.2 The proposal would divide the single family dwelling into 6 flats. Insofar as housing is a key priority of the LDF, the creation of additional residential units is welcomed and the principle of development is therefore considered to be acceptable, subject to the detailed considerations below.
- 6.3 Policy DP3 requires all residential development with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. The Council considers that a floor space of 1,000 square metres is capable of accommodating 10 family dwellings, and will expect all residential developments that would provide additional built residential floor space of 1,000 square metres to make a contribution to the supply of affordable housing. In this case, the proposal results in a net increase of 5 residential units and approximately 166 square metres of additional floor space. Therefore, there is no requirement for the applicant to make a contribution towards affordable housing.

## **Housing: Dwelling mix and amenity of occupiers**

- 6.4 Policy DP5 seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The DSPT indicates that 2-bed units (market housing) have “very high” priority and 3-bed / 4-or-more bed units have “medium” priority. The DSPT aims for market housing schemes to provide at least 40% 2-bed units. The proposal fails to meet the priorities set out in the DSPT insofar as it would only provide 33% 2-bed units; however, the Council acknowledges that it will not be appropriate for every development to meet the aims set out in the DSPT. The key aim is for each development to contribute to the creation of mixed and inclusive communities by containing a mix of large (3 bedrooms or more) and small homes overall, in accordance with Policy DP5(b). In this case, the proposal would provide 2x 2-bed units, 2x 3-bed units and 2x 4-bed units, which represents a 33:66 split between small and large homes.
- 6.5 Paragraph 5.7 of the LDF Development Policies advises that the mix of dwelling sizes appropriate in a specific development will be considered taking into account the character of the development, the site and the area. Where a development involves the re-use of an existing building, this can limit the potential to provide the required mix of dwellings (for example, heritage concerns and the need to respect the existing floor plan, window patterns etc.). In this case, it is considered that the proposal to subdivide the building into 6 separate units makes good use of the original building, without causing undue harm to its character and appearance (see later section for more details on the design).
- 6.6 Paragraph 5.9 of the LDF Development Policies advises that the Council will resist the loss of dwelling sizes that are given medium priority or higher. In this case, the existing dwelling has 9 or more bedrooms. The loss of this exceptionally large dwelling is considered to be acceptable.

- 6.7 Paragraph 5.10 of the LDF Development Policies guides that, when considering the proportion of large homes appropriate within a specific development, the Council will take account of any features that make the development particularly suitable for families with children; or the flexibility that larger dwellings create for other types of households (e.g. elderly or infirm relatives living with their families). In this case, the proposed development is considered to be suitable for children insofar as it provides significant communal outdoor space at the rear (and in some cases on terraces) where children could play safely. As such, the provision of a greater number of larger homes is considered to be acceptable.
- 6.8 Policy DP26 requires new development to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space; facilities for the storage, recycling and disposal of waste; facilities for bicycle storage; and private outdoor amenity space.
- 6.9 Each of the new dwellings would exceed the Government's current technical housing standards in terms of floor space and each new dwelling would be self-contained. Flats 1, 2, 3, 5 and 6 would all be accessed from the communal hall. Flat 4 (ground floor) would have its own external entrance on the northern side of the building.
- 6.10 In each flat there would be a permanent partition between eating and sleeping areas and whilst some of the flats have combined kitchen and living rooms, the sizes of these rooms are considered to be sufficient to cater for the greater range of activities that will take place in them. In all of the flats except Flats 4 and 5, all the rooms would lead off a hallway and it would be possible to access any habitable room without passing through another habitable room. In Flat 4, the entrance to the flat would lead directly into the kitchen/living room, meaning occupiers/visitors would need to pass through this room to access the other rooms in the flat; however, this is considered to be acceptable because the provision of an independent external access (i.e. not from the communal hall) is welcomed. Flat 5 would occupy the entire first floor and, due to the central communal staircase, the front reception room would only be accessible by passing through the kitchen/family room and a lobby. On the basis that the reception room would perform a similar function to the kitchen/family room, this is considered to be acceptable.
- 6.11 The flats at upper ground, first, second and third floor level would all be dual/multi-aspect and it is considered that they would all have a good outlook to the front and rear. It is also considered that these flats would receive sufficient daylight/sunlight.
- 6.12 Flats 1 and 2 (lower ground floor) would each be single aspect and the openings would face onto lightwells, which would limit outlook from the flats. Furthermore, given their position in the building, Flats 1 and 2 are likely to receive lower levels of sunlight/daylight than the upper floor flats. Notwithstanding this, the windows at the front (east) of the building (to serve Flat 2) are at half-basement level, providing views upwards towards the parking area and beyond to the street; and morning sunlight would reach these rooms. At the rear, the openings in Flat 1 open onto a sunken terrace, which measures 2.8 metres deep by 13 metres wide. The generous size of the sunken terrace and the fact it would only be accessible by the

occupiers of Flat 1 makes up for the limited outlook. Furthermore, given the size and depth of the lightwell, it is considered that afternoon sunlight would reach the rear rooms in Flat 1 which faces directly west. On balance, the relatively poor levels of outlook and sunlight/daylight in the lower ground floor flats are not considered to represent sufficient reasons to refuse the application.

- 6.13 Whilst similar room uses are not always stacked above each other in the building, to reduce problems associated with noise transfer between the separate units, a suitable planning condition would require the submission and approval of details of noise insulation measures prior to the commencement of development.
- 6.14 Each flat would benefit from adequate built-in storage space and a communal bin store would be provided in the rear garden to cater for the storage, recycling and disposal of waste.
- 6.15 Each flat would have access to the large communal garden, which is particularly beneficial for those flats without dedicated private amenity space and for the larger flats which are capable of accommodating families.
- 6.16 A communal cycle storage facility would be provided in the rear garden (see later section for more details), which is also welcomed.
- 6.17 Overall, it is considered that the new dwellings would provide a good standard of residential accommodation, in accordance with Policy DP26.

## **Design**

- 6.18 The application site is within the Fitzjohns Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The building is identified in the Fitzjohns Netherhall Conservation Area Statement (FNCAS) (2001) as making a positive contribution to the character and appearance of the conservation area.
- 6.19 The adjacent building to the south, St Mary's School, is Grade II listed, and the Council has a statutory duty to have special regard to the desirability of preserving a listed building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 6.20 The front elevation of the application building would remain relatively unchanged, apart from the demolition of the single storey side extension (which is a later addition to the original building) and the enlargement of the existing lightwell to the left-hand-side of the main entrance. There is no objection to the removal of the side extension, particularly because it is a later addition to the building. The FNCAS highlights that the gaps between the buildings in the conservation area provide views to the rear gardens and a rhythm to the frontage and the proposal would reinstate the gap, which would be to the benefit of the conservation area.

- 6.21 Similarly, there is no objection the enlargement of the existing lightwell at the front of the building because it would match the other front lightwell and restore a sense of symmetry to the front of the building. Furthermore, due to the boundary wall along the front of the application site the enlarged lightwell would not be prominent in views of the building from the street.
- 6.22 At the rear, the three storey extension across the lower ground, upper ground and first floor levels would be staggered such that each higher level would be set in from the one below. Flat 1 (lower ground floor) and Flat 5 (first floor) would have terraces at the rear and Flats 3 and 4 (upper ground floor) would have small projecting balconies at the rear. Taking into consideration the size and scale of the host building, it is not considered that the proposed three storey extension at the rear would dominate the host building or appear overly large. Furthermore, the extension would terminate one storey below the eaves level, in accordance with CPG1 guidance. On the basis that the extra bulk and massing is all accommodated at the rear of the host building, out of public view, the proposed extension is considered to be acceptable.
- 6.23 Overall, it is considered that the proposed works would be in keeping with the character and appearance of the host building and the wider area and would preserve and enhance the character and appearance of the Fitzjohns Netherall Conservation Area. It is also considered that the setting of the adjacent listed building would be preserved. The application is therefore considered to be acceptable in this regard.

### **Neighbouring amenity**

- 6.24 The main properties that are likely to be affected by the proposal are those in the neighbouring building to the north, No. 51 Fitzjohns Avenue (which has also been subdivided into separate residential units) and the building to the south, which is a primary school (St Mary's School). All other nearby and neighbouring residential properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposal.
- 6.25 Taking into consideration the nature of the application site (i.e. a large, detached building on a generously sized plot on a relatively busy road and adjacent to a school), the increased comings and goings are unlikely to have a significant local impact.
- 6.26 The proposal involves the erection of a three storey rear extension (lower ground, upper ground and first floor levels). The extension would not cause any significant undue loss of light or outlook to the neighbouring properties, particularly because each of the neighbouring properties extends further back into their respective plots than the application building.
- 6.27 Neither is it considered likely that the proposal would cause any unacceptable overlooking to the neighbouring properties. Whilst the proposed staggered extension at the rear would include a roof terrace and balconies, the level of potential overlooking is unlikely to be significantly worse than the existing situation



and no worse than is generally expected in a built-up residential environment such as this.

- 6.28 Policy DP28 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development, which is particularly important in this case given that the neighbouring building is a primary school. Given the extent of the proposed works, the Council will seek the submission of a Construction Management Plan (CMP), which will be secured by a legal agreement.

### **Transport considerations**

- 6.29 The application site currently benefits from 3 off-street parking spaces and it is proposed to retain these spaces. Policy DP18 normally expects new development to provide the minimum necessary car parking provision. The Council generally expects development to be car-free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within controlled parking zones (CPZ) that are easily accessible by public transport.
- 6.30 The application site has a Public Transport Accessibility Level (PTAL) of 4, which means it is easily accessible by public transport; and it is within the Belsize CPZ (CA-B) which operates between 0900 and 1830 hours on Monday to Friday and 0930 to 1330 on Saturday. Within the CPZ, 110 parking permits have been issued for every 100 estimated parking bays, which means the CPZ is highly stressed.
- 6.31 Whilst the Council would normally seek for new dwellings to be car-free, the applicant argues that the precedent for allowing on-site parking provision at the application site was established at the time of the application to convert the building from a convent into a single family dwelling (planning reference 2013/6477/P). The applicant has also highlighted that planning permission was granted at No. 51 Fitzjohns Avenue (planning reference 2013/7379/P) to increase the number of units from 13 to 21 and the legal obligation pursuant to that permission only removes the rights of the future occupiers to apply for a permit, whereas the previously existing 13 units are still entitled to parking permits and any of the residents can park on site.
- 6.32 A number of the neighbouring buildings, particularly on the western side of the road, have front forecourt parking and therefore the proposal to retain limited parking at the front of the site would not detract from an established pattern of development in the local area.
- 6.34 The applicant is willing for the development to be car-capped (i.e. the future occupiers would have no access to on-street parking permits but would be able to park on site). Insofar as this would prevent the proposed development from having an additional impact on parking stress within the CPZ, this is welcomed. This would be secured through the legal agreement. It is also considered necessary to require the application to submit additional plans to illustrate how the number of parking spaces will be limited at the site, to prevent too many cars trying to park on site at any one time, to the detriment of the character and appearance of the wider area

and, potentially, to the detriment of highway safety. This can be secured by condition.

- 6.35 In accordance with The London Plan 2015, the new dwellings would each require 2 cycle parking spaces, in order to encourage cycling as an efficient, healthy and sustainable alternative to private motor vehicle usage. Cycle parking facilities would be provided in the rear garden in the form of 6x Sheffield stands in a locked store. Further details of the cycle parking can be secured by planning condition.
- 6.36 Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. Due to the scale of the proposed development the Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. As noted above, a CMP will be secured by legal agreement. The legal agreement will also secure a contribution towards highway works that are required as a result of the works, as the footway and vehicular crossover directly adjacent to the site could be damaged as a direct result of the proposed works.

### **Trees and landscaping**

- 6.37 Policy DP24 requires new development to consider existing natural features, such as topography and trees. New development should respond to the natural assets of the site and its surroundings and development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.
- 6.38 The Basement Impact Assessment confirms that the proposal to extend the lower ground floor would not involve the removal of any trees within the application site, and the proposed development is not within a root protection area, which is welcomed.
- 6.39 The proposed rear garden, which at the time of the officer's site visit appeared relatively uncared for, would become a communal garden for each of the 6 flats to share. Further details of the proposed hard and soft landscaping can be sought by a planning condition prior to the commencement of development.

### **Energy and sustainability and water**

- 6.40 Policy CS13 notes that the Council will require all development to take measures to minimise the effects of, and adapt to, climate change and encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy DP22 also requires development to incorporate sustainable design and construction measures.
- 6.41 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.

- 6.42 The applicants have submitted an Energy Statement which notes that energy efficient design measures will be implemented in the proposal. Taking into account energy efficiency savings, it is envisaged that the proposal will achieve a CO2 emissions reduction of 50.41%, which meets the 35% target set by the London Plan.
- 6.43 The applicant has also submitted a pre-assessment summary which indicates that the building will achieve BREEAM Excellent. This would be secured through the s106 legal agreement.
- 6.44 Policy DP23 requires developments to reduce their water consumption, pressure on the combined sewer network and the risk of flooding. A suitable planning condition would ensure that development will be capable of achieving a maximum internal water use of 105 litres a day (plus an additional 5 litres for external water use).
- 6.45 Overall, the proposal is considered to be acceptable in this respect.

### **Basement considerations**

- 6.46 Policy DP27 notes that the Council will only permit basements and other underground development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.
- 6.47 The Council's preferred approach is for basement development to not extend beyond the footprint of the original building and be no deeper than one full storey below ground level (approximately 3 metres in depth). The internal environment should be fit for the intended purpose, and there should be no impact on any trees on or adjoining the site, or to the water environment or land stability.
- 6.48 This application involves an extension to the existing lower ground floor (as part of the proposed three storey rear extension across the lower ground, upper ground and first floor levels), which will require excavation works at the rear of the building. The existing lower ground floor (basement) measures approximately 224 square metres and the resultant lower ground floor would measure approximately 276 square metres, which represents an increase of approximately 52 square metres. The existing lower ground floor measures up to 15 metres from back to front, and the resultant lower ground floor would measure up to 21 metres from back to front. The proposal includes a lightwell (sunken courtyard) at the rear of the building (at lower ground floor level) and the excavation of a new lightwell at the front of the property.
- 6.49 The extended part of the lower ground floor would be no deeper than one full storey below ground level and the new rooms would be the same height as the existing lower ground floor rooms (approximately 2.8 metres tall).
- 6.50 Flats 1 and 2 would be located on the lower ground floor, as well as a plant room (accessed externally), a communal WC (accessed internally), and the lift shaft. In Flat 1 (at the rear), the reception room and two of the three bedrooms will have

doors which open into the rear lightwell (sunken courtyard). Bedroom 3 will have a window and door which open out into the existing side lightwell. In Flat 2 (at the front), the reception room will open into the existing front lightwell and Bedroom 1 will have windows which open to the enlarged front lightwell. Bedroom 2 will have a window at the side of the building. It is considered that the internal environment in the extended lower ground floor (basement) would be fit for the intended purpose.

- 6.51 The proposal to extend the lower ground floor does not involve the removal of any trees within the application site.
- 6.52 The following underground development constraints apply at the application site: hydrological constraints (Claygate Beds) and slope stability. The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith, in line with the requirements of CPG4.
- 6.53 Subsequent to the issue of the initial audit, additional information was provided by the applicant. Campbell Reith now conclude that the BIA adequately identifies the potential impacts from the basement proposals and provides suitable mitigation. Based on the expert advice from Campbell Reith, the proposal accords with the requirements of Policy DP27 and CPG4. The application is therefore considered to be acceptable in this respect, subject to a condition to require the applicant to appoint a chartered engineer to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration.
- 6.54 Whilst the application site has not had an industrial use in the past, due to the historical development in the borough, Camden soil tends to exhibit high levels of Lead in the made ground. As such, it is considered necessary to attach a condition to require the applicant to undertake ground investigation prior to the commencement of development, in order to protect future occupiers from the possible presence of ground contamination.

### **Planning obligations**

- 6.55 Policies CS15 and DP31 seek to secure additional open space as well as improvements to existing open space. Policy DP31 specifically notes that the Council will only grant planning permission for development that is likely to lead to an increased use of public open space where an appropriate contribution to the supply of open space is made. In this case, however, whilst the proposal would provide 5 or more additional dwellings, the proposed new residential units would all benefit from access to the large communal garden and it is not considered therefore that the proposal would put undue pressure on the borough's existing provision of open space. There is therefore no need to secure a contribution to open space provision.

### **CIL**

- 6.55 The proposal will be liable for the Mayor of London and Camden Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm. The Mayoral CIL rate in Camden is £50/sqm and the Camden CIL rate for residential

development in Zone C is £500/sqm. Based on the information provided (net additional gross internal floor space of 138.6sqm), the CIL is likely to be £6930 (£50 x 138.6) and £69300 (£500 x 138.6). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

## **7. CONCLUSION**

- 7.1 The proposal to convert the building into 6 residential units is considered to be acceptable in principle and the proposed dwelling mix is also considered to be acceptable. The rear extensions would be subordinate to the host building and would preserve the character and appearance of the host building and the wider area. The proposal would preserve the setting of the adjacent Grade II listed building.
- 7.2 Considerable importance and weight has been attached to minimising any harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. Special regard has been attached to the desirability of preserving the setting of the adjacent listed building and its features of special architectural or historic interest, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 7.3 The new dwellings would preserve the amenities of neighbouring properties and the new dwellings would all provide a good standard of residential accommodation for future occupiers. The transport impacts of the development are judged to be acceptable, subject to the legal agreement securing car-capped development, a construction management plan and a contribution towards highway repair works. The development would incorporate sustainable design and construction measures and any impacts associated with the proposed basement are also considered to be acceptable.
- 7.4 Planning Permission is recommended subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:-
- Construction Management Plan
  - Highways works contribution
  - Car-capped development
  - BREEAM excellence

## **8. LEGAL COMMENTS**

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

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 The development hereby permitted shall be carried out in accordance with the following approved plans: 892/01; 892/02; 892/03; 892/50; 892/51; 892/52; 892/53; 892/54; 892/60; 892/61; Design & Access Statement (dated August 2015); Lifetime Homes Assessment (dated August 2015); BREEAM Pre-Assessment; Energy Statement (dated April 2014); SAP Worksheets (Flats 1-6); Basement Impact Assessment (dated 21/07/2015); Basement Impact Assessment: Land Stability (dated July 2015); Basement Impact Assessment: Groundwater (dated 16/07/2015); Ground Investigation Report (dated September 2014); Heritage Statement (dated September 2015).

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

- 3 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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies 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.

- 5 The residential unit hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

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.

- 6 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling].

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with 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.

- 7 Before the development commences, details of secure, covered and accessible cycle storage area for 12 no. cycles 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 the dwellings, 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 of the London Borough of Camden Local Development Framework Development Policies.

- 8 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 local planning authority in writing.

The landscaping details shall include (inter alia) the following:

- a. details of any proposed earthworks including grading, mounding and other changes in ground levels,
- b. landscaping measures and clear markings to limit the on-site parking to 3 spaces
- c. any changes to front or other boundary treatments

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Before the development is occupied the approved parking spaces shall be clearly marked out. Thereafter, the markings shall be permanently maintained and retained.

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 policies CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP18, DP19, DP21, DP24 and DP25 of the London Borough of Camden Local Development Framework

## Development Policies.

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

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 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.

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

Reason: To protect future occupiers of the development from the possible presence of ground contamination in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 12 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 design, inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development



Framework Development Policies and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The development shall not be constructed other than in accordance with the conclusions, methodologies and recommendations of the Basement Impact Assessment (dated 21/07/2015); Basement Impact Assessment: Land Stability (dated July 2015); Basement Impact Assessment: Groundwater (dated 16/07/2015); Ground Investigation Report (dated September 2014) hereby approved, including inter alia the need for a movement monitoring strategy during excavation and construction.

In the event that further evidence of site or building conditions necessitate amendments to the BIA or associated methodologies they shall be submitted to the local planning authority for approval in writing prior to the commencement of the relevant part of the development and the development shall be constructed in accordance with such amendments.

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

#### Informatives:

1

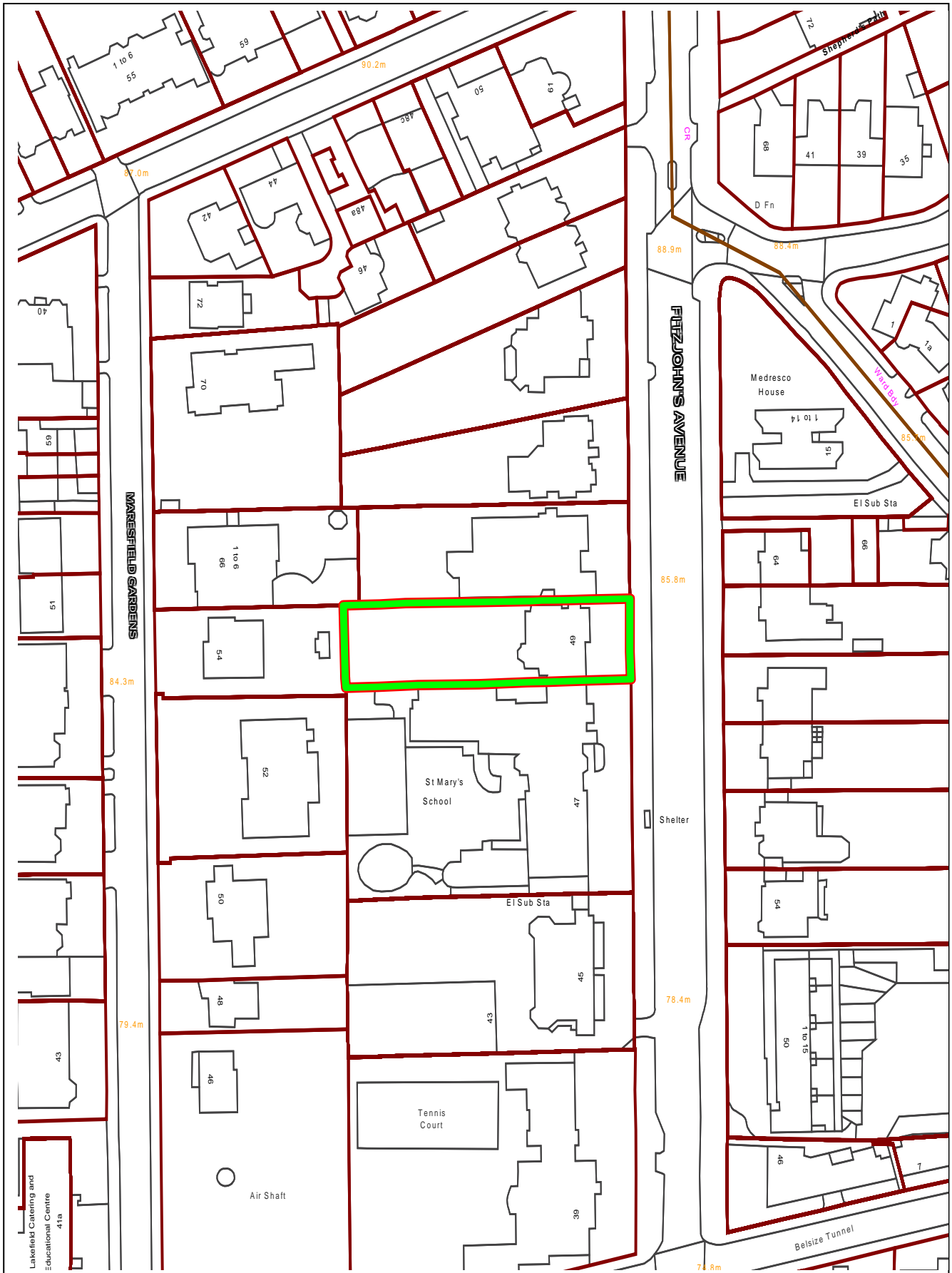
Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building 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 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 4 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.
- 5 A Pre-Demolition Asbestos Survey must be carried out before the refurbishment commences.



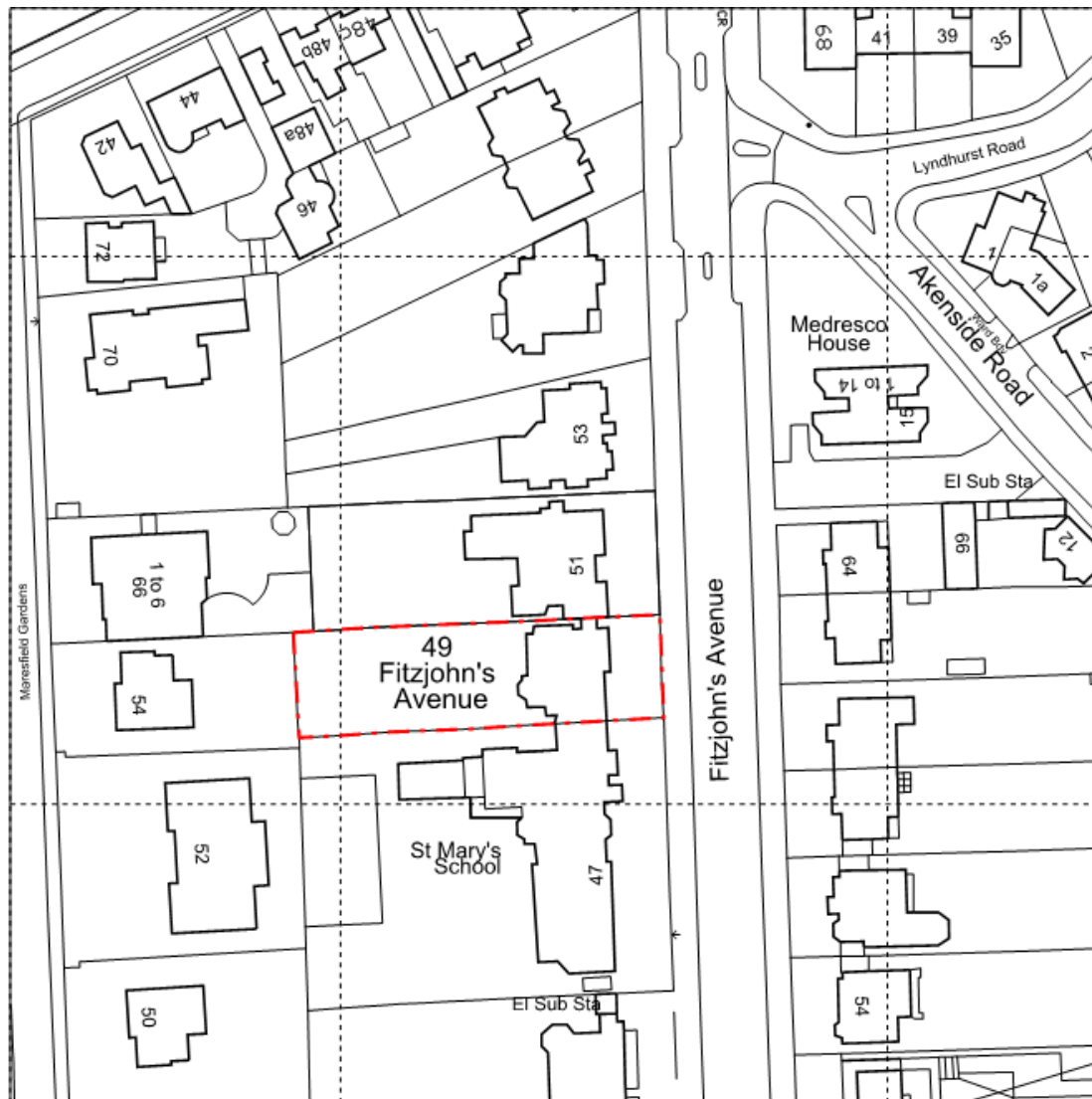
**Application No: 2015/5379/P**  
**49 Fitzjohn's Avenue**  
**London**  
**NW3 6PG**

**Scale:**  
**1:1250**  
**Date:**  
**28-Apr-16**



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## 49 Fitzjohns Avenue, London, NW3 6PG



Site Location Plan



## Aerial view of application site (front view)



No. 49



## Aerial view of application site (rear view)



No. 49



View from street (Fitzjohns Avenue)



## Existing front elevation

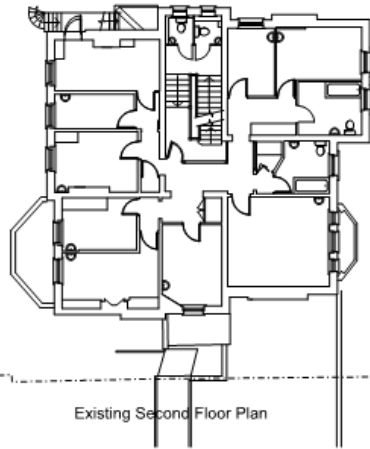




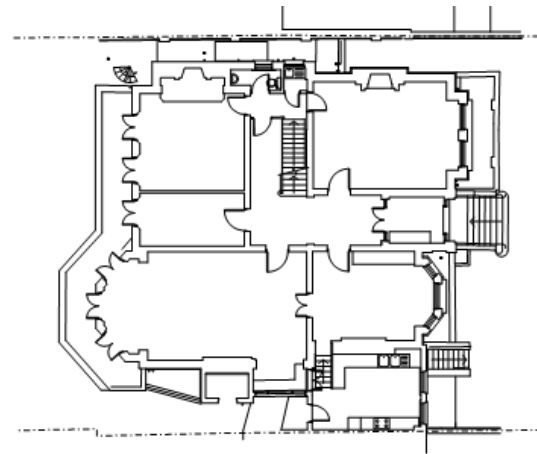
## Existing rear elevation



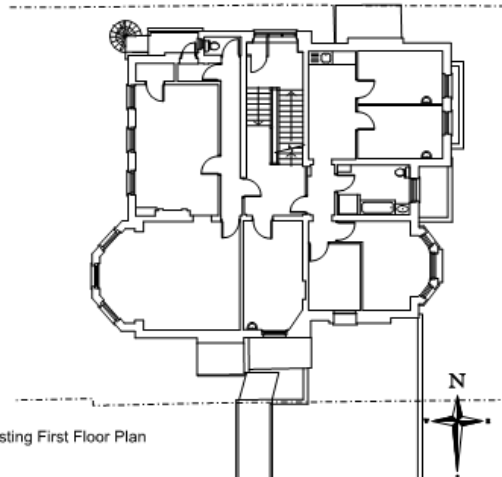
# Existing floor plans



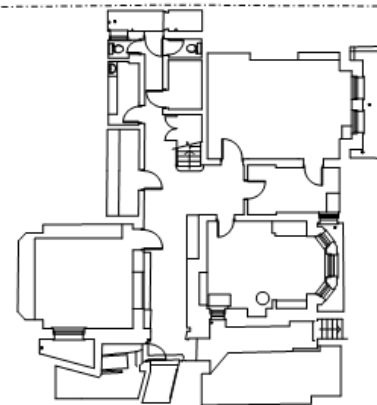
Existing Second Floor Plan



Existing Ground Floor Plan

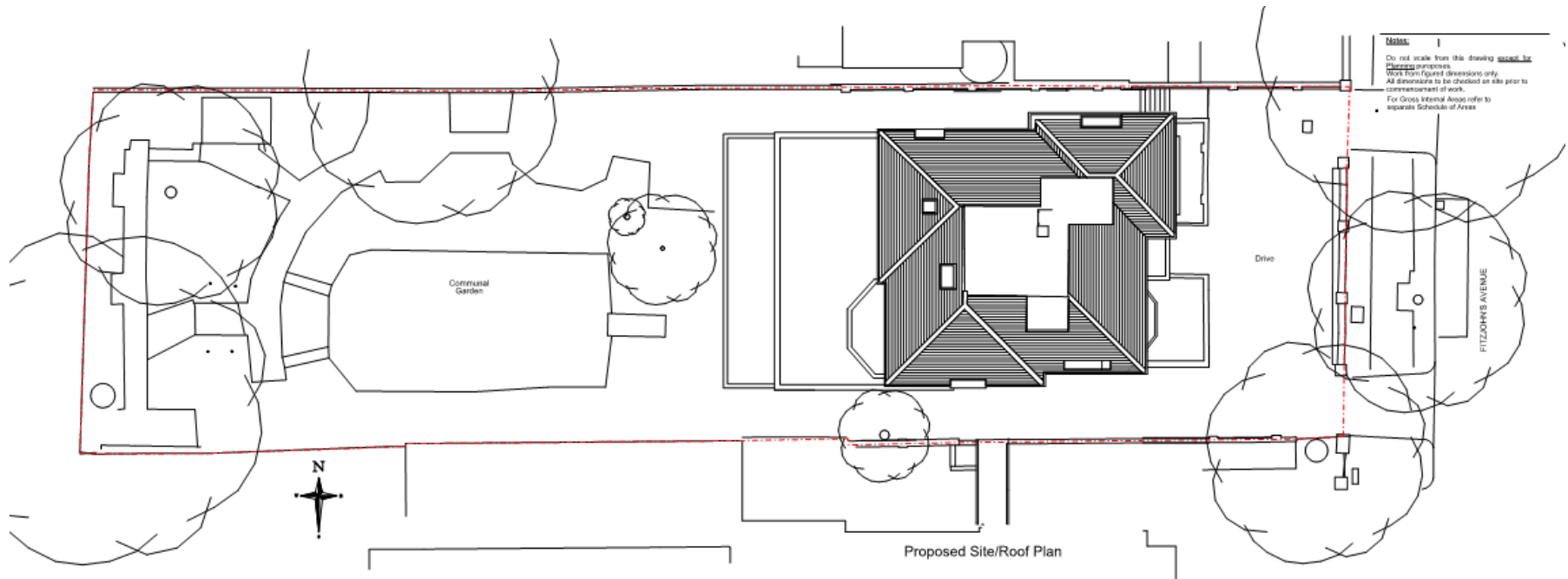


Existing First Floor Plan



Existing Lower Ground Floor Plan

# Proposed site plan



## Proposed front elevation



## Proposed rear elevation



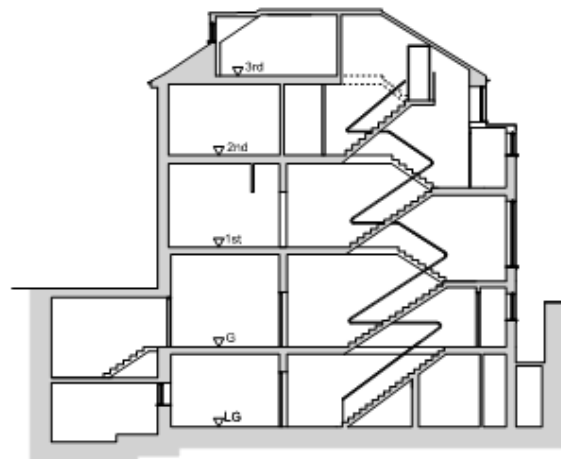
# Existing and proposed section drawings



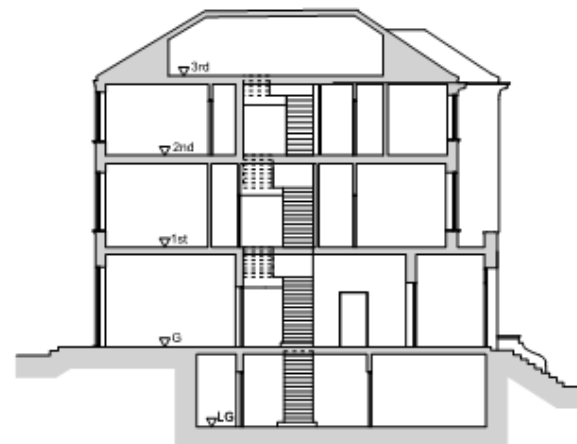
Proposed Section 1-1



Proposed Section 2-2

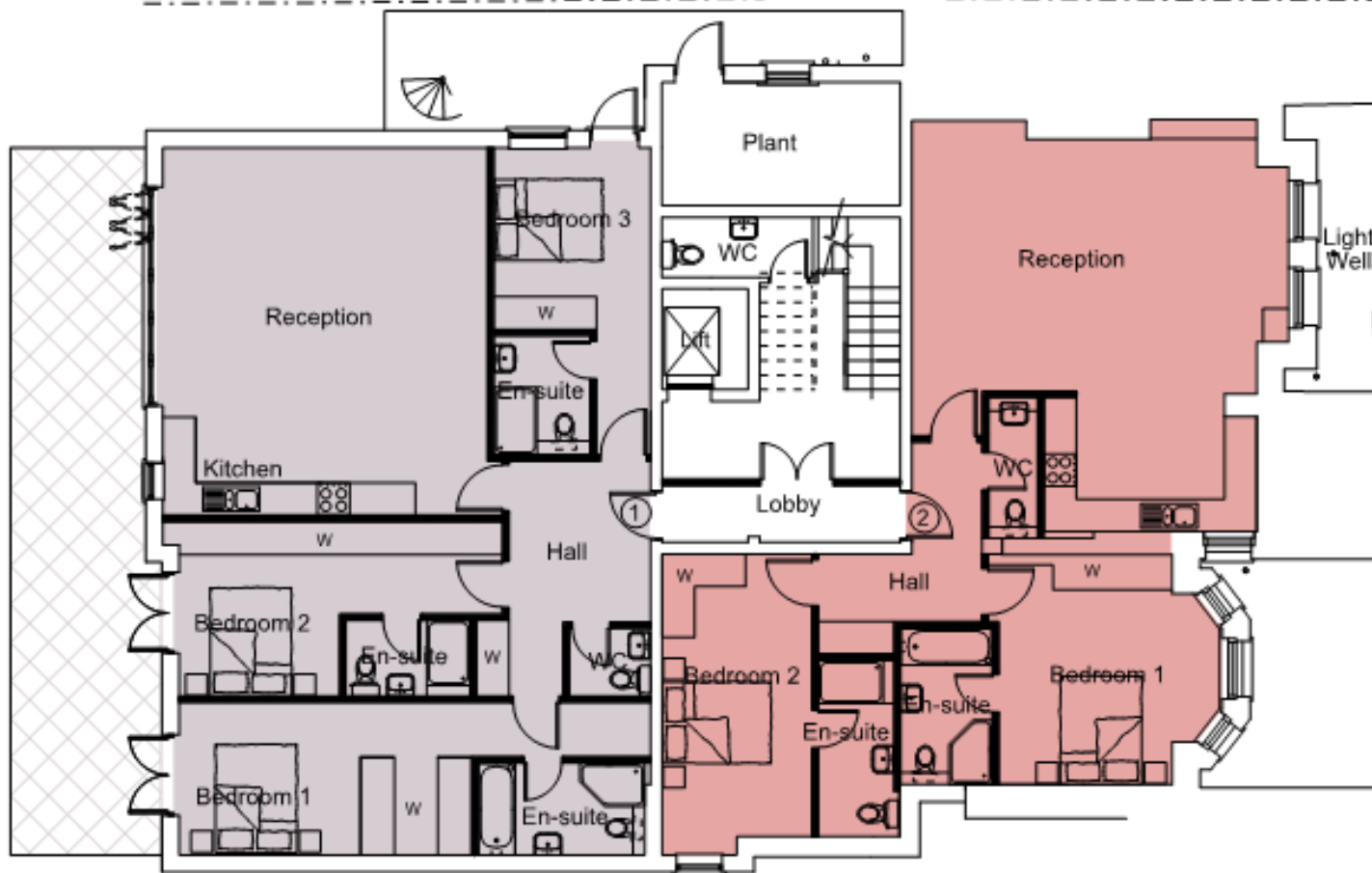


Existing Section 1-1

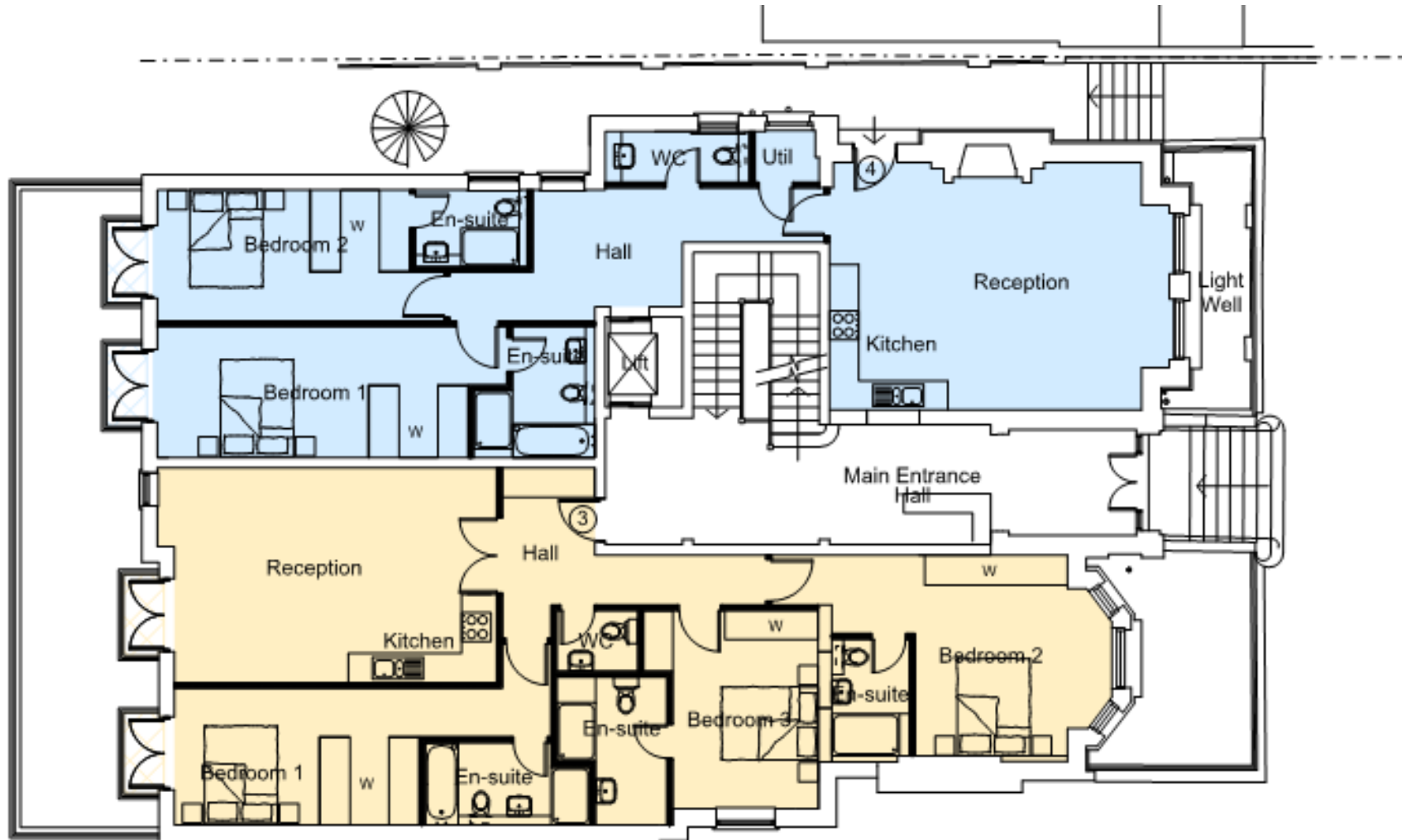


Existing Section 2-2

## Proposed lower ground floor plan

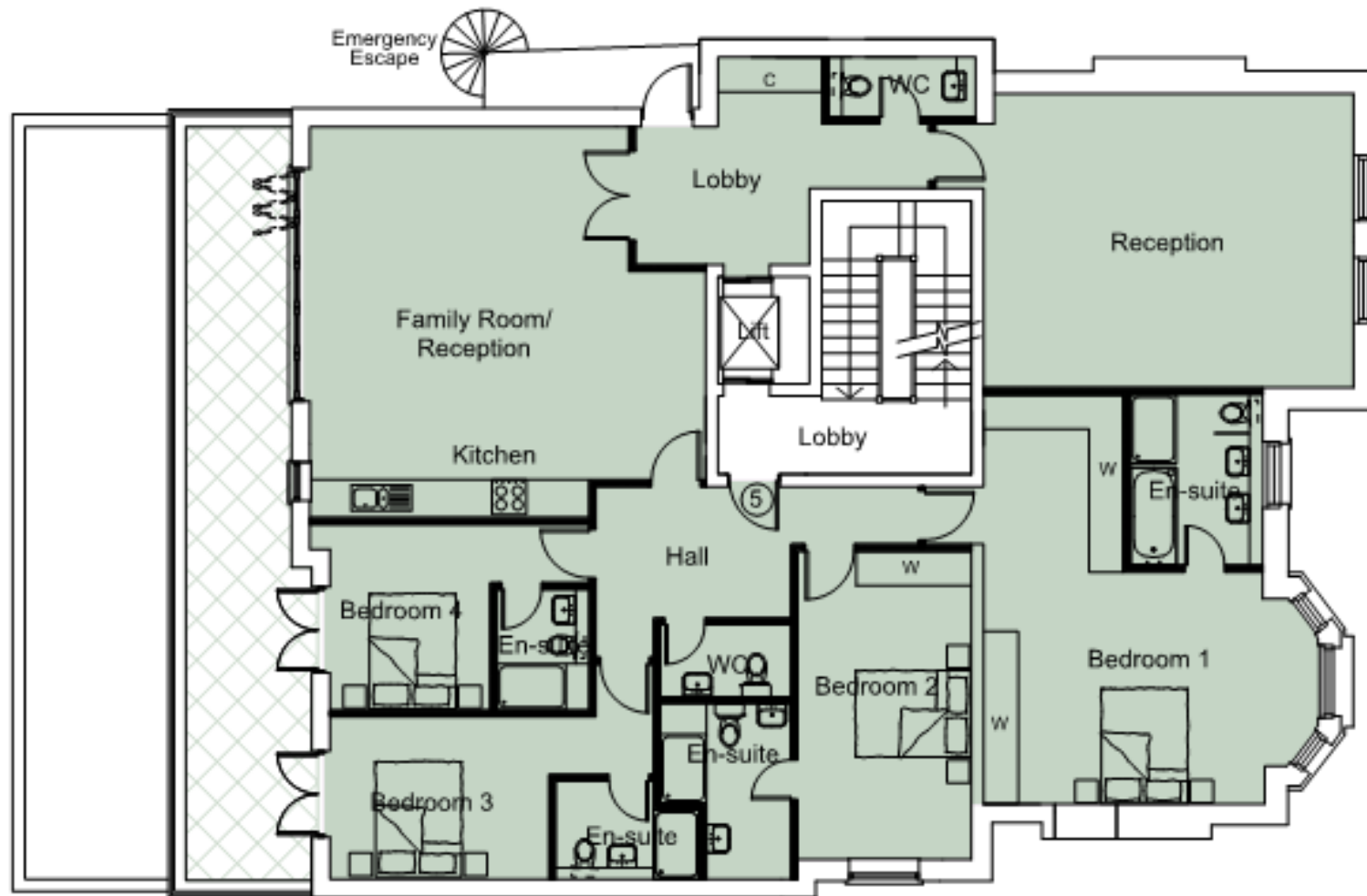


## Proposed ground floor plan

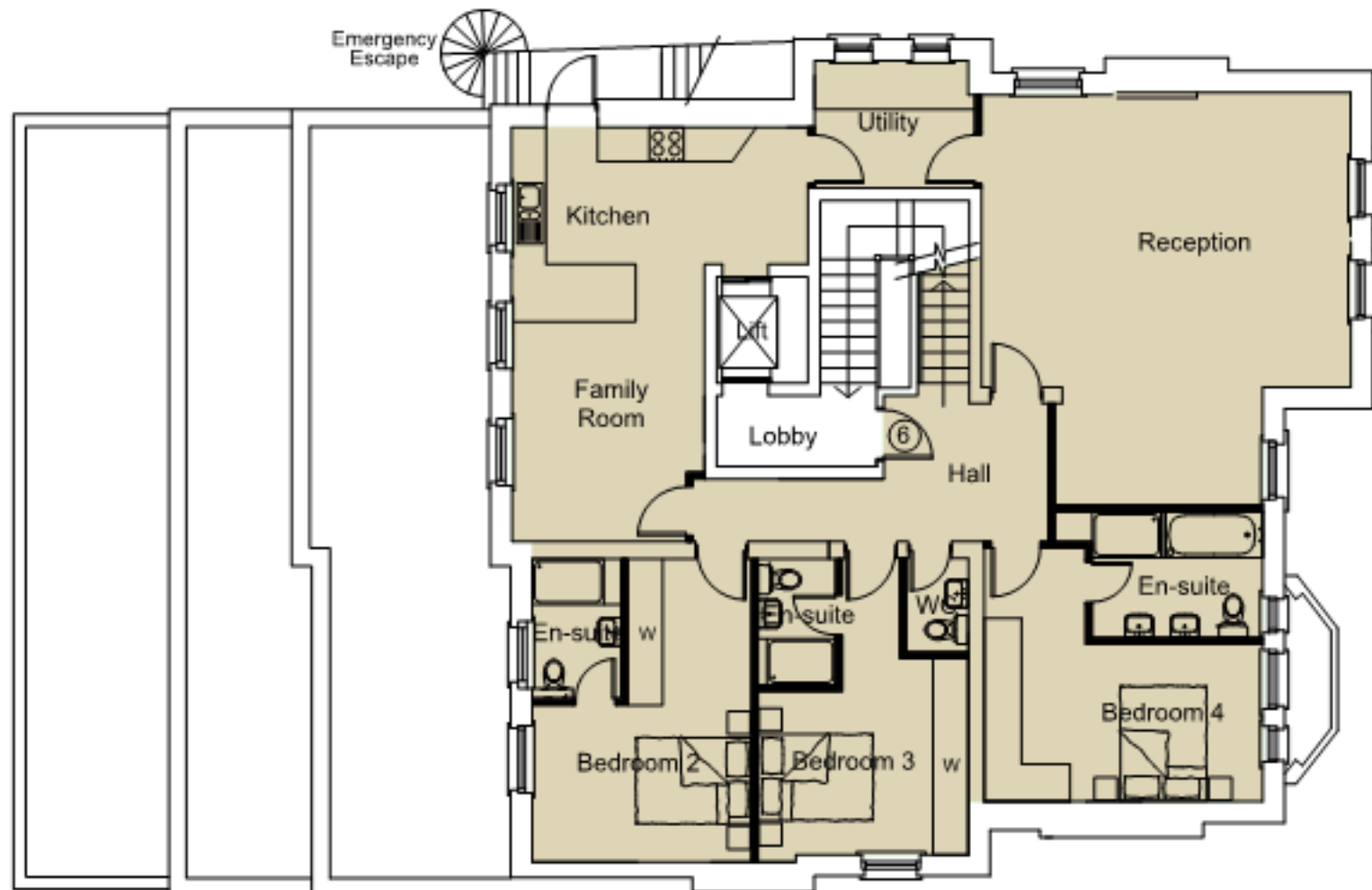




## Proposed first floor plan

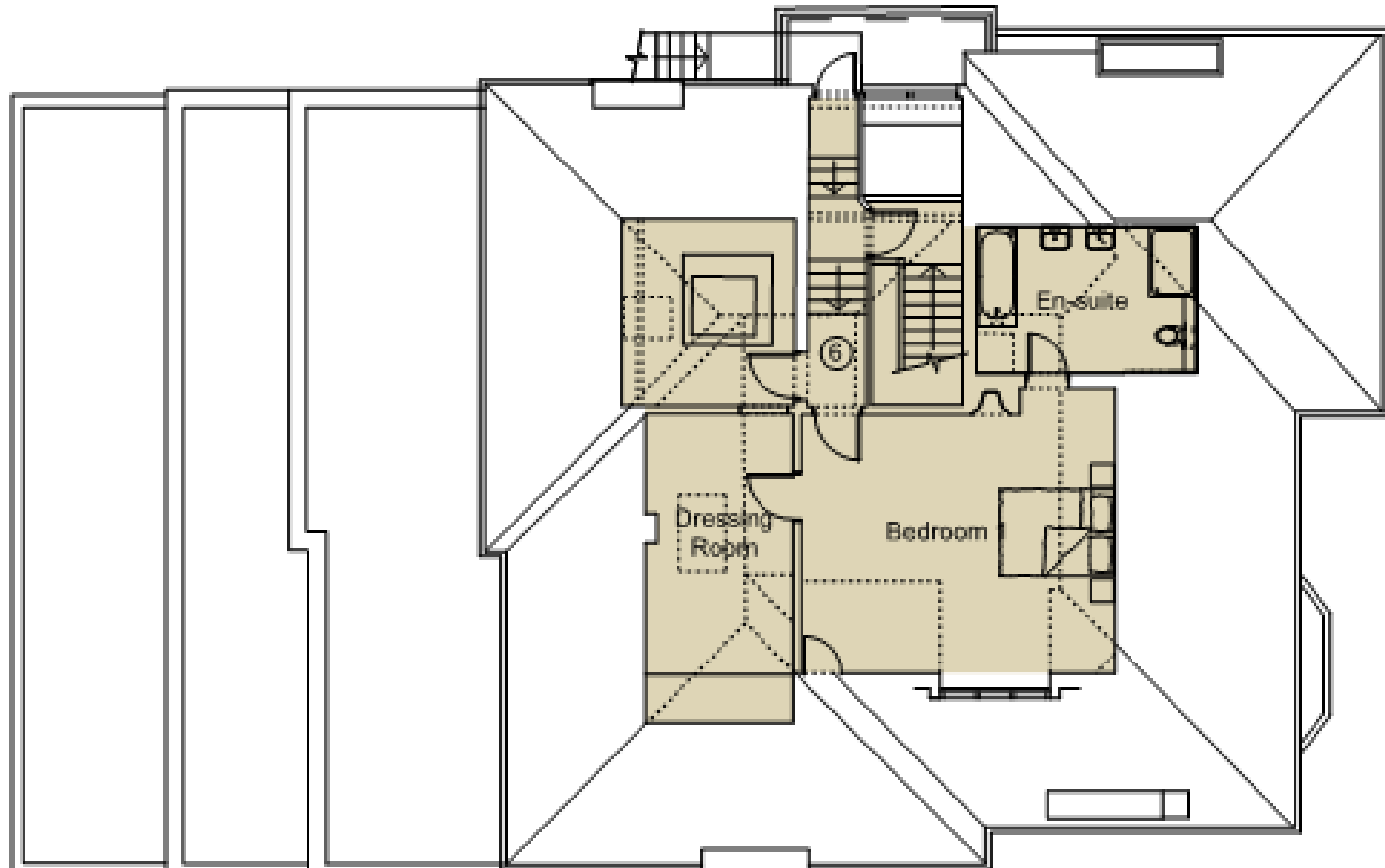


## Proposed second floor plan



## Proposed third floor plan

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## Bin and cycle storage plan

