

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	26/09/2016
		N/A	<b>Consultation Expiry Date:</b>	26/08/2016
<b>Officer</b>			<b>Application Number(s)</b>	
Tessa Craig			2016/4136/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
9 Maresfield Gardens London NW3 5SJ			See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Excavation of basement extension to existing semi-basement to create four new dwellings comprising 1x 2 bed and 3 x1 bed units and ground floor rear extensions with roof lantern to allow rearrangement of existing dwellings to provide 2 x 3 bed units with rear balcony/terrace and staircases.				
<b>Recommendation(s):</b>		Grant conditional planning permission subject to a section 106 agreement		
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>22</b>	No. of responses	<b>13</b>	No. of objections	<b>13</b>
			No. electronic	<b>13</b>		
Summary of consultation responses:	<p>A site notice was displayed 05/08/2016- 26/08/2016 and a press notice was advertised on 11/08/2016. Twenty two neighbours were notified by post.</p> <p>Objections were received from:</p> <ul style="list-style-type: none"> <li>• Flat G, 9 Maresfield Gardens;</li> <li>• Flat E, 9 Maresfield Gardens;</li> <li>• Flat C, 9 Maresfield Gardens;</li> <li>• Flat 1 Mourne House, 11-13 Maresfield Gardens;</li> <li>• Flat 22 Mourne House, 11-13 Maresfield Gardens;</li> <li>• Flat 11 Mourne House, 11-13 Maresfield Gardens;</li> <li>• 11 Maresfield Gardens;</li> <li>• 15A Maresfield Gardens;</li> <li>• Flat 3, 15 Maresfield Gardens;</li> <li>• Flat 6, 8 Maresfield Gardens</li> </ul> <p>The objections relate to:</p> <ul style="list-style-type: none"> <li>• Massing, (see 2.9)</li> <li>• CMP does not consider works at number 2 Maresfield Gardens or St Thomas Mores Church; (see 2.24- 2.26)</li> <li>• Light spill; (see 2.16)</li> <li>• Mix of units; (see 2.1-2.3)</li> <li>• Introduction of lightwells; (see 2.9)</li> <li>• Materials for rear staircase; (see 2.9)</li> <li>• Impact on water table; (see 2.10-2.14)</li> <li>• Access; (see 2.6)</li> <li>• Transport; (see 2.17- 2.26)</li> <li>• Loss of social housing;</li> <li>• Subsidence, (see 2.10-2.14)</li> <li>• Damage to tree roots; (see 2.28 and 2.29)</li> <li>• Disruption to existing residents within building; (see 2.24- 2.26)</li> <li>• Changes to façade; (see 2.9)</li> <li>• Waste/refuse from construction materials; (see 2.24- 2.26)</li> <li>• Design, size and height; (see 2.9)</li> <li>• Privacy; (see 2.16)</li> <li>• Noise; (see 2.24- 2.26)</li> <li>• Dust; (see 2.24- 2.26)</li> <li>• Traffic, parking and road safety; (see 2.17- 2.26)</li> <li>• Diesel fumes; (see 2.24- 2.26)</li> <li>• Disturbance; (see 2.24- 2.26)</li> <li>• Loss of garden amenity; (see 2.9)</li> <li>• Overdevelopment; (see 2.9)</li> <li>• Construction period; (see 2.24- 2.26)</li> <li>• Truck movements; (see 2.24- 2.26)</li> </ul>					

	<ul style="list-style-type: none"> <li>• Safety and hygiene; (see 2.24- 2.26)</li> <li>• Overcrowding; (see 2.4)</li> <li>• Structural impact; (see 2.10-2.14)</li> <li>• Extend consultation period. <i>The application has been in with the Council for over 24 weeks, it is not necessary to provide an extended consultation period.</i></li> </ul>
<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	<p><u>The Heath and Hampstead Society</u></p> <ul style="list-style-type: none"> <li>• Disruption during construction for upper floor flats. (see 2.24- 2.26)</li> </ul> <p><u>Netherhall Neighbourhood Association</u></p> <ul style="list-style-type: none"> <li>• Massing and façade changes and impact on character of Conservation Area; (see 2.9)</li> <li>• Structural implications; (see 2.10-2.14)</li> <li>• Risk of derelict building/unfinished works; (see 2.24- 2.26)</li> <li>• No existing basement; <i>There is a small existing lower ground level shown on the 'existing plans' and viewed onsite.</i></li> <li>• Glazing uncharacteristic; (see 2.9)</li> <li>• Overlooking; (see 2.16)</li> <li>• Elevations/fenestration details detract from Conservation Area; (see 2.9)</li> <li>• Loss of green space; (see 2.9)</li> <li>• Railings not in keeping with character; (see 2.9)</li> <li>• Structural damage to 7 Maresfield Gardens;</li> <li>• Inadequate light to basement rooms; (see 2.5)</li> <li>• Loss of trees; (see 2.28)</li> <li>• Landscaping and boundary treatment details required (see 2.9).</li> </ul> <p><u>Councillor Siobhan Baillie</u></p> <ul style="list-style-type: none"> <li>• Design; (see 2.9)</li> <li>• Overlooking; (see 2.16)</li> <li>• Green space; (see 2.9)</li> <li>• Structural work; (see 2.10-2.14)</li> <li>• No existing basement; <i>There is a small existing lower ground level shown on the 'existing plans' and viewed onsite.</i></li> <li>• Access;</li> <li>• Transport issues. (see 2.24- 2.26)</li> </ul>

## Site Description

The site is located on the west side of Maresfield Gardens and comprises a fully detached three storey brick property which includes seven existing residential units. The property has a large rear garden with the site sloping away downwards from the front elevation. The property is within the Fitzjohn Netherhall conservation area and is a positive contributor to the area, but is not a listed building.

## Relevant History

9401879- Installation of dormer window on rear roof slope. Granted, 08/09/1995.

2016/3953/T- FRONT GARDEN: 1x Sycamore - Fell and treat stump. Granted, 22/08/2016.

## Relevant policies

### National Planning Policy Framework (NPPF) 2012

#### London Plan 2016

#### 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
- CS16 Improving Camden's health and wellbeing
- 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
- DP32 Air quality and Camden's Clear Zone

##### 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)

## Fitzjohns Netherhall Conservation Area Statement 2001

### Assessment

#### 1.0 Proposal

1.1 Planning permission is sought for excavation at basement level including rear extensions at lower ground and ground floor to create three 1 bed units and a 2 bed unit at lower ground level and to add additional space to the existing two flats at ground floor level. The additional units at lower ground level shall be:

Flat	Size	Bedrooms
Flat H	56sqm	1 bed 2 person
Flat I	87sqm	2 bed 4 person
Flat J	58sqm	1 bed 2 person
Flat K	55sqm	1 bed 2 person

1.2 The basement excavation shall be 22m from the front to the rear, 15.5m wide and 2.7m deep (excavation depth). The basement level shall include open front lightwells to provide light to the lower ground level. The two ground floor rear extensions shall be 4m deep, 6.7m wide and 4m high. The ground floor rear extensions (one of which projects the off existing bay window feature) are to be separated by a 1m gap and shall include a 7.7sqm balcony (Flat A) and a 5.4sqm balcony (Flat B) above the lower ground floor projection. The left hand side extension (when facing rear elevation) shall include a roof lantern and a sloped, tiled roof.

1.3 The rear elevation shall include windows and doors at lower ground floor and ground floor (balcony access) with stairs off the ground floor balconies to garden level. The side elevations shall include new windows to serve the lower ground floor flats, and replacement double glazed windows at ground floor level with a planted trellis as a boundary treatment. The windows shall be timber framed and the extension constructed from brick to match the main property. The elevation shall include full height windows at lower ground level and the lightwell shall be enclosed by a low brick wall with a hedge above. A bin store shall be included on the right hand side of the front forecourt and a communal bile store in the rear garden.

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

- Housing Mix;
- Residential Accommodation;
- Design and Conservation Area;
- Basement Impact;
- Impact on Amenity;
- Transport;
- Trees and Landscaping;
- Waste and Refuse;
- Other matters.

## 2.0 Assessment

### Housing Mix

- 2.1 Policy 3.5 of the London Plan promotes high quality design of housing development that takes into account its physical context, local character, density, tenure and land use mix and relationship with, and provision for public, communal and open spaces taking into account the needs of children and older people.
- 2.2 The Council's LDF sets out priorities for dwelling sizes in policy DP5. This seeks to ensure that all residential development contributes to the creation of mixed and inclusive communities by securing a range of homes of different sizes. The new residential flats are market housing three, one bedroom flats and one 2 bedroom flat. The policy sets out that the highest priority in this tenure is for 2 bedroom units with 3 and 4 bed units of medium priority. The applicant has stated that *'The possibility of providing a further 2 bed unit at basement level has been explored. The constraints of achieving the CPG2 principles in terms of providing access, aspect, stair cores, sunlight and daylight and stacking effectively prevent the inclusion of another 2 bed unit that meets these principles.'*
- 2.3 Although a one bedroom unit is a low priority within the housing priority table, the Council does not raise an objection given the physical constraints of the site, that additional housing shall be achieved and that the existing ground floor units shall be improved and the overall property provides a good mix of unit sizes (five 2 bedroom, two 3 bedroom units and four 1 bedroom units).

### Residential Accommodation

- 2.4 New residential units should provide a high standard of living accommodation for the prospective occupiers whilst maintaining the amenities of the neighbouring residential properties. In line with the Nationally Described Space Standard introduced in March 2015: 1 bed, 2 person dwellings over a single storey should have a minimum gross internal floor area of 50sqm and 1.5sqm of built-in storage; 2 bed, 4 person dwellings should have a minimum gross internal floor area of 70sqm and 2.0sqm of built-in storage. The proposed additional flats would exceed these space requirements and the development is considered acceptable in terms of the quality of residential accommodation to be provided.
- 2.5 Given the additional units are to be provided at lower ground floor level, the applicant has provided an Analysis of Site Layout for Daylight and Sunlight prepared by Stinton Jones Consulting Engineers LLP. The new units shall have large windows and generally low front to back depth. The living and dining areas shall have excellent daylight. Overall the new units are considered to have satisfactory daylight and sunlight.
- 2.6 From 1st October 2015 the planning authority are no longer able to apply Lifetime Homes Standards, 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 national space standards (reflected in the London Plan) and access standards in Part M of the Building Regulations.

### Design and Impact on Conservation Area

- 2.7 The Council's design policies are aimed at achieving the highest standard of design in all developments. In accordance with Policy DP24 development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.
- 2.8 Camden Planning Guidance 1 (Design) paragraphs 4.10-4.15 states that extensions should be designed proportionally in relation to the existing buildings and groups of buildings and in

particular should be secondary to the building being extended in terms of form, scale and proportions.

- 2.9 The proposed lower ground and ground floor extensions are considered modest in comparison with the main property and the neighbouring buildings either side. The extensions shall match the size and bulk of the extension at 7 Maresfield Gardens and the mass is broken up as they are two separate extensions. The proposed materials are sympathetic to the main property and preserve the character of the building. The rear balconies shall include traditional style black metal railings. A large rear garden space shall be retained. The proposed brick wall and planting shall screen views of the front lightwells. Overall, the proposed development is considered acceptable in design terms and is not considered to harm the host property nor impact on the Conservation Area.

#### Basement Impact

- 2.10 Policy DP27 states 'In determining applications for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. It states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.
- 2.11 It further states that, the Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. The supporting justification states 'although basement developments can help to make efficient use of the borough's limited land it is important that this is done in a way that does not cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas or the natural environment'.
- 2.12 In accordance with DP27 and CPG4, the Basement Impact Assessment (BIA) submitted by the applicant has been subject to independent verification by Campbell Reith. Taylor Whalley Sprya (TWS) have prepared the BIA information on behalf of the applicant and are considered to have suitable qualifications for the assessment. The BIA documents have been independently assessed by Campbell Reith in line with the requirements of CPG4.
- 2.13 Campbell Reith requested additional information, which has been further assessed with Campbell Reith concluding: *It is unlikely that the ground water table will be encountered during basement foundation excavation, although mitigation measures are proposed in the unlikely event of water being encountered. Measures are proposed to offset the impacts of the increase in impermeable area, and these are considered acceptable. The Ground Movement Assessment conducted indicated damage to neighbouring properties to be Burland Category 1, or slight. Monitoring and condition surveys have been proposed and are required to comply with Party Wall Process. It is accepted that the surrounding slopes to the development site are stable. It is accepted that the development will not impact on the wider hydrogeology of the area and is not in an area subject to flooding.*
- 2.14 As such, officers consider that based on the expert advice from Campbell Reith the applicant has demonstrated that the proposal would accord with the requirements of policy DP27 and associated Camden Planning Guidance. A condition will require the applicant to submit details of a qualified engineer to inspect, approve and monitor the critical elements of both the temporary and permanent construction works throughout their duration.

#### Amenity

- 2.15 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of

development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be 'designed to protect the privacy of both new and existing dwellings to a reasonable degree' and that the Council 'aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers'.

2.16 The proposal is to include additional windows at lower ground level in all elevations as well as rear elevation balconies at ground floor level in the rear elevation. It is not considered the lower ground floor windows would cause harm in terms of impact on neighbouring amenity (privacy) due to their low level location. The proposed rear balconies at ground floor in the rear elevation are relatively shallow (1.2m) deep and any overlooking into neighbours site would be at oblique angles which is not considered a concern in this instance. The roof lantern at ground floor shall be opaque glass limiting light spill (secured via condition). The daylight and sunlight report provided by the applicant has confirmed there will be no impact on neighbours in terms of daylight and sunlight. A construction management plan shall be required (secured via s106 legal agreement) to manage the impact of construction works, this is further addressed in the transport section below.

### Transport

#### Car Parking

2.17 Development policy DP18 states that the Council seeks to ensure that developments provide the minimum necessary car parking provision. The Council 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 that are easily accessible by public transport.

2.18 The site is located in the Belsize controlled parking zone (CA-B) which operates between 0900 and 1830 hours on Monday to Friday and 0930-1330 on Saturdays. Council records indicate the CPZ suffers from a parking stress ratio of 1.10 (this means that for every 100 car parking spaces 110 permits have been issued). In addition, the site has a PTAL rating of 5 which means it is very accessible by public transport.

2.19 The forecourt of the property provides parking for existing dwellings. All new dwellings as part of this proposal should be secured as car-free in order for the proposal to comply with policy DP18.

"For car free developments, the Council will:

- not issue on-street parking permits;
- use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits; and
- not grant planning permission for development that incorporates car parking spaces, other than spaces designated for people with disabilities, and a limited number of spaces for car capped housing in accordance with Council's Parking Standards."

2.20 All new units shall therefore be required to be car-free (secured via s106 legal agreement).

#### Cycle Parking

2.21 The Council expects cycle parking at new developments to be provided in accordance with the standards set out in the London Plan 2016 For residential developments this requires the provision of 1 space per 1 bedroom/studio unit and 2 spaces per unit for all other dwellings. The applicant shall be required to demonstrate as a condition of consent that adequate cycle storage has been provided onsite in accordance with the guidance in CPG7 prior to occupation of the new units.



## Highways Contribution

- 2.22 The development is likely to comprise highways works surrounding the site. Policy DP21 states that the Council will expect development connecting to the highway to repair any construction damage to the transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces following development. In order to cover the Council's cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment a financial contribution should be required to repave the footway adjacent to the site in accordance with policy DP16 and DP21.
- 2.23 The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which will also combine as an agreement under Section 278 of the Highways Act 1980. CPG8 (Planning Obligations) states that the Council will secure payment for required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development (paragraph 5.14). The most effective way of securing sufficient payment and ensuring the works are carried out to the Council's procedures and standards is for a financial contribution to be paid by the developer on commencement of the development and secured by an obligation under Section 106 legal agreement.

## Construction Management Plan

- 2.24 Works associated with the development are likely to generate a significant number of construction vehicle movements during the overall construction period and there are concerns with the impact of this on the wider transport network. The primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion.
- 2.25 The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). 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. A CMP should therefore be secured as a Section 106 planning obligation. It should be noted the Council cannot control the period it takes to construct buildings, however permission must be given effect to within 3 years of a decision.
- 2.26 The Council has a CMP pro-forma which must be used once a Principal Contractor has been appointed. The CMP, in the form of the pro-forma, would need to be approved by the Council prior to any works commencing on site. A financial contribution of £1,140 would need to be secured to cover the costs of reviewing the Construction Management Plan. This would also need to be secured by a Section 106 planning obligation if planning permission is granted.

## Waste and Refuse

- 2.27 A bin store has been proposed within the front forecourt and this is considered to be acceptable for the proposed residential units.

## Trees and Landscaping

- 2.28 The applicant has submitted an Arboricultural Appraisal and Implications Assessment to accompany the application. No trees are proposed to be removed as part of this application (a sycamore in the front garden along the northern side boundary was given permission for removal in August 2016- 2016/3953/T). The existing property does not include substantive landscaping.
- 2.29 The submitted tree report indicates the required root protection areas for the existing trees. The proposed plans and tree report illustrate that the development will not encroach into the root protection areas of retained trees. Protection measures will also be imposed by condition to ensure the retained trees and tree roots are not damaged during construction.

## CIL

2.30 As the proposal would involve the creation of new residential uses, it may be liable for the Mayor's and Camden's Community Infrastructure Levy (CIL). A standard informative would normally be attached to any approved decision notice drawing CIL liability to the Applicant's attention.

### **3.0 Recommendation**

3.1 Grant conditional planning permission subject to s106 legal 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 23rd January 2017, 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'.***