

Delegated Report		Analysis sheet	Expiry Date:	21/12/2016
		N/A / attached	Consultation Expiry Date:	17/11/2016
Officer			Application Number(s)	
Gideon Whittingham			2016/5782/P	
Application Address			Drawing Numbers	
11 Fitzjohn's Avenue London NW3 5JY			Site Location Plan, 200A, 201A, 202B, 203A, 104A, 105B, 106B, 107B, 108B, 109B, 210A, 211F, 212G, 216A, 217B, 218B, 219B, 220B, 221B, 222/B, Flood Risk Assessment September 2016, prepared by LBH Wembley; Basement Impact Assessment September 2016, prepared by LBH Wembley; Geotechnical and Ground Movement Assessment October 2016, prepared by LBH Wembley, 11 Fitzjohns Avenue: Monitoring to Prevent Damage to Existing Structure and Adjoining Neighbours.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Construction of basement floor level beneath building to provide additional floorspace to consented residential units (Use Class C3) dated 08/09/2016 (ref: 2016/4057/P).				
Recommendation(s):		Grant Condition Planning Permission subject to a s106 Legal Agreement		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice
Informatives:	
Consultations	
Summary of consultation responses:	<ul style="list-style-type: none"> • A site notice was displayed between 26/10/2016 and 16/11/2016 • A press advert was published between 27/11/2016 and 17/11/2016 <p>The occupier of 11 Mourne House, 11 Maresfield Gardens objected:</p> <ol style="list-style-type: none"> 1. Structural implications on neighbours 2. No Design and Access statement in this application. <p>Officer Response:</p> <ol style="list-style-type: none"> 1. See section 3.Basement 2. A Design and Access statement has been submitted and is available online
CAAC/Local groups comments:	<p>Netherhall Neighbourhood Association & Belsize Residents Association objected on 14/11/2016 and 5/11/16 respectively:</p> <ol style="list-style-type: none"> 1. The BIA is incomplete and flawed. 2. The submitted Basement Impact Assessment is based on two boreholes only - one in front of the building, 3. The observations and conclusions described in this report are based solely upon the agreed scope of work. LBH WEMBLEY Geotechnical & Environmental has not performed any observations, investigations, studies or testing not specifically set out in the agreed scope of work and cannot accept any liability for the existence of any condition, the discovery of which would require performance of services beyond the agreed scope of work. <p>Officer Response</p> <ol style="list-style-type: none"> 1. See section 3.Basement 2. The borehole logs are provided in the GMA and show similar findings. The results are typical of the area and the council's independent assessors (Campbell Reith) have confirmed they would not expect an additional borehole closer to No 9 would be required. 3. See section 3.Basement <p>The Heath and Hampstead Society objected on 2/11/16:</p> <ol style="list-style-type: none"> 1. There is no Design and Access Statement, as required by your standing rules for applications. 2. The Basement Impact Assessment is incomplete, in that no assessment is made (of) the possible damage to existing property, especially adjacent buildings, from the proposed excavations. So far as we are concerned, the protection of neighbouring buildings from such damage is the principal purpose of a BIA; neglect of this renders the assessment useless <p>Officer Response</p> <ol style="list-style-type: none"> 1.A Design and Access statement has been submitted and is available online 2.See section 3.Basement

Site Description

The application site is a three storey, plus semi-basement level, 19th century detached house on the west side of Fitzjohn's Avenue in the Fitzjohns/Netherhall Conservation area.

The property sits on a generous plot set back from the street. A hardstanding path along the side leads to the rear and a large garden. At the rear it contains a large modern single storey extension linked to the property. The building is in reasonable condition but does not contain the quality or quantity of embellishments found on neighbouring properties and has had its front steps largely removed.

The property is identified as a positive contributor to the appearance and character of the conservation area. Fitzjohns Avenue forms a central part in the Conservation Area which has a mixture of architectural styles within a broad framework of broadly similar building types. In common with a number of other properties in this section of Fitzjohn Avenue there is emphasis given to the entrance porch and broad steps.

The site consists of 14 self-contained flats within Use Class C3.

Relevant History

11 Fitzjohn's Avenue:

2016/4057/P: Installation of roof extension with dormer windows; installation of windows at first floor level and replacement of fenestration to front elevation; balustrading at second floor level front and rear elevations; replacement of single story side extension and rear extension. Granted 08/09/2016

2016/3118/P: Amalgamation of 2 flats into 1 at second floor level. Granted 04/07/2016

9 Fitzjohn's Avenue:

2013/2547/P: Change of use from hostel for temporary accommodation of homeless families (Class C1) to single family dwelling house (Class C3) involving erection five-storey rear extension (including basement and attic level); excavation of new basement, part two / part single-storey rear extension with ground floor level terrace; alterations to front lightwell; alterations to rear, front and both flank elevations including erection of chimney to south flank; installation of 4 x rooflights on main roof; alterations to front boundary wall; relocation of existing crossover; and associated landscaping (following demolition of existing rear fire escape stair structure and single storey and five storey rear extensions). Granted subject to a s106 Legal Agreement 16/01/2014

3, 5 & 7 Fitzjohn's Avenue:

2008/4976/P: Demolition of existing hotel accommodation and redevelopment behind part retained facade of 3 Fitzjohns Avenue to provide a building of lower ground, ground and first to third floors and complete redevelopment of nos, 5 & 7 to provide two buildings comprising basement, lower ground, ground, first to third floor (re-creating the original front facade of the buildings) linked by a glazed extension at lower ground, ground and third floor comprising 18 self-contained residential units, excavation of basement to provide car and cycle parking and porters lodge within basement of no.3 Fitzjohns Avenue. Granted subject to a s106 Legal Agreement 20/02/2009

Relevant policies

National Planning Policy Framework 2012 London Plan 2016

LDF Core Strategy and Development Policies 2010

- CS5 (Managing the impact of growth and development)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change and promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and 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)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance

CPG1 Design

CPG2 Housing

CPG4 Basements and lightwells

CPG6 Amenity

CPG7 Transport

CPG8 Planning Obligations

Fitzjohns and Netherhall conservation area appraisal and management strategy (FNCAPMS) (2001)

Assessment

1. Background

1.1 Planning permission was granted on 08/09/2016 (see relevant site history for 2016/4057/P) for the following:

- Remove floorspace that currently links the modern garden structure from the house. This would be replaced with extensions to the main building in a similar architectural style to the original.
- The roof form would be adjusted and enlarged retaining a similar form to existing and rebuilt in the same materials.
- The proposal would re-provide 14 units, with the resultant uplift (418m²) enlarging existing undersized units, providing a good and much improved standard of accommodation in terms of layout, room sizes, sunlight, daylight, ventilation and outlook.

1.2 Upon site inspection, this permission is currently being implemented (see site photos).

2. Proposal

2.1 This application proposes the addition of a basement floor level to be incorporated within the above mentioned scheme:

- The construction of a single storey basement (23m length x 14m width x 3.9m in depth) beneath the footprint of the existing building and consented rear extensions
- Provides additional floorspace (approximately 285sqm) to units 1,2 and 3 at ground floor level and communal gym facilities
- Feature 3 lightwells (20sqm – south elevation, 6sqm - east elevation and 5sqm – north elevation) incorporating full length doors or matching timber sash windows to provide outlook, ventilation and daylight to newly formed additional accommodation.

2.2 The main issues for consideration therefore are:

- Basement
- Conservation and Design
- Provision and quality of additional residential accommodation
- Neighbour Amenity
- Transport
- Trees

3. Basement

3.1 Campbell Reith was instructed by London Borough of Camden, (LBC) to carry out an audit on the Basement Impact Assessment submitted.

3.2 The Audit reviewed the submitted Basement Impact Assessment (BIA), Construction Management Statement (CMS), Ground Movement Assessment (GMA) and the Flood Risk Assessment (FRA) for potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with LBC's policies and technical procedures.

3.2 The BIA has confirmed that the proposed basement will be founded within London Clay and its foundations have been designed to accommodate suitable loadings for this construction.

3.3 Ground water was not found during investigation works and it is not expected to be discovered

during the construction and excavation works.

3.4 The BIA, CMS, GMA and FRA provide a detailed assessment of the various impacts of the proposed basement construction.

3.5 The proposed construction has been identified as Burland Category 1. In accordance with CPG4, a Movement Monitoring Strategy (covering excavation and construction) is proposed to reduce the risk of damage to neighbouring properties.

3.6 It is accepted that the surrounding slopes to the development site are stable.

3.7 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.

4. Conservation and Design

4.1 The proposal is for a basement largely located underneath the existing above ground footprint. This would be subterranean and hidden from view. As such it would have no impact on the character and appearance of the area. The external manifestations would include 3 lightwells located at the front (east); side (south) and rear (north side) of the building.

4.2 The side and rear lightwells would be concealed from both public and to some extent private view. The front lightwell would be more visible but is appropriately located and sized. The large front forecourt would be unaffected.

4.3 Moreover basements and lightwells of the sizes and locations shown are typical of buildings of this age and style and have been approved at Nos. 3, 5, 7 and 9 Fitzjohn's Avenue.

4.4 In view of the Conservation and Design Officer's assessment, the proposal would preserve the building, its setting and the Conservation Area, in compliance with policies DP24, DP25, F/N25 (FNCAPMS) and section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

4.5 A condition shall be attached to the decision notice requiring details of new railings (around the proposed lightwells) at a scale of 1:10 with finials at 1:1, including materials, finish and method of fixing into the plinth.

5. Provision and quality of additional residential accommodation

5.1 The basement floor level would provide:

- 80sqm of additional floorspace to flat 2; 3 double bedrooms would be provided (each with access to the elongated south facing lightwell)
- 51sqm of additional floorspace to flat 1; 1 double bedroom and 1 single bedroom would be provided (each with access to the east facing lightwell)
- 78sqm of additional floorspace to flat 3; 2 double bedrooms would be provided (with access to the north facing lightwell)
- 50sqm of additional floorspace for communal use to include a gym, sauna and shower area.

5.2 The resulting uplift would allow the majority of ground floor levels to flats 1, 2 and 3 to be used for lounge/dining areas and walk out access to the rear amenity areas.

5.3 The enlarged flats would provide a good standard of residential accommodation in terms of layout, room sizes, sunlight, daylight, ventilation and outlook. The proposal is consistent with Policy CS6 and the Residential Development Standards contained in Camden Planning Guidance and the London Plan. The schedule of flats 1,2 and 3 would be as follows:

- Flat 1 – 3 bed duplex of 115sqm
- Flat 2 - 3 bed duplex of 134sqm
- Flat 3 - 3 bed duplex of 115sqm

6. Neighbour Amenity

6.1 The nature of the proposal would not result in an alteration rising above the adjacent neighbouring boundary walls. The proposed lightwells would set away from adjacent neighbouring windows and would again

be set behind boundary walls.

6.2 The area proposed for the lightwells would not allow new or greater views or activities externally which could not take place within the existing arrangement.

6.3 Within this context, the proposal would not result in materially detrimental harm to the amenity levels (sunlight/daylight, outlook and privacy) enjoyed by the neighbouring occupiers.

7. Transport issues

7.1 As a result of the cumulative works needed to implement both this scheme and 2016/4057/P, the proposal would likely involve a significant amount of construction works. This is likely to generate a large number of construction vehicle movements during the overall construction period. The primary concern is public safety but also the need to ensure construction traffic does not create (or add to existing) traffic congestion. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality).

7.2 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 Construction Management Plan (CMP) and implementation fee (£1,140) must therefore be secured as a Section 106 planning obligation. Any agreed CMP would also include a requirement to consult locally.

7.3 The proposed works could potentially lead to the public highway directly adjacent to the site being damaged by construction vehicles and construction related activity. The Council would need to repair any such damage to the public highway. A financial contribution for highway works is therefore recommended to be secured by S106 Legal Agreement.

7.4 As the proposal extends existing accommodation, a car permit free development, with additional refuse and cycle parking space will not requested in this instance.

8. Impact on trees/landscaping

8.1 No significant trees within the host site or adjacent neighbours, be they mature or immature, are located in detrimental proximity of the basement element. Trees located in the front and rear garden are set on a separate level within planters. To ensure the retention of all adjacent mature trees, protection measures, secured by way of condition, shall be attached to any consent.

9. CIL

9.1 The proposal would be Camden CIL liable - 285sqm (uplift of new floorspace) x £500 (Zone C CIL Tariff) = £142,500.

9.2 Based on the Mayor's CIL charging schedule and the information given on the plans the charge is likely to be £14,250 (285sqm x £50).

Recommendation: Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Construction Management Plan (CMP)
- Financial contribution for implementation of CMP (£1,140)
- Financial contribution for highway works (£TBC)