

Delegated Report		Analysis sheet	Expiry Date:	18/09/2013
		N/A	Consultation Expiry Date:	(a) 28/08/2013 (b) 07/10/2013
Officer		Application Number(s)		
Angela Ryan		2013/2970/P		
Application Address		Drawing Numbers		
9 & 11 MANSFIELD ROAD LONDON NW3 2JD		(Prefix 1051-BA -) 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 B, 113 C, 114 C, 115 C, 116 C, 117 C, 118 C, 119 B, 120 B, 121 C, 122 C, 123 C, 124 C, 125 C, 126 C, 127 B, 128 B, 129 C, 130 C, Design and access statement by Donald Shearer Architects dated 02/05/13 (Ref: 1051BA001), Code for Sustainable Homes by Dominic Woosey and Associates, Revised Lifetime Homes Statement by Donald Shearer Architects dated 23/09/2013, Basement Impact Assessment dated by Site Analytical Services Limited dated October 2013 (Ref: 13/20476-2); Construction Management Plan by Martin Redston Associates dated 24/05/13 (Ref: 13.111), Proposed construction method statement and sequence of works by Martin Redston Associates and associated drawings sheet 1, sheet 2 and sheet 3 (Ref:13:111), Temporary works by Martin Redston Associates dated 25/05/13-sheets 1-12, Ground investigation report by Site Analytical Services Ltd dated May 2013 (Ref: 13/20476)		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a part two storey, part three storey plus basement building to accommodate 4 flats, comprising 3 x 2 bed units and 1 x 4 bed unit following the demolition of existing house (Class C3).				
Recommendation(s):	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	(a)-18 (b)-18	No. of responses No. electronic	(a)-13 (b)-13 (a)-13 (b)-13	No. of objections	(a)-13 (b)-13
Summary of consultation responses:	<p>A site notice was displayed from 07/08/13 (expiring on the 28/08/13). The application was also subject to two periods of consultation, outlined above and below as consultation A) and B).</p> <p>Consultation a): A total of 18 letters were sent to neighbouring occupiers on 07/08/13 expiring on 28/08/12. A total of 13 letters (1 on behalf of four residents) of objection were received from the occupiers of nos. 1, 4x2, 5, 6, 14, 15x2, 16, Oak Village, and from nos. 7 and 13 Mansfield Road, plus 2 letters from unidentified persons.</p> <p>Consultation B): After the submission of an amended scheme re-consultation letters were sent to all 18 neighbouring occupiers on 23/09/13 expiring on 07/10/2013. A total 13 letters of objections/comments (including a letter of petition from 7 local residents) were received the occupiers of nos. 7 and 13 (flats A & B) Mansfield Road and from nos. 1x2, 2, 4, 5, 6, 14, 15x2, 16 and 18 Oak village.</p> <p>All the responses are summarised below:</p> <p><u>Consultation a:</u> <u>Design:</u> -Overdevelopment - Overdevelopment. - The reinstated of the intrusive balconies/terraces. The introduction of an architectural component like a balcony brings with it a whole raft of new details, materials and finishes, which are somewhat alien to the immediate cityscape, such as multiple bi-fold doors, translucent balcony panels, outdoor furniture, parasols, sunshades and probably barbecues. South elevation (rear) has the iconography of a block of apartments, and is blatantly unsympathetic to the neighbouring rear gardens. -The two non-functional chimneys are totally inappropriate, and somewhat Disneyesque - Intend to mimic the Victorian aesthetic and proportions of the neighbouring buildings at 13 and 15 Mansfield Road, however, the proposed windows share little similarity, and the roof is totally different. The roof on 13/15 'caps' the main body of the building, the proposed roof for 9/11 is 'set-in' creating a parapet.</p> <p><u>Amenity:</u> -Loss of privacy -Overlooking</p>					

- Loss of outlook
 - Loss of light
 - Light pollution
 - Noise nuisance
 - Flooding
 - The danger to adjacent and neighbouring property and the immediate area from the proposed basement.
 - Adverse impact to structural stability of neighbouring buildings and garden
 - Loss of amenity space
- There is
- No provision has been made for car parking. This area of Gospel Oak has very limited parking facilities

Other:

- Absence of a basement impact assessment
- Failure to discuss development with neighbours
- Absence of a flood risk assessment
- As a collection of flats,(currently a minimum of 4) there is a concern that the future occupants maybe members of the business community using them as second homes, especially with the wonderful transport facilities just across the road. .

Consultation b:

Design:

- The overdevelopment represented by the size of the basement and other breaches of Camden's policy on basements.
- The reinstated (from an earlier application which was refused) of the intrusive balconies first floor level.
- The introduction of folding doors and a Juliet balcony at second floor level.
- Design of lightwells to the rear
- Design of folding doors at second floor level

Amenity:

- The danger to adjacent and neighbouring properties and the immediate area from the proposed basement, including increased risk of serious flooding.
- Lack of information in basement impact assessment
- Lack of amenity space for flat 4
- Habitable rooms at basement level in a flood risk area
- Loss of garden space
- Light pollution
- Noise pollution
- Overlooking
- Lack of opportunities for biodiversity

Other:

- No consultation with school located opposite the site in respect of the construction management plan that has been submitted.
- Proposed section AA is inaccurate. It shows the garden of 16 Oak Village as a metre lower than that of 15 Oak Village. In fact it is on the same level. It shows the boundary fence between 15 Oak Village and 9-11 Mansfield Road as two metres high, when in fact it is 6ft (183 centimetres). It shows the line of sight from the existing first floor window as being blocked by the

	<p>fence between 15 and 16 Oak Village, when in fact people standing at the existing window can be seen from the garden of 16 Oak Village and vice versa.</p>
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Elaine Grove and Oak Village resident's association: Raised objections to the proposal. A summary of their objections are as follows:

Consultation a

Design:

- Reinstatement of a large dominating terrace at first floor level and a roof terrace at second floor level
- The basement as proposed represents overdevelopment. The developers propose to excavate around 75% of the site and to create a flat entirely underground. It is not subordinate to the above ground building (either existing or proposed) and is larger and eats further into the already limited amenity space at ground level.
- Changing the internal layout from two houses to flats, is regarded as over development and we oppose any subdivision of the new build which leads to demands for, or justifies, more or bigger balconies, roof terraces or dormer windows.

Amenity:

- Proposal includes a large basement and the necessary basement impact and flood risk assessments have not been undertaken.
- The basement is likely to cause damage and loss of amenity of 15 Oak Village.
- Overlooking
- Sense of dominance (15 and 16 Oak Village),
- Sense of enclosure (13 and 7 Mansfield Road),
- Loss of outlook (13 Mansfield Road),
- Loss of light to workshop (7 Mansfield Road).
- The proposed amenity space for flat 4 is too small to be 3 feet below ground level. It will be almost constantly over shadowed.
- The proposed retaining wall along the boundary with 15 Oak Village would involve stiffening the foundations along part (but only part) of the flank wall of no 15 Oak Village. This is likely to cause the owners of no 15 severe problems in future.
- Flooding

Other:

- This application appears to be an attempt to 'bank' the gain in mass and volume obtained through the earlier application whilst ditching the conditions which made the increase in mass and bulk and the new first floor balcony acceptable to the Council and increasing the development on this site further.
- The developers have no permission for a basement under any new build on this site, only for a basement (with no light wells) under the existing house. As this was granted under permitted development rights, the developers cannot 'bank' it and apply it to the any new building (s) on this site.

Consultation b:

Design:

- Overdevelopment
- It reinstates a large dominating terrace at first floor level terrace
- The basement as proposed represents overdevelopment, is not secondary to the original building on this site and is larger than the even the proposed new building, and is likely to cause damage and loss of amenity of 15 Oak

**CAAC/Local groups*
comments:**
*Please Specify

Village.

-The newly-introduced Juliet balcony at second floor level fronts folding doors which can be opened to give a 5 metre opening. The purpose is clearly to enable residents to sit in the large opening provided. It is effectively a balcony inside the house.

Amenity:

- It introduces a balcony and overlooking point at second floor level.

-It includes a large basement and the basement impact assessment is inadequate and the flood risk assessment not done.

- Noise nuisance

The BIA is inadequate for many reasons; lack of a flood risk report, lack of soil analysis, total lack of consideration of neighbouring properties, reliance on one borehole for a large site, to name but a few.

Other:

-Only had two weeks (instead of 4) to assess the BIA

Consultation a:

North Camden Housing Co-op: Objects to the application. A summary of the objections are as follows:

-Overdevelopment of the site. The bulk of the building is much larger than others in the row.

-Overlooking from the balconies at the rear. In particular the proximity of our roof terrace to the proposed balconies.

- The large basement excavation is of great concern as it goes up to the boundary line. There is obvious danger to our property without knowing the ground conditions.

Site Description

The site comprises a two-storey detached building that was formerly used for a single family dwelling house and is currently vacant. To the north-east of the site lies a two-storey building (7 Mansfield Road) that is current in use as a retail shop with storage above. To the north-west of the site lies a three-storey property (13-15 Mansfield Road) that is in residential use. To the south and north-east of the site (rear) lies two-storey residential cottages in Oak Village. To the rear of the application site the area is predominantly residential in character where to the front on Mansfield Road the area is of a mixed commercial/residential character.

The site is not listed and does not lie in a conservation area, although the Mansfield conservation area lies on the northern side of Mansfield Road opposite the site.

The site lies within an area of hydrological constraints, namely surface water, ground water and slope stability, which infers that the site has the potential to flood and land instability compromised.

Relevant History

9 Mansfield Road:

29/10/1969- Permission granted for the formation of a means of vehicular access to the highway at 9 Mansfield Road (Ref: CTP/E10/7/A/7722).

07/02/1984- Permission granted for the erection of a single storey conservatory at the rear (Ref: 8400014)

9-11 Mansfield Road:

08/05/12- Permission refused for the erection of 2x three storey dwellings following the demolition of existing dwelling house (Class C3). (Ref: 2011/6317/P). The application was refused by reason of the buildings height, bulk, massing and detailed design and by reason the height of the rear projections and large amenity areas proposed at the rear. A further four reasons for refusal were based on the absence of a S106 agreement to secure car-free housing, a sustainability plan, a construction management plan, and a financial contribution for highway works. The applicant appealed the Council's decision (Ref: APP/X5210/1/12/2177666/NWF); the appeal has been subsequently withdrawn.

17/05/12- Certificate of lawfulness refused for proposed development for excavation of basement in connection with existing dwelling (Ref: 2012/1663/P).

14/03/2013- Permission approved for the erection of 2 three storey dwelling houses following the demolition of existing house (Class C3). (Ref: 2012/3271/P). This approval was subject to the completion of a S106 for a car-capped development, construction management plan, funding for highway works and a sustainability plan.

A similar application was recently submitted (minus the basement development) for the erection of a part 2 storey, part 3 storey building with rear roof terrace at 1st floor level, to accommodate 4 x 2 bed flats, following the demolition of existing house. (Ref: 2013/7934/P). This application is currently under consideration and no decision has yet been made.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy:

- CS1 - (Distribution of growth)
- CS5 -(Managing the impact of growth and development)
- CS6 -(Providing quality homes)
- CS11 -(Promoting sustainable and efficient travel)
- CS13 -(Tackling climate change though promoting higher environmental standards)
- CS14 – (Promoting high quality places and conserving our heritage)
- CS15 -(Protecting and improving our parks and open spaces & encouraging biodiversity)
- CS19 – (Delivering and monitoring the Core Strategy)

Development policies:

- DP2 -(Making full use of Camden's capacity for housing)
- DP5 -(Housing size mix)
- DP6 -(Lifetime homes and wheelchair homes)
- 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)
- 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)

Camden Planning Guidance 2013

CPG 1- Design: Chapters 1 & 2

CPG2- Housing: Chapter 4 & 5

CPG3- Sustainability: Chapters 1, 2, 3, 6, 7, 8, 9

CPG4- Basements and lightwells

CPG6- Amenity: Chapters 1, 6, 7 & 8

CPG7- Transport: Chapters 5, 6, 7

CPG8- Planning Obligations: Chapters 1, 3, 5, 7 & 10

London Plan 2011

National Planning Policy Framework 2012

Assessment

1.0 Proposal:

1.1 The applicant proposed to erect a part two storey, part three storey plus basement building to accommodate 4 flats, comprising 3 x 2 bed units and 1 x 4 bed unit following the demolition of existing house (Class C3). Two lightwells are proposed at the front of the site and one lightwell to the rear in order to allow light into the habitable rooms proposed at basement level.

1.2 In 2013 a similar scheme was approved for two three storey buildings to accommodate two houses. This current application differs from the previously approved scheme in two ways:

- (1) It is now proposed to construct a basement level extending beyond the new building and under the rear garden and would be manifested by two lightwells on the front elevation, one rear lightwell to the rear of the site, and amenity space at the site.
- (2) The development proposes a part three storey, part 2 storey building to accommodate 4 flats.

1.3 In 2012 an application for a basement development was approved under a certificate of lawful development application. This basement was approved under 'permitted development' rights and was therefore not subject to any form of assessment (in terms of LDF policies and related guidance). The difference with the previously approved basement and this application is that the previously approved basement was proposed to be located under the footprint of the existing building. The basement that is subject to this application is much larger than the previously approved scheme and is proposed to extend beyond the footprint of the proposed new building and under the rear garden and would be manifested by the creation of two lightwells at the front of the site and one to the rear.

1.4 The buildings are proposed to be finished in white render, with a parapet coping of reconstituted stone. The roof of the main building will be of natural Welsh slate, the flat roofs of lead and the glazed roof on the two storey element of powder coated aluminium. Windows to the front are proposed to be of painted timber whilst those on the rear will be of aluminium clad timber. The front door is proposed to be of timber incorporating some glazing and the rear folding doors will be of aluminium clad timber to reflect the proposed rear apertures.

1.5 The proposed three storey part will be approximately 10.3m high, 9.5m wide and 8.2m deep with a hipped roof. The two storey element will be 7.3m high to the highest part of the sloped roof and 6.3m high to eaves level, and is proposed to be 2.2m wide and 4.5m deep.

1.6 The building will be extended to the rear by three storeys and a basement. On the west side the ground floor will be 11.7m deep, the first floor 7.3m with a splayed edge, and the second floor 4.7m deep. On the east side the ground floor will extend 12.6m deep, first floor 4.9m deep, and the second floor 4.2m deep. The extension will be 6m high from ground floor level (8m high including the basement level). The ground floor element is proposed to be approximately 11.4m wide, with a ground floor roof terrace at 6.3m wide. Part of the first floor will incorporate a 3.3m deep roof terrace, which will be approximately 8.7m wide and inset from the boundaries 1.7m on the east side, and 1m on the west side. The second floor extension is proposed to be 9.5m wide and inset from the side boundaries.

1.7 At basement level the extension will be 16.9m deep on the west side, incorporating 4.3m deep amenity space for flat 4, measuring approximately 26m² in area. On the east side the basement will extend 14.8m deep, incorporating a 1.7m deep lightwell in order to provide light into bedroom 2 in proposed flat 2.

1.8 During the course of the application the scheme has been revised as follows:

- Omission of the proposed second floor terrace at the rear and the introduction of folding sliding doors and a Juliet balcony at second floor level.
- Repositioning of the bins stores on the front elevation at ground floor level.
- Revisions to the internal layout in order for the development to comply with lifetime homes standards.
- Revisions to the information contained within the Basement Impact Study submitted in support of the application.

1.9 The key issues to consider are:

- The principle of the land use
- Quality of residential accommodation and lifetime homes
- The impact on the character and appearance of the area and setting of the Mansfield conservation

area

-Impact on amenity

-Transport

- Sustainability

-Waste

-CIL

2.0 Principle of the development:

2.1 Paragraph 1 of CPG 2 stipulates that a key priority for the Council is to ensure that everyone has the opportunity to live in a decent home at a price they can afford in a community where they want to live. Policies CS1, CS6 and DP2 seek to make full use of Camden's capacity for housing and the proposal for four flats is considered to conform to this objective. The development will provide 2x 2 bed flats which are considered to be a high priority in the borough as identified in the dwelling size priority table in policy DP5 para.5.4. Camden's policies also seek to ensure that all new homes are built to a high standard and provide well-designed accommodation that meets the needs of a range of occupiers, without adversely affecting occupiers or neighbouring properties.

2.2 The site would not be a non-designated heritage asset and therefore its demolition and loss is considered to be acceptable in principle and the development is considered to broadly comply with the Council's policy objectives.

3.0 Quality of residential accommodation and lifetime homes:

Residential units

3.1 Four market housing units are proposed comprising a mix of 3x2 bed flats and 1x4bed maisonette. The proposed mix is considered to be appropriate providing a mix of smaller units and a larger unit. In line with the dwelling size priority table outlined in DP5 well over 40% of the proposed units are 2 bed flats (75%), aligning with the highest priority for market housing. Hence the mix is welcomed and is an indication of the scheme contributing to the creation of mixed and inclusive communities.

3.2 Approximately 464.95m² of new residential floorspace will be provided. Flat 1 will measure 191.32m², flat 2, 101.35m², flat 3, 72m² and flat, 4 100.01m². As outlined by policy DP26h-k, the housing units are considered to provide a satisfactory level of residential amenity. Each unit is entirely self-contained and the size of each unit (in terms of overall floorspace and bedroom sizes) meets the requirements of CPG2-residential development standards and London Plan standards. All the units are dual aspect providing views out onto the street and to the rear of the site.

3.3 The floor to ceiling heights are considered to be acceptable ranging from 2.4m high at basement level and 2.5m high on all of the upper storeys.

3.4 Amenity space has been provided for the 2 bed flat (flat 4) at basement level measuring 26.2m², a terrace has been provided at ground floor level for the 2 bed flat (flat 3) measuring 11.9m² and a terrace created for unit 1 (4 bed family unit) at fourth floor level measuring 12.7m². No amenity space has been provided for flat 2, which is not uncommon in a heavily built up urban environment. However, as the scheme is for a new-build development it is considered that more consideration should have been taken in respect of the proposed internal layout in order to ensure that the family sized unit benefited from the larger amenity space provided at basement level. In terms of access, it

would also have been more ideal to arrange the family sized unit over the two lower floors as opposed to the two higher floors. However, it is considered that the scheme does not warrant a refusal on this basis.

3.5 In terms of residential development standards, paragraph 4.23 of CPG2 requires all habitable rooms to be capable of being naturally ventilated. The Council would also expect the size of window openings for habitable rooms to have an external window with an area that represent 1/10th of the floor area, and an area of 1/20 of the floor area of the room must be able to be opened to provide natural ventilation. In this respect the applicant this standard has been complied with. In terms of natural light into the basement, this is of particular concern given that light levels into the front bedrooms at basement level and the rear bedroom (bedroom 2) will be achieved via the creation of lightwells at basement level which may not allow enough light through. Concern is also raised in respect of the lack of outlook that has been provided to the rear of flat 2 at basement level. However, given that this property is laid out over two floors (basement and ground floors), perspective occupiers will be at liberty to alter the internal layout and therefore it is considered that on balance the development does not warrant a refusal on the above basis.

3.6 Given that the site lies within an area of hydrological constraint (surface water flow) which indicates that the site has the potential to flood, in accordance with policy P27 (Paragraph 27.6) the Council will not allow habitable rooms and other sensitive uses for self-contained basement flats and other underground structures in areas at risk of flooding. The applicant proposes a self-contained flat (flat 4) at basement level containing three habitable rooms. Two bedrooms in respect of flat 2 are also located at basement level. As such, this element of the scheme is considered to be unacceptable in terms of residential amenity, and therefore forms the basis for a further reason for refusal.

Lifetime homes

3.7 As the development is for a new build, it is considered that the majority of the requirements for lifetime homes should be able to be incorporated into the scheme. Criterion 1 and 2 are not applicable to the scheme as no new parking facility is being provided. Criteria 3 require a level access into the site. The applicant has introduced a step at the entrance to the site and then a ramp after the step, and has referred to ADM (Approved Document M) as justification. However, this only applies where the site is steeply sloping, which is not the case in this instance as the site is completely level, and therefore level entrance from the pavement is required. Although this can be accommodated within the scheme, revisions were not sought in this instance as the scheme was deemed unacceptable in other respect. Given that the above can be dealt with via an appropriate condition it is considered that this particular aspect should not be a basis for refusal in this instance.

4.0 The impact on the character and appearance of the area and setting of the Mansfield conservation area:

4.1 The site does not lie within a designated conservation area although the Mansfield Conservation Area is located nearby on the northern side of Mansfield Road. Therefore the impact on the setting of the conservation area needs to be taken into consideration.

4.2 The existing building is a non-descript detached house which appears to date from after World War II. Architecturally, it is unremarkable and has undergone a series of alterations such as replacement windows, erection of a side garage and a large conservatory at the rear of the application site. Historic maps show that originally there was a pair of houses on the site which had a similar footprint to the stuccoed properties at 13-15 Mansfield Road. This scheme has been designed on the assumption that the previous building was matched (or was similar) to 13-15 Mansfield Road. Such a design approach in principle is considered to be acceptable; however in following this course the design needs to be more appropriately executed otherwise the design will appear as a pastiche.

4.3 The general detailing, proportions and design has been resolved in a convincing manner which results in a building which will sit comfortably with its neighbours.

4.4 Objections have been raised in respect of the proposed chimneys and them being positioned on the outer edge of the roof slopes. The applicant's intention is to mimick historic features of the Victorian building adjacent to the site at nos. 13-15 Mansfield Road. Whilst these chimneys appear to have no particular function their sitings are not considered to be out of keeping with the character of historic features located on Victorian buildings and as such no design issues are raised.

4.5 The bulk and massing at the rear is considered to be appropriate in the location. The first floor protrusion have the scale of a rear wing, being set in from both sides and are in a form which is akin to that found on number 13 Mansfield Road. An attempt has been made to soften their impact by introducing planting and a slight set back in order to reduce its visual impact. The building line at rear second floor level has been set back also. Although it comes out slightly further than the line of 13-15 and 7 Mansfield Road this is minimal and would not result in a building which would be overly dominant.

4.6 The privacy screens proposed at first floor levels will be of obscured glazing which is considered to be appropriate as it reduces the perception of bulk by using lightweight materials.

4.7 A terrace was initially proposed at second floor level, which has now been omitted and replaced with a sliding door and Juliet balcony. No design issues are raised in respect to this element of the scheme.

Basement development:

4.8 A certificate of lawful development was previously granted for a basement under the footprint of the existing building. The basement subject to this application now proposes to extend beyond the new building's footprint, and under the existing garden area and will manifest itself by the creation of two lightwells at the front and one lightwell at the rear, with some amenity space also provided at basement level.

4.9 No objection is raised to the front lightwells which are small in scale and would line through with the proposed windows on the front elevation. They would appear as an integrated part of the design of the building.

4.10 At the rear, part of the existing garden would be excavated down to basement level. This new garden level would be largely invisible from the surrounding area, even when viewed from the upper floors of the neighbouring buildings as they are orientated perpendicular to the rear garden of the application site.

5.0 Amenity:

5.1 The addition at first floor level at no. 9 Mansfield Road will be approximately 4.5m away from the existing rear addition at no. 7 Mansfield Road and the addition at first floor level at no.11 Mansfield Road 1m away from the existing boundary at no. 13 Mansfield Road which currently provides screening to a terraced area. There is an existing window located in the flank wall of the adjacent rear addition at no. 7 Mansfield Road which provides light into the space located at first floor level. The proposed first floor rear addition at the application site is located approximately 4.5m away from this window. A light test using the 45⁰ rule was undertaken which ascertained that the line would not hit any part of the proposed projection at first floor level. Therefore it is considered that there would be no significant loss of light to the occupier of no. 7 Mansfield Road.

5.2 The proposed balcony at ground floor level will be approximately 4.5m away from the rear boundary with nos. 15 & 16 Oak village. The screen is proposed to be 1.5m high from finished floor

level, whilst the boundary fence at this point will be 1.7m high. The first floor balcony will be approximately 6.4m away, with a 1.5m high opaque screen incorporated. Planters are also proposed to be placed in front of the privacy screen in order to alleviate overlooking and the loss of privacy to surrounding occupiers. Moreover a 0.7m high trellis is proposed to be erected on the rear boundary wall of the application site which would result in raising the rear boundary treatment to approximately 2.4m high. As such the height of the proposed screens at 1.5m high is considered appropriate in this instance. Given the above it is considered that the creation of additional overlooking into surrounding properties would not be significant and therefore existing privacy will be protected.

5.3 Concerns are raised about the balcony areas at first floor level and the proposed folding door and juliet balcony at second floor level given its potential for being used as a roof terrace, light pollution by virtue of the large opening and noise pollution. However, it is considered that the levels of light and noise expected at the site would not be over and above those which are normally associated with a residential use.

5.4 It is also considered that there would be no significant loss of outlook from the rear of properties in Oak Village as the current gap between the buildings at nos. 9-11 and 13-15 Mansfield Road is partially retained and the existing gap between the application site and no. 7 Mansfield Road is to be retained. Given that the proposed first floor projection has been set back by 1m and the second floor by 4.2m, with the edge of the extension on the west side being splayed at first floor level and the edges being softened with proposed planters, it is considered that the proposal would not have a significant impact on views currently afforded or unacceptably add to the sense of enclosure.

Proposed basement:

5.5 As already stated, a basement was previously approved at the site under a certificate of lawfulness. Given that the basement was permitted development and was proposed to be located under the footprint of the existing building it was not open to any sort of assessment or scrutiny as per the LDF policies and other guidance. As the current building that stands at the site is now proposed to be demolished and a new larger building and larger basement is proposed to be constructed it is necessary, given this is a full planning application, that the basement proposal is duly assessed and considered (in line with LDF policies and related guidance) so that the Council can be satisfied that it would not adversely impact on the neighbouring buildings or the surrounding area prior to a formal decision being made. The new basement is proposed to be 2.6-3m deep, providing an overall area of approximately 226.1m². Given the above and due to the site being within an area of hydrological constraint (surface water flow, flooding and land stability) a basement impact assessment is required. As such the applicant has submitted a basement impact assessment (BIA) with view to providing sufficient justification for the excavation works in line with predominantly policy DP27 of the LDF.

5.6 The BIA follows some of the basic stages outlined in CPG4, namely the initial screening and scoping requirements. During the course of the application officers advised the applicant that there were inadequacies in some of the scoping information that was provided. Moreover, the BIA itself (as submitted by the applicant) considers and recommends that further work is required to be undertaken at the site prior to any construction. The consultant who carried out the impact assessment on behalf of the applicant specifically recommended that:

1) The screening exercise and paragraph 5.8 of the B.I.A confirms that the site is within 100m of Gospel Oak Overground Station. In this respect the consultant recommended that a public utilities and services search should be carried out which has not been done. However, the applicant has confirmed that this is normally undertaken by a contractor who has yet to be appointed.

2) Paragraph 5.8 in the B.I.A confirms that from the findings of the desk study, it is likely that the site experienced bombing during the war. In this respect the consultant recommended that an unexploded ordnance desk study and survey is carried out which has not been done. The applicant's agent

confirmed that they would not 'know where to begin' in this respect.

3) The report recommended that a flood risk assessment should be carried out which has not been undertaken in accordance with policy DP27- para 27.6. The applicant subsequently advised that a flood risk assessment had been undertaken although the information was not included in the initial impact statement. It was later confirmed that information from the desk study and Environment Agency website indicates that the site does not lie within 250m of any Zone 2 or Zone 3 Environment Agency Flood Zones. Additionally, there are no Environment Agency floodplains, flood defences, or areas benefitting from flood defences within 250m of the site. Reference to the Environment Agency website also indicates that the site does not lie within an area shown as being at risk from flooding from reservoirs. However, with respect to potential flooding from surface water run-off, the site lies within an area known to have historically flooded in 1975 according to Figure 15 of the ARUP report (i.e. a primary area). In addition, CPG4 provides a list (p. 29) of streets in the London Borough of Camden that have historically been affected by surface water flooding and Mansfield Road appears in this list.

The current data indicates that flood water, like groundwater will flow in a general south easterly direction across the site through the upper permeable Made Ground and upper weathered London Clay deposits in accordance with the topography of the site area. Hence, there is a risk of groundwater flow into the proposed basement. It was also confirmed that the proposed basement excavation should be designed to the appropriate grade therefore reducing the risk posed to the basement from groundwater flow. It was also later confirmed that the basement will be designed to Grade 3 to reduce the risk posed to the basement by groundwater. The applicant also confirmed that Mansfield Road was not flooded at all in 2002 and the map clearly shows that the flood in 1975 did not affect Mansfield Road properties between nos.1 to 15 entered Oak Village's two intersections with Mansfield Road adjacent to 1 & 15 Mansfield Road which the application considers are both well away from the application site. The applicant then suggested that on the above basis that it is reasonable for the evidence to confirm that a further flood risk assessment is not required, despite the fact that it was recommended by his own consultant as part of the initial impact study that was submitted.

4) In respect to ground water, the Council would normally expect a trial involving a minimum of 3 boreholes to be undertaken in accordance with the advice outlined in chapter 7 of the Camden geological, hydrogeological and hydrological study, guidance for subterranean development dated Nov 2010. The boreholes are also required to be monitored over a period of time. The assessment submitted confirms in paragraph 3.1 that that only one borehole was dug, and water was monitored on only one occasion when it was encountered at 1.96m deep, with the proposed basement proposed to be 3m deep maximum. It appears that no other form of monitoring was undertaken. There was also no assessment /commentary in the initial impact statement as to how ground water would be dealt with. Paragraph 4.2 of the B.I.A further goes on to say that the construction of the proposed basement may result in some changes to the groundwater regime around the property, and as a result it will be necessary to control water during the construction period originating from the Made Ground and upper superficial deposits during the basement excavation. It is understood from the architect that conventional internal pumping methods from open pumps will be employed during the excavation and appropriate measures will be in place to protect neighbouring properties using appropriate design and construction methods in accordance with industry standards ASUC Plus Guidelines released in October 2013. The B.I.A did not elaborate what appropriate measures would be taken in order to protect neighbouring properties.

Furthermore, the consultants who have undertaken the BIA do not appear to hold the CGeol (Chartered Geologist) qualification, as required by paragraph 2.10 of CPG4 in terms of subterranean (groundwater) flow. The consultants instead hold a BSc (Hons) FGS a graduate engineer qualification and BSc.(Hons), MSc.DIC. Environmental Engineer qualification, which are considered to be insufficient when assessing surface flow and flooding and land stability matters. CPG4 is however

explicitly clear that the Council will only accept a hydrogeologist with the CGeol qualification.

5) Paragraph 5.7 of the B.I.A states that the excavation and construction of the basement at the site has the potential to cause some movements in the surrounding ground, and that this will be managed through the proper design and construction of mitigation measures, which were not elaborated on. No assessment has been undertaken demonstrating that the basement proposals would not have any adverse impact upon neighbouring buildings (in particular nos. 7 and 9 Mansfield Road and no. 15 Oak village). No trial investigation/assessment has been undertaken in respect of the existing foundations to the application site and the garden party walls or main walls of any of the neighbouring properties at the above referenced addresses. Paragraph 5.7 of the B.I.A recommends that this should be dealt with by use of the Party Wall Act 1996 and considered during the design phase.

6) The screening exercise confirms that the basement development would be within 5m of the public highway. Paragraph 5.6 in the B.I.A further goes on to say that the proposed basement is not to be extended below Mansfield Road and therefore it is suggested that the impact on this local access road is likely to be minimal. However, no assessment has been undertaken to demonstrate that this element of the proposal (and in particular the two front lightwells) will have no adverse impact on the public highway. The lightwells are located within 5m of the highway. The applicant confirmed that the consultant had calculated the retaining walls to the front of the property with a surcharge load suitable for highway loading. However, none of this assessment/information was included in the initial impact statement.

7) Surface water flows were not assessed in the initial impact statement, although the application later confirmed that the design brief at present calls for rainwater harvesting and this run off will be part of this system with the normal surge contingencies. It was also later confirmed that the ground water encountered would be dealt with by using a pump. No drainage information has been submitted in respect of the scheme. Policy DP27 encourages the use of sustainable urban drainage systems (SUDS) in all basement developments that extend beyond the profile of the original building, and for basements that consume more than 50% of the garden space, and are considered otherwise to be acceptable, the use of SUDS will be required to mitigate any harm to the water environment. The proposed basement would cover a majority of the rear garden and no provision has been made for SUDS at basement level. As such, the lack of a Sustainable Urban Drainage scheme commensurate with the size of the site is considered may have a harmful impact on the local water environment.

8) Paragraph 3.1 of the B.I.A stipulates that a ground conditions investigation was conducted at the site in March, April and May. In the first paragraph on page 12 of the BIA that was submitted it stipulates that "Contamination testing of the Made Ground is likely to be required during any second phase of ground investigation". No additional commentary/clarification in this respect has been submitted, although it was requested. Paragraph 5.2 of the B.I.A confirmed that Atterberg Limit tests were conducted on selected samples taken from the essentially cohesive natural soils encountered in the boreholes and showed the samples tested to have a low to high susceptibility to shrinkage and swelling movements with changes in moisture content. No explanation was provided as to how this issue would be dealt with although in 5.3 of the B.I.A it states that "It may therefore be advantageous to delay the construction until an adequate proportion of the uplift has occurred. Once this monitoring period has elapsed and a suitably qualified engineer is confident that the majority of uplift has occurred, basement construction can commence".

5.7 Notwithstanding the above current guidance in CPG4(Basements and lightwells), in paragraph 2.33 stipulates that in order to provide the Council with greater certainty over the potential impacts of proposed basement development, an independent verification of Basement Impact Assessments will be expected, to be funded by the applicant in the following situations:

- Where a scheme requires applicants to proceed beyond the Screening stage of the Basement Impact Assessment (i.e. where a matter of concern has been identified which requires the preparation

of a full Basement Impact Assessment);

- Where the proposed basement development is located within an area of concern regarding slope stability, surface water or groundwater flow. Paragraph 2.34 of the guidance says that this independent verification will either be:
- commissioned directly by the Council in negotiation with applicants; (The site lies within an area of hydrological constraints, e.g. surface water flow and flooding).

or

- commissioned by applicants from an independent body subject to the Council agreeing the body and the specifications in advance.

5.8 Policy DP27 is quite clear that 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. As such, information in this regard is required at planning application stage prior to a decision being made by the Council. Such matters are unable to be adequately controlled via planning condition. Officers therefore advised the applicant of this, who responded that the some of the information being requested is not mandatory and was therefore not forthcoming in submitting the additional information requested to date.

5.9 In this instance an independent assessment of the BIA and accompanying information is required in accordance with CPG4. This is expected for **all** basement proposals that go beyond the scoping stage of a BIA where the site is located in an area of concern (in this case hydrological constraints-surface water flow and flooding and slope stability). The applicant agreed on two separate occasions for the Council to undertake the independent verification of their impact assessment and twice reneged on their agreement. The basement impact verification exercise is considered to be essential in this instance given current Council guidelines in respect of basements and the sub-standard impact assessment (that has been incrementally revised by the applicant) that has been submitted in support of the application. In such instances the Council would seek an independent review which hasn't occurred. On the above basis it means that the Council cannot guarantee that potential hydrogeological impacts would not occur to future occupiers or that the development would not impact on neighbouring buildings.

5.10 For the above reasons therefore it is considered that the applicant has not yet provided the level of information required by DP27 (and the accompanying policies and guidance) to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Such information is required prior to the determination of any application at the site. Therefore, on the basis of being in the absence of the submission of sufficient information by the applicant, and such information not being carried out by suitably qualified professionals, the proposed development has failed to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Consequently this forms a further reason for the refusal of the application.

6.0 Transport:

Parking:

6.1 The site currently has 1 off-street car parking space which is accessed via Mansfield Road via a vehicular cross over. The applicant proposed to retain their existing parking rights by retaining exercising their right to utilise the 1x on street car parking space which they currently benefit from.

Policies DP17 and DP18 seek to promote the use of more sustainable transport measures, such as walking, cycling and the use of public transport, and allow the Council to resist developments which would add to parking stress. The application site is located within the Belsize controlled parking zone which operates on Monday to Friday between 0900 and 1830 hours and on Saturday between 0930 and 1330 hours. The site also has a PTAL rating of 4 which indicates a good level of accessibility by public transport. Gospel Oak Station is located approximately 60m north-east of the site and in addition Tuffnell Park Station is located to the east of the site, whilst Kentish Town Road station is located to the south-east. Bus stops are located on Mansfield Road to the immediate west of the site. In light of the above it is considered that the site should be car-capped to provide one car parking space. As the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

Cycle storage:

6.2 Policy DP17 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and states development must comply with Camden Parking standards. The London Plan also adopts the Transport for London cycle parking standards.

6.3 Camden's Parking Standards for cycles states that 1 cycle storage is required per residential unit, however for larger residential units (3+ beds), the London plan requires 2 cycle parking spaces per unit. The proposal is for 3x2 bed flats and 1x4 bed flats; therefore a minimum 5 cycle storage spaces are required. Secure cycle storage is provided at basement and ground floor levels, with dedicated space provided for in flats 2 & 4. The Council raises no objections in respect of the level of cycle parking arrangements as proposed.

Highways Works Immediately Surrounding the Site and Construction:

6.4 A construction management plan has been submitted in respect of the scheme. However no commentary has been provided in respect to the potential construction impacts as well as issues relating to the occupation of the highway, such as parking bay suspensions, hoardings, skips or storage of materials as these are likely to be constrained. As the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

6.5 Where demolition and construction works are proposed the Council normally seeks a financial contribution to cover the costs associated with repaving the footway and removal of any redundant vehicular crossovers adjacent to the property. Whilst the front yard of the property could be used for the storage of some demolition and construction materials, this area is limited in size and the proposed front yards are smaller than the current yard. This further limits the ability of the applicant to store materials on site. It is thus likely that skips and materials may need to be stored on the public highway, which could lead to further damage to the highway. The financial contribution to cover the costs associated with the highway works described above should be secured via Section 106 agreement. As the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

7.0 Sustainability:

7.1 Paragraph 2.66 in CPG4 stipulates that basement developments should provide an appropriate proportion of planted material to allow for rain water to be absorbed and/or to compensate for the loss of biodiversity caused by the development. This will usually consist of a green roof or detention pond on the top of the underground structure. It will be expected that a minimum of 0.5 metres of soil be provided above basement development that extends beyond the footprint of the building, to enable garden planting, although applicants will be encouraged to provide 1 metre of soil to mitigate the effect on infiltration capacity. Given the current design/layout of the basement development there is no potential for the above to be integrated. However, it should be noted that the existing garden area is all hard landscaped, and an element of planting will be introduced at ground and second floor levels.

7.2 The applicant has submitted, as part of the Sustainability Statement, a Code for Sustainable Homes Assessment, as required by policy DP22, (para 22.14) and complemented by Camden Planning Guidance 3 on Sustainability (para 9.8). The CPG sets the minimum standard for categories (% of un-weight credits) for energy, water and materials at 50% each. The assessment confirms that flats 1, 2 & 3 would achieve 73 points overall and unit 4, 74 points which indicates that the scheme is hitting a 25% improvement on Part L 2010 equating to a code 4-good rating which complies with the Council's current objectives in respect of CfSH ratings. The Council normally requires the submission of a post construction assessment and ongoing management in strict accordance with the code for sustainable homes which is normally secured via a S106 agreement. As the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

8.0 Waste storage:

8.1 Each Flat will be allocated a 27 litre bin (organic kitchen waste), a 55 litre bin (mixed recyclables) & a 140 litre bin (non-recyclables) with adequate space provided for external storage within the covered bin stores and accessible on collection days. On the days when there is no collection of waste, the 27 & 55 litre bins will be stored internally in allocated spaces in the Kitchen or Utility Room of each Flat. The external bin stores are 1450mm high with an internal height of 1350mm that is sufficient for 3 no. 27 litre bins on shelves. The bin stores will be covered and will have painted timber doors with slats.

CIL:

As the proposal relates to the creation of four new units it will be CIL liable. Based on the floor area of each flat the CIL payment that will be required is £23,234.

Recommendation: Refuse planning permission