

Members Briefing Pack 26A Wedderburn Road NW3 5QG 2013/6418/P



Photographs



No.5 Akenside Rd + View of garages in foreground & background



View of rear of host building – Lightwell replaces a/c unit



View due west.



View due north east.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	02/12/2013
		N/A		Consultation Expiry Date:	09/10/2013
Officer			Application Number(s)		
Hugh Miller			2013/6418/P		
Application Address			Drawing Numbers		
26A Wedderburn Road London NW3 5QG			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Erection of a single storey ground floor rear extension and conservatory and a single storey ground floor side extension, enlargement of basement floor including creation of rear lightwell all in connection with ground floor residential flat (Class C3).					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	33	No. of responses	7	No. of objections	05
			No. Electronic	00		
Summary of consultation responses:	Advertised in Ham & High 17/10/2013, expires 07/11/2013. Site Notice displayed 11/10/2013, expires 01/11/2013.					
	Engineer report (GLASS) submitted on behalf of local residents: Joseph and Anne Rykwert Robert Schon Agatha Sadler for Flats A, B and C, 26 Wedderburn Road <u>GLASS 053/TGM, (CEng, MIStructE, HonFRIBA, HonFRIAS, FRSA, RDI) 28 October 2013, 26A Wedderburn Road</u> The GLASS Report referred to GEAs soil report (BIA) as follows: <ul style="list-style-type: none">Refer to the soil report which states that ground water inflows will occur into the basement excavation which may make excavation of spread foundations problematic. Piled foundations are likely to be more appropriate solution.Concern that the grout curtain will be breached in the process of excavating underpinning sections causing local failure of the soil in and around the foundations and leading to loss of strength in the Claygate member.Concern that the soil report does not include any specialist supporting evidence that the method proposed will be appropriate for the particular conditions described.Concern about the unconfirmed height differences of foundation levels between No.24 and 26 Wedderburn Road if they are higher than the level of No.26 as indicated in section B-B of Engenuiti’s drawing no S-110, a breach of the grout wall could cause water inflow and loss of or softening of the soil below No.24’s foundation leading to significant settlement problems.Concern that the method statement does not describe how the north / south wall to the laundry room will be constructed; that the calculations submitted do not provide for the water table level suggested in the soil report.Concern that calculations have been submitted for the stress in the existing brick walls due to lateral earth and water pressures in temporary condition.Concern that there are no indications in the method statement of how the lateral forces will be contained after excavation prior to casting the new					

basement slab.

Officer Comment: Please refer to paragraphs 3.8 – 3.15 below which provide an independent review of the BIA.

26A Wedderburn Road - Objection

- Concern about extension to allow for written representations.
- Concern about the size of the proposed extensions and time taken to complete it,
- Concern that the BIA study is not adequate for the basement extension.
- Concern that the foundations of 5 Akenside Road house will not withstand excavation works.

Officer Comment: Please refer to paragraphs 3.8 – 3.15 below which provide an independent review of the BIA.

<p>CAAC/Local groups comments:</p>	<p><u>Fitzjohn's/ Netherhall CAAC:</u> Comment / Objection</p> <p>Support the Planning Inspectors decision for the rear extensions and object to the proposed basement extension.</p> <p><i>Officer Comment:</i> Please refer to paragraphs 3.8 – 3.15 below which provide an independent review of the BIA.</p> <p><u>The Heath & Hampstead Society:</u> Objection</p> <ul style="list-style-type: none">• We note that this application is for development virtually identical to that which was the subject of several previous applications. The only difference is a revised engineering report and Basement Impact Assessment.• Upstairs residents of 26 Wedderburn Road, still concerned over the stability and safety of the house, commissioned a new consulting engineering report, to review the applicant's report. We ask that you consider it in detail.• The Glass report concludes that there are still defects in the applicant's engineering proposals, in particular concerning the probable ingress of ground water into the excavations, leading to serious concerns over the structural stability of the building.• Compliance with LDF policies DP23 and DP27 is not therefore yet assured.• Statements by the applicant that the area generally has not been subject to flooding, and to foundation instability, are contrary to historical record.• There are legitimate concerns that the matter is not being taken sufficiently seriously, and we ask that the conclusions reached in the Glass report are taken on board before any further decisions are taken. If not, we must again call for refusal. <p><i>Officer Comment:</i> Please refer to paragraphs 3.8 – 3.15 below which provide an independent review of the BIA.</p>
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Site Description

The application site contains a substantial 3-storey plus roof red brick semi-detached property located on the corner of Wedderburn Road and Akenside Road. Although not listed, the property does make a positive contribution to the character and appearance of the Fitzjohns/Netherhall Conservation Area in which it is located. The building has been subdivided into four self-contained units; this application relates to the ground and part basement floor levels.

Relevant History

Flat B, 26 Wedderburn Road:

July 2005 – Flat B - PP Granted - Demolition of existing garage and replacement with a new garage; ref. 2005/1354/P

February 2010 – Flat B – PP Refused - Replacement of single storey garage building for residential Flat B; ref. 2009/4390/P

Flat C, 26 Wedderburn Road:

April 2007 – Flat C – PP Granted - Installation of rooflights and erection of a roof access enclosure to facilitate the use of the flat roof of the top floor flat as a terrace; ref. 2007/1175/P

July 2010 – Flat C - PP Granted - Alterations to the roof to include the removal of 2 no. dormers and 1 no. rooflight, the installation of 6 no. rooflights, the replacement of one roof light, access hatch and replacement of windows of third floor flat (Class C3); ref. 2010/2875/P.

January 2012 – PP Refused - Installation of glass canopy to front elevation at first floor level to dwelling (Class C3); ref. 2011/1861/P

Ground Floor Flat

March 2012 – **Planning Application Withdrawn** - Erection of a single storey ground floor rear extension and conservatory and a single storey ground floor side extension, enlargement of basement floor including creation of rear lightwell all in connection with ground floor residential flat (Class C3); ref. 2012/0493/P. – Withdrawn due to insufficient information submitted in BIA Study.

May 2013 – If an appeal under non-determination had not been made, planning permission would have been refused – Erection of a single storey ground floor rear extension and conservatory and a single storey ground floor side extension, enlargement of basement floor including creation of rear lightwell all in connection with ground floor residential flat (Class C3); ref. 2012/2968/P; on grounds as follows:

The proposed development, in the absence of the submission of sufficient information by the applicant, 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, contrary to policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), DP23 (Water), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

March 2013 - Application 2012/2968/P appeal submitted to PINS on grounds of non-determination; ref. **Appeal Ref: APP/X5210/A/13/2192588.**

August 2013 – PINS made a split decision as follows:

A] The appeal was dismissed and planning permission was refused for the enlargement of the basement floor:

It was considered that the appellant has failed to demonstrate that the proposed basement enlargement would maintain the structural stability of the building and neighbouring properties and not result in flooding or ground instability. These are requirements of Policy DP27 of the Camden Local Development Framework Development Policies Document. On that basis, the appeal scheme would materially harm the character and appearance of the local area and thus fail to preserve the character and appearance of the CA. As such, this element of the proposal conflicts with Policies CS5 and CS14 of the Camden Core Strategy 2010–2025 and DP Policies DP23, DP26 and DP27. These policies aim to ensure that the impact of new development is managed by, amongst other things, protecting the environment and safeguarding local amenity.

B] The appeal is allowed and planning permission was granted for the erection of a single storey ground floor rear extension and conservatory; a single storey ground floor side extension; and creation of a rear light well, in accordance with the terms of the application, Ref 2012/2968/P dated 7 June 2012, subject to the conditions set out in the schedule to the decision as follows:

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs 11.007/01, 11.007/02 Rev A, 11.007/03 Rev B, 11.007/04, 11.007/06, 11.007/07, 11.007/08, 11.007/09 Rev A, 11.007/10 Rev A, 11.007/11, 11.007/12, 11.007/13, 11.007/14, 11.007/15 Rev A, 11.007/16 Rev A, 11.007/17, 11.007/18, 11.007/19 Rev A and 11.007/20 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (a) the parking of vehicles of site operatives and visitors; (b) the loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) the erection and maintenance of security hoarding; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; (g) a scheme for recycling/disposing of waste resulting from demolition, excavation and construction works; and (h) the times within which demolition, excavation and construction and associated servicing and deliveries will take place.

Relevant policies

NPPF 2012

London Plan (2011)

LDF Core Strategy

CS5 (Managing the impact of growth and development)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Open space and biodiversity)
CS19 (Delivering and monitoring the Core Strategy)

Camden Development Policies

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)

CPG 2011/ Revised 2013

CPG1 (Design) Sections 1; 4 & 5
CPG4 (Basements) – Sections 1 – 2.
CPG6 (Amenity)

Fitzjohns /Netherhall Conservation Area Statement (2001)

Assessment

1.0 Situation

1.1 In August 2013, the Planning Inspectorate made a split planning appeal decision (ref.2012/2968/P) and **a) dismissed the proposed basement extension owing to lack of information;** and **b) allowed the single-storey rear extensions at ground floor level, north and east sides, including the bathroom & refuse enclosure plus lightwell, subject to conditions,** (see history section above).

1.2 The planning application (ref.2012/2968/P) proposed erection of a basement extension plus lightwell, including single-storey extensions at the rear. The Council received objections to the proposed basement with specific reference to some of the information in the Basement Impact Assessment Study. The rear extensions at ground level were largely unopposed.

1.3 The applicant submitted additional information (revised drawings and supporting documents) to address the concerns raised. The Council also obtained an independent assessment of the revised BIA document to aid its assessment and determination of the application. In the intervening period and prior to the Council's formal determination, the applicant appealed to the Planning Inspectorate on grounds of non-determination. The Local Planning Authority indicated that had an appeal not been made the proposal would have been refused owing to insufficient information 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.

1.4 For the purpose of this application and owing to the fact that the single-storey extensions, lightwell and refuse enclosures have been granted planning permission by the Planning Inspectorate, the assessment will be restricted to the basement proposal.

2.0 Current proposal:

The proposal comprises the following:

- Enlargement of basement floor area by 4.5 sqm to create an additional room and excavation of the existing basement floor to increase the floor to ceiling height from 1.9m to 2.3m, excavating up to 3.5m below ground level when including foundations.

The proposed works shown below have been granted planning permission by the Planning Inspectorate on appeal and subject to conditions; see history section above.

- *Erection of single-storey conservatory extension and a bathroom / wc bin enclosure extension at ground floor level rear,*
- *Erection of boiler house within a single storey side extension;*
- *Creation of new lightwell of 3.8sqm area at rear in association with basement floor.*

3.0 Policy

Basement & Lightwells

3.1 LDF policy DP27 states "In determining applications for basement 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 run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

3.2 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 paragraph 27.2 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”.

3.3. The application is accompanied by a Basement Impact Assessment (BIA) undertaken by (engenuiti, Imagine + Create + Engineer); The Reporting is undertaken by a MEng MSt CEng MStructE Structural Engineer; BEng MSt CEng MICE, Civil Engineer and a BSc MSc CEng MICE CGeol MEnvSc FRGS SiLC Geotechnical Engineer. The report confirms that a screening exercise was carried out in accordance with the recommendations of CPG4 (Basements) in respect of surface flow and flooding, ground water flow and slope stability.

3.4 Owing to an independent review, the BIA study was revised during the course of the application assessment, by letters dated 11/01/2014 and 03/02/2014; see comments below.

3.5 The application site is associated with the ground floor and part basement floor levels, with separate self-contained units above. Under the centre of the property the existing basement will be extended by approximately 4.5sqm between the existing footings to form a new laundry room. It is proposed to increase the existing and proposed basement footprint by 600mm to increase its headroom height to 2.3m. The existing basement is currently used as bedroom and storage accommodation would become a bedroom, bathroom and storage accommodation following refurbishment. *(On the north west side of the host building an associated lightwell is proposed measuring approximately 3.8sqm – granted on appeal).*

3.6 Hydrogeology and Hydrology: The report indicates that the site is directly underlain by solid geology of the London Clay, described as “Clay, silty in part”. The property is “within 100m of a watercourse, well or potential spring line” (the lost Tyburn River). Groundwater is likely to be present within the Claygate Member, and other investigations carried out indicate that spring lines are present at the interface of the Bagshot Beds and the Claygate Member. That boreholes and trial pits investigations on the site (see Appendix D) recorded “light orange-brown mottled greenish grey silty sandy clay with abundant partings of fine sand and silt, inter-bedded with layers of soft orange-brown mottled greenish grey clayey sandy silt” to depths of between 3.50 m and 4.80 m.

3.7 The report states, that groundwater strike occurred between 1.4m to 2.8m below ground level. However, the new laundry room would be provided with a waterproofed concrete liner wall and cavity drain connected to the basement groundwater sump. The cavity drain will prevent moisture and vapour entering the building in accordance with BS8102.

3.8 As noted above, the Council commissioned **Card Geotechnics Limited** (CGL) to provide an independent assessment of the submitted BIA study. CGL by letters dated 11/01/2014 and 03/02/2014 provided responses to the BIA and commented as follows:

3.9 Screening & Scoping – “The site investigation provides detailed engineering enabling an assessment of groundwater flow and flow direction and an assessment of geological conditions across

the development site. The investigation also incorporated groundwater monitoring, rising head tests and geotechnical laboratory testing. This scale of investigation is considered adequate in light of the scale of the development to support a BIA”.

3.10 Groundwater flow: - The proposed method of construction is set out in the Construction Method Statement forming Appendix I of the BIA is acceptable and is in accordance with one of the CGL’s recommendations contained within the earlier letter dated 20 May 2013 relating to the earlier application; reference, 2012/2968/P.

3.11 With regard to the impact on neighbouring properties, including the overlying flats and adjacent houses, the new basement construction and potential for settlement has been addressed by the settlement calculation contained within Appendix H of the BIA report. It is noted that the results of the settlement calculations have been compared to the Burland method and are categorised as negligible to very slight. This is consistent with the expectation in the CGL letter of 20 May 2013 and addresses the recommendation that settlement calculations be provided to London Borough of Camden.

3.12 It is considered that parts 1 – 3 of the BIA have been provided appropriately and in accordance with CPG4.

3.13 CGL’s letter dated 03/02/2014 provides its conclusion regarding matters relating to the depth of the footings of the eastern wall of the basement located close to the foundations with 24 Wedderburn Road; underpinning and load bearing impact.

3.14 CGL state “I can confirm that the contents of the letter and the additional drawings that have been provided satisfy the points raised in the response to Point 5 in our letter of 11 January 2014. Specifically we note that the water level is set at 1.0m below ground level, consistent with the recommendations given in the GEA report. The zone of permeation grouting forms a full ‘cut-off’ around the perimeter of the area within which the area of the basement to which the application refers is to be lowered. The use of props is appropriate to the temporary support required to resist the short term lateral earth and water pressures. It is expected that the precise details of the propping and associated works can be subject to agreement with Building Control prior to commencement of the works”.

3.15 Finally, CGL acknowledged that there is unanimity with regards to the need for a trial pit to establish the depth of foundations to the adjacent property; and suggest that the Council may wish to attach a planning condition owing to the fact that the trial pit cannot be undertaken prior to grant of planning permission.

3.16 On the bases of the above information, it is considered that the proposal BIA study is acceptable and is in compliance with Policies DP23 and DP27 and CPG guidelines.

3.17 Officers agree with the CGL’s conclusion and a condition is attached to this effect.

4.0 Neighbour Amenity

4.1 *Basement enlargement*: In terms of general domestic noise disturbance, it is not considered that the proposed basement floor would have any negative impact on the amenity of occupiers of the host building on the upper floors or the adjacent dwellinghouses.

4.2 In terms of building works, the associated noise disturbance is controlled by the Pollution Service should works continue beyond the time limits as set out in the informative on controlling hours of operation; this is normally attached to approval decision notice.

4.3 Extant approved extensions on the north and east sides (Conservatory, Bathroom & Refuse enclosure): No amenity assessment is required. As such, the proposed basement extension is considered to be in accordance with policies CS5 & DP26.

Recommendation: Grant conditional planning permission

DISCLAIMER

Decision route to be decided by nominated members on 17th February 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'



Regeneration and Planning

Development Management

London Borough of Camden

Town Hall

Judd Street

London

WC1H 8ND

Application Ref: **2013/6418/P**

Please ask for: **Hugh Miller**

Telephone: 020 7974 **2624**

13 February 2014

Sampson Associates
63 Islington Park Street
London
N1 1QB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
26A Wedderburn Road
London
NW3 5QG

Proposal:

Erection of a single storey ground floor rear extension and conservatory and a single storey ground floor side extension, enlargement of basement floor including creation of rear lightwell all in connection with ground floor residential flat (Class C3).

Drawing Nos: Site & Block plan 11.007/01; 11.007/02 Rev A; 11.007/03 Rev B; 11.007/11 Rev A; 11.007/21 Rev A; 11.007/24 Rev A; 11.007/25; Basement Impact Assessment, Appendices A - I, Engenuiti Limited, September 2013; Design and Access Statement.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Conditions and Reasons:

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

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

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

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Site & Block plan 11.007/01; 11.007/02 Rev A; 11.007/03 Rev B; 11.007/11 Rev A; 11.007/21 Rev A; 11.007/24 Rev A; 11.007/25; Basement Impact Assessment, Appendices A – I, Engenuiti Limited, September 2013; Design and Access Statement.]

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Prior to the basement excavation works, a trial pit shall be excavated to determine the foundation levels of 24 Wedderburn Road and to inform the final design of the basement works. Details of the findings of the trial pit excavation and any subsequent amendments of the basement design shall be submitted to and approved by the Council and the basement shall be constructed in accordance with approved details.

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

Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Culture and Environment Directorate
(Duly authorised by the Council to sign this document)