

<b>Address:</b>	<b>59 Maresfield Gardens London NW3 5TE</b>	
<b>Application Number:</b>	2012/6795/P	<b>Officer: Jenna Litherland</b>
<b>Ward:</b>	Frognaal & Fitzjohns	
<b>Date Received:</b>	<b>20/12/2012</b>	
<b>Proposal: Erection of a new building comprising of a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) (following demolition of existing dwellinghouse).</b>		
<b>Drawing Numbers:</b> 1095/100; 1067/101; 1067/102; 1067/103; 1067/104; 1067/105; 1095/106; 1095/107; 1095/108; 1095/200; 1095/201; 1095/202; 1095/203; 1095/204; 1095/205; 1095/206; 1095/207; 1095/208; 1095/209; 1095/210; 1095/211; 1095/212; 1095/213; 1095/214; 1095/302; 1095/305; Planning, Access and Design report by LOM architecture and design, dated 12 August 2008; Arboricultural Survey and Constraints by Ben Larkham associates; Code for Sustainable Homes Planning Pre-assessment Report by Richard Hodgkinson Consultancy dated 08/03/2013; Basement Impact Assessment Report by Geotechnical & Environmental Associates dated December 2012; letter from ARUP entitled Audit of Revised Basement Impact Assessment December 2012 dated 17 <sup>th</sup> April 2013.		
<b>RECOMMENDATION SUMMARY: Grant conditional permission subject to a S106 agreement.</b>		
<b><u>Related Application:</u></b>	<b>Conservation Area Consent</b>	
<b>Date of Application:</b>	<b>20/12/2012</b>	
<b>Application Number:</b>	<b>2012/6812/C</b>	
<b>Proposal: Demolition of existing single-family dwellinghouse (Class C3).</b>		
<b>Drawing Numbers:</b> 1095/100; 1067/101; 1067/102; 1067/103; 1067/104; 1067/105; 1095/106; 1095/107; 1095/108; 1095/200; 1095/201; 1095/202; 1095/203; 1095/204; 1095/205; 1095/206; 1095/207; 1095/208; 1095/209; 1095/210; 1095/211; 1095/212; 1095/213; 1095/214; 1095/302; 1095/305; Planning, Access and Design report by LOM architecture and design dated 12 August 2008; Arboricultural Survey and Constraints by Ben Larkham associates ; Code for Sustainable Homes Planning Pre-assessment Report by Richard Hodgkinson Consultancy dated 08/03/2013; Basement Impact Assessment Report by Geotechnical & Environmental Associates dated December 2012; letter from ARUP entitled Audit of Revised Basement Impact Assessment December 2012 dated 17 <sup>th</sup> April 2013.		
<b>RECOMMENDATION SUMMARY: Grant conditional permission</b>		
<b>Applicant:</b>	<b>Agent:</b>	

Ms Stefanie Drews & Mr Colin Rowat Flat 1 27 Compayne Gardens LONDON NW6 3DD	LOM Boulevard House 92 Fortis Green London N2 9EY
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### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>C3 Dwelling House</i>		117m <sup>2</sup>
Proposed	<i>C3 Dwelling House</i>		456m <sup>2</sup>

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

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	1	0
Proposed	1	0

## **OFFICERS' REPORT**

**Reason for Referral to Committee: The application proposes total demolition of a building in a conservation area [Clause 3(v)].**

### **1. SITE**

- 1.1 The site is the end property of a terrace of 3 properties dating from the mid 1950's on the western side of Maresfield Gardens close to the junction with Netherhall Gardens. The building is not listed however it is located within the Fitzjohns/Netherhall Conservation Area.
- 1.2 Nos. 55-59 are described in the Conservation Area Statement as being "*a mid 1950s two storey terrace, on a sunken site that has little relationship with the surrounding area*". Although somewhat of an anomaly, the existing terrace of three houses, is nonetheless, considered to provide an appropriate transition between the form of No. 40 Netherhall Gardens (to the north) and Nos. 51 & 53 Maresfield Gardens (to the south), its low-key presence contributing to a noticeable degree of openness, particularly benefiting the rears of Nos. 36, 38 and 40 Netherhall Gardens. It is likely that the terrace was built in rear section of the back garden of No. 40 Netherhall Gardens.
- 1.3 Views, in both directions along Maresfield Gardens, are noted in the conservation area statement as being of importance.
- 1.4 The building is currently in use as a single family dwellinghouse (Class C3).

### **2. THE PROPOSAL**

- 2.1 Planning permission is sought for the erection of a building comprising a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse following demolition of the existing dwellinghouse.
- 2.2 The proposed building is a flat roof building of contemporary design with a height equal to that of the existing property on site and the adjoining buildings Nos. 55-57 Maresfield Gardens. The proposal is identical to that granted permission in 2008 ref: 2008/4076/P. The building would have a maximum width of 8 metres, a length of 10 metres above ground floor level and 19 metres at basement level. The building would have a height of 8 metres when measured from the front forecourt of the property. Full dimensions of the basement are detailed in the basement section of the report.

### **3. RELEVANT HISTORY**

- 3.1 **2011/4164/P and 2011/4360/C – Planning Permission and Conservation Area Consent Applications.**

3.1.1 These applications were for renewal of planning permission granted on 21/11/2007 (ref: 2007/2890/P) and amended on 07/10/08 (ref: 2008/4076/P) for erection of a new building comprising of a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) (following demolition of existing dwellinghouse).

3.1.2 During the course of the application local residents contested that the applicant's Basement Impact Assessment. They did not consider that it had adequately demonstrated that the proposed level of excavation would not harm the structural stability of adjacent land and structures and would not impact on ground water or surface water. Local Residents provided technical reports to counter the applicant's BIA. CPG4 – Basements and Lightwells states that where conflicting evidence is provided in response to a proposal, independent verification shall be undertaken at the expense of the applicant. As such, ARUP were commissioned to undertake an independent verification of the Basement Impact Assessment. ARUP found that the application did not adequately demonstrate compliance with policies DP27 and the guidance contained within CPG4. The following shortcomings were found:

- The report did not adequately demonstrate that the structural stability of the neighbouring properties and the highway would be maintained by the proposal. Issues included a lack of information on ground movement as a result of excavation, absence of an assessment of the category of structural damage, absence of preliminary pile toe levels of the secant pile wall, amongst other issues.
- The report did not adequately demonstrate that surface water and groundwater flow would not be impacted on by the proposal. Issues include a lack of information relating to ground water flow, lack of details on disposal of storm water, lack of assessment on potential long term variation of groundwater levels and associated impact on ground movements.

3.1.3 As such, the applicant the applicant was advised that the BIA submitted was not adequate to demonstrate compliance with DP27. The applications were subsequently withdrawn.

## 3.2 Other applications

3.2.1 **2008/4076/P:** Revisions to external elevational design in connection with the construction of a new house comprising lower ground, upper ground and first floor level with light wells to front and rear, granted planning permission 21/11/2007 (ref:2007/2890/P). **Planning permission granted 07/10/2008**

- The current application is identical to this application.

3.2.2 **2007/2890/P and 2007/2892/C:** Erection of building comprising two levels of basement, lower ground, upper ground and first floor level with lightwells to the front and rear for use as a single-family dwellinghouse. **Planning permission and Conservation Area Consent granted 22/11/2007**

3.2.3 **2006/4340/P and 2006/4339/C:** Erection of a three-storey building with basement and sub-basement to provide three residential units. **Refused 17/11/2006, upheld on appeal 14/08/2007.**

3.2.4 The reasons for refusal were as follows:

- The proposed new building, by reason of its design and in particular the excessive bulk, height and massing of the third storey (roof) element, would be detrimental to the appearance of this terrace of houses at nos. 55-59 and the character and appearance of the streetscene and this part of the Conservation Area, contrary to policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006, plus guidance in the Fitzjohns/Netherhall Conservation Area Statement.
- The proposed new residential units, in the absence of a legal agreement securing car-free development, would contribute unacceptably to on-street parking stress and congestion in the surrounding area contrary to policy T9 (Impact of parking) on the London Borough of Camden Replacement Unitary Development Plan 2006.

## 4. CONSULTATIONS

### Statutory Consultees

4.1 **English Heritage:** This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

### Conservation Area Advisory Committee

4.2 **Fitzjohn/Netherhall CAAC:** Objection.

- The basement excavation is excessive and would impact on the health of trees.

### Local Groups

4.3 **Heath and Hampstead Society:** Objection

- Note the application is a revised design from that approved in 2007 (ref: 2007/2890/P and 2007/2892/C which have expired);
- Over development of the site;
- It is out of scale and out of character with its neighbours;
- 3 basement levels is outrageous;
- The proposal is not sustainable: materials and energy expenditure necessary to build it are grossly disproportionate to the end result: the replacement of one perfectly viable house with another;
- The depth of the basement is excessive, exceeding the height of the building above ground;

- The Basement Impact Assessment and associated structural report make over-optimistic assertions on the effects of the excavation on adjacent houses, especially No 57 next door. The estimates of movement damage are given as “slight”, but the heave movement at 15 mm. We have grave doubts on the safety of both adjoining houses;
- The proposal would harm nearby trees;
- The proposal would interfere with ground water systems; and
- The proposed materials would clash with the existing materials used in the area harming the Conservation Area.

#### 4.4 **Netherhall Neighbourhood Association:** Objection

- The site investigation report is 3 years old and contains flaws;
- The extent of the basement is out of scale;
- The water environment would be destabilised and the site contains a stream or tributary which has not been considered;
- The proposal would increase surface water flooding risk especially flash flooding;
- The depth and footprint of the basement are excessive contrary to Camden’s guidance which states that basements should only be 1 storey in depth and not extend beyond the footprint of the dwelling;
- The proposal would have a detrimental impact on drainage.

#### **Adjoining Occupiers**

	<b>Original</b>
<i>Number of letters sent</i>	14
<i>Total number of responses received</i>	31
<i>Number in support</i>	0
<i>Number of objections</i>	31

4.5 Letters were sent to 14 neighbours, a site notice was displayed from 04/01/2013 until 25/01/2013 and a press notice was placed in the Ham and High on the 10/01/2013 (expired 31/01/2013).

31 letters were received objecting to the proposed works. The objections are on the following grounds:

#### **Basement Impact**

- The proposal would have a detrimental impact on ground water and water levels destabilising the water environment;
- There are train tunnels in this area;
- The basement would be more than a storey deep and would extend beyond the footprint of the dwelling contrary to Camden’s guidance;
- Concerned about drainage;
- Concerned that the basement with swimming pool would impact on the structural stability of the neighbouring properties such as No. 40 Netherhall Gardens and 38 Netherhall Gardens;
- The Basement Impact Assessment is inadequate;

- The excavation could impact on the stability of the swimming pool in the garden on No. 40 Netherhall Gardens;
- The basement would impact on the foundations for Nos. 55 and 57 Maresfield Gardens; and
- The Council should appoint an independent expert to provide a Basement Impact Assessment.

### **Design**

- The proposal would result in loss of garden space;
- The modern building would look out of place with the adjoining terrace;
- The proposal would impact on the existing trees close to and on the site; and
- The design is not suitable for the Conservation Area.

### **Construction Management**

- The development would result in disturbance to local residents in relation to noise, dirt and dust; and
- Construction would take a long time.

### **Amenity**

- The large extend of glazed area would result in light pollution and there would be no privacy for the future occupiers;
- Loss of privacy to neighbours;
- The proposal will be overbearing on the small garden at No. 40 Netherhall Gardens; and
- The proposal would result in a loss of light to neighbours.

### **General**

- This is overdevelopment of the site;
- The development would impact on wildlife in the current rear garden;
- The applicant has undertaken no consultation; and
- The inclusion of a swimming pool is unnecessary and extravagant.

## **5. POLICIES**

### **5.1 National Planning Policy Framework 2012**

### **5.2 London Plan 2011**

### **5.3 Core Strategy and Development Policies 2010**

CS1 Distribution of growth

CS4 Areas of more limited change

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting Sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high Quality Places and Conserving Our Heritage

CS15 Protecting and Improving our Parks and Open Spaces & encouraging Biodiversity

CS16 Improving Camden's Health and Wellbeing

CS18 Dealing with our waste and encouraging recycling  
CS19 Delivering and monitoring the Core Strategy

DP5 Homes of different sizes  
DP6 Lifetimes Homes and Wheelchair Housing  
DP16 The Transport implications of development  
DP17 Walking, Cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP20 Movement of Goods and Materials  
DP21 Development connecting to the highway network  
DP22 Promoting Sustainable Design and Construction  
DP23 Water  
DP24 Securing High Quality Design  
DP25 Conserving Camden's Heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and lightwells  
DP28 Noise and Vibration  
DP32 Air quality and Camden's Clear Zone

#### 5.4 **Camden Planning Guidance 2011**

CPG1 – Design  
CGP2 – Housing  
CPG3 – Sustainability  
CPG4 – Basement and lightwells  
CPG6 - Amenity  
CPG7 – Transport  
CPG8 – Planning Obligations

#### 5.6 **Fitzjohns/Netherhall Conservation Area Statement dated February 2001.**

### 6. **ASSESSMENT**

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

- Design (Acceptability of proposed demolition of an unlisted building in a conservation area; bulk, height, massing and detailed design and materials of the proposed building);
- Impact on trees
- Basement Impact;
- Impact on amenity;
- Quality of residential accommodation;
- Sustainability;
- Transport; and
- CIL

6.2 The current application is identical to an application previously granted at the site in 2008 (ref: 2008/4076/P). The adopted policy at the time of the 2008 assessment was the Replacement Unitary Development Plan 2006 (UDP). Supplementary

planning guidance in the form of Camden Planning Guidance 2006 was also considered. The UDP was superseded by the adoption of the Local Development Framework in November 2010. Updated Camden Planning Guidance was adopted in two parts in April and September 2011.

- 6.3 The main area where LDF policies introduce new issues that would affect the assessment of the proposals is relation to basement impact and sustainability. The principles of design, amenity, and transport have not significantly altered.

#### 6.4 Design

##### Acceptability of proposed demolition of an unlisted building in a conservation area

- 6.4.1 Policy DP25 states that *'the Council will prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention.'* The Fitzjohns/Netherhall Conservation Area Statement describes Nos. 55-59 Maresfield Gardens as being a 'mid 1950s two storey terrace, on a sunken site that has little relationship with the surrounding area'. The application property is not considered to make a positive contribution to the area and as such the Council does not object to its loss, subject to proposals for appropriate redevelopment of the site.

##### Bulk, height, massing and detailed design and materials of the proposed building

- 6.4.2 Maresfield Gardens is an L-shaped road, running west from Fitzjohns Avenue, turning 90 degrees north, into a long, straight ascent to Netherhall Gardens. There are few street trees and the character is formed by the contribution of the trees and vegetation in private gardens. Front boundary treatments vary along the street, with no predominant style, though the area's familiar palette of brick, with panels of over-burnt brick and stone coping can be found.
- 6.4.3 The underlying consistency is that of front gardens behind a physical boundary that relates sensitively to the architecture behind. Where this has been lost, the underlying character of the street and Conservation Area has been harmed. Maresfield Gardens has several examples of such harm and of traditional boundary treatments altered inappropriately.
- 6.4.4 North of Nutley Terrace, the road is characterised by less dense development and a more open character. A number of buildings are red brick, with neo-Georgian facades and prominent clay tiled roofs, a mix of influences but designed with a careful attention to detail. Houses built in the 1880s and mid C20th, including the c1950s Neo-Georgian two storey neighbours at Nos. 51 & 53 are also characteristic of this stretch of Maresfield Gardens.
- 6.4.5 Nos. 55-59, to which the application site forms the northern most property, are described in the Conservation Area Statement as being a "*mid 1950s two storey terrace, on a sunken site that has little relationship with the surrounding area.*" Although somewhat of an anomaly, the existing terrace of three houses, is nonetheless, considered to provide an appropriate transition between the form of No. 40 Netherhall Gardens (to the north) and Nos. 51 & 53 Maresfield Gardens (to the south), contributing to a noticeable degree of openness, particularly benefiting the rears of Nos. 36, 38 and 40 Netherhall Gardens.

- 6.4.6 The proposal fits within the same spatial envelope previously approved for this site – respecting overall building height, recessing of building mass at the rear, whilst maintaining established building lines on the front elevation. Whilst the proposal maintains a flat roof profile, thus projecting forward of Nos. 55 & 57 on the front elevation (compared with the profile of the existing roof pitch), it is nevertheless considered acceptable, as the gap offsets this differentiation by allowing visual separation between ‘old’ and ‘new’.
- 6.4.7 Similarly, the relatively small scale of the proposal will retain a degree of openness to the sky, which is welcomed and considered contextually responsive. The building remains below the level of the existing rear and side extension on the northern boundary.
- 6.4.8 It is considered that the proposed scheme is appropriately proportioned and articulated with a balance of horizontal and vertical emphasis and depth to the elevations. The simply detailed form has been designed to be read as a single dwelling, thus defining it as an independent ‘pavilion’ building whilst not competing with its neighbours or over emphasising itself.

#### Materials

- 6.4.9 A simple, contemporary materials palette is proposed including;
- Fibre C [light weight pre cast concrete cladding];
  - Retaining Walls and escape Stair to Courtyards – fair-faced GGBS concrete [architectural quality] and precast Fibre C ‘Ivory Matt’ panelling.
  - Although not an ‘exterior material’ the fair-faced concrete to be used for the northsurface of the stairway ‘cut’ will be visible obliquely through the glazed entrance window. The use of GGBS concrete will result in an enhanced, relatively bright and warm coloured concrete.
  - Pavilion Walls: Oakwood - a combination of rich timber veneers and louvres behind glass, echoing the neighbourhood language of timber and glass fenestration. Window panels will remain large and minimally framed. To the rear, a light precast Fibre C rainscreen contemporizes the traditional white protruding bay.
- 6.4.10 The panels can be made to any specification and design. In this instance the use of rich red timber veneers will echo the surrounding colour palette and language of timber and glass fenestration. The use of non-transparent glazing will also provide a greater refraction of light and reflection of the large trees surrounding the building.
- 6.4.11 It will be necessary to condition the proposed materials of the scheme, to ensure the highest possible quality.
- 6.4.12 It is considered that the proposal is a high quality contemporary, contextually responsive scheme and is of equal benefit to the character and appearance of the conservation area.

#### Impact on trees

- 6.4.13 There is a Lime tree at the front of the property that is the subject of a TPO. There is also a Lime tree at the rear of the property that is considered to be worthy of a TPO as it makes a significant contribution to the character and amenity of the area as a result of its visual prominence.

6.8.1 The proposals do not entail any further encroachment on the front retaining wall and as such there would be no impact from excavation of the site on the Lime tree to the front. The trees on site and adjoining the site would require suitable protection during the construction process, however no details of such measures have been submitted. The proposal includes landscaping to the front and rear of the site, the gardens would remain largely soft landscaped and this is welcomed. Tree protection measures (particularly for the Lime trees) and full landscaping details is be required by condition.

## 6.5 **Basement Impact**

6.5.1 Policy DP27 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 impacts upon structural stability or water environment in the local area.

6.6.2 The proposal includes a basement with a maximum length of 19 metres, a maximum width of 8 metres and a maximum depth of 9.6 metres. A Basement Impact Assessment (BIA) has been provided in accordance with the provisions of Policy DP27 and Camden Planning Guidance (CPG4). The BIA has been prepared by suitability qualified engineers.

6.6.3 This application follows on from an identical application submitted in 2011 (ref: 2011/4164/P). This application was also accompanied by a BIA and during consultation local residents supplied technical information that challenged the robustness of the BIA. Therefore, the Council sought an independent view from ARUP. ARUP found that the BIA was inadequate largely due to the lack of information on detailed design work, construction sequence, retaining wall design, movement predictions and the effect on groundwater.

6.6.4 The applicant has responded to the issues raised by ARUP in the amended BIA which has been submitted as part of the current application.

6.6.5 ARUP were given a brief to assess whether :

- a. the Basement Impact Assessment has been prepared in accordance with the processes and procedures set out in the Arup report (*'Camden geological, hydrogeological and hydrological study'*, which was used as the basis for preparing the CPG), for both temporary and permanent works.
- b. methodologies have been appropriate to the scale of the proposals and the nature of the site.
- c. the conclusions have been arrived at based on all necessary and reasonable evidence and considerations, in a reliable, transparent manner, by suitably qualified professionals, with sufficient attention paid to risk assessment and use of conservative engineering values/estimates.
- d. the conclusions are sufficiently robust and accurate and are accompanied by sufficiently detailed amelioration/mitigation measures to ensure that a grant of planning permission would accord with DP27.

- 6.6.6 The screening exercise identified that it was necessary to take the report forward to the scoping stage for the following reasons:
- The site includes a man made slope greater than 7 degrees;
  - The site is underlain by Claygate Member which is classified as a Secondary A Aquifer;
  - The proposed basement will extend into the local water table, as such dewatering may be required;
  - The site is within 5 metres of a public highway; and
  - The development will increase the foundation depths relative to the neighbouring properties to a significant extent.

#### Structural Stability

- 6.6.7 Ground movement on site – The applicant has demonstrated and it has been tested by ARUP that ground movements around the excavation to the secant piled wall would amount to a maximum wall deflection of 13mm. ARUP have confirmed that the predicted ground movements are typical of well-supported excavations of similar depth and in similar ground conditions. This is considered to be acceptable.
- 6.6.8 Implications of ground movements on neighbouring structures with assessment of damage - An analysis of ground movements around the excavation has been carried out using the Oasys software XDisp. Potential movements of the adjacent structures have been quantified and a damage classification assigned based on these movements of ‘negligible’ or ‘very slight’ due to the basement excavation alone (BIA 6.0), and of “negligible” due to the wall installation alone.
- 6.6.9 When the ground movements due to wall installation and excavation are combined then the damage classification in the case of the east wall at 57 Maresfield gardens falls just into the “slight” damage category. CPG4 section 2.30 states that the category of “slight” damage may be acceptable.
- 6.6.10 Assurance is also given that a robust monitoring regime will be in place and that in case of movements approaching the predicted values assessed in the BIA, adjustment to the propping arrangements may be made to control the movement. While, it would be preferable to reduce movement and potential damage to the ‘very slight’ category this is considered sufficient and monitoring of movement would be secured by condition.
- 6.6.11 Ground movement from temporary works - The construction sequence has now been developed to incorporate careful consideration of the adjacent structures. The adjacent structures are now shown in the construction sequence plans and sections which enables relative levels and plan position of the existing foundations and the proposed excavation and propping to be understood. Existing ground elevations at adjacent structures are maintained throughout by replacing excavated ground with a propped wall at the same elevation. Above ground, the lateral stability of adjacent structures is proposed to be provided through temporary works as required. This is considered acceptable. The BIA acknowledges that the existing party wall may need to be propped during the works and design checks for wind loading need to be carried out to establish if permanent propping is required.

- 6.6.12 The stability of the remaining part of the existing retaining wall past 57 Maresfield Gardens is safeguarded by propping during construction and tying it into the new basement walls in the long term
- 6.6.13 This should alleviate residents concerns that the proposed development would impact on the structural stability of the neighbouring properties. Any permission would be subject to a condition to ensure the works are carried out in accordance with the recommendations of the BIA.
- 6.6.14 Stability of the sloping verge and roadway for Maresfield Gardens - The construction sequence drawings show that the new secant piled wall will be directly behind the existing retaining wall. It will therefore derive support from the existing wall initially. If the foundations of the existing retaining wall need to be cored through prior to piling, then the existing wall will be propped laterally. The existing wall will not be demolished until the new secant piled wall has been propped at the top. This is considered acceptable and would maintain the stability of the highway.
- 6.6.15 Preliminary pile toe levels for the secant piled wall and potential rotational failure of the retained ground - The wall toe level would be located at least 4m below the deepest excavation. This is considered to be a reasonable embedment to guard against rotational failure.
- 6.6.16 Preliminary proposals for monitoring of adjacent structures and consideration of contingency measures if movements start to exceed predefined levels - The revised BIA and supplementary information provides a commitment for monitoring movements of the new secant wall and adjacent buildings, in accordance with the Camden Geological, Hydrogeological and Hydrological Study section 7.2.3. A specification for instrumentation and monitoring will be developed for the project and this should be provided to the 3rd Party surveyors. The applicant states that the Specification will include trigger limits and contingency plans (e.g. additional propping) should movements approach these limits during the course of excavation. Condition surveys of the adjacent structures will be carried out before and after the works or as agreed with 3rd party wall surveyors .

#### Surface Water and Groundwater Flow

- 6.6.17 Storm water disposal – Maresfield Gardens is not listed in the Environment Agency website as being at risk of flooding. However, according to the Camden Geological, Hydrogeological and Hydrological Study, flooding did take place in some NW3 area postcodes in August 2002. A surface water strategy (which includes rainwater harvesting tanks, surface water sump and pumping) has been provided. The proposal would increase the area of hardstanding on site by 35% from 106sqm to 130sqm. Full details of SUDS would be required by condition.
- 6.6.18 Hydrogeological interpretation, groundwater levels and flows – Local residents have expressed concern that site investigations date from 2008 and were undertaken in a dry period and therefore are not representative. With the current BIA further groundwater monitoring has been undertaken and the record now spans a year of monitoring (Dec 2011 & Oct 2012) and covers a very dry and very wet period. The data indicates small fluctuations in groundwater levels in the

Claygate Beds. The overall conclusions are clear – that the proposed basement is surrounded by very low permeability material and that groundwater impacts are likely to be minimal. This is therefore acceptable and should alleviate local residents concerns.

#### Summary -

6.6.19 ARUP have confirmed that the revised documents are sufficient to satisfy the requirements for the grant of planning permission in accordance with DP27, in respect of:

- maintaining the structural stability of the building and any neighbouring properties;
- avoiding adversely affecting drainage and run-off or causing other damage to the water environment; and
- avoiding cumulative impacts on structural stability or the water environment in the local area.

### **6.7 Impact on residential amenity**

6.7.1 Policy has not altered in relation to neighbour amenity since the time of the previous application. Therefore, the assessment made at this time still stands. To summarise the proposal would not impact on daylight levels to Nos. 40 Netherhall Gardens and 57 Maresfield Gardens (as demonstrated by a sunlight and daylight assessment submitted with the previous application). The report concluded that the proposed development would not create an unacceptable impact on the current levels of daylight and sunlight enjoyed by the residents of Nos. 40 Netherhall Gardens and 57 Maresfield Gardens.

6.4.1 The proposal includes a roof terrace located at rear raised ground floor level. The plans show a privacy screen between the terrace and No. 57 1.8 metres in height which would prevent overlooking. The provision of this screen would be secured by condition.

### **6.8 Quality of residential accommodation proposed**

6.8.1 The Council's residential development standards (refer to CPG2- Housing 2011) give general guidance on the floorspace and internal arrangements for all housing tenures. In addition, homes of all tenures should meet lifetime standards in accordance with Policy DP6 and the section of CPG2 on Lifetime homes and wheelchair housing. Development should provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. With regard to daylight all habitable rooms should have access to natural daylight.

6.8.2 The proposed single dwellinghouse would provide over 456sqm of high quality living accommodation laid out over five floors and with direct access to private outside recreational space. A total of four bedrooms are proposed at basement level. The development exceeds the minimum recommended floorspace and room size requirements within Camden Planning Guidance and is acceptable in this regard. The dwellinghouse complies with all relevant Lifetime home standards. Despite the bedrooms being at basement level they would all have access to natural light and as demonstrated in the previous application all bedrooms and

other habitable rooms would meet BRE guidelines. Refuse arrangements will be located at lower ground floor level, screened into the shared entrance wall. This will be secured by condition.

## **6.9 The sustainability of the proposed development**

- 6.9.1 Policy DP22 (Promoting sustainable design and construction) states that the Council will require development to incorporate sustainable design and construction measures. The Council expects new dwellings to achieve Code for Sustainable Homes assessment Level 3 prior to 2013 and Level 4 from 2013 (with 50% of the un-weighted credits with the energy, water and materials categories).
- 6.9.2 The application is accompanied by a Code for Sustainable Homes pre-assessment which confirms that the application would achieve Code Level 4. 51.6% of the un-weighted credits would be achieved in Energy category, 66.6% in the Water and Materials categories and 58% in the Materials category. This exceeds the Council's targets and is welcomed. These will be secured through the S106.
- 6.9.3 The proposed building would incorporate a number of energy saving and sustainable features, all of which will be secured via S106. The entire building fabric (including walls, roof, floors, windows etc) would be of such a standard as to bring the buildings emissions to a level where approximately 39% improvement over the current building regulations can be achieved. An intensive rainwater harvesting system would be implemented to reduce water usage by up to 30%. Furthermore, through the installation of renewable energy technologies including solar PV's solar thermal collection the flat roof, it is considered that the development could achieve a minimum of 20% on site renewable energy production. It is noted that no details of the solar PV's have been submitted however a plan of the solar PV's and solar thermal collection will be required to be submitted as part of the S106 prior to the agreement being signed.
- 6.9.4 It is considered that on the whole the proposal would result in sustainable development and complies with policies DP22 and the guidance contained within CPG3 –Sustainability.

## **6.10 Transport**

### Car Parking

- 6.10.1 The existing single dwellinghouse benefits from one off-street parking space as well as eligibility for on-street parking permits. The proposed dwellinghouse would retain this existing off-street parking. The site has a PTAL of 5, which means it is in a location where it is reasonable to insist on the development being totally car-free. However, given that there is already existing parking on site, and that the application who current owns the building will be returning to the site, it would be unreasonable to require the development to be car-free. To encourage car-free lifestyles and to reduce impact on local on-street parking and traffic the development would be secured as car-capped, therefore, residents would not be able to apply for on street parking permits. This is in line with Policies CS11 and DP18.

### Cycle Parking

6.10.2 The Council's cycle parking standards state that 1 cycle parking space 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 a 4 bedroom residential unit, therefore 2 cycle storage/parking spaces are required. The proposal includes a bike store which provides adequate space for two cycles. The cycle parking will be secured by condition.

### Construction Management

6.10.3 Local residents have raised concern in relating to the impact on neighbour amenity in relation to construction. Given the extent of the basement works, the small overall area of the site and that the site is located within a Conservation Area it is considered that a Construction Management Plan (CMP) is required. It is noted that a CMP was not requested with the 2008 application, however the Council now has more stringent policy and guidance in relation to construction impact, contained within policy DP20 and CPG6 (Amenity).

### Highways Works Immediately Surrounding the Site

6.10.4 In order to mitigate the impact of construction on the existing footway, a financial contribution will be required to repave the footway along the site's frontage. This would be secured by a S106.

## **6.11 CIL**

6.11.1 This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £22,800 (£50 x 456 sqm) This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

## **7. CONCLUSION**

7.1 The existing building is not considered to make a positive contribution to the Conservation Area and therefore its loss is considered acceptable. The proposed replacement house is considered to be of a high standard of design and relates well to the character, setting and context of the neighbouring properties and the wider streetscene. The basement construction would not impact on the structural stability of neighbouring buildings or have a detrimental impact on the water environment. The property would provide good quality residential accommodation and would not impact on the amenity of the other nearby residential properties. The proposal is also acceptable in terms of sustainability, and transport matters.

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

- Code for sustainable homes – design and post construction review;
- Energy strategy (including plan of solar Pv's and solar thermal collection);
- Car-capped development;

- Construction Management Plan;
- Highways contribution.

## 8. **LEGAL COMMENTS**

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