

Delegated Report		Analysis sheet		Expiry Date:		08/11/2012	
(Members Briefing)		N/A		Consultation Expiry Date:		25/10/2012	
Officer				Application Number(s)			
Sam Fowler				2012/4816/P			
Application Address				Drawing Numbers			
29 Regent's Park Road London NW1 7TL				Refer to draft decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Excavation of basement with front and rear lightwells, metal grille over part of front lightwell, and glazed panels in rear garden all in connection with existing dwelling (Class C3) [Scheme 2].							
Recommendation(s):		Grant conditional permission, subject to a s. 106 agreement					
Application Type:		Householder Application					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	13	No. of responses No. electronic	04 00	No. of objections	04
Summary of consultation responses:		<p>The application was advertised in the local press on 04/10/2012. A site notice was displayed for 21 days from 18/10/2012.</p> <p>Adjoining Owners/Occupiers The occupiers of Flat's B, C, D, and E of 31 Regent's Park Road have raised the following concerns: The proposal would not enhance or preserve the character of the conservation area.</p> <ul style="list-style-type: none"> The proposal does not include an adequate assessment of the potential for foundation damage to the neighbouring properties. The basement would be of an incongruous design. The development would cause architectural damage to the neighbouring property from a lack of on-site water management. The development would give rise to sound and noise pollution, as well as loss of privacy, to the detriment of the amenity levels of the neighbouring occupiers. 					

CAAC/Local groups comments:

Primrose Hill CAAC

Strong objection still stands. The revised scheme would still neutralize more than half the rear garden as a true garden: this is specifically protected in the Primrose Hill Conservation Area statement where PH37 states 'particular care should be taken to preserve the green character of the Conservation Area by retaining garden space', this is later explained, even in terms of front gardens, as not reducing the area for soft landscaping. It is even more important in rear gardens which form part of the green views which are of recognized importance in the conservation area, part of the 'positive contribution' made by buildings like 29 Regent's Park Road. This would also have a harmful impact on the setting of the Listed Buildings in Prince Albert Road.

We are also concerned at the issues of structure and risk to the building, made more serious by both proximity to the Canal and its effect on ground water.

Site Description

The application relates to a large property located on the southern side of Regent's Park Road. There is a large lightwell to the front of the property with steps leading down to the basement. The site forms part of the Primrose Hill Conservation Area and is subject to an Article 4 Direction. The building is identified as being an unlisted building that makes a positive contribution to the Primrose Hill Conservation Area. The surrounding area is a predominantly residential area of the Borough.

Relevant History

2006/4084/P: Change of use from self-contained flat and maisonette to single family dwelling (Use Class C3), increase height of front boundary wall and alterations to window openings. Granted, 10th November 2006.

2012/3323/P: Excavation of basement with front and rear lightwells, metal grille over part of front lightwell, and glazed panels in rear garden level all in connection with existing dwelling (Class C3) Refused,

Reasons for refusal:

- 1) The applicant has failed to demonstrate, by way of a Basement Impact Assessment (in accordance with Camden published guidance on basement related applications), that the excavation of substantial new areas of basement accommodation within the site would maintain the structural stability of the buildings on the site and neighbouring sites, and would avoid adversely affecting drainage or causing other damage to the water environment in the surrounding area, contrary to policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.
- 2) The proposed basement by reason of its footprint and overall size as well as insufficient detail confirming available soil depth above, fails to demonstrate sufficient planting area is maintained on the site in the interests of biodiversity as well as the character and appearance of the host building and the Primrose Hill Conservation Area. The proposal is therefore contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (securing High quality design), DP25 (Conserving Camden's heritage), DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

2012/4815/P: Excavation of basement with front and rear lightwells, metal grille over part of front lightwell, and glazed panels in rear garden level all in connection with existing dwelling (Class C3) (Scheme 1).

Withdrawn; The application had submitted a full Basement Impact Assessment, which was lacking at the time of the previous application. However it was not demonstrated to satisfy the second reason for refusal above, and at the advice of Council staff, the application was withdrawn.

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2011)

LDF Core Strategy and Development Policies (2010)

CS5 (Managing the impact of growth and development)

CS13 (Tackling climate change and promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

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)

Camden Planning Guidance (2011)

CPG1 (Design)

CPG3 (Sustainability)

CPG4 (Basements and Lightwells)

Primrose Hill Conservation Area Statement (2000)

Assessment

Proposal:

This application is for the construction of a basement underneath the lower ground floor and the rear garden of the site. A gymnasium, media room, play room, separate shower and WC and rear lightwell are proposed.

The gymnasium and media room would be located wholly within the footprint of the existing dwelling.

The playroom, rear lightwell, separate shower and WC would be sited within the footprint of the rear garden. The play room element would extend by 7.5m into the rear garden, and is 6.0m in width. It would be set in from the flank boundaries by 1.5m, and the rear boundary by 3.0m. The lightwell, and the separate shower/WC, would be located underneath an existing paved hardstanding area in the rear garden. The basement would extend 3.4m in depth underneath the footprint of the main house and would extend 4.1m below the rear garden (incorporating a 0.5m depth of soil on top of the basement).

Two glazed windows within the rear garden would be proposed to provide light to the basement rooms. These are 1.2m in length by 2.2m in width. One is located near to the centre of the rear garden, and the other is located near to the rear wall of the dwelling.

Main Issues:

The acceptability of the proposals in terms of the impact on the conservation area, residential amenity, transport, the impact of the basement and harm to trees and landscaping are the main considerations. Another section that responds to the summary of neighbourhood responses will also be included.

Impact on the conservation area

Policy DP24 requires new development to meet a high standard of design which respects the setting, context, and the proportions and character of the existing building. Policy DP25 requires new development to both preserve and enhance the character and appearance of conservation areas.

The character of the building is derived from its external appearance as an end-terraced dwelling with a large rear garden. At the front of the dwelling, there would be no impact to the street scene as the development would utilise an existing front lightwell. It is noted that all alterations would not be visible from the street scene, and it is therefore considered that the proposal would have no impact to the character and appearance of the surrounding conservation area.

To the rear of the property, the development would be creating a smaller lightwell as well as two structurally glazed areas, each 1.2m by 2.2m in size, which would be utilised as lightwells. It is noted that this would involve the removal of two planter areas, and effectively the same amount of hard landscaping within the rear garden would be retained.

Insofar as maintaining the biodiversity and subsequent character and appearance of the surrounding area, Council is now satisfied that the applicant has addressed the previous issues. By creating a 1.5m setback from the flank boundaries and a 3.0m setback from the rear boundary, as well as maintaining a 0.5m soil depth above the basement, there will be sufficient soil to sustain planting. Therefore, given the relatively modest level of development, the proposal is considered to preserve the character of the conservation area and is generally considered acceptable, as well as being in accordance with Policy DP24 and DP25.

Residential amenity

Due to the location of the works underground, there would be no significant harm to the amenities of the occupiers of the neighbouring properties in terms of loss of light or overlooking. The windows would be glazed and can not be opened, and not result in a detrimental impact to the amenity levels of neighbouring occupiers.

With regard to the potential occupiers of the property, it is noted that the rooms are not habitable rooms, and therefore the lack of an opening window providing sufficient daylight/sunlight is not considered to be a significant concern.

Transport

Upon review of the scheme by the Transport Officer, it was considered that the proposals are generally acceptable in transport terms. This would be subject to the following conditions being attached to the decision:

- *A financial contribution required to repave the footway adjoining the site on Regents Park Road. This will need to be secured through a Section 106 (Town and Country Planning Act 1990) Agreement with the Council. This S106 obligation should also require that structural plans are submitted and approved in writing by the local planning authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate. An estimate for the cost of this work will be calculated and provided by Highways Engineering, and can be forwarded when complete. An informative should also be placed on the planning permit, which states that planning permission does not guarantee that highways works will be implemented as it is always subject to further detailed design, consultation and approval by the Highway Authority.*
- *A Condition for a Construction Management Statement. The Condition agreement shall state that the Construction Management Statement shall be approved in writing prior to any works starting on site and the approved plan shall be followed, unless otherwise agreed with the Highway Authority concerned.*

Both requests have been considered to be appropriate and, if granted, would be attached to the decision.

Basement excavation

Policy DP27 states where a basement development is deeper than one full storey below ground level (approximately 3 metres in depth) the Council would require evidence, including geotechnical, structural engineering and hydrological investigations and modelling to demonstrate that basement developments do not harm the built and natural environment or local amenity. This evidence forms part of a Basement Impact Assessment (BIA), which the applicant has provided in accordance with CPG4 'Basements and Lightwells'.

As the development would consist of a basement occupying the space under the entire footprint of the dwelling and part of the rear garden, and being excavated by more than one storey in depth for a substantial part of it, it was considered that a full Basement Impact Assessment was required in accordance with policy DP27 of the LDF.

At the time of the previous application, the proposal was refused due to a lack of a suitable Basement Impact Assessment. Upon review of the application at a post-application meeting with the agent, it was deduced that the entirety of the Basement Impact Assessment documentation had not been submitted with the application. The full Basement Impact Assessment has now been submitted as part of this planning application, with the intention of addressing any concerns raised during the assessment of the original application.

The supporting documents that the applicant has submitted consist of several parts. The first of which is the structural report, submitted by TJ Vincent, a chartered structural engineer of Vincent and Rymill Consulting Civil & Structural Engineers. Within the report, the screening stage identified areas that required further investigation through scoping stage, and scoping of the Basement Impact Assessment was addressed. Several potential areas for concern arose as part of this assessment. These were the close proximity of the public highway (Regent's Park Road) and that the proposal would significantly increase the differential depth of foundations to the relative properties. The response to these issues was designing the proposal so that it could accommodate the loading from the nearby public highway, as well as inspecting any cracking and installing monitoring points, and employing satisfactory structural design and controlled construction to deal with any cracking. The report then went on to detail further methods that would be employed to mitigate any potential impacts to the structural stability of both the subject dwelling and the neighbouring properties in its "Structural Design Philosophy".

The second supporting document that was provided was a ground investigation for the site. This was undertaken by WJC Wallace of KF Geotechnical. The findings of this report were used to write the structural report discussed above. It was concluded that the borehole was dry, and London clay found within the borehole was generally suitable for the proposed basement, and that there was no noticeable level of contaminants within the soil, which indicates that it could be excavated and removed to a landfill site.

The final supporting document, the Design and Access statement, has further addressed the impact that the proposal would have on water drainage. The proposal seeks to use a Sustainable Urban Drainage System (SUDS) in the form of an appropriate geotextile separation/filtration layer. Collected runoff would be able to permeate naturally, into the sub-grade, which would alleviate the need for a positive discharge facility. Given that the site investigation has demonstrated that the area is relatively dry, and there would be a sufficient gap between the outer walls of the basement and the flank boundaries within the rear garden of the property, this is considered to be to the satisfaction of the Council. It is also noted that the property has not been identified as liable to flooding.

In light of the submitted evidence the basement proposal is considered to comply with policies DP23 and DP27 of the LDF.

Trees and landscaping

Under supporting text 27.9 of DP27 it is stated that:

“27.9 A basement development that does not extend beyond the footprint of the original building and is no deeper than one full storey below ground level (approximately 3 metres in depth) is often the most appropriate way to extend a building below ground. Proposals for basements that take up the whole rear and/or front garden of a property are unlikely to be acceptable. Sufficient margins should be left between the site boundaries and any basement construction to sustain growth of vegetation and trees. Developments should provide an appropriate proportion of planted material above the structure to mitigate the reduction in the natural storm water infiltration capacity of the site and/or the loss of biodiversity caused by the development. This will usually take the form of a soft landscaping or detention pond on the top of the underground structure, which is designed to temporarily hold a set amount of water while slowly draining to another location. It will be expected that a minimum of 0.5 metres of soil be provided above the basement development, where this extends beyond the footprint of the building, to enable garden planting.”

An arboricultural report was submitted as part of the application. The report makes the conclusion that the proposed development would have negligible effects on the vegetation within the surrounding area, if undertaken with the submitted recommendations. However, it is noted that at the time of the previous application, the proposal was refused due to the overall size of the basement, and lack of setback from boundaries within such a large garden. The Tree and Landscape Officer recommended that any future application for a basement should be set in by 1.5m from the flank boundaries and 3.0m from the rear boundary.

The proposal now satisfies these requirements, as it is set in by approximately 1.5m from each flank boundary and 3.0m from the rear. It is therefore considered that the proposal would have a sufficient planting area that can be maintained on the site, and would meet the interests of biodiversity as well as the character and appearance of the host building and the Primrose Hill Conservation Area

Response to objections

Many of the issues that arose within the objections have been assessed accordingly above. The main issue was in regards to the potential impact of the basement to the structural integrity of neighbouring properties. Council is now satisfied that a suitable and detailed Basement Impact Assessment has been provided that would minimise any potential risks to the neighbouring properties. It is considered that the overall scale of development would not be harmful to the character and appearance of the existing building, the surrounding conservation area, or the amenity levels of any neighbouring occupiers.

Insofar as potential noise and general disturbance during the implementation and construction of the planning permission, this would fall under the control of Environmental Health. However, if the application is approved, an informative would be attached to the decision notice informing the applicant of the Control of Pollution Act 1974.

Recommendation: Grant planning permission subject to a s. 106 agreement

DISCLAIMER

Decision route to be decided by nominated members on Monday 19th November 2012.
For further information please click [here](#).