

<b>Address:</b>	29A Tanza Road London NW3 2VA	
<b>Application Number:</b>	2011/1692/P	<b>Officer:</b> Jonathan Markwell
<b>Ward:</b>	Hampstead Town	
<b>Date Received:</b>	31/03/2011	
<b>Proposal:</b> Extension and additional excavation to the existing basement cellar level to provide additional living accommodation; replacement and addition of new windows to front and rear elevations at basement and lower ground floor level and associated landscaping works for existing lower ground floor flat (Class C3).		
<b>Drawing Numbers:</b> 129P(--)-020 Rev B; 129P(--)-022 Rev B; 129P(--)-023 Rev A; 129P(--)-024 Rev C; 129P(--)-025 Rev B; 129P(--)-026 Rev B; 129P(--)-027 Rev B; 129P(--)-028 Rev A; 129P(--)-029 Rev B; 129P(--)-030 Rev A; Basement Impact Assessment by Peter Brett Associates ref R001/rev01 dated March 2011; Specification of works ref 2325/AR/tb by Chess RMA Structural Consultants dated July 2010; Phase I Desk Top Study Report ref 9927 by Herts and Essex Site Investigations for Chess RMA, dated October 2010; Basement Impact Assessment by Peter Brett Associates ref R001/rev02 dated June 2011; Structural Engineering Statement ref 2325/NE by Chess RMA Structural Consultants dated June 2011; 2325/01; 2325/02 Rev G; 2325/03 Rev D; Letter by Peter Brett Associates dated 21/09/2011 ref 25005/002/CBH/RHT/cw; Table 1 Summary of Water Level Readings in Standpipes, as received 23/09/2011; 129P(--)-035, as received 23/09/2011; 129P(--)-004, as received 23/09/2011; Draft Construction Management Plan, as received 22/09/2011; Site Waste Management Plan dated 09/09/2011.		
<b>RECOMMENDATION SUMMARY: Grant Planning Permission Subject to conditions and a Section 106 Legal Agreement</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Mrs Soledad Martinez Castillo 30 Parliament Hill London NW3 2TN	D'Soto Architects 75 Canfield Gardens London NW6 3EA	

## OFFICERS' REPORT

**Reason for Referral to Committee:** The Director of Culture and Environment has referred the application for consideration after briefing members [Clause 3 (ix)] on 24/10/2011

### 1. SITE

- 1.1 The application site comprises a 4 storey (lower ground, upper ground, first and second floor) plus existing basement cellar lower semi-detached property on the north eastern side of Tanza Road. The property has been subdivided into 4 no. flats (basement cellar and lower ground floor, upper ground, first and second floor flats).

- 1.2 This application relates solely to the basement/cellar and lower ground floor level property, which has sole access to the rear garden. This garden is enclosed by a brick wall with a timber access gate which backs directly onto the Heath. A private access path runs along the south-east side of the application site boundary (adjacent to the boundary with the adjoining property at no 27 Tanza Road) to provide direct access for the flats at No. 29 Tanza Road to the Heath. The main entrance to the building is from the external stairs up from the pavement level, but that for the lower ground floor flat (No 29a – the subject of this application) is from the south-east side of the property.
- 1.3 The application site building is, like the vast majority of properties along Tanza Road, one of a pair of semi-detached properties. It is a pair with No. 31 (to the north-west of the application site). The property is located within South Hill Park Conservation Area and identified as making a positive contribution to the character and appearance of the conservation area.
- 1.4 The application site is also located within a controlled parking zone (and has a PTAL rating of 1b), a hydrological constraint area of slope stability and surface water flow and flooding (Tanza Road is referred to in CPG4 as a street at risk of flooding) and the rear garden is within designated private open space (Heath-Edge Gardens adjacent to the southern margins of Hampstead Heath).

## **2. THE PROPOSAL**

- 2.1 Planning permission is sought for an extension and additional excavation to the existing basement cellar to provide additional living accommodation to the existing lower ground floor flat to become a maisonette at lower ground and basement floor level at the site.
- 2.2 To clarify, there is an existing cellar beneath the footprint of the entire building with a floor to ceiling height of up to 1.82m in height and is a maximum 11.35m in length and 7.4m in width. The proposal is to excavate an additional 1.395m in depth across the entire footprint of the building to create useable floorspace at this level with a floor to ceiling height of 2.63m. In addition the proposed basement also extends beyond the rear building line of the building by a length of 3.45m across the full width of the property (thereby removing part of the garden at this point). There is also a new area of basement beneath the existing main entrance staircase to the property which is 3m in length, 1.9m in width and is excavated to the same depth as the main extension.
- 2.3 Beyond the proposed rear extension at basement floor level is an external terrace leading to the rear garden. A rainwater harvester is also shown to be proposed beneath this terrace. Above the proposed rear extension at basement floor level is an external terrace area at rear lower ground floor level, with associated access also provided to the rear garden at this point.
- 2.4 Fenestration alterations are also proposed in the form of replacement windows on the front, side and rear elevations at lower ground floor level, with timber sash windows replaced with new windows to match the appearance of the existing and

the provision of slimlite double glazing. Finally associated hard and soft landscaping works are proposed in the rear garden.

- 2.5 This application follows a similar application refused earlier in the year at the site and a previously withdrawn application (see relevant history section below for more details).
- 2.6 During the course of the application more information has been provided by the applicant in respect of the proposed basement excavation and the methodology during construction. This includes a BIA Screening Report by Peter Brett Associates set out in accordance with CPG4 (in addition to the information already provided when this application was first submitted). Information was also submitted by Peter Brett Associates in response to the consultation response submission on behalf of neighbouring occupiers by Eldred Geotechnics Ltd (see adjoining occupiers consultation response section below for details). In addition a further statement by structural engineers Chess RMA Structural Consultants and information from Peter Brett Associates containing further borehole monitoring dated June 2011 and September 2011 to complement those already carried out in October 2010 and February 2011 has been submitted. In addition a draft construction management plan and draft site waste management plan has also been submitted during the course of the application by the applicant.

### **3. RELEVANT HISTORY**

#### **Historic applications at 29 Tanza Road**

- 3.1 TP/81737/NW/23550: Alterations and conversion of ground floor and basement into two self-contained flats (one on each floor). Granted 24/04/1958.
- 3.2 CTP/E9/3/8/5581: Extension of roof space to provide living accommodation at 29, Tanza Road, Camden. Granted 25/09/1968.
- 3.3 CTP/E9/3/8/17198: Replacement of sash windows, at 29a Tanza Road, London, NW3, by a french window into front garden. Granted 20/09/1973.

#### **29a Tanza Road specifically**

- 3.4 2010/3888/P: Extensions to existing basement including 2 x new windows and french doors on the front elevation at lower ground floor level, and sliding doors leading to a new rear terraced area in the rear garden, replacement of a window with a door at the rear lower ground floor level and a timber bridge and new stairs leading to the garden to residential flat (Class C3). Withdrawn prior to a decision being made by the Council on 06/09/2010.
- 3.5 2010/6286/P - Excavation and enlargement of the existing basement to provide additional living accommodation to ground floor flat, creation of covered front lightwell area extension of the basement to the rear. Installation of glazed balustrade along edge of rear ground floor terrace and replacement of fenestration and doors on rear elevation to residential flat (Class C3). Refused 13/01/2011.

#### Reasons for refusal:

1. The proposed front lightwell and associated glazed skylight, would by reason of their design, location and prominence, be an incongruous and uncharacteristic form of development, harmful to character and appearance of the host property and the South Hill Park Conservation Area.
2. The applicant has failed to demonstrate that the site is capable of supporting the development without serious adverse consequences by failing to provide sufficient evidence that the works required to implement the development would not result in harm to the existing ground conditions and the structural stability of the building and neighbouring properties, and that it would not have an adverse effect on the water environment or neighbour amenity.

#### 29d Tanza Road

- 3.6 2010/6810/P: Erection of front dormer and rear dormer with inset roof terrace and installation of rooflights in the side and rear elevations to second floor residential flat (Class C3). Granted 07/02/2011.

#### 4. CONSULTATIONS

##### Conservation Area Advisory Committee

- 4.1 South Hill Park CAAC was formally consulted on the application. No response has been received.

##### Local Groups

- 4.2 The Heath and Hampstead Society objects on the following basis:
- a) proposals to rear are extensive, amounting to a 3m extension and a further 3m lightwell into the rear garden and is intrusive to the houses on both sides and non-compliant with DP27 (extending further than 3m) "the proposal is still profoundly unacceptable to the immediate and nearby neighbours".
  - b) "The submitted structural report is practical and straightforward, but still refers to the absence of a soil investigation report".

##### Adjoining Occupiers

	Original
<i>Number of letters sent</i>	29
<i>Total number of responses received</i>	25
<i>Number of electronic responses</i>	20
<i>Number in support</i>	0
<i>Number of objections</i>	22

- 4.3 A site notice was erected on 14/04/2011 (expiring on 05/05/2011) and press notice published on 21/04/2011, expiring on 12/05/2011. Letters were originally sent to

neighbouring occupiers on 14/04/2011, expiring on 05/05/2011. During the course of the application some neighbouring occupiers denoted that these letters had not been received. As such a formal period of re-consultation was carried out between 03/05/2011 and 24/05/2011, by way of letters being re-sent to 29 neighbouring occupiers.

- 4.4 A total of 22 objections have been received, from occupiers/groups at the following addresses: No's 2 (as part of two submissions), 6b (as part of two submissions, also denoted to be part of Tanza Road Association), 8c, 18, 20 (as part of two submissions), 21, 22, 23, 25, 25a, 25b, a submission on behalf of 29b, 29c, 31a, 31b and 31c by Eldred Geotechnics Ltd, Upper floor flat 29, Chair/Treasurer of the company (31 Tanza Road Ltd) owning the freehold of 31, 31a, 31b, 31c / garden flat, 31d and 33 Tanza Road; 75 Parliament Hill (specified as leaseholder of 29b Tanza Road); 95 South Hill Park (specified as former resident of Tanza Road); 60 Twisden Road (specified as leaseholder of 29c Tanza Road). A summary of the issues raised are as follows:

4.5 Structural stability

- Implications on the structure of No. 31 owing to the buildings being a pair and No. 31 having shallow foundations. The proposed works to No. 29 will mean there is a difference in movement, leading to cracking at No. 31. Furthermore “the diverted groundwater flow will compound structural issues with neighbouring shallow foundations” leading to subsidence, increase in water content of the sub-soil, causing swelling, settlement and exacerbate surface water flooding (No's 23, 27 and 31 “have all had issues with basement flooding over the years”).
- The Eldred Geotechnics Ltd report states “Excessive ground movement while deeper retaining walls were formed by foundation underpinning could result in damage to No.31; corresponding movement during the internal structural work could damage No.29 and impact also on No.31”. It continues “Impact assessment misinterprets the ground slope, takes it to be less than its true value and judges it not to be of concern. Ground stability risks that the true slope presents have thus been ignored by the application. The ground investigations made were not suited to evaluation of stability risk. In interpreting the local geology and groundwater conditions, the impact assessment fails to observe the CPG4 and Arup report requirement that off site conditions should either be the subject of intrusive investigation or risk assessment. Without information a risk has to be taken as the worst case”. The Eldred report also states “The impact assessment considers that provided the development accords with industry standard, associated ground movement will be small. Considering the misinterpretation of stability risk, the facts that “industry standard” varies according to class of both work and contractor, and that Peter Brett Associates have no design responsibility, and thus no influence on the design outcome, such an opinion is meaningless in terms of risk assessment. The structural engineering submission provides none of the information specifically required for a basement impact assessment”.
- Excavation will have an adverse impact on the structural stability of other houses, some of which are denoted to have existing cracks caused by earth movement. One neighbour asks for the developer to “give written assurances that he will accept responsibility for any future damage that may result from this extension”.

- Excavation is of concern owing to “Tanza Road's extensive history of subsidence of very high houses built on unstable sand and clay on steep gradient land”. For example subsidence experienced at No. 8 was due to roots of a tree located on the road (which was subsequently removed). Another objector notes that No. 23 has suffered from subsidence.
- Potential future damage on an exceptionally steep road with a recurring history of subsidence. “The combination of our potentially unstable subsoil (clay/sand) with increasing freakish weather patterns must make any project of the nature of the one here proposed subject to the law of unforeseen consequences”
- Additional excavation is “undesirable and potentially dangerous”. One neighbour notes that the Town Hall's head of emergency planning commented in the Camden New Journal on 28/04/2011 (page 11) that evacuation plans for residents in Hampstead would be complicated by “the large number of basement conversions in the area”, leading to an objector stating “surely any further basement extensions are highly undesirable if not dangerous”.
- Subsidence has made insurance difficult to obtain; the proposal would exacerbate this.

#### 4.6 Groundwater / Flooding

- A number of objectors note that Section 1 of the Herts and Essex report state that recordings relate to “short term observations and do not allow for fluctuations due to seasonal or other effects” and one objector considers that it will only require a “relatively small addition of water to reach saturation” in comparison with the results encountered. Furthermore it is noted that “the dry, firm, stable condition of the soil underlying buildings along Tanza Road can not be relied on in the short term...from the summer of 2010 has been extraordinarily dry”. However due to global warming and increased evaporation there is forecast to be periods of heavy rain and hence there is a real flooding concern.
- Criticism that on site investigations for groundwater were only carried out over short periods of time. Instead suggested that measurements should be taken over longer periods as water levels go up and down.
- The Eldred Geotechnics Ltd report states “The application does not provide a basement impact assessment that has been developed according to CPG4, although it was submitted after Camden adopted CPG4 and some two months after the Camden website made its requirement for applications to comply with the Arup report clear”. It continues “Whilst it demonstrates that the proposed development will not increase the risk of flooding for its environment, the impact assessment fails to consider the flood risk for the proposed habitable basement itself. There is a statement that the basement is safe but this is misleading because it is based upon a part of the assessment that deals only with the provision of a sustainable drainage system for water leaving the development”.
- Amount of ground investigation needs to increase owing to location next to Hampstead Heath, the 'one off' investigation is not sufficient in this location
- Re-routing of drainage will cause waterlogging in some gardens.
- Particular concern, owing to topography, is that excavation at the top of the hill will have an impact on the properties further down the hill.
- One neighbour notes that upon visiting the application site flat previously it was seen to be damp, especially after a period of rain. The conclusion is that a new

basement would impair neighbouring properties by re-routing it elsewhere and causing flooding.

- Query over whether investigations are theoretical or whether boreholes have been dug area is prone to flooding, illustrated in 2006 after surcharging of the sewerage system
- The area includes numerous streams which could be disturbed.
- Properties are already sliding down the hill – why aggravate the problem?

#### 4.7 Disturbance during construction

- It will be untenable to live on any floor of the building when the works are carried out owing to the noise, dust, vibration, air pollution and danger. “The risk of damage due to the major structural work needed is disproportionate and the impact on neighbours is significant to the point of intolerable”. A separate objector states that nearby occupiers work in the arts, architectural design and psychotherapy from home and requires peace and tranquillity. The proposal will make it “impossible to pursue these occupations in our own homes, leaving us with considerable stress and loss of income... digging and drilling during the day will make it traumatic to actually remain at home at all”. Another objector questions whether access to the upper floor flats would be possible given large amount of spoil;
- The Eldred Geotechnics Ltd report states “Although it is not a CPG4 issue, the engineering proposals also raise unanswered questions concerning the feasibility of No.29B and possibly other flats remaining habitable during the proposed works”. It continues “It is concluded that in the event that planning permission is at any time granted for this or any other basement development at No.29A Tanza Road it should be subject to a Section 106 agreement for the engineering design and construction control of the development”.
- Local residents have suffered from continuous noise and disturbance of nearby development (4 The Old Orchard and 16 Tanza Road are noted) and would prefer no further noise disturbance.

#### 4.8 Design / conservation area

- Size and scale of the proposed basement is inappropriate as it extends beyond the footprint of the original building, as per CPG4 paragraph 2.53-2.55.
- Change in appearance of the property is not in keeping with a conservation area “new sunken sub-basement patio with steps and a land bridge will be severely out of character and highly visible from neighbouring properties”.
- Proposed development would neither enhance nor preserve the character and appearance of the conservation area, contrary to CPG1.
- Internal bulkhead to become window seat feature would be out of character with the street; another states the window solution is “highly inefficient and highly unusual in this context” – in overall terms the scheme offers no preservation or enhancement, instead “the proposal disrespects the local context of the conservation area”.

#### 4.9 Open space / rear garden

- Scale of proposal “the footprint would extend far beyond the existing house, swallowing up half the existing garden in paving and interrupting the unbroken row of natural green rear gardens adjoining the Heath, thereby detracting from the visual amenity of the neighbourhood”.
- Reduction in size of the garden means its character will be affected dramatically.
- Developing over half of the rear garden does not accord with CS14 as it does not fit with the area; existing gardens have “an informal, countryside character with almost no hard surfaces”. The proposed paving “will ruin this character and disturb regular pattern of green rear gardens with predominantly soft landscaping”.

#### 4.10 Amenity for future occupiers

- Proposed additional living accommodation would be “dark, substandard living accommodation”. Another objector denotes the basement accommodation will result in low lighting levels, insufficient for occupiers.
- One objector denotes the proposal “Represents a particularly bad example of greedy over-development whose only aim is to increase the floor area of the accommodation with no ambitions for a high quality living space”.
- Proposed basement accommodation is not sustainable and not fit for purpose – the proposed study lacks daylight and creates a sense of enclosure
- Proposal is for habitable rooms at basement floor level – contrary to CPG

#### 4.11 Other matters

- Comment that it is not clear how deep the excavation will need to go for the foundations as well as the floor to ceiling heights shown.
- If approved the scheme “would lead to numerous copycat applications and be detriment to the nature of this conservation area”.
- “Root systems of the big trees would also be disturbed”.
- “A unique and valuable work of art directly on a party wall would be endangered by cracking” as a result of the proposals, by Richard Long (internationally recognised, a Turner Prize winner and Royal Academician).
- Proposal “involves a change of use and includes enormous gain in residential accommodation – in excess of 90sq.m! The applicant states that there is no gain in floor area and there is no change of use”.
- Rear extension would intrude on privacy of upper floor occupiers

#### 4.12 Other comments

- One objector denotes that reason for refusal 1 of 2010/6286/P is “no longer in contention, as the latest plan does not involve any excavation in the front garden”.
- Although the occupier at 6b objects to the application “in the strongest terms” it is also noted that this occupier is “not opposed to the replacement of existing windows at basement level”
- general comment that residents are having to voice their concerns for the third time within a year on the same type of proposal at the site, the first which was withdrawn and the second which was rejected. Another considers the submissions are seeking to wear down busy neighbours by repeated submissions.

## 5. **POLICIES**

### 5.1 **LDF Core Strategy and Development Policies**

CS1 (Distribution of growth)  
CS4 (Areas of more limited change)  
CS5 (Managing the impact of growth and development)  
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)  
CS19 (Delivering and monitoring the Core Strategy)  
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)

### 5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011  
South Hill Park Conservation Area Statement

## 6. **ASSESSMENT**

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

- Land use;
- Design / conservation area;
- Amenity;
- Basement excavation matters;
- Trees / landscaping
- Sustainability

### **Land use**

6.2 As outlined in the site description above (section 1) the rear gardens of the properties along the north-east side of Tanza Road are on the edge of Hampstead Heath and are designated as Private Open Space. LDF Policy CS15 seeks to protect areas of designated open space, and states that the Council will not grant planning permission for the development of public or private open space unless it is for development ancillary to a use taking place on the land for which there is a demonstrable need that cannot be reasonably satisfied elsewhere; furthermore, development should be small in scale and not detract from the wholeness, appearance or setting, or harm public enjoyment of the open space.

6.3 In this instance the proposals involve a subterranean development and rear extension which in the context of the building as a whole is considered to be

reasonably related in scale. Furthermore it would be ancillary to an existing residential use on the site and, given its location at basement floor level will not impact on the open character of the heath, given views will be limited if at all given the existing boundary treatments around the site.

- 6.4 In addition a significantly sized rear garden (9.65m in length and 7.55m in width, with the other 8.15m in length closest to the rear elevation being a terrace) when compared with the existing (13.9m in length and 7.55m in width, with the other 3.9m in length closest to the rear elevation being a terrace). The reduction in size of the soft landscaped garden is therefore 4.25m in length and 7.55m in width, which would leave over half the area of the garden unaffected. Therefore the proposed works are considered to comply with the requirements of this policy.

### **Design / conservation area**

- 6.5 One of the reasons for refusal of the previous application (see relevant history section above) involved the creation of a front lightwell to the building. This is no longer proposed as part of this scheme. Instead it is proposed to alter the front bay window within the central section by replacing the window with a door in order to provide light and ventilation to the proposed basement at the front of the property. This alteration is considered to be relatively minor in nature and has been implemented at other properties along this side of Tanza Road such as at No's 13 and 17. Moreover the detailed design is considered to be satisfactory as it aligns with the existing character and would preserve the character or appearance of the conservation area at this point.
- 6.6 Turning to the rear extension (and associated works), this is near identical in nature to that proposed as part of refused application 2010/6286/P (the only change being that planting is now proposed at lower ground floor level adjacent to the boundary wall with No. 31). The existing basement cellar is contained within the existing footprint of the building and is accessed via a door on the rear elevation. The excavation involved (predominantly an additional 1.395m in depth compared with the existing) in itself is considered to preserve the character and appearance of the conservation area, given its location and lack of visibility from the public realm on Tanza Road or Hampstead Heath. In itself the rear extension is considered to be a contemporary addition which raises no specific design concerns, being subordinate to the building and preserving the character and appearance of the host building and wider conservation area. The sliding door and pivot door at rear basement level is appropriate in design terms, which together with the frameless balustrade and steps at lower ground floor level provide a lightweight addition to the rear of the building which is sympathetic in respect of the proposed materials.
- 6.7 It is also noted that it is proposed to replace windows/doors on the side/rear elevations at lower ground floor level. This involves maintaining the same sash boxes but installing slimlite 12mm double glazed panels. A detailed section has been provided to illustrate that the proposed changes will not be significant in terms of the finished appearance of the windows, which will essentially appear as existing. Therefore no design issue is raised with this element of the proposals.

### **Amenity**

- 6.8 In terms of the amenity of the future occupiers of the proposed residential unit at basement and lower ground floor level it is considered that the proposal will in overall terms improve the quality of residential accommodation at the site, making a present two-bed unit a three bed family sized maisonette. It is considered important to note that all three bedrooms shown on the proposed plans are located at lower ground (rather than basement) floor level and will provide sufficient outlook and access to natural light. The proposed basement floor level will provide additional accommodation, with a study and utility room at the front of the building. It is acknowledged that neither of these rooms will provide particularly high levels of outlook or access to natural daylight. However given these are not principal habitable rooms no objection is raised. Towards the rear a living/dining, kitchen and 'day room' will have access to outlook through the large sliding doors leading out to the external terrace (and up to the garden). It is considered that these rooms will provide adequate outlook and access to natural daylight/ventilation, providing a sufficient standard of accommodation to future occupiers. In terms of floor to ceiling heights, a 2.63m height is considered to be satisfactory and comfortably above the standard minimum of 2.3m.
- 6.9 With regard to neighbouring occupiers, given the existing context at the application site it is not considered that the proposed works (at lower ground and basement level) when implemented would lead to a significant loss of access to daylight/sunlight, outlook, create significantly more overlooking opportunities or cause undue noise and disturbance than compared with the existing situation. More specifically the boundary walls with No's 27 and 31 will not be altered in height and the proposed terrace at lower ground floor level is similar in nature to that existing at the site.
- 6.10 In terms of noise/disturbance during the course of construction, this is raised as an issue by neighbouring occupiers (see section 4 above). The context of there being a large number of neighbouring occupiers within the rest of the application site building and neighbouring properties (which are split into flats) is acknowledged and during the course of the application the applicant has submitted a draft construction management plan (CMP) and a waste management plan. These primarily focus on health and safety matters and the management and organisation of implementing the development. These are considered to be a useful starting point to demonstrate that the applicant is considering such matters at an early stage, with a view to minimising as far as possible the impacts of construction on neighbouring occupiers. The information does not however cover all of the points expected within a full CMP. Owing to the sensitivities of the site and the nature of the proposed works it is considered that a full CMP will be required and sought to be secured via S106 Legal Agreement. The applicant has indicated a willingness in principle to enter into the S106 Legal Agreement. This is considered satisfactory in minimising as far as practicable the loss of amenity to neighbouring occupiers during construction.

#### **Basement excavation matters**

- 6.11 As outlined in section 2 above the proposed scheme seeks to excavate further an existing basement cellar to provide useable residential accommodation at basement floor level. It is important to first note that there is an existing cellar so the proposed scheme is not for an entire new basement level; instead it is seeking to

excavate further an existing level. It is also noted that there is a small area of entirely new excavation beneath the main entrance and part of the garden will be excavated for the proposed rear extension.

- 6.12 It is also clarified that one of the two reasons for refusal of the previous application was owing to insufficient justification being provided regarding the adverse impact on ground conditions, structural stability, water environment or neighbour amenity. The extent of the basement now proposed and that previously proposed is similar, although a rainwater harvester system is now proposed whereas it was not previously.
- 6.13 Given this context the applicant has provided more information in respect of the implications of the basement with this submission. This included a Basement Impact Assessment (BIA) by Peter Brett Associates (PBA) and a Structural Engineers Statement, in addition to the information already submitted with the earlier refused application. During the course of the application further information was submitted in terms of the BIA, including additional borehole readings based on on-site monitoring over a period of 11 months in total. The originally submitted BIA focused mainly on stages 3 and 4 of the BIA as set out in CPG4; during the course of the application an explicit BIA Screening and Scoping information was submitted (covering stages 1 and 2 of the BIA process set out in CPG4) for completeness.
- 6.14 In terms of groundwork investigations, an initial investigation was carried out in October 2010, with further investigations carried out in February 2011, June 2011 and September 2011, with three main boreholes (two beneath the proposed basement and one within the rear garden) and also five areas where trial pits have been dug. Section 7.1 of the PBA BIA report concludes that a groundwater level 5m below the existing basement level had not been encountered as a result of the borehole investigations and given the basement excavation proposed totals an additional 1.395m below existing, the proposed basement will be constructed above the groundwater table. The PBA BIA assumed a worst case scenario AND states "Even in extreme conditions, any changes to the groundwater table caused by the basement extension will be very localised indeed. On this basis, it is considered that the proposed basement can be constructed without a detrimental effect to the groundwater regime and adjacent properties".
- 6.15 Further monitoring of the boreholes was carried out in June and September 2011 and it has been confirmed that the conclusions of the original PBA BIA remain valid. This later report states "The highest water level recorded under the basement is +7.75m site datum and therefore even if this were to be a true groundwater level that could be "drawndown" by the works, the maximum drawdown to base of foundation dig is only around 1.38m, well within the assumption made for the impact assessment. Consequently the monitoring undertaken shows that the Basement Impact Assessment we carried out is still valid". These works have been undertaken by professionals with the necessary qualifications as set out in paragraph 2.10 in CPG4. As such, based on the range of information provided over a significant period of time involving four separate instances of on-site investigation, it is considered that sufficient information has been submitted in respect of subterranean flow.

- 6.16 In terms of slope stability, alongside the ground investigation for subterranean flow information was collected showing the composition of the land. It was seen that the soils beneath the property comprised a thin layer of Made Ground underlain by London Clay formation. Laboratory testing was carried out on the soil at the site, showing “very high plasticity clay such as London Clay”, with the soil strength showing very low permeability. Furthermore the fieldwork showed monitoring wells to be dry. It is noted that the topography along Tanza Road is varied, with it falling from north to south. The information provided shows the slope at the site to be between 6 and 8 degrees, within the 10 degree “safe” slope angle outlined in the PBA BIA (a slope of above 10 degrees could lead to ground instability, a slope of below 10 degrees is likely to be stable). Given the ground conditions encountered, the low permeability, the subterranean flows not encountered and the slope at the site it is considered that the applicant has demonstrated sufficiently that the stability of the soil will ensure that the structural stability of adjoining properties will not be put at significant risk as a result of the proposals.
- 6.17 In terms of surface flow and flooding, the applicant has confirmed in relation to the existing drainage that the property is currently served by a piped drainage system which connects to Thames Water Tanza Road sewer. It is acknowledged that the proposal will increase the amount of hard surfacing at the site, but the applicant has demonstrated that it is considered that owing to the very low permeability of the soils this will prevent significant infiltration into the ground. However, in order to ensure there is no increase in flood risk the proposed basement will include a waterproof membrane (in addition to the basement being a waterproof concrete structure) incorporating an ‘emergency’ drainage system linked to a pump chamber which in-turn connects to the Thames Water sewer. A below ground rainwater harvester is also proposed to collect water from the hard surfacing proposed, which is linked to the pumping system while also providing water for the WCs within the flat (see sustainability section below for more details). Such measures are considered appropriate in the context of the site and surrounding area and will seek to reduce any possible impact of ground water flow.
- 6.18 In overall terms it is now considered that sufficient information has now been submitted by the applicant, including the additional information submitted during the course of the application, to demonstrate that the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. However, given the size of the proposed area for excavation and the particular context of the application (with there being separate flats within the same building and No. 29 being a pair with No. 31) it is considered necessary in this instance to add a condition denoting that details of the chartered engineer to supervise the construction works throughout their duration has been provided in writing to the Council prior to the commencement of development. The condition will also specify that any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works. This will also seek to protect the residential amenity of neighbouring and nearby occupiers, in addition to the CMP already discussed to be secured via S106 Legal Agreement.

### **Trees / landscaping**

- 6.19 The proposed basement extension at the rear is a sufficient distance from a tree on the rear boundary not to cause a direct impact on the tree. Similarly the excavation to the front and beneath the existing building is located a sufficient distance from trees on the pavement of Tanza Road not to cause a direct impact on these trees. However the trees could be damaged indirectly by construction activity within and close to the site as part of the implementation of the development. Therefore planning permission is recommended to be conditional on no works commencing until a method statement for the protection of trees implicated in the development, which are to be retained, is submitted to and approved by the Council. This will ensure that the Council is satisfied that the implementation of the development does not have an adverse affect on trees to be retained in order to maintain the character and amenities of the area.
- 6.20 The front and rear gardens are to be replanted and landscaped as part of the proposals. At present the garden areas are overgrown and therefore in principle these works will aid the maintenance of the character and appearance of the conservation area. However, only basic details of the proposed replanting and landscaping have been provided and therefore conditions are recommended to be added to the permission seeking further details of all hard and soft landscaping. The condition will specify that any trees or areas of planting, which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as possible and in any case by not later than the end of the following planting season, with others of similar species and size. The purposes of these conditions are to ensure that the front and rear gardens are returned to a reasonable level of planting with the possible inclusion of a new tree being planted on the rear boundary.

### **Sustainability**

- 6.21 The proposed scheme seeks to incorporate a sustainable urban drainage system (SUDS) in the form of a rainwater harvester system. As outlined in the basement excavation matters section above this will seek to reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system. Moreover it is also proposed to feed this collected water to the two WCs proposed at lower ground floor level and one WC proposed at basement floor level. This is welcomed in respect of sustainability principles, in addition to the aforementioned water / flood risk matters already outlined.
- 6.22 In addition to this measure the provision of slimlite double glazing will also improve the thermal performance of the lower ground floor level of the building and the applicant has also denoted that insulated plasterboard will be installed as part of the upgrading works. These sustainable design/construction works will collectively reduce the carbon emissions from this part of the building. In overall terms, in relation to the scale of development proposed, the scheme is considered to propose a sufficient level of sustainability features.

## **7. CONCLUSION**

- 7.1 The proposed development seeks to create residential accommodation at basement floor level to establish a maisonette at lower ground and basement floor

level. This largely involves lowering the existing cellar by 1.395m to provide a sufficient floor to ceiling height for the basement accommodation. Sufficient information has been submitted with respect of the basement excavation by the applicant to demonstrate that it would be unlikely to cause harm to the built and natural environment and local amenity and also be unlikely to result in flooding or ground instability. The proposals also involve a rear extension and associated works which will not impact on the open character of the heath and are satisfactory in respect of design / conservation area considerations.

## **8. LEGAL COMMENTS**

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

## **9. RECOMMENDATION**

- 9.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following matter:
- Construction Management Plan