

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	05/08/2010
		N/A / attached		Consultation Expiry Date:	Planning app. – 16/07/2010 Listed Building con. – 28/07/2010
Officer			Application Numbers		
Aysegul Olcar-Chamberlin			1)2010/2954/P & 2) 2010/3020/L		
Application Address			Drawing Numbers		
37 Queens Grove St Johns Wood London, UK NW8 6HN			See decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
1) Excavation to extend the existing basement to incorporate a swimming pool and associated plant to single dwelling (Class C3). 2) Internal and external alterations including excavation to extend the existing basement to incorporate a swimming pool and associated plant, repairing and rebuilding garden walls and installation of new doors inside lower ground floor level to single dwelling (Class C3).					
Recommendations:		1) Grant Planning Permission subject to s106 2) Grant Listed Building Consent			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	05	No. of responses	01	No. of objections	01
			No. Electronic	01		
Summary of consultation responses:	<p>A site notice for the planning application was displayed from 18/06/2010 to 09/07/201.</p> <p>A site notice for the listed building consent application was displayed from 08/07/2010 to 28/07/2010.</p> <p>The occupiers of 1 Norfolk Road objected to the ventilation units for the swimming pool. In summary their concerns are:</p> <ul style="list-style-type: none">The proposed outlets would be sited closer to the rear of 1 Norfolk Road rather than the application property. The bedroom windows that overlook the rear garden of application property would be particularly affected by the constant low level noise.Even the low level noise will cause disturbance whether it is on a 24hours basis or however controlled. <p><i>Response: Please refer to the assessment part of the report.</i></p>					
CAAC/Local groups* comments: *Please Specify	<p>Thames Water requested that the applicant should incorporate the following:</p> <ul style="list-style-type: none">Installing a non-return valve or other suitable device to avoid the risk of backflow at later date, on the assumption that the sewerage network may charge to ground level during storm conditions.In the event that the swimming pool is to be emptied it should be done so overnight and during dry periods and the discharge rate to be controlled such that not to exceed a flow of rate of 5 litres/ second into the public sewer network in order to prevent the risk of flooding and surcharging of public sewer.The applicant should contact Thames Water (0845 9200 800) for metering water (as the swimming pool will be exceeding 10 cubic meter of water). <p><i>Response: An informative attached to the decision notice to inform the application of the Thames Water’s recommendations.</i></p>					

Site Description

The application is a three storey plus semi-basement Grade II listed semi-detached villa, dating Mid C19 on the south-east side of Queens Grove in the St John Wood Conservation Area. The building is in use as a single family dwelling and has an existing crossover which enables access to the parking area in the front garden.

That part of the conservation area is purely in residential use and is characterised by large detached houses and pairs of villas facing onto Queens Grove and Norfolk Road.

Relevant History

2010/1553/P – Planning permission was refused on 26/05/2010 for the excavation to extend the existing basement to incorporate a swimming pool and associated plant to single dwelling (Class C3). The main reason for refusal: *“The proposed basement extension, by reason of its excessive depth and proximity to the group of Sycamore Trees (T6, T7, T8) would be likely to result in a detrimental impact on the long term health and amenity value of the trees, to the detriment of the character and appearance of the Conservation Area, contrary to policies B7 (Conservation Areas) and N8 (Ancient Woodland and Trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.”*

2010/1556/L – Listed building consent was granted on 26/05/2010 for the internal and external alterations including excavation to extend the existing basement to incorporate a swimming pool and associated plant, repairing and rebuilding garden walls and installation of new doors inside lower ground floor level to single dwelling (Class C3).

PEX0100039 and **LEX0100040** – Permission was granted on 17/04/2001 for the demolition of the existing garage and erection of basement and ground floor accommodation with associated internal alterations and related underpinning works.

PEX0000141 and **LEX0000142** – Permission was granted on 25/04/2000 for the erection of basement and ground floor level side extension and a rear conservatory to provide additional residential accommodation for the single family dwelling house.

PE9700405R2 – Permission was granted on 31/10/1997 for the internal and external alterations including the rebuilding of the garden wall and piers to match existing, the installation of new entrance gates, alterations to the fenestration in the rear elevation and enlargement of the opening between principal rooms on the ground floor.

P9603138R1 – Permission was granted on 07/03/1997 for the erection of a first storey side extension, a conservatory at the rear basement level and a staircase from ground floor to garden.

Relevant policies

Replacement Unitary Development Plan (2006)

SD2 – Planning obligations

SD6 - Amenity for Neighbours and Occupiers

SD7B – Light, noise and vibration pollution

SD8 – Disturbance

B1 - General Design Principles

B3 – Alterations and Extensions

B6 – Listed Buildings

B7 – Conservation Areas

N5 - Biodiversity

N8 – Ancient Woodlands and Trees

T9 - Impact of parking

T12 – Works affecting Highway

Appendix 1 – Noise and Vibration Thresholds

Camden Planning Guidance (2006)

St John's Wood Conservation Area Statement (2009)

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

CS19 – Delivering and monitoring the Core Strategy

DP19 – Managing the impact of parking

DP21 – Development connecting to the highway network

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

Camden Guidance Note: New Basement Development and Extension to Existing Basement Accommodation (Draft February 2009)

Assessment

Proposal

This is a resubmission of the previous application which was refused planning permission on 26/05/2010 (ref: 2010/1553/P).

The following aspect of the previously proposed scheme has been revised:

- Erection of two brick wall enclosures for plant/ventilation units for the swimming pool on the rear garden close to each side site boundary walls.
- The shape and size of the proposed basement level was altered to minimise the impact on the mature trees with amenity value on the site to rectify the reasons for refusal. The projection of the proposed basement extension from the rear of the house was reduced to increase the separation distance to 6.5m to the closest Sycamore tree (close to the rear site boundary wall).

Impact on Listed Building and Conservation Area

Basement extension and associated external alterations:

The proposed basement level would increase the footprint of the house by approximately 179sqm within the rear garden only. It would project from the existing basement level avoiding the root area of the Pear tree which is the subject of a TPO and would be approximately 7m from the rear site boundary wall. The basement extension where the swimming pool and plant room would be located would be 7.5m below the rear garden level. The garden above the basement extension would be re-instated for planting. The existing horizontal grills above the rear light well would be replaced with a glazed roof. The proposed glazed roof over the rear lightwell would not affect the rear elevation of the existing building.

The proposed garden level and topography would appear to remain the same as existing. Once the rear garden is reinstated the proposed basement extension would not be visible. Externally the only visible manifestations of the proposed development would be the glazed roof over the rear lightwell and the venting arrangement for the swimming pool in the form of low retaining walls with planting beds. The bench at the low retaining walls immediately adjacent to shared boundary wall with no.36 would enclose the ventilation grills.

The existing lightwell is a non original feature of the building and the proposed glazing will not rise above the parapet and as such it will have extremely limited visual impact. The venting arrangements are also considered to be carefully integrated with the garden setting entirely in keeping with the appearance and character of the settings of the listed building and wider conservation area. In terms of visual impact the basement is not considered to harm the special interest of the listed building or its setting.

Boundary Wall

It is shown on the garden plan that the boundary walls on either side of the rear garden would be partially taken down and replaced due to their condition and due to the impact of the excavation. No details of the replacement boundary walls are submitted with the application. This could be rectified by a way of condition for the section of the boundary walls to be repaired and rebuilt to match the existing and the existing brick shall be salvaged and re-used where possible on the boundary walls to prevent harm to the appearance and historic interest of the property.

Internal alterations and impact on listed building:

The internal alteration is minor in nature involving only the insertion of fire doors on lower ground (garden) floor level and new access to the proposed basement level.

The proposed fire doors would be installed to an existing opening in what would have been the original external side wall of the building and as such these works which will go some way to creating a better division between

the old and the new and are considered acceptable in design and listed building terms.

Access to the new basement would be gained through the existing lightwell to the rear through the insertion of a set of doors in the retaining wall. The side element of the building where the link with the basement is proposed is a recent addition which has replaced an older garage. It is considered to be in an area of lesser importance to the special architectural and historic interest of the listed building. The proposed development is clearly distinct from the original building, being accessed through a "pinch point" which allows the original lay out of this level of the building to be still clearly read.

The proposed basement extension would add a significant amount of extra accommodation within the building. The property is a substantial four storey house which already contains a significant level of accommodation and therefore it is not considered that the additional floor area intensifies the use to such an extent as to alter the building's original character.

Overall the proposal would have a minimal impact to the fabric, appearance and character of the listed building and is considered to preserve its special interest; therefore it is acceptable in terms of policy B6.

Trees and Landscape

St John's Wood Conservation Area statement states the leafy character of the Conservation Area results largely from significant mature trees and other mature vegetation in private gardens, which create a green, pleasant and open environment. There are number of individual trees and a group of Sycamore in the application and adjoining sites that are considered to make a positive contribution to the appearance and character of the conservation area. It is therefore necessary to ensure that effective measures would be taken during demolition and construction works to ensure that terminal damage to the trees of amenity value within the application and adjoining sites will not occur.

A revised Arboricultural report (from the previous application, 2010/1553/P) has been provided. This report identifies a Magnolia (T3) for removal. The Magnolia (T3) is considered to make little contribution to the character of the site and wider conservation area and its removal would be acceptable. The Pear tree (T1) closest to the rear of the building is the subject of a TPO. The proposed basement exaction would be curved around the root protection area of this tree.

Several other trees connected to this application include a group of 3 Sycamore trees (T6, T7 and T8) in the rear garden of the application site, a Sycamore (T9) in the rear garden of 36 Queens Grove and a Sycamore (T4) and Lime tree (T5) in the rear garden of 69 Avenue Road. All are considered to contribute to the character of the conservation area and the Council's tree officer has confirmed that a TPO will be served on the 3 Sycamores (T6-T8) at the rear of the application site.

The group of three Sycamore at the rear of the application site could potentially be most affected by the proposed works. The proposed scheme have now incorporated the tree officer's recommendations in terms of the set back from the group of that Sycamore trees. The rear wall of the basement would be set back by around 6m from the group of Sycamores adjacent to the rear boundary. That distance is considered to be adequate to prevent potential harm to the root protection zones of the Sycamore trees. Furthermore the tree officer was satisfied that the results of trial holes of the trees in the adjacent gardens showed that the nearby trees on the adjoining sites would not be detrimentally affected by the proposed excavation works. The officer recommend that any planning permission should be conditional on the submission and approval of the following condition ;

" Works on site shall not commence until the Council Tree Officer has inspected and approved in writing the implementation of the tree protection measures set out in the approved Arboricultural report"

It is considered that the Arboricultural report provides sufficient details for the protection of trees to be retained

within the site (the 3x Sycamores and Pear) and the proposal would comply with policies N8 and B7 of the adopted UDP.

Amenity

The proposal does not raise any amenity issues in terms of loss of daylight, outlook or privacy. However initial concerns regarding the noise from the proposed plant/ventilating system for the swimming pool were raised. The Council's Environmental Health officer considered that the noise assessment for the proposed plant submitted with this application demonstrated that the proposed plant with a silencer would generate noise levels below the Council's noise standards and recommended the following conditions if permission is granted.

- At 1 metre outside the windows of any neighbouring habitable room, the level of noise from all plant and machinery shall be at least 5 decibels below the existing ambient noise levels, expressed in dB(A) at such locations.
- Where the noise from the plant is tonal in character, the differences in these levels shall be at least 10dB(A).
- With regard to the construction process, all plant and machinery used shall not cause noise, vibration or odour nuisance to neighbouring premises.
- A time clock so the plant is not operating between the hours of 23:00 and 07:00 daily to avoid annoyance to surrounding neighbours.

Transport Issues

There is an existing crossover from the street to the front of the existing garage on the front garden of the property. According to the construction management plan submitted with the application the equipment and materials would be craned over the single storey side extension into the rear garden with a conveyor also straddling this structure to remove spoil and waste. This would mean that no demolition of the existing building would be required to carry out the excavation.

The Council's transport planner considered that the submitted construction management plan lacked information concerning the number of vehicles and vehicle sizes, the conveyor belt over the public highway - particularly the impact on parking spaces and details of how much of the work can be undertaken on the private forecourt -to minimise the impact on the public highway and recommended that it should be revised to cover all the criteria listed below:

- a) A brief description of the site, surrounding area and development proposals for which the CMP applies.
- b) Start and end dates for each phase of construction.
- c) The proposed hours within which vehicles will arrive and depart.
- d) The access arrangements for vehicles.
- e) Proposed routes for vehicles between the site and the Transport for London Road Network (TLRN). Consideration should also be given to weight restrictions, low bridges and cumulative affects of construction on the highway. A map of the TLRN can be downloaded from here: ["http://www.tfl.gov.uk/assets/downloads/TFL_Base_Map_Master.pdf"](http://www.tfl.gov.uk/assets/downloads/TFL_Base_Map_Master.pdf)
- f) Sizes of all vehicles and the frequency and times of day when they will need access to the site, for each phase of construction.
- g) Swept path drawings for any tight manoeuvres on vehicle routes to the site.
- h) Details (including accurate scaled drawings) of any highway works necessary to enable construction to take place.
- i) Parking and Loading arrangement of vehicles and delivery of materials and plant to the site.
- j) Details of proposed parking bays suspensions and temporary traffic management orders.
- k) Proposed overhang of the public highway (scaffolding, cranes etc.)
- l) Details of hoarding required or any other occupation of the public highway
- m) Details of how pedestrian and cyclist safety will be maintained, including any proposed alternative

- routes (if necessary), and any Banksman arrangements.
- n) Details of how traffic associated with the development will be managed in order to reduce congestion.
- o) Details of any other measures designed to reduce the impact of associated traffic (such as the use of construction material consolidation centres).
- p) Details of how any significant amounts of dirt or dust that may be spread onto the public highway will be cleaned or prevented.
- q) Evidence and details of consultation on a draft CMP with local residents, businesses, local groups (e.g. residents/tenants and business associations) and Ward Councillors. Details should include who was consulted, how the consultation was conducted and the comments received in response to the consultation. In response to the comments received, the CMP should then be amended where appropriate and where not appropriate a reason why will need to be provided. The revised CMP should also include a list of all the comments received. You are advised to check your proposed approach to consultation with the Council before carrying it out.
- r) Details of any Construction Working Group that will be set up, addressing the concerns of surrounding residents, as well as contact details for the person responsible for community liaison on behalf of the developer, and how these contact details will be advertised to the community.
- s) Details of any schemes such as the "Considerate Contractors Scheme" (www.considerateconstructorsscheme.org.uk) that the project will be signed up to. Contractors will also be required to follow the "Guide for Contractors Working in Camden" also referred to as "Camden's Considerate Contractor's Manual"
- t) Amelioration and monitoring measures over construction traffic including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any).
- u) Details of other construction sites in the local area and how your CMP takes into consideration the cumulative effects of construction local to your site.
- v) Any other relevant information with regard to traffic and transport.
- w) The CMP should also include the following statement:
 "The agreed contents of the CMP must be complied with unless otherwise agreed with the Council. The person responsible for implementing the CMP shall work with the Council to review this CMP if problems arise in relation to the construction of the development. Any future revised plan must be approved by the Council and complied with thereafter."

In order to tie the development into the surrounding urban environment, a financial contribution would be required to repave the footway adjacent to the site and the vehicular crossover in accordance with policies T3 and T12 of the UDP. This work and any other work that needs to be undertaken within the highway reservation. The Council will undertake all works within the highway reservation, at the cost to the developer. An estimate for the cost of this work will be calculated and provided by Highways Engineering.

The proposal is considered to be acceptable subject to a s106 agreement for a Construction Management Plan and a financial contribution required to repave the footway adjacent to the site and the vehicular crossover.

Other issues

The proposed basement extension would be entirely within the rear garden of the property, however this would be in excess of the draft basement guidance in terms of its projection from the existing building and its depth below the garden level. Furthermore, draft LDF policy DP27 states in determining basement/underground development proposals the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. As the draft basement guidance and policies are still in examination stage only limited weight could be given to these when assessing the applications.

The proposed development would not be under or in close proximity to existing buildings and therefore a geotechnical assessment to address the draft policy DP27 for that size of development would not be justified.

Summary

The principles of the development are acceptable in general terms and the visible manifestations of the basement would be limited and acceptable in terms of their visual impact on the Conservation Area and the

host building. The Arboriculture report also demonstrate that the proposals would accord with the recommended BS standards for tree protection. The works would not therefore likely cause considerable harm to the trees on the application and adjoining sites which make a positive contribution to the Conservation Area.

The proposals is acceptable subject to a Section 106 agreement to secure the following items:

- A Construction Management Plan; and
- A financial contribution for repaving the footway adjacent to the site and the vehicular crossover.

Recommendation: Grant planning permission subject to S106 and grant listed building consent.

DISCLAIMER

Decision route to be decided by nominated members on Monday 26th July 2010. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>