

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 2<sup>nd</sup> November 2009. For further information see <http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	09/10/2009
		N/A / attached	<b>Consultation Expiry Date:</b>	23/09/2009
<b>Officer</b>			<b>Application Number(s)</b>	
Jamie Forsman			2009/3632/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
5 Cannon Lane London NW3 1EL			Refer to draft decision	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Variation to planning permission granted 03/06/2009 (ref 2008/4242/P) for the erection of a three storey plus basement single dwelling house (Class C3), following demolition of existing house on site to include the creation of a second basement level.				
<b>Recommendation(s):</b>		Grant planning permission subject to deed of variation to s106 agreement		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	08	No. of responses	03	No. of objections	03
			No. Electronic	03		
Summary of consultation responses:	<p>In addition to adjoining neighbours being notified a site notice was erected on the 02/09/2009 and expired on the 23/09/2009. The following responses were received</p> <p><b>21 Well Road</b> – object to the proposal on the following grounds</p> <ul style="list-style-type: none"><li>• Further excavations to create a second basement floor level will result in subsidence to the land and obstruct the flow of groundwater resulting in damage to the application site and surrounding environment (see paragraph 2.4 and 2.6)</li><li>• The construction process will result in undue noise and disturbance to the surrounding residential neighbourhood (see paragraph 2.9)</li><li>• The proposal results in overdevelopment of the site (see paragraph 2.2)</li><li>• The development will be detrimental to flora and fauna which occupy the surrounding environment (see paragraph 2.13)</li></ul> <p><b>22 Well Road</b> – object to the proposal on the following grounds.</p> <ul style="list-style-type: none"><li>• Design and layout (see paragraphs 2.2)</li><li>• Excavations will have an adverse hydro geographical impact exacerbating the potential for flooding and exceeding the capacity of existing drainage installations. This will be to the detriment of neighbouring occupiers (see paragraphs 2.4 to 2.6)</li><li>• The construction process will result in excessive noise and disturbance to the surrounding residential neighbourhood (see paragraph 2.9)</li><li>• Heavy vehicle movements during the construction phase will result in damage to the road network (see paragraph 2.9)</li></ul> <p><b>4 Cannon Lane</b> – object to the proposal on the following grounds</p> <ul style="list-style-type: none"><li>• Further excavations will undermine the stability of their property and increase the potential for damage to neighbouring dwellings (see paragraphs 2.4 to 2.6)</li><li>• Excavations will have an adverse hydro geographical impact exacerbating the potential for flooding and exceeding the capacity of existing drainage installations. This will be to the detriment of neighbouring occupiers (see paragraphs 2.4 to 2.6)</li></ul>					
CAAC/Local groups* comments: *Please Specify	<p><b>The Heath and Hampstead Society</b> – object to the proposal on the following grounds</p> <ul style="list-style-type: none"><li>• The proposed development will be damaging to the Hampstead Conservation Area (see paragraphs 2.2)</li><li>• The additional basement level would be contrary to the Councils draft basement policy and detrimental to hydrogeological flows (see paragraph 2.3 and 2.4 to</li></ul>					

	<p>2.6)</p> <p><b>Hampstead CAAC</b></p> <ul style="list-style-type: none"><li>• The additional basement level will disturb the hydrology of the area and is contrary to the councils draft basement policy (see paragraphs 2.4 to 2.6)</li><li>• The proposal is an excessive addition to an already large house and basement (see paragraph 2.2)</li></ul>
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## Site Description

The application site is a two storey single dwelling house located on the south east corner of Cannon Lane. The site is bounded by a 4 – 5 metre wall to the north and west sides. The property is located within the Hampstead Conservation Area however it is not a Listed Building. The site is also identified in the UDP as being an Archaeological Priority Area. The area is predominantly residential with similar residential properties on all sides of the application site.

## Relevant History

### 5 Cannon Lane

2008/4242/P –Erection of a three storey plus basement single family dwelling house, following demolition of existing house on site. **Granted** on the 11/12/2008.

2008/4315/C – demolition of existing single family dwelling house. **Granted** on the 11/12/2008.

2008/1292/P: Erection of a three storey plus basement single family dwelling house, following demolition of existing house on site. **Withdrawn** on the 30/05/2008.

## Relevant policies

### Camden Replacement Unitary Development Plan 2006 (UDP)

SD1 – Quality of Life

SD6 – Amenity for occupiers & neighbours

SD7- Light, noise and vibration pollution

SD8- Disturbance,

SD12 – Development and construction waste

B1 – General design principles

B7 – Conservation areas

B8 – Archaeological sites and monuments

### Camden Planning Guidance 2006 (CPG)

### Planning Policy Guidance 15 - Planning and the Historic Environment

## Assessment

### Proposal

Planning permission was granted on 11/12/2008 for the erection of a three storey plus basement single dwelling house (Class C3), following demolition of existing house on site (ref 2008/4242/P). This was subject to a section 106 agreement for the submission of a construction management plan and a financial contribution towards highways works. Conservation area consent was granted for the demolition of the existing house on the 11/12/2008 (ref: 2008/4315/C).

The current application seeks to revise the approved scheme. The revised scheme is identical in terms of its external appearance; however it includes the excavation of a second basement level which will provide additional level of accommodation for a swimming pool, gym, steam room, plant room, cinema and changing facilities. The second basement would have the same footprint as the approved lower ground floor level. This level will be accessed from the lower ground floor level via an internal staircase.

Additional excavations will be required to accommodate the second basement level. The submitted plans show that the finished floor level of the new basement will be approximately 3.5 metres below the previously approved basement datum. Further excavations of 1.15 metres would be required to accommodate the swimming pool. Collectively the approved lower ground floor and the new basement floor would require total excavations of approximately 7.6 metres below the finished ground level. A construction method statement and structural assessment of the basement construction along with a hydrological review have been submitted as part of the application.

The internal layout of the remaining floor levels remain identical to that approved under the previous application.

As there has been no change in policy or circumstance since the previous applications were approved, only the new elements of the proposal have been re-assessed.

### 2.0 Planning assessment

2.1 The main considerations material to the determination of the application are

- Design
- Amenity
- Residential standards
- Other matters

#### Design

2.2 The proposed revision includes the extension of the recently approved building by excavating an additional basement. The basement would be located below and would be similar in terms of its floor area as the lower ground floor of the building that was approved as part of the previous scheme. The extension would not be expressed externally. Policy B3 states that planning permission will not be granted for excavation of new basements where it is considered that they cause harm to the appearance or setting of a building or the established character of the surrounding area. Given that the additional basement would be contained below ground level and would not be expressed externally, it is not considered in design terms to impact on the character and appearance of the conservation area and is therefore considered acceptable.

#### Amenity

2.3. During the course of the public consultation, a number of objections have been raised by neighbouring occupiers and local groups as to the impact the proposed building, and more specifically the subterranean accommodation, may have on the structural stability of neighbouring buildings. In particular concerns have been raised with regard to the possible subsidence, risk of flooding and other damage to neighbouring

properties and the wider area in general. Many objectors have made reference to the councils draft basement policy document. It should be noted that the draft guidance note on new basement development (Feb 2009) has not been formally adopted by Camden Council therefore any subsequent assessment against criteria outlined in this document would carry very little weight. Further consideration and assessment of hydrogeological and subsidence issues raised by objectors are detailed in section 2.4 to 2.6 of this report.

2.4 The geology of this particular area consists of sands and clays (Bagshot formations) overlaying Claybeds. On the issue of impact on underground water flows, Camden Building Control officers advise as follows: A basement in this location could be constructed to satisfy Building Regulation requirements. The majority of properties in Camden are founded on clay, which is impermeable to drainage water flow. Thus where foundations are taken deeper to form basements, there are unlikely to be any adverse drainage effects, as the groundwater would continue to flow in both the shallow depth of soil above the clay and the sewer systems. The drainage sewers and river culverts are indicated on maps and are protected by the checking procedures. On the very high ground around the Hampstead Heath area, buildings are founded on permeable sand and here flows will divert around basement structures. Consequently the proposal would not have an adverse impact on the adjacent properties in terms of increased underground water flows.

2.5 A hydrogeological review has been submitted as part of the application and indicates that primary groundwater flows are generally below the proposed basement levels. It also states that the Environment Agency define the area as having a very low risk of flooding due principally to its steep topography. Irrespective of this the review considers the effects of ground water on the development and surrounding area including the potential for increase risk of flooding. The report details the incorporation of design features such as perforated piles outside the main building cavity which will allow for the passage of groundwater. Section 8 of the hydrogeological review comments that by virtue of the basement design, which will seek to retain existing groundwater flow, the proposed development will not lead to an increase in flood potential.

2.6 The hydrogeological review report is a desk top study only and concludes that further ground investigations should take place. Further discussions with the applicant have revealed that this will require further borehole analysis. The information submitted during the course of the application in conjunction with advice from the Councils Building Control Department is considered sufficient at this stage to assist in determining the application. The conditions that were attached to the previously approved scheme, together with controls set out in building regulations and procedures contained within the Party Wall Act 1996 are considered to be sufficient to protect the neighbouring buildings and wider surrounding area from the possible implications raised during the public consultation relating to the proposed scheme.

2.7 Policy SD6 of the UDP relates to residential amenity and states that 'Council will not grant planning permission for development that it considers causes harm to the amenity of the occupiers and neighbours.

2.8 The proposed extension is at basement level and therefore does not impact on light, outlook or privacy to neighbouring residential properties.

2.9 Concern has been expressed by residents about the noise and disturbance from construction. The control of noise during construction is dealt with by Environmental Health legislation. An informative has been attached to the permission advising the applicant of the hours within which construction work can be carried out.

### **Residential standards**

2.10 The basement area would provide a swimming pool, gym, steam room, plant room, cinema and changing facilities. The Camden Planning Guidance 2006 states that adequate natural light should be provided to habitable rooms even in the basement. As the floor space would not provide habitable accommodation and is additional floor space to the new dwelling with principle rooms at the upper levels that has been approved

under the previous permission, this is considered acceptable.

#### **Other matters**

2.11 The English Heritage Archaeology Advisor (GLASS) has advised that the second basement level would not have any additional affect on the archaeological remains. No conditions would be required.

2.12 Thames Water has requested that the proposal incorporates protection from sewage network surge charge by installing a non return valve or other device. The applicant will be advised of this request by way of an informative.

2.13 Concern was raised by a neighbour that the development would be detrimental to the flora and fauna that occupies the surrounding environment. An arboricultural report has been submitted in support of the application. The proposal would not result in the removal of any further trees within the site than the approved scheme. The conditions that were attached to the previously approved scheme regarding details of the protection of existing trees and details of hard and soft landscaping would also be required as part of this application.

#### **3.0 Conclusion**

3.1 Grant planning permission subject to deed of variation to the s106 agreement.

