

Delegated Report		Analysis sheet	Expiry Date:	16/09/2011
(Members Briefing)		N/A / attached	Consultation Expiry Date:	06/09/2012
Officer		Application Number(s)		
Jonathan Markwell		a) 2011/3636/P b) 2011/3639/L c) 2011/3641/P		
Application Address		Drawing Numbers		
Klippan House 50 Well Walk London NW3 1BT		Please see decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
a) Renewal of planning permission allowed on appeal dated 10/11/2008 (Appeal ref: APP/X5210/A/08/2081611) (Planning ref: 2007/4759/P) for the creation of a new underground swimming pool with ancillary plant and gym rooms next to 8 East Heath Road, connected to the main building via a basement corridor link. b) Renewal of listed building consent allowed on appeal dated 10/11/2008 (Appeal ref: APP/X5210/E/08/2081610) (Listed Building ref: 2007/4761/L) for demolition of garage adjacent to 8 East Heath Road and creation of a new underground swimming pool with ancillary plant and gym rooms connected to the main building via a basement corridor link. c) Renewal of planning permission granted on 26/05/2009 (ref. 2009/1621/P) for the erection of new single storey garage plus staircase link at rear to approved underground swimming pool (following the demolition of the 2 existing garages).				
Recommendation(s)	a) Grant Planning Permission subject to s106 Legal Agreement b) Grant Listed Building Consent c) Grant Planning Permission			
Application Type:	a) Renewal of Full Planning Permission b) Renewal of Listed Building Consent c) Renewal of Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	a) 17/18 b) 12 c) 19 d) 20	No. of responses	a) 10 b) 04 c) 06 d) 02	No. of objections	a) 08 b) 03 c) 03 d) 02
Summary of consultation responses:	<p>The application was subject to four separate periods of public consultation, outlined above and below as consultation a), b), c) and d). In addition two responses were received outside of the formal periods of consultation (between consultation b) and c)). All responses are summarised below.</p> <p><u>Consultation a)</u> Letters were sent to 17 neighbouring occupiers on 27/07/2011, expiring on 17/08/2011. After the submission of additional information by the applicant, received on 05/08/2011, re-consultation letters were sent to 18 (17 originally consulted and 1 who had already commented on the application) neighbouring occupiers on 08/08/2011, expiring on 29/08/2011. A site notice was erected on 29/07/2011, expiring on 19/08/2011. A press notice was published on 11/08/2011, expiring on 01/09/2011.</p> <p><u>Consultation b)</u> After the submission of additional information by the applicant, received on 26/09/2011, re-consultation letters were sent to 12 neighbouring occupiers on 27/09/2011, expiring on 18/10/2011.</p> <p><u>Consultation c)</u> After the submission of additional information by the applicant, received on 09/07/2012, re-consultation letters were sent to 19 (17 originally consulted and two individually named addresses who had previously responded) neighbouring occupiers on 03/08/2012, expiring on 24/08/2012. A site notice was erected on 09/08/2012, expiring on 30/08/2012. A press notice was published on 16/08/2012, expiring on 06/09/2012.</p> <p><u>Consultation d)</u> After the submission of additional information by the applicant (which sought to overcome concerns raised following the first independent review of the BIA related information carried out in April 2013) on 23/05/2013, re-consultation letters were sent to 20 (17 originally consulted and three individually named addresses who had previously responded) neighbouring occupiers on 23/05/13, expiring on 13/06/2013. A site notice was erected on 24/05/13, expiring on 14/06/2013. A press notice was published on 30/05/13, expiring on 20/06/2013.</p> <p>More specifically:</p> <p><u>Consultation a)</u></p> <p>A total of 8 objections were received in respect of consultation a) from the following addresses: 1 from Great College St, SW1P 3SJ (on behalf of five individually named owners of flats at a building on East Heath Road); 3 from flats of this building on East Heath Road (two responses from one flat); 3 from a separate building of flats along East Heath Road (two responses from one and another response was denoted to be on behalf of the 60 flats at this building) ; 1 from a flat within a building on Well Walk. A summary of the issues raised were as follows:</p> <p>a) Concern over upstream and downstream groundwater flood risks on neighbouring properties; another refers to the serious effect on the water table;</p> <p>b) Possible subsidence to neighbouring properties, such as 8 East Heath Road (said to have extremely fragile foundations), leading to remedial work and insurance issues; another has concerns it would cause irreparable damage; another suggests the basement swimming pool should be positioned elsewhere on the site rather than that proposed.</p> <p>c) Lack of a hydrology report / BIA report in response to Camden's policy; one objector states "that such development cannot take place without a very full and thorough scientific investigation of the geological structures and water supply involved, and the possible impact on the environment in this conservation area";</p> <p>d) Loss of outlook from a window within Flat 2, 8 East Heath Road caused by a larger garage;</p>					

- e) Destruction of the garage would damage the pleasantness of the locality;
- f) Proposed development on the fringes of the Heath would “be part of the piecemeal damage to a sensitive and important area”.
- g) Adverse impact on the roots of the listed cedar tree;
- h) Noise / vibration / physical disruption to nearby occupiers (including to a home-based business and a small baby) during construction, which one response states would “make working, not to mention living, here impossible”.
- i) Possible disruption to water supply and pressure to neighbouring buildings e.g. The Pryors has previously suffered from lack of water pressure.
- j) Excessive use of water in times of drought.
- k) Impact during construction on local road network caused by up to 150 lorryloads of material to be removed. East Heath Road one of the busiest in Hampstead and a route taken by ambulances to/from the Royal Free Hospital.
- l) No pressing need for a swimming pool in this area, given pools on the Heath, the Lido and Kentish Town;
- m) “Every time an application for a basement development is approved, other house owners are likely to plan for basement developments. This will eventually lead to a more sterile environment due to the quantity of concrete employed”
- n) Queries in respect of the consultation and in particular the allowance for the consultation period to be extended;

Officer response: a) – c) Please see section 5; d) Please see section 4; e) - f) Please see section 3; g) Please see section 7; h) & k) Please see sections 4 and 6; i) – j) not a material consideration to the determination of these applications; l) Please see section 2. m) Each application must be considered and judged on its own merits; n) Please see beginning of this 'summary of consultation responses' section for clarification.

Consultation b)

A total of 3 objections were received in respect of consultation b) from the following addresses: 1 from an address on Great College St, SW1P 3SJ (on behalf of five individually named owners of flats at a buildings on East Heath Road); 1 from another building on East Heath Road; 1 from a flat within a building on Well Walk (two responses). One of these objectors simply reiterated that previous concerns raised remained “and these have not changed”. A summary of the matters raised were as follows:

- a) Comments in respect of insurance matters concerning the trees (within the application site but close to No. 48 Well Walk) and boundary wall to No. 48 Well Walk.
- b) concerns regarding subsidence and damage to nearby properties
- c) Based on a report commissioned by a number of nearby residents, carried out by Hydrock (which considered the impact of the proposed development on a neighbouring building in terms of subsidence due to changes in the hydrogeological regime), many of the elements of a BIA produced by SLR have not been carried out and is lacking in detail of the effects of the proposed development on groundwater levels and flow. In short the proposal does not comply with CPG4.
- d) Anticipated that the proposed development would have a significant interference with the pre-development ground water conditions
- e) No detailed evaluation of the effects of temporary works (such as dewatering) and no remediation works proposed for No. 8 East Heath Road (although it is acknowledged that they may be required – such as underpinning).
- f) Does not address any potential geotechnical effects that may have a bearing on stability, such as the creation of a deep excavation close to a nearby property or the construction of bored piles, which requires specialist input from a geotechnical engineer

Officer response: a) – b) Please see section 5; c) – f) The BIA by SLR was subsequently superseded (see details in section 1). Please also see further consultation responses below on behalf of five individually named owners of flats of a building on East Heath Road and section 5.

Between consultation b) and c)

Outside of the formal consultation periods 2 responses were received (between consultation b) and c)) from the following addresses: 1 from a building on Great College St, SW1P 3SJ (on behalf of five individually named owners of flats at a building on East Heath Road); 1 from a property on Red Lion Square, WC1R 4QD. A summary of the issues raised in the submission from Great College St were as follows:

a) Based on further information submitted to the Council on 3 February 2012 SLR (who carried out the original BIA for the applicant) acknowledge there are further ground related stability issues to investigate and assess and makes commitments to address issues raised by Hydrock (who carried out a report commissioned by a number of nearby residents – see consultation b) part c) for details).

b) Hence “no planning permission should be granted until such time as a comprehensive and compliant Basement Impact Assessment confirms that: the relevant basement impact issues have been identified; the extent of the impact/risks have been fully assessed; and appropriate mitigation measures have been proposed”.

c) In addition the report by SLR itself is said to constitute only a screening report, which is a stage in the BIA process and not the BIA itself.

Officer response: a) – c) The BIA by SLR was subsequently superseded (see details in section 1). Please also see further consultation responses below on behalf of five individually named owners of flats at 8 East Heath Road and section 5.

The letter received from the address on Red Lion Square, WC1R 4QD was of a general nature, seeking details of the status of the application on behalf of the buyer of a flat at a building on East Heath Road. In the letter submitted no formal comments on the actual application were given. The status at that point in time (end of May / beginning of June 2012) was explained via telephone and no subsequent response was received.

Consultation c)

A total of 3 objections were received in respect of consultation c) from the following addresses: 1 from a building on Great College St, SW1P 3SJ (on behalf of four individually named owners of flats at a building on East Heath Road); 1 from a flat within a building on East Heath Road (denoted to be on behalf of the 60 flats at this building) and 1 from a flat within a building on Well Walk. A summary of the issues raised in these objections were as follows:

- a) Increase in risk of further significant subsidence to nearby properties;
- b) Proposal will seriously affect the water table, risking flooding;
- c) Adverse impact on the roots of the listed cedar tree;
- d) Possible diversion of water supply from neighbouring buildings e.g. The Pryors has previously suffered from lack of water pressure.
- e) “Every time an application for a basement development is approved, other house owners are likely to plan for basement developments. This will eventually lead to a more sterile environment due to the quantity of concrete employed”
- f) No pressing need for a swimming pool in this area, given pools on the Heath, the Lido and Kentish Town;
- g) Destruction of the garage would damage the pleasantness of the locality;
- h) Proposed development on the fringes of the Heath would “be part of the piecemeal damage to a sensitive and important area”.
- i) Vibrations and noise will be unbearable during construction for nearby occupiers, especially for neighbours with small children.

That submitted from the Great College St address includes a critique of the BIA. This has been carried out by Hydrock. The objection is summarised as the BIA not complying with DP27 and hence should not be granted planning permission:

- j) TWS report details that further borehole investigations will be undertaken prior to the final design to establish the soil parameters / ground conditions.
- k) There is a need for further investigation to check the foundations and founding soils of 8 East Heath Road, to allow a detailed structural survey to be advanced.
- l) The TWS report calculates lateral displacements of up to 6mm – there is no justification for the ‘very slight’ displacement arising as a result. Moreover, it is considered that there could be significantly greater displacements to 8 East Heath Road. Therefore it is uncertain whether it would be able to accommodate such movements without sustaining damage.
- m) TWS has no planned precautions or alternative proposals should movement beyond an acceptable limit be detected during monitoring.
- n) Conclusions of the TWS are reliant upon the competent actions of the contractor and the detailed engineering design of the structure and construction sequence.
- o) Underpinning of the application site will occur; none appears to be proposed for no. 8 East

Heath Rd. The owners of 8 East Heath Rd will consider any damage, however slight, is unacceptable.

p) Little regard has been made to the combined effects of vibration and ground movements.

Officer response: a) - b) Please see section 5; c) Please see section 7; d) Not a material consideration to the determination of these applications; e) Each application must be considered and judged on its own merits; f) Please see section 2; g) – h) Please see section 3; i) Please see sections 4 and 6; j) – p) Please see section 5, in particular 5.7 5) and 6).

2 comments were received from occupiers of the following addresses: 1 within a flat of a building on East Heath Road (two responses) and 1 from the now former freeholder of a building on Well Walk.

A summary of the comments from a flat within a building on East Heath Road are:

- Hope that the BIA provides Camden with all the important safeguards regarding the environment and effects on nearby residential properties;
- First submission queried viewing plans from the website (unable to download – were individually sent via email despite being available to download via email)

A summary of the comments from the now former freeholder of a building on Well Walk:

- “no objection to the erection single storey garage, providing it does not impinge”
- Draw attention to two trees on the boundary with 48 Well Walk could potential lead to issues of cracking and subsidence (on the basis of a structural engineer’s report);
- “I have no objection to the planning application, or any future planning applications, within reason”.

Consultation d)

A total of 2 objections were received as part of consultation d) from the following addresses: 1 from a building on Great College St, SW1P 3SJ (on behalf of four individually named owners of flats at a building on East Heath Road) (4 submissions dated 14/06/13 (holding response), 03/07/13, 09/07/13 and 12/08/13); 1 was on behalf of residents of a building with 60 flats on East Heath Road. A summary of the issues raised in these objections were as follows:

- a) Revisions do not materially answer earlier objections. The underground swimming pool is out of keeping with residents needs in the area – locality well served with public swimming baths and open air pools.
- b) Risk to underground water and drainage, together with risk of subsidence to neighbouring buildings.
- c) Works and lorries will disrupt the local area and cause a heavy use of carbon.

That submitted from the Great College St address includes a critique of the BIA. This has been carried out by Hydrock (03/07/13 submission). The objection is summarised as the information by the applicant not being sufficient to grant permission, whilst also detailing recommended conditions (15 in total) should the Council to be minded to grant permission:

- d) 03/07/13 submission – Hydrock comment that they see no reason to challenge CGL’s conclusion that stages 1-3 of the BIA by TWS is appropriate.
- e) A full structural condition survey and investigation to determine the foundation depth of 8 Heath Road continues to be needed.
- f) Warned that monitoring, which is not continuous throughout construction, and with no associated target values or action plan, will not be able to protect the structure from excessive movement.
- g) query over the negligible movement conclusion reached. Reiterated that the owners of 8 East Heath Rd will consider any damage, however slight, is unacceptable.
- h) 09/07/13 submission – copy of policy cover for subsidence for 8 East Heath Road provided.
- i) 12/08/13 submission – copy of documents detailing subsidence at 8 East Heath Road, including subsidence diagnosis report and a drainage report.

Officer response: a) Please see section 5; b) Please see section 2; c) Please see sections 4 and 6; d)-i) Please see section 5, in particular 5.8 b).

<p>CAAC/Local groups* comments: *Please Specify</p>	<p><u>Consultation a)</u></p> <p>Hampstead CAAC was formally consulted on 27/07/2011 and re-consulted on 08/08/2011. In the reply received on 09/08/2011 both the 'no objection' and 'comment' reply boxes were ticked, with the response in full being: "See data submitted by the Heath & Hampstead Society. This was not known to the HCAAC panel".</p> <p>Heath and Hampstead Society objected:</p> <ul style="list-style-type: none"> - Opposed the original proposals strongly, on the basis of their severe damage to the setting and character of Klippan House and the appearance and character of the conservation area; original application culminated in a most unsatisfactory appeal. - Policies DP23 and DP27 now apply and the applicant has ignored this as no Basement Risk Assessment is provided. In the absence of this refusal is called for. <p>Officer response: Please see sections 1, 3 and 5 below.</p> <p><u>Consultation b)</u></p> <p>Hampstead CAAC was formally consulted on 27/09/2011. No response has been received.</p> <p>Heath and Hampstead Society replied on 17/10/2011 stating that an assessment of the BIA was being undertaken and further time was requested to review this prior to formally responding. No subsequent reply was received.</p> <p><u>Consultation c)</u></p> <p>Hampstead CAAC was formally consulted on 03/08/2012. No response has been received.</p> <p>The Heath and Hampstead Society were formally consulted on 03/08/2012. No response has been received.</p> <p><u>Consultation d)</u></p> <p>Hampstead CAAC was formally consulted on 23/05/2013. No response has been received.</p> <p>The Heath and Hampstead Society were formally consulted on 23/05/2013. No response has been received.</p>
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Site Description

The application site comprises an expansive and imposing two-storey plus basement and attic detached house, known as Klippan House, at the corner of East Heath Road and Well Walk. In addition, one detached garage faces towards East Heath Road. Klippan House is Grade II listed and was built in 1881 in an Arts and Crafts style. The house has recently been refurbished and restored following previous permissions/consents to extend and alter (most relevant noted below) and to overcome problems of rising damp. For some time the building was lawfully subdivided into three flats, although planning permission has allowed a change of use to two flats and a recent certificate of lawfulness (existing) has been granted for the building as a single dwellinghouse (see relevant history).

The detached garage dates from the 1920's with red brick walls and pitched tiled roofs, adjoining the neighbouring No. 8 East Heath Road. It is a neutral building in the context of their contribution to the character of the conservation area. Up until recently there was another garage to the south-west of the garage which remains. This was demolished as part of 2007/0683/C / APP/X5210/E/07/2059108 (see relevant history below). The overall site has a large garden with gravel/hard surfacing fronting the house and around the garages and has two vehicular entrances off both roads. The site has rows of mature trees on both frontages plus a large mature and impressive cedar tree in the rear garden (see relevant tree application history below).

The property is located in the Hampstead Conservation Area. East Heath Road faces the Heath on its north-east side with large Edwardian mansion blocks opposite the site (The Pryors) and on its south-west side has typical Victorian four-five storey semi-detached houses adjoining the site. Well Walk has a variety of 19th century residential semi-detached properties in a tree-lined verdant setting. In the previous appeal the Inspector commented at paragraph 3 that *"This corner position and the large garden around the house set it apart from neighbouring more closely spaced buildings. The garden, which includes a statuesque mature cedar tree, plays a key role in the pleasant leafy character of the conservation area"*.

The application site is also located within a controlled parking zone, has a public transport accessibility level (PTAL) rating

of 2 (which equates to poor access to public transport), lies within the Hampstead Archaeology Priority Area and is within two of three identified hydrogeological constraint areas. More specifically the site is identified as potentially being susceptible to slope (in) stability and ground water flow.

Relevant History

Original applications to which the current applications are seeking to renew

2007/4759/P - Creation of a new underground swimming pool with ancillary plant and gym rooms next to 8 East Heath Road, connected to the main building via a basement corridor link. Refused 26/03/2008.

Reason for refusal: The underground swimming pool, by virtue of its siting and design would fail to preserve or enhance the character and appearance of the Hampstead Conservation Area, and would be harmful to the setting of the listed building, contrary to policies B1 (General design principles), B3 (Alterations and extensions), B6 (Listed buildings) and B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

Appeal (APP/X5210/A/08/2081611) lodged (written representations procedure) and subsequently allowed on 10/11/2008.

2007/4761/L - Demolition of garage adjacent to 8 East Heath Road and creation of a new underground swimming pool with ancillary plant and gym rooms connected to the main building via a basement corridor link. Refused 26/03/2008.

Reason for refusal: The underground swimming pool, by virtue of its siting and design would be harmful to the setting of the listed building, contrary to policy B6 (Listed buildings) of the London Borough of Camden Replacement Unitary Development Plan 2006.

Appeal (APP/X5210/E/08/2081610) lodged (written representations procedure) and subsequently allowed on 10/11/2008.

2009/1621/P - Erection of new single storey garage plus staircase link at rear to approved underground swimming pool (following the demolition of the 2 existing garages). Granted 26/05/2009.

Other relevant history at the application site

2009/3429/P - Details relating to archaeological investigation pursuant to condition 4 of planning permission ref 2007/4759/P granted on appeal on 10/11/2008 for the 'Creation of a new underground swimming pool with ancillary plant and gym rooms next to 8 East Heath Road, connected to the main building via a basement corridor link'. Details granted 03/09/2009.

2007/0680/P - Change of use of Klippan House from 3 flats into a single dwelling house; replacement of 2 garages by erection of a new 2 storey and basement building facing East Heath Road, comprising ground floor garage for main house, a 1st floor selfcontained 2 bedroom flat with access off East Heath Rd, and a new basement with swimming pool and ancillary accommodation connected to main house; new hard surfacing and alterations to entrances and boundary walls on both frontages. Refused 14/09/2007. Appeal APP/X5210/A/07/2059109 (considered at a Hearing) dismissed 13/06/2008.

2007/0682/L - Internal alterations associated with conversion of Klippan House from 3 flats into a single dwelling house,

plus a basement link connected to a new 2 storey and basement building to replace the existing garages; new hard surfacing and alterations to entrances and boundary walls. Refused 14/09/2007. Appeal APP/X5210/E/07/2059107 (considered at a Hearing) dismissed 13/06/2008.

2007/0683/C - Demolition of two garages. Refused 14/09/2007. Appeal APP/X5210/E/07/2059108 (considered at a Hearing) allowed 13/06/2008.

2007/3832/P - The installation of two air conditioning units in acoustic enclosure in front garden area adjacent to Well Walk frontage for residential use. Refused 27/11/2007. Appeal APP/X5210/A/08/2065584 (considered at a Hearing) allowed 13/06/2008.

2007/4391/P & 2007/4409/L - Rebuilding of brick boundary walls fronting East Heath Road to include new railings; replacement of fencing with a brick wall along Well Walk, and rebuilding of the retaining wall on rear garden boundary with 48 Well Walk. Granted 13/11/2007.

2007/5092/P & 2007/4763/L - Change of use and works of conversion from three flats into two flats. Granted 07/12/2007.

2008/2167/P & 2008/2169/L - Erection of shed, gazebo and decked area within the rear garden, creation of raised embankment feature and pond, and replacement of timber fence adjoining 8 East Heath Road with new boundary wall. Granted 15/07/2008.

2013/1152/P - Use as a single dwelling house (Class C3). Certificate of Lawfulness (Existing) Granted 30/05/2013.

Tree applications:

2009/0570/T - DDD - (TPO Ref: 14H) FRONTING WELL WALK: 1 x Cherry - Fell to ground level - DDD. Approve Emergency Works (TPO) 12/03/2009.

2009/0571/T - (TPO Ref: 14H) SIDE GARDEN, ALONG THE BOUNDARY WITH 48 WELL WALK: 1 x Lime - Crown reduce by 20% and reduce back from adjacent property. Approve Works (TPO) 23/03/2009.

2009/0572/T - SIDE GARDEN, ALONG BOUNDARY WITH 48 WELL WALK: 2 x Holly - Crown reduce by 20%. 1 x Elder - Fell to ground level. No objection 12/03/2009.

2009/3937/T - DDD - FRONT GARDEN, ON THE CORNER OF EAST HEATH ROAD: 1 x Oak - Remove - DDD. No Objection to Emergency Works (CA) 09/09/2009.

2012/2108/T - (TPO Ref: 14H) REAR GARDEN: 1 x Lime - Reduce the crown by 20% and thin the lateral branches by 20%. Approve Works (TPO) 11/05/2012.

Relevant policies

Local Development Framework 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 and encouraging biodiversity)

DP19 (Managing the impact of parking)
DP20 (Movement of goods and materials)
DP21 (Development connecting to the highway network)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP27 (Basements and lightwells)
DP28 (Noise and vibration)

Camden Planning Guidance 2011/2013

Hampstead Conservation Area Statement 2001

Assessment

1. Introduction

1.1 These three applications on the same site at Klippan House are seeking an extension to the time limit for commencement of development. Applications 2011/3636/P and 2011/3639/L are valid owing to the previous planning permission (2007/4759/P, as allowed on appeal on 10/11/2008 – ref: APP/X5210/A/08/2081611) and listed building consent (2007/4761/L, as allowed on appeal on 10/11/2008 - ref: APP/X5210/E/08/2081610) not being implemented on site and the permission was still extant (up to 10/11/2011) when the applications were submitted on 22/07/2011. Application 2011/3641/P is valid owing to the previous planning permission (2009/1621/P) not being implemented on site and the permission was still extant (up to 26/05/2012) when it was submitted on 22/07/2011. As such the proposals are identical to those already considered and subsequently allowed on appeal by the Planning Inspectorate (2011/3636/P & 2011/3639/L) / granted planning permission by the Council (2011/3641/P). Unaccompanied officer site visits on 13/09/2011 and 16/07/2013 confirmed that the 2007/4759/P / 2007/4761/L / 2009/1621/P permissions/consent are yet to be implemented.

1.2 For clarification the proposals sought by each application are summarised as follows:

- 2011/3636/P (this is the renewal of 2007/4759/P / APP/X5210/A/08/2081611) – Application for planning permission for the creation of a new underground swimming pool with ancillary plant and gym rooms, as well as a sauna, changing room and bathroom all in the area adjacent to 8 East Heath Road and connected to the main Klippan House building via a proposed basement corridor link. More specifically the basement is proposed to be positioned to the south-east of Klippan House itself, up to 1.85m away from the gable wall boundary with No. 8 East Heath Road. The depth of the basement will be a maximum of 6m in the area of the swimming pool, reducing to 4.2m where the corridor link is proposed and 3.9m where the gym/fitness room is proposed. The proposal is predominantly 16.25m in length and 11.5m in width, with the width increasing to 18.8m if the corridor link to Klippan House is taken into account. The basement includes a 0.45m piled wall around the outside of the basement area. Also proposed is associated paving, the provision of a replacement holly tree and a dust bin enclosure which also incorporates an extract and intake air terminals associated with the basement plant room.
- 2011/3639/L (this is the renewal of 2007/4761/L / APP/X5210/E/08/2081610) – Application for listed building consent for the demolition of a garage adjacent to 8 East Heath Road and creation of a new underground swimming pool with ancillary plant and gym rooms connected to the main building via a basement corridor link. This is the listed building application associated with 2011/3636/P above. The garage proposed to be demolished is the one remaining at the site (see site description section above)
- 2011/3641/P (this is the renewal of 2009/1621/P) – Application for planning permission for the erection of a new single storey garage plus staircase link at rear to approved underground swimming pool (following the demolition of the 2 existing garages). This application follows on from the two outlined above. It also includes a sedum roof and ground level skylights to the approved basement swimming pool. The proposed garage will be 11.75m long, 5m wide at front and 6.5m wide at rear, and 2.95m high. Please note that demolition of the two garages has already been granted by 2007/0683/C / APP/X5210/E/07/2059108 (see relevant history above) and one has been removed (see site description section for details) as seen during an officer site visit on 13/09/2011.

1.3 At this juncture it is important to note within the Communities and Local Government 'Greater flexibility for planning permissions' guidance note (Second edition published October 2010) states at paragraph 5 that such 'extensions to the time limit for commencement of development' applications have been *"introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve"*. At paragraph 23, guidance is provided as to how a local planning authority approaches such applications *"In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission"*. Paragraph 24 continues *"This process is not a rubber stamp. Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or*

other relevant material considerations indicate the proposal should no longer be treated favourably". This is the context in which the applications are considered.

1.4 In light of this context the applicant has not submitted all the information allowed on appeal / approved previously. However, given that the Council's policies have been altered in the intervening period since the original applications with the adoption of the Local Development Framework in November 2010 replacing the 2006 Unitary Development Plan (It is also noted that the London Plan was updated in 2011 and at the national level the NPPF was adopted in March 2012), a Basement Impact Assessment and Construction Management Plan were submitted with the current applications:

1.5 More specifically, it is also important to note that during the course of the application a variety of additional information was submitted in respect of the Basement Impact Assessment. For clarity the following was submitted during the course of the application:

- On 05/08/2011 a supplementary planning note was submitted by the applicant following initial feedback from the Council. This provided commentary in respect of policies DP23 and DP27 of the LDF and referred back to a Structural Engineer Report submitted at the time of the original application.
- On 26/09/2011 a Basement Impact Assessment Screening Report by SLR was received, together with an appendix including a site investigation report by CJ Associates Geotechnical Limited dated April 2009.
- On 01/02/2012 an Addendum to the Basement Impact Assessment Screening Report by SLR was submitted, together with a Structural Work Specification (2009) by Fluid Structures dated May 2009.
- On 09/07/2012 a Basement Impact Assessment by Taylor Whalley Spyra was received. This included information in respect of stages 1-4 of the BIA process, a letter by Geotechnical Consulting Group dated 15/06/2012 commenting on the BIA and comments raised as a result of public consultation up to that point in time, the site investigation report by CJ Associates Geotechnical Limited dated April 2009 first received on 26/09/2011, a Site Investigation Report dated 10/05/2007 by Chelmer Site Investigations and a Design Hazard Risk Assessment by Taylor Whalley Spyra dated 14/05/2012. This information supersedes that previously submitted/received on 05/08/2011, 26/09/2011 and 01/02/2012 except where stated.
- On 23/05/2013 an Addendum to Basement Impact Assessment by Taylor Whalley Spyra was received.
- On 11/12/2013 more supporting information was submitted by the applicant, including Wallap information.
- On 11/12/2013 a non-technical summary of the BIA information was submitted by the applicant

1.6 In addition, the following information was submitted during the course of the application in respect of the Construction Management Plan:

- On 09/07/2012 a Construction Management Plan by Taylor Whalley Spyra dated 12/06/2012 was received.
- On 24/10/13 three vehicle turning movement diagrams were submitted

2. Land use

2.1 In respect of 2011/3639/L part of the proposal involves the demolition of the remaining non-original garages at the site which is adjacent to the boundary with No. 8 East Heath Road. As outlined in the site history section above (2007/0683/C / APP/X5210/E/07/2059108) consent has already been granted for the demolition of both garages at the site and one has been removed. In the relevant appeal decision the Inspector commented on this element at paragraph 14, stating:

"The Council's decision notice on the application for Conservation Area consent indicates that the absence of an approved scheme, or proposals for the landscaping and laying out of that part of the site currently occupied by the garages, would be likely to result in harm to the character and appearance of the Conservation Area. The Council accepts that the garages that postdate the listed building have a neutral impact on the character and appearance of the Conservation Area. Whilst I agree that landscaping would be important, I do not consider that details for part of an existing garden are necessary prior to granting consent. Whilst no conditions, other than the normal time condition, were suggested in relation to the Conservation Area consent, the Council accepts that landscaping details and a condition relating to the establishment of the landscaping could be required. Such conditions would, in my view, provide adequate safeguards to the setting of the listed building and the character and appearance of the Conservation Area and achieve the aims of UDP Policies B6 and B7. I therefore intend to allow Appeal B".

2.2 This was followed up in the appeal decision for the original application to which this time extension application relates. The Inspector noted at paragraph 4 that the previous appeal allowed the demolition of both garages and by implication did not raise any concerns at the time of the original application being allowed on appeal. Since this point in time the thrust of

local policy has not altered significantly, and nor has the London wide or national policy guidance in this regard. As such, it continues to be the case that no issues are raised with the principle of the loss of the one remaining garage, which is considered to be of no intrinsic merit.

2.3 Representations received during the course of the application also question the need for the underground swimming pool in this location. It would appear from the original appeal decision that such matters were also raised at that juncture. Here the Inspector commented at paragraph 10 that:

"Objections have also been made in relation to the sustainability of the proposal on the basis that there is no intrinsic need for this specific proposal. However, this point could be made in relation to many private residential extensions and no specific policy resisting private swimming pools has been brought to my attention".

2.4 There remains no policy which specifically restricts the provision of private swimming pools within private residences. Consequently, there is no policy basis in which to sustainably resist proposals on this basis. Instead, the proposals are considered to improve the quality of residential accommodation available for current and future occupiers of the property to which it relates. Hence no land use matters are raised in respect of the proposals.

3. Design/Conservation/Listed Buildings

3.1 In relation to applications 2011/3636/P and 2011/3639/L, in allowing the original appeals at the site the Inspector considered that all elements in relation to design/conservation/listed buildings were satisfactory. More specifically, the Inspector explicitly commented on such matters at paragraphs 5, 6, 7 and 11. For ease of reference these paragraphs are re-produced in full below:

5. This reduced area would be re-paved with granite setts. Although neighbours have objected to the appearance of these setts, previously approved alterations to the house included granite sett paving in front of it, which has now been installed and the proposal would provide visual continuity with this. I see little reason, therefore, to resist this high quality natural material, which with time will weather to a less harsh appearance. With appropriate soft landscaping (which can be secured by a condition) in lieu of the reduced area of existing hardstanding, the proposed demolition would simply make the existing garden appear slightly more open and produce a neutral effect in relation to both the conservation area and the listed building. The available soil depth above the proposed underground construction would be shallow; nevertheless, many roof-top landscaping schemes are successfully implemented and the technical specification necessary for this could also be secured by the suggested condition.

6. Whilst the footprint of the proposed swimming pool would be similar to that of the existing house and would almost double the developed area of the site, the spatial qualities of the house and the appeal site would remain visually unaltered. The proposed swimming pool, gym and plantroom spaces, as well as the link from the basement of the listed house, would all be constructed underground with almost no visible presence on the site apart from extract and intake air terminals. These would be located within a proposed long narrow refuse bin enclosure next to the party boundary and close to the existing site access gateway. The enclosure would extend around 0.3m above the existing close-boarded timber fence and would be level in height with the existing brick gate pier. I consider this part of the proposal would have a minimal visual effect.

7. The only alteration to the appearance of the appeal site that would arise from the proposal would, therefore, be the demolition of one garage and reduction of the hard paved areas, as set out above. Similarly, the link to the proposed swimming pool through the basement wall would be formed entirely underground, with an opening cut through the below ground external wall into an existing secondary space off the main basement stair hall, and its effect on the historic fabric of the listed building would be minimal.

11. Taken all in all, I conclude that the proposal would not harm the special architectural or historic interest of the listed building or its setting and, consequently would preserve the character and appearance of the Hampstead Conservation Area. It would accord with local and national policy.

3.2 On the basis of these comments, it is clear that the Inspector considered that the proposed basement and associated bin enclosure, loss of a garage, alterations to hardstanding (including provision of granite setts) and link to the basement stair hall to the existing Klippan House were all appropriate in terms of design considerations, including the impact on the character and appearance of the conservation area and the setting of the listed building. Since then, it is acknowledged that the UDP has been replaced with the LDF and London wide and national guidance has also been updated. However, in terms of the considerations associated with these proposals the general policy requirements have not altered in a way which would lead to a different conclusion to that reached by the Inspector in November 2008. In short, the proposed works in relation to these two applications are relatively minor in nature and are considered to accord with LDF policies CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage).

3.3 Turning to consideration of application 2011/3641/P, again the thrust of Council's design/conservation/listed building policy and guidance within CPG has not altered significantly in the intervening period between the applications in respect of the proposals. The proposed garage has a sedum planted green roof, cedar timber clad walls and copper garage door; the side wall has been scalloped out in 2 sections at front and rear to introduce some visual interest and articulated relief and to allow external light via ground level skylights to the underground pool. The inside walls of these two recessed sections will have copper cladding and glazed panels. Previously it was considered that replacement garage reflected the design idiom of the sheds and gazebos permitted in the rear garden (see relevant history). More specifically, the proposed copper material (maintaining a red/brown colour) was considered to reflect the rich russet colour of the listed building. Furthermore, the timber cladding and green roof was considered to ensure that the garage would blend into the landscaped environment in this part of East Heath Road and the heath opposite.

3.4 In terms of the side façade, this was considered to add interest to an otherwise bland and prominent facade in the streetscene and reflects the articulation found on the listed house. To the rear a glazed box is proposed, which is considered to be subservient and barely visible from the road. A condition is recommended which provides details of the glazed frame, as well as the cedar and copper cladding referred to above. Importantly, as revised during the course of the previous application, the garage's front and rear facades line up with the adjoining building lines of no.8; the width is greater than the existing garages but the height is lower than the existing garage ridges of 4m. Hence, the bulk and size of the new garage is considered to be appropriate and, despite being greater than the existing garages in overall footprint, it is not excessive in relation to the size of the whole site and adjoining buildings. Furthermore, it maintains the open character of the frontage, respects the setting of the listed building and the quality of the gap between this and the adjoining building at no.8.

3.5 Hence, in overall terms, no issues are raised in respect of the design of the various structures proposed by these applications, nor the resultant impact on the conservation area or setting of listed buildings.

4. Amenity

4.1 Considering first applications 2011/3636/P and 2011/3639/L, in allowing the original appeals at the site the Inspector considered that the proposals would not lead to a loss of amenity to neighbouring occupiers which constituted refusing permission on this basis. At paragraph 10 of the decision this is discussed in relation to the extract and intake air terminals associated with the basement plant room and more general matters:

"National policy aims to reduce energy consumption and promotes more energy efficient building development – the proposal would be heated via a ground source heat pump, a form of renewable energy. Whilst I sympathise with neighbours who have experienced a prolonged period of alteration work at the site, disruption, dust and noise arising during construction are common to most types of development and are not sufficient justification for refusal".

4.2 At paragraph 12 the Inspector considered it appropriate to add a condition in respect of noise from plant *"To ensure a reasonable level of peace and quiet for adjacent residential occupants a limit on noise emissions from proposed ventilation equipment is necessary"*. Given the context of the proposals it is considered that this condition is replicated in the current application. Owing to the nature of the application being predominantly at a subterranean level, no issues are envisaged in terms of overlooking, sense of enclosure, overshadowing, sunlight/daylight/artificial light level matters. Please see the transport section below in terms of noise and disturbance during construction matters; a construction management plan is proposed to manage these potential impacts. In respect of the matters discussed above, no significant loss of amenity to neighbouring and nearby occupiers is anticipated from the proposed development.

4.3 In relation to application 2011/3641/P it was concluded at the time of the 2009/1621/P permission that there would be no loss of amenity to adjoining residents from the proposed replacement garage in terms of loss of light, outlook or privacy on account of its location in relation to No.8 East Heath Road. No windows are proposed on the side elevation facing the boundary with this neighbouring building and, as specified in paragraph 3.4 above, the size of the garage is not significantly larger than the two existing garages at the site. Hence no significant adverse amenity implications are envisaged as a result of this proposal.

5. Impact of proposed Basement excavation

5.1 At the time of the original allowed on appeal proposal the UDP policies did not include the same level of detail in relation to basement excavation applications as the LDF now does. At the time of the original application a structural engineering report was submitted in support of the application, discussing the ground conditions at the site, the proposal and the anticipated impacts on Klippan House and the neighbouring No. 8 East Heath Road. More specifically, reference was made to soil investigations carried out in May 2006 and May 2007 (specifying that borehole investigations had taken place), the proposed basement being constructed using a contiguous bored piles system and the possible underpinning of Klippan House.

5.2 Objections as a result of the public consultation process were raised at the time of the original application. The

Inspector commented on these matters at paragraph 9 of the subsequent appeal decision, stating in full:

9. Neighbours, understandably, fear the structural consequences and disruption to groundwater courses of an underground building in such close proximity to their property – particularly in the light of the pockets of water and springs which the appellant's structural engineer confirms are evident in the Hampstead Heath area. The base of the pool would be 6m below the existing ground level and about 2m from the boundary with No 8 East Heath Road. The structural engineer carried out a site investigation for the proposed swimming pool in 2007. The results show that a system of contiguous bored piles around the perimeter of the excavation would avoid the possibility of any soil slips. According to the report, bored piles of this type do not cause any vibration nuisance and limit any disturbance to the surrounding ground. They would also provide a permanent back shutter to the proposed new retaining walls. In the absence of any overriding evidence to the contrary, these fears are not, therefore, an overriding objection to the proposal.

5.3 Hence it was seen that the Inspector, at this point in time and based on the information available, was satisfied with the proposals in this regard. In the intervening period however, the LDF has been adopted, with policies DP27 and DP23 in particular providing a robust policy basis for the consideration of any basement proposal. This is supplemented by CPG4, first published in 2011 and updated in 2013, which was informed by the Camden geological, hydrogeological and hydrological study - Guidance for subterranean development (November 2010) produced by Arup for the Council. On this basis the application site is identified as being located within two of three identified hydrogeological constraint areas, namely being potentially susceptible to slope (in) stability and ground water flow.

5.4 Given this change in policy and the nature of the proposal (detailed in full at paragraph 1.2 above), in line with Communities and Local Government's guidance (see paragraph 1.3 above) the applicant has been required to provide more information in this regard during the course of the application, as detailed at paragraph 1.5 above. In short, the information submitted/received at the outset of this application on 05/08/2011 (supplementary planning note), 26/09/2011 (BIA Screening Report) and 01/02/2012 (Addendum to BIA Screening Report) has been superseded by the more detailed BIA by Taylor Whalley Spyra (TWS) received on 09/07/2012, together with an addendum report (received on 23/05/2013), further technical Wallup information (received on 11/12/2013) and the non-technical BIA summary (received on 11/12/2013). Unlike the previously submitted information, the BIA by TWS has explicitly followed stages 1-4 of the BIA process stipulated by CPG4, whereas previously only parts (e.g. the screening report element) were submitted. Hence it is the BIA by TWS which has been considered in the assessment of this application.

5.5 The BIA, which has been carried out by suitably qualified professionals (TWS in conjunction with Geotechnical Consulting Group), first details the responses to the screening questions of the BIA in terms of the subterranean (ground water), slope stability and surface flow and flooding matters. It then goes in to explore the subterranean (ground water) and slope stability, surface flow and flooding matters, in more detail as per the answers (backed up by the necessary evidence) in the screening stage.

5.6 As part of the consultation process, conflicting evidence has been submitted on some specific matters, most notably the impact of the excavations on neighbouring buildings, such as No. 8 East Heath Road. This was carried out on behalf of neighbouring occupiers by Hydrock. In line with the guidance detailed in both the 2011 and 2013 versions of CPG4, the information submitted by the applicant, and that submitted on behalf of neighbouring occupiers, has been subject to independent review.

5.7 Card Geotechnics Limited (CGL) was first instructed in April 2013 to carry out, on behalf of the Council, an independent review of the basement related information. A summary of the findings from this review is detailed below:

1. LB Camden question: Does the submission contain a Basement Impact Assessment, which has been prepared in accordance with the processes and procedures set out in Camden Planning Guidance 4?

Summary of CGL response: It is considered that parts 1 – 3 of the BIA have been provided appropriately and in accordance with CPG4.

Part 4 requires additional information in the form of revised WALLAP analysis and preliminary heave analysis is required to support assertions regarding party wall movements. The heave analysis should include an assessment of potential differential settlement between the underpins, the underground walkway, and the swimming pool box. Additional trial pitting will be required prior to construction in order to accurately determine the footing depth of 8 East Heath Road.

2. LB Camden question: Are the methodologies appropriate to the scale of the proposals and the nature of the site?

Summary of CGL response: The methodologies, site investigation, analysis have been appropriate to the scale of the proposals and the nature of the site.

3. LB Camden question: Have the conclusions have been arrived at, based on all necessary and reasonable evidence and considerations, in a reliable, transparent manner, by suitably qualified professionals, with sufficient attention paid to risk assessment and use of conservative engineering values/estimates?

Summary of CGL response: It is considered that conclusions regarding groundwater flow and surface water flow and flooding have been appropriately arrived at and reflect conditions and risks on the site. Additional work is recommended to demonstrate control of risks to party wall structures.

4. LB Camden question: Are the conclusions sufficiently robust and accurate and are accompanied by sufficiently detailed amelioration/mitigation measures to ensure that the grant of planning permission would accord with DP27, in respect of

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

Summary of CGL response: a) More work is required, as per 1 above. b) Yes. c) Yes

5. LB Camden question: Does the professional advice provided for neighbouring occupiers (carried out by Hydrock) raise any reasonable concerns about the technical content or considerations of the submission which should be addressed by the applicant by way of further submission, prior to planning permission being granted?

Summary of CGL response: We have reviewed Hydrock's letter dated 13/09/12... We find points of agreement in that additional information should be provided in order to support assertions regarding the party wall stability. This information should comprise: a. Revised retaining wall analysis, with sensitivity analysis to account for uncertain level of party wall foundation. b. Preliminary Heave analysis, incorporating effect of basement excavation and long-term re-loading of basement soils. To include effect of potential differential movement between underpinned Klippan House and main basement box. c. The results of the revised analysis should be used to make a Building Damage Assessment and determine potential damage categories to 8 East Heath Road – mitigation measures may then be specified if required.

6. LB Camden question: Does the Hydrock report raise any relevant and reasonable considerations in respect of the structural integrity or condition of the road and the neighbouring properties which may be unknown or unaccounted for by the submission or which would benefit from particular construction measures or methodologies in respect of the development following a grant of permission for the development. Please clearly denote what such conditions should entail?

Summary of CGL response: The construction of the new basement will cause ground movements. With good construction control and practices these movements are manageable and will not cause unacceptable damage to party wall structures. Presently the design and structural details of the basement have yet to be finalised and we would recommend that a final ground movement analysis should be undertaken once final levels, loadings, structural sizings have been established in order to establish a best possible prediction of the impact of the basement construction. The final analysis should allow 'trigger limits' to be established, setting target movements at which specification actions can be incorporated (i.e. install additional propping/backfill etc.) to control movements. This information can then be used in combination with a comprehensive monitoring regime to control and understand movements as they develop during construction. Typically this information has fallen within the remit of the party wall engineer under party wall awards and it is not the position of CGL to state whether it should be duplicated within planning conditions. The level and dimensions of the party wall foundation should be determined to allow final design/movement analysis.

5.8 On the basis of this independent review, officers considered that, whilst many elements of the information submitted by the applicant were evidently satisfactory, there were some elements (as also echoed in third party responses) which required further investigation. Most significantly, this involved maintaining the structural stability of the building and neighbouring properties at 8 East Heath Road. As such, the applicant was provided with an opportunity to carry out works with view to meeting the shortfalls identified in the first independent review by CGL. An addendum BIA by TWS was submitted on 23/05/2013 to the Council for consideration. This was then subject to further public consultation (consultation d – see consultations section above for details), which resulted in a further response by Hydrock on behalf of neighbouring occupiers. The addendum BIA by TWS, together with the further responses by Hydrock, was then subject to a second independent review on behalf of the Council by CGL (for consistency purposes) in October 2013. A summary of the findings from this second independent review is detailed below:

- a) LB Camden question: Does the additional information submitted by the applicant addresses the concerns raised in the first CGL independent assessment, which largely relate to the impact of the proposals on neighbouring

properties?

Summary of CGL response: It is the view of CGL that the revised submission does not yet demonstrate a method of propping/construction appropriate to controlling ground movements.

Initial CGL Comment 30 th April 2013	Submitted Response	CGL Comment 4 th November 2013
The wall stiffness used to calculate deflections using WALLAP should be reduced to more realistic values and the surcharge level confirmed.	<p>Taylor Whalley Spyra (TWS) have re-submitted the WALLAP analysis with more appropriate wall stiffness values incorporated.</p> <p>The revised analysis now predicts a total wall deflection of 11mm, up from 7mm previous.</p> <p>Geotechnical Consulting Group (GCG) have undertaken building damage assessment using this revised calculation.</p>	<p>The revised TWS WALLAP analysis incorporates some unusual stages in that it allows water levels on the active side of the wall to drop at the same rate on the retained side of the wall as on the excavated side. The analysis therefore does not allow for any water to be retained by the secant piled wall during construction.</p> <p>This approach is not consistent with the previous analysis, which had a consistently retained water level of 1m below ground level, and is not considered appropriate for a secant piled wall which is expected to retain water.</p> <p>The analysis should be revised to include an appropriately derived retained groundwater level. </p>
		This will also affect building damage assessment calculations as water pressures to the rear of the wall will increase deflections.
There is no assessment of potential heave movement due to the basement excavation and its potential effects on party wall structures.		<p>GCG have submitted a VDISP heave analysis and its findings and conclusions are consistent with CGL's experience.</p> <p>Whilst the VDISP analysis appears reasonable, the building damage assessment may need to be reviewed once TWS have re-visited the WALLAP analysis.</p>
n/a	GCG Building Damage Assessment.	<p>GCG to clarify selection of 3mm lateral deflection for use in Building Damage Assessment.</p> <p>WALLAP analysis suggests 9mm lateral movement at foundation level (2.4m assumed). In addition there will be lateral movements from piled wall installation to be considered in the horizontal strain assessment.</p> <p>We note also that the vertical installation movement has been rationalised to 0.02% pile length (typical value taken as 0.04%), based on the majority of data. This is considered appropriate for a contiguous piled wall, not necessarily for secant piled walls. GCG to confirm the reliability of this value.</p>

- b) LB Camden question: Do the submissions dated 3 July, 9 July and 12 August on behalf of neighbouring occupiers raise any reasonable concerns about the technical content or considerations of the submission which should be addressed by the applicant by way of further submission, prior to planning permission being granted?

Summary of CGL response:

Submission 3rd July 2013. In this letter it is stated that No. 8 East Heath Road has in the past sustained damage leading to "cracking, doors sticking etc." The cause of these defects does not appear to have been investigated. It is probable that they arise from seasonal shrink/swell of the underlying soils over time. In this regard the proposed basement will not affect such movements and would not be expected to contribute to damage caused by this mechanism. Furthermore we would anticipate that a pre-construction condition survey would be undertaken prior to construction as part of the party wall award process and it is the view of CGL that this comment does not necessitate further submission from the applicant.

Submission 9th July 2013. This letter provides insurance details for a nearby property. Its relevance to the current submission is not clear and it is the view of CGL that this comment does not necessitate further submission from the applicant.

Submission 12th August: This letter provides details of a survey and insurance claim undertaken regarding damage to No. 8 East Heath Road. It is noted that the likely cause of damage is trees, through shrink/swell movements and possibly through root ingress. No trees are proposed to be felled as part of the development (TWS BIA May 2012), and as such the proposed basement will not have an effect on these movements. It is the view of CGL therefore that this comment does not necessitate further submission from the applicant.

- c) LB Camden question: It is also noted that the neighbours' submission of 3 July includes a number of recommended conditions, should the application be recommended for approval at officer level. Hence, clarification is required as to whether the additional on-site investigations are either: 1) required and essential to substantiate the applicant's conclusions (which will then be likely to lead to the local planning authority seeking for these works to be carried out prior to the determination of the application), or 2) not required, nor essential to substantiate the applicant's conclusions, and hence sufficient information has been submitted to demonstrate that the "development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability" (as per DP27).

Summary of CGL response: It is the opinion of CGL that the site investigation data provided is sufficient to enable the applicant to demonstrate and design an appropriate method of constructing the proposed development, allowing ground movements (and corresponding risks to party wall structures) to be controlled to within acceptable limits (noting that these limits will require agreement at Party Wall Award stage). On this basis it is not considered that additional investigation is required at planning stage.

5.9 On this basis it was evident that the applicant had overcome a number of concerns arising from the first independent review, but there remained some concerns that the information provided by the applicant still did not demonstrate a design that reasonably restricts ground movements. More specifically, the concern centred around the Wallap analysis (see response to Camden question a) in para 5.8 above). Given the context, the applicant was provided with an opportunity to address this concern. Additional information concerning the Wallap analysis was duly submitted by the applicant on 11/12/2013, and CGL was instructed on 17/12/2013 to carry out an addendum to their independent reviews detailed above on this specific remaining matters. CGL's findings of the additional information submitted were received on 07/01/2014. This is summarised as follows:

We have reviewed the additional information submitted by GCG and Taylor Whally Spyra for Klippan House and have no further comments; e.g. the BIA provided demonstrates that identified risks can be appropriately ameliorated.

As with all such developments, we would further note that the use of good, experienced contractors, working to a detailed design and construction methodology, with monitoring and construction controls during the excavation of the basement and subsequent redevelopment will be critical in controlling ground movements on site.

5.10 As such, it is evident that following independent review, the level of information submitted by the applicant is considered satisfactory in terms of DP27 and related LDF policies regarding the proposed excavation.

5.11 In conclusion therefore, it is considered that, following the independent reviews carried out, sufficient information has now been submitted by the applicant to demonstrate that the proposed development would be unlikely to cause harm to the built and natural environment and local amenity, and would not result in flooding or ground instability. However, given the size of the proposed area for excavation and the particular context of the application (its location in respect of the listed Klippan House, neighbouring properties and proximity to acknowledged ground conditions) it is

considered necessary in this instance, as also recommended by CGL in their review received on 07/01/2014, to add a condition denoting that details of the chartered engineer to supervise the construction works throughout their duration is 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 provide a further assurance to protect the residential amenity of neighbouring and nearby occupiers. With such a precautionary measure in place it is considered that this element of the proposal, following two rounds of independent reviews, is appropriate.

6. Transport (including CMP)

6.1 In relation to the basement excavation proposals, which include the demolition of a garage, no previous transport related matters were raised at the time of the original applications allowed on appeal. The basement itself would not lead to an increase in the number of residential units at the site and nor would it increase the demand for on-site parking in itself. The loss of a garage would also not raise any transport related concerns (such as displacement of vehicles onto the surrounding roads from the site) owing to the expanse of hardstanding available on site. As such no transport related issues are raised in respect of these considerations.

6.2 In terms of application 2011/3641/P, it was noted at the time of the original application granted in 2009 that the proposed replacement garage was designed to accommodate three cars. Two of the three spaces comply with CPG standards for sizes of parking spaces. Furthermore there is considered to be ample space on the site to park other cars, so what would normally be considered to be an unorthodox arrangement of a car space placed behind another is not an issue in this instance. Such conclusions are still considered to be relevant in light of the LDF policy context (and London Plan / NPPF).

6.3 In contrast to the original applications at the site, the applicant has, during the course of the application, submitted a Construction Management Plan (CMP) to support the current proposals. This was not referred to in the original applications first made in 2007. Similarly such matters were not discussed in any detail in either the officer report or appeal decision. Since this point in time CMPs have become more commonplace, especially in applications of this nature which includes a significantly sized basement connected to a listed building within a conservation area. Furthermore the LDF (and supplementary CPG) goes into greater detail than the UDP in relation to these matters. More specifically, LDF policies DP20 and DP26 and CPG advice outlined within CPG6 Chapter 8 and CPG8 Chapter 3 provides the policy context for CMPs. Given the nature of the proposals and the location/context of the site a CMP is required in this instance in order to manage the construction phase of development, in particular to minimise disruption and loss of amenity to neighbouring and nearby occupiers, road users and pedestrians.

6.4 The submitted CMP has been duly considered by officers and in overall terms been considered to be appropriate within the context of the LDF and CPG. It details the site logistics, such as vehicular access (only via Well Walk, having accessed the site from North End Way, turning left into East Heath Road and then right into Well Walk – construction vehicles will phone ahead to gain permission to approach the site), personnel access (via East Heath Road) and delivery/storage details (arranged by the main contractor and including a waste management strategy). It also goes into detail with regarding to a hoarding being placed within the site boundary, security and safety measures (such as normal working hours, having a designated neighbourhood liaison contact and following the established Considerate Contractors Manual) and detailing the phasing of the works (3 phases – 10 week installation of piles and excavation; 20 week construction of basement frame; 10 week fit out and external works). The level of detail is considered sufficient, with it particularly noted that construction vehicles will enter and exit the site in a forward gear and there will also be sufficient space within the site to facilitate construction vehicle turning movements. During the course of the application the applicant has demonstrated this via turning movement diagrams. On this basis it is not considered appropriate or necessary to secure these works via S106 Legal Agreement. Instead a condition will specify that the development will be carried out in accordance with the details specified within the CMP submitted with this application.

6.5 However, the submitted CMP by the applicant does detail that all pavements adjacent to the site will be made good, in accordance with the LB Camden requirements as stipulated within a S106 Legal Agreement. It would appear from the previous appeal that no S106 Legal Agreement, nor unilateral undertaking, was entered into at this time. It would appear that this was an oversight of all parties at this point in time. In the process of the determination of the current application (this relates to solely to the works associated with 2011/3636/P) the applicant has agreed to enter into a S106 Legal Agreement for these highways works. In practice, the estimate for highways works will be based upon the entirety of the length of pavement around the site; following the carrying out of the development an inspection will ascertain which exact parts of pavement around the site will require works. The estimate is currently being calculated by the Transport Planning team. Such highways works will be secured via S106 Legal Agreement.

7. Trees/landscaping

7.1 Considering first applications 2011/3636/P and 2011/3639/L, in the original appeal decision the Inspector commented

on these matters at paragraph 8:

8. The specialist arboricultural report, commissioned by the appellant, confirms that the proposal would be located outside the defined root protection area for the cedar tree referred to above. Appropriate protection to safeguard the tree can be ensured during construction by a condition. The Council has raised no objection to the loss of a small holly tree close to the house as part of the proposal. It is graded C according to BS5837:2005 and I agree with this assessment.

7.2 This arboricultural report was submitted at the time of the original application and the proposals were not resisted by the Council on this basis at this time. Since then there have been various tree applications at the site, none of which are of particular relevance to this actual application. The replacement of the holly tree with a mature holly tree on the East Heath Road frontage is considered appropriate and the proposed works would be outside of the root protection area of other trees on the site, including the cedar tree. The arboricultural report also shows that trees will also be protected during the construction works. Linked to this the landscaping works were also not considered to be objectionable at the time of the original application by the Council and the Inspector concurred, as specified at paragraph 5 (as specified at paragraph 3.1 above). In allowing the appeal the Inspector imposed two trees/landscaping related conditions. These are still considered to be relevant and necessary; hence they are recommended to be included in this instance as well.

7.3 In respect of application 2011/3641/P it is evident from the plans that the proposed works are outside of the root protection area of the cedar tree within the garden of the site. As a result no adverse implications are envisaged in this regard. However, at the time of the 2009/1621/P permission it was considered necessary to add a condition specifying that all trees shall be protected from damage during construction and details should be provided to the Council prior to works commencing to demonstrate this. This matter has not been satisfied in the intervening period and hence it is considered appropriate to add the same condition to the current application.

7.4 This proposal also includes the provision of a green roof above the proposed garage. This is welcomed in principle in line with policies CS13 and DP22. No details of the green roof were provided at the time of the original application, nor in the intervening period up to the submission of the current application. As such, as before, these details will be secured via condition.

8. Archaeology

8.1 One of the conditions added to the previous allowed on appeal scheme was in relation to a programme of archaeological work in accordance with a written scheme of investigation, given the nature of the proposal and the location of the site within an archaeological priority area. As outlined in the relevant history section above approval of details application 2009/3429/P granted such details on 03/09/2009. As such these details have been satisfied and, given this context, it is not considered appropriate or necessary to add such a condition to the relevant application (2011/3636/P) in this instance. Instead an informative will remind the applicant that the scheme will be implemented with 2009/3429/P in mind.

9. CIL

9.1 Since the original planning permission was allowed on appeal (2007/4759/P / APP/X5210/A/08/2081611) the Mayor of London's Community Infrastructure Levy (CIL) has been introduced (as of 1st April 2012). The 2011/3636/P application is likely to be CIL liable as the additional floorspace created exceeds 100sqm GIA. The CIL (£50 per sq m in London Borough of Camden) will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of the CIL requirement.

10. Procedural matters

10.1 Given the nature of the applications all appropriate conditions are recommended to be carried over to the new permissions / consent. It is also considered necessary to add the now standard condition to the two planning applications in respect of 'the development being carried out in accordance with the approved plans', to allow minor material amendments to be sought if required in the future.

10.2 Linked to this, it is noted from the original appeal decision that the Inspector, at paragraph 8, refers to an arboricultural report. Based upon the Council's decision notice (refusing planning permission - decision notice dated 26 March 2008) this was not referred to on the decision notice. However in light of the appeal decision and the now standard condition discussed in the previous paragraph, it is recommended to be added to the necessary decision notices in this instance.

10.3 Based on the appeal decision to which two of the three now proposed applications relate, it is noted that paragraph

13 (specifying the conditions subject of the allowed appeals) does not indicate any differentiation between the conditions specific to the planning permission and those specific to the listed building consent. On the basis of the wording of these conditions it is considered that those denoted on the appeal decision would be most appropriated attached to any planning permission. In respect of the listed building consent it is not considered appropriate or necessary to include the conditions outlined at paragraph 13 of the appeal decision. Instead it considered appropriate to impose the standard listed building conditions relating to 1) three years for implementation, 2) all works to match existing except where stated, 3) only those works indicated on the drawings are approved.

10.4 It has also been noticed that there is a discrepancy between one of the drawing numbers of plans (113A or 113B) on the original planning file and those specified on the appeal decision notice in relation to current application 2011/3641/P (original reference 2009/1621/P). Upon discussion with the applicant it has been concluded that the original decision notice included a typographical error and the proposed decision notice for the current application is thus recommended to be updated accordingly.

11. Recommendation:

11.1 a) 2011/3636/P - Grant Planning Permission subject to s106 Legal Agreement for highways works

11.2 b) 2011/3639/L - Grant Listed Building Consent

11.3 c) 2011/3641/P - Grant Planning Permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 27th January 2014. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.