

Delegated Report		Analysis sheet		Expiry Date:	06/01/2015
		N/A		Consultation Expiry Date:	(A) 13/11/2014 (B) 24/12/2014
Officer			Application Number(s)		
Angela Ryan			2014/6224/P		
Application Address			Drawing Numbers		
26 Netherhall Gardens London NW3 5TL			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a four-storey plus basement detached building to provide 5 self-contained residential units comprising 4 x 2 bedroom and 1 x 3 bedroom units, including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building (Class C3).					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	(A) 68 (B) 71	No. of responses No. electronic	(A) 33 (B) 11	No. of objections	(A) 33 (B) 11
Summary of consultation responses:	<p>A site notice was displayed on 17/10/2014, expiring on 07/11/2014, and a public notice displayed in the local press on 23/10/2014, expiring 13/11/2014. This will be referred to as consultation A. The proposal was subsequently revised and a second re-consultation exercise was undertaken on 11/11/2014, expiring on 24/12/2014. This will be referred to as consultation B</p> <p>Consultation A</p> <p>4 Comments: 7a- The coach house; 28- 1 Heathwood House; Flat 4 Heathwood house; and Flat 1-20 Netherhall Gardens. A summary of these comments are as follows:</p> <ul style="list-style-type: none">- Loss of greenery on the front forecourt area to be reduced- Decorative features on front elevation of existing building to be re-used or recreated- Effect of the basement development on land stability to be considered, having regard to other large basement developments in the area- Bringing forward the building line across the near full frontage would cause distinct and highly noticeable massing of the street elevation detracting from its general character- The massing of the building is a consequence of trying to erect a 4 storey building where a 3 storey building currently stands- Sash windows would be more in keeping in this largely Victorian conservation area- Reduction of gaps between building is not a characteristic in the east side of Netherhall Gardens- Depth of the proposed basement has been misrepresented and concerned about settlement problems and interference with existing watercourses. Development should be conditional upon the owners indemnifying the neighbours to cover the costs on any such failure leading to consequent damage to their properties- Inadequate daylight/sunlight to habitable rooms in lower ground floor flats- Loss of privacy- overlooking- Loss of mature tree <p>33-Objections were received from nos: 7a; 19- Flats 1 & 2; 20-Flat 1; 21- Flats 2 & 4; 22- Flats 1a, 3 & 4; 23; 24; 24A; 25x3, 26- Flat 3 + 1 other; 27- Flat 1, 28 x4; 33 x2; 35- Flat 2; 44 Netherhall Gardens; 16A; 45- Flat F + 1 other; 49- Flat 10 +1 other; 2x unidentified neighbours. A summary of the</p>					

objections are as follows:

Design:

- The proposed building is not in keeping architecturally with the rest of the street
- Replacement building is too large in masse compared to what is there now
- Will spoil the look and character of the neighbourhood
- The pointing colour is not specified
- Building should be preserved and not demolished
- Loss of gaps between buildings

Amenity:

- Overlooking
- Loss of privacy
- Noise
- Loss of outlook
- Loss of light
- Loss of air
- Loss of open space
- Loss of greenery in the front garden
- Adding to the sense of enclosure
- Possible subsidence if basement is permitted
- Risk to ground stability of the surrounding properties
- Effect on surface water and flooding
- Loss of tree
- Increase traffic during construction phase
- Disruption/disturbance during construction phase
- Increased parking affecting local parking conditions
- No reduction in length of existing parking bays
- Safety of children attending nearby schools

Other

- Structural risk to historic building at no. 28 Netherhall Gardens by virtue of proposed sub- basement
- Inaccurate and misleading plans
- The website is not providing any elevation or section drawings and only the ground floor plan and it is impossible to assess the impact of the proposals
- There have been squats living in the current building
- Removal of a hedge on the boundary of nos. 24a & 26 which developer does not own
- Possible Japanese Knotweed in the rear garden
- Tenants not being notified of demolition of the building before renewing their fixed term contracts
- People on opposite side of the road not being formally consulted
- Insufficient information on building works and time scale
- Development should not be looked at in isolation and the cumulative impact of other nearby development s and the associated impacts caused during the construction phases

Consultation B:

5 objections have been received in respect of the revised proposal from the occupiers of nos. 22, 24a, 26, 28, 42 Netherhall Gardens. A summary of the

objections is as follows:

Design:

- Narrowing the gap between buildings is out of keeping with the street
- Overdevelopment at basement level
- The development is out of character with the other houses in the road
- Design is poor and does not make use of natural daylight to internal circulation at basement level
- Basement protruding unacceptably into the rear garden

Amenity:

- Privacy
- Overlooking
- Loss of light
- Loss of front garden to car parking
- Loss of outlook
- Loss of trees
- Land stability and damage to buildings
- Impact on ground water flow
- Poor quality and outlook to basement habitable rooms
- No energy saving consideration

Other:

- The rear garden level of No.28 on the drawing of revised rear (east) elevation is wrong and misleading. The revised drawing makes it look like a raised platform. The proposed terrace is around 3m , plus a 2m fence above the level of No.28 rear garden and is not like the one they show on the drawing.

<p>CAAC/Local groups* comments: *Please Specify</p>	<p><u>Heath and Hampstead Society:</u> Were formally consulted and object to the original proposal on the following grounds:</p> <ul style="list-style-type: none"> - Demolition of the house and no justification given for demolition of a locally listed building. - Basement construction resulting in complete destruction of the rear garden, and drawings submitted indicate that the basement is too large, too deep and attempts an over-development of the site - B.I.A is inadequate- no site specific soil survey has been done (only some test pits). There is no Burland scale assessment of possible damage to adjoining properties. No design undertakings are made as to how such damage may be avoided. <p><u>Netherhall Neighbourhood Association:</u> Object to the revised proposal. A summary of their objections are as follows:</p> <p>Design:</p> <ul style="list-style-type: none"> - The proposal constitutes an excessive overdevelopment increasing the area substantially - The new building is significant and unacceptable increase in mass of the building and fails to create a building in character and harmony with the rest of the street. It should be looking to return the building to its original form and massing rather than seeking to knock down a key building in the street which contributes substantially to the Conservation Area. <p>Amenity:</p> <ul style="list-style-type: none"> - Loss of open space to the side of the building effectively blocking off the gap between nos. 24 and 26 Netherhall Gardens which currently visually links the green space at the rear with the front gardens and highway - Increased car parking from 2 to 4 cars in unacceptable under current Council policy and it results in eliminating the porous surface in front of the house - Loss of a mature tree at the front of the house - The BIA is unacceptable as it fails to assess the risks of damage to and demonstrate the measures for protection of the adjacent buildings as a result of the deep excavations. There is no specific soil survey in non- compliance with CPG4. <p>Other:</p> <ul style="list-style-type: none"> - The proposed ground floor is at the datum of the existing lower ground floor and therefore comparisons of floor levels are not accurate by nomenclature. It hides the fact that it is proposed to extend a further two storeys down.
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Site Description

The site is located on the east-side of Netherhall Gardens and comprises a three storey building, with additional accommodation located within the roof space. This includes a lower ground floor level of accommodation which originally would have been concealed by the sloping front garden, however during the 20th century this has been excavated, with associated hard standing created at the front of the building. There is currently a single storey garage, with a half storey extension erected on the flat roof of the garage located to the side of the main building. The building is of brown/plum brickwork with red dressings, evocative of early Georgian buildings. However the overall composition has a loose vernacular/Arts and Crafts appearance, with an asymmetric layout of fenestration and an informal character. Features such as original timber windows with leaded lights, decorative ridge tiles, pargetting to the dormer gables and the large oriel window and good quality rubbed brickwork to the window arches elevate this building above merely a neutral contribution. Furthermore, the building dates from the first and most significant phase of development within the conservation area and shares the same broad characteristics of scale and grain. The site lies within a group of detached buildings where the predominant land use is for residential.

The site is not listed but is located within the Fitzjohns/Netherhall Conservation Area and is identified as making a positive contribution to its character and appearance. .

Relevant History

20/12/1957- Permission granted for the erection of a basement garage and ground and first floor extension to be used in connection with the residential occupation of the existing building (Ref:13774)

12/11/2012- Certificate of lawfulness for existing development granted for use as 5 x self-contained residential units (Class C3). (Ref: 2012/4478/P)

26/12/2013- Formal Pre-application response issued for new building comprising of 5 apartments (2 x three bed, 3 x two bed) with associated parking and landscaping. (2014/7862/PRE)

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy:

CS1 (distribution of growth);
CS3 (other highly accessible areas);
CS5 (managing the impact of growth and development)
CS6 (providing quality homes);
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)
CS17 (making Camden a safer place);
CS18 (waste / recycling)
CS19 (Delivering an monitoring the Core Strategy)

Development policies:

DP2 (making full use of Camden's capacity for housing);
DP3 (contributions to the supply of affordable housing)
DP5 (homes of different sizes);
DP6 (lifetime homes and wheelchair housing);
DP16 (the transport implications of development);
DP17 (walking, cycling and public transport);
DP18 (parking standards and limiting the availability of car parking);
DP19 (managing the impact of parking)
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)
DP29 (improving access)
DP31 (provision of, and improvements to, public open space and outdoor sport and recreation facilities)

Hampstead Conservation Area Statement 2001

Camden Planning Guidance 2013:

CPG1 (design); CPG2 (housing); CPG3 (sustainability); CPG4 (basements); CPG6 (amenity); CPG7 (transport) and CPG8 (planning obligations).

London Plan (2011):

Policies 3.3 (increasing housing supply); 3.4 (optimising housing potential); 3.5 (quality and design of housing developments); 3.8 (housing choice); 5.3 (sustainable design and construction); 6.3 (assessing effects of development on transport capacity); 6.9 (cycling); 6.10 (walking); 6.13 (parking); 7.3 (designing out crime); 7.4 (local character) and 7.6 (architecture).

The National Planning Policy Framework 2012

Assessment

Proposal:

The applicant seeks planning permission and conservation area consent to erect a three-storey building following demolition of the existing building. It is proposed to accommodate five duplex self-contained residential units, comprising 4 x 2 bedroom and 1 x 3 bedroom units. Balconies/ roof terraces are proposed on the front side and rear elevations, with associated hard and soft landscaping at the front and rear, including a new boundary treatment. Five car parking spaces are proposed to be provided, which will involve the retention of 3 spaces and the creation of two additional spaces.

During the course of the application the scheme has been amended to cut-back on the north side to the rear in order to reduce its impact on light levels and outlook afforded to the first floor window located on the side elevation of no. 24a Netherhall Gardens, which serves a habitable bedroom. The height of the new building was slightly increased in order to improve the proportions of the ground floor to make it less squat in order to be more in keeping with the rest of the properties located along the east side of Netherhall Gardens.

The Key issues to consider are:

- Principle of demolition and the impact on the character and appearance of the conservation area
- Replacement building
- Quality of residential accommodation
- Amenity
- Transport
- Sustainability
- S106
- Other

Principle of demolition and impact on the character and appearance of the conservation area:

The site is located within the Fitzjohns/Netherhall Conservation Area and is identified as making a positive contribution to its character and appearance. Policy DP25 of Camden's LDF outlines a clear

presumption in favour of buildings that make a positive contribution to the character and appearance of a conservation area. Their loss will only be acceptable where “exceptional circumstances are shown that outweigh the case for retention.” Furthermore, any replacement building must preserve and enhance the character and appearance of the conservation area to an appreciably greater extent.

Paragraph 134 of the NPPF is relevant in this case. It states that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*”

The loss of a single building in a conservation area of this size is considered to cause ‘less than substantial harm’. However, the value of the existing building and the degree of harm that would derive from its loss, as well as an assessment of the benefits of the scheme is a judgement that must be made by the Council taking into account the overall planning balance of the scheme. The Council must however be mindful of the statutory duty to “preserve and enhance” the character and appearance of the conservation area and accord it significant weight in this balanced judgement.

The Fitzjohns/Netherhall Conservation Area lies on the southern slopes of Hampstead, between Rosslyn Hill and Finchley Road. The area consists of wide roads with detached or semi-detached houses laid out on substantial plots, and is characterised by its generous tree cover and plentiful soft landscaping.

The site is located in sub area 1, and is described in the Conservation Area Statement as:

“Built predominantly over a ten year period, from the late 1870s to the late 1880s, it marks the style and pre-occupations of the 1880s. Generally the architectural influences are the Queen Anne and Domestic Revival with purple and red brick, decorative ironwork, rubbed and carved brick, bargeboards and roof details.”

26 Netherhall Gardens is a substantial detached building, originally constructed as a single family dwelling house. The property is now of 3 main storeys, including a lower ground level and additional accommodation within the roof lit by dormers on the front and rear slopes. The building is an attractive composition of high quality purple/brown brick with rubbed red brick window heads, aprons, eaves detailing and decorative string course, and a prominent red clay tiled roof with decorative ridge tiles. The front elevation is an informal and asymmetric composition, enlivened with features such as an oriel window at 1st floor level, bracketed timber porch over the main entrance door and plaster pargetting detail to the dormer gables. The side elevation to the south is fairly prominent within the streetscene given the wide gap between no.26 and no.24a Netherhall Gardens. Whilst it is plain, it is not utilitarian or unattractive, with its tall expressed chimneystacks and red brick banding detail following through from the projecting string course on the front elevation. The north elevation has the same expressed chimney and brick banding but with unusually large windows. The rear elevation is simple and more symmetrical than the front, however it is also considered to be of quality, with rubbed brick window arches, pedimented dormers and red brick banding.

The Conservation Area Statement (p10) highlights in some detail the features which contribute to the architectural quality of the area and which include “*...fine rubbed brickwork, terracotta enrichments, stained glass, fine wrought iron work, Tudor-style chimney stacks, extensive tiling and tile hanging, Oriel windows, stone mullions to windows, bay windows, large studio window for artists, well-detailed front walls gate piers, decorative tiled front paths, doorways and large porches, elevated ground floors.*” Whilst this is a lengthy inventory of features it is intended to cover the full range of architectural form and style that can be found within the conservation area. Many of the buildings in the conservation area are impressive in terms of scale yet are relatively plain, exhibiting only a small number of the features referred to above, for example those at 19-34 Netherhall Gardens which the applicant’s Heritage Statement consider to be “*lively and well fenestrated*”. No.26 incorporates several of the forms and decorative motifs referred to in the Conservation Area Statement, primarily its rubbed

brickwork embellishment, oriel window, projecting porch and elevated ground floor.

The Heritage Statement submitted in support of the application considers that the front elevation is “muddled” due to its fenestration of varying widths and styles. It also suggests that the façade is “inelegant and unbalanced” and that the position of the front dormers aligned with the two southern most bays serve to exacerbate this perceived uncomfortable layout and design. However, the informality and asymmetry of the front elevation reflects the Arts and Crafts influence of the period and which can be seen on many of the buildings within the conservation area, whereby the expression of the exterior facades reflects the use and status of the spaces within.

The ridge height of the building is taller than its immediate neighbours however its general scale and form are in line with the prevailing character of the conservation area which is essentially a large detached house. The Conservation Area Statement (p19) makes reference to the roofscape of the buildings along Netherhall Gardens which have a dramatic impact due to the steep incline of the road. No.26 Netherhall Gardens is considered to contribute to this character.

As stated previously, there is a generous gap located to the south site between no.26 and no.24a Netherhall Gardens. It is clear from historic map regression that this was the original layout of the plots along Netherhall Gardens. It is acknowledged that this is atypical, and wider than many of the gaps between buildings. However, this does not necessarily lead to the conclusion that the gap is harmful per se. The building has been unsympathetically modified during the late 1950s or 1960s with the addition of a 1.5 storey structure to the south. This is considered to be out of keeping with the surrounding buildings and does not contribute positively to the conservation area, drawing attention to the gap between buildings. However, this structure need not be retained and a sympathetic replacement could enhance this portion at the site. Nonetheless, the gap above the structure gives views to the rear elevations of the houses located on Maresfield Gardens and to mature trees which is considered to be a positive feature.

It is acknowledged that the front forecourt of the building has also been unsympathetically altered, beginning in 1930 when an integral garage was incorporated into the building at lower ground floor level. This opening has now been infilled with a utilitarian metal window and retains its concrete lintel. Furthermore, it seems from historic maps that the building was originally encircled by a lightwell and the lower ground floor level elevation (that we currently see from the street) which was not readily visible, with the ground previously being ramped up to the main ground floor entrance. These alterations were in place as shown on the 1954 OS map and consequently formed part of the conservation area when it was designated and when the building was identified as making a positive contribution. It is accepted that the forecourt parking and the re-grading of the front garden undermines the setting of the building to a degree, however, this is not considered to be insurmountable and works could clearly be undertaken to improve the landscaped setting to the front of the building in a way which would enhance its character and appearance.

The applicant seeks to demonstrate that there are better buildings within the conservation area, some of which are statutorily listed, and others that make a greater positive contribution. However, the Conservation Area Statement (p30) is clear and stipulates that “*The distinct quality of Fltjohns/Netherhall is that it largely retains its homogenous mid-late 19th century architectural character. For this reason, most of the 19th century buildings make a positive contribution to the character and appearance of the Conservation Area.*” Thus, the character and appearance of the conservation area is a function of the sum of its parts and the cumulative contribution of all of its historic buildings, giving it cohesion and integrity.

This large dwelling on a substantial plot clearly reflects the local character, dating from the first phase of development, and is considered to be demonstrably contextual in terms of its grain, scale, form, appearance and detailing, having aesthetic and historical value in its own right. As such, the Council

consider its proposed demolition would cause harm to the character and appearance of the Fitzjohns/Netherhall Conservation Area and its demolition is therefore considered to be unacceptable in principle. As such the proposal is contrary to policies CS14, and DP25 of Camden's LDF.

Replacement building:

The proposed replacement building would consist of a large detached building, nominally designed as a house but sub-divided into 5 residential units. The proposed design has progressed since the pre application stage, with revisions to the proportions, fenestration, dormers and balustrading proposed on the front elevation.

The replacement building is wider than the existing, largely filling the gap to the south. A relatively traditional approach has been taken, albeit expressed in a contemporary manner. The building is of three storeys including accommodation within the roof. A large gable and adjacent dormers reflect the pattern of many other buildings within the conservation area. The front building line accords with that of no.24a and no.28 Netherhall gardens allowing the building to sit comfortably within the streetscene. To the rear, the building line is more stepped, taking account of the neighbouring properties and the wider character of this side of Netherhall Gardens.

The proposed building is lower than the existing building with a ridge height broadly comparable to that of no.24 and no.28 Netherhall Gardens. The building consists of three main storeys of accommodation which is more than the two storeys of the properties located to the north. However, the existing building is also of three storeys, when taking into account the visibility of the exposed basement accommodation.

Whilst the existing building already has accommodation at lower ground floor, a further storey of habitable accommodation is to be incorporated beneath this. Lightwells will be introduced to the front of the building but these will be shallow and well setback from the road behind a relatively tall front boundary treatment. To the rear the additional basement accommodation is expressed. However, given the steeply sloping land this element will not be visible in public views of the building and is considered to have a very minimal visual impact on the character and appearance of the conservation area. A further storey of basement accommodation (Proposed sub-basement), to be used for storage, is proposed under part of the footprint of the house. This will have no external expression and thus no visual impact on the character and appearance of the conservation area.

The building is to be of red brick, with stone mullions to the windows (although these are mostly painted on other neighbouring buildings), a prominent chimney stack and finer detailing such as ridge tiles, stone banding and brickwork infill panels. The coloured picture of the proposed building in the Design and Access Statement appears to show grey slate for the roof however the drawing is annotated 'roof tiles'. Given that the predominant roof material on this side of Netherhall Gardens is clay tiles it is considered that a matching material would be more appropriate.

The proposed fenestration is slightly repetitive when seen on the flat elevation drawings. However, the smaller subdivision of the windows reflects the pattern of the neighbouring property at no.28 Netherhall Gardens and this contextual relationship can be seen in the photo montage on the final page of the Design and Access Statement.

In general terms, the scale, styling and detailed design of the proposed building are considered acceptable (subject to the points above). The use of forms such as a prominent gable, dormers and projecting bays, as well as features such as red brick, stone mullions and banding are considered acceptable and contextual within the conservation area. However, whilst the replacement building does have some architectural merit, this does not outweigh the harm that would be caused to the character and appearance of the conservation area by virtue of the demolition of the original building which is considered to make a positive contribution to the character and appearance of the

conservation area. Notwithstanding the above it is considered that insufficient justification has been provided in respect of the demolition of the existing building.

Quality of residential accommodation:

As outlined by policy DP26h-k, the new building is considered to provide a satisfactory level of residential amenity, in terms of its overall floorspace and room sizes and therefore the development complies with the requirements of CPG2-residential development standards and London Plan standards.

The floor to ceiling heights are considered to be acceptable ranging from 3m high at ground floor level and at ranges between 2.9 and 4.1m high on the upper floors. The floor to ceiling heights in the basement and sub-basement are 2.9m high. The scheme also has the potential to provide dedicated storage spaces and provides private outdoor amenity spaces in the form of rear gardens, roof terraces and balconies. No amenity space has been provided for unit 2. All habitable rooms have access to natural light and ventilation. Most of the units in the flats are proposed to be dual aspect at ground floor level and above with views looking out to the front and rear or lightwells, thus providing some level of outlook. However, a concern is raised in respect of the level of amenity provided in respect of the levels of natural light and outlook for the habitable rooms located at lower ground floor level (basement level) particularly in regards to bedroom 1 connected to duplex 1 which is a single aspect unit overlooking onto a proposed lightwell and solid walls and bedrooms 1 & 2 connected to duplex 2 which overlooks onto proposed lightwells and solid brick walls which is considered to be unacceptable given that this is a 'new build' scheme. As such the proposal is considered to be unacceptable in respect of residential amenity provided to the prospective occupiers and is therefore contrary to policy DP26 of Camden's LDF and guidance for residential development standards contained in chapter 4 of CPG2 on housing, and constitutes a further reason for refusal.

In terms of lifetime homes, the applicant has not demonstrated how all 16 criteria of the lifetime home requirements will be met and this is thereby contrary to policy DP6 of Camden's LDF. As this is a new-build scheme it is expected that all 16 criteria should be met. Given that the above is able to be overcome via an appropriate condition it is considered that this particular aspect should not be a basis for refusal in this instance.

Amenity:

In terms of the proposed development's impact on existing residential amenity, it is considered that it would not be significantly detrimental to the neighbouring and surrounding occupiers by way of the loss of outlook, privacy, overlooking, or the loss of light, although it is acknowledged that the proposed development being built further south would result in the perceived sense of enclosure, particularly in terms of the first floor window that serves a bedroom at no.24a Netherhall Gardens which is located adjacent to the site.

Basement:

The sub-basement is proposed to accommodate plant equipment, and will provide a floor area of approximately 117.1m². The basement level will be approximately 367.m² and will accommodate residential development. In terms of excavation it is proposed to excavate approximately 8.8m deep. and give the raised levels at the rear of the site approximately 12.9m deep

The site investigation concluded that there is an area of land at the site shown in figure A in the report and referred to as TP4 that there remains the potential for some level of end user risk posed by concentrations of contaminants encountered and that remedial measures would be considered necessary to protect human health. It also concluded that as part of the remedial works the areas of permanent hard standing proposed would adequately break exposure pathways to human health and

therefore further remedial measures may not be necessary in these areas. In areas in the rear gardens, patios and soft landscaping the soil should be removed from the site to mitigate risk and any materials brought onto the site (soils or clay) should be verified either at source or once laid at the site. Recommendations were also made in respect to the type of foundation, basement floor slabs and the basement retaining walls.

Surface water flow:

The proposal would increase the proportion of hard landscaping at the site. The B.I.A submitted in support of the application confirms that the basement is to be formed within low permeable Clay ground. Ground water flows through the Clay are therefore negligible and confined to seepage through more permeable silty layers within the soil mass. Any changes to these flows resulting from the construction of the basement will be minor and localised to the immediate vicinity of the basement. Water would simply flow around the basement and continue on its existing flow path. The report concluded that a large proportion of local rainfall will be retained in the near surface soil. This ground water is likely to follow the natural gradient of the hill side setting and running across the tops of the Clay. A proportion of local rainfall will run off the hard surfaced areas (highways, hard standing gardens, roofs) into the main combined sewer. While a further proportion will evaporate into the atmosphere or be taken up by plant and trees root systems. During construction of the basement the Contractor should be required to undertake the following monitoring to ensure that the assumptions and findings of the BIA remain valid:

- Significant dewatering of the site is therefore not likely to be required.
- Ground movement monitoring.
- Monitoring of ground conditions encountered to confirm expected ground model.
- Monitoring of ground water levels.
- Adoption of SuD's drainage system, designed and detailed by the appointed Drainage Designer, to limit potential impacts resulting from the increase in hard surface area.

Subterranean water flow:

Site investigation included, drilling one rotary percussive borehole to a depth of 2m below ground level, drilling one continuous flight auger borehole to a depth of 15m below ground level, excavated by hand six trial pits to 1.5m maximum depth to prove local ground conditions, sampling and in-situ testing as appropriate to ground conditions encountered in the boreholes and trial pits, interpretive reporting on foundation options, a study of possible toxic substances and a chemical analysis to determine the likely classification of the soils encountered for disposal purposes.

Ground water was monitored at approximately 1.14m and 1.88m below existing ground level and it was concluded that it is likely to be due to minor seepages within permeable Silty lens within the Clay. The site investigation has shown that the ground water table level is some 1.0m to 2.0m approximately below ground level. Site Analytical Services' 'Basement Impact Assessment' (Ref. 14/22068-2) confirms that there are no surface water features on or close to the site.

Land stability:

The B.I.A confirms that the development is likely to increase the differential depth of foundations relative to neighbouring properties which may result in structural damage. As described in the 'Structural Design and Construction Statement' ground movement predicted for the proposed development is estimated to result in a structural damage category to adjoining properties as Category 2 'slight' as defined under the Burland Category. The form of basement is to be sufficiently

stiff to ensure the stability of adjacent highways, public right of way and nearby structures. Secant piled embedded retaining walls with a reinforced concrete box structure in board of these piles are proposed. Mitigation measures include:

- The adoption of a propped, secant embedded retaining walls to provide an inherently stiff form of basement construction. Ground movements will be limited to ensure that the structural integrity of neighbouring structures and surrounding land is maintained
- Adoption of good construction practices by a competent and experienced Contractor.

If the scheme were to be able to be supported in all other respects then the Council would normally have required the results of the B.I.A to independently verified in order to be satisfied that the basement construction would not adversely impact on the environment or the surrounding properties. The Council would also have required a Basement Construction Plan to be secured via a S106 agreement and in the absence of a S106 legal agreement to secure a basement construction plan this forms a further reason for refusal.

Trees

The applicant has not submitted an Arboricultural Impact Assessment in support of the application which would have been required. An arboricultural report/tree survey and a root investigation report has been submitted, however, the initial survey was carried out in April 2013, and will soon be past the date that the Council would consider to be valid and acceptable.

The report confirms that there is a large oak tree (T2) in the rear garden that is considered to be in poor structural health and it is recommended that this tree is felled regardless. The supporting documents confirm that this tree has already been felled (permission granted in 2013). The roots of a mature oak tree (T1) located in the rear garden will be inevitably affected by virtue of any excavation into the raised area of grass and shrubs. The retaining wall close to the house will deter roots from the existing lightwell so this may be developed with minimal impact.

Trees (T3) and (T4) are quite a distance from the house and, as such does not pose a significant constraint on the site. However, it is recommended that ground levels should ideally be maintained throughout their Root Protection Areas if these two trees are to be retained.

The small street tree, T5, (cherry) shall have most of its roots beneath the public footway. The retaining wall along the front boundary will have deterred most roots from entering the front garden. However, as this tree matures its influence on soils within the front garden will increase.

The only significant constraint on the front garden is the lime tree (T6). If this tree is to be retained, the planted area immediately around the base of this tree (surrounded by brick walls and steps) shall need to be retained undisturbed. Any proposal to reconfigure the existing steps and levels will need to take this into account. Although the applicant has provided commentary on some of the other affected trees at the site, no commentary has been provided in order to confirm whether this tree is to be felled or not. Annotation on the proposed third floor plan infers that this tree is to be removed in order to accommodate the increased hard standing area that is proposed to accommodate the increased parking at the site. Based on the information provided so far, indicates that this is a category B tree, which should influence the design in favour of its retention. The tree is a large mature specimen in a prominent location, and therefore its removal is considered to be unacceptable in principle. The applicant needs to demonstrate that it is not possible to retain the tree, and that the benefits of the scheme outweigh the loss of the tree (ie via an Arboricultural Impact Assessment). Given that this information has not been provided, this constitutes a further reason for refusal of the application.

Transport:

The site has a PTAL rating of 6 which indicates that the site has excellent access to the public transportation network. The site also lies within a controlled parking zone (CPZ) which operates between 09:00-18:30 Monday-Friday, and between 09:30-13:30 on Saturday. 110 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%.

Although the NPPF makes reference to car parking in connection with new developments and car-ownership levels the premise is primarily detailing how a local authority should consider setting parking standards, it is advised that Camden already has an adopted Local Development Framework that details parking standards, in situations where on-site car parking is accepted.

Having reviewed the submitted existing plans it is considered that these are inaccurate and misleading in terms of the impact on the highway network. This can be detailed in context of the existing crossover location, as the street tree is shown in the middle of the road rather than to the north of the crossover. This is considered an inaccuracy that appears to have been transferred to the proposed plans submitted that indicates that four vehicles can currently be accommodated on the site. Having looked at the plans and photos included, this number is contested, it is agreed and recognised that the existing site has vehicle access, but this is considered as two vehicles, one located in the on-site garage and the other located in the hard standing to the side of the garage. Any further vehicles parked on-site would be considered as blocking both the garage access and the hard standing area. As such it is considered that the impact of the development has not been properly assessed as it is relying on inaccurate base data. Thus, it is not considered that the development has sought to provide an appropriate connection to the highway network.

One of the Council's priorities is to promote sustainable travel by encouraging different modes of transport other than the use of the private car e.g. walking, cycling and public transport. It is highlighted that this is a new development in a highly accessible location, which is proposing to increase the level of private parking on-site by a minimum of three vehicles. The applicant has failed to take into account the highly accessible location of the site and has sought to increase the accessibility for non-sustainable modes and the proposal is thereby contrary to policy DP17 of Camden's LDF.

Policy DP18 details that all developments will be expected to meet the Council's cycle parking standards, which are contained in Appendix 2 of the Development Policies document. The London Plan also provides guidance on cycle parking standards which are outlined in Table 6.3 of The London Plan 2011. Camden's Parking Standards for cycles state that one storage or parking space is required per residential unit; however, the Further Alterations London Plan requires one space per studio and single bedroom unit and 2 spaces per all other dwellings. The proposal is for 5 residential units consisting of 4x two-bedroom and 1x three-bedroom units; therefore 10 cycle storage/parking spaces are required. In paragraph 5.1.6 in the design and access statement submitted, the applicant has confirmed that 5 Sheffield stands will be provided for 4 residential units at the front of the site and further goes on to confirm in paragraph 5.1.14 that 10 Cycle parking spaces are proposed on all levels however, this information has not been included on the proposed drawings/has not been made clear and it is therefore contrary to policies CS11 and DP18. In the absence of the provision of cycle parking spaces this constitutes a further reason for refusal of the application.

DP18, also details that developments should ensure the minimum necessary level of car parking provision is made in accordance with parking standards. The site has a high level of parking demand for on-street permits and is located in a high PTAL 6a area, as identified in the Transport Study. These two elements highlight that the site is located within an area of low parking provision. Where new developments are created the Council generally seeks car-free developments, however, as there is no uplift in residential units at the site a car-free development is not sought in this instance. It is recognised that the existing site enjoys a vehicle access that is capable of accommodating two vehicles, with one of these in a garage. As the site already has a vehicle access and benefits from

off-street car parking the Council is prepared to accept the car parking standard being used for a Low Parking Provision area of 0.5:1, as detailed in Appendix 2. Applying this parking standard would result in two spaces being re-provided. As such, the Council would seek a car-capped agreement for 2 car parking spaces given that the site has a high on-street parking demand. This would avoid the proposed parking impacting adversely on on-street parking demand. This approach would meet the Council's policies as the site has a high on-street parking stress, with figures detailing that the stress is 1.10 for the CPZ area of CA-B, in which this site is located. Securing the site with two on-site private spaces would also meet the Council's parking standards of 0.5:1. It is noted that this new development is seeking to create 1:1 private vehicle access on-site. Increasing the level of on-site parking is considered contrary to the main priorities of Camden to decrease the use of private cars where appropriate. As detailed in the supporting transport information the site is located within a PTAL area of 6a, one of the highest levels that can be achieved. CS11 identifies that Camden promotes sustainable transport choices to reduce the environmental impact of travel, and relieve pressure on the borough's transport network.

In seeking to increase the level of on-site parking, the existing vehicle access is being proposed to be relocated. The relocation of the vehicle access is not supported by the Local Highway Authority; and as such it would be unreasonable for the Council to support the planning application as this is considered a material reason for consideration. The Local Highway Authority would support the location of the existing vehicular crossover at the property if the level of on-site parking was maintained (which is considered as two parking spaces) in accordance with parking standards. Given that car parking levels have been increased at the site and the applicant is not willing to have the development car-capped there is the potential for parking levels to be increased at the site and also the potential for an increase in on-street parking levels as the applicant will be in a position to apply for on-street parking permits. As such the proposal is considered to be unacceptable and contrary to policies DP19 and DP21 of Camden's LDF, and constitutes a further reason for refusal of the application.

Construction Management Plan (CMP)

Policy DP21 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP). Due to the scale and kind of this development and the likely method of construction a CMP will be required in order to mitigate any adverse impacts. Any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as not to adversely affect the safety or operation of the public highway. It is noted that no CMP has been submitted with this development in the initial submission, given the Council is aware of a number of surrounding developments currently planned and being undertaken in the area this is a key consideration. In the absence of a S106 agreement to secure a CMP this constitutes a further reason for refusal of the application.

Highways Works Immediately Surrounding the Site

In order to tie the development into the surrounding urban environment a financial contribution would be required to repave the footway across the front of the site and repave the existing crossover, in line with policy DP21. An added benefit of the highways works is that damage caused to the highway during the construction phase can be repaired. This work and any other work that needs to be undertaken within on the public highway will need to be secured through a Section 106 (Town and Country Planning Act 1990) Agreement with the Council. The Council will undertake all works within the highway reservation, at the cost to the developer. In the absence of a S106 agreement to secure the highway contribution constitutes a further reason for refusal of the application.

Sustainability

A draft preliminary CSH Pre-assessment has been completed for the scheme that shows how Level 4 can be achieved. The scheme has been designed to meet all the minimum CSH standards set in Energy and Water categories required for a 'Level 4' rating. The supporting documents submitted CfSH and the Energy and Sustainability Statement confirms that that targeted (50%) credits in the energy, water and materials categories are all anticipated to be met with 50% in energy (based on carbon emissions from the development being 19.1% below the baseline emissions based on Part L 2013 standards), 805% in water and 65% in materials.

Energy efficiency measures have been incorporated into the development in order to deliver CO2 emissions savings. These measures include:

- Thermal elements of low U-values that exceed Part L1A 2013 standards.
- Double glazed and draught proofed units of high performance will be installed and Accredited Construction Details will be used to avoid thermal bridging, reduce heat losses and increase the air tightness of the structure
- A community heating scheme utilizing air sourced heat pumps (ASHPs) and gas-fired boilers to provide space heating and domestic hot water efficiently.
- Extensive provision of metering and controls.
- Energy efficient lighting, featuring low energy fittings, will be used extensively throughout the development.

The above is considered to meet the required policies and the CfSH design stage. A post-construction review would have been secured via a S106 Legal Agreement to ensure that the required standards are met, however, in the absence of a S106 agreement to secure a sustainability and energy plan this constitutes a further reason for refusal of the application.

S106:

For a development of five or more units, the Council would expect an open space contribution in the remit of £7,413. Had this application been able to be supported in all other respects the Council would have secured the contribution via a S106 agreement. In the absence of a S106 for the open space contribution, this constitutes a further reason for refusal of the application.

Other:

Refuse storage is proposed on the front elevation and paragraph 5.1.20 confirms that it will be the responsibility of residents to take refuse from their apartments to the refuse store on the days of collection by local authority contractors. The housing units are considered to be of a sufficient size to allow for the accommodation of storage for domestic waste.

CIL- The proposal will be CIL liable and based on the floorspace provided of 1305m² will be in the region of £65,250.

Recommendation: Refuse Planning Permission