

Delegated Report		Analysis sheet		Expiry Date:		29/10/2014	
(Members Briefing)		N/A		Consultation Expiry Date:		17/10/2014	
Officer				Application Number			
Michael Cassidy				2014/5502/P			
Application Address				Drawing Numbers			
Chalk Farm Studios 10a Belmont Street London NW1 8HH				Refer to Draft Decision Notice attached			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal							
Excavation for basement floor level beneath rear service yard.							
Recommendation:		Grant Planning Permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice attached					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	52	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed on the 26/09/2014.</p> <p>An objection has been received on behalf of the occupier of No. 19 Ferdinand Street raising the following concerns:</p> <ul style="list-style-type: none"> • Lack of cycle storage. • No refuse storage provided. • With reference to the Construction Logistics Plan submitted:- <ul style="list-style-type: none"> ○ Vehicle access/loading once excavation undertaken not shown on the plan thereby leading to a potential disruption to the business at No. 19 Ferdinand Street. ○ Hoarding not shown when the foundations and piling are completed. This is important as the hoarding will be in the way of the piling rig and therefore extend into right of way, loading and unloading area. ○ The vehicle entrance to the business at No.19 and the right of way and the loading and unloading area are not shown. ○ Skip locations not shown. This is especially important when the area is being excavated and the skips cannot be located within the curtilage of the site hoarding. ○ Parking and loading activity directly associated with the site will not be entirely carried out within the curtilage of the site hoarding. ○ Material storage is not shown once excavation undertaken. • With reference to Item 3.5 of the Local Community Engagement submitted: <ul style="list-style-type: none"> ○ Concern that unless residents are also emailed, they may miss out on details of proposed dates and the location of liaison meetings. ○ Concern that the developer will not liaise with the local community during construction and will work outside the permitted working hours and cause hoarding and site storage issues. ○ Noise, vibration and dust complaints must be recorded in a complaints register and be made available to the Council. <p>An objection has also been received from the occupier of No.21 Ferdinand Street raising the following concerns:</p> <ul style="list-style-type: none"> • The proposal will destroy the peace in front of the entrance of No.21. • Disruption (noise, dust, vibration) caused by the digging of basements. • The proposed works are below a right of way where 24 hour access must be retained. • Since the basement below 10a Belmont Street has been dug out the noise from the underground has been greatly increased. The noise from the proposed gym will be unbearable. 					

CAAC/Local groups comments:

Councillor Quadir and Councillor Kelly object for the following reasons:

- There is no need for another gym in the area.
- The basement construction and development will cause huge disruption to the surrounding businesses.
- Local residents advise the developer has a poor record of working, including with the local community.

Site Description

The application site comprises 2,143sq.m of Class B1 accommodation within a 7-storey (plus attic storey) building (No.10a) on the South Eastern side of Belmont Street. The building, formerly a piano factory, has been identified as a Non-Designated Heritage Asset (local List) and is currently undergoing major redevelopment works under a number of extant planning permissions (see Relevant History section below) to form commercial and residential premises.

A single storey detached building to the front is excluded from the application site and a forecourt at the front of No.10a is used for servicing and deliveries to the building. A yard at the rear part of the site is used for servicing and deliveries but only part of this area forms part of the application site (where the rear extension is to be located). Several businesses and residential uses in buildings that are excluded from the application site abutting this yard and use it for access, servicing and deliveries. The yard is accessed via a relatively narrow access road from Ferdinand Street and an undercroft beneath No.27 Ferdinand Street.

The surrounding area comprises a mixture of building heights and uses. It is primarily a residential part of Camden with a mixture of 3-storey Victorian houses, post-war 8 to 22-storey housing blocks, garages and warehouses. There is a large hostel fairly close by at No.92 Belmont Street and the Charlie Ratchford Centre for the elderly, also on Belmont Street, to the North West. The general character changes to more commercial uses (often with residential above) to the South, including some business uses around the application site to the rear and along the access road leading to Ferdinand Street, with shops and town centre uses fronting Chalk Farm Road. The built form generally rises from lower and small scale development of two to three storeys on Chalk Farm Road towards taller and bulkier buildings to the North in the form of twentieth century housing blocks located in spacious grounds.

Originally the area comprised terrace houses arranged around a square. This urban form is still evident with many of the buildings on Belmont Street being survivors from this period. To the South of the site lies the Regent's Canal Conservation Area. Harmood Street Conservation Area lies to the East with West Kentish Town Conservation Area to the North. The closest listed buildings are the Roundhouse (Grade II*) on the Southern side of Chalk Farm Road and Kent House (Grade II) to the East.

Relevant History

10a Belmont Street:

- 2013/7971/P - Alteration to external staircases on north facing (flank) and east facing (rear) elevations to create balconies as amenity terraces for new flats at 1st to 6th floor levels - Granted on 28/04/2014.
- 2013/5406/P - Change of use from offices (Class B1) to residential (Class C3) to provide 10 units (1x3 bedroom, 9x4 bedroom) at ground, first, second, third and fourth floor levels - GPDO Prior Approval granted on 16/10/2013.

- 2013/3996/P - Change of use from offices (Class B1) to residential (Class C3) to provide 10 units at ground, first, second, third and fourth floor levels - GPDO Prior Approval Refused on 20/08/2013 for the following reasons:
 - 1) *In the absence of an agreed s106 planning obligation, suitable mitigation measures are not secured to mediate against the additional parking stress and congestion on the local highway network as a result of the development and therefore it fails to comply with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.*
 - 2) *The proposal fails to make adequate provision for accessible cycle parking for the proposed units and would therefore fail to encourage sustainable forms of transport as a result the development fails to comply with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.*
- 2013/1999/P - Excavation to create new basement floor level beneath footprint of existing B1 (office) building with associated front and rear lightwells and installation of railings at ground floor level - Granted on 14/08/2013.
- 2013/3333/P - Amendment to planning permission 2011/4415/P decided 30/11/2011 for the erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), namely to provide 3 units (3 x 4b units) instead of 8 units (3 x 1b, 4 x 2b, 1 x 3b) within the rooftop extension - Recommended for approval 12 July 2013, subject to S106 deed of variation – Subsequently withdrawn.
- 2012/6866/P - Erection of an additional 7th floor to provide 3 residential units (Class C3), including external terrace area with green roof and associated alterations. Refused 12 March 2013 - Allowed on appeal 04/11/2013.
- 2011/4415/P - Erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), including creation of roof terrace at rear 5th floor level and external terraced area at 6th floor level, creation of green roof, and associated alterations - Granted on 30/11/2011.
- 2009/4257/P - Erection of seven storey mixed use building comprising two basement levels for business use (Class B1) and 163 self-contained student units (Sui Generis) with associated facilities for student accommodation at ground-7th floor levels, following demolition of existing 5 storey building in Class B1 business use and demolition of a residential dwelling - Refused on 24/12/2009 and consequently dismissed at appeal on 3 February 2011.
- 2006/2058/P- Change of use at part ground floor level from business use (Class B1) to leisure use (Class D2) for use as a fitness studio - Refused on 11/07/2006.
- 2005/5574/P- Change of use at fourth floor level from offices (Class B1a) to gymnasium (Class D2) - Granted on 6 March 2006 (Note - this permission has expired and does not appear to have been implemented).

Applications yet to be determined:

- 2013/7829/P - Change of use of 1st floor of rear extension from B1 to C3 in association with Flat 3 (consented 2013/5406/P).

- 2013/7991/P - Change of use of 2nd floor of rear extension from B1 to C3 in association with Flat 5 (consented 2013/5406/P).
- 2013/7993/P - Change of use of 3rd floor of rear extension from B1 to C3 in association with Flat 7 (consented 2013/5406/P).
- 2014/0408/P - Change of use of 1st floor of rear extension from B1 to C3 in association with Flat 9 (consented 2013/5406/P).

Enforcement

- EN14/1069 - Erection of railings exceeding 1m in height which border the public highway, restrict access and impede emergency fire egress (Case Open).
- EN14/0911 - Industrial style balconies at the rear no planning permission (Case Closed).
- EN14/0895 - Construction Management Plan breach (Case Open).
- EN14/0712 – Not built in accordance with approved plans -2013/5406/P (Case Open).
- EN14/0362 - Erection of additional story to 10a Belmont Street (Case Closed).
- EN12/0542 Construction Management Plan breach – case closed no breach found 8/02/2013.
- EN11/0284 - The use of the rear service yard for private contract parking (Case Closed).

10 Belmont Street:

- 2013/2070/P - Excavation to create new basement floor level beneath footprint of existing building with associated front lightwell and installation of railings at ground floor level (Class C3) - Granted on 14/08/2013.

12 Belmont Street:

- 2013/2105/P - Excavation to create new basement floor level beneath footprint of existing building with associated front lightwell and installation of railings at ground floor level (Class C3) - Granted on 14/08/2013.

10,12 & 14 Belmont Street:

- 2014/3924/P - Erection of 3 replacement 4 storey (plus basement) dwelling houses following demolition of existing houses - This application is yet to be determined.

Enforcement

- EN13/0680 – Basement being dug without planning permission – awaiting outcome of current planning applications.

21A Ferdinand Street

- 2014/0082/P - Erection of 3 storey 4 x bedroom dwellinghouse. This application is yet to be determined.

Enforcement

- EN14/0855 - Basement floor level beneath new house (yet to receive permission - 2014/0082/P)
(Case Open)

Relevant Policies

National and Regional Policy

National Planning Policy Framework (2012)

London Plan (2011)

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

CS5 (Managing the impact of growth and development)

CS8 (Promoting a successful and inclusive Camden economy)

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)

CS19 (Delivering and monitoring the Core Strategy)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)

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 2013

CPG 1- Design

CPG 4 - Basements and lightwells

CPG 6- Amenity

CPG 8- Planning obligations

Assessment

1 Proposal:

1.1 The application is for the construction of an extension to the existing basement approved under planning permission 2013/1999/P (Excavation to create new basement floor level beneath footprint of existing B1 (office) building with associated front and rear lightwells and installation of railings at ground floor level). The basement extension would be located under the approved rear ground floor extension (currently under construction) and part of the existing service yard and would measure 12.8m (at its closest point to the existing basement) to 17.8m wide and 17.2m at its longest point. The proposal would involve excavating approximately 3.55m below the existing ground floor level of the service yard with an internal head height of 2.7m proposed. The basement extension would provide 239.7sq.m of additional gross internal floorspace of office accommodation (Class B1) and would comprise a store, pump room/storage area, refuse store, 3 WC's, ancillary gym and office staff/dining area.

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

- Design
- Excavation
- Provision of office accommodation
- Adjacent residential amenity
- Transport
- Trees

2 Design:

2.1 The application site has approximately 793sq.m of existing gross internal floorspace (GIA) with a hard landscaped area to the rear currently being used as part of the service yard. The proposal would extend the existing basement (currently 380sq.m) by a further 239.7sq.m, beneath the footprint of the approved extension and part of the rear service yard.

2.2 The proposal would not involve the construction of any lightwells or window openings. The extended basement element would be located entirely beneath the approved extension and part of the rear service yard and would not be visible in views from Belmont Street, the rear service yard or neighbouring properties. Given no external changes are proposed, the external appearance of the building and rear service yard would remain unchanged to that already approved under planning permission 2013/1999/P.

2.3 The proposed extended basement floor level, by virtue of its location, size and design, is considered to be subordinate and ancillary to the main building and site as a whole and would have no adverse impact on the character and appearance of the area. As such, the proposed development is considered to be consistent with policies CS14 and DP24 of the London Borough of Camden's Local Development Framework as well as Camden Planning Guidance on Design.

3 Excavation

3.1 Policy DP27 of the LDF and planning guidance CPG4 state that developers will be required to demonstrate, with methodologies appropriate to the site, that schemes do not interfere unreasonably with underground water flows; maintain the structural stability of the land, existing building and neighbouring properties; and do not unacceptably impact localised surface water flow or contribute to the likelihood of flooding.

- 3.2 The proposal would involve excavating approximately 4m to construct the extended basement floor area (3.55m below the existing ground floor level of the service yard with an internal head height of 2.7m proposed). The applicants have submitted a Basement Impact Assessment (BIA) by Pinguet James Consulting Engineers which fully considers the impact of the development on subterranean (groundwater) flow, slope stability, and surface runoff and flooding. The BIA states the basement will be formed by a series of contiguous piles with a facing wall to limit the risk of adverse impact to the adjacent buildings along the northern and southern boundaries of the site. The piles will provide support to the excavation in the temporary condition, whereas the in-situ walls and slabs will form the permanent structure. The facing walls will be designed to act as propped cantilever retaining walls and the piles will be constructed and detailed to transfer the building loads to the substrata.
- 3.3 The assessment concludes that in terms of groundwater, there is unlikely to be any significant impact on local hydrogeology, given the excavation will not extend beneath the water table. In respect of land stability matters, it is concluded that the ground movements to nearby buildings as a result of the proposed works will be limited and would not present significant risk to any adjacent structures. Turning to surface flow and flooding, given the existing site has been fully developed in terms of impermeable surfaces, the construction of a basement is also anticipated to have a negligible effect on the volume and quality of surface water generated by the redeveloped site. From the material in relation to flooding available for the area in which the application site is located, the site is not historically prone to flooding and the proposal would not result in any greater risk of flooding.
- 3.4 It is therefore concluded that the level and nature of the information submitted is sufficient to demonstrate that the proposal would comply with Policy DP27 (and others such as DP23) and would not cause any significant harm to the built and natural environment and local amenity or result in flooding or ground instability.

4. Provision of office accommodation

- 4.1 Policy CS8 of the LDF seeks to secure a strong economy. Policy DP13 (h) further states that the Council will support the provision of commercial units, such as office accommodation, provided they do not result in the loss of any permanent residential units. The proposal is considered acceptable and would be in accordance with these policies.

5. Amenity

- 5.1 Given no external changes are proposed and the scope and nature of the development at basement floor level, the proposal would have no adverse impact on the amenities of adjoining occupiers, in terms of access to sunlight, daylight, visual bulk, sense of enclosure or privacy.
- 5.2 Concerns have been raised by neighbouring occupiers that the proposal will result in unreasonable disturbance caused by the digging out of the basement and the developer choosing to undertake noisy construction work at inappropriate times of the day. Construction works generally result in a certain level of noise and general disturbance to adjoining properties. Such works are controlled by the Control of Pollution Act 1974, which sets out appropriate hours of working (these are normally Monday to Friday between 8am and 6pm, Saturday between 8am and 1pm and at no time on a Sunday or Bank Holiday) and sets out how construction works should be carried out to minimise noise and nuisance. An informative highlighting the need to comply with this legislation, which is outside the control of planning, is considered to be appropriate.
- 5.3 Class B1 includes a wide variety of uses including offices (other than those that fall within A2) and research and development of products and processes. It would normally be possible to change between Class B1 and B8 (Storage or distribution) uses under permitted development without the

need for formal planning permission. Such other Class B8 uses could generate different impacts on the local residential area. For example, more concentrated traffic generation and noise disturbance for the local area could be associated with a distribution site. Given the nature and character of the area, a condition restricting the use to Class B1 use on any planning permission granted is considered to be appropriate. This would allow the Council to manage any potential impacts associated with this particular Class B1 use.

5.4 For the reasons listed above, the proposal is considered to be in accordance with Policy DP26 of the LDF.

6. Transport

6.1 The application site is located within a Controlled Parking Zone (CPZ) which restricts on-street parking on the surrounding roads. It has a PTAL rating of 6a which indicates that it has an excellent level of accessibility by public transport.

6.2 A Construction Logistics Plan, prepared by URS Infrastructure & Environment UK Ltd, has been provided to support the application proposals. This outlines:

- Details for the construction process, including specifications of the works programme, likely trip generation, routing to and from the site as well as main access points, delivery scheduling employed as part of the construction programme and the use of holding areas where necessary;
- Sets out the likely method of management of the construction process including an assessment of highway impact, swept path analysis, parking, loading and unloading arrangements and hours of operation of the construction site;
- Specifies the methods of traffic management to be employed during the construction process, including vehicle types utilised and the interaction with other road users;
- Outlines the likely monitoring and review processes employed to ensure compliance and adherence to timescales and commitments during the construction process; and
- Sets out a strategy for dealing with the construction phase of the development and mechanisms to mitigate traffic and transport impacts associated with construction.

6.3 A number of activities are to be conducted as part of the construction of the proposed basement level. The activities include:

- Hoarding line to be brought forward in to the rear yard, allowing sufficient space for construction activities;
- Underpinning the rear extension already constructed, to support the existing foundation/piles with reinforced concrete foundation walls in sections of 2 metres wide known as pins;
- Placement of capping beam and reinforced concrete slab to both sides of the rear extension;
- Basement area under the yard to be piled against the rear extension;
- Capping beams to piles to be installed;
- Excavation of half the area of the proposed basement under the rear yard, leaving half of this area for collection and discharge of all construction waste;
- Digging and entering the basement under the rear extension. Underpinning is carried out in a structured sequence by staggering each pin to allow for structural stability and to avoid the need for temporary support;
- Haulage operations of construction waste and building material to be placed in allocated skips ready for recycling;
- Placement of drainage pipes and services under the basement floor;
- Casting reinforced concrete facing wall and basement floor slab to the area under the rear extension and half of the basement under the rear yard;

- Casting the ground floor slab over the basement area in the rear yard;
- Excavation of the second half of the basement under the rear yard;
- Casting the remainder of basement reinforced concrete facing wall and floor slab;
- Casting the final section of ground floor reinforced concrete slab to the rear yard;
- Installation of all internal division walls, fixtures and fittings; and
- Deliveries of construction materials, and plant equipment.

6.4 There are two points of vehicular access into the site. The primary point of access is located in front of 10a Belmont Street via a paved area. This area is also used as a loading area for large vehicles which are unable to access the rear of the development due to a height restriction. The second point of access is located to the rear of the site via Ferdinand Street. The access road runs between Kent House and Tottenhall House, providing access to a car park and service area and is subject to a 3.2m height restriction. Maintenance and refuse vehicle access will be maintained during construction by the primary access and loading activity directly associated with the site will be carried out within the curtilage of the site hoarding. It is envisaged that there will be a maximum of 16 vehicle movements relating to spoil removal from the site, which equates to fewer than three per hour. The movements are intended to take place between the hours of 10:00 and 16:00 and will avoid the general road network peak hours of 08:00 to 09:00 and 17:00 to 18:00.

6.5 Concerns have been raised by residents that the Construction Logistics Plan submitted does not provide details of vehicle access/loading once excavation has been undertaken and the extent of the hoarding when the foundations and piling are completed, the vehicle entrance to the business at No.19 and the right of way and the loading and unloading area, the locations of skips and material storage once excavation undertaken are not shown on the information submitted.

6.6 The Construction Logistics Plan submitted in support of the application provides useful information to describe how the proposed works would be serviced. Given the scale and method of construction of the basement proposed and in order to address the above resident concerns, it is however recommended that a more detailed Construction Management Plan be required in order to mitigate any adverse impacts of the development. It is considered appropriate in this case to secure this by condition rather than S106 legal agreement as the applicant owns much of the neighbouring land and the proposed extension to the basement is similar in scale to that previously approved under planning permission 2013/1999/P for which an agreement was not sought.

7. Trees

7.1 There are no significant trees on or adjoining the site and the proposal will not result in any significant loss of soft landscaping.

8. Other Material Considerations

8.1 An informative shall be attached notifying the applicant that noise from demolition and construction works and sound insulation between dwellings is subject to control under the Building Regulations and/or the London Buildings Acts.

8.2 To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the adjacent site, a condition shall be attached to any consent requiring a written Preliminary Risk Assessment (PRA) and scheme of investigation to be submitted and approved by the local planning authority.

8.3 To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site, a condition

shall be attached requiring an appropriate written Preliminary Risk Assessment (PRA) and scheme of investigation.

9. Community Infrastructure Levy (CIL)

9.1 The proposal will be liable for the Mayor of London's CIL Based on the Mayor's CIL charging schedule and the information given on the plans the charge is likely to be £13,980 (279.6sq.m x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.

Recommendation: Grant Planning Permission subject to conditions.

DISCLAIMER

Decision route to be decided by nominated members on Monday 23rd February 2015. For further information please go to www.camden.gov.uk and search for 'members briefing'.