



PLANNING STATEMENT

In respect of

**PROPOSED
REDEVELOPMENT OF
59 MARESFIELD
GARDENS
LONDON NW3 5TE**

CgMs Ref: KJ/JW/16220

June 2015

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Approved by:
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1.0 INTRODUCTION

- 1.1 This Planning Statement is submitted in support of a full planning application for the redevelopment of the site at 59 Maresfield Road London NW3 5TE to provide a replacement single four bedroom dwelling on lower basement, upper basement, lower ground, upper ground and first floors.
- 1.2 The site has been subject to a number of applications for redevelopment in recent years to provide a single family dwelling. The most significant of these were submitted in 2012 (ref: 2012/6795/P) and 2013 (ref: 2013/7897/P).
- 1.3 Application 2012/6795/P was for the demolition and replacement of the existing dwelling on site with a four bedroom house with a double basement, lower ground, ground and first floors. The application was initially refused by the Council but was allowed on appeal on 20th October 2015.
- 1.4 Application 2013/7987/P is for a smaller replacement dwelling comprised of three storeys plus basement. **Camden's** planning committee resolved to grant the application on the 6th November 2014.
- 1.5 It is apparent from the previous applications that the Council has no objection to the principle of a replacement dwelling on site, but is concerned at the scale of the basement and the building work required in terms of effects on the area, and the amenities of nearby residents. Though it was allowed on appeal, the Council considered the 2012 application to be overdevelopment, whilst the impact of the 2013 application was considered to be acceptable at planning committee.
- 1.6 In the interest of providing a replacement dwelling of the highest quality design **that will meet the needs of the applicant's family and have an acceptable impact** on the amenity of neighbouring dwellings, the applicant now submits an application that expands on the 2013 scheme but does not develop the site to the extent consented under the 2012 proposal.

1.7 Therefore the current application represents a middle ground between the two previous proposals and is for a four bedroom replacement dwelling over three storeys and a two storey basement.

1.8 Accordingly, the following documents are enclosed with this application:

- a. Design & Access Statement - LOM Architects;
- b. Heritage Statement – CgMs;
- c. Basement Impact Assessment Report – Geotechnical Environmental Associates;
- d. Arboricultural Statement – Landmark Trees;
- e. Daylight and Sunlight and Overshadowing Assessment – XCO2energy;
- f. Code for Sustainable Homes Planning Pre-Assessment Report – Hodkinson;
and
- g. Community Infrastructure Levy Form.

1.9 It is considered that this latest proposal clearly overcomes the concerns of the Council as outlined in Committee Report for the 2012 scheme whilst providing enhanced accommodation over that in the 2013 proposal.

2.0 SITE AND SURROUNDINGS

- 2.1 The site and its surroundings are described fully in Section 2 of the Architect's Design & Access Statement.
- 2.2 In summary, the existing building at 59 Maresfield Road occupies a small site on the west side of the road at its northern end, close to the junction with Netherhall Gardens. The existing building forms part on an undistinguished terrace of three residential properties, built in the 1950s. It has a low profile to the street, as the site is on a slope down away from Maresfield Road, to the rear of a much larger property at 40 Netherhall Gardens. There are also larger properties to the south of the terrace of which the subject property forms part, at 51/53.
- 2.3 The property has been vacant for some time, and has a run down and neglected appearance, which is in significant contrast with most of the nearby properties which are well maintained. The street and adjoining roads lie within the Fitzjohns/Netherhall Conservation area, although the Council have on a number of occasions accepted that, subject to a suitable replacement, demolition of the existing building is acceptable to them.

3.0 PLANNING HISTORY

- 3.1 As outlined above, the site has been subject to previous applications for planning permission for the replacement of the existing dwelling on site, the most relevant of which are 2012/6795/P and 2013/7897/P.

2012/6795/P

- 3.2 This application was for the:

'Erection of a new building comprising of a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) (following demolition of existing dwelling house).'

- 3.3 The proposal is identical to a scheme granted planning permission in 2008, and was reported to the Planning Committee on 23rd May 2013. Notwithstanding an Officer's recommendation for approval, permission was refused for the following reasons:

"The proposed development by virtue of its scale, depth and extent of site coverage below ground would result in overdevelopment of this plot, which is currently occupied by a modest infill development appropriate to this part of the conservation area, which would cause harm to the built environment.

The proposed development by virtue of the extent of excavation and basement construction would have a disproportionate impact on the amenity of neighbours and the structural integrity of their properties."

- 3.4 The application for Conservation area Consent was also refused, for the following reason:

"The proposed demolition of this building in the absence of an approved scheme for its replacement would be likely to result in harm to the character and appearance of the surrounding conservation area."

- 3.5 It is apparent from these refusals that the Council has no objection to the principle of redevelopment of the site, but is concerned at the scale of the basements and the building work required in terms of effects on the area, and the amenity of nearby residents. The refusal of the CAC confirms that the Council have no objection to the loss of the existing building, provided a suitable replacement has received consent to replace it.
- 3.6 **An appeal to the Council's decision was subsequently submitted to the Planning Inspectorate.** The appeals for both the planning application and the conservation area consent were allowed on the 20th October 2014.
- 3.7 The **Inspector's** Appeal Decision (**Appendix A**) considers that the appeal site and the building to be demolished have very limited significance on the overall character or appearance of the conservation area and that the proposal is a design of high quality that responds to its context.
- 3.8 In paragraph 12 it concluded that the well-designed proposal would enhance the character and appearance of the conservation area, provide a sustainable building of the highest quality, which would enhance the environment and heritage of the Borough, and protect the amenity and quality of life of the local community.
- 3.9 Furthermore, paragraph 13 considered **that the Council's claims that the works** would have a disproportionate effect on nearby residents were unsubstantiated, and that the structural stability of adjoining properties could be safeguarded through the implementation of provisions in the Section 106 agreement.

- 3.10 Therefore, planning application 2012/6795/P established that the proposed design would enhance the character and appearance of the conservation area and that a two storey basement in this location is acceptable and would not have an adverse impact upon neighbouring properties and their occupants.

2013/7897/P

- 3.11 Whilst the appeal of 2012/6795/P was being considered by the Planning Inspectorate, the applicant submitted a revised proposal that sought to address **the Council's concerns as set out in their** refusal of the application. The revised scheme, submitted in December 2013 reduced the extent and depth of the basement, reducing the overall below ground floor area by around 60%.

- 3.12 The revised scheme was for the:

'Erection of 3 storey building plus basement for use as a single family dwelling (Class C3) following demolition of existing single family dwelling (Class C3).'

- 3.13 The above ground massing of the revised proposal remains the same as that of the 2012 application, however, the detailed design was amended to include the addition of a sliding metal privacy screen on the front elevation, new timber slatting, the relocation of the entrance door and pedestrian path, and the addition of a stainless steel parapet.

- 3.14 The application was considered by Camden's planning committee on the 6th November 2014 and the Council resolved to grant condition permission subject to a Section 106 legal agreement. The details of the Section 106 Agreement are currently being finalised with the Council.

- 3.15 Paragraph 6.4.17 of the Council's Committee Report (**Appendix B**) considered *'that the proposal is a high quality contemporary, contextually responsive scheme which will preserve and enhance the character and appearance of the conservation area'*.

- 3.16 Paragraph 6.6.2 found that the proposal would be fully compliant with the relevant BRE tests for daylight and that it would not impact on daylight or sunlight levels to 40 Netherall Gardens or 57 Maresfield Gardens, whilst paragraph 6.6.3 found that the proposal would have no impact on outlook on 57 Maresfield Gardens
- 3.17 In terms of transport impact, the proposal provided one parking space, however, the Council required that residents would not be able to apply for on street parking permits and that 2 cycle storage spaces would be provided in the property.
- 3.18 The signing of the Section 106 Agreement for the application is imminent, and the consent establishes that the proposed design, massing and materials of the above ground levels are acceptable.
- 3.19 The Council have also supported the single storey basement. Paragraph 6.5.25 of the Committee Report outlines that the proposed basement works are acceptable subject to a Basement Impact Plan being secured by S106 Agreement.

4.0 THE REVISED PROPOSAL

- 4.1 As set out in the Design & Access Statement, the latest proposal represents a middle ground between the two previous applications, with the basement reduced from that approved under application 2012/6795/P but larger than 2013/7897/P, which has a resolution to grant. Further detail on the revised design can be found in the accompanying Design and Access Statement.
- 4.2 The external appearance of the three storeys above ground remains substantially the same as the 2013 application, which the Council has resolved to grant, with no change to the proposed massing.
- 4.3 The main differences between the current application and 2013/7897/P is the extent of the basement levels. The three storeys above ground level remain unchanged. However, the proposed basement remains reduced than that consented under 2012/6795/P.
- 4.4 In developing the current scheme a consultation paper outlining the principle elements of the revised scheme was circulated to representatives of the Netherhall Neighbourhood Association on the 7th April 2015 (Appendix C). No comments were received from the Association.
- 4.5 The revised proposal retains the same level of car and cycle parking, and refuse storage as the 2013 scheme.
- 4.6 The key differences between the current and former applications are outlined in Table 1:

	Existing	2012/6795/P	2013/7897/P	Current Proposal
Number of above ground storeys	3	3	3	3
Number of basement storeys	0	2	1	2
Number of bedrooms	3	4	3	4
Overall Sq.m of basement	N/A	178	85	152
Overall GIA sq.m	117	364	290	356
Parking Spaces	1	1	1	1
Cycle Spaces	—	2	2	2

Table 1: Comparison of Current and Former Applications

5.0 PLANNING POLICY REVIEW

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be considered in accordance with the statutory Development Plan and other material considerations.

5.2 The London Borough of Camden Development Plan is formed of the following documents:

- a. Adopted London Plan (2011);
- b. Adopted Core Strategy (2010); and
- c. Adopted Development Policies Document (2010).

5.3 The Adopted Core Strategy and Adopted Development Policies Document are currently beginning review by the London Borough of Camden. However, as this review is at a very early stage, it is not a material consideration in this instance.

5.4 Relevant local policies are outlined below.

Relevant Development Plan Policies

5.5 The proposals map accompanying the LDF identifies the site as lying within the Fitzjohns / Netherhall Conservation Area.

London Borough of Camden Core Strategy (2010)

5.6 The policies of particular relevance to this application scheme are:

- CS5 Managing the impact of growth and development;
- CS6 Providing quality homes; and

- CS14 Promoting high quality places and conserving our heritage.

London Borough of Camden Development Policies Document (2010).

5.7 The policies of particular relevance to this application scheme are:

- DP6 Lifetimes Homes and wheelchair housing;
- 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;
and
- DP27 Basements and lightwells.

Proposed Dwelling

5.8 The principle of a replacement dwelling has previously been established under applications 2012/6795/P and 2013/7897/P. The currently proposal has been considered in accordance with the relevant development plan policies as set out above.

5.9 There have been no changes in policy weighting since the previous applications were considered. The 2012 application was allowed on appeal whilst the 2013 application has a resolution to grant. As outlined above, there have been no substantial changes to the proposed lower ground, upper ground and first floors from the 2013 application, therefore the proposal is considered to continue to

have no adverse impact in terms of overlooking, privacy and daylight/sunlight and that the scheme continues to be a high quality contemporary, contextually responsive scheme which will preserve and enhance the character and appearance of the conservation area.

- 5.10 As such, the proposed development will replace a building that is not considered to make a positive contribution to the Conservation Area with one that relates to its context and makes a positive contribution to its surroundings.
- 5.11 This is in accordance with Policy CS5 *Managing the impact of growth and development*, which seeks to protect and enhance the environment and heritage of local communities, and Policy CS14 *Promoting high quality places and conserving our heritage* which requires development to be of the highest standard of design that respects local context and character, and to preserve and enhance heritage assets and their settings.
- 5.12 The Heritage Statement that accompanies this application concludes that the proposal will protect the special interest of the Conservation Area. The quality of the proposed contemporary design, articulated with careful references to local detailing in the design of the proposed metal screen, will provide new interest in the street scene which will result in an enhancement to the character and appearance of the Conservation Area.
- 5.13 Therefore, the proposed development also accords with Policy DP25 *Conserving Camden's Heritage*, which will permit development within conservation areas that preserves and enhances the character and appearance of the area.
- 5.14 As established by the 2013 application, the principle of the development is therefore acceptable in accordance with planning policy, subject to the design and impact of the proposed basement.

Daylight/Sunlight

- 5.15 As previously outlined, the massing of the current proposal has not been altered from that of the 2013 application. As a result the Daylight and Sunlight and Overshadowing Assessment prepared for the 2013 application is still a suitable assessment of the relevant impacts.
- 5.16 The assessment considers that all of the existing windows on the properties surrounding the proposed development passed the relevant BRE tests for daylight and sunlight access. The proposal will not cause any significant negative impact to daylight and sunlight access for surrounding properties and amenity spaces.

Arboricultural Impact

- 5.17 The accompanying letter prepared by Landmark Trees confirms that there is no material change *vis a vis* the trees between the current proposal and the 2013 application. Therefore there will be a negligible impact on the surrounding trees from the proposal.

Code for Sustainable Homes

- 5.18 Policy DP22 states that the Council will promote and measure sustainable design and construction by expecting new build housing to meet Code for Sustainable Homes Level 4 by 2013.
- 5.19 The submitted Code for Sustainable Homes Planning Pre-Assessment considers that the dwelling will achieve Code for Sustainable Homes Level 4, ensuring that the development achieves the desired level of sustainability. The development will achieve a 19% improvement over Part L 2013 Building Regulation requirements for the reduction of CO2 emissions, through the adoption of sustainable design and construction principles and the application of energy efficient design measures.

Proposed Basement

- 5.20 The size of the proposed basement represents an overall below ground floor area reduction of 26 metres on the 2012 **scheme's** approved double basement.
- 5.21 The accompanying Basement Impact Assessment Report predicts that damage **to adjacent properties will be either 'Negligible' or 'Very Slight' for each of the** separate phases of work. Combined, the potential damage to the east wall of 57 Maresfield Gardens would be just into the slight category, however, any damage as a result of the excavation would fall within the acceptable limits set out by the Council.
- 5.22 Changes in groundwater level would not occur beyond a few metres of the proposed basement due to the very low permeability of the Claygate Member and London Clay Formation strata present beneath the site. The proposed basement development is therefore unlikely to result in significant changes to the groundwater regime beneath or adjacent to the site, and so no potential adverse impacts have been identified in the Groundwater Impact Assessment submitted as part of the application.
- 5.23 The proposed basement development is therefore in accordance with Policy CS5 ***Managing the impact of growth and development***, which seeks to protect the amenity of residents by making sure the impact of development on its occupiers and neighbours is fully considered, to protect and enhance the environment, amenity, heritage and quality of life of local communities, and to provide sustainable buildings of the highest quality.
- 5.24 The proposed basement is also considered to be in accordance with Policy DP24 ***Securing high quality design***, which requires all development to be of the highest standard of design; and Policy DP27 ***Basements and lightwells***, that will permit basement and other underground development where the development does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.

6.0 S106 HEADS OF TERMS

6.1 A S106 Agreement was agreed with the Council in relation to the appealed 2012 scheme, which has yet to be decided. A legal agreement is currently being finalised for the 2013 proposal which the Council have resolved to grant.

6.2 It is anticipated that a similar S106 Agreement will be signed, subject to any potential modifications on the basis of the changes to the scheme, but will likely result in the following obligations:

- Code for Sustainable Homes;
- Energy Strategy;
- Car-capped development;
- Construction Management Plan;
- Highways Contributions;
- Clause on potential structural damage to neighbouring properties; and
- Basement Impact Plan to ensure the monitoring of the works.

7.0 OVERALL SUMMARY

- 7.1 In the interest of providing a replacement dwelling of the highest quality design **that will meet the needs of the applicant's family, have an acceptable impact on** the amenity of neighbouring dwellings, and protect and enhance the Fitzjohns and Netherhall Conservation Area, the applicant now submits a revised application for the above site to provide a four bedroom family dwelling over lower basement, upper basement, lower ground, upper ground and first floors.
- 7.2 The revised scheme represents a middle ground proposal that enhances the level of accommodation provided under application 2013/7897/P, which the Council have resolved to grant, but does not develop the site to the extent consented under planning permission 2012/6795/P.
- 7.3 The above ground levels of the proposal do not materially differ to the design of **the 2013 application, which was considered in the Council's Committee report as** *'a high quality contemporary, contextually responsive scheme which will preserve and enhance the character and appearance of the conservation area'*. Therefore the proposed design, massing and materials are considered to be acceptable and will not detrimentally impact upon the amenity of the surrounding properties.
- 7.4 The revised basement accommodation has decreased in sized from the approved 2012 application and the accompanying Basement Impact Assessment has found that the impact of the excavation on neighbouring properties and on the groundwater is acceptable. The development is also considered acceptable in **terms of arboricultural impact and meets the Council's sustainability standards.**
- 7.5 Therefore the proposal is considered to be acceptable under national and local planning policy.

APPENDIX A
THE INSPECTOR'S APPEAL DECISION

Appeal Decisions

Site visit made on 7 October 2014

by G M Salter BA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2014

Appeal A Ref: APP/X5210/A/13/2201704

59 Maresfield Gardens, London NW3 5TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms S Drews against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/6795/P, dated 18 December 2012, was refused by notice dated 3 June 2012.
 - The development proposed is erection of a new building comprising of a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) (following demolition of an existing dwellinghouse).
-

Appeal B Ref: APP/X5210/A/13/2201708

59 Maresfield Gardens, London NW3 5TE

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Ms S Drews against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/6812/C, dated 18 December 2012, was refused by notice dated 3 June 2012.
 - The demolition proposed is an existing family dwellinghouse (Class C3).
-

Decisions

1. I allow appeal A and grant planning permission for a new building comprising of a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) at 59 Maresfield Gardens, London NW3 5TE in accordance with the terms of the application, Ref 2012/6795/P, dated 18 December 2012, and the plans submitted with it, subject to the conditions set out in Schedule 1 attached to this decision.
2. I allow appeal B and grant conservation area consent for the demolition of an existing family dwellinghouse (Class C3) at 59 Maresfield Gardens, London NW3 5TE in accordance with the terms of the application Ref 2012/6812/C, dated 18 December 2012, and the plans submitted subject to the conditions set out in Schedule 2 attached to this decision.

APPENDIX B
COUNCIL'S COMMITTEE REPORT

Address:	59 Maresfield Gardens London NW3 5TE		1
Application Number:	2013/7987/P	Officer: Jenna Litherland	
Ward:	Frognal & Fitzjohns		
Date Received:	12/12/2013		
Proposal: Erection of 3 storey building plus basement for use as a single family dwelling (Class C3) following demolition of existing single family dwelling (Class C3).			
Drawing Numbers: 1314-PP-LP; 1314-PP-SP; 1314-PP-EX-01;1314-PP-EX-02; 1314-PP-EX-03; 1314-PP-EX-04; 1314-PP-EX-05; 1314-PP-EX-06; 1314-PP-EX-07; 1314-PP-EX-08; 1314-PP-B1-A; 1314-PP-LG-A; 1314-PP-GD-B; 1314-PP-01-A; 1314-PP-RF-A; 1314-PP-EL-01-B; 1314-PP-EL-02-B; 1314-PP-EL-03-A; 1314-PP-EL-04-B; 1314-PP-SE-01-B; 1314-PP-SE-02-B; 1314-PP-SE-03-A; Design and Access Statement by LOM architecture and design dated December 2013; Façade study by LOM architecture and design dated March 2014; Letter from Landmark Trees reference LOM_59MG_AIA_01 dated 4 th December 2013; Daylight and Sunlight and Overshadowing Assessment by XC02 Energy dated August 2013; Energy Statement by Peter Deer Associates dated November 2013; Heritage Statement by CgMs Consulting dated December 2013; Planning Statement by CgMs Consulting dated December 2013; Basement Impact Assessment Report Ref: J11251C prepared by Elliott Wood Consulting Engineers dated April 2014; Structural and Drainage Supplementary information for BIA Ref. 213008 Revision P3 prepared by Elliot Wood Consulting Enginners dated March 2014; Letter from ARUP reference CHS dated 13 March 2014; email from ARUP dated 31 May 2014; email from ARUP dated 18 July 2014; email from LOM dated 23 July 2014; email from CgMs dated 01 July 2014.			
RECOMMENDATION SUMMARY: Grant conditional permission subject to a S106 agreement.			
Applicant:		Agent:	
Stefanie Drews C/O Agent		CgMs Ltd. 140 London Wall London EC2Y 5DN	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		100m ²
Proposed	C3 Dwelling House		290m ²

Residential Use Details:

	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>			1						
Proposed	<i>Flat/Maisonette</i>			1						

Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	1	0
Proposed	1	0

OFFICERS' REPORT

Reason for Referral to Committee: The application proposes total demolition of a building in a conservation area [Clause 3(v)]; and requires the making of a S106 obligation for matters which the Director of Culture and Environment does not have delegated authority [Clause 3(vi)].

1. SITE

- 1.1 The site is the end property of a terrace of 3 dating from the mid 1950's and located on the western side of Maresfield Gardens close to its junction with Netherhall Gardens. The building is not listed, however, it is located within the Fitzjohns/Netherhall Conservation Area.
- 1.2 Nos. 55-59 are described in the Conservation Area Statement as being "*a mid 1950s two storey terrace, on a sunken site that has little relationship with the surrounding area*". Although somewhat of an anomaly, the existing terrace of three houses, is nonetheless, considered to provide an appropriate transition between the form of No. 40 Netherhall Gardens (to the north) and Nos. 51 & 53 Maresfield Gardens (to the south), its low-key presence contributing to a noticeable degree of openness, particularly benefiting the rears of Nos. 36, 38 and 40 Netherhall Gardens. It is likely that the terrace was built in the rear section of the back garden of No. 40 Netherhall Gardens.
- 1.3 Views, in both directions along Maresfield Gardens, are noted in the conservation area statement as being of importance.
- 1.4 The building is currently in use as a single family dwellinghouse (Class C3).

2. THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a building comprising a basement, lower ground floor (rear garden level), ground and first floor to provide a three bedroom single-family dwellinghouse following demolition of the existing dwellinghouse which occupies the site.
- 2.2 The proposed development is a flat roof building of contemporary design with a height equal to that of the existing property on site and the adjoining buildings at Nos. 55-57 Maresfield Gardens.
- 2.3 This application is similar to previous applications for a replacement single family dwelling. The most recent of which (2012/6795/P) was refused permission by the Development Control Committee in May 2013 on the grounds that the proposed subterranean floorspace represents overdevelopment of the site and that the excavation and basement construction would have a disproportionate impact on neighbours and the structural integrity of their properties. For full details see the planning history section of this report.

2.4 The differences between the current scheme and the previously refused scheme are as follows:

- The refused scheme included a double basement and partial sub-basement, as well as lower ground, ground and first floor levels. The current scheme incorporates a single basement level which extends a maximum depth of 4.6 metres below the existing lower ground floor which is at rear garden level. The overall below ground floor area has been reduced by around 60%. The previous scheme extended 6.8 metres below the existing lower ground floor.
- The overall floor area of the proposed building has been reduced by 133 sqm from 423 sqm GIA to 290 sqm GIA.
- In the refused scheme the proposed basement extended under the rear garden of the property by 3.8 metres. The current proposal extends under the rear garden by 0.6 metres.
- The above ground massing of the building remains the same, however, the detailed design has been amended. This includes: the additional of a sliding metal privacy screen on the front elevation where there was previously large expanses of glazing; replacement of the Oakwood cladding with timber slat cladding which would also be used around the entrance door. The flank elevations would remain finished in concrete.
- The entrance door and pedestrian path to the front door has been moved from the right hand side of the front elevation to the left hand side in order to separate the parking bay from the pedestrian access.
- The current proposal includes the addition of a stainless steel parapet at roof level to conceal the PVs from long views.
- The Basement Impact Assessment has been updated to reflect the current proposal.

2.5 The building would have a maximum width of 8 metres at all levels, a length of 10 metres at ground floor level and above and 14.5 metres at basement level. The building would have a height of 6.7 metres when measured from the front forecourt of the property. Full dimensions of the basement are detailed in the basement section of the report.

Revisions

2.6 During the course of the application the following revisions have been made:

- the Basement Impact Assessment has been revised following comments from the independent assessors;
- the detailed design of the stainless steel screens has been revised to increase the level of solidity;
- the material of the balustrade in the front garden has been changed from glass to metal;
- the material of the flank elevation and detailing on the front elevation have been amended from white render to concrete; and

- the timber screen from the side boundary wall with No. 40 to the front of the property has been removed and replaced with a brick wall to match that of the existing wall.

3. RELEVANT HISTORY

3.1 **2012/6795/P and 2012/6812/C – Planning Permission and Conservation Area Consent Applications.**

3.1.1 These applications were for erection of a new building comprising of a double basement and partial sub-basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) (following demolition of existing dwellinghouse).

3.1.2 As with the previous application (see below) ARUP were instructed to undertake an independent review of the Basement Impact Assessment (BIA). ARUP concluded that the BIA was sound and demonstrated compliance with Policy DP27.

3.1.3 The application was recommended for approval by officers. However, the application was refused by the Development Control Committee in May 2013 for the following reasons:

‘The proposed development by virtue of its scale, depth and extent of site coverage below ground would result in overdevelopment of this plot, which is currently occupied by a modest infill development appropriate to this part of the conservation area, which would cause harm to the built environment contrary to policies CS5 and CS14 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP24, DP25 and DP27.’ and

‘The proposed development by virtue of the extent of excavation and basement construction would have a disproportionate impact on the amenity of neighbours and the structural integrity of their properties contrary to policies CS5 of the London Borough of Camden Core Strategy and the London Borough of Camden Development Policies DP26 and DP27.’

3.1.4 An appeal was lodged and **the applications were granted on appeal on 20 October 2014**. In relation to impact on the conservation area the Inspector notes that,

‘the depth of the building below ground would not really be visible from outside the site, due to the angle of view from the road and, to the rear angles of view, boundary screening and the very limited area of the lightwell. To say that this would ‘vastly increase the perceived scale of the building’ is completely without substance. As the appellant’s section shows, confirmed by my own site inspection, the windows of the extra storey below the existing ground floor at the front, which would have only a partial light well, would not be visible from a person walking along the street.’

3.1.5 *In relation to impact on neighbour amenity the Inspector states,*

'The study [the Basement Impact Assessment] and the independent assessment confirmed that the basement could be constructed without adverse impact on the structural stability of adjoining properties. Although the building could take one year to construct, extracting soil from the proposed basement area would take place for only part of that time. The Council's claims that the works would have a disproportionate effect on nearby residents are unsubstantiated. The structural stability of adjoining properties could be safeguarded through implementation of provisions in the Section 106 obligation, which is in the form of an agreement signed by the Council...Other disturbance during construction could be properly managed through a Construction Management Plan, as required by the Section 106 agreement, and within the control of the Council. While residents' fears may be understandable, there is no evidence to support the contention that there will be an unacceptable impact on neighbours through noise and disturbance, even in the very short term, following the agreement of a Construction Management Plan.'

3.1.6 The current application which was submitted prior to the outcome of the appeal sought to overcome the above reasons for refusal as well as amend the detailed design.

3.2 **2011/4164/P and 2011/4360/C – Planning Permission and Conservation Area Consent Applications.**

3.2.1 These applications were for renewal of planning permission granted on 21/11/2007 (ref: 2007/2890/P) and amended on 07/10/08 (ref: 2008/4076/P) for erection of a new building comprising of a double basement and partial sub basement, lower ground, ground and first floor levels to provide a four bedroom single-family dwellinghouse (Class C3) (following demolition of existing dwellinghouse).

3.2.2 During the course of the application local residents contested the applicant's Basement Impact Assessment. They did not consider that it had adequately demonstrated that the proposed level of excavation would not harm the structural stability of adjacent land and structures and would not impact on ground water or surface water. Local Residents provided technical reports to counter the applicant's BIA. CPG4 – Basements and Lightwells states that where conflicting evidence is provided in response to a proposal, independent verification shall be undertaken at the expense of the applicant. As such, ARUP were commissioned to undertake an independent verification of the Basement Impact Assessment. ARUP found that the application did not adequately demonstrate compliance with policies DP27 and the guidance contained within CPG4. The following shortcomings were found:

- The report did not adequately demonstrate that the structural stability of the neighbouring properties and the highway would be maintained by the proposal. Issues included a lack of information on ground movement as a result of excavation, absence of an assessment of the category of structural

damage, absence of preliminary pile toe levels of the secant pile wall, amongst other issues.

- The report did not adequately demonstrate that surface water and groundwater flow would not be impacted on by the proposal. Issues include a lack of information relating to ground water flow, lack of details on disposal of storm water, lack of assessment on potential long term variation of groundwater levels and associated impact on ground movements.

3.2.3 As such, the applicant was advised that the BIA submitted was not adequate to demonstrate compliance with DP27. The applications were subsequently withdrawn.

3.3 Other applications

3.3.1 **2008/4076/P:** Revisions to external elevational design in connection with the construction of a new house comprising lower ground, upper ground and first floor level with light wells to front and rear granted planning permission 21/11/2007 (ref:2007/2890/P). **Planning permission granted 07/10/2008**

3.3.2 **2007/2890/P and 2007/2892/C:** Erection of building comprising two levels of basement, lower ground, upper ground and first floor level with lightwells to the front and rear for use as a single-family dwellinghouse. **Planning permission and Conservation Area Consent granted 22/11/2007**

3.3.3 **2006/4340/P and 2006/4339/C:** Erection of a three-storey building with basement and sub-basement to provide three residential units. **Refused 17/11/2006, dismissed on appeal 14/08/2007.**

3.3.4 The reasons for refusal were as follows:

- The proposed new building, by reason of its design and in particular the excessive bulk, height and massing of the third storey (roof) element, would be detrimental to the appearance of this terrace of houses at nos. 55-59 and the character and appearance of the streetscene and this part of the Conservation Area, contrary to policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006, plus guidance in the Fitzjohns/Netherhall Conservation Area Statement.
- The proposed new residential units, in the absence of a legal agreement securing car-free development, would contribute unacceptably to on-street parking stress and congestion in the surrounding area contrary to policy T9 (Impact of parking) on the London Borough of Camden Replacement Unitary Development Plan 2006.

4. CONSULTATIONS

Statutory Consultees

- 4.1 **English Heritage:** This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

Conservation Area Advisory Committee

- 4.2 **Fitzjohns/Netherhall CAAC:** Objection.
- Excessive building indicating overdevelopment.
 - Basement depth exceeds 7-8 metres below street and 4 metres below the existing lower level.
 - Object to truncation of retained terraced pair of houses.
 - Using existing ridge height is not appropriate when the new bulk advances to the rear and front of the existing building.

Local Groups

- 4.3 **Heath and Hampstead Society:** Objection

- Note the application history.
- Note that proposal shows some improvement over the previous designs: notably the separation of the house from its terraced neighbour, and the reduction in basement depth.
- The applicant has made some effort in recognising the appearance and character of the Conservation Area. However, the proposal is still unacceptable.
- Overdevelopment of the site - too large, particularly vertically, for its small end-of-terrace size and location. This is a small-scale site, and its development must remain proportionately small. It is still a double-basement house, with excavation depths of over 8 metres.
- Tree -The huge and immensely valuable lime tree on the street boundary would still be at risk, contrary to what the arboriculturist says. It would still be required to hang precariously above 8 metres of excavation, and survive with much of its subsoil water diverted away.
- Metal screens - The perforated decorative sliding screens are quite an interesting, though hardly original, concept; but why must their design be based on Victorian wallpaper patterns? With such a rich variety of decorative features in the neighbourhood-some of which are even illustrated in the Design and Access Statement these William Morris-style cut-outs are really inappropriate. A robust pattern, perhaps based on one of the local terracotta tiles from local houses could give the architecture of the house some affinity with its environment.

- 4.4 **Netherhall Neighbourhood Association:** Objection

- Welcome the considerable reduction in depth and bulk of the new application from the recently rejected application.
- The proposal still involves the construction of an additional basement floor plus a swimming pool tank below the existing basement floor level, which the application admits will cause the possibility of "very slight" risk of damage to

the adjacent No. 57. The attached Basement Impact Assessment shows a 1 metre depth pool. As the pool is extensive and extends for the full length of the new basement, it should be a condition that it should not exceed 1 metre depth.

- The plant room is located near to the boundary to No. 57 and detailed information on structurally transmitted sound and measures to prevent it affecting No. 57 should be provided to show there will be no sound transference.
- The design is visually separate from No. 57 with a glazed entrance hall and circulation against No. 57. However, the applicant should demonstrate how this circulation hall can be kept structurally independent of the party wall to not restrict the adjoining owner from enjoying his existing use of the party wall.
- The application does not satisfactorily demonstrate how the glazing will be maintained given that there is no external landing at either end of the circulation hall to gain access to the glazed roof.
- The significant element of the design is the moveable metal screen. It will have a major effect on the look of the building and the applicant should submit detailed information on its appearance. The current proposal refers to “Arts and Craft” but the resultant “wallpaper” look is not consistent with “Arts and Craft” architecture and creates an exotic alien appearance. It is proposed to use timber, which is high maintenance and also is not a material used in residential buildings in our Conservation Area. It is referred to as bringing a warmth to the design, but without regular treatment after a matter of a few years it loses this warmth and turns a grey colour with a strong risk of unsightly staining if not regularly maintained. The design does not allow easy access for regular maintenance.
- This scheme does not at present provide sufficient information to demonstrate that the necessary high standard of design will be achieved to make a positive contribution to the local character and distinctiveness of the Conservation Area.

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	14
<i>Total number of responses received</i>	9
<i>Number in support</i>	6
<i>Number of objections</i>	3

- 4.5 Letters were sent to 13 neighbours, a site notice was displayed from 30/12/2013 until 20/01/2014 and a press notice was placed in the Ham and High on the 09/01/2014 (expired 30/01/2014).
- 4.6 3 letters were received objecting to the proposed works from the following addresses: Little House A, 16a Maresfield Gardens, 50 Maresfield Gardens, The Coach House, 7a Netherhall Gardens.

4.7 6 letters of support were received from the following addresses: Flat 3, 34 Netherhall Gardens; 49 Maresfield Gardens; 32a Maresfield Gardens; Flat 3, 9 Daleham Gardens; Flat 2, 49 Maresfield Gardens.

4.8 The objections are on the following grounds:

Basement Impact

- The proposal would have a detrimental impact on ground water and water levels destabilising the water environment;
- The pool is shown as 1 metre deep. A condition should be imposed to ensure it is not made deeper; and
- The Council needs to be certain that the BIA is accurate and there is no risk of damage to No. 57.

Design

- The design does not relate to the existing terrace;
- The proposed timber is out of keeping;
- The design of the screens is too busy at present. The design should be worked up and agreed before a decision is made; and
- The screens would be an eye sore and out of keeping in the conservation area.

Construction Management

- The development would result in disturbance to local residents in relation to noise, dirt, dust and congestion.

4.9 Comments in support of the application are as follows:

- The proposal is a significant improvement to the existing building;
- Pleased to see the empty building removed and provision of a family home;
- The existing site is an eyesore;
- Contemporary buildings add to the eclecticism of the area such as the one in Daleham Gardens;
- The quality of the design is very high.

5. POLICIES

5.1 National Planning Policy Framework 2012

5.2 London Plan 2011 (as amended 2013)

5.3 Core Strategy and Development Policies 2010

CS1 Distribution of growth

CS4 Areas of more limited change

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 & encouraging Biodiversity

CS16 Improving Camden's Health and Wellbeing
CS18 Dealing with our waste and encouraging recycling
CS19 Delivering and monitoring the Core Strategy

DP5 Homes of different sizes
DP6 Lifetimes 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
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
DP32 Air quality and Camden's Clear Zone

5.4 Camden Planning Guidance 2011 (as amended 2013)

CPG1 – Design
CPG2 – Housing
CPG3 – Sustainability
CPG4 – Basement and lightwells
CPG6 - Amenity
CPG7 – Transport
CPG8 – Planning Obligations

5.5 Fitzjohns/Netherhall Conservation Area Statement dated February 2001.

6. ASSESSMENT

6.1 The principal consideration material to the determination of this application are summarised as follows:

- Design (Acceptability of proposed demolition of an unlisted building in a conservation area; bulk, height, massing and detailed design and materials of the proposed building);
- Impact on trees
- Basement Impact;
- Impact on amenity;
- Quality of residential accommodation;
- Sustainability;
- Transport; and
- CIL

6.2 The current application is similar to a previously application which was recently granted on appeal. The current application sought to overcome the Council's

reasons for refusal which related solely to the basement. The detailed design of the building has also been amended from the previous scheme.

- 6.3 Matters which were not raised as a concern on the previous application and remain consistent on the current application are the height, bulk and massing of the above ground building; impact on amenity (excluding basement issues), impact on trees, quality of the residential accommodation, sustainability and transport impacts.

6.4 **Design**

Acceptability of proposed demolition of an unlisted building in a conservation area

- 6.4.1 Policy DP25 states that *'the Council will prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention.'* The Fitzjohns/Netherhall Conservation Area Statement describes Nos. 55-59 Maresfield Gardens as being a *'mid 1950s two storey terrace, on a sunken site that has little relationship with the surrounding area'*. The application property is not considered to make a positive contribution to the area and as such the Council does not object to its loss, subject to appropriate proposals for redevelopment of the site.

Bulk, height, massing, detailed design and materials of the proposed building

- 6.4.2 Maresfield Gardens is an L-shaped road, running west from Fitzjohns Avenue, turning 90 degrees north, into a long, straight ascent to Netherhall Gardens. There are few street trees and the character is formed by the contribution of the trees and vegetation in private gardens. Front boundary treatments vary along the street, with no predominant style, though the area's familiar palette of brick, with panels of over-burnt brick and stone coping can be found.
- 6.4.3 The underlying consistency is that of front gardens behind a physical boundary that relates sensitively to the architecture behind. Where this has been lost, the underlying character of the street and Conservation Area has been harmed. Maresfield Gardens has several examples of such harm and of traditional boundary treatments altered inappropriately.
- 6.4.4 North of Nutley Terrace, the road is characterised by less dense development and a more open character. A number of buildings are red brick, with neo-Georgian facades and prominent clay tiled roofs, a mix of influences but designed with a careful attention to detail. Houses built in the 1880s and mid C20th, including the c1950s Neo-Georgian two storey neighbours at Nos. 51 & 53 are also characteristic of this stretch of Maresfield Gardens.
- 6.4.5 Nos. 55-59, to which the application site forms the northern most property, are described in the Conservation Area Statement as being a *"mid 1950s two storey terrace, on a sunken site that has little relationship with the surrounding area."* Although somewhat of an anomaly, the existing terrace of three houses, is nonetheless, considered to provide an appropriate transition between the form of No. 40 Netherhall Gardens (to the north) and Nos. 51 & 53 Maresfield Gardens (to the south), contributing to a noticeable degree of openness, particularly benefiting the rears of Nos. 36, 38 and 40 Netherhall Gardens.

- 6.4.6 The proposal fits within the same spatial envelope previously approved for this site – respecting overall building height, recessing of building mass at the rear, whilst maintaining established building lines on the front elevation. Whilst the proposal maintains a flat roof profile, thus projecting forward of Nos. 55 & 57 on the front elevation (compared with the profile of the existing roof pitch), it is nevertheless considered acceptable, as the gap offsets this differentiation by allowing visual separation between ‘old’ and ‘new’.
- 6.4.7 Similarly, the relatively small scale of the proposal will retain a degree of openness to the sky, which is welcomed and considered contextually responsive. The building remains below the level of the existing rear and side extension on the northern boundary.
- 6.4.8 The previous proposal was refused by the Council on the grounds of overdevelopment of the site by virtue of its scale, depth, and extent of below ground floor coverage. The extent of below ground development has been significantly reduced since the previous proposal by 60%. This includes a reduction in the depth of the basement and the extent it projects beneath the rear garden. The refused scheme included a front lightwell from which 2 storeys of below ground development could be seen both from within the application site and from neighbouring properties. In the current scheme the proposal has one less basement storey and therefore only one basement level can be seen from within the front lightwell.
- 6.4.9 The previous proposal has recently been granted on appeal and the Inspector noted that the amount of below ground floor accommodation would not have any noticeable impact outside of the site. As such, given that the current proposal include substantially less below ground floor development than the previous scheme the proposal would by no means result in overdevelopment.
- 6.4.10 It is considered that the proposed scheme is appropriately proportioned and articulated with a balance of horizontal and vertical emphasis and depth to the elevations. The simply detailed form has been designed to be read as a single dwelling, thus defining it as an independent ‘pavilion’ building whilst not competing with its neighbours or over emphasising itself.

Materials

- 6.4.11 A simple, contemporary materials palette is proposed including:
- White pre-cast concrete with shuttered finish on north flank elevations, front parapet and porch;
 - Stainless steel patterned sliding screens to the front and rear elevations over the glazing within a stainless steel frame;
 - Hardwood timber slat cladding around and above the main entrance on the front elevation, on the south flank elevation (facing No. 57) and on the southern part of the rear elevation;
 - Stainless steel railings in the front garden leading to the main entrance;
 - Window panels are large and minimally framed; and
 - Brick boundary wall to the front of the building.
- 6.4.12 Concerns has been raised in objections about the stainless steel sliding screens proposed on the front and rear elevations. The proposed screens would be formed from laser cut stainless steel and the pattern on the screen is to be inspired by

decoration and motifs found on buildings within the conservation area. The final design for the screen has not yet been agreed as the applicant intends to commission a local artist to work up the final detailed design. It is considered that the detailed design of the screens can be appropriately dealt with by condition. The design of the screens has been amended during the course of the application to provide greater solidity on the front elevation. The screens now proposed would be 70% solid to 30% open whereas the original proposal would have been for 30% solid and 70% open. This revision ensures that the proposal would not result in light pollution within the streetscene which could detract from the appearance of the conservation area.

- 6.4.13 The proposal includes use of pre-cast concrete on the north flank elevation and for features on the front elevation such as the parapet and the porch. The previous scheme included a concrete flank elevation, therefore, the principle of using this material has already been accepted. White concrete is not commonly used in the conservation area, however the colour will reflect the use of stucco detailing and the heavy dentil cornice at the surrounding buildings especially those on Netherhall Gardens including No. 40 which adjoins the site to the north. Furthermore, the ground floor level of No. 55 and 57 Maresfield Gardens is painted white and windows at the properties on Maresfield Gardens have strong white window frames, as such it is considered that the proposed use of white concrete on this building would respect and compliment the conservation area.
- 6.4.14 The previous scheme included solid Oakwood cladding which has been replaced in the current scheme with hardwood timber slat cladding. The conservation area currently comprises an extensive mix of materials including red brick, stock brick, stucco, metal railings, flint, and timber. As such, it is considered that the conservation area can take the use of contemporary materials such as timber and concrete and contributes to the areas character and appearance. Furthermore, the principle of timber cladding has already been accepted through the previous applications.
- 6.4.15 The proposal also includes replacing the timber fence on the boundary with a brick wall to match the existing. This is welcomed. In the front garden it is proposed to install a metal railing adjacent to the pedestrian path way. When the application was originally submitted a glass balustrade was proposed. The glass balustrade was considered to be out of keeping in the streetscene, as such this was replaced with a simple metal balustrade. Metal railings are a common boundary treatment in Maresfield Gardens as such, this is considered appropriate.
- 6.4.16 It will be necessary to condition the proposed materials of the scheme, to ensure the highest possible quality. Given the scale of the development within the site it is considered appropriate to remove the new dwellings permitted development rights for extensions and alterations. This will be secured by condition.
- 6.4.17 It is considered that the proposal is a high quality contemporary, contextually responsive scheme which will preserve and enhance the character and appearance of the conservation area.

Impact on trees

6.4.18 There is a Lime tree at the front of the property that is the subject of a TPO. There is also a Lime tree at the rear of the property.

6.4.14 The proposals do not entail any further encroachment on the front retaining wall and as such there would be no impact from excavation of the site on the Lime tree to the front. The current proposal involves substantially less excavation than the previous scheme and the previous scheme was considered to have no impact on the trees on site or at adjoining sites, as such, no objection is raised in this respect. The trees on site and adjoining the site would require suitable protection during the construction process, however no details of such measures have been submitted. The proposal includes landscaping to the front and rear of the site, the gardens would remain largely soft landscaped and this is welcomed. Tree protection measures (particularly for the Lime trees) and full landscaping details will be required by condition.

6.5 **Basement Impact**

6.5.1 Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impacts upon structural stability or water environment in the local area.

6.5.2 The proposal includes a basement with a maximum length of 14.5 metres, a maximum width of 8 metres, and a maximum depth of 4.6 metres (measured from the rear garden level), 6.8 metres (from front garden level), and 7.5 metres (from street level). This is a substantial reduction from the previous scheme which had a maximum length of 19 metres, a maximum width of 8 metres and a maximum depth of 6.8 metres (measured from rear garden level) 9.6 metres (from front garden level) and 10.2 metres (from street level).

6.5.3 A Basement Impact Assessment (BIA) has been provided in accordance with the provisions of Policy DP27 and Camden Planning Guidance (CPG4). The BIA has been prepared by suitably qualified engineers.

6.5.4 The screening exercise identified that it was necessary to take the report forward to the scoping stage for the following reasons:

- The site includes a man made slope of greater than 7 degrees;
- The site is underlain by Claygate Member which is classified as a Secondary A Aquifer;
- The proposed basement will extend into the local water table, as such dewatering may be required;
- The site is within 5 metres of a public highway; and
- The development will increase the foundation depths relative to the neighbouring properties to a significant extent.

6.5.5 The BIA has been independently verified by ARUP. ARUP have confirmed that the BIA documents along with additional supporting documents are sufficient to satisfy the requirements of DP27, in respect of:

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

BIA verification

6.5.6 ARUP were given a brief to assess whether :

- a. the Basement Impact Assessment has been prepared in accordance with the processes and procedures set out in the Arup report ('*Camden geological, hydrogeological and hydrological study*', which was used as the basis for preparing the CPG), for both temporary and permanent works.
- b. methodologies used were appropriate to the scale of the proposals and the nature of the site.
- c. 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.
- d. the conclusions are sufficiently robust and accurate and are accompanied by sufficiently detailed amelioration/mitigation measures to ensure that a grant of planning permission would accord with DP27.

6.5.7 In ARUP's initial review of the BIA they confirmed that whilst the report was generally of a high standard and aimed to address all the required issues there were inconsistencies in the information presented in the text, drawings and calculations which needed to be addressed.

ARUP's initial review

6.5.8 ARUP's review highlighted the following issues (*the issues are numbered to aid reading of the next section of the report which details how each of these issues was addressed by the applicant*):

6.5.9 **Issue 1: Information shown on the drawings but not addressed in the BIA-** Certain information shown on the drawings was not taken into consideration in the BIA including: the eastern wall which appears to cantilever at ground floor level, the opening for the glazed floor above basement, an increase in ground level to the front of the property, and inconsistencies between the construction sequence shown on sketches and in the text of the BIA.

6.5.10 **Issue 2: Retaining wall design** - In relation to the retaining wall design there was inconsistency in the report and calculations in terms of the maximum bending movement and deflections.

6.5.11 **Issue 3: Ground movement** - Turning to the ground movement and damage assessment there was a lack of clarity in the calculations and in how the information has been interpreted to provide the range of movements and the damage assessment quoted. The report was unclear whether the damage category to neighbouring properties would be 'slight' or 'very slight'. Whilst 'slight' is

acceptable in accordance with CPG4, in practice the category of 'very slight' damage is widely recognised to be preferable. The report did not include a damage assessment for the swimming pool at No. 40 Netherhall Gardens.

6.5.12 Issue 4: Hydrogeological assessment - In terms of the Hydrogeological Assessment the basis for the consideration of a 2 metres change in groundwater level is not clear. This would suggest a rise in the water table above ground level at the corner of No. 57 Maresfield with potential significant effects for water ingress and ground movement.

6.5.13 ARUP also highlighted that the following works would need to be undertaken following any grant of permission prior to implementation: the detailed design shall be submitted to building control; the surface water drainage strategy should be fully developed in line with Appendix 2 of the BIA; a full audit of the proposed construction sequence should be undertaken to ensure it corresponds to the design assumptions; that the predicted category of damage for all adjacent structures falls into the category of 'very slight'; and a detailed method statement for the basement construction needs to be developed alongside the monitoring specification so that each element of activity can be assessed with respect to movements.

ARUP's concerns addressed.

6.5.14 The applicant provided an amended BIA in April 2014 in order to address the concerns raised by ARUP.

6.5.15 Issue 1: Information shown on the drawings but not addressed in the BIA – The BIA has been updated to take into account all items shown on the drawings. For example, ARUP was concerned that the eastern wall cantilevered at ground floor level because of the lightwell in front which could lead to greater bending movements and movement of the eastern and northern walls. The revised BIA confirms that following piling, a capping beam will be installed and temporary props placed across the corner to minimise ground movement and avoid any cantilevered sections of wall.

6.5.16 ARUP also raised concern that the opening for the glazed floor above the basement had not been accounted for in the report or calculations and could potentially remove support from the wall unless the structure was specifically designed for this. The Structural Drainage Supplementary Information for the BIA, dated 27/03/2014 (Appendix 2 of the BIA) confirms that there are a number of clear openings and glazed floor area shown on the plans and that in these locations the permanent piles walls would be designed to act un-supported by the slabs. Calculations have also been provided to demonstrate this. As such, ARUP has confirmed that this issue has been resolved satisfactorily.

6.5.17 Issue 2: Retaining wall design – The inconsistencies in the report and calculations have been rectified in the revised BIA and ARUP have advised that the retaining wall design is acceptable.

6.5.18 Issue 3: Ground movement - In relation to ground movement the BIA has been updated to confirm that predicted damage to the adjacent neighbouring properties would be either 'Negligible' or 'Very Slight' for each phase of the works. However,

combined, the movements put damage to the east wall of 57 Maresfield just into the 'Slight' category with strains calculated to be 0.0875% compared with the Burland limiting strain of 0.075% for the 'very slight' damage category. Whilst it would be preferable for it to be in the 'very slight' category there is no conflict with the requirements of DP27 and CPG4.

6.5.19 The BIA has also been updated to include a damage assessment for the swimming pool at No. 40 Netherhall Gardens. The report confirms that damage to the swimming pool would fall within the category of 'negligible' for the north wall and 'slight' for the west and east wall. Again, this meets the requirements of DP27 and CPG4.

6.5.20 The predictions of ground movement based on the ground movement analysis will be checked by monitoring of adjacent properties and structures. The structures to be monitored during the construction phase will include No. 57 Maresfield Gardens, the boundary wall and existing swimming pool of No. 40 Netherhall Gardens, the pavement along Maresfield Gardens and the new proposed secant piled wall.

6.5.21 It is considered appropriate to secure through a S106 agreement that the applicant uses reasonable endeavours to reduce the cumulative damage category to a maximum 'very slight' for all neighbouring structures and to ensure monitoring of movement is undertaken throughout.

6.5.22 **Issue 4: Hydrogeological Assessment** – ARUP were not clear why there the BIA considered there would be a 2 metre change in groundwater levels. The BIA and subsequent emails from the authors of the BIA confirm that groundwater levels could increase by 1 metre in a worse case scenario. Groundwater flow within the clays of the Claygate Member is very limited and slow because of the small poorly connected pore spaces and the properties of clay which mean it will not drain freely. There could be the potential for small up and down gradient changes in groundwater level as a result of the basement development as noted in Arup's comments. However, these changes would be of a scale which would be difficult to detect against any seasonal variation in any individual monitoring point.

6.5.23 As such the applicant proposes that the site monitoring for the works is installed prior to the works taking place, continues during the works, and does not terminate until an agreed time period after the structural works are complete. This would be secured through a S106 legal agreement.

Summary

6.5.24 ARUP have confirmed that the amended BIA and additional information submitted by the BIA's author's is sufficient to ensure that the proposal will:

- maintain the structural stability of the building and any neighbouring properties;
- avoiding adversely affecting drainage and run-off or causing other damage to the water environment; and
- avoid cumulative impacts on structural stability or the water environment in the local area.

- 6.5.25 As such, the proposed is considered to comply with policy DP27 and CPG4. It is recommended that a basement impact plan is secured by a S106 legal agreement. This would include a requirement for monitoring of the works and also that the developers use reasonable endeavours to reduce the damage category to 'very slight'.

6.6 Impact on residential amenity

Overlooking and privacy

- 6.6.1 There are no windows on the flank elevations. The proposal includes a terrace located at rear raised ground floor level. The plans indicate privacy screens each side of the terrace, 2.1 metres in height, which would prevent overlooking to No. 57 and No. 40 Netherhall Gardens. The provision of these screens would be secured by condition.

Daylight and sunlight

- 6.6.2 The bulk, height and mass of the proposed building above ground floor level has not changed since the previous proposal. Therefore, the assessment in relation to impact on daylight and sunlight to neighbouring properties still stands. To summarise the proposal would not impact on daylight or sunlight levels to Nos. 40 Netherhall Gardens and 57 Maresfield Gardens (as demonstrated by a sunlight and daylight assessment). The report concluded that the proposed development would not create an unacceptable impact on the current levels of daylight and sunlight enjoyed by the residents of Nos. 40 Netherhall Gardens and 57 Maresfield Gardens. The proposal is fully compliant with the relevant BRE tests for daylight and sunlight.
- 6.6.3 As the bulk, height and mass of the proposed building above ground floor level has not changed since the previous proposal the assessment on outlook to neighbouring properties still stands. The building would not project further to the rear than the dwelling at No. 57 therefore, the proposal would not impact on outlook from this property. The proposed building is set approximately 13 metres from the neighbouring property at No. 40 Netherhall Gardens and given that the bulk and height of the building, above ground floor level, is similar to the existing building it is not considered that the proposal would impact on outlook from No. 40 Netherhall Gardens.

6.8 Quality of residential accommodation

- 6.8.1 The Council's residential development standards (refer to CPG2) give general guidance on the floorspace and internal arrangements for all housing tenures. In addition, homes of all tenures should meet lifetime standards in accordance with Policy DP6 and the section of CPG2 on Lifetime homes and wheelchair housing. Development should provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. With regard to daylight all habitable rooms should have access to natural daylight.
- 6.8.2 The proposed single dwellinghouse would provide 290sqm of high quality living accommodation laid out over four floors and with direct access to private outside

recreational space. A total of three bedrooms are proposed. The development exceeds the minimum recommended floorspace and room size requirements within Camden Planning Guidance and the London Plan and is acceptable in this regard. The dwellinghouse complies with all relevant Lifetime home standards. All bedrooms and habitable rooms would have access to ample natural light. Refuse and recycling storage will be located at lower ground floor level, screened into the shared entrance wall. This will be secured by condition.

6.9 Sustainability

- 6.9.1 Policy DP22 (Promoting sustainable design and construction) states that the Council will require development to incorporate sustainable design and construction measures. The Council expects new dwellings to achieve Code for Sustainable Homes assessment Level 4 (with 50% of the un-weighted credits in the energy, water and materials categories).
- 6.9.2 The application is accompanied by a Code for Sustainable Homes pre-assessment which confirms that the application would achieve Code Level 4. 56% of the un-weighted credits would be achieved in Energy category, 66.6% in the Water and Materials categories and 70% in the Materials category. This exceeds the Councils' targets and is an improvement on the previous scheme which is welcomed. A design stage and post construction review demonstrating compliance with the above would be secured through S106.
- 6.9.3 The application is also accompanied by an Energy Assessment which follows the London Plan energy hierarchy of 'Be lean, Be clean, and Be green'. Policy DP22 and CPG3 state that all developments are expected to reduce their carbon dioxide emissions by following the step in the energy hierarchy and developments involving 5 or more dwellings and/or 500sqm floorspace are required to submit an energy statement which demonstrates how carbon dioxide emissions will be reduced in line with the energy hierarchy. This proposal does not meet the threshold for requiring an energy statement therefore, in submitting one, the applicant has exceeded the Council's requirements.
- 6.9.4 Be lean: The energy statement confirms that be lean measures incorporated into the scheme include use of materials with low U-values which reduces heat loss; use of low temperature under floor heating; thermal time and zone controls; whole house ventilation with heat recovery; window size and positions have been carefully considered to maximise use of solar gain; low energy lighting and reduced flow rate water fittings. Be lean measures would reduce carbon dioxide emissions by 8%.
- 6.9.5 Be clean: The applicant considered the installation of a central boiler plant, CHP and air or ground sourced heat pumps. However, none of the above were considered appropriate for the scheme. Central boiler plant and CHP are intended for developments of multiple dwellings. Heat Pumps are not appropriate as efficiency is substantially reduced when used to provide high temperatures As such, no be clean measures are proposed.
- 6.9.6 Be green: The proposal includes roof mounted photovoltaic panels which will reduce carbon dioxide emissions by 35%.

- 6.9.7 The report demonstrates that the proposal would result in a 43% reduction in carbon emissions. This exceeds the policy standard which is welcomed.
- 6.9.8 Given the extent of subterranean development it is considered appropriate to secure SUDS by condition to ensure the development does not increase surface water run-off.
- 6.9.9 It is considered that the proposal is for a sustainable development and complies with policies DP22 and the guidance contained within CPG3 –Sustainability.

6.10 Transport

Car Parking

- 6.10.1 The existing single dwellinghouse benefits from one off-street parking space as well as eligibility for on-street parking permits. The proposed dwellinghouse would retain this existing off-street parking. The site has a PTAL of 5, which means it is in a location where it is reasonable to insist on the development being totally car-free. However, given that there is already existing parking on site, and that the application who current owns the building will be returning to the site, it would be unreasonable to require the development to be car-free. To encourage car-free lifestyles and to reduce impact on local on-street parking and traffic the development would be secured as car-capped, therefore, residents would not be able to apply for on street parking permits. This is in line with Policies CS11 and DP18.

Cycle Parking

- 6.10.2 The Council's cycle parking standards state that 1 cycle parking space is required per residential unit, however for larger residential units (3+ beds), the London Plan requires 2 cycle parking spaces per unit. The proposal is for a 3 bedroom residential unit, therefore 2 cycle storage/parking spaces are required. The proposal includes a bike store which provides adequate space for two cycles. The cycle parking will be secured by condition.

Construction Management

- 6.10.3 Local residents have raised concern in relation to the impact of construction on neighbour amenity. Furthermore, the previous application was refused by the Council on the grounds that the extent of excavation and basement construction would have a disproportionate impact on neighbour amenity. However, this scheme has now been granted on appeal. The Inspector noted the structural stability of neighbouring buildings could be safeguarded though the implementation for the provisions of the S106 agreement and disturbance during construction could be appropriately managed through a Construction Management Plan.
- 6.10.4 The current application involves substantially less subterranean development than the previous proposal. This includes a reduction in the depth of the basement and the extent it projects beneath the rear garden. As such, the proposal requires significantly less excavation which should reduce the overall construction timeframe and associated impacts such as the number of lorry movements to and from the site. However, this process should still be managed through a Construction

Management Plan (CMP) as required by policies DP20 and CPG6 (Amenity). The CMP would be secured by S106 agreement and will address: construction timeframes and working hours; frequency and times of construction vehicles movements to and from the site; parking and loading arrangements; details of how pedestrian and cyclist safety will be maintained; and cumulative effects of other developments in the local area, amongst other matters.

Highways Works Immediately Surrounding the Site

- 6.10.5 In order to mitigate the impact of construction on the existing footway, a financial contribution will be required to repave the footway along the site's frontage. This would be secured by a S106.

6.11 CIL

- 6.11.1 This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £14,500 (£50 x 290 sqm) 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, and subject to indexation in line with the construction costs index.

7. CONCLUSION

- 7.1 The existing building is not considered to make a positive contribution to the Conservation Area and therefore its loss is considered acceptable. The proposed replacement house is considered to be of a high standard of design and relates well to the character, setting and context of the neighbouring properties and the wider streetscene. The basement construction would not impact on the structural stability of neighbouring buildings or have a detrimental impact on the water environment and is substantially smaller than the previous proposal which was recently granted on appeal. The property would provide good quality residential accommodation and would not impact on the amenity of the other nearby residential properties. The proposal is also acceptable in terms of sustainability, and transport matters.
- 7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Code for sustainable homes – design and post construction review;
 - Energy plan;
 - Car-capped development;
 - Construction Management Plan;
 - Highways contribution;
 - Basement Impact (monitoring, reducing the damage category).

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1314-PP-LP; 1314-PP-SP; 1314-PP-EX-01; 1314-PP-EX-02; 1314-PP-EX-03; 1314-PP-EX-04; 1314-PP-EX-05; 1314-PP-EX-06; 1314-PP-EX-07; 1314-PP-EX-08; 1314-PP-B1-A; 1314-PP-LG-A; 1314-PP-GD-B; 1314-PP-01-A; 1314-PP-RF-A; 1314-PP-EL-01-B; 1314-PP-EL-02-B; 1314-PP-EL-03-A; 1314-PP-EL-04-B; 1314-PP-SE-01-B; 1314-PP-SE-02-B; 1314-PP-SE-03-A.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details of the sliding screens on the front and rear elevation (including sections at 1:10); and

b) Details of the all balustrades, privacy screens and boundary treatment.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 A sample materials board/panel of all facing materials shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

5 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

6 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

7 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written

consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 8 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The privacy screens on the northern and southern boundary of the rear raised ground floor terrace shall be erected in accordance with the approved plans, to a height of 2.1 metres, prior to first use of the roof terrace and shall be permanently retained in position thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in

accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 12 The refuse and recycling storage area as shown on the drawings hereby approved, at lower ground floor level, shall be provided prior to first occupation of the dwelling and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of refuse and recycling has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The cycle storage area for 2 cycles as shown on the drawings hereby approved at lower ground floor level shall be provided in its entirety prior to the first occupation of the dwelling, and thereafter permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 and DP18 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: To protect the visual amenity of the area in accordance with the requirements of policy CS14 of the Local Development Framework Core Strategy 2010 and policies DP24 and DP25 of the Local Development Framework Development Policies 2010.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel.

No. 020 7974 4444 or on the website
<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

APPENDIX C
CONSULTATION PAPER

59 Maresfield Gardens, NW3 5TE

Planning consultation paper

LOM Architecture & Design

March 2015

1.0 Introduction

This is a consultation document to explain the basis of a new planning application and application for Conservation area consent at the above property.

There have been a number of previous applications and two recent planning approvals which are referred to in this paper as Approved Schemes A and B.

This application seeks to bring together the best aspects of both schemes for the betterment of all parties.

2.0 Planning approvals

2.1 Approved Scheme A

Architect: 51% Studios

Planning application: Ref. 2012/6795/P

- Established the principle of a contemporary dwelling as a suitable replacement to the existing end terrace house.
- Established above and below ground development parameters for the site, as determined by appeal decision dated 7th October 2014 ref. APP/X5210/A/13/2201704 and APP/X5210/A/13/2201708.



Fig.1: Approved Scheme A

2.2 Approved Scheme B

Architect: LOM Architecture & Design

Planning application: Ref. 2013/7987/P

- Design and appearance developed and refined through an extensive process of engagement and consultation with neighbours, local interest and resident groups, planning and Conservation area officers.
- Established a design language and materials palette which received predominantly positive feedback during the application process.



Fig.2: Approved Scheme B

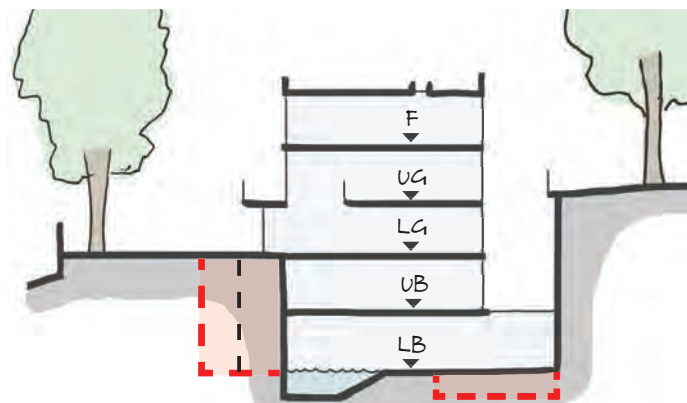
3.0 New application

The new application aims to unite the two approved designs with the objective of making the following improvements to Approved Scheme A:

- Reduced and better configured basement.
- Application of the (above ground) architectural appearance of Approved Scheme B which is considered to be a more refined design resultant of a rigorous consultation process.

3.1 Refined basement design

- Proposal fits within planning approved development parameters for the site.
- Basement depth: as Approved Scheme A.
- Basement width: as Approved Scheme A.
- Basement length: approx. 3.5m shorter than Approved Scheme A.
- Pool relocated to the rear to reduce excavation depth at the front of site as compared with Approved Scheme A.



Extent of basement in Approved Scheme A shown in red

Fig.3: Proposed section

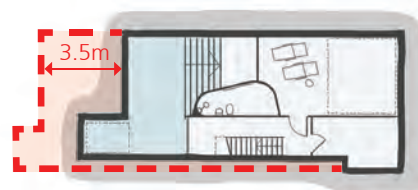


Fig.4: Proposed basement plan

3.2 Design & appearance

- Uses the architectural language of Approved Scheme B which is felt to be a more refined design proposal.
- This design is the product of an extensive consultation and engagement process and generally received positive feedback throughout the application process.
- Decorative screens on the facade add interest and provide privacy and screening. Pattern design inspired by decorative details and motifs found on local buildings in the Conservation area.

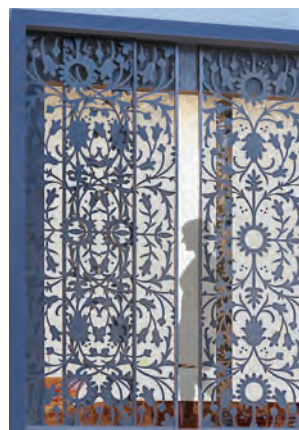


Fig.5: Decorative screens



Fig.6: Motif on nearby building

4.0 Summary

- Planning permission has been granted for two schemes either of which may now be implemented.
- We now have a clear signal from the Planning Inspectorate and Local Authority as to what is permissible on this site.
- Our client's objective is to further refine the proposal to deliver the best outcome that balances her requirements with those of neighbours.
- We would welcome your feedback prior to lodging a planning application in the near future. You can write to us at the address below or email: **mail@lom-fdp.com**.



LOM architecture and design

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