

Address:	5 Kemplay Road London NW3 1TA		9
Application Number:	2013/7906/P	Officer: Rob Tulloch	
Ward:	Hampstead Town		
Date Received:	10/12/2013		
Proposal: Erection of a 2 storey plus basement dwelling with rear roof terrace, following the demolition of the existing dwelling.			
Drawing Numbers: Site Location Plan; 126 S1C; S2C;S3C; S5C; S6E; S8C; S9C; S11D; S12; S20A; S21A; S51B; S81; S91; SV2C; P2G; P3F; P1G; P4D; P5B; P6E; P7C; P8C; P9C; P11D; P15A; P81B; P91B; Design and Access Statement by TAG Architects Rev B dated May 2014; design, Planning & Heritage Statement by Aragon Land and Planning Ltd; Ground Investigation Report by MRH Geotechnical dated September 2013; Construction and Method Statement by Trigram Partnership dated December 2013; Daylight & Sunlight Report by MES Energy Services dated 15th November 2013; Hydrogeological Review by Geotechnical Consulting Group dated December 2013; Sustainability Statement and Energy Report by MES Energy Services dated 02/09/2013; Transport Statement by TTP Consulting dated October 2013; Hydrogeological Review by Geotechnical Consulting Group dated 3rd June 2014; Groundwater Data 27/09/2013-30/04/2014			
RECOMMENDATION SUMMARY: Grant Planning Permission subject to a Section 106 Agreement			
Applicant:		Agent:	
Mr Lionel Fournier 5 Kemplay Road London NW3 1TA		TAG ARCHITECTS 14 Belsize Crescent London NW3 5QU	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		143m ²
Proposed	C3 Dwelling House		287m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Dwelling House			1						
Proposed	Dwelling House					1				

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	2	
Proposed	2	

OFFICERS' REPORT

Reason for Referral to Committee: **The proposal involves the demolition of a building in a conservation area (Clause 3v)**

1. SITE

- 1.1 The application relates to a semi-detached house dating from the 1950's on the south side of Kemplay Road. It lies within sub area 3 of the Hampstead Conservation and is considered to make a neutral contribution to the character and appearance of the conservation area. It is paired with no. 7 Kemplay Road and the two houses are to the east of a driveway leading to the rear of Rosslyn Hill Chapel. Further to the west of the application site, and on the other side of the drive, is a terrace of 1950's houses (nos. 13-21) of similar scale and design to the application site.
- 1.2 The site lies to the north of the Grade II listed Rosslyn Hill Chapel and to the west of nos. 1 and 3 Kemplay Road, which are identified as making a positive contribution to the character and appearance of the Hampstead Conservation Area.
- 1.3 The surrounding area is predominantly residential, and close to Rosslyn Hill which lies within the Hampstead Town Centre. The site is also identified as lying within identified constraints for slope stability and groundwater.

2. THE PROPOSAL

Original

- 2.1 The proposal is for the demolition of the existing house and the erection of a two storey, plus basement and roof level accommodation, single dwelling.

Revisions

- 2.2 During the course of the application the proposal has been revised to reduce the bulk of the new house and amend its detailed design.
- The rear of the house has been brought in so the maximum depth of the house has been reduced from 12.8m to 11.7m, which along with a reduction in the area of the patio allows for a larger garden.
 - The front elevation has been set in an additional 400mm from the boundary with no.3 Kemplay Road so there is now a distance of 2.5m between the buildings at the front.
 - The front and rear dormers have been reduced in size.
 - The second floor terrace has been reduced in size.
 - The rendered first floor rear elevation at the rear has been replaced by brick.

3. RELEVANT HISTORY

- 3.1 **2003/0210/P** The enlargement of the ground floor rear extension, as a variation to the planning permission dated 28/03/03, ref PWX0202906 for the erection of a ground floor rear extension. Granted 19/01/2004

PWX0202906 The erection of a single storey rear extension. Granted 28/03/2003

PW9802689R1 The erection of a part one and part two storey side extension at ground and first floor levels. Granted 30/11/1998

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 English Heritage did not wish to comment and advise the application should be determined in accordance with national and local policy guidance.

Conservation Area Advisory Committee

- 4.2 Hampstead CAAC object

- The proposal is insensitive overdevelopment which would threaten local character.
- Excessive garden take up front and rear.
- The truncation of a balanced pair of houses.
- Basement is possible source of further extension.
- Height is aiming at larger houses adjacent rather than immediate neighbour.

Local Groups

- 4.3 The Heath & Hampstead Society consider the proposal would present a significant improvement to the area, but object to the terrace at 2nd floor level which would overlook neighbouring gardens.

Adjoining Occupiers

	Original	R1
<i>Number of letters sent</i>	4	5
<i>Total number of responses received</i>	5*	1
<i>Number in support</i>	0	0
<i>Number of objections</i>	5*	3

*including one petition from six addresses

- 4.4 A site notice was displayed from 30/12 2013 – 20/01/2014, and an advert placed in the Ham & High on 09/01/2014 with the consultation period expiring on 30/01/2014. Objections were received from 5 local residents, including one petition from six addresses. Following revisions, re-consultation letters were sent out on 15/05/2014.

Original consultation responses

1 Kemplay Road objects that the proposal would fill in the gap between the application site and no. 3. Nos. 1 and 3 were originally built as a freestanding pair which gives them a unique character in the street and in-filling the gap would harm this.

3 Kemplay Road objects as the proposed building would harm daylight and sunlight to their property, particularly their hall which is the heart of the house. Nos. 1 and 3 Kemplay Road are a symmetrical Victorian pair dating from the 1870s, a modern house next door would harm their character. The basement may cause a change in groundwater and structural damage. The terraces at first and second floor level will overlook their garden. Building up against their property will harm privacy by increased noise transmission.

7/7A & 9 Pilgrim Lane object to the roof terrace at second floor level as it would overlook the gardens of nos. 7 and 9 Pilgrim's Lane and other gardens on Kemplay Road. The terrace would also create a noise nuisance.

A petition signed by occupiers of nos. 2, 4a, 10, 20, 23 & 23-25 Kemplay Road states whilst there is no objection to the modern design there is an objection about the way the proposed building would encroach onto nos. 1 & 3 Kemplay Road, by abutting no. 3 and removing the gap between the two buildings. It also objects to the proposed building projecting forward and harming the appearance and uniqueness as a free-stranding pair of nos.1 & 3.

Re-consultation responses

- 4.5 3 Kemplay Road still considers the changes would affect light to their property, and the terrace would still overlook their garden.
- 4.6 7/7A & 9 Pilgrim Lane restates their objections to the roof terrace at second floor level as it would overlook the gardens of nos. 7 and 9 Pilgrim's Lane and other gardens on Kemplay Road.

5. **POLICIES**

5.1 **LDF Core Strategy and Development Policies**

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change and promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing

DP6 Lifetime homes and wheelchair homes

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

5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011/2013
Hampstead Conservation Area Statement 2002

5.3 **Local and regional policies**

National Planning Policy Framework 2012
London Plan 2011

6. **ASSESSMENT**

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

- Heritage Assessment/design of new dwelling
- Basement Impact
- Quality of accommodation
- Amenity
- Transport
- Trees
- Sustainability

Heritage Assessment/design of new dwelling

6.2 The building is a 1950's semi-detached house which lies within Hampstead Conservation Area. Historically the site formed part of the grounds of the Grade II listed Rosslyn Hill Chapel which lies to the south. However in the middle of the 20th century nos. 5 & 7 and 13-21 Kemplay Road were built within the chapel gardens. The proposed development consists of the demolition of the existing house at no. 5 Kemplay Road and its replacement with a new two storey property plus basement and roof accommodation.

Demolition

6.3 The existing building is not noted in Hampstead Conservation Area statement as making positive contribution to area, indeed on page 28 of this document it refers to it as part of "...some plain two storey terraces". As such there is no objection in principle to the demolition of the existing building, subject to the design of the replacement.

Replacement building - Front elevation

- 6.4 Whilst it is acknowledged that the existing house and wider terrace do not make a positive contribution to the conservation area, by virtue of their lower scale and simpler appearance, they do not compete with adjacent houses and the church behind.
- 6.5 Architecturally the south side of Kemplay Road is varied with buildings of different ages and styles. In this context a high quality contemporary design is appropriate as it would simply add to the ongoing evolution of this side of the street.
- 6.6 The proposals seek to bring the front building line forward by 1.3m, which is not considered to be objectionable as this would match the dominant building line of the south side of the street. The new front building line would still be set back well behind the frontage of no. 3 Kemplay Road (approximately 3m) and provide an appropriate transition between the different scales and designs of Kemplay Road. The overall height of the building and eaves line largely matches no. 7 Kemplay Road and therefore provides a reference to its neighbour. A rendered section of building acts as a junction with no. 7 Kemplay Road and softens the transition in scale between the two buildings.
- 6.7 The proposed restrained façade is considered to work well within the varied townscape of the south side of Kemplay Road. The modest appearance of the property reflects the fact that the site is historically an infill to the church grounds and therefore does not attempt to create an ornate appearance to compete with either the church or the flanking ornate houses (1-3 Kemplay Road). Red brick is used which ties it in with the neighbours whilst the ratio of solid to glazing is similar to no. 7 Kemplay Road. Slate is proposed for the roof which would also works contextually with its neighbours.
- 6.8 The existing building has already been extended at the side, which has largely filled in the gap between it and no. 3 Kemplay Road. The existing two storey side extension is set back 3.3m from the front and measures 2.2m (w) x 4.9m (d) x 6m (h) leaving a 700mm gap between the two houses. The proposed building completely infills the remaining gap, which due to its narrow width and setback has an extremely limited townscape role.
- 6.9 However, in oblique views along Kemplay Road there is not a continuous sense of development at the front of the plot, as the side extension is pushed well back from the frontage. The proposal would reduce the gap at the front from 3.9 m to 2.5m, but this still maintains the break between the buildings giving them the necessary separation.
- 6.10 The proposed dormer to the front elevation provides light to the staircase (the staircase is not usable without it) and provides a degree of articulation to the front façade. As part of the revision made during the course of the application it has been pulled away from the eaves and ridge of the roof, reducing it in height from 1.9m to 1.5m. As such the proposed dormer would be 400mm above the eaves, 500mm below the roof ridge and at least 2.3m from the sides.
- 6.11 The quality of this design approach will depend on the success of the fine detailing such as the window reveals and framing, cedar timber boarding and roofing details,

including drainage. These details will be conditioned to ensure that the final quality is appropriate.

Rear elevation

- 6.12 The existing house has a full width rear extension which gives it a relatively square footprint and a depth of 9.2m. A wooden awning has been erected behind the side extension abutting the boundary with no. 3. The proposed house is U-shaped at the rear with the ground floor wrapping round a recessed central conservatory. At its longest, the proposed house would be 11.7m. The existing house already extends beyond the rear building lines of its neighbours and the proposed dwelling would extend a further 1.4m and 0.7m at ground floor level in relation to nos.3 and 7 respectively. The enlarged footprint is not considered harmful to the building's relationship with its neighbours, and has been reduced to limit its impact in views from the church grounds. At first floor level, the rear elevation would be set back compared to the existing side extension, and set back from the rear building line of no. 3. It would extend 1.5m further than the rear elevation of no. 7 but this would be tempered by being set in from the boundary.
- 6.13 The reduction in scale of the rear allows more of the garden to be read whilst also providing an appropriate transition in scale between nos. 3 and 7 Kemplay Road. The massing of the ground floor is now not significantly larger than the existing rear extensions. The use of brick for the more visible upper floors and smaller window openings provides for a more domestic feel which will sit more comfortably with its neighbours.
- 6.14 The existing building has a rear garden area of approximately 138sqm, including a shed, pergola and 46sqm of patio and paving. The proposed scheme, after the revision to reduce the depth of the building and decrease in the size of the patio, would have a rear garden of approximately 126sqm (including 23sqm of patio) so the amount of open space at the rear would not significantly diminish, and soft landscaping would be slightly increased.
- 6.15 In conclusion, the new building is considered to be a high quality design that would relate to the surrounding area and would not harm the character or appearance of the Hampstead Conservation Area in compliance with policies CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the LDF and associated planning guidance.

Quality of accommodation

- 6.16 The proposal seeks to provide a single 5x bedroom residential unit over four floors. The house would be dual aspect with regular shaped and reasonably sized rooms. All rooms would receive a good amount of daylight and sunlight, and benefit from good outlook. The new unit would also benefit from a large garden.
- 6.17 The proposed dwelling would have a floorspace of 287sqm and exceed Camden's, and the London Plan's, residential floorspace standards in terms of bedroom sizes and overall floorspace.

Lifetime Homes

- 6.18 Policy DP6 (Lifetime homes and wheelchair homes) requires all new residential accommodation, including conversions, to meet Lifetime Homes standards. The applicant has provided a Lifetime Homes Statement which indicates the proposed dwelling would comply with all of the relevant Lifetime Homes criteria. Stairs, corridors and level access would comply, and the size of the rooms would allow wheelchair use. The dwelling would have space at ground floor level that could be used as a living room and an entrance level W.C. A condition will ensure that the development is implemented in accordance with the Lifetime Homes features indicated on the plans.

Basement impact

- 6.19 A basement floor is proposed which would take up approximately half the footprint of the house at the front. The basement would not house habitable rooms, but provide a gym, laundry and boiler room. The only external manifestation of the basement would be two rooflights in the recesses between the site and its neighbours. The proposed basement would have a footprint of 4.5m x 10m with an external depth of 3.2m.
- 6.20 In line with policy DP27 (Basements and lightwells) and Camden Planning Guidance (CPG4 – Basements and lightwells), the applicant has submitted a Basement Impact Assessment (BIA), and associated ground and hydrological reports.
- 6.21 As part of the ground investigation, four trial pits and three boreholes were sunk during September 2013. Made ground was found to a depth of 1.2m over sandy clay underlain by stiff London Clay at depths of 4.4-5.2m. Water was recorded at depths of 2-2.6m.
- 6.22 The site is in area of constraint for land stability, but the gradient of the site is less than 7°. The closest railway tunnel is 350m to the west and the site is at least 400m from the catchment area of the Hampstead pond chains.
- 6.23 The BIA indicates the basement will be constructed using a bottom up construction methodology. A sheet pile wall driven into the ground using a vibration free hydraulic ram will be installed around the basement prior to excavation, with waterproofed reinforced concrete retaining walls cast in situ. The BIA estimates any damage to neighbouring properties to be Burland Scale of 0-1, which would be cosmetic and in line with Camden Planning Guidance. The BIA concludes that the basement can be constructed with no detrimental effect to the structural integrity or stability of the house or neighbouring structures.
- 6.24 The amount of hard surfacing on site would not increase, and the replacement of the existing drive with permeable paving would improve permeability. The hydrological assessment considers that although the basement would be below the level of existing groundwater, as the basement would be above the permeable London Clay and there are no adjoining basements, groundwater would flow freely

around and under the basement. The hydrological review concludes that the proposal is unlikely to cause any adverse changes in hydrogeology.

- 6.25 As the site is within areas of constraint for groundwater and land stability, the BIA and associated documents were independently reviewed by LBH Wembley. LBH note that in terms of groundwater the site lies above an aquifer and is within 100m of a potential spring line, the basement will significantly increase the differential depth of foundations relative to neighbouring properties, and the proposed basement is expected to reach the groundwater table.
- 6.26 The independent assessment identified potential for the proposal to affect the existing groundwater flow regime which in turn could result in damage or instability to neighbouring buildings. LBH considered that the basement, or piling, could reach the London Clay and therefore potentially cut off groundwater flow across the width of the site. It also highlighted that the proposed basement may significantly increase the differential depth of foundations relative to neighbouring properties. LBH considered that whilst the proposal is entirely feasible further information about groundwater, and potential damage or instability to neighbouring properties, should be provided and that such information could reasonably be sought by condition.
- 6.27 Officers considered that such information should be submitted and assessed as part of the application, consequently the applicant has submitted the further information requested by LBH. Further hydrological investigation and hydrogeological analysis was carried out by Geotechnical Consulting Group to assess the impact on nos. 1 and 3 Kemplay Road. Additional monitoring was carried out, resulting in borehole monitoring having now been carried out over five separate occasions from September 2013 to April 2014; two of these were after heavy rainfall. Geotechnical Consulting Group concluded that the proposed basement would have a slight impact on the general hydrogeology of the area and have a negligible impact on neighbouring properties. LBH Wembley have verified this additional information and confirm that the submission now fully meets the requirements of DP27 and CPG4. LBH Wembley's initial and addendum reports are included as an appendix to this report. LBH Wembley's initial and addendum reports are included as an appendix to this report.
- 6.28 As such, based on the recommendation of the independent assessor, it is considered that the applicant has adequately demonstrated that the proposed basement would not cause harm to the stability of the host building, or neighbouring buildings, or the local water environment. The proposal is therefore compliant with policy DP27, and the Council's now standard requirement for a Basement Construction Statement will be secured by s106 Legal Agreement.

Amenity

- 6.29 The proposed building would be in the same location as the existing building, and cover slightly more of the plot. It would be approximately 200mm higher than the existing building. The closest residential properties are nos. 3 and 7 Kemplay Road on either side, and nos. 7 and 9 Pilgrim's Lane approximately 32m to the south east.

Sunlight/daylight

- 6.30 As nos. 3 and 7 Pilgrim's Lane are to the east and west of the application site, instead of to the north, and the proposed building is not drastically different in location or bulk, it is not considered that the proposal would significantly affect daylight or sunlight to these properties. The properties on Pilgrim's Lane are too far away to be affected.
- 6.31 The existing building has a ground floor extension approximately 2.7m deep. The proposed building would extend a further 0.7m at ground floor level and 1.5m at first level where it would be set in 1.4m from the boundary with no. 7 Kemplay Road. The proposed dwelling would subtend a 45° angle drawn in plan form from the centre of the ground floor window of no. 7, but would not subtend a 45° angle in elevation, nor would it subtend a 45° angle drawn in plan or elevation from any other windows to no. 7 and is therefore not considered to have a significant impact on daylight to this property in line with British Research Establishment (BRE) guidelines.
- 6.32 The proposed ground floor would extend approximately 1.4m beyond the rear building line of no. 3 Kemplay Road, although there is an existing awning 3.8m deep at the boundary with a solid roof and as high as the boundary wall. The proposed building would be set back from its neighbour at first floor level.
- 6.33 BRE guidelines state that for good daylighting, the Vertical Sky Component (VSC) should be at least 27% and any reduction as a result of development that leads to VSC falling below 27% and resulting in a value of less than 0.8 times its former value would be noticeable and significant. The applicant has submitted a sunlight daylight report to assess the proposal's impact on no. 3. The 6 closest windows on the rear elevation, and an attic window to the side elevation, were assessed with the report stating that 5 of them would retain a VSC in excess of 27%. Two basement windows are currently below 27% VSC, and only one would also see a reduction of less than 0.8 times its former value, albeit only 0.79.
- 6.34 There are other windows to the side elevation of no. 3 facing the site. These have not been assessed as these are mainly windows to a hall, not windows to habitable rooms. The BRE guidance only requires daylight to be assessed for rooms where daylight is required such as living rooms, kitchens and bedrooms. Windows to bathrooms, toilets and circulation areas do not need to be analysed as a loss of daylight to these areas is not considered to be harmful to amenity. One kitchen window not surveyed would be affected, but as this is a small corner window, and the kitchen is otherwise well lit by other larger windows, it is not considered that the kitchen would suffer a noticeable loss of light.
- 6.35 The report also assessed sunlight to no. 3. BRE guidance advises that that a living room window should receive at least 25% of annual probable sunlight hours (APSH) with at least 5% of winter probable sunlight hours, but no less than 0.8 times the former if the sunlight is originally below these levels. The guidelines advise only main living rooms and conservatories should be checked, and only if they have windows facing within 90° of due south. All windows assessed would

continue to receive in excess of 34% of APSH (summer) and 15% (winter), apart from one basement window which currently receives 7% APSH during summer, but would be unaffected by the development. The report also assessed potential overshadowing to no.3 and concluded there would be no loss of light to outdoor amenity space.

Overlooking

- 6.36 The existing building has three windows at first floor level and no windows at roof level. The proposed house would have two side windows at first floor level with centrally located French doors opening out onto a small inset terrace measuring 3.3m x 0.9m. As it would be set back from the rear elevation of no. 3 and inset, there would be no views of neighbouring windows from the first floor windows or terrace. There would be views of neighbouring gardens, but this is not considered to be significantly different to the existing situation, and overlooking of neighbouring gardens is somewhat constrained by trees and hedges around the boundaries of the properties.
- 6.37 A dormer and terrace are proposed at rear second floor level. Again, the terrace would be relatively small, measuring 2.5m x 1.3m having been reduced in size from 3.4m x 1.8m, and would not face any neighbouring windows. There would be views of neighbouring gardens from the dormer and terrace, but a large degree of mutual overlooking of gardens already exists from the existing first floor and dormer windows of nos. 1-7 Kemplay Road. The proposed terrace, due to its small size is not considered to significantly contribute to a loss of privacy for adjoining occupiers.
- 6.38 The proposed terrace would be 15m from the boundary wall with no. 9 Pilgrim's Lane and 23m from closest part of boundary wall with no. 7. The terrace would be at least 34m away from both houses. As the garden to no. 9 is quite long at 32m only a small section at the rear of the garden would be within the 18m. As such the proposal is not considered to affect the amenity of the properties on Pilgrim's Lane.

Noise

- 6.39 The larger house is not considered to create any additional noise impact, and the terraces are considered to be too small to hold enough people to create a noise nuisance.
- 6.40 As such, the proposal is not considered harmful to the amenity of adjoining occupiers and would comply with policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the LDF.

Sustainability

- 6.41 In line with policies CS13 (Tackling climate change and promoting higher environmental standards) and DP22 (Promoting sustainable design and construction), and Camden Planning Guidance (CPG3 – Sustainability) new build housing is currently expected to meet Code for Sustainable Homes (CfSH) Level 4. This code requires a minimum overall score of 68% and a minimum of 50% in the

energy, water and materials categories. The applicant has submitted a sustainability statement by MES Energy Services which indicates that the proposed dwelling would achieve a score of 69.69%. The proposal would achieve 14.4 out of 31 credits (46.45%) in the energy category (which is below the recommended 50% and the applicant will be encouraged to use best endeavours to achieve 50%), 4 out of 6 (66.67%) in water, and 12 out of 15 (75%) in materials.

- 6.42 The proposal also includes green roofs at first and second floor levels and rooftop photovoltaics. No details have been supplied regarding the green roofing or photovoltaics and conditions will require further details to be submitted.
- 6.43 As such, the proposal is considered to meet the required levels of sustainability, including Code level 4 of the Code for Sustainable Homes, and is therefore considered to comply with policies CS13 and DP22, and CPG3. A post-construction review to demonstrate that the development meets the required CfSH score will be secured via the Section 106 Agreement.

Transport

- 6.44 The site has a Public Transport Accessibility Level of 3 (Moderate) and is within a Controlled Parking Zone (CPZ). Hampstead (CA-H) CPZ operates Mon-Sat 09:00-20:00 and has a ratio of parking permits to available parking bays of 1:1.10. This means that more permits have been issued than spaces available and that this CPZ is highly stressed.

Parking

- 6.45 The existing house has parking for two cars in the form of a single carport and a driveway. The proposal would see the loss of the carport and the retention of a smaller drive. The proposed parking area would be reduced from 68sqm to 44sqm and still allow two cars to be parked off-street.
- 6.46 Camden's Parking Standards for this area would normally permit a maximum of 1 space per dwelling. However, Camden Planning Guidance (CPG7 – Transport) states that existing parking rights can normally be retained on development sites, where it can be demonstrated that existing occupiers are to return to the address when it is completed. In this instance the existing occupiers have indicated they will be returning to the dwelling, as such the provision of two parking spaces, which is the same as existing, would be acceptable and would not harm existing parking conditions.

Cycle storage

- 6.47 In line with the Council's cycle parking standards, the new dwelling is required to provide 2 spaces per unit. The proposal indicates an area for cycle and bin storage on the drive which is considered appropriate. A condition will require details of the storage facility to be submitted before occupation of the new dwelling.

Construction management

- 6.48 Construction works and construction vehicle movements have the potential to disrupt the day to day functioning of the surrounding highway network for an extended period, and will need to be carefully managed to ensure disruption is kept to a minimum. Due to the location and nature of the development a Construction Management Plan will be required. This will be secured via a Section 106 Agreement.

Highways Works Immediately Surrounding the Site

- 6.49 In order to tie the development into the surrounding urban environment, a financial contribution will be required to repair any damage caused as a result of construction. The total contribution has yet to be calculated, and will be secured via S106 agreement.

Trees and landscaping

- 6.50 There is one tree in the front garden which is identified as being retained. It is a sufficient distance away from the proposed house not to be affected by the works, and a condition will require a method statement to be submitted before works begin to demonstrate that the tree will be adequately protected during development. There are no other trees on site.
- 6.51 The existing front garden covers 81sqm and is largely hard surfaced. The proposal would reduce hard surfacing from 68sqm to 51sqm, 47sqm of which would be "grassguard" permeable paving which allows grass to grow through it in soil filled cavities. At the rear, the existing open space amounts to approximately 138sqm of which approximately 85sqm is soft landscaping in the form of lawn and shrubbery. The proposal would retain 126sqm of garden space, 103sqm of which would be soft landscaped resulting in an increase in green space.

Community Infrastructure Levy

- 6.52 The proposal would be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, if the application were acceptable the charge is likely to be £7,200 (144sqm x £50) payable when development commences.

7. CONCLUSION

- 7.1 The proposal would replace a dwelling of no particular architectural merit with a high quality designed and more sustainable building, and is not considered to harm the character or appearance of the street scene or wider conservation area. As the proposed envelope is similar to the existing building there is considered to be little impact on residential amenity. The basement impact has been independently assessed and is considered to comply with the relevant LDF policies and Camden Planning Guidance. The proposal is not considered to harm the local transport network.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Sustainability Post construction review
- Highways contribution (tbc)
- Construction Management Statement
- Basement Construction Statement

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: Site Location Plan; 126 S1C; S2C;S3C; S5C; S6E; S8C; S9C; S11D; S12; S20A; S21A; S51B; S81; S91; SV2C; P2G; P3F; P1G; P4D; P5B; P6E; P7C; P8C; P9C; P11D; P15A; P81B; P91B; Design and Access Statement by TAG Architects Rev B dated May 2014; design, Planning & Heritage Statement by Aragon Land and Planning Ltd; Ground Investigation Report by MRH Geotechnical dated September 2013; Construction and Method Statement by Trigram Partnership dated December 2013; Daylight & Sunlight Report by MES Energy Services dated 15th November 2013; Hydrogeological Review by Geotechnical Consulting Group dated December 2013; Sustainability Statement and Energy Report by MES Energy Services dated 02/09/2013; Transport Statement by TTP Consulting dated October 2013; Hydrogeological Review by Geotechnical Consulting Group dated 3rd June 2014; Groundwater Data 27/09/2013-30/04/2014.

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 including sections at 1:10 of all windows and dormers (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before the development commences, details of secure and covered cycle storage area for 2x cycles shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new dwelling and be permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

- 6 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 the new dwelling.

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 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair homes) of the London Borough of Camden Local Development Framework Development Policies.

- 7 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) [and Part 2 (Classes A-C)] 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, and to protect the amenity of adjoining occupiers by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 (Promoting high quality places and conserving our heritage) and CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to first occupation of the building, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: In order to secure appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with the requirements of policy CS13 (Tackling climate change and promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13 (Tackling climate change and promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

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.
- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

**Independent Assessment
of
Basement Impact Assessment for
planning application 2013/7906/P
at
5 Kemplay Road,
London,
NW3 1TA**

**for
London Borough of Camden**

**LBH 4212
March 2014**



Project No: LBH 4212

Report Ref: **LBH 4212 Ver 1.0**

Date: 25th March 2014

Report approved by:



S R Lefroy-Brooks BSc MSc CEng MICE CGeol FGS CEnv MEnvSc FRGS SILC

Principal Engineer

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Foreword-Guidance Notes

GENERAL

This report has been prepared for a specific client and to meet a specific brief. The preparation of this report may have been affected by limitations of scope, resources or time scale required by the client. Should any part of this report be relied on by a third party, that party does so wholly at its own risk and LBH WEMBLEY Geotechnical & Environmental disclaims any liability to such parties.

The observations and conclusions described in this report are based solely upon the agreed scope of work. LBH WEMBLEY Geotechnical & Environmental has not performed any observations, investigations, studies or testing not specifically set out in the agreed scope of work and cannot accept any liability for the existence of any condition, the discovery of which would require performance of services beyond the agreed scope of work.

VALIDITY

Should the purpose for which the report is used, or the proposed use of the site change, this report may no longer be valid and any further use of or reliance upon the report in those circumstances shall be at the client's sole and own risk. The passage of time may result in changes in site conditions, regulatory or other legal provisions, technology or economic conditions which could render the report inaccurate or unreliable. The information and conclusions contained in this report should therefore not be relied upon in the future and any such reliance on the report in the future shall again be at the client's own and sole risk.

THIRD PARTY INFORMATION

The report may present an opinion on the disposition, configuration and composition of soils, strata and any contamination within or near the site based upon information received from third parties. However, no liability can be accepted for any inaccuracies or omissions in that information.

1. Introduction

It is proposed to demolish the existing two storey semi-detached house at this property and construct a new two-storey house that will include a small area of basement.

1.1 Brief

LBH WEMBLEY Geotechnical & Environmental have been commissioned to provide an Independent assessment of information submitted against the requirements of LDF policy DP27 (but also including CS5, CS14, CS15, CS17, CS18, DP23, DP24, DP25 and DP26 – as stated at paragraphs 1.5 and 1.6 of CPG4) and with reference to the procedures, processes and recommendations of the Arup Report and CPG4 2013.

1.2 Report Structure

This report commences with a description of the LDF policy requirements, and then considers and comments on the submission made and details any concerns in regards to:

1. The level of information provided (including the completeness of the submission and the technical sufficiency of the work carried out)
2. The proposed methodologies in the context of the site and the development proposals
3. The soundness of the evidence presented and the reasonableness of the assessments made.
4. The robustness of the conclusions drawn and the mitigation measures proposed in regard to:
 - a. maintaining the structural stability of the building and any neighbouring properties
 - b. avoiding adversely affecting drainage and run-off or causing other damage to the water environment and
 - c. avoiding cumulative impacts on structural stability or the water environment in the local area
5. Specific details of any further information that is required to enable an assessment to be satisfactorily concluded.

1.3 Information Provided

The information studied comprises the following:

1. Subterranean Construction Method Statement and Structural Report on the Proposed Basement Extension - by Trigam Partnership, Ref: 4160, dated December 2013.
2. Ground Investigation - by MRH Geotechnical, Ref: 131410, dated September 2013.
3. Hydrogeological Review - by Geotechnical Consulting Group, unreferenced, dated December 2013.
4. Letter from MRH to Trigam, Ref: 131410L, dated 4th December 2013.

2. Policy DP27 – Basements and Lightwells

The CPG4 Planning Guidance on Basements and Lightwells refers primarily to Planning Policy DP27 on Basements and Lightwells.

The DP27 Policy reads as follows:

In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes:

- a) *maintain the structural stability of the building and neighbouring properties;*
- b) *avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- c) *avoid cumulative impacts upon structural stability or the water environment in the local area;*

and we will consider whether schemes:

- d) *harm the amenity of neighbours;*
- e) *lead to the loss of open space or trees of townscape or amenity value;*
- f) *provide satisfactory landscaping, including adequate soil depth;*
- g) *harm the appearance or setting of the property or the established character of the surrounding area; and*
- h) *protect important archaeological remains.*

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. In determining applications for lightwells, the Council will consider whether:

- i) *the architectural character of the building is protected;*
- j) *the character and appearance of the surrounding area is harmed; and*
- k) *the development results in the loss of more than 50% of the front garden or amenity area.*

In addition to DP27, the CPG4 Guidance on Basements and Lightwells also supports the following Local Development Framework policies:

Core Strategies:

- CS5 Managing the impact of growth and development
- CS14 Promoting high quality places and conserving our heritage
- CS15 Protecting and improving our parks and open spaces & encouraging biodiversity
- CS17 Making Camden a safer place
- CS18 Dealing with our waste and encouraging recycling

Development Policies:

- DP23 Water
- DP24 Securing high quality design
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours

This report makes some specific further reference to these policies but relies essentially upon the technical guidance provided by the Council in November 2010 to assist developers to ensure that they are meeting the requirements of DP27, which is known as the Camden Geological, Hydrogeological and Hydrological Study, Guidance for Subterranean Development (CGHHS), and was prepared by Arup.

3. Assessment of Adequacy of Information Provided

3.1 Basement Impact Assessment Stages

The methodology described for assessing the impact of a proposed basement with regard to the matters described in DP27 takes the form of a staged approach.

3.1.1 Stage 1: Screening

Screening uses checklists to identify whether there are matters of concern (with regard to hydrogeology, hydrology or ground stability) which should be investigated using a BIA (Section 6.2 and Appendix E of the CGHSS) and is the process for determining whether or not a BIA is required. There are three checklists as follows:

- subterranean (groundwater) flow
- slope stability
- surface flow and flooding

3.1.1.1 Subterranean (Groundwater) Flow

A screening checklist for the impact of the proposed basement on groundwater is not included in the submission.

However, Document 2 does state that

- **the site does lie directly over an aquifer**
- **the proposed basement is expected to reach the groundwater table**
- the site does not lie within 100 m of a spring line.
- the proposed basement development will not result in a significant change in the proportion of hard surfaced / paved areas

and it is also reasonably clear from the Document 2 that

- the site lies approximately 100m to the south of a lost watercourse
- **the site does lie within 100 m of a potential spring line**
- the site is not within the catchment of the pond chains on Hampstead Heath
- the development will not result in more surface water than at present being discharged to the ground
- **the lowest point of the proposed excavation (allowing for any drainage and foundation space under the basement floor) lies close to the mean water level in a spring line**

3.1.1.2 Slope Stability

A screening checklist for the impact of the proposed basement on land stability is **not** included in the submission.

However, the Document 2 does state that

- the area slopes gently
- London Clay is not the shallowest stratum on the site
- the proposed development is unlikely to be affected by the nearby tree.
- the site does not lie within 100 m of a spring line.
- **the site is within an aquifer and the proposed basement is expected to reach the groundwater table**
- the site is about 150m from the northern line underground tunnel

and it is also reasonably clear from Document 2 that

- shrink-swell subsidence is unlikely to be an issue
- **the site does lie within 100 m of a potential spring line**
- the site is not in an area of previously worked ground
- the site is not within 50m of the Hampstead Heath ponds
- the proposed development is set back from the highway
- **the proposed basement will significantly increase the differential depth of foundations relative to neighbouring properties**

3.1.1.3 Surface Flow and Flooding

A screening checklist for the impact of the proposed basement on surface water flow and flooding is **not** included in the submission.

However, the Document 2 does state that

- the proposed basement development will not result in a significant change in the proportion of hard surfaced / paved areas
- the site is not within an area of potential surface water flooding

and it is also reasonably clear from Document 2 that

- the site is not within the catchment of the pond chains on Hampstead Heath
- surface water flows (e.g. volume of rainfall and peak run-off) will not be materially changed from the existing route
- the proposed basement will not result in changes to the profile of the inflows (instantaneous and long-term) of surface water being received by adjacent properties or downstream watercourses
- the proposed basement will not result in changes to the quality of surface water being received by adjacent properties or downstream watercourses

3.1.2 Stage 2: Scoping

Where the checklist is answered with a “yes” or “unknown” to any of the questions posed in the flowcharts, these matters are carried forward to the scoping stage of the BIA process.

The scoping produces a statement which defines further the matters of concern identified in the screening stage. This defining should be in terms of ground processes, in order that a site specific BIA can be designed and executed (Section 6.3 of the CGHSS).

No checklists have been provided in the submission and there is **no scoping stage** described in the submission.

However, issues that can be reasonably identified from the submission as being of concern have been assigned bold text in the previous sections and are as follows

- **the site is within an aquifer**
The guidance advises that the basement may extend into the underlying aquifer and thus affect the groundwater flow regime.
- **the proposed basement may significantly increase the differential depth of foundations relative to neighbouring properties**
The guidance advises that excavation for a basement may result in structural damage to neighbouring properties if there is a significant differential depth between adjacent foundations.

Using the guidance it is reasonably clear from the screening process that the concerns to be addressed by the BIA are as follows:

- The potential for the proposed works to affect the existing groundwater flow regime.
- The potential for the proposed works to result in damage or instability to the neighbouring properties

3.1.3 Stage 3: Site Investigation and Study

Site investigation and study is undertaken to establish the baseline conditions. This can be done by utilising existing information and/or by collecting new information (Section 6.4 of the CGHSS). The site investigation submitted comprised three boreholes constructed to approximately 10m depth in September 2013 and four hand dug trial pits to expose foundations.

These exploratory holes have confirmed the site to be underlain by a variable depth of made ground overlying water-bearing Claygate Beds. Document 2 deduces from the investigation that the London Clay may be assumed to be present below approximately +77.8 OD (some 7m below the existing ground level).

It is noted that groundwater monitoring standpipes were installed in the boreholes and that a week or so later groundwater was recorded at around 2m depth.

3.1.4 Stage 4: Impact Assessment

Impact assessment is undertaken to determine the impact of the proposed basement on the baseline conditions, taking into account any mitigation measures proposed (Section 6.5 of the CGHSS).

The submission does not describe an Impact Assessment stage, but Document 1 includes various discussions regarding the issues that have been identified in Section 3.1.2 above and presents a construction methodology to address these.

3.2 The Audit Process

The audit process is based on reviewing the BIA against the criteria set out in Section 6 of the CGHSS and requires consideration of specific issues:

3.2.1 Qualifications / Credentials of authors

Check qualifications / credentials of author(s):

Surface flow and flooding: The report does meet the requirements.

Subterranean (groundwater) flow: The report does meet the requirements.

Land stability: The report does meet the requirements.

3.2.2 BIA Scope

Check BIA scope against flowcharts (Section 6.2.2 of the CGHSS). The scope of issues of concern has been checked against the flowcharts and while not specifically listed in the submission, it is considered that they have been identified in section 3.1.2 above.

3.2.3 Description of Works

Does the description of the proposed development include all aspects of temporary and permanent works which might impact upon geology, hydrogeology and hydrology?

Yes.

3.2.4 Investigation of Issues

Have the appropriate issues been investigated? This includes assessment of impacts with respect to DP27 including land stability, hydrology, hydrogeology.

Yes

3.2.5 Mapping Detail

Is the scale of any included maps appropriate? That is, does the map show the whole of the relevant area of study and does it show sufficient detail?

Yes

3.2.6 Assessment Methodology

Have the issues been investigated using appropriate assessment methodology? (Section 7.2 of the CGHSS).

The submission has not been prepared in accordance with the processes and procedures set out in Camden Planning Guidance (CPG4) but does appear to contain sufficient information to be reasonably conclusive aside from the assessment of possible cumulative effects.

3.2.7 Mitigation

Has the need for mitigation been considered and are appropriate mitigation methods incorporated in the scheme? (Section 5 of the CGHSS)

There is evidence that the issues have been considered in some detail, but further assessment of the potential long term effect of the basement forming a permanent barrier to groundwater flow is considered warranted in order for it to be demonstrated that the development will not have any significant adverse effect upon groundwater flow.

Contrary to Document 2, it is considered that the investigation data can possibly be interpreted to suggest that the London Clay, or at least relatively impermeable clays, may be reached either by the sheet piling or in the basement excavation itself. There is therefore considered to be some risk that new structure may potentially form a complete cut-off to groundwater flow across the full width of the site. In the absence of sufficient weight of evidence that this will not occur, both the potential effect of this in isolation and any potential cumulative effect should be considered and assessed by the hydrogeological consultant, primarily to provide reassurance that nearby properties will not be affected.

3.2.8 Monitoring

Has the need for monitoring been addressed and is the proposed monitoring sufficient and adequate? (Section 7.2.3 of the CGHSS)

The monitoring of water levels with the exploratory boreholes was carried out in late summer of 2013. It will be necessary to establish the current situation at the site with further monitoring.

The submission does include a commitment to structural monitoring, but does not include any action plan or contingency measures.

3.2.9 Residual Impacts after Mitigation

Have the residual (after mitigation) impacts been clearly identified?

No.

4. Assessment of Acceptability of Residual Impacts

4.1 Proposed Construction Methodology

The proposed construction methodology has been described and will involve a propped sheet pile wall encircling the proposed basement excavation.

4.2 Soundness of Evidence Presented

The submitted evidence would benefit from presentation in accordance with the guidance. More certainty is required in regards to the groundwater issues.

4.3 Reasonableness of Assessments

It would be reasonable for the assessments to have included further consideration of the possible long term and cumulative impact on groundwater flow.

4.4 Robustness of Conclusions and Proposed Mitigation Measures

There is little doubt that the proposed basement is entirely feasible.

5. Conclusions

The submitted BIA does not wholly reflect the processes and procedures set out in DP27 and CPG4.

As a consequence it is considered that the present submission does not demonstrate sufficient detail and certainty to ensure accordance with DP27, in respect of

- a. Maintaining the structural stability of the building and any neighbouring properties
- b. Avoiding adverse impact on drainage and run-off or causing other damage to the water environment and
- c. Avoiding cumulative impacts on structural stability or the water environment

It is suggested that the concerns about the submission that have been raised in sections 3 and 4 of this document can be addressed by the applicant by way of further submission.

5.1 Further Information Required

It is considered that in order to fully meet the requirements of DP27 further assessment by the hydrogeological consultant of the potential groundwater impacts should be provided as set out in section 3.2.7 above. This should include a statement regarding potential cumulative effects and should be informed by updated information on the groundwater situation beneath the site. This assessment is required in order to provide reassurance that nearby properties will not be adversely affected in either the short or the long term.

It is envisaged that, at the discretion of the council, this further assessment can reasonably be sought by condition that it should be approved by Camden prior to the commencement of any work.

**Independent Assessment
of
Basement Impact Assessment for
planning application 2013/7906/P
at
5 Kemplay Road,
London,
NW3 1TA
(UPDATED)**

**for
London Borough of Camden**

LBH 4212
August 2014



Project No: LBH 4212

Report Ref: **LBH 4212 Ver 2.0**

Date: 7th August 2014

Report approved by:



S R Lefroy-Brooks BSc MSc CEng MICE CGeol FGS CEnv MEnvSc FRGS SILC

Principal Engineer

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5.1	Further Information Required	Error! Bookmark not defined.
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1. Introduction

It is proposed to demolish the existing two storey semi-detached house at this property and construct a new two-storey house that will include a small area of basement.

1.1 Brief

LBH WEMBLEY Geotechnical & Environmental have been commissioned to provide an Independent assessment of information submitted against the requirements of LDF policy DP27 (but also including CS5, CS14, CS15, CS17, CS18, DP23, DP24, DP25 and DP26 – as stated at paragraphs 1.5 and 1.6 of CPG4) and with reference to the procedures, processes and recommendations of the Arup Report and CPG4 2013.

1.2 Report Structure

This report commences with a description of the LDF policy requirements, and then considers and comments on the submission made and details any concerns in regards to:

1. The level of information provided (including the completeness of the submission and the technical sufficiency of the work carried out)
2. The proposed methodologies in the context of the site and the development proposals
3. The soundness of the evidence presented and the reasonableness of the assessments made.
4. The robustness of the conclusions drawn and the mitigation measures proposed in regard to:
 - a. maintaining the structural stability of the building and any neighbouring properties
 - b. avoiding adversely affecting drainage and run-off or causing other damage to the water environment and
 - c. avoiding cumulative impacts on structural stability or the water environment in the local area
5. Specific details of any further information that is required to enable an assessment to be satisfactorily concluded.

1.3 Information Provided

The information studied comprises the following:

1. Subterranean Construction Method Statement and Structural Report on the Proposed Basement Extension - by Trigam Partnership, Ref: 4160, dated December 2013.
2. Ground Investigation - by MRH Geotechnical, Ref: 131410, dated September 2013.
3. Hydrogeological Review - by Geotechnical Consulting Group (GCG), unreferenced, dated December 2013.
4. Letter from MRH to Trigam, Ref: 131410L, dated 4th December 2013.
5. Letter from GCG to Trigam, unreferenced, dated 3rd June 2014.
6. Groundwater Level measurements – by MRH, Ref: 131410, dated 30th April 2014

2. Policy DP27 – Basements and Lightwells

The CPG4 Planning Guidance on Basements and Lightwells refers primarily to Planning Policy DP27 on Basements and Lightwells.

The DP27 Policy reads as follows:

In determining proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes:

- a) *maintain the structural stability of the building and neighbouring properties;*
- b) *avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- c) *avoid cumulative impacts upon structural stability or the water environment in the local area;*

and we will consider whether schemes:

- d) *harm the amenity of neighbours;*
- e) *lead to the loss of open space or trees of townscape or amenity value;*
- f) *provide satisfactory landscaping, including adequate soil depth;*
- g) *harm the appearance or setting of the property or the established character of the surrounding area; and*
- h) *protect important archaeological remains.*

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. In determining applications for lightwells, the Council will consider whether:

- i) *the architectural character of the building is protected;*
- j) *the character and appearance of the surrounding area is harmed; and*
- k) *the development results in the loss of more than 50% of the front garden or amenity area.*

In addition to DP27, the CPG4 Guidance on Basements and Lightwells also supports the following Local Development Framework policies:

Core Strategies:

- CS5 Managing the impact of growth and development
- CS14 Promoting high quality places and conserving our heritage
- CS15 Protecting and improving our parks and open spaces & encouraging biodiversity
- CS17 Making Camden a safer place
- CS18 Dealing with our waste and encouraging recycling

Development Policies:

- DP23 Water
- DP24 Securing high quality design
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours

This report makes some specific further reference to these policies but relies essentially upon the technical guidance provided by the Council in November 2010 to assist developers to ensure that they are meeting the requirements of DP27, which is known as the Camden Geological, Hydrogeological and Hydrological Study, Guidance for Subterranean Development (CGHHS), and was prepared by Arup.

3. Assessment of Adequacy of Information Provided

3.1 Basement Impact Assessment Stages

The methodology described for assessing the impact of a proposed basement with regard to the matters described in DP27 takes the form of a staged approach.

3.1.1 Stage 1: Screening

Screening uses checklists to identify whether there are matters of concern (with regard to hydrogeology, hydrology or ground stability) which should be investigated using a BIA (Section 6.2 and Appendix E of the CGHSS) and is the process for determining whether or not a BIA is required. There are three checklists as follows:

- subterranean (groundwater) flow
- slope stability
- surface flow and flooding

3.1.1.1 Subterranean (Groundwater) Flow

A screening checklist for the impact of the proposed basement on groundwater is not included in the submission.

However, Document 2 does state that

- **the site does lie directly over an aquifer**
- **the proposed basement is expected to reach the groundwater table**
- the site does not lie within 100 m of a spring line.
- the proposed basement development will not result in a significant change in the proportion of hard surfaced / paved areas

and it is also reasonably clear from the Document 2 that

- the site lies approximately 100m to the south of a lost watercourse
- **the site does lie within 100 m of a potential spring line**
- the site is not within the catchment of the pond chains on Hampstead Heath
- the development will not result in more surface water than at present being discharged to the ground
- **the lowest point of the proposed excavation (allowing for any drainage and foundation space under the basement floor) lies close to the mean water level in a spring line**

3.1.1.2 Slope Stability

A screening checklist for the impact of the proposed basement on land stability is **not** included in the submission.

However, the Document 2 does state that

- the area slopes gently
- London Clay is not the shallowest stratum on the site
- the proposed development is unlikely to be affected by the nearby tree.
- the site does not lie within 100 m of a spring line.
- **the site is within an aquifer and the proposed basement is expected to reach the groundwater table**
- the site is about 150m from the northern line underground tunnel

and it is also reasonably clear from Document 2 that

- shrink-swell subsidence is unlikely to be an issue
- **the site does lie within 100 m of a potential spring line**
- the site is not in an area of previously worked ground
- the site is not within 50m of the Hampstead Heath ponds
- the proposed development is set back from the highway
- **the proposed basement will significantly increase the differential depth of foundations relative to neighbouring properties**

3.1.1.3 Surface Flow and Flooding

A screening checklist for the impact of the proposed basement on surface water flow and flooding is **not** included in the submission.

However, the Document 2 does state that

- the proposed basement development will not result in a significant change in the proportion of hard surfaced / paved areas
- the site is not within an area of potential surface water flooding

and it is also reasonably clear from Document 2 that

- the site is not within the catchment of the pond chains on Hampstead Heath
- surface water flows (e.g. volume of rainfall and peak run-off) will not be materially changed from the existing route
- the proposed basement will not result in changes to the profile of the inflows (instantaneous and long-term) of surface water being received by adjacent properties or downstream watercourses
- the proposed basement will not result in changes to the quality of surface water being received by adjacent properties or downstream watercourses

3.1.2 Stage 2: Scoping

Where the checklist is answered with a “yes” or “unknown” to any of the questions posed in the flowcharts, these matters are carried forward to the scoping stage of the BIA process.

The scoping produces a statement which defines further the matters of concern identified in the screening stage. This defining should be in terms of ground processes, in order that a site specific BIA can be designed and executed (Section 6.3 of the CGHSS).

No checklists have been provided in the submission and there is **no scoping stage** described in the submission.

However, issues that can be reasonably identified from the submission as being of concern have been assigned bold text in the previous sections and are as follows

- **the site is within an aquifer**
The guidance advises that the basement may extend into the underlying aquifer and thus affect the groundwater flow regime.
- **the proposed basement may significantly increase the differential depth of foundations relative to neighbouring properties**
The guidance advises that excavation for a basement may result in structural damage to neighbouring properties if there is a significant differential depth between adjacent foundations.

Using the guidance it is reasonably clear from the screening process that the concerns to be addressed by the BIA are as follows:

- The potential for the proposed works to affect the existing groundwater flow regime.
- The potential for the proposed works to result in damage or instability to the neighbouring properties

3.1.3 Stage 3: Site Investigation and Study

Site investigation and study is undertaken to establish the baseline conditions. This can be done by utilising existing information and/or by collecting new information (Section 6.4 of the CGHSS). The site investigation submitted comprised three boreholes constructed to approximately 10m depth in September 2013 and four hand dug trial pits to expose foundations.

These exploratory holes have confirmed the site to be underlain by a variable depth of made ground overlying water-bearing Claygate Beds. Document 2 deduces from the investigation that the London Clay may be assumed to be present below approximately +77.8 OD (some 7m below the existing ground level).

It is noted that groundwater monitoring standpipes were installed in the boreholes and that a week or so later groundwater was recorded at around 2m depth below ground level.

More recent ground water monitoring data is contained in Document 6 and indicates a winter rise in the groundwater table to a maximum recorded level in January 2014 at around 1.2m depth and a subsequent fall in April 2014 back to around 2m depth.

3.1.4 Stage 4: Impact Assessment

Impact assessment is undertaken to determine the impact of the proposed basement on the baseline conditions, taking into account any mitigation measures proposed (Section 6.5 of the CGHSS).

The submission does not describe an Impact Assessment stage, but Document 1 includes various discussions regarding the issues that have been identified in Section 3.1.2 above and presents a construction methodology to address these.

An assessment of the potential long term effect of the basement forming a permanent barrier to groundwater flow is presented in Document 5 and concludes that the impact of the new basement on the general hydrogeology of the area will be very slight and there will be negligible impact on the neighbouring properties. The assessment has considered the potential cumulative effect of neighbouring basements.

3.2 The Audit Process

The audit process is based on reviewing the BIA against the criteria set out in Section 6 of the CGHSS and requires consideration of specific issues:

3.2.1 Qualifications / Credentials of authors

Check qualifications / credentials of author(s):

Surface flow and flooding: The report does meet the requirements.

Subterranean (groundwater) flow: The report does meet the requirements.

Land stability: The report does meet the requirements.

3.2.2 BIA Scope

Check BIA scope against flowcharts (Section 6.2.2 of the CGHSS). The scope of issues of concern has been checked against the flowcharts and while not specifically listed in the submission, it is considered that they have been identified in section 3.1.2 above.

3.2.3 Description of Works

Does the description of the proposed development include all aspects of temporary and permanent works which might impact upon geology, hydrogeology and hydrology?

Yes.

3.2.4 Investigation of Issues

Have the appropriate issues been investigated? This includes assessment of impacts with respect to DP27 including land stability, hydrology, hydrogeology.

Yes

3.2.5 Mapping Detail

Is the scale of any included maps appropriate? That is, does the map show the whole of the relevant area of study and does it show sufficient detail?

Yes

3.2.6 Assessment Methodology

Have the issues been investigated using appropriate assessment methodology? (Section 7.2 of the CGHSS).

The submission has not been prepared wholly in accordance with the processes and procedures set out in Camden Planning Guidance (CPG4) but does contain sufficient information to be reasonably conclusive.

3.2.7 Mitigation

Has the need for mitigation been considered and are appropriate mitigation methods incorporated in the scheme? (Section 5 of the CGHSS)

Yes.

3.2.8 Monitoring

Has the need for monitoring been addressed and is the proposed monitoring sufficient and adequate? (Section 7.2.3 of the CGHSS)

Yes.

3.2.9 Residual Impacts after Mitigation

Have the residual (after mitigation) impacts been clearly identified?

No significant impacts have been identified.

4. Assessment of Acceptability of Residual Impacts

4.1 Proposed Construction Methodology

The proposed construction methodology has been described and will involve a propped sheet pile wall encircling the proposed basement excavation.

4.2 Soundness of Evidence Presented

The submitted evidence is satisfactory.

4.3 Reasonableness of Assessments

The submitted assessments appear reasonable.

4.4 Robustness of Conclusions and Proposed Mitigation Measures

There is little doubt that the proposed basement is entirely feasible and the revised assessment demonstrates that there is negligible risk to neighbouring properties given the proposed construction methodology.

5. Conclusions

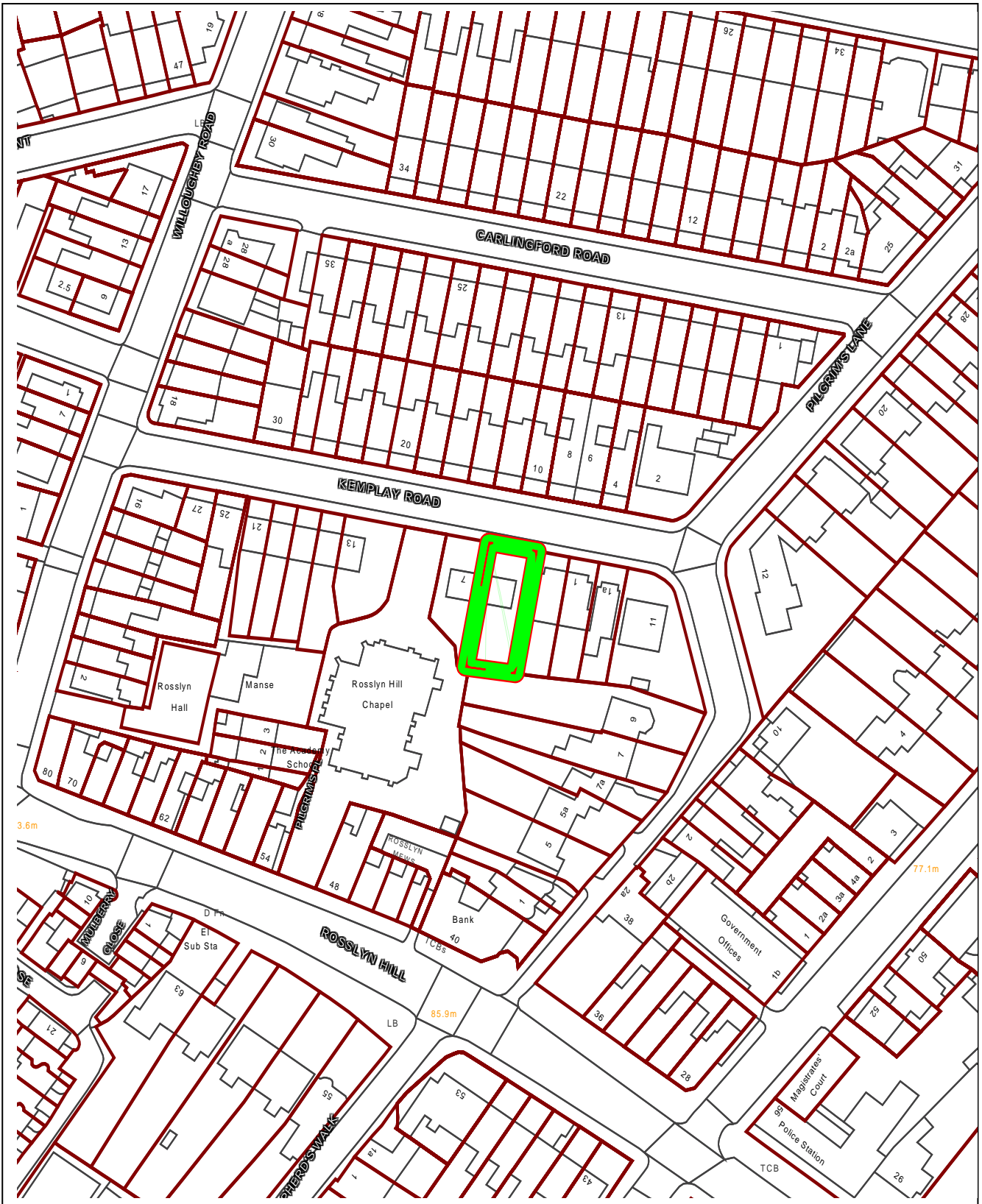
It is considered that the revised submission addresses the concerns raised in the initial independent assessment of March 2014 and provides adequately reassurance that nearby properties will not be affected by any potential change in the groundwater regime.

It is confirmed that the additional information has not raised any new issues in respect of the Council's adopted policy DP27.

It is considered that the revised submission reasonably demonstrates that the proposal will not cause harm to the built and natural environment and local amenity and will not result in flooding or ground instability.

It is considered that the revised submission reasonably demonstrates sufficient detail and certainty to accord with DP27, in respect of

- a. Maintaining the structural stability of the building and any neighbouring properties
- b. Avoiding adverse impact on drainage and run-off or causing other damage to the water environment and
- c. Avoiding cumulative impacts on structural stability or the water environment.



Application No: 2013/7906/P

**5 Kemplay Road
London
NW3 1TA**

**Scale:
1:1250
Date:
8-Aug-14**

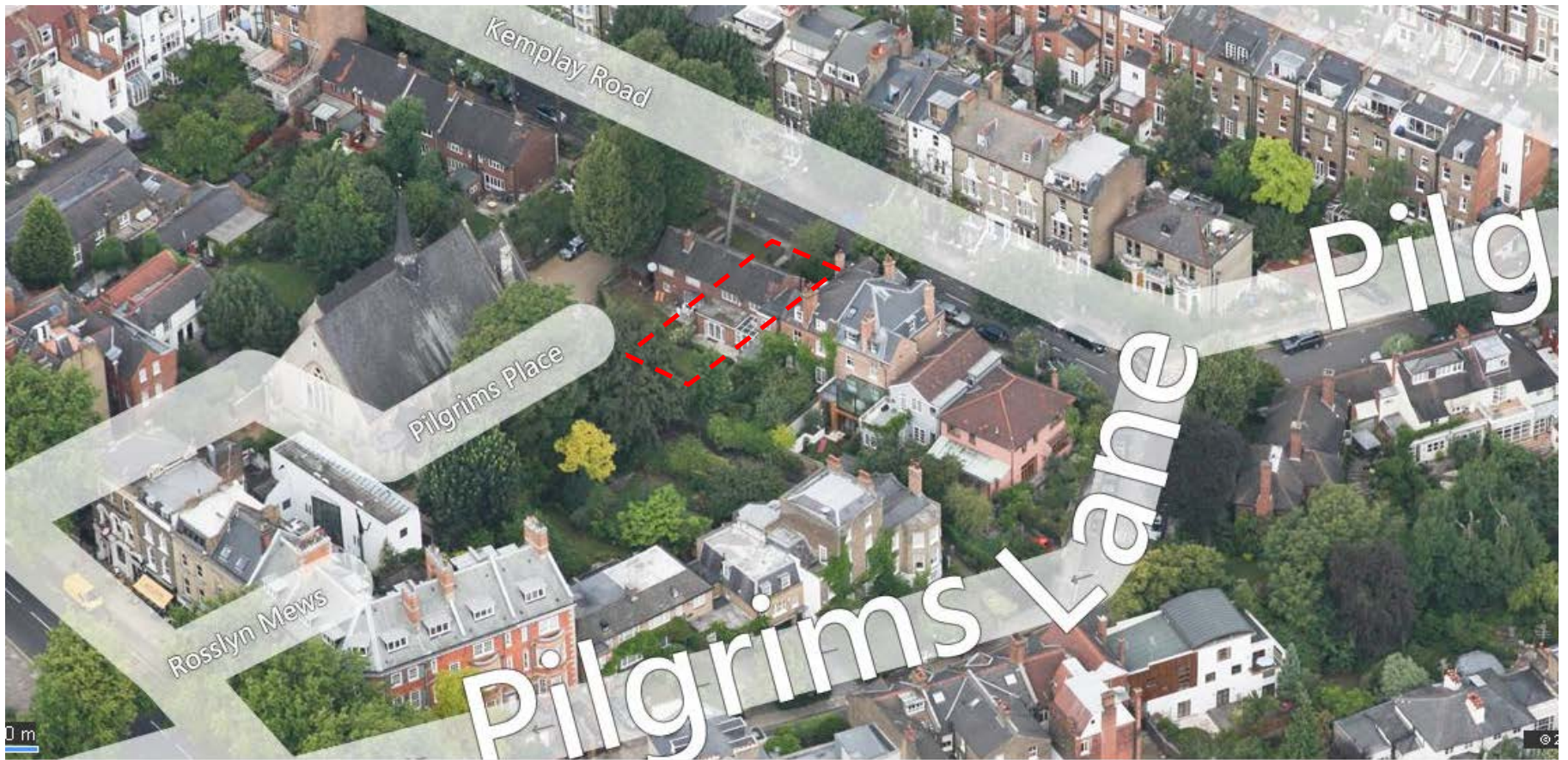


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5 Kemplay Road 2013/7906/P



Aerial view



Street view



Street views



Rear views



Existing front elevation



Proposed front elevation



NORTH ELEVATION - PROPOSED

Existing rear elevation

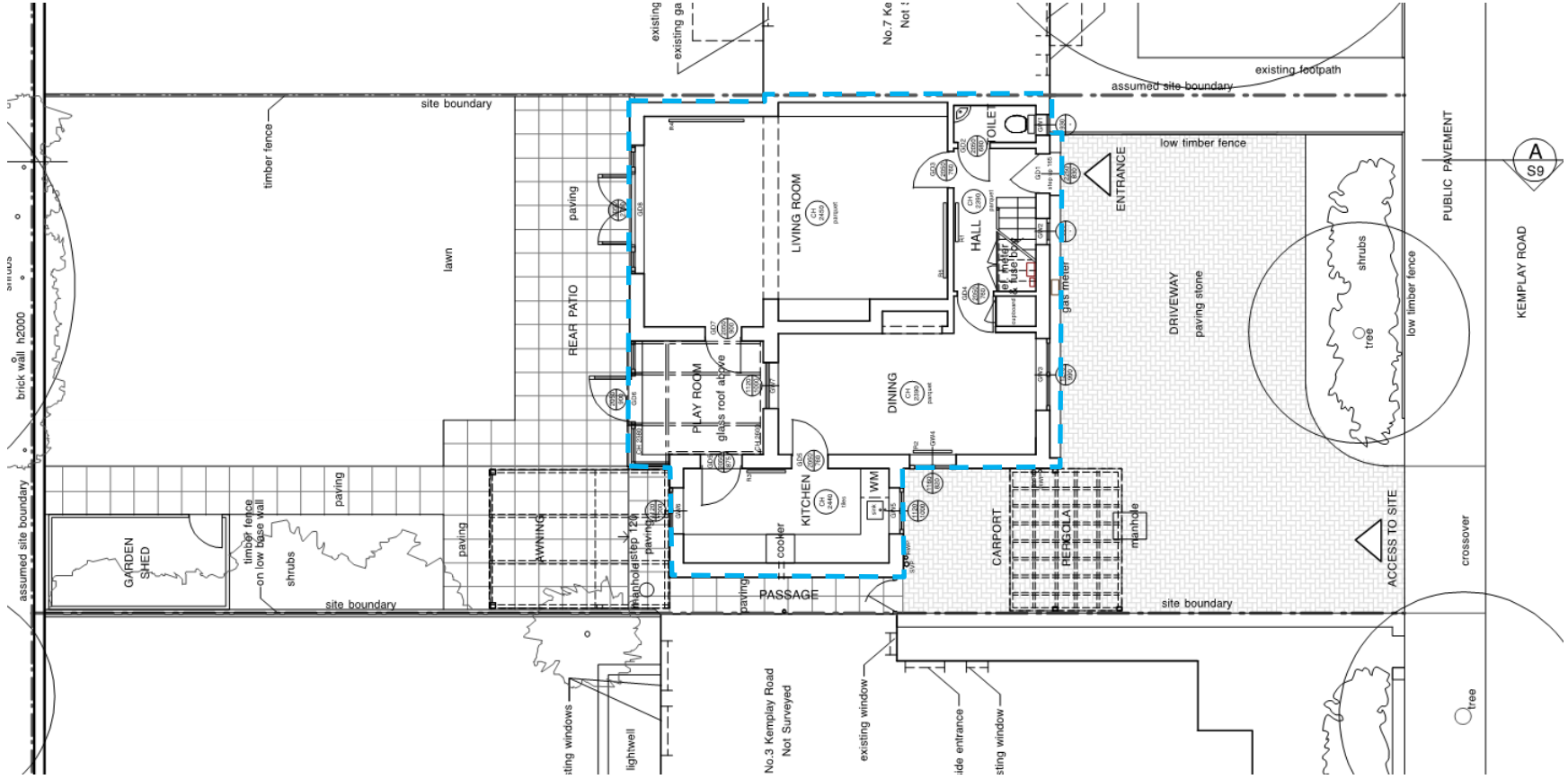


Existing rear elevation



SOUTH ELEVATION - PROPOSED

Existing ground floor plan

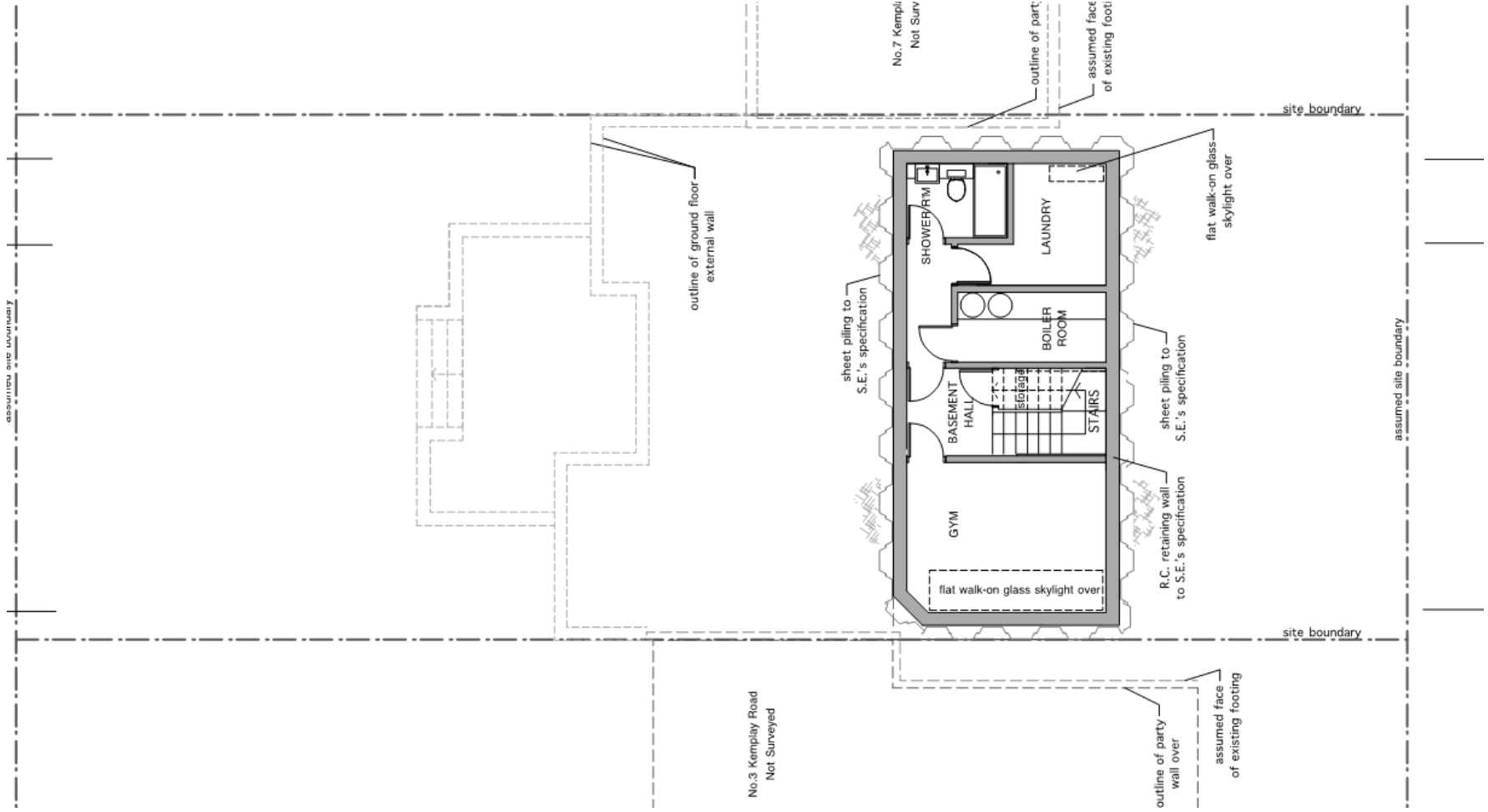


Existing section

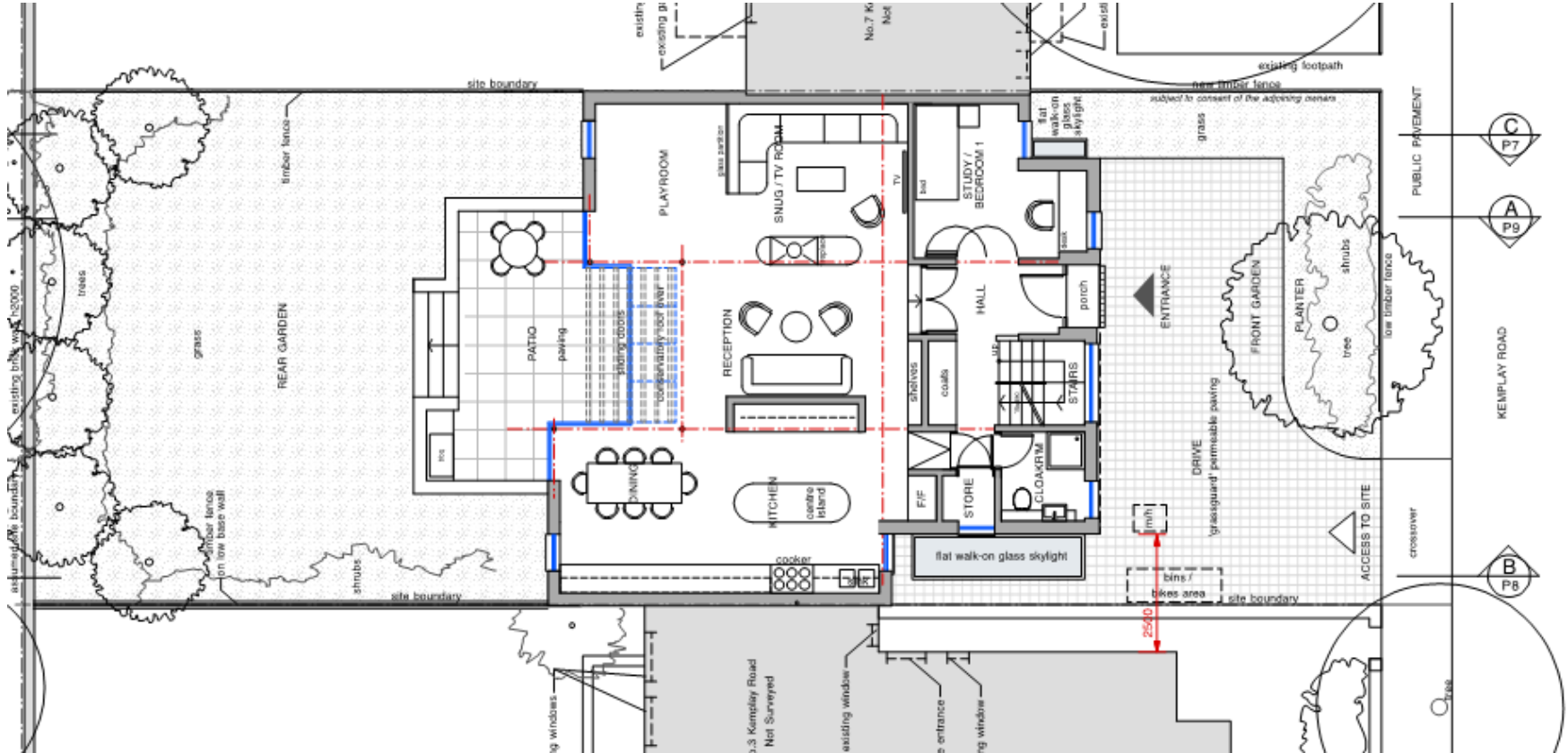


SECTION A - EXISTING

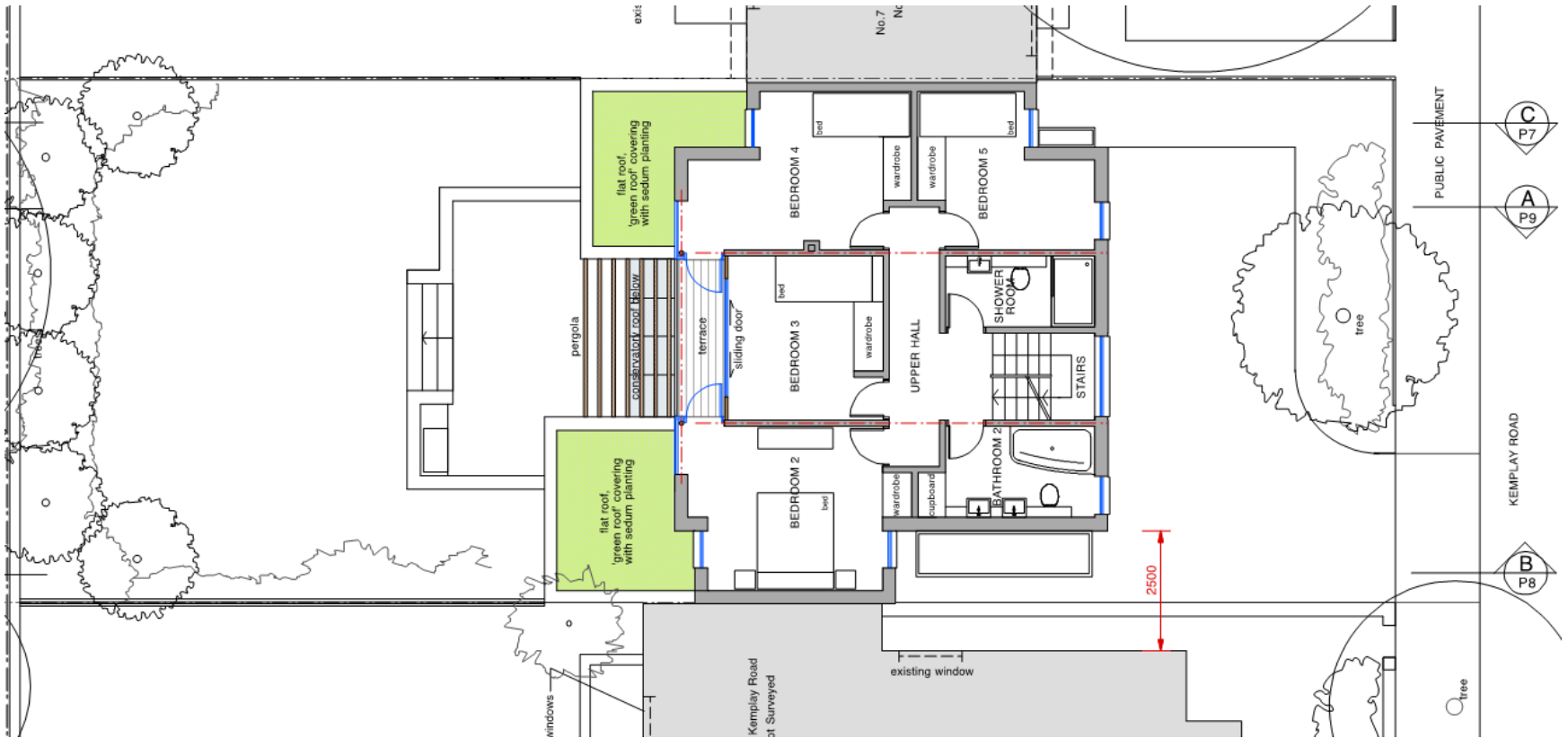
Proposed basement plan



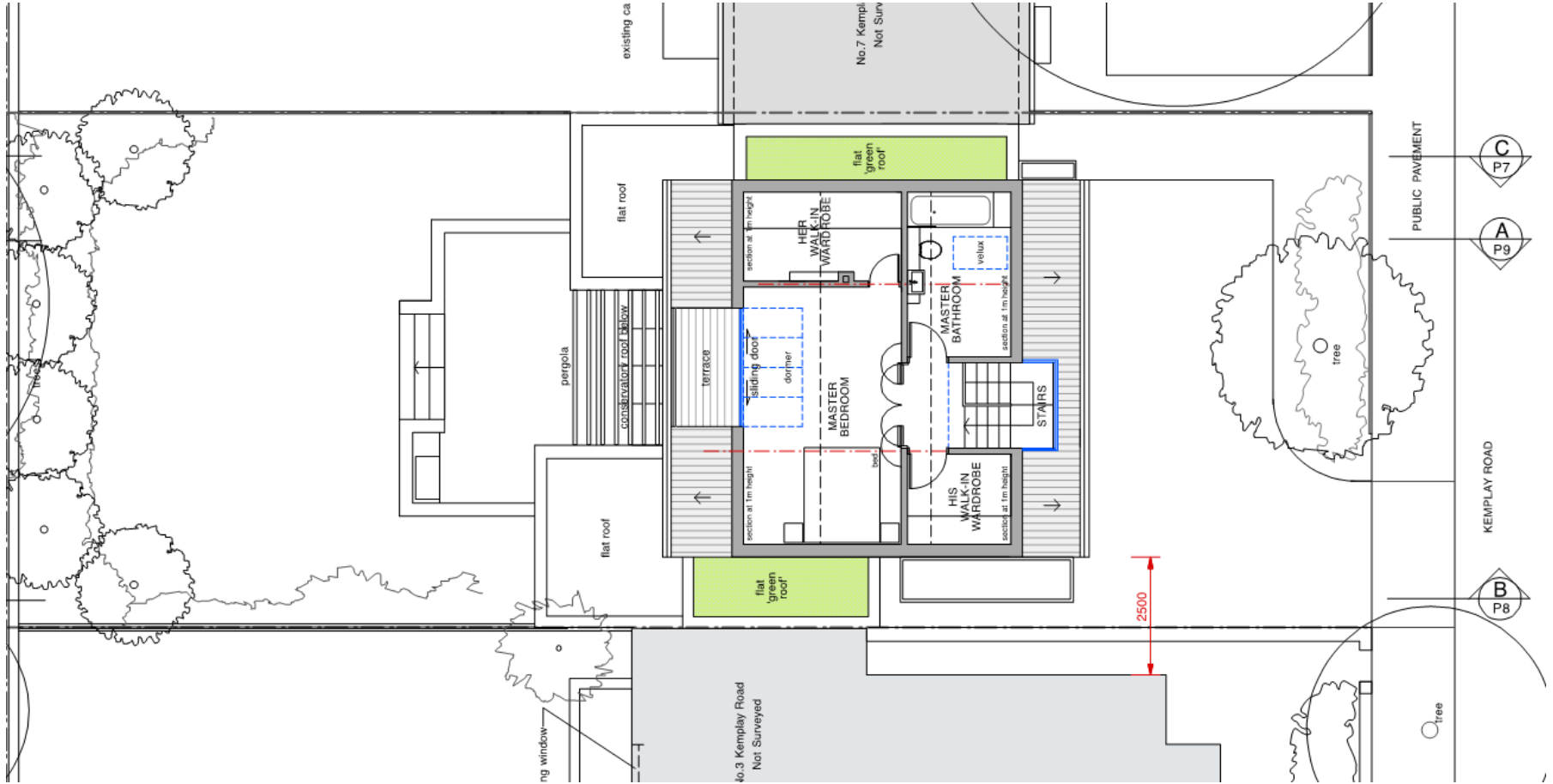
Proposed ground floor plan



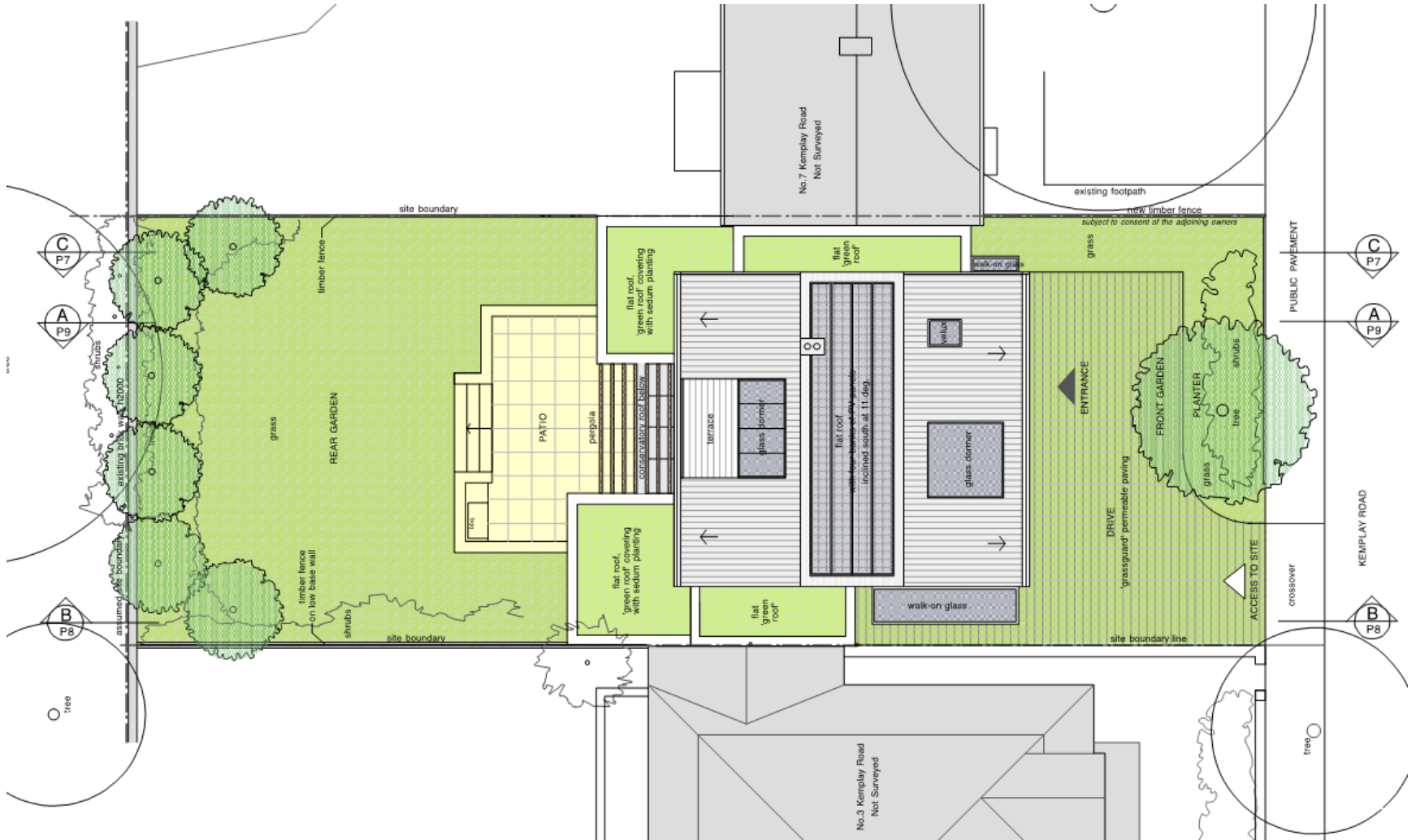
Proposed 1st floor plan



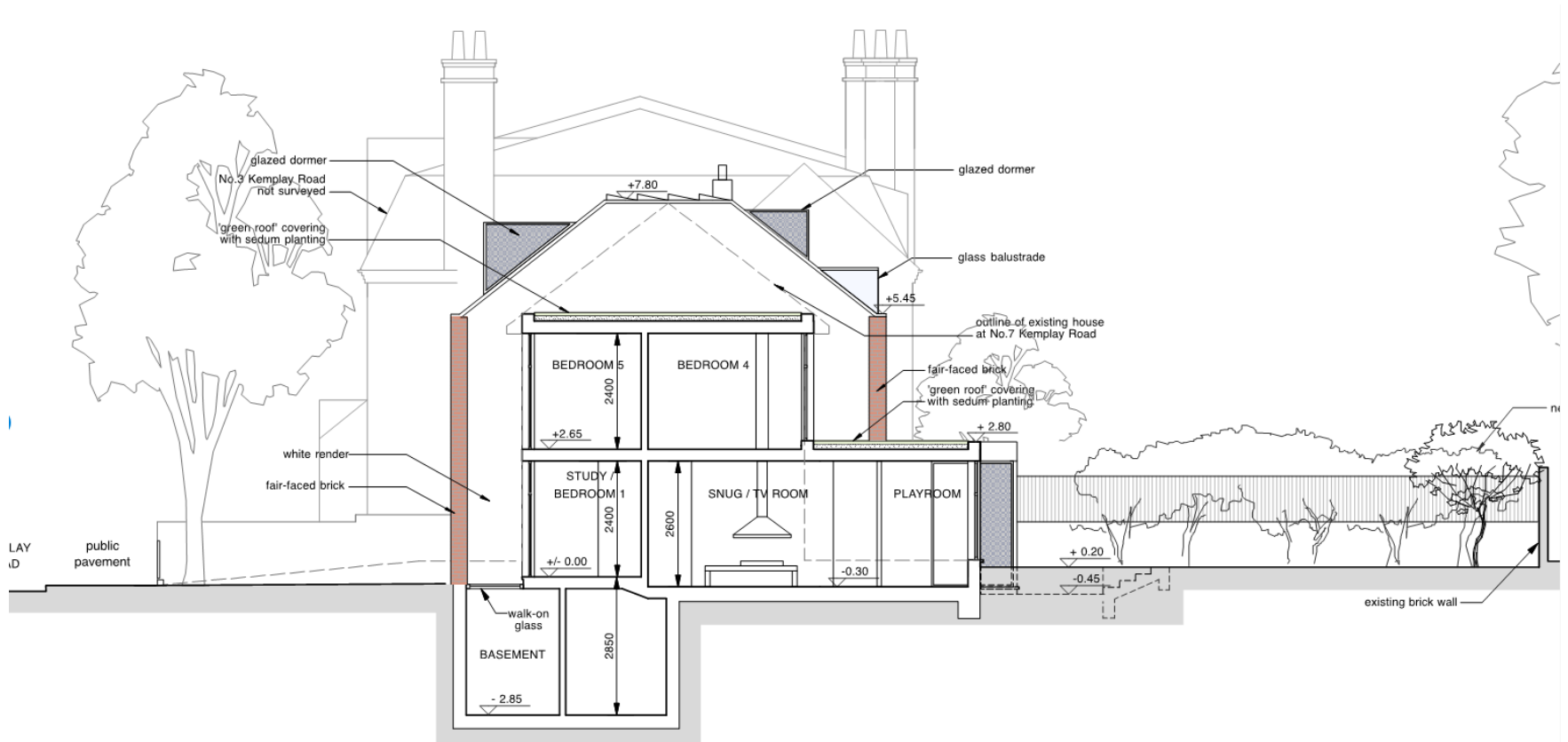
Proposed 2nd floor plan



Proposed roof plan



Proposed section



WEST ELEVATION / SECTION C - PROPOSED