

## STATEMENT OF CASE IN SUPPORT OF THE APPELLANT

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LPA REF: 2015/7079/P & 2015/7300/L

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## **CONTENTS**

<b>Section</b>		Page No
1.0	Introduction	1
2.0	Narrative of Key Events	2
3.0	Material Considerations and Mitigation	4
4.0	Conclusions	7
	APPENDICES	
1.0	CV of Tim Miles	
2.0	Approved Drawings 2005/0942/P and 2005/0943/L	
3.0	Approved Drawings 2009/4980/P and 2009/4981/L	
4.0	Pre-Application Advice from Council October 2013	
5.0	Drawings submitted for application references 2015/2109/L and 2015/20	89/P
6.0	Amended drawings showing omission of new annex and north west base	ement
7.0	Vanguardia Report 3 <sup>rd</sup> June 2015	
8.0	Cole Jarman Letter to Vanguardia 6th July 2015	
9.0	Email Correspondence between Thomas Croft and Paul Woolf	
10.0	Vanguardia Response to Cole Jarman 6th July 2015	
11.0	Cole Jarman Letter to Camden Council 13th August 2015	
12.0	Vanguardia Project Note 12th October 2015	
13.0	Cole Jarman Letter to Camden Council dated 2nd March 2016	
14.0	Alan Baxter Associates Letter to Camden Council dated 14th March 201	6
15.0	Email Correspondence from Environmental Health Officer to Planning O	fficer
16.0	Alan Baxter Associates Letter to Camden Council dated 7th August 201	5
17.0	Campbell Reith Hill BIA review October 2015	
18.0	Alan Baxter Associates revised BIA dated August 2015	
19.0	Campbell Reith Hill BIA review February 2016	
20.0	Alan Baxter Associates Note to Camden Council Dated 23rd June 2016	
21.0	Campbell Reith Hill BIA review July 2016	
22.0	First Steps Report 11th January 2016	
23.0	Alan Baxter Note to Camden Council Dated 10th June 2016	
24.0	Extract from Camden Planning Guidance 4	
25.0	Correspondence from Birketts Solicitors dated March 2016	
26.0	Terms and Conditions of Employment Royal Liverpool Philharmonic Soc	ciety
27.0	BBC/Musician's Union Agreement	
28.0	RTPI Guidance on Material Considerations	
29.0	Appeal Reference APP/K5600/A/13/2199010	
30.0	Appeal Reference APP/5600/W/14/3002634	
31.0	Draft Construction Vehicles Management Plan August 2016	
32.0	Camden CMP Pro-forma	

#### 1.0 INTRODUCTION

- 1.1 This Appeal Statement has been prepared by Montagu Evans in relation to the nondetermination by London Borough of Camden of application references 2015/7079/P and 2015/7300/L.
- 1.2 The pair of applications were submitted during the determination of application references 2015/2109/L and 2015/2089/P. These two pairs of applications amount to identical proposals, save that 2015/2109/L and 2015/2089/P have been amended to omit the discrete portion of basement to the northwest of the property.
- 1.3 Application references 2015/2109/L and 2015/2089/P were submitted to the planning authority in April 2015 following extensive pre-application discussions with the Council commencing in August 2013. The applications remain undetermined by the planning authority after over a year, despite there being no objection from planning officers, conservation officers, the Council's own independent structural engineers (Campbell Reith Hill) and the Council's own Environmental Health Officer.
- 1.4 Application references 2015/2109/L and 2015/2089/P are clearly outside the period which is allowed for an appeal against non-determination. However, application references 2015/7079/P and 2015/7300/L are within that period and are capable of being appealed.
- 1.5 As set out above, the two pairs of applications are identical save that 2015/7079/P and 2015/7300/L include the northwest basement that has now been omitted from application reference 2015/2109/L and 2015/2089/P.
- Neither the Council not its specialist technical advisors have any in-principle objection to a basement located at the northwest corner of the property, but this structure has been omitted voluntarily by the appellants in the determination of 2015/2109/L and 2015/2089/P in order to address concerns from the recording studio (Air Studios) located within the adjacent Lyndhurst Hall.
- 1.7 While the appellant would be content to omit the northwest basement from the appeal scheme, we invite the Inspector to consider (should they be minded to grant consent) a split decision as to whether to approve the north west basement or not. This could be achieved by the use of planning conditions.
- 1.8 The delay in the determination of application references 2015/2109/L and 2015/2089/P has arisen from the need to address various technical objections from Air Studios. Their objections have been assessed by Campbell Reith Hill who have reviewed the scheme a total of three times. Campbell Reith Hill have no objections to the proposal whether the north west basement is included or not.
- 1.9 Air Studios' objections have also been addressed by the Council's own Environmental Health Officer who has no objection to the proposals subject to the imposition of certain conditions (discussed in Section 3).

- 1.10 The application proposals have been subject to significant scrutiny by the Council and their independent technical advisors. The Appellants have expended significant resources providing a level of technical information that extends considerably beyond what is reasonable and normally required for an application of this nature. Following the detailed assessment of this material by specialists within and appointed by the Council, there are no outstanding issues that would justify the refusal of planning permission and listed building consent.
- 1.11 The appellant wishes to use every endeavour to undertake the planned alterations to their home while minimising disruption to the adjoining studio. They would be content to enter into a Section 106 agreement and be subject to conditions requiring noise mitigation measures to be implemented during the construction period. This is discussed further in Section 3.
- 1.12 This Statement of Case is set out as follows. Section 2 sets out a narrative of key events in the determination of the two sets of applications. Section 3 sets out some commentary on material considerations and consideration of mitigation to be implemented during the construction period. Section 4 sets out conclusions.

#### Staff Involved

1.13 This appeal statement has been prepared Tim Miles, a Partner of Montagu Evans based at 5 Bolton Street, London. Tim Miles is a Chartered Town Planner. His CV is attached at **Appendix 1**.

#### 2.0 NARRATIVE OF EVENTS

- 2.1 This section sets out a narrative of events from the commencement of pre-application discussions with the Council commencing in August 2013 through to the submission of application references 2015/2109/L and 2015/2089/P and the subsequent submissions of application references 2015/7079/P and 2015/7300/L. The appeal of the latter applications for non-determination is the subject of this Statement of Case.
- 2.2 Given the identical nature of 2015/7079/P and 2015/7300/L to 2015/2109/L and 2015/2089/P, conclusions drawn in relation to 2015/2109/L and 2015/2089/P also apply to 2015/7079/P and 2015/7300/L.

## **Relevant Planning History**

- 2.3 Planning permission and listed building consent has previously been granted under application reference 2005/0942/P and 2005/0943/L for:
  - "Replacement of existing garage building with a new garden building, incorporating a new glazed timber structure to link to the main single family dwelling house."
- 2.4 This was granted consent in April 2005. The approved drawings are enclosed at **Appendix 2**.
- 2.5 Planning permission was granted in January 2010 under permission references 2009/4980/P with the corresponding listed building consent 2009/4981/L for:
  - "Demolition of the existing detached single storey garage at the side/rear of the dwelling house and erection of single storey garden building and connecting glazed link structure to the single family dwelling house."
- 2.6 Approved drawings are included at **Appendix 3**.
- 2.7 These consents are material considerations (though they have lapsed) in that works of development, including above ground structures have been approved recently.
- 2.8 Air Studios did not object to those applications. Nor did the Council consider that any specific noise mitigation during construction was required should those consents have been implemented. There were for instance no conditions relating to noise, nor any legal agreements entered into.

## **History of the Current Proposals**

2.9 The appellants first approached the council for pre-application discussions in 2013. Advice was received from officers in October 2013. This is attached at **Appendix 4** of this report. In summary, it was considered that the size of the proposed annex and basement would be harmful to the special interest of the listed building, although it was not considered that the proposal would harm the amenity of the adjoining occupiers.

- 2.10 An application for planning permission and listed building consent was submitted to the Council in April 2015, registered under application references 2015/2109/L and 2015/2089/P. These took account of the advice provided by the Council in their preapplication advice. These applications are still undetermined by the Council. The drawings originally submitted with the pair of applications are enclosed at **Appendix 5**.
- 2.11 On 24<sup>th</sup> July 2015, the Council's conservation officer provided the planning case officer with comments on the proposals, concluding that the sum of the proposals did not result in any harm to the significance of the listed building or the conservation area.
- 2.12 In August 2015 the applications were amended to drop the proposals for the new annex building.
- 2.13 On 6<sup>th</sup> June 2016, the were amended again to drop the proposal for the element of basement closest to the studio in the north west corner of the house (see drawings at **Appendix 6**).
- 2.14 The pair of applications attracted a number of objections from Air Studios. Air Studio's objections prepared by their own technical advisors fall into two categories. Firstly those relating to noise during construction, and secondly those relating to engineering or structural matters.
- 2.15 The paragraphs below address the discussions that have taken place with the Council around these two main topic areas, in response to the objections received from the Air Studios.
- 2.16 During this discussion, application references 2015/7079/P and 2015/7300/L were submitted on 17<sup>th</sup> December 2015. As set out above, these are identical to 2015/2109/L and 2015/2089/P save that they include the north west basement area.
- 2.17 It is worth mentioning at this point that the concerns raised by the studio largely relate to the use of the main hall for recording. Studios 1, 2 and 3 within the building are located within sound proofed booths.

#### **Construction Noise Issues**

- 2.18 A noise report prepared by Vanguardia Limited on behalf of Air Studios was made available to the applicant, dated 3<sup>rd</sup> June 2015.
- 2.19 This report is made available at **Appendix 7**.
- 2.20 On 6<sup>th</sup> July, Cole Jarman, noise consultants appointed by the Appellant's, contacted Vanguardia to discuss the contents of their noise report. Their letter is attached at Appendix 8.
- 2.21 Various attempts were made to discuss the objections directly with the studio, Thomas Croft, the architect acting for the Appellants, offered to meet with the studio on a

number of occasions during the period between 5<sup>th</sup> June and 11<sup>th</sup> July. The attempts to meet with the studio were firmly rebuffed, with Mr Paul Woolf of Air Studios at one time stating that 'all of our costs must be paid if you now wish to consult' (see correspondence at **Appendix 9**).

- 2.22 Vanguardia Limited replied to Cole Jarman indicating that they had been instructed by their clients, Air Studios, to not engage with the appellant's technical consultants. See their letter at **Appendix 10.** A similar instruction was given to the studio's instructed structural engineers.
- 2.23 Naturally, the refusal of the studio to meet and their instruction to their technical advisors to not engage was to be regretted. As soon as the Appellants became aware of the nature of the objections they wished to and attempted to meet them in order to fully understand their concerns and to agree how the works could be undertaken with minimal disruption to their business. This proved to be impossible.
- 2.24 On 13<sup>th</sup> August 2015, Cole Jarman wrote to the Council to respond to the Vanguardia June report. This letter is attached at **Appendix 11** to this statement. In summary, the letter indicates:
  - The Vanguardia report recognises that the studios were built as boxes within boxes
    to isolate most forms of external noise but that the hall (also used for recording) is
    not isolated in that way;
  - Cole Jarman highlight that while Vanguardia undertook noise readings within the hall and one studio, their report is lacking information regarding the survey and the inability to discuss the survey results with Vanguardia meant that the readings must carry little value;
  - It can be deduced that when the studios were formed, sound insulation was built
    into the studios including the hall in order that music inside the building would not
    be heard outside the building (in order to comply with a relevant planning condition
    imposed on the use of the building as recording studios);
  - The Vanguardia report makes no mention of installed sound insulation measures in the studios;
  - Cole Jarman indicates that impulsive noise will not be generated by proposed piling
    works as the piling works would be undertaken using continuous flight auguring
    where the holes for the piles are created by auguring into the ground rather than
    by impact driven techniques.
  - Based on the Vanguardia recommendation for internal noise, levels within the hall should not exceed 25dB L<sub>Amax</sub> which would require around 55-60dB attenuation to the external façade level and the hall to protect against ambient noise;
  - Typical continuous flight augur piling rig produces a noise of around 82dBa at 10 metres. This assessment is indicative that construction activities that take place more than 10 metres from the studios would not impact upon recordings;
  - It is deduced that the studios have sufficient protection against typical maximum noise levels of 84 dB L<sub>Amax</sub>, but not necessarily the absolute maximum at 96 dB

L<sub>Amax</sub> (e.g. sirens to the hospital, particularly noisy motorbike, and noise from the northern line - all these noise sources acknowledged by the studio to prevent recording);

- On this basis, it is only those noisier activities (and not all activities) closer to the studio (within 10 metres) that may be likely to impact on the studio, and Cole Jarman recommend co-ordinating such activities to not take place during recordings.
- 2.25 Vanguardia provided a project note addressed to their client dated 12<sup>th</sup> October 2015 (enclosed at **Appendix 12**), titled Response to CJ Letter (12<sup>th</sup> August 2015). This was subsequently provided to the Council, presumably with the intention of augmenting their objection.
- 2.26 Notably at paragraph 2.17 of the note, Vanguardia does not dispute the conclusions reached by Cole Jarman that construction activities that take place more than 10 metres from the studios would not impact upon recordings. They note Cole Jarman's acknowledgment that special arrangements would have to be in place for the noisier activities closer to the studio. It correctly acknowledges that these mitigation measures would be included in a Construction Management Plan prepared by the applicants (as part of a Section 106 agreement).
- 2.27 Paragraph 2.21 similarly does not dispute Cole Jarman's conclusion that construction activities that take place more than 10 metres away from the studio would not impact upon the recordings.
- 2.28 Paragraph 2.22 acknowledges that noisy work (or work within 10 metres of the studios) could take place when the studios are not in use. It does not appear from Vanguardia's note that they consider that there is any need to impose restrictions on works that take place greater than 10 metres from the studios.
- 2.29 The Vanguardia response includes an email from a music composer and conductor and user of Air Studios. Notably, that email states that rehearsals take place within the studios. It is possible that certain activities could be coincided with rehearsals taking place given that there is no recording during those periods and thus there is less susceptibility to noise disturbance. This description on the use of the studio by an actual user of it is counter to any claims made by the studio that no rehearsals take place in the premises.
- 2.30 On 1<sup>st</sup> February 2016, CED Limited submitted a report to Camden. Cole Jarman's response dated 2<sup>nd</sup> March 2016 is enclosed at **Appendix 13**.
- 2.31 On 14<sup>th</sup> March 2016, Alan Baxter Associates respond to the same CED report. The letter from Alan Baxter Associates is attached at **Appendix 13**.
- 2.32 On 6<sup>th</sup> June 2016, the application was formally amended to drop the media room on the north west corner of the property.

- 2.33 The decision to amend the application to drop the north west basement followed a conversation between Tim Miles of Montagu Evans and Rob Tulloch, planning officer who verbally relayed comments to Mr Miles that the Environmental Health Officer would support the application if its outermost wall were moved away from the studio by 1m. Notwithstanding that the Council's own engineering specialists had no such issue with this element of the basement (we consider the request to be spurious and without justification), the Appellants decided to drop the entire north west basement to be neighbourly and to attempt to assuage the concerns raised by the studio (though it must be said that no conversations with the studio had taken place directly by this point).
- 2.34 In July 2016, the Council's own Environmental Health Officer wrote to Rob Tulloch (Planning Officer). The Environmental Health Officer notes that he has "carefully considered all the submitted documentation pertaining to noise and vibration". He notes also that "in the most part the applicant has worked to resolve most of the issues raised". The EHO goes on to state:
  - "the fact that the clients at the studios may not like a construction site next door is not a consideration for refusal but if it can be competently shown, the risk can be mitigated against and the development should be granted on that basis".
- 2.35 The officer states that he is "happy that the points of concern can be controlled by strict conditions given the sensitive nature of locality and there is no real evidence to refuse under environmental grounds hence your conditions have been sent to planning to consider".
- 2.36 The proposed conditions are discussed further in section 3.
- 2.37 A further email from the Environmental Health Officer dated 5<sup>th</sup> July (The emails from the Environmental Health Officer are enclosed at **Appendix 15**) states that the officer does not wish to object to the application.
- 2.38 Montagu Evans was then advised by planning officers by telephone that they were satisfied with the acceptability of the development and that they intended to recommend the application for approval and to present it to committee on 28th July 2016.
- 2.39 A few days later, we were advised by the Council that the studio had agreed to meet with the Appellant's technical team to discuss the mitigation of construction noise the As a result, planning officers took the decision to postpone the presentation of the application to planning committee.

#### **Engineering**

2.40 On 7<sup>th</sup> August 2015, the Appellants' structural engineers (Alan Baxter Associates) responded to reports prepared by Corbett and Tasker dated 27<sup>th</sup> May 2015 and Geotechnical and Environmental associates dated 4<sup>th</sup> June 2015. These latter reports were prepared on behalf of Air Studios and submitted as part of Air Studios objections to the proposed development. Alan Baxter's letter is attached at **Appendix 16**.

- 2.41 In October 2015, the Council's independent structural engineers (Campbell Reith Hill) reviewed the Basement Impact Assessment prepared on behalf of the Appellants. This review is attached at Appendix 17. This report raised some minor issues, and these were addressed by Alan Baxter associates in a revised Basement Impact Assessment dated August 2015 (Appendix 18 [submitted with application documents).
- 2.42 In February 2016, Campbell Reith Hill revised their report (attached at Appendix 19), and accepted the conclusions of Alan Baxter Associates. The February 2016 report was, importantly, prepared with the benefit of seeing the various documents prepared on behalf of Air Studios and therefore it can be concluded that the Council's own independent assessors of the application were content with the proposals on structural and hydrogeological grounds, having considered the information prepared by Air Studios.
- 2.43 As set out above, the application was formally amended on June 6<sup>th</sup> 2016 to drop the basement on the north west corner of the property. It is self-evident that any effects in terms of engineering considerations will be lessened due to the reduced size of the basement. This is explained in the note provided by Alan Baxter Associates, included at **Appendix 20**.
- 2.44 In July 2016, Campbell Reith Hill provided further advice to the Council on the amended scheme, and had no outstanding objections. Their report is attached at **Appendix 21**.
- 2.45 On 10<sup>th</sup> June 2016, Alan Baxter Associates prepared a response to the First Steps report dated 11 January 2016 (**Appendix 22**). Alan Baxter Associate's report is attached at **Appendix 23**.
- 2.46 It is important to note that the basement proposals have been assessed on three separate occasions by the Council's independent appointed structural engineers The first review resulted in several minor queries which have been addressed by the Appellants and the Council's advisors have since twice concluded that the scheme is acceptable subject to the provision of a Basement Construction plan which is a standard provision of Camden Supplementary Planning Guidance 4 as set out in Appendix 24.
- 2.47 In July 2016, a meeting took place between the following parties:
  - Montagu Evans;
  - Thomas Croft Architects;
  - Cole Jarman;
  - Alan Baxter Associates;
  - · Vanguardia;
  - Birketts Solicitors;
  - Air Studios;
  - Camden Planning Officers; and
  - Camden Environmental Health Officer.
- 2.48 The meeting took place in order to commence discussions with the studios as to how works could take place at 11 Rosslyn Hill while minimising disturbance to the studio.

- 2.49 The meeting took place without prejudice to this appeal. As indicated by the Environmental Health Officer's response and the Council's officer's and Campbell Reith Hill's responses are acceptable in planning terms subject to certain conditions and a Section 106 legal agreement.
- 2.50 This further delay in the determination of 2015/2109/L and 2015/2089/P has led to there being no alternative other than to appeal application references 2015/7079/P and 2015/7300/L for non-determination.
- 2.51 The basement proposals under 2015/7079/P and 2015/7300/L are identical to those assessed under 2015/2109/L and 2015/2089/P. Should the Inspector consider that the scheme is only acceptable with the omission of the north west basement, then we invite the Inspector to make a split decision. However it should be noted that the basement was omitted from 2015/2109/L and 2015/2089/P voluntarily and was not deemed necessary by the Council's own appointed specialist appointed structural engineers.

# 3.0 COMMENTARY ON MATERIAL CONSIDERATIONS AND POTENTIAL MITIGATION MEASURES

- 3.1 This section provides a commentary in the light of the above sections.
- 3.2 It is critical to note at this stage:
  - The proposals have been reviewed by the Council's own independent structural engineer on three occasions. The most recent has been with the benefit of all the objections submitted by the studio. The Council's own engineers have no outstanding objection to the proposals;
  - The Council's own Environmental Health Officer has no objections to the proposal.
     He similarly has reviewed all of the information submitted by the studio and again has no outstanding objections to the proposals;
  - There are no conservation related objections to the proposals;
  - No other parties have raised any objections in connection with noise at any other properties;
  - The planning officers have indicated that they have no outstanding objections to the proposals, yet there is a continued delay in their consideration of both pairs of submitted applications by the planning committee.
- 3.3 We state emphatically at this point that the Appellants wish to undertake the works to their property while minimising the impact of the development project on the studio. A meeting has recently take place with the studio in order to discuss what works of mitigation may be put in place prior to works commencing. Until June 2015, the Appellants contacted the studio on a number of occasions in an attempt to understand their concerns and discussed how noise could be minimised. The appellant had been repeatedly rebuffed and rather than discuss the matter with the appellant, the studios later instructed their lawyers to threaten litigation with the Appellants on non-planning grounds (Appendix 25). Clearly, the appellant's ability to discuss matters with the studio was severely compromised by the studio's unwillingness at that time to enter into constructive debate.
- 3.4 The appellant has offered to enter into an agreement under Section 106 of the Town and Country Planning Act to prepare a Construction Management Plan (CMP) that needs to be approved by the Council prior to the commencement of development. The appellant is content to be bound to use 'reasonable endeavours' to consult with the studio prior to the submission of the CMP to the Council for approval. While we are hopeful that the studio would wish to engage with the appellant should planning permission be granted, this cannot be guaranteed. It would be inappropriate therefore for any S106 agreement to rely on the actions or agreement of a third party prior to the discharge of any particular obligation.
- 3.5 The Appellants would be content for the S106 to include provision for a Basement Construction Plan consistent with the advice of the Council's engineer's Campbell Reith Hill. The Inspector may take the view that this can be controlled by condition.

- 3.6 The Council's Environmental Health Officer has also proposed a number of conditions relating to the control of noise and vibration. These are discussed below. The Inspector may take the view, if they are minded to grant consent, that the conditions alone provide sufficient control of noise and vibration arising from construction activities. Nevertheless, the appellant is still content to enter into a legal agreement requiring the approval of a detailed CMP.
- 3.7 The use of a Section 106 legal agreement to secure a CMP is consistent with the guidance provided within Camden's Supplementary Planning Guidance (CPG8).
- 3.8 We make the following observations on potential noise disturbance at Air Studios.
- 3.9 The studio's own noise consultant has not apparently disputed Cole Jarman's analysis that the studio's own attenuation would prevent much noise ingress during construction which I reproduce below, demonstrating that the period of construction will result in a limited period and intensity of noise disturbance:
  - "Based on the information available, we have demonstrated, by way of additional noise measurements and an indicative assessment, that the high acoustic performance of the façade of Air Studios is expected to provide protection to construction activity at 11 Rosslyn Hill. It is only expected that piling activity closer than 10m from the façade will provide some disturbance and this activity is not expected to last more than 3 weeks. It is anticipated that this period can be managed with cooperation of the studios to ensure minimal disruption." (my emphasis)
- 3.10 As set out in Section 2 of this report, the Vanguardia note prepared in October 2015 appears to concur with this analysis.
- 3.11 On the other hand, the studio has consistently asserted that they will need to close for 6-12 months as a result of construction activity. This has been repeated by many parties objecting on behalf of the studio (the vast majority clearly using a form of wording clearly provided by the studio via social media or their own website) and within press interviews given by the studio. There is no real evidence for this assertion and this should not be considered as the basis for a recommendation for refusal. Without any specific evidence, this assertion has status only as conjecture. It also fails to have regard to noise management and mitigation measures that would be put in place by the appellants, and the conclusions of Cole Jarman and the work of the Council's own noise consultants.
- 3.12 Related to this point, the studio operates three internal studios as well as Lyndhurst Hall. We understand that it is the hall itself (used for orchestral recordings) that is potentially vulnerable to noise as the other studios are smaller and additionally soundproofed located within soundproofed booths. The potential disturbance therefore is primarily to one aspect of the studio's activities. We understand that Studios 1-3 will be considerably less likely to be disturbed throughout the construction due to their specific sound proofing.
- 3.13 I make the point also that the studio and its supporters have stated that it is 24 hour operation. This may be the case, however Musician Union rules and orchestra terms

- of employment would plainly rule out the use of the main hall over the entire day and night period. Breaks and periods of rest will plainly be necessary.
- 3.14 We understand that the greatest intensity of use will be during the daytime. The Council's Environmental Health Officer has indicated verbally (at the meeting with Air Studios) that work outside of the standard working hours could be allowed given the specific circumstances of the site. This would assist with avoiding clashes with recording sessions at the studio. The conditions proposed by the appellant below reflect this possibility.
- 3.15 It is also apparent from Vanguardia's note that Lyndhurst Hall is in use at times when recording is not taking place, as there will naturally be rehearsals, orchestra breaks, lunch breaks etc. I have attached the terms of employment for Liverpool Philharmonic Orchestra at Appendix 26. At paragraph 3.4.3 onwards it sets out members' playing commitments:
  - A session is no longer than 3 hours;
  - No more than two sessions in a day;
  - A 4 hour session is for rehearsal purposes only, and only if it is the only session that day, as an alternative to two separate rehearsal sessions, and will be finished by 6.30;
  - No more than 6 playing hours in one day;
  - Meal breaks between recording sessions will be 1.5 hours
- 3.16 The terms of employment for BBC Orchestra at **Appendix 27** indicate a break of 1 hour for lunch and 1.5 hours for dinner when playing away from base (e.g. at a studio).
- 3.17 These illustrate that even when the main hall is in session, the time in use by the orchestra is likely to be limited with the terms enclosed suggesting to no more than six hours playing time (some of which will not be recording), and if so, with a break of around 1-1.5 hours in between. Work could be carefully scheduled around this timing, and only those noisiest works closest to the studio would need to be so scheduled.
- 3.18 Construction hours will be limited to daytime hours, with some out of hours works (as suggested by the Council) potentially five and a half days out of seven (in order to protect the amenity of other residents) and therefore will form only a relatively small proportion of the studio's operational periods.
- 3.19 In other words, it is one part of the overall studio that may be affected, for a short length of time, during certain times of the day, which is subject to regular and scheduled breaks. Consideration must therefore be directed towards the mitigation of disturbance, not the principle of development.
- 3.20 Clearly there is the potential to use reasonable endeavours to work with the studio and schedule the works in such a way that construction works generally but particularly within the 10m radius of the façade are scheduled to minimise disturbance, especially when Lyndhurst Hall is being used. Our client would be more than happy to attempt to

work with the studio to do this. For instance, working hours could be limited or scheduled around breaks etc.

- 3.21 It is not appropriate that an area around a noise sensitive use become a sterile 'no-development' zone due to potential impact from construction noise. Development is permitted adjacent to schools, libraries, hospitals etc. on the basis that disturbance can be minimised with careful management. To refuse all development within a radius of an existing business in a dense urban location, especially when the impacts of construction are largely conjectural would be wholly inappropriate. It would represent an impediment on development in a way not anticipated by the planning system. However, this is what the studio, by way of their objections is suggesting.
- 3.22 Notwithstanding all the above points, noise from construction is not properly a material planning consideration, with such noise controlled by the Control of Pollution Act 1974. This is acknowledged by Camden's own website which details what are valid considerations on which to base an objection, stating that officers cannot consider issues that are covered by other areas of law. RTPI advice to objectors explicitly states that construction noise is not a material planning consideration (see Appendix 28). Other planning authorities are also explicit on this point, see for instance <a href="http://www.charnwood.gov.uk/pages/material\_and\_non\_material\_considerations">https://www.richmond.gov.uk/pages/material\_and\_non\_material\_considerations</a>, and <a href="https://www.richmond.gov.uk/what\_is\_a\_valid\_objection\_to\_a\_planning\_application">https://www.richmond.gov.uk/what\_is\_a\_valid\_objection\_to\_a\_planning\_application</a> among many.
- 3.23 That construction noise is not properly a material consideration in the determination of applications is reflected in Camden's own policies. Policy DP28 is in two halves. Clearly the first half is directed to avoiding disturbance in the operational phase of development (see the supporting text). There are no such issues here. The policy then states:
  - "The Council will seek to <u>minimise</u> the impact on local amenity from the demolition and construction phases of development. Where these phases are likely to cause harm, conditions and planning obligations may be used to <u>minimise</u> the impact." (our emphasis)
- 3.24 It is notable that the policy does not state that planning permission will be refused where there is disturbance, but that conditions and planning obligations may be used to *minimise* the impact. It acknowledges, quite rightly and realistically that the impact in all cases cannot be eliminated. The policy does not require this. The policy allows for conditions to be used to minimise disturbance. Again, the policy must be read in the context of the circumstances of Camden. Camden is a densely populated inner London urban borough. It would be unrealistic and inappropriate to put a break on development where any neighbouring occupant experienced some level of disturbance and this is clearly not the intention of the policy. This is particularly the case where mitigating measures have been put in place to minimise the impact.
- 3.25 I have attached recent appeal decisions relating to the construction of basements in Royal Borough of Kensington and Chelsea (Appendices 29 and 30). In them, the Inspector notes that noise during construction is addressed by other legislative regimes, supplemented by conditions on the permission. In both cases, the Inspector imposed conditions to minimise (not eliminate) noise disturbance with the appropriate

mitigation measures. This is the appropriate response, and it is highly material that Planning Inspectors have considered it so.

3.26 Notwithstanding the above points regarding the status of noise during construction as a material consideration, the Appellant's desire is to undertake their development in the way that causes the least disturbance possible. This is possible with strict compliance with a Management Plan secured by a legal agreement or condition. The applicant has repeatedly contacted the studio in an attempt to understand their schedule and to discuss how noise disturbance could be minimised, but until recently they have refused to cooperate.

#### **Conditions**

- 3.27 The Council has proposed conditions as follows. We make the following amendments and commentary on the draft conditions.
- 3.28 The first draft proposed condition put forward by the Council's Environmental Health Officer read:

Prior to commencement of the development hereby approved. demolition/construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for construction site acoustic screening, pest control, dust, noise, vibration control, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary normally to 0800-1800hrs Mondays to Fridays and 0800 -1300hrs on Saturdays unless otherwise agreed with the Council in advance, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

<u>Reason</u>: To ensure that the amenity of occupiers of surrounding premises (**including Air Studios**) is not adversely affected by noise, vibration, pest, dust, lighting or other emissions from the building site.

- 3.29 We suggest the text in bold as an addition to the condition. This would allow some flexibility to noisy activity such as piling to take account of activities within the studio. This also reflects comments made by the Council's EHO officer at the meeting with Air Studios that the circumstances of the site would allow the flexibility to work outside usual normal daytime hours on occasion, and we suggest with the prior agreement with the planning authority to maintain precision in the wording of the condition.
- 3.30 The second proposed condition read:

Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from any plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

<u>Reason</u>: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

- 3.31 This relates to plant used during the operational phase of development (e.g. air conditioning units). The Appellants are content with this proposed condition.
- 3.32 The third proposed condition read:

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of building site vibration levels generated by the demolition/construction etc. together with appropriate mitigation measures where necessary. The vibration criteria to **normally** be met are: Vibration for occupiers 0.5mm.s-1and Structural vibration 3.0 mm.s- within the nearest vibration sensitive premises **unless otherwise agreed with the Council in advance.** The assessment method shall be as specified in BS 6472:2008. No part of the development shall commence until the approved details have been agreed. Approved details shall thereafter be permanently retained during the construction period.

**Reason**: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by ground- or airborne vibration.

- 3.33 While the condition is considered acceptable by the appellant with the addition in bold which we consider is necessary to allow the appropriate flexibility.
- 3.34 A further proposed planning condition stated:

Prior to commencement of the development, a noise assessment shall be submitted to the Council detailing proposed construction site noise levels and proposed site sound acoustic screening that will meet the following studio internal noise limit of 25dB LAmax,s

Construction noise break-in from the development shall achieve an internal noise level of NR15 in any recording studio room of the adjacent premises. These levels are to be permanently maintained during the construction period.

- 3.35 We have reviewed the condition against paragraph 206 of the National Planning Policy Framework which states that conditions should only be imposed where they are:
  - Necessary;
  - Relevant to planning and;
  - To the development to be permitted;
  - Enforceable;
  - · Precise and
  - Reasonable in all other respects.
- 3.36 We consider that the condition fails when assessed against the six tests on various grounds.
- 3.37 The proposed condition is not precise. In the first sentence the condition does not state where the studio noise limit of 25 dB LA<sub>max,s</sub> is to be met. In the second sentence

- a further noise limit of NR15 is proposed, however it is not stated whether this is an  $L_{\text{max,s}}$  level or an  $L_{\text{eq}}$  level.
- 3.38 The proposed condition is not reasonable. In the first sentence a noise assessment has to be done to achieve one threshold (25dBA), however with respect to enforcement a different threshold is adopted (NR15).
- 3.39 The 25dB LA<sub>max</sub> threshold in the first clause is unduly onerous. Noise readings in the studio by Civil Engineering Dynamics show existing LA<sub>max</sub> levels from tube trains of up to 28.7 dBA. (The Cole Jarman letter of 2nd March 2016 referenced this). There is no national guideline with respect to construction noise to recording studios, however Crossrail Information Paper D10 sets a groundborne noise limit of 30 dB LA<sub>max,S</sub> for recording studios. The NR15 limit is even more onerous than the value put forward by the studio's own consultants, Vanguardia of LA<sub>max</sub> NR20.
- 3.40 The planning condition as worded requires particular noise levels to be achieved at all times. There is no distinction between times that recording is taking place and times it is not taking place. The management procedures that the appellant intends to put in place would involve reasonable endeavours to engage with the studio to understand when recording is taking place. As previously set out, orchestras require breaks and rehearsal times and the Lyndhurst Hall part of the studio is unlikely to be in occupation the entire time. Such a condition is therefore unduly onerous.
- 3.41 The recording studio is outside the red line of the planning application and not under the control of the applicant. The level of sound insulation provided by the studios against external noise is not in the control of the applicant. Therefore the applicant cannot be expected by planning condition to achieve particular noise levels within the studios, when clearly the level of sound insulation of the studios is a substantial factor in the internal noise levels. If the studio decided to open its secondary glazing that would clearly be unreasonable, but the NR15 limit would still apply.
- 3.42 The applicants have no rights to enter the studio's to determine whether the proposed limits are being achieved or not.
- 3.43 We propose therefore that if the Inspector is minded to grant planning permission that this condition not be imposed. Instead the proposed amendment to the first proposed condition makes clear that the effect of noise within Air Studios needs to be considered in the preparation of a management plan.

#### **Vehicles**

3.44 The use of vehicles would be covered in the CMP. A draft version is attached at **Appendix 31.** It is anticipated that the full CMP secured under the Section 106 agreement will provide all the details required within Camden's CMP pro-forma (included at **Appendix 32**). The use of the pro-forma is consistent with Camden's CPG 8.

- 3.45 The draft covers the majority of vehicles to be used in the day to day course of the construction. It is accepted that there will be the occasional large vehicle delivering piling equipment and pumping concrete. These vehicles will not be able to turn within the site and would have to reverse down the access road.
- 3.46 Reversing would be assisted by trained banks men. For this reason there would be no reason to deploy a reversing warning bleep and if fitted these could be disabled.
- 3.47 Deliveries will not be made outside of controlled hours and in this regard any reversing warning sounds that may be deployed should not be annoying in the context of the building / piling work that will be carrying on within the site.
- 3.48 Vehicle movements will be limited to:
  - Concrete lorries (2/3 a day during piling)
  - Small Grab/Muck Away lorries during excavation (4 a day)
  - Cranes (One remains on site during piling)
  - Transit vans (3/4 a day during fit out)
  - 12 metre rigid truck (one a day during piling)
- 3.49 The CMP estimates at its busiest there will be ten vehicles visiting the site.
- 3.50 Clearly deliveries and vehicle movements can be scheduled in advance with the studio. However, there are at present no restrictions on the use of the access road to No. 11 by vehicles or indeed on the roads immediately outside the studio which are heavily trafficked. While the applicant is content for vehicle movements to be controlled according to the CMP it should be noted that there are currently no restrictions on the use of the Appellant's drive by vehicles.

#### 4.0 CONCLUSIONS

## 4.1 In summary:

- The proposal is identical to that assessed under application references 2015/2109/L and 2015/2089/P.
- The assessment of 2015/2109/L and 2015/2089/P has resulted in no outstanding objections from the Council's conservation officer or the Council's Environmental Health Officer.
- The Council has appointed its own independent structural engineers to review 2015/2109/L and 2015/2089/P. There are no outstanding objections raised by the Council's specialist advisors and their comments are equally applicable to the appeal scheme which is identical.
- As a result of the above and intense scrutiny of the application proposals by technical specialists, it can be concluded that the technical objections raised by Air Studios are not sustainable.
- The Studio's own noise consultants have not contested conclusions reached by Cole Jarman regarding the minimal impact of activities more than 10m away from the studio. The extent of noisy activities within 10m of the studio is limited.
- Consideration must also be given to actual potential effect of noise on the studio's business. Lyndhurst Hall, rather than the smaller noise insulated studios, is the main concern of the studio. This represents one part of the business. Lyndhurst hall is unlikely to be in continuous recording use given the requirements on orchestras to limit working hours and take breaks and undertake rehearsals. With the cooperation of the studio, noisy works close to the studio could be scheduled to minimise disruption.
- The studio already suffers from noise ingress from a variety of sources such as sirens, traffic and noise from the London Underground. These all already prevent recording activity at times, as acknowledged by the studio.
- In 2015/2109/L and 2015/2089/P, the appellants have voluntarily amended the scheme to omit the basement in the northwest corner, in order to reduce the impact on the studio during the construction period.
- Should the Inspector consider that the appeal scheme is only acceptable with the
  omission of the north west basement, then we invite the Inspector to make a split
  decision. However it should be emphasised that the basement was omitted from
  2015/2109/L and 2015/2089/P entirely voluntarily and was not deemed necessary
  by the Council's own appointed specialist appointed structural engineers.
- The Appellants will be content to abide by a legal agreement requiring a CMP which requires reasonable endeavours to agree noise mitigation measures with the studio:
- The Appellants in this Statement set out draft conditions that they would be content to comply with, based on those suggested by the Council's own Environmental Health Officer.
- The Appellants will be content to abide by a legal agreement requiring the submission of a Basement Construction Plan in accordance with the advice of Campbell Reith Hill.

- The Appellants are undertaking every endeavour to minimise noise disruption and therefore comply with Policy DP28 which seeks to <u>minimise</u> (not eliminate) the effect of development process on the amenity of neighbours.
- It would be wholly unrealistic in a dense urban location (already subject to noise from traffic, tube trains and sirens serving the nearby hospital) to impose a sterile no-development zone around a noise sensitive business.
- For the above reasons we respectfully request that planning permission and listed building consent should be granted.

Appendix 1

CV of Tim Miles



# Tim Miles MA MRTPI



Position Partner

At Montagu Evans since 2007

#### Main Areas of Expertise

- Central London
- Private Residential Development
- · Heritage and Listed Buildings
- Project Team Co-ordination
- Retail Developments

#### **Professional Affiliation**

· Member of the Royal Town Planning Institute

## Selected Project Experience

4-5 Powis Mews, London Royal Borough of Kensington and Chelsea Client: Private

Secured planning permission at appeal for the demolition of an existing mews building and replacement dwelling with basement and roof terrace.

2 Marylebone Road, 1-9 Albany Street, London London Borough of Camden Client: Which?

Graded II\* listed building. Obtained planning permission and listed building consent for new contemporary roof extension. The extension accommodated new staff accommodation and conferencing facilities to enable Which? to better undertake their charitable activities.

17 Templewood Avenue, London London Borough of Camden Client: Private

Demolition of existing dwelling and erection of contemporary replacement dwelling within Conservation Area

39 Wilton Crescent, London City of Westminster Client: Montrose

Secured planning permission and listed building consent in this Grade II listed building for substantial restoration of house including rear extension, new lift and basement accommodation.

Lombardy Retail Park, Hayes London Borough of Hillingdon Client: Aviva Investors

Advised on a comprehensive package of asset management measures. This included securing Certificates of Lawfulness to confirm that the open A1 use of c. 40,000 sq ft of the park and planning permission for an additional c. 40,000 sq ft.

Victoria Palace Theatre, Victoria Street, London City of Westminster Client: Delfont Mackintosh Theatres

Secured listed building consent and planning permission for the substantial demolition of the existing stage house and its redevelopment to accommodate a larger stage and rehearsal facilities, in order to improve the theatre's ability to stage transfers of musical theatre from Broadway.

Honourable Society of Lincoln's Inn London Borough of Camden

Secured planning permission and listed building consent for a basement development of c.20,000 sq ft education and library facility beneath the Grade II\* listed 19<sup>th</sup> Century Great Hall. Also secured consent for alterations to the Grade I Listed Old Hall to better accommodate functions.

Princes Mead Shopping Centre, Farnborough Rushmoor Borough Council Client: Knight Frank Investment Management

Obtained Planning Permission for c. 50,000 sq ft extension to shopping centre in edge-of-centre location.

Appendix 2

Approved Drawings 2005/0942/P and 2005/0943/L



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notes:		scale: 1:50. 0 500 1000 1500 2000 mm		ROSSLYN GROVE, 11 ROSSLYN HILL, LONDON NW3 NORTH WEST ELEVATIONS AS EXISTING	DWG NO: A-043
1	MURRAY JOHN ARCHITECTS 95 SIRDAR ROAD LONDON WI 1 4EQ et: 020 7727 7551 Fax: 020 7243 2525 murray@murrayjohn.com	date: Sep 2004 issue: Planning	DOMOT SCALE	Client: Julian & Tilly Flaux Project No.: 457  Revision:	REV

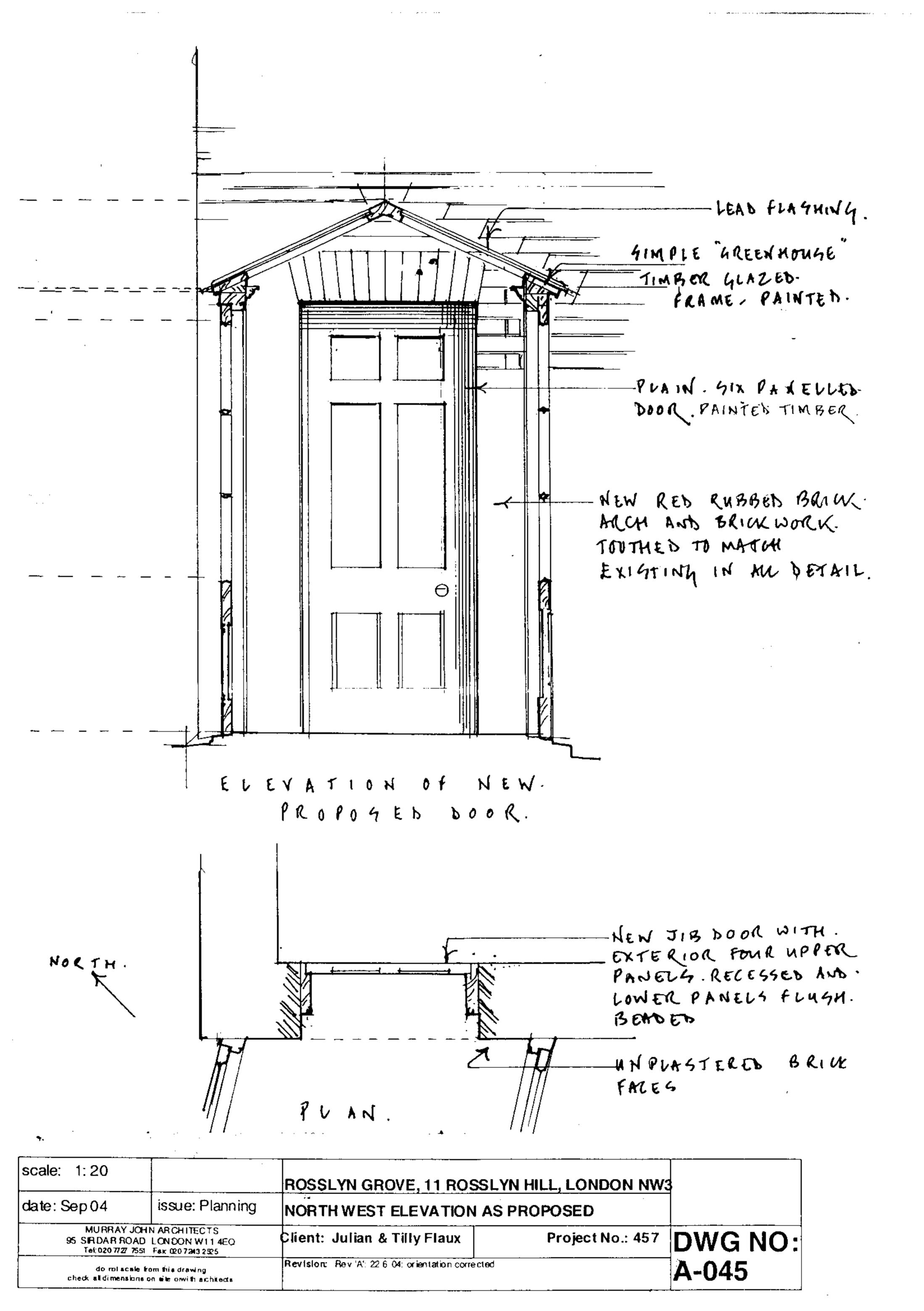



Scale:
1:50
Signary John Archtects
95 SIRDAR ROAD
LONDON W11 4EQ

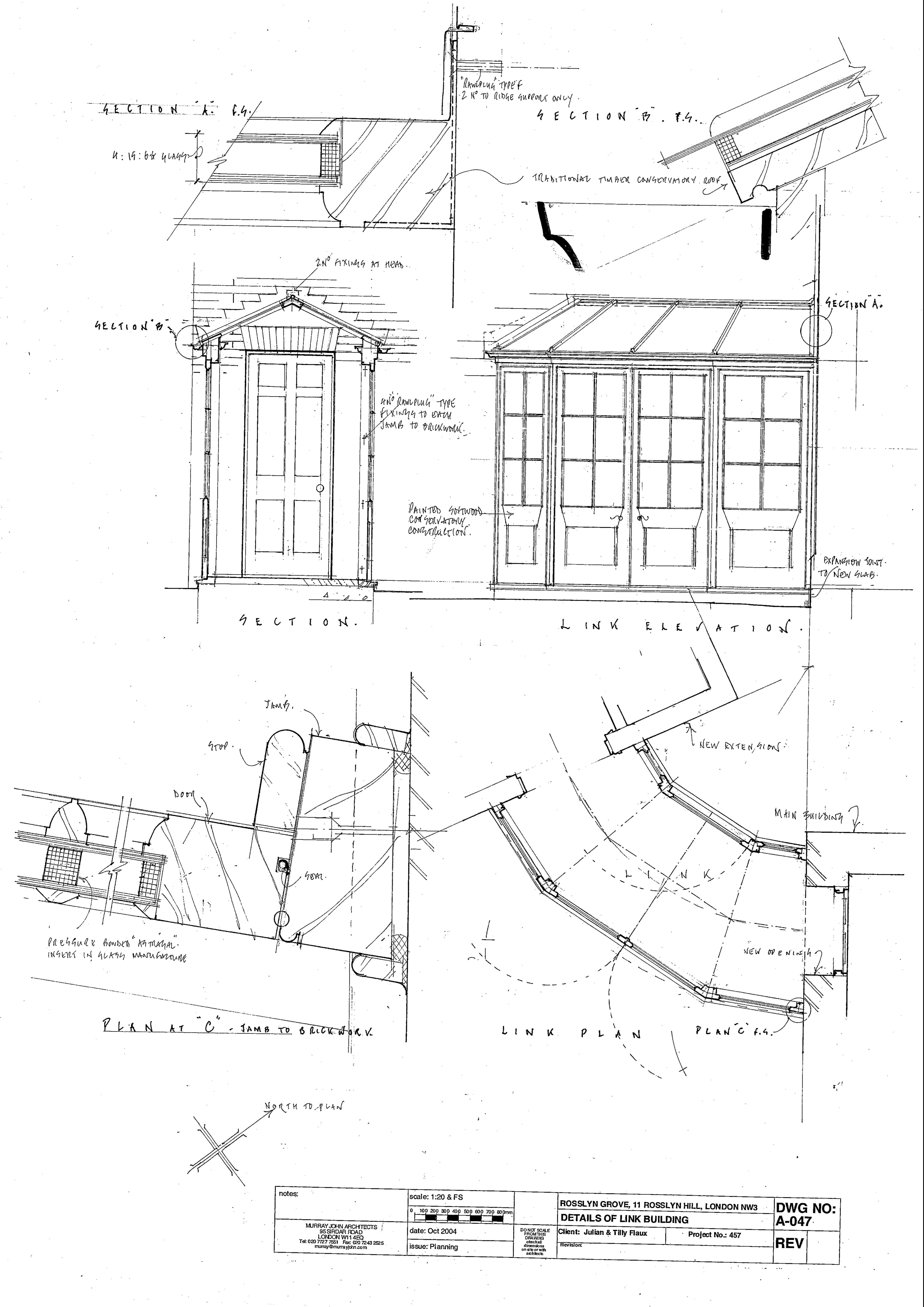
Scale:
1:50
Signary John Archtects
ROSSLYN GROVE, 11 ROSSLYN HILL, LONDON NW3
SOUTH WEST ELEVATION AS EXISTING


ROSSLYN GROVE, 11 ROSSLYN HILL, LONDON NW3
SOUTH WEST ELEVATION AS EXISTING

Revision:
Revision:
Revision:







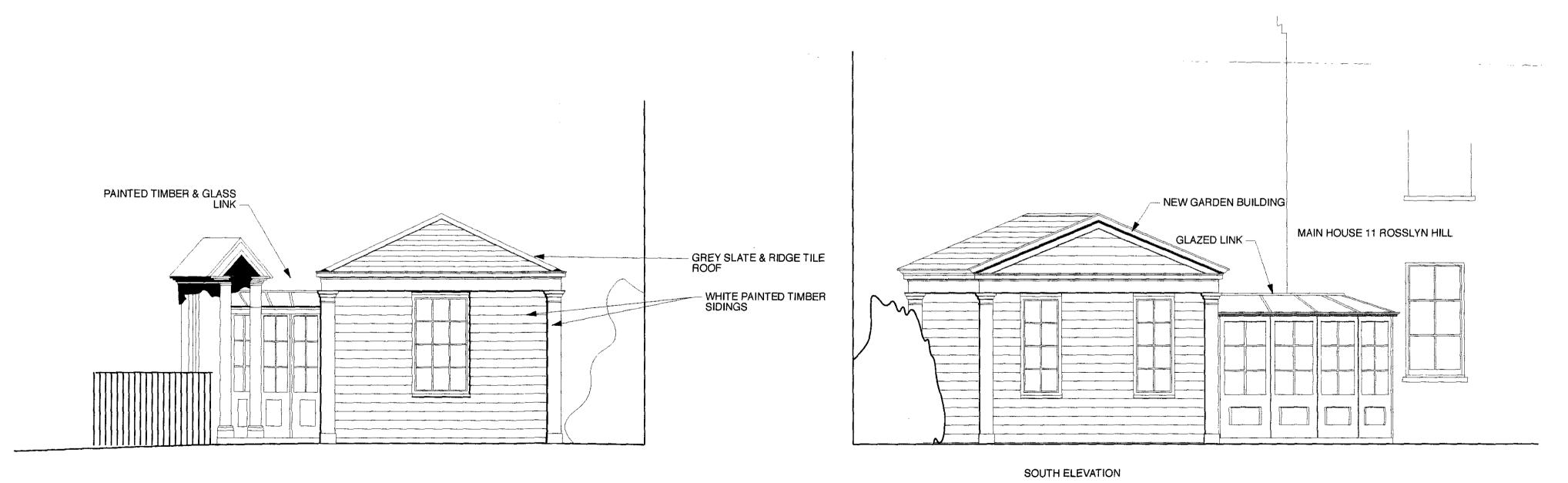


Appendix 3

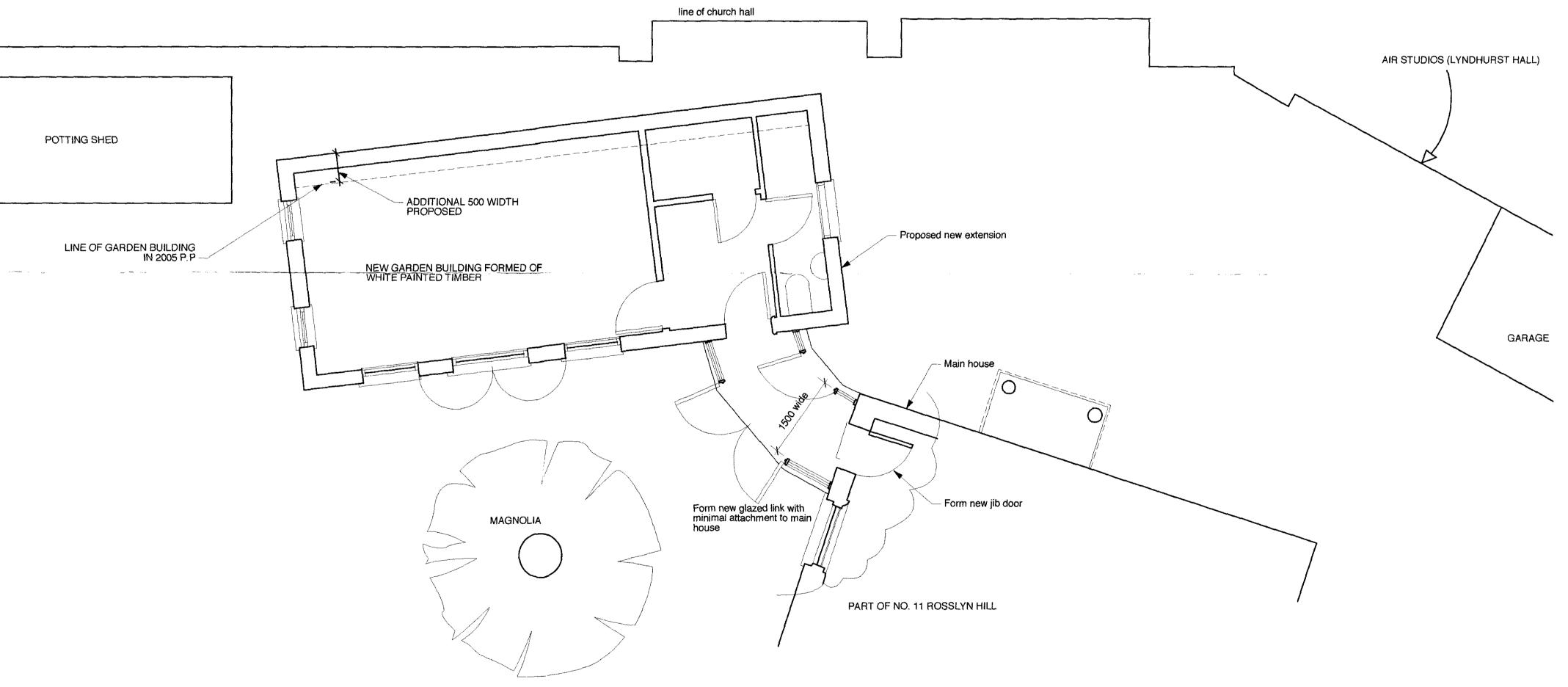
Approved Drawings 2009/4980/P and 2009/4981/L



EAST ELEVATION OF NEW GARDEN BUILDING

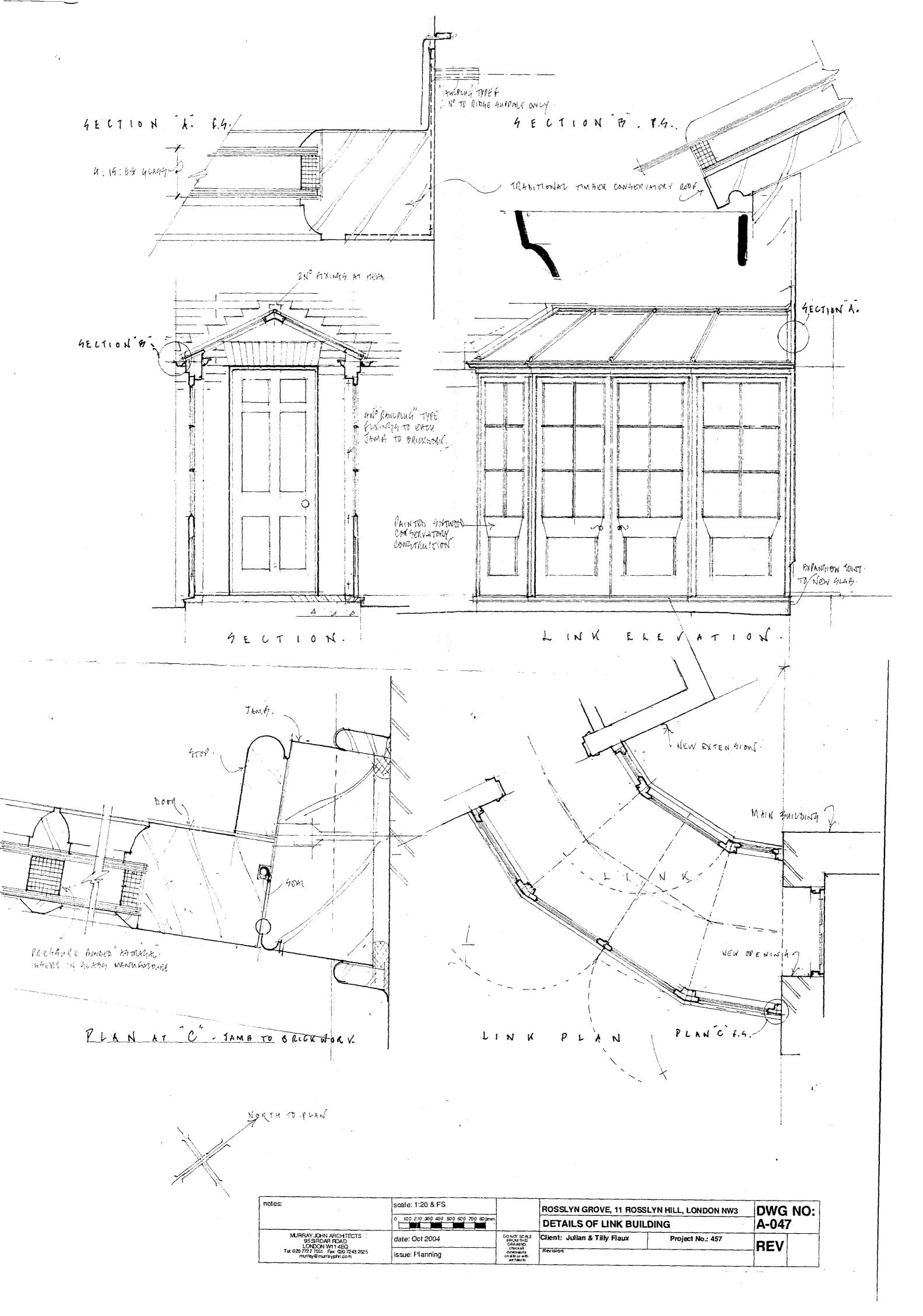


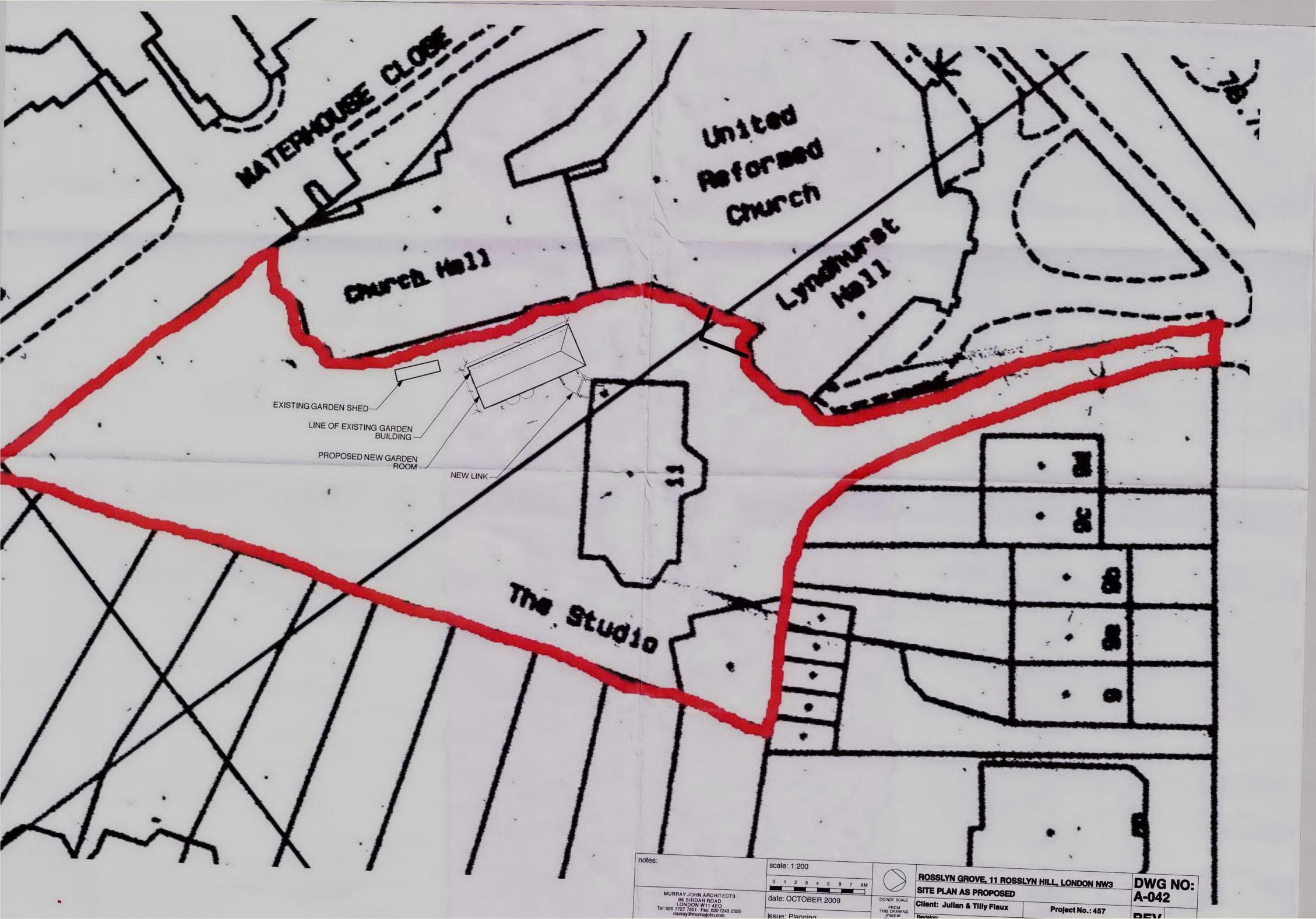
NORTH ELEVATION

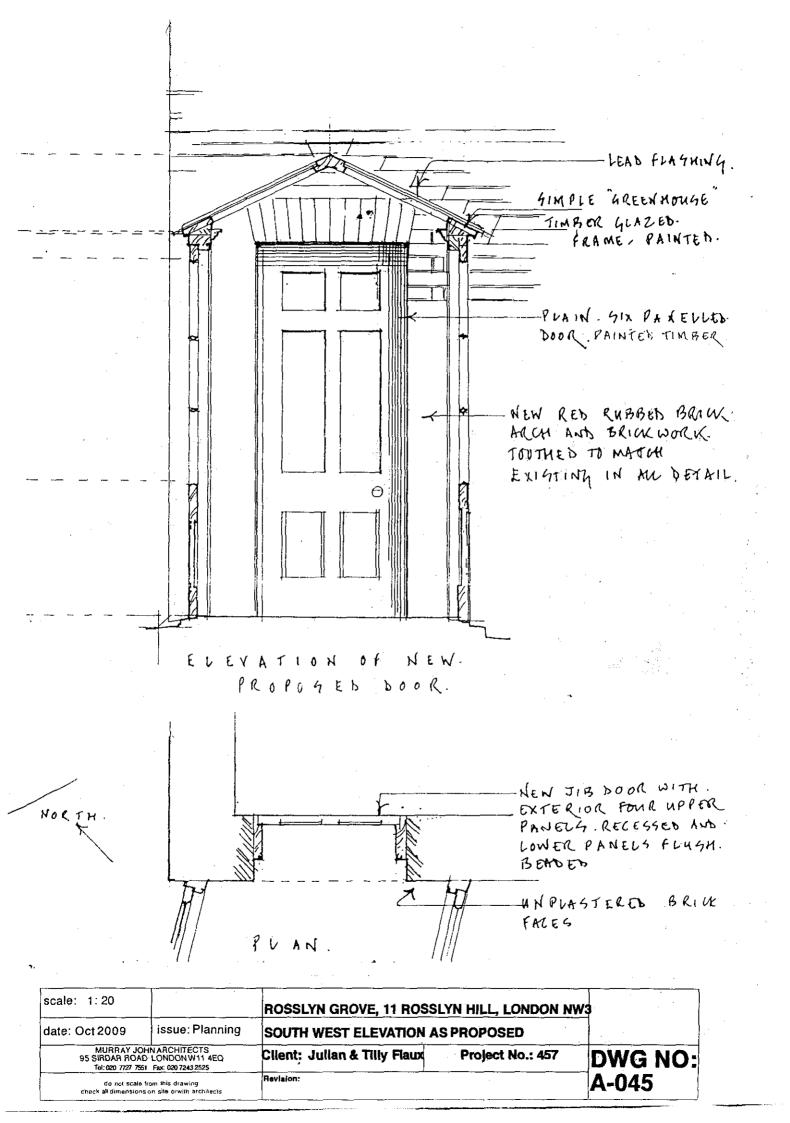


PLAN OF GARAGE & SURROUNDING AREA @ 1:100

notes:	scale: 1:50		PROPOSED GARDEN BUILDING PLAN		DWG NO: A-046	
	0 500 1000 1500 2000 mm					
MURRAY JOHN ARCHITECTS 95 SIRDAR ROAD		DO NOT SCALE FROM THIS DRAWING	Client: Julian & Tilly Flaux	Project No.: 457	Rev	В
LONDON W11 4EQ Tel: 020 7727 7551 Fax: 020 7243 2525 murray@murrayJohn.com	Date: October 2009	check all dimensions on site or with architects	Revision:		1164	







Appendix 4

**Pre-Application Advice from Council October 2013** 



Date: 4<sup>th</sup> October 2013 Our Ref: 2013/4306/PRE

Contact: Rob Tulloch: 020 7974 2516

Email: rob.tulloch@camden.gov.uk

Thomas Croft Architect 9 Ivebury Court 325 Latimer Road London W10 6RA

Dear Mr Meakin,

Development Control Planning Services London Borough of Camden Town Hall Argyle Street London WC1H 8ND

Tel 020 7974 4444
Fax 020 7974 1975
env.devcon@camden.gov.uk
www.camden.gov.uk/planning

## Re: 11 Rosslyn Hill, London, NW5 5UL

Set out in the attached document is a detailed note of the principal issues discussed at the meeting and what you need to do in order to submit a valid planning application for your proposal.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

Please note that if you (the applicant or their representative) have drafted any notes of the pre-application meeting(s) held with the Council, you cannot assume that these are agreed unless you have received written confirmation of this from the case officer.

I trust the enclosed assessment is a fair representation of our discussion. Should you require any further information please contact me on the above telephone number.

Thank you for using Camden's pre-application advice service.

Yours sincerely

Rob Tulloch – Planning Officer
For Director of Culture and Environment

## Site and Surrounding

The site comprises a two storey, attic and semi basement house and a single storey self-contained studio. The site is set well back from Rosslyn Hill and accessed via a driveway. The buildings are set within a generous garden to the south of the former Congregational Church and church hall. No. 11 was formerly the Congregational Church manse and, along with the former church and church hall, is listed Grade II. The site lies within the Fitzjohns/Netherhall Conservation Area.

## **Proposal**

The proposal is for works of alteration and extension including a dining room extension to the south of the building, the erection of a two storey plus basement guest house following the demolition of the existing single storey studio, a basement extension to the front and rear of the house which would also link to proposed guest house, and the erection of a pergola in the garden.

## **Relevant Planning History**

2013/3002/L Internal alterations comprising the reconfiguration of bedrooms and bathrooms layout at first and second floors. Granted 18/07/2013

2009/4980/P & 2009/4981/L Demolition of the existing detached single storey garage at the side/rear of the dwellinghouse and erection of a single storey garden building and connecting glazed link structure to the single family dwellinghouse (Class C3). Granted 14/01/2010

2005/0942/P & 2005/0943/L Replacement of existing garage building with a new garden building, incorporating a new glazed/timber structure to link to the main single family dwellinghouse. Granted 28/04/2005

PWX0002822 & LWX0002823 Erection of a single storey side and rear extension at ground floor level. Refused 19/12/2000

#### Assessment

The main issues of consideration are

- Land use
- Heritage impact
- Basement impact
- Amenity
- Sustainability
- Transport

#### Land use

The proposal is for the demolition of a self-contained studio and the erection of an annexe to the main house. Although this would result in the loss of a self-contained dwelling it would not result in the loss of more than one residential unit, nor would there be an overall loss of residential floorspace. As such, the proposal would not be contrary to policy DP2 (Making full use of Camden's capacity for housing).

## Heritage impact

The pre-application proposal has been considered against relevant policies:

CS14 – Promoting high quality places and conserving our heritage

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

Dartmouth Park Conservation Area Appraisal and Management Strategy Jan 2009 National Planning Policy Framework March 2012

## Assessment

## Replacement rear extension

Planning Permission and Listed Building Consent were granted for a similar sized structure on the northern part of the garden which replaced existing out buildings (2009/4980/P). This proposal now seeks to move this bulk to the southern side of the garden. The principle of the extension has been accepted (on the proviso that the other structures are removed) and the proposed extension location is an improvement over the approved. The new location is less conspicuous and when approaching the main entrance to the house views would then be possible through to the garden which forms an important part of the building's setting. Indicative drawings show an "orangery" type building. Such an approach could work in this location subject to the detailed design.

Any link to the main house should be kept as small and lightweight as possible and therefore should omit the WC which clashes with the canted bay on the southern elevation.

## Front building

To the east of the building there is an existing modern single storey building which is detached from the main house. Architecturally it is of no merit although its redeeming features are that it is modest in appearance and scale and does not compete with the main listed building.

The proposal to replace this building with a significantly enlarged two storey plus basement building is not acceptable as it would detract from the setting of the main listed building. Historically the building sat within a large garden which over the years has been eroded and with historic neighbouring development. If there was no single storey building there presently it is unlikely permission would be granted for it now.

There is not an objection in principle to the demolition of the building and there is the opportunity to enhance this area of the site, but its replacement should not be larger or more visually intrusive than the existing.

## Basement

This serves two functions, to create extra space but also to link all the separate outbuildings to the main building.

The proposed basement sits both to the east and west elevations of the existing basement of the listed building. Although it sits outside of the existing building's footprint and has limited visibility externally, its overall scale (almost twice the footprint of the original building) is excessive and creates dominant spaces which overpower the original scale and plan form of the main listed building.

A subservient basement (perhaps half the footprint of the existing building) under the rear garden accessed via a narrow link might be possible. External manifestations would need to be kept to a minimum. The proposals to use the existing lightwell at the rear looks like a sensitive way of providing natural light.

## Garden works

A lightweight pergola type structure in the rear garden could be possible. It would need to be open on all side to minimise its impact. The proposed location stands a respectful distance away from the listed building.

Concern is raised about the extent paving proposed on what is a verdant space. Paving should be reduced in size and the topography should be more respectful of the slope of the land rather than introducing an artificial flatness to the garden.

## Residential standards

Policy DP6 (Lifetime Homes and wheelchair housing) requires all new residential development should to meet the Lifetime Homes standards. Although the annexe would not be a separate unit, as there would potential for it to become self-contained it should meet the Lifetime Homes standards in line with policy DP6.

## **Amenity**

The impact of the proposal on the amenity of adjoining occupiers would result from the erection of the dining room extension and the annexe to the east of the site. The proposed dining room would be 5m high with a flat roof, the annexe would be approximately 4.5m at eaves level (when measured from the neighbouring garden) with a pitched roof rising to 9m.

As such the proposed structures would rise above the existing boundary walls with the residential properties on Belsize lane and Rosslyn Hill. As the proposed structures would be more than 18m away from neighbouring properties it is not considered that there would be a loss of privacy to these properties. Due to the height of the annexe and its distance from neighbouring properties its is not considered that there would be an impact on daylight and sunlight to neighbours.

## **Basement Impact**

Basements have the potential to harm the structural stability of buildings, and the local water environment. In line with policy DP27 (Basements and lightwells) and Camden Planning Guidance (CPG4 - Basements) applicants should submit a Basement Impact Assessment (BIA) which is specific to the site and particular proposed development.

The BIA should be compiled by a relevantly qualified professional and needs to answer questions in three separate areas: land stability, ground water and surface water. CPG4 gives detailed advice on how the Council will apply planning policies when making decisions on new basement development or extensions to existing basement accommodation. It also gives more detail about the format the BIA needs to take, including what questions need to be answered along with relevant notes and how to source information. The guidance also explains what qualifications are required for assessment.

Rosslyn Hill is not identified as a street at risk of surface water flooding, however Belsize Lane has suffered flood events in 1975 and 2002. In line with CPG4, a Flood Risk Assessment would be required to accompany the BIA.

The proposed basement is quite large and would have a footprint of approximately 300sqm. This is considered appropriate as the curtilage around the house is approximately 1,500sqm. It is indicated that the basement will extend below the parking area to the east, and below the garden and a new paved terrace to the west. It is expected that a minimum of 0.5 metres of soil be provided above basement development that extends beyond the footprint of a building, to enable garden planting, although the Council would encourage applicants to provide 1 metre of soil to mitigate the effect on infiltration capacity. The hard surfaces to the front and rear should also be permeable.

The use of a sustainable urban drainage system (SUDS) is sought in all basement developments that extend beyond the profile of the original building, and is considered particularly important given the scale of the proposed basement. For further guidance on SUDS, see CPG3 Sustainability (water efficiency chapter).

A Basement Impact Assessment is a local requirement for all applications that involve basement extensions, and an application submitted without one will be treated as invalid. Please refer to CPG4 for more detailed advice as to what is required for a Basement Impact Assessment, including the qualifications required of its author(s).

## Sustainability

The proposed alterations and extensions would result in additional floorspace of just under 500sqm. In line with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction) an energy statement would be required to demonstrate how energy consumption can be reduced. Please refer to Camden Planning Guidance (CPG3 – Sustainability) for more information about energy statements.

## **Transport**

The proposed development would involve considerable excavation and construction work, and Rosslyn Hill is part of the Strategic Road Network. The applicant is therefore required to provide a Construction Management Plan (CMP) detailing, among other things, construction vehicle numbers, movements and frequency. A final version will be secured via a Section 106 Agreement, but a draft CMP should

be submitted with the planning application. Please refer to Camden Planning Guidance (CPG6 – Amenity) for more details of Construction management Plans.

As the proposed annexe would not be a separate dwelling, there would be no requirement for car-free housing or cycle storage.

## **Trees**

The site is well treed with a row of mature trees along the south western boundary of the application site and in the rear gardens of the properties on Belsize Lane. The proposed basement, and the dining room extension, would be likely to encroach into the root protection area of these trees. These tree provide a level of amenity value and it would need to be demonstrated how the trees would be protected from damage during the construction process. An arboricultural report, including method statement and tree protection plan following the guidelines set out in BS5837:2012, will be required to accompany any application.

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## **Community Infrastructure Levy (CIL)**

The Mayor of London's Community Infrastructure Levy was introduced on the 1st April 2012. This will be used to raise funds to contribute towards Crossrail. The CIL will apply to all development which adds one or more dwellings or more than 100sqm of floorspace at a rate of £50 per sqm. As the proposal would add more than 100sqm of floorspace a CIL contribution will be payable.

Camden is also introducing its own CIL which will be in addition to the Mayor's CIL, and is likely to be introduced in the Autumn of 2013. Please refer to the Council's website for further information on the Borough's CIL.

## Conclusion

There is no objection in principle to the loss of the studio, however it is considered that the size of the proposed annexe and basement would be harmful to the special interest of the listed building. The proposal is not considered to harm the amenity of adjoining occupiers, or the local transport network with a suitable Construction Management Plan agreed with the Council.

Rob Tulloch – Planning Officer For Director of Culture and Environment 4<sup>th</sup> October 2013

# Appendix 5

Drawings submitted for application references 2015/2109/L and 2015/2089/P