

Delegated Report		Analysis sheet	Expiry Date:	18/05/2016
		N/A / attached	Consultation Expiry Date:	05/05/2016
Officer			Application Number(s)	
Kate Henry			1) 2016/1708/P 2) 2016/1883/L	
Application Address			Drawing Numbers	
34 Queen's Grove London NW8 6HN			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Creation of single storey basement under existing property, part of front garden and part of rear garden, including lightwells and skylights				
Recommendation(s):		1) Refuse planning permission 2) Refuse listed building consent		
Application Type:		1) Householder Application 2) Listed building consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	03	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>For both applications, a site notice was displayed on 08/04/2016 (consultation end date 29/04/2016) and a notice was placed in the local press on 14/04/2016 (consultation end date 05/05/2016).</p> <p>No comments have been received.</p>					
CAAC/Local groups comments:	N/A					

Site Description

No. 34 Queen's Grove is a semi-detached, three storey (with semi-basement) residential dwelling on the southeast side of the road, at the corner with Woronzow Road. The property is stuccoed and it has a hipped slate roof with bracketed eaves and a central slab chimney stack. There is a lower element to the side of the property, which is set back from the main front elevation and which includes the main entrance to the property, at the top of a flight of steps.

The property has a driveway to the front and a private garden to the rear. There are a number of trees, of varying degrees of maturity, on site.

The property (as well as Nos. 35, 36 and 37 Queen Grove) is Grade II listed.

The application site is within the St John's Wood Conservation Area.

Relevant History

Application Site

2015/3815/P - Creation of single storey basement under existing property and front and rear garden, including lightwells and skylights – **Withdrawn**.

2015/4056/L – Creation of single storey basement under existing property and front and rear garden, including lightwells and skylights – **Withdrawn**.

2007/5467/L – Works associated with the installation of a balcony to the rear upper ground floor bay window – **Listed building consent granted 17/12/2007**.

2006/5268/P - Demolition of existing garage and erection of a basement and ground floor dwellinghouse with bicycle store at the end of the garden, plus boundary wall and gate alterations to Woronzow Road – **Granted Subject to a Section 106 Legal Agreement 08/10/2007**.

2006/5273/L – Demolition of existing garage and erection of a basement and ground floor dwellinghouse with bicycle store at the end of the garden, plus boundary wall and gate alterations to Woronzow Road – **Listed building consent granted 09/02/2007**.

2005/0591/P – Demolition of existing garage at rear end of garden; erection of a single-storey building with mansard roof with 2 x dormer windows to provide a residential accommodation ancillary to the main house, with pedestrian access gate to Woronzow Road – **Refused 05/05/2005**.

2003/3233/P – Demolition of existing garage in rear garden and erection of two storey residential building to be used ancillary to 34 Queen's Grove plus replacement of entrance gate by new brick wall and entrance door facing Woronzow Road – **Refused 06/08/2004. Appeal dismissed 03/05/2005**.

PWX0202755 - The demolition of a garage at the rear of the site and the construction of a two storey residential dwelling comprising two double bedrooms – **Refused 22/10/2002**.

LWX0202756 - The demolition of a garage at the rear of the site and the construction of a two storey residential dwelling comprising two double bedrooms – **Listed building consent refused 22/10/2002**.

P9600933R1 - The erection on the rear elevation of a two-storey bay window extension at the

basement and ground floor levels, alteration of rear window to form a bow window and formation of a balcony at ground floor level; installation of a dormer to the rear and alterations to a flight of stairs to the front – **Granted 03/08/1996.**

L9600934R1 – The erection on the rear elevation of a two-storey bay window extension at the basement and ground floor levels, alteration of rear window to form a bow window, the formation of a balcony at ground floor level, the conversion of the loft space into a habitable room, including the installation of a dormer to the rear, alterations to a flight of stairs to the front, and various internal alterations – **Listed building consent granted 03/08/1996.**

9501236 – Rear extension at basement and ground floor, including a balcony, front/side extension at first and second floor, the creation of accommodation within the roof space including side and rear dormers – **Refused 29/02/1996.**

9570220 – Rear extension at basement and ground floor including a balcony, front/side extension at first and second floors, the creation of accommodation within the roof space including side and rear dormers, internal alteration including the removal of a flight of staircase between ground and basement and alteration to the front stair – **Listed building consent refused 29/02/1996.**

P9600933 – Alterations with extensions to rear and internal alterations including a loft conversion – **Withdrawn.**

L9600934 – Alterations with extensions to rear and internal alterations including a loft conversion – **Withdrawn.**

8870522 – Formation of a hardstanding for car parking purposes and alterations to existing garden wall to form an access to the highway including the installation of brick pillars and a metal gate – **Listed building consent granted 29/06/1988.**

8601213 – Alterations and extension to an existing side addition with the erection of a conservatory at basement level – **Granted 05/11/1986.**

8670249 – Alterations and extension to an existing side addition with the erection of a conservatory at basement level – **Listed building consent granted 05/11/1986.**

35 Queen's Grove

2011/4144/L - External alterations to include the installation of cast iron railings to the front lightwell and lighting to front and rear elevation , with internal installation of lighting to all floors of existing house (Class C3) – **Withdrawn**

2011/4135/P – Installation of railings to front lightwell and external lighting to front and rear gardens and elevations at low level to dwelling house (Class C3) – **Granted 06/10/2011**

2011/4138/L – Installation of railings to front lightwell, external lighting to front and rear gardens and elevations at low level and new internal light fittings to dwelling house (Class C3) – **Listed building consent granted 06/10/2011**

2011/3402/P – Amendment to planning permission granted 26/11/10 (2010/5303/P) for the erection of a 3 storey side extension following demolition of existing 2 storey side extension, namely to omit 1 x rooflight and relocation of front wall of extension by 0.4m – **Granted 19/08/2011**

2011/2062/L – Internal alterations and refurbishment, underpinning to existing foundations and

installation of cavity wall membrane to existing dwelling house (C3) – **Listed building consent granted 01/07/2011**

2010/5303/P – Erection of a 3 storey side extension following demolition of existing 2 storey side extension, new pipe works to side elevation, extending basement (below side extension), alteration to rear ground floor balcony and installation of sliding gate and new letter box to front boundary wall of dwellinghouse (Class C3) – **Granted 26/11/2010**.

2010/5304/L – Reconfiguration of internal layout, extending basement (below side extension) and external alterations including erection of a 3 storey side extension with roof light following demolition of existing 2 storey side extension, alteration to rear ground floor balcony and installation of sliding gates to front boundary wall of dwelling house (Class C3) - **Listed building consent granted 26/11/2010**

2010/3631/L - Reconfiguration of internal layout and external alterations including third storey side extension with associated pipeworks to side elevation (above existing side extension), alteration to rear ground floor balcony and installation of sliding gates and new letter box to front boundary wall of dwelling house (Class C3) – **Withdrawn**

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

LDF Core Strategy and Development Policies (2010)

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

DP28 Noise and vibration

Camden Planning Guidance

CPG1 Design (2013)

Chapter 1 – Introduction

Chapter 2 – Design excellence

Chapter 3 – Heritage

CPG4 Basements and lightwells (2015)

Chapter 1 – Introduction

Chapter 2 – Basements and lightwells

Chapter 3 – Assessing the impact of basement development

Chapter 4 – Impacts to neighbours from demolition and construction

CPG6 Amenity (2011)

Chapter 1 – Introduction

Chapter 6 – Daylight and sunlight

Chapter 7 – Overlooking, privacy and outlook

CPG7 Transport (2011)

Chapter 1 – Introduction

Chapter 2 – Assessing transport capacity

Chapter 6 – On-site car parking

Chapter 7 – Vehicle access

CPG8 Planning Obligations (2015)

Chapter 1 – Introduction

Chapter 2 – Background

Chapter 3 – Amenity

Chapter 10 – Transport

St. John's Wood conservation area appraisal and management strategy (2009)

Part 1, Chapter 1 – Introduction

Part 1, Chapter 3 – Special interest of the conservation area

Part 1, Chapter 6 – Character analysis

Part 1, Chapter 7 – Heritage Audit

Part 2, Chapter 10 – Maintaining character

Part 2, Chapter 12 – Current issues

Part 2, Chapter 13 – Management of change

Draft Camden Local Plan (2016)

The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

The following policies are considered to be relevant:

A1 Managing the impact of development

A4 Noise and vibration

A5 Basements and lightwells

D1 Design

D2 Heritage

CC3 Water and flooding

Assessment

1. The proposal

- 1.1. These applications seek planning permission and listed building consent for the creation of a single storey basement, which would extend under the existing property and part of the front driveway and most of the rear garden of the host property.
- 1.2. The proposal involves the creation of a lightwell at the front of the property, covered by a grille set flush with the ground, and the creation of 2x lightwells at the rear of the property, also covered by grilles set flush with the ground.
- 1.3. The part of the basement under the rear garden would feature 6x glass floor plates, which would manifest themselves above ground in the form of 2x ground level skylights and 4x ground level skylights covered by wooden benches above.
- 1.4. At the front of the property, the proposed basement would extend out as far as the front boundary of the site, but it would not extend to the north-west corner of the site.
- 1.5. At the rear, the proposed basement would be the same width as the plot (i.e. wider than the host building) and it would extend nearly to the southern end of the plot.
- 1.6. The proposed basement would provide the following facilities: cinema room, archive, storage, utility room, wine store, gym, swimming pool, changing room, showers, WCs, steam room.

2. Heritage considerations (listed building and conservation area)

- 2.1. No. 34 Queen's Grove is grade II listed and the Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the application site is located within the St John's Wood Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 2.2. Policy DP24 requires all development to be of the highest standard of design; Policy DP25 relates specifically to heritage and requires all development to maintain the character of the borough's conservation areas and preserve and enhance the listed buildings; and Policy DP27, which relates to basements, notes that proposals must not harm the appearance of setting of a property or the established character of the surrounding area.
- 2.3. CPG4 (Basements and Lightwells) notes that, in the case of listed buildings, applicants will be required to consider whether basement and underground development preserves the existing fabric, structural integrity, layout, interrelationships and hierarchy of spaces, and any features that are architecturally or historically important. The acceptability of a basement extension to a listed building will be assessed on a case-by case basis, taking into account the individual features of the building and its special interest. Policy A5 of the Emerging Local Plan, which as of the 15th May 2017 will carry significant weight in the determination of planning applications, discourages basement proposals which would cause harm to the significance of heritage assets. The accompanying text notes that basement development below a listed building can harm the fabric, structural integrity, layout, inter-relationships and hierarchy of spaces and architectural features of the building. The addition of a floor level beneath the original lowest floor level of a listed building (basement, cellar, or vault) may affect the hierarchy and historic integrity of the floor levels within the building. The development of a basement beneath a listed

building can also necessitate the removal of significant parts of the original structure and fabric of the building.

2.4. The Heritage Statement submitted with the application notes that there would be minimal impact on the host building due to the following reasons (summarised):

- Access to basement is from within existing basement via existing staircase
- Architectural hierarchy is retained by keeping lowest levels of building for storage, leisure spaces, gym and swimming pool, cinema etc. (only viable location for these facilities)
- New spaces will complement the house
- No detrimental impact on historic fabric
- Upper levels of property maintained as they are
- Careful consideration given to siting of lightwells/skylights

Impact on hierarchy of building

2.5. Dwellings of this age and style have a predictable hierarchy of spaces which correspond with the differing levels of function and status within the building. The lowest level (lower ground floor or basement) usually has plainer detail and a lower floor to ceiling height than the upper floors and would have traditionally contained accommodation which serviced the main living areas above. The hierarchy of the floor levels contributes to the building's historic interest, as it reflects the patterns of living and working of the period in which the building was constructed.

2.6. Whilst the application building is now used in a more contemporary manner, with everyday living focussed on the kitchen/living space within the lower ground floor, the hierarchy of the floors remains intact, with more formal living spaces still located at the main upper ground floor level, and food preparation, storage and supporting services / utility spaces within the lower ground floor. It is considered that the creation of a further level of basement accommodation beneath this would harm this traditional hierarchy of the building, to the detriment of its historic and architectural integrity.

2.7. Furthermore, the footprint of the proposed basement would be significantly larger than that of the host building, which again causes harm to the hierarchy of the building. The proposed basement would extend out to the front and rear, and at the rear would be wider than the host building, by extending to fit the width of the plot.

2.8. The applicant notes that the hierarchy of the building is retained because the lowest level of the house would still be used for storage and leisure spaces (cinema, gym, wine storage/tasting, gym, swimming pool), and the fact the upper levels of the building would be retained as they are; however, the proposed basement is disproportionately large in relation to the host building. The creation of such a large basement is likely to encourage the transfer of daily activities to the basement from the upper floors, thereby promoting the role of the basement as a principal living space, which is unacceptable in terms of the hierarchy of the building and how it was originally designed to be used.

2.9. The applicant notes that it would not be feasible to provide a cinema or gym on the upper floors, and that these features would complement the house; however, it is not considered to be appropriate to provide such a large basement under a listed building in order to provide such features.

2.10. The introduction of the sub-basement below the lower ground floor level of the house would undermine the integrity and hierarchy of status within the listed building, to the detriment

of its special architectural and historic interest. The application is therefore recommended for refusal partly on this basis.

External manifestation of the basement

- 2.11. The St. John's Wood Conservation Area Appraisal and Management Strategy (SJWCAAMS) notes that the St John's Wood Conservation Area has seen a growth in new basement development and extensions to existing basement accommodation, together with the excavation of associated lightwells. The SJWCAAMS notes that the creation of new lightwells can harm the relationship between the building and the street, can harm the appearance of the building and the streetscape, and may result in the loss of garden; and the inclusion of rooflights designed within the landscaping of a front garden can result in illumination and light spill from the subterranean rooms and harm the appearance of a garden setting. In general, the SJWCAAMS notes that the Council should normally resist basement development fronting the highway, due to its impact on the appearance of the conservation area.
- 2.12. CPG4 advises that any exposed areas of basement should be subordinate to the building being extended; respect the original design and proportions of the building, including its architectural period and style; and retain a reasonable sized garden.
- 2.13. As noted, the footprint of the proposed basement would be significantly larger than that of the host building; it would extend out to the front and rear, and at the rear the basement would be wider than the host building, by extending to fit the width of the plot. Paragraph 2.15 of CPG4 specifically notes that, "*Proposals for basement development that take up the whole front and / or rear garden of a property are very unlikely to be acceptable*". Furthermore, Policy A5 of the emerging Local Plan seeks to limit the size of basements that extend under the garden of a property. In this case, the proposed basement is considered to be disproportionately large in relation to the host building, which is unacceptable.
- 2.14. Paragraph 2.17 of CPG4 goes on to note that, "*... the inclusion of skylights designed within the landscaping of a garden will not usually be acceptable, as illumination and light spill from a skylight can harm the appearance of a garden setting and cause light pollution*".
- 2.15. The proposal involves the installation of a lightwell to the front of the building, in front of one of the lower ground floor windows. The 2x lower ground floor windows on the front elevation of the building are already partially sunken below ground level, with modest lightwells in front of each of them. On this basis, it is not considered that creating a larger lightwell, with a modest grille above, fitted flush with the ground, would cause undue harm to the character and appearance of the front of the building, the relationship of the building with the street, or the street scape along this part of Queen's Grove. Furthermore, there would be no loss of landscaping to allow this element of the development as the area is already covered with hardstanding for the driveway.
- 2.16. At the rear, the proposal involves the installation of 2x lightwells, again with modest grilles above, fitted flush with the ground. These elements of the scheme are also considered to be acceptable insofar as they would each be subordinate to the building being extended, they would respect the original design and proportions of the building, and they would not impact on the garden.
- 2.17. The proposal also involves the installation of 6x glass floor plates, which would manifest themselves above ground in the form of 2x ground level skylights and 4x ground level skylights covered by wooden benches. One of the uncovered skylights would abut the rear wall of the

host building, below the staircase window, adjacent to the bay window (it would measure 2 metres by 1.3 metres). The other would be sited towards the north-eastern boundary of the garden, near to the bay window on the rear of the property, within 0.8 metres of the lightwell in front of the bay (it would measure 1 metres by 2 metres). The skylights covered by benches would be located around the edges of the grassed area (all would measure 1 metre by 2 metres). Two would be on the north-eastern boundary of the garden and two would be located towards the far end (south-eastern boundary) of the garden.

- 2.18. Although some of the skylights would be covered by benches, insufficient detail has been provided to illustrate whether or not the skylights would be discernible below. On the basis that the skylights are intended to provide light to the rooms below, it is considered likely that they would be visible as they must be able to receive sunlight/daylight.
- 2.19. The external manifestation of the basement above ground is not considered to be acceptable because it illustrates the excessive size of the basement (i.e. the fact it would extend so far outside of the footprint of the original building) and would highlight the unacceptable imbalance in the hierarchy of the floors. The skylights at the far end of the garden are over 15 metres away from the original rear building line, which is more than the depth of the original building (approx. 12 metres). Someone standing in the rear garden would be able to discern the basement underneath the garden, which is not considered to be appropriate, particularly given the fact the host building is Grade II listed, as this would harm the setting of the listed building.
- 2.20. Furthermore, there is likely to be harmful lightspill in the evenings from the skylights, which would cause further undue harm to the setting of the listed building.
- 2.21. The external manifestation of the sub-basement level in terms of the scale, position, and number of skylights would have a harmful impact on the appearance, hierarchy and setting of the listed building. The application is therefore recommended for refusal partly on this basis also.

Conclusion

- 2.22. The proposal is considered to cause substantial harm to the listed building and the proposal would also have a detrimental impact on the character and appearance of the St John's Wood Conservation Area, insofar as the basement would manifest itself above ground level and may lead to loss of trees within the rear garden (see section 4). The proposal provides no public benefit which would outweigh the harm caused. The proposal therefore fails to comply with paragraph 133 of the NPPF and Policies CS14, DP24, DP25 and DP27 of the LDF and the application is recommended for refusal on this basis.

3. Impact on nearby and neighbouring properties

- 3.1. The main residential properties that are likely to be affected by the proposal are those that border the application site; namely No. 35 Queen's Grove and No. 42 Woronzow Road. All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposal.
- 3.2. It is not considered that the basement itself would cause undue harm to the visual and residential amenities of neighbouring properties, sufficient to warrant a refusal of the application. Although it would significantly increase the amount of floor space in the host dwelling, there is unlikely to be significant additional comings and goings associated with the single family dwellinghouse.

- 3.3. The leisure facilities within the basement are likely to require some form of plant; however, no details have been provided and no noise impact assessment has been submitted with the application. Policy DP28 notes that the Council will only grant permission for plant or machinery if it can be operated without causing harm to amenity and does not exceed the Council's noise thresholds. If the application was otherwise considered to be acceptable, a suitable planning condition could ensure that noise levels do not exceed specified limits.
- 3.4. Policy DP28 also notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the extent of the proposed works, if the application was otherwise considered to be acceptable, the Council would seek the submission of a Construction Management Plan (CMP), which would be secured by a section 106 legal agreement. (see also section 6).

4. Trees and landscaping considerations

- 4.1. Policy DP24 requires new development to consider existing natural features, such as topography and trees. New development should respond to the natural assets of the site and its surroundings and development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.
- 4.2. The SJWCAAMS notes that the leafy character of the Conservation Area results largely from significant mature trees and other mature vegetation in private gardens, which creates a green, pleasant and open environment. It also notes that the Council is concerned to ensure that basement development does not harm the recognised architectural character of buildings and surrounding area, including gardens and nearby trees, and that the conservation area character is preserved or enhanced as a result of proposals.
- 4.3. An Arboricultural Impact Assessment (AIA) has been submitted with the application; however, it is not considered to be sufficiently detailed to allow the Council to make a sufficiently detailed assessment.
- 4.4. With regards to the impact of tunnelling within the RPA of retained trees, and effects on hydrology/water table, the AIA states at para. 6.4.1, "*The council has required information which cannot be given. It is not possible to demonstrate that the trees will not be adversely affected...*". However, the Council considers that it should be possible to identify and assess any impacts. Furthermore, the drainage and hydrology information should be achievable through interpretation of the hydrology details within the Basement Impact Assessment, and an assessment of any drainage scheme implemented over the basement.
- 4.5. Para. 6.4.2 of the AIA makes reference to a 450mm high planting bed to the garden edge; this is assumed to also be within the RPAs of retained trees, and therefore potentially detrimental to those trees.
- 4.6. At para. 6.4.3, the AIA states that the Council assumes all trees with value should be retained. This is accurate insofar as it should be the aim of the proposal to retain valuable trees; the Council would expect the treatment of such trees to follow the principle of the "mitigation hierarchy": first looking to avoid negative impacts, then minimising/reducing, onto restoring/mitigating against remaining impact, and finally offsetting/compensating. In this instance the AIA has bypassed this process, jumping straight to compensation and mislabelling it mitigation. Due to the relatively young nature of the trees involved, it may well be possible to easily replace them, but that does not make replacing them the appropriate course of action. The Council has not seen enough evidence of the unsuitability for retention of

the trees, particularly the pine tree (Tree T2).

- 4.7. The footprint of the basement extends to almost the extremities of the rear garden which could also affect the likelihood of any trees that may be planted in future establishing successfully. No evidence has been provided to the contrary.
- 4.8. The application site is at the junction of two streets and the trees which are visible make a positive contribution to the character and appearance of the St John's Wood Conservation Area. As such, the application is recommended for refusal based on the lack of information provided to suggest that the trees can be retained and/or adequately replanted in such a way as to maintain the character and appearance of the conservation area.

5. Basement considerations

- 5.1. Policy DP27 notes that the Council will only permit basements and other underground development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.
- 5.2. The Council's current preferred approach is for basement development to not extend beyond the footprint of the original building and be no deeper than one full storey below ground level (approximately 3 metres in depth). The internal environment should be fit for the intended purpose, and there should be no impact on any trees on or adjoining the site, or to the water environment or land stability. Larger schemes, including those consisting of more than one storey in depth or extending beyond the footprint of the above ground building, will be expected to provide appropriate evidence to demonstrate to the Council's satisfaction that the development does not harm the built and natural environment or local amenity.
- 5.3. The application is accompanied by a Basement Impact Assessment (BIA). As noted at paragraph 3.32 of CPG4, the final stage of the BIA is undertaken by the Council and consists of an audit of the information supplied by the applicant and a decision on the acceptability of the impacts of the basement proposal. Paragraph 3.33 notes that independent verification (funded by the applicant) will be required where a scheme requires the applicant to proceed beyond the screening stage of the BIA; where the proposed basement development is located within an area of concern regarding slope stability, surface water or groundwater flow; or for any other basement applications where the Council feels that independent verification would be appropriate.
- 5.4. In this case, the submitted BIA proceeds beyond the screening stage and the application site is within an area of concern regarding slope stability and groundwater flow. Furthermore, the host building is grade II listed and the proposal would involve substantial engineering operations / physical intervention to create the basement below the existing building and garden and it is considered that independent verification of the BIA would be beneficial for this reason also. There is also concern that the proposed works may cause harm to the attached neighbouring property, also grade II listed. The buildings were built commensurately, they are of the same construction type, and will have settled together over time, meaning that excavating and underpinning beneath one half of the pair would be likely to cause structural issues with the unaltered half.
- 5.5. The BIA audit form has been sent to the applicant (for them to confirm that they are willing to cover the cost of the independent audit of the BIA); however, despite numerous requests, they have failed to return the form. As such, it has not been possible to have the BIA independently reviewed and the application is therefore recommended for refusal based on the lack of evidence to suggest the basement would comply with the requirements of Policy DP27 and

6. Transport considerations

- 6.1. Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. Due to the scale of the proposed development the Council would need to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A draft CMP has been submitted with the application, which provides some useful information; however, a more detailed CMP would need to be approved by the Council prior to the works commencing on site. If the application was otherwise considered to be acceptable, this could be secured by a section 106 legal agreement.
- 6.2. Policy DP21 notes that the Council will expect works affecting highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development. The footway and vehicular crossover directly adjacent to the site could be damaged significantly as a direct result of the proposed works. If the application was otherwise considered to be acceptable, the legal agreement could secure a financial contribution towards required repair works.
- 6.3. The proposal would involve basement excavations across the whole of the site. The Council needs to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. The BIA which has been provided does not appear to discuss how the stability of the public highway would be protected. As such, if the application was otherwise considered to be acceptable, the applicant would be required to submit an 'Approval In Principle' (AIP) report to the Council's Highways Structures & Bridges Team within Engineering Services. If the application was otherwise considered to be acceptable, the AIP and an associated assessment fee could be secured by the legal agreement.

Recommendation:

- 1) Refuse planning permission
- 2) Refuse listed building consent