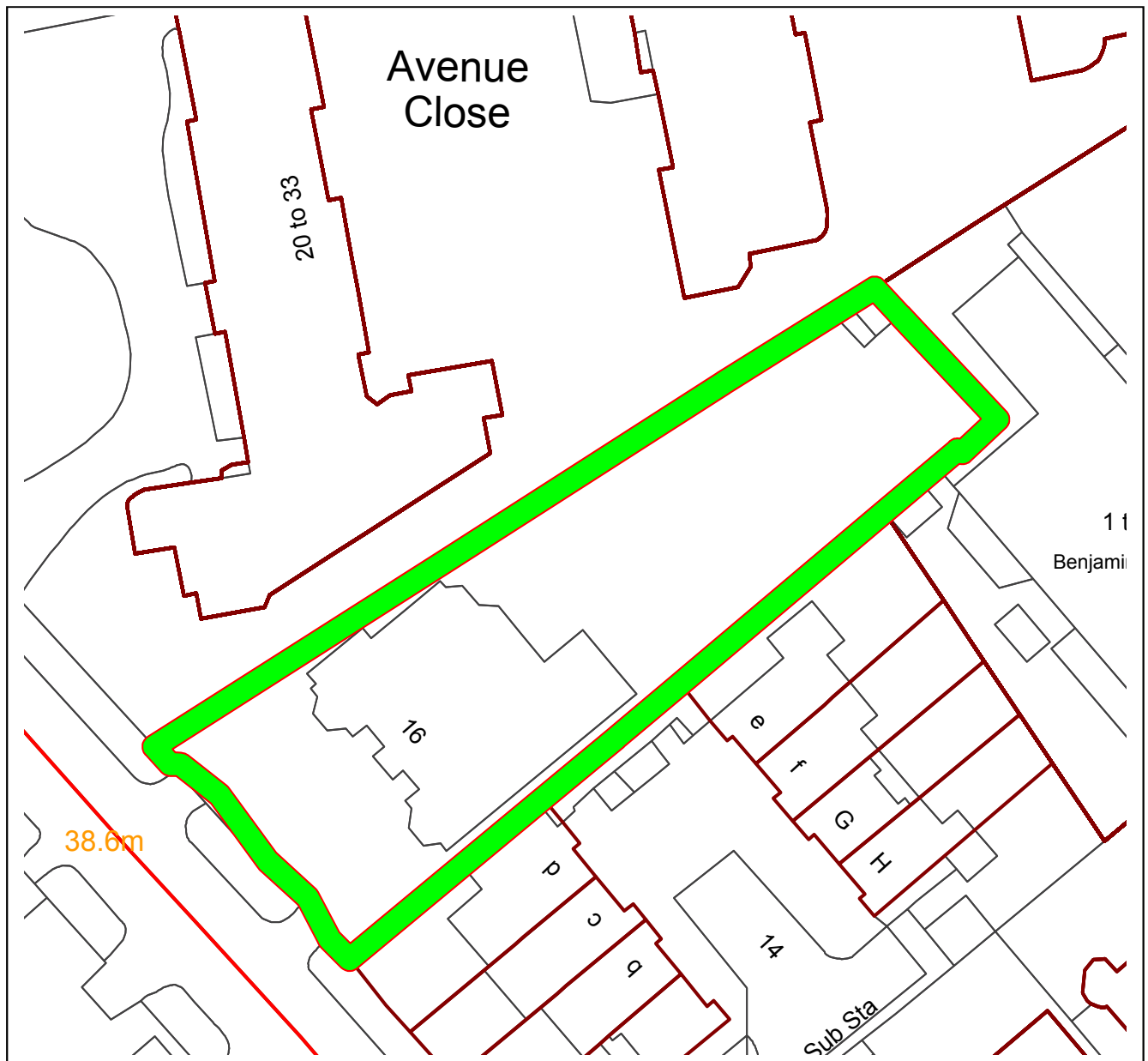


# 16 Avenue Road, London, NW8 6BP

2016/5375/P



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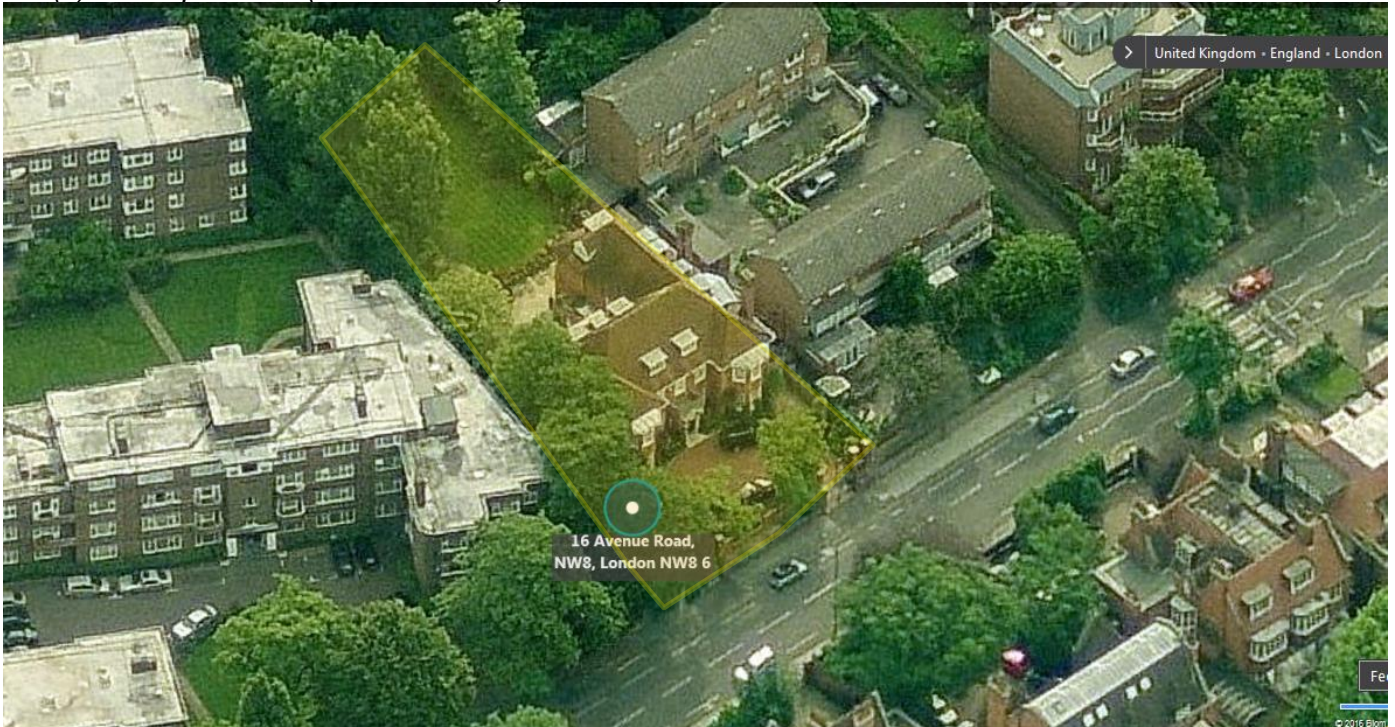
# 16 Avenue Road, London, NW8 6BP

## Site Photographs:

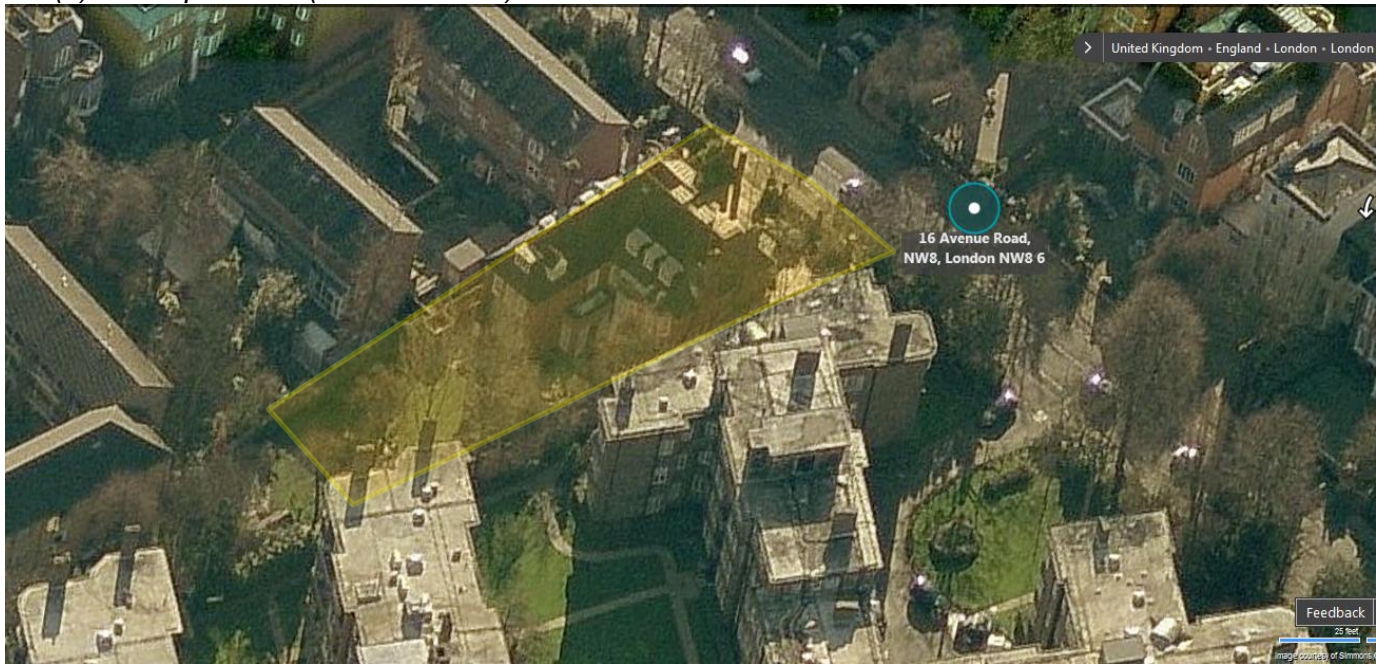
(1) Aerial photo #1 (from the South)



(2) Aerial photo #2 (from the West)



(3) Aerial photo #3 (from the North)



(4) Aerial photo #4 (from the East)



*(5) Front elevation and forecourt parking #1*



*(6) Front elevation and forecourt parking #2*



*(7) Front boundary treatment and entrance gates front Avenue road (mature trees to boundary)*



*(8) Rear elevation / patio #1*



(9) *Rear elevation #2*



(10) *Pan of rear garden #1*



(11) *Pan of rear (end of) garden #2*



(12) Side elevation / relationship with 14(d) Avenue Road (to the South)



(13) Relationship to 14 (a-h) Avenue Road forecourt (to the South)



(14) *Central green of Avenue Court to the North (site in background)*



(15) *Relationship with Avenue Court (plus Avenue Close lightwell)*



<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>25/11/2016</b>
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	<b>28/10/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>		
John Diver			2016/5375/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
16 Avenue Road London NW8 6BP			See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a 2 storey (plus basement and loft), 7 bed dwellinghouse (C3) and associated re-landscaping following the demolition of existing house.					
<b>Recommendation:</b>		Grant conditional permission subject to a Section 106 Legal Agreement			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	Multiple site notices were displayed near to the site on 07/10/2016 (consultation end date 28/10/16).  An objection letter was received from the owners / occupiers of no. 14B Avenue Road. Their concerns can be summarised as follows: 1) Concerned about the stability impacts upon the adjacent property  <b><u>Officer's response:</u></b> 1) Please see paras.3.35 – 3.38			
Avenue Court Residents Association	The concerns can be summarised as follows: 1) Excavations will lead to flooding and water flow issues 2) Development would undermine the foundations of adjacent 1930's block 3) If mindful to approve, the development must be subject to highly stringent conditions to mitigate against damage to property  <b><u>Officer's response:</u></b> 1) Please see paras.3.35 – 3.38			
City of Westminster	Does not wish to comment on the proposed development.			

## Site Description

The application site, No. 16 Avenue Road, is a single family dwellinghouse located on the northern side of the road. The property is a large, detached dwelling of brick build and constructed with an Arts and Crafts architectural vernacular. It is sited within a large plot with substantial gardens to the rear and a large driveway to the front. Two 'Tree of Heaven' (*Ailanthus altissima*) trees had previously been located to the front of the property and were protected by Tree Preservation Orders. It would appear that these trees were removed approximately 8 years ago. There are also a number of mature trees on the adjacent site of Avenue Court.

The property is not statutorily or locally listed, and the application site does not fall within a conservation area. The south side of Avenue Road, however, marks the boundary of both the Borough of Westminster as well as the 'St John's Wood' Conservation Area falling within this neighbouring borough.

Despite its Arts and Crafts style, during the site visit it was evident that the property was relatively modern (estimated as inter-war period), with further extensions and modifications having been completed in the mid 1990's. The property is characterful and of an attractive design which remains in keeping with those dwellings within the neighbouring borough's conservation area, however is in stark contrast to the flatted development located immediately adjacent to the site to the west, north and east.

## Relevant History

**9500957:** Planning permission was granted on the 15/12/1995 for the 'Erection of a single storey extension at the rear ground floor erection of railings and gates at the front boundary wall and other external alterations in connection with the use of the property as one single family house'

**J8/12/1/3366:** Planning permission was granted on the 15/03/1961 for the 'Erection of enclosures on both sides of the frontage of 16, Avenue Road, N.W.8, comprising wrought iron gates and brick walls exceeding seven feet in height'

## Relevant policies

### National Planning Policy Framework (2012)

### London Plan (2016)

### LDF Core Strategy and Development Policies (2010)

- CS1 Distribution of growth
- CS3 Other highly accessible areas
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS11 Promoting sustainable and efficient travel
- CS13 Tackling climate change through promoting higher environmental standards
- CS14 Promoting high quality places and conserving our heritage
- CS15 Protecting and improving our parks and open spaces and encouraging biodiversity
- CS18 Dealing with our waste and encouraging recycling
- CS19 Delivering and monitoring the Core Strategy

- DP2 Making full use of Camden's capacity for housing
- DP3 Contributions to the supply of affordable housing
- DP5 Homes of different sizes
- DP16 The transport implications of development
- DP17 Walking, cycling and public transport
- DP18 Parking standards and limiting the availability of car parking
- DP19 Managing the impact of parking
- DP20 Movement of goods and materials
- DP21 Development connecting to the highway network
- DP22 Promoting sustainable design and construction
- DP23 Water
- DP24 Securing high quality design
- DP26 Managing the impact of development on occupiers and neighbours
- DP27 Basements and lightwells
- DP28 Noise and vibration
- DP29 Improving access

### **Camden Planning Guidance**

- CPG 1 – Design (2015)
- CPG 2 – Housing (2016)
- CPG 3 – Sustainability (2015)
- CPG 4 – Basements and lightwells (2015)
- CPG 6 – Amenity (2011)
- CPG 7 – Transport (2011)
- CPG 8 – Planning Obligations (2015)

## **Assessment**

### **1. Introduction**

- 1.1. Planning permission is sought for the demolition of the existing dwelling and its replacement with a 2 storey (plus basement and loft), 7 bed dwellinghouse and associated re-landscaping to the front and rear of the site. The proposed replacement dwelling would be constructed of brick and would feature a tiled crown roof with dormer windows to all sides. Beneath the dwelling would be a substantial basement to provide additional habitable space, a swimming pool and garage / car showroom accessed via a car lift to the front driveway.

### **2. Revisions**

- 2.1. Although revisions to the scheme were not sought during the course of the application, it should be noted that following (and in light of) pre-application advice, the scheme was amended to reduce the width of the proposed basement in order to retain front and side margins as well as further reductions to the visual manifestations of the basement at ground floor level. The area of soft landscaping to the front was also increased in order to improve the setting of the dwelling as well as help to justify the amount of onsite parking spaces by restricting the amount of driveway space

### **3. Assessment**

- 3.1. The principal considerations material to the determination of this application are as follows:

- The principle of the development;
- The visual impact upon the character and appearance of the local area and the adjacent conservation (Design and Heritage)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
- Standard of accommodation;
- Transport;
- Trees and landscaping;
- Nature conservation and biodiversity;
- Energy, sustainability and water;
- Basement considerations; and
- Planning Obligations.

### **Principle of the development**

- 3.2. The existing dwelling at the application site is not listed and nor is it within a conservation area. The proposed development would not result in a net loss or gain of dwellings, although the replacement dwelling would be larger in terms of floor space.
- 3.3. The property dates from the early/mid-20<sup>th</sup> century and therefore, in line with Policy DP22 (Promoting sustainable design and construction), the proposal to demolish and replace the dwelling must be fully justified in terms of the use of resources and energy, and the energy and water efficiency of the existing and proposed buildings. Consequently a draft sustainability report was submitted alongside the application which has confirmed that the retention of the existing dwelling has been explored, and that the proposed demolition could be facilitated in accordance with the Council's policies regarding the recycling of materials and diversion of waste from landfill.
- 3.4. The principle of the demolition and replacement of a dwellinghouse in this location is not objectionable, subject to the other considerations outlined below:

### **Design and Heritage**

- 3.5. The St John's Wood Conservation Area within the adjoining Borough of Westminster runs along the opposite (south) side of Avenue Road to the application site and the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Special regard therefore needs to be paid to the setting of the conservation area and any harm thereto.
- 3.6. The development pattern to the south side of Avenue Road (Westminster) is generally one of spacious detached properties set back from the road with large rear gardens and front gardens featuring driveways and landscaping. This is also true of the north side of the street further along the street; however, the application dwelling is unusually surrounded on three sides by larger grain, modern development and does not appear characteristic within its immediate vicinity
- 3.7. The replacement dwelling would occupy a similar position within the application site to the existing dwelling and has been design to follow roughly the same visual massing, approximate ridge height and foot print as the existing dwelling. Compared to existing as well as the other detached dwellings along the street, the proposed dwelling would not appear out of character and would still sit comfortably within its generous plot; maintaining the characteristic set back form the road as well as a generous rear garden area. The proposed replacement dwelling would replicate the

existing architectural vernacular and many of the existing features such as the two prominent front bays, front roof slope design, porch and brick coursing and quoin details have been replicated in the proposed design. The replacement dwelling would have an additional 982 square metres of floor space compared to the existing; this would primarily be accommodated within the roof space and proposed basement, although there would also be slight increases to the depth of the property to the rear at ground and first floor levels.

- 3.8. The proposed basement would extend beyond the footprint of the main dwelling: it would extend out to the rear, below part of the rear garden as well as out to the front of the site. CPG4 notes that any exposed area of basement (i.e. lightwells /skylights) should be subordinate to the host building and should respect the original design and proportions of the building. In this case, the only manifestation of the basement above ground would two lightwells to provide light to the lower ground, which would be located towards the northern side boundary of the site at the side and rear of the dwelling. Given the large size of the basement, this represents a relatively modest above-ground manifestation and the lightwells would not overly draw attention to the subterranean development, would be well concealed and only visible from within the site itself.
- 3.9. Overall the proposed design of the replacement dwelling is considered appropriate, appearing similar enough to the existing dwelling to avoid any undue impact upon the streetscene and remaining in character with those properties in the adjacent conservation area. On the basis that the majority of the extra floor space would not be discernible externally, it is not considered that the replacement dwelling would appear overly large and, given the lack of public viewpoints, neither would it detract from or appear out of keeping with the surrounding pattern of development. It is also not considered that the development would cause harm to the setting of the adjacent conservation area.

### **Residential Amenity**

- 3.10. The main residential properties that could potential be affected by the proposed development are those that are immediately adjacent to the application site; namely the flats within the southern wing of Avenue Close (nos.20-33) as well as nos.14d and 14e Avenue Road. All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be unacceptably affected by the proposal.
- 3.11. The replacement dwelling would also be two storeys tall with a habitable roof and would occupy a similar position within the plot and follow a similar footprint to the existing dwelling.
- 3.12. In terms of outlook and daylight, the proposed dwelling would follow the same building line and roughly the same massing to existing along the side facing towards 14a-h Avenue Road, and it is not considered that the resulting massing would lead to a reduction in outlook from these adjacent properties. Due to the orientation and set back from these properties, it is also not considered that the replacement dwelling would lead to any loss of light into these adjacent properties. As the units on the southern wing of Avenue Close feature habitable room windows that look towards the site, initial concern was raised in relation to the additional massing at first floor level to the rear. The flat roof additional bulk at first floor level has, however, been designed in order to sit well below the eaves level of the two storey side return as well as being set away from the shared boundary with Avenue Close (13m), meaning that this element would cause minimal impact on the outlook from the facing habitable room windows. In order to demonstrate that the proposed dwelling would not cause loss of light to any adjacent property, a daylight/sunlight assessment has been submitted as part of the application which establishes that all windows on neighbouring properties will continue to meet all of the relevant BRE standards in terms of the amount of daylight and sunlight. By virtue of its scale, design and siting, it is therefore not considered that the replacement dwelling would appear overbearing to any of the neighbouring properties, or

cause any undue loss of outlook, daylight or sunlight.

- 3.13. In terms of privacy, the proposed dwelling would feature no.1 habitable room window (bedroom 7 at 2<sup>nd</sup> floor level) that would face towards existing habitable room windows within 20-33 Avenue Close with a distance of 8.5m. Although this view would be partially obscured by existing trees, a condition is recommended that this window should be obscure glazed in order to ensure that this does not result in overlooking. All other side windows at first and second floor levels would either face towards the communal areas of 14 Avenue road or the flank elevations of nos.14d and the rear facing windows would not lead to any direct overlooking. The scheme would include the provision of a first floor terrace to the rear; however, this would be screened along both sides, allowing users views towards the rear only. Subject to the submission of details of this screening (which can be secured by condition), this terrace is not considered to lead to any harmful impact upon privacy.
- 3.14. As the replacement dwelling would automatically benefit from permitted development rights for a variety of forms of development by virtue of the General Permitted Development Order, a condition is recommended that removes particular classes from these permitted rights in order to ensure that future development does not undermine the amenities of neighbouring residents, lead to an overdevelopment of the site, or allow for additional on-site parking to be created without permission. As such it is recommended that permitted development rights regarding further extension of the dwellinghouse (Class A); erections of outbuildings (Class E); as well as the formation of new hardstandings (Class F) are removed in order to ensure that the Council maintains control of such works. These restrictions are considered necessary so as to avoid future development undermining the current assessment in relation to the Council's policies DP18, DP19, DP24 and DP26. The development permitted under the other Classes within Part 1, or Part 2 of that schedule are not considered to present significant enough harm to warrant their removal in this instance.
- 3.15. In terms of noise, the proposed facilities at lower ground floor level would necessitate the use of plant equipment. The proposed plant equipment would be located within a plant room below the basement at 'sub-basement' level as well as within a small enclosure at the eastern end of the rear garden. The accompanying Noise Impact Assessment Report (dated Sept 2016) confirms that, subject to appropriate attenuation methods, the proposed plant equipment can be operated whilst maintaining an appropriate level of background noise for both residents within the host building and also neighbouring properties. In order to ensure that these proposed attenuation methods achieve the levels predicted within this report, a condition is recommended to require the submission of a post installation noise report which demonstrates that the external noise level emitted from plant will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal prior to use of the dwelling.
- 3.16. 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, the Council will seek the submission of a Construction Management Plan (CMP), which will be secured by the legal agreement. The applicant has submitted a draft CMP as part of their application which was reviewed by Council's Transport team, no objections to the draft CMP were raised at this stage.

### **Standard of Accommodation**

- 3.17. Policy DP26 requires new development to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space; facilities for the storage, recycling and disposal of waste; facilities for bicycle storage; and private outdoor amenity space. Although the proposal would include the provision of habitable rooms at lower ground floor

level, it has been demonstrated via the submitted daylight/sunlight assessment that these rooms would benefit from adequate levels of natural light and, as these spaces would not be self-contained, would also benefit from the use of the facilities at all other levels and is thus not objectionable in this instance. The proposed dwelling would provide for a standard of accommodation which would greatly exceed the national minimum standards and would include adequate provision for waste and recycling. Overall it is considered that the proposed new dwelling would provide a high standard of accommodation for future occupiers.

- 3.18. Regarding access arrangements, policies CS6 and DP6 require all new build housing developments to be accessible and adaptable for wheelchair users. Due to the removal of lifetime homes standards, the Council thus expects new dwellings to meet Building Regulations standard M4 (2). The proposed dwelling would feature step free access and would include a lift which would serve all floors. It is therefore considered likely that the dwelling would be easily adaptable for wheelchair users and a condition is recommended to ensure compliance with part M4 (2) of Building Regulations.

## **Transport**

- 3.19. The application site has a Public Transport Accessibility Level (PTAL) rating of 2 and it is within a Controlled Parking Zone (CA-J - Primrose Hill) which operates between 08:00–18:00 Monday to Friday. Policy DP18 seeks to ensure that developments provide the minimum necessary car parking provision and the Council expects development to be car free/capped areas within Controlled Parking Zones.
- 3.20. The proposed scheme would not include any additional residential dwellings and as such the Council's car free policy does not therefore apply. The dwelling currently features a very large front driveway with two crossovers from Avenue Road and the submitted parking assessment has shown that the existing driveway could accommodate no.9 cars. The proposed scheme would incorporate a car stacker lift and car showroom at lower ground level which could accommodate a maximum of no.5 cars and the area of landscaping at the front of the site has been increase to reduce the area of front driveway to mean that a maximum of no.4 cars could be accommodated at this level.
- 3.21. Whilst the Council would not normally support proposals for car stackers (as this contravenes aims to provide the minimum necessary parking provision and promote sustainable transport), based on the fact there would be no increase in the amount of parking available at the site, it is considered to be acceptable in this case. It should also be noted that the applicant intends the showroom at lower ground floor level to be for the display of vehicles which would not be in regular use. Indeed due to the size of the basement, vehicles parked would not be easily accessed if any more than 2 car were parked at this level and as such it is considered that the number of usable spaces for vehicles would actually be reduced on site.
- 3.22. Furthermore, in order to ensure that the occupiers of the replacement dwelling would not use further spaces within the CPZ, exacerbating its pressure; the applicant has confirmed that they would be willing to enter into a car-capped legal agreement (i.e. the future occupiers would have no access to on-street parking permits). This would prevent the proposed development from having an impact on parking stress within the controlled parking zone, which is welcomed.
- 3.23. In terms of cycle storage, the new dwelling would include no.2 internal parking spaces (at lower ground floor level accessed via the car stacker lift) as well as a further no.8 external parking spaces to the side of the property. This provision is not objectionable and is considered to be in

accordance with the requirements of the London Plan 2016.

## **Trees and Landscaping**

- 3.24. The Council's policy regarding design (DP24) states that proposed development should not harm the built *or natural* environment, and that new development should respond to the natural assets of the site and its surroundings. With regard to planting and trees, the CPG4 states that sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. These margins should be wide enough to sustain the growth and mature development of the characteristic tree species and vegetation of the area.
- 3.25. In this case, the local area is characterised by large gardens with mature trees and planting and a considerable amount of green space to most of the surrounding residential dwellings and flatted developments. There are a number of mature trees adjacent to the site within Avenue Close, particularly along its side boundary (including one TPOs to the front of the site), and these trees are considered to make a valuable contribution to the character and appearance of the area. Within the site itself, towards the rear are a number of trees; however, these are of lower quality and make a lesser contribution. As aforementioned, two 'Tree of Heaven' TPO trees had previously been located to the front of the property and were removed approximately 8 years ago.
- 3.26. The proposed scheme would result in the loss of no.4 trees to the rear of the site, however the set back of the basement from the side boundary has been informed by an arboricultural report (dated Sept 2016) so as to ensure that the prominent, mature trees along the side boundary with Avenue Close would not be disrupted and that sufficient margins to allow for mature development are retained. The no.4 trees that would be lost to the rear garden of the site include: no.1 sweet bay (category C); no.2 limes (category C – both of which have been heavily pruned into 'totems'); and no.1 hawthorn (category U). This report has been reviewed by the Council's Trees and Landscape Officers, and no objection was raised to the loss of these trees due to their limited contribution as well as their lower categorisation, subject to an appropriate re-landscaping scheme. Whilst a draft landscaping scheme was submitted and was found to be broadly acceptable, a condition is recommended for the submission of a full landscaping plan in order for full details to be secured.
- 3.27. The Council's Trees Officers were also satisfied that the submitted arboricultural report has comprehensively demonstrated that the excavations on site would not cause disruption to the more prominent, mature trees within Avenue Close and that adequate protection measures had been recommended in order to ensure that damage is avoided during construction. A condition is recommended to ensure the protection measures outlined in this report are adhered to during construction. Further to the considerations set out within the 'Energy, sustainability and water' section of the report, a condition is also recommended for the submission of a full drainage plan – in part so as to ensure that the excavations for services do not run within the RPAs of the adjacent mature trees in Avenue Close.
- 3.28. Regarding the lost TPOs to the front of the site, the applicant has confirmed that they would be willing to replant mature trees in this location in order to restore this characteristic vegetation feature. Following discussions between the Council's Trees Officers and the applicant's arboriculturalists, it was agreed that this replanting might present an opportunity to replant with native species that is better suited to the site than the removed Tree of Heaven (*Ailanthus altissima*). In order to secure this formally, a condition is recommended regarding the submission of details for tree replanting (separate from the landscaping condition). It should also be noted that, as mentioned in section 13.16, the area of landscaping to the front of the site has been increased to minimise street level parking, but that this in turn will allow for these replaced trees to

be better sustained.

### **Nature conservation and biodiversity**

- 3.29. Due to the proximity of the site to the green open spaces of Regents Park and Primrose Hill as well as the significant area of rear garden, at pre-app stage the applicants were informed that they would need to submit evidence that the development would not cause harm to biodiversity or habitats, particularly for statutorily protected species. As such, an ecology appraisal report (dated Sept 2016) was submitted as part of the application in order to establish the ecological value of the site and its potential to support notable and/or legally protected species. This report found that the existing site had negligible potential to provide habitat for any protected species, including bat roosts or bat migration routes which was confirmed via surveys. This report did, however, recommend that bird nest boxes and bat boxes as well as living roofs should be integrated into the building or affixed to suitable mature trees so as to enhance the existing provision for local fauna. It also recommended that lighting schemes should be sensitively designed so as to ensure that they are not detrimental to wildlife and that the felling of any trees should be completed outside of breeding season. A condition will thus be recommended for details of nesting boxes for birds and bats within the site in line with this report.
- 3.30. With regard to the provision of living / green roofs, the proposed scheme includes an area of flat roof to the single and two storey rear elements to which a green roof would be installed (approximate area of 59sqm). Whilst this provision is welcomed, at present a sedum roof type is proposed and no details of substrate type or depth or maintenance have been submitted. As outlined in the Camden Biodiversity Action Plan document, the Council's preference for living roofs to be biodiverse extensive roofs with a deeper (and preferably variable depth) substrate type. As such a condition is recommended for the submission and approval of further details of the green roof and its on-going maintenance prior to the occupation of the building.

### **Energy, sustainability and water**

- 3.31. Policy CS13 notes that the Council will require all development to take measures to minimise the effects of, and adapt to, climate change and encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy DP22 requires development to incorporate sustainable design and construction measures and it requires the incorporation of green or brown roofs, wherever suitable.
- 3.32. Policy 5.2 (Minimising carbon dioxide emissions) of the Further Alterations to the London Plan introduces a carbon dioxide reduction target for new development to make a 35% improvement on the 2013 building regulations. It recommends that the energy hierarchy be followed: energy efficiency, decentralised energy, renewable energy technologies.
- 3.33. Submitted alongside the application is a combined Sustainability and Energy Statement which, combined with correspondence between the applicant's consultants and the Council's Sustainability Officers, outlines the strategy for achieving these baseline requirements for the proposed development. Incorporated into this strategy are a range of measures for increased energy efficiency methods as well as the provision of renewable energy in the form of PV solar panels as well as a CHP plant located at lower ground floor level. The scheme would also incorporate green roofs as previously outlined as well as SuDS provision to offset the impact to subterranean water flows caused by the basement level structure.
- 3.34. The submitted information demonstrates that the combined measures result in a reduction in CO<sub>2</sub> levels of 35.5% reduction over Part L1A 2013 following the energy hierarchy as required by

the London Plan Policy 5.2. This saving will be secured via a s106 legal agreement for energy and sustainability plans, which the applicant has confirmed they would be happy to agree to. In order to ensure that adequate mitigation measures are incorporated into the proposed CHP so as to ensure that the use of this equipment does not result in any negative impacts to local air quality, a condition it recommended for the submission of an Air Quality Assessment prior to the first use of the dwelling.

- 3.35. A condition is also recommended for the submission of full details of the proposed PV cells so as to ensure that they are able to achieve the stated outputs.
- 3.36. The accompanying Sustainability and Energy Statement notes that the development will be capable of achieving a maximum internal water use of 105 litres a day (plus an additional 5 litres for external water use), which can be secured through a planning condition.
- 3.37. The proposed SuDS specification is confirmed to be able to limit run-off to 4.86l/s for the 100 year + Climate Change event, in line with London Plan requirements, which provides a significant reduction in run-off when compared to the existing level (7.36l/s). In order to ensure that the proposed SuDs system achieve the stated levels of water retention rates; a condition for further details of this system is recommended.

### **Basement considerations**

- 3.38. Policy DP27 states that the Council will only permit basement and other underground development that does not cause harm to the built and natural environment or local residential amenity and does not result in flooding or ground instability. The Council's 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.
- 3.39. As mentioned above, the proposed dwelling would include a basement which would extend beyond both the front and rear building lines of the property and would include a sub-basement to accommodate the plant equipment necessary for the swimming pool and car lift. This, combined with the fact that the site is subject to an underground development constraint (surface water flow and flooding), resulted in a requirement for the submitted BIA report to be independently assessed by a third party (Campbell Reith –CR), to satisfy the Council that the development would not lead to any unacceptable impacts on the land stability, groundwater flows and surface flows of the area in line with the requirements of CPG4.
- 3.40. Campbell Reith issued their audit of the applicants submitted BIA and conclude that *"The BIA was excellent and, assuming that the works proceed in accordance with the recommendations presented, we are satisfied that the criteria contained in CPG4 and DP27 have been met"*. Within the audit report itself, CR find that:
- there is a very low risk of groundwater flooding at the site or impact to the wider hydrogeological environment by virtue of the site lying directly on a designated non-aquifer;
  - by virtue of the proposed flood risk mitigation measures, the scheme offers benefit to the wider hydrological environment;
  - due to the higher topography of the site compared to the adjacent street the proposed

basement is at very low risk of flooding (assuming that the proposed waterproofing, attenuation SUDS and flood risk mitigation measures proposed are implemented, along with the recommendations given);

- that there are no land stability impacts related to slopes; and
- there are no land/structural stability issues relating to the proposed development (assuming guidance presented within the BIA is followed).

3.41. Campbell Reith concludes that the BIA adequately identifies the potential impacts from the basement proposals and provides suitable mitigation. Based on the expert advice from Campbell Reith, the proposal accords with the requirements of Policy DP27 and CPG4. The application is therefore considered to be acceptable in this respect.

3.42. As the proposal would involve basement excavations within close proximity to the footway directly adjacent to the site, a head of term of the s106 is recommended to require the submission of an 'Approval In Principle' (AIP) report to the Council's Highways Team within Engineering Services as a pre-commencement obligation in order to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations.

### **Planning Obligations.**

3.43. Conditional planning permission is recommended subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:

- Construction Management Plan
- Approval In Principle report
- Highways works contribution
- Car-capped development
- Energy Efficiency and Renewable Energy Plan

**Recommendation:** Grant conditional permission subject to s106 legal agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 9<sup>th</sup> January 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Savills  
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London  
W1G 0JD

Application Ref: **2016/5375/P**

05 January 2017

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**16 Avenue Road  
London  
NW8 6BP**

Proposal:  
Erection of a 2 storey (plus basement and loft), 7 bed dwellinghouse (C3) and associated re-landscaping following the demolition of existing house.

Drawing Nos: (Prefix 1611-FE-): 100 rev A, 011 rev 0, 012 rev 0, 013 rev 0, 014 rev 0; 210 rev F, 211 rev P, 212 rev R, 213 rev K, 214 rev G, 220 rev G, 221 rev G, 225 rev L; 261 rev 0, 262 rev 0, 263 rev 0.

Supporting Documents: Arboricultural Assessment report ref WCEL/PEW/AIA/0708:16 rev 1 (dated Sept 2016); Ecological Appraisal report (dated Sept 2016); Draft Landscaping report (dated 9th Sept 2016); Noise Impact Assessment report ref 2932\_001R\_1-0 (dated Sept 2016); Areas Scheme report rev L (dated 29 Sept 2016); Sustainability Strategy ref 1609-27ba (dated 30 Sept 2016); Daylight and Sunlight report ref 11004 (dated Sept 2016); Strategic Summary of Mechanical and Electrical Building Services report (dated 30 Sept 2016); Planning Statement (dated Sept 2016); Design and Access statement (prepared by Wolfe architects Sept 2016); Structural Engineering Report and Subterranean Construction Method Statement rev P3 (dated Sept 2016); Drainage Strategy and SuDS Statement rev P2 (dated Sept 2016); Flood Risk Assessment rev P2 (dated Sept 2016); Desk Study & Basement Impact Assessment 116255/R1.1 (dated Sept 2016); Parking Provision assessment (160729-05a); Indicative front garden landscape plan (dated 25/08/16).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

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

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

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

(Prefix 1611-FE-): 100 rev A, 011 rev 0, 012 rev 0, 013 rev 0, 014 rev 0; 210 rev F, 211 rev P, 212 rev R, 213 rev K, 214 rev G, 220 rev G, 221 rev G, 225 rev L; 261 rev 0, 262 rev 0, 263 rev 0.

Supporting Documents: Arboricultural Assessment report ref WCEL/PEW/AIA/0708:16 rev 1 (dated Sept 2016); Ecological Appraisal report (dated Sept 2016); Draft Landscaping report (dated 9th Sept 2016); Noise Impact Assessment report ref 2932\_001R\_1-0 (dated Sept 2016); Areas Scheme report rev L (dated 29 Sept 2016); Sustainability Strategy ref 1609-27ba (dated 30 Sept 2016); Daylight and Sunlight report ref 11004 (dated Sept 2016); Strategic Summary of Mechanical and Electrical Building Services report (dated 30 Sept 2016); Planning Statement (dated Sept 2016); Design and Access statement (prepared by Wolfe architects Sept 2016); Structural Engineering Report and Subterranean Construction Method Statement rev P3 (dated Sept 2016); Drainage Strategy and SuDS Statement rev P2 (dated Sept 2016); Flood Risk Assessment rev P2 (dated Sept 2016); Desk Study & Basement Impact Assessment 116255/R1.1 (dated Sept 2016); Parking Provision assessment (160729-05a); Indicative front garden landscape plan

(dated 25/08/16).

Reason:

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

- 4 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include any proposed earthworks (including grading, mounding and other changes in ground levels as well as proposed substrate type and depth), details of wildlife features plus new planting for biodiversity and habitat. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

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

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

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

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

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

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

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

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

- 10 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 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 5dBA, by 10dBA 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. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 11 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies

- 12 Prior to the commencement of works, details of replacement tree planting (including details of replanting species, position, date and size, where applicable) shall be submitted to and approved by the local planning authority.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies

- 13 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted documents as being removed, shall be retained and protected from damage in accordance with the recommendations of the submitted Arboricultural Assessment report ref WCEL/PEW/AIA/0708:16 rev 1 (dated Sept 2016).

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

- 14 Any trees on or immediately adjacent the site which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

- 15 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2016 and Camden Planning Guidance 2006 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 16 The replacement dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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

- 17 Prior to commencement of development (excluding demolition and site preparation works), full details of the combined heat and power unit (CHP) stack and its height relative to the mechanical ventilation air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from roads and the CHP stack to protect internal air quality.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 18 Prior to commencement, full details of an air quality assessment must be submitted and approved by the Local Planning Authority. The assessment must show the development meets the Mayor's 'air quality neutral' requirements and that the proposed CHP plant complies with the emissions standards as set out in the Mayor's Sustainable Design and Construction SPG. Details of any necessary NO<sub>2</sub> abatement mechanisms shall be submitted to the Local Planning Authority and approved in writing. If the air quality assessment demonstrates that CHP is not suitable for the scheme then carbon reduction targets will need to be met through other means.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. To protect the amenity of residents in accordance with DP26, London Plan policy 7.14

- 19 Details of the design of site drainage layouts, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority before any works on site are commenced. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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

- 20 Privacy screens, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected along either side return of the proposed first floor rear terrace prior to commencement of its use and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 21 Prior to the occupation of the dwelling, the second floor northern side dormer window serving bedroom 7 shall be obscured and fixed shut to a height of 1.7 metres above the floor level of the room. The obscure glazing shall be permanently retained thereafter.

Reason: In order to prevent overlooking of the neighbouring occupiers in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the

Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website

[http://www.camden.gov.uk/ccm/content/contacts/council-](http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en)

[contacts/environment/contact-the-environmental-health-team.en](http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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

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

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

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

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Engineering Service Network Management team (tel: 020-7974 2410) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

- 6 Further guidance regarding the designing of living roofs is available in the Camden Biodiversity Action Plan: Advice Note on Living Roofs and Walls.
- 7 You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre. This is in order to support the collation of ecological data to assist future decision making, and support the objectives of the Camden Biodiversity Action Plan 2013-18
- 8 If more than 1 year passes between the most recent breeding bird survey and the commencement of works, an updated survey must be undertaken immediately prior to commencement of works by a suitably qualified ecologist. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. To ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate