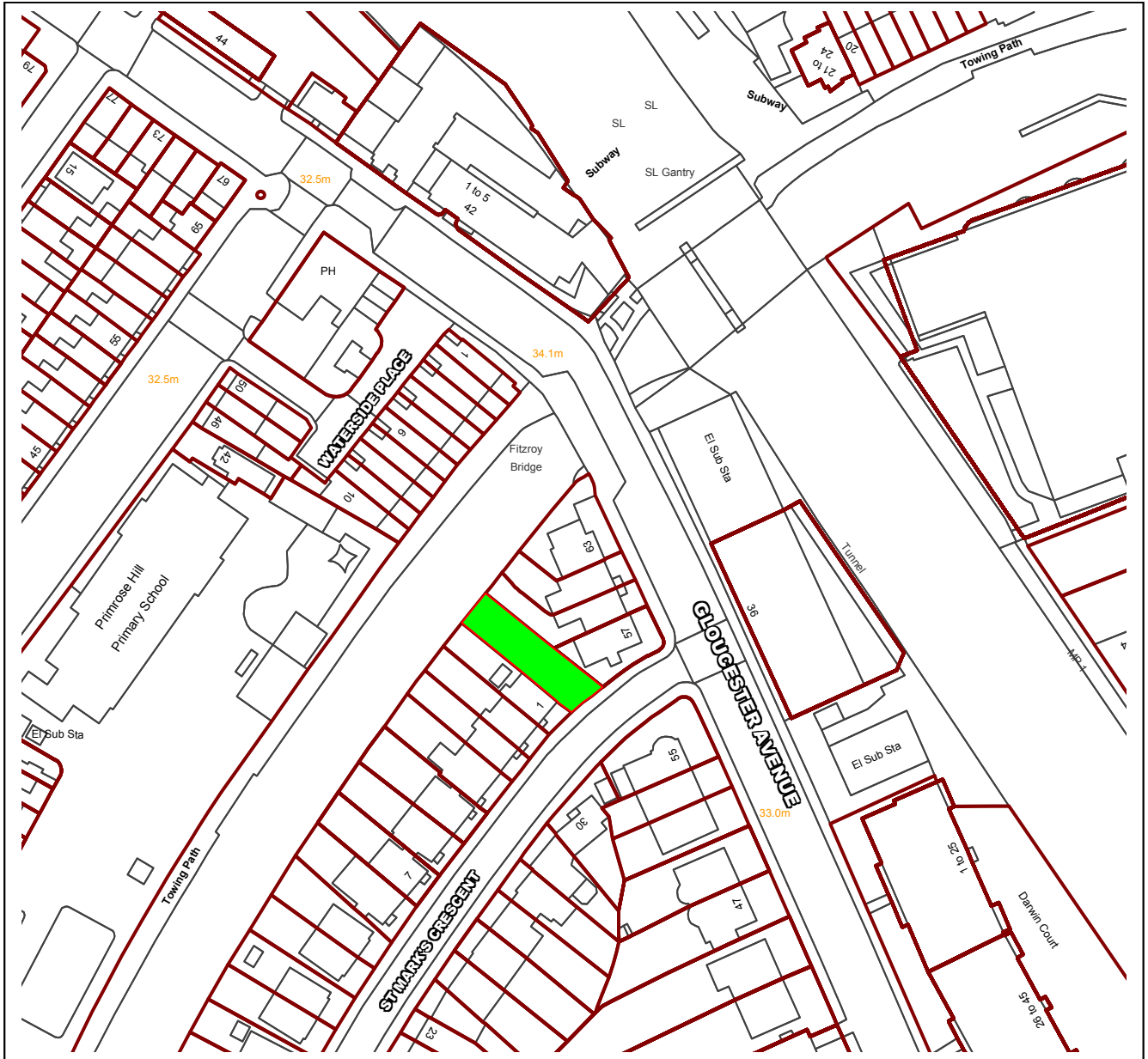


# 31 St Mark's Crescent, London, NW1 7TT

2017/1534/P - Excavation of a basement extension to single-family dwelling (Use Class C3) including no.1 rear lightwell and associated alterations to rear garden level.



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# 31 St Mark's Crescent, London, NW1 7TT

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## Site Photographs:

(1) Aerial photo 1 (from the North)



(2) Aerial photo 2 (from the South)



*(3) Front Elevation #1*



*(4) Front elevation #2 / view to no.57 Gloucester Avenue  
(5) Front elevation #3 / view to no.1 St Mark's Crescent*



(6) Rear elevation #1

(7) Rear elevations of nos. 1&2 St Marks (adjacent sites)



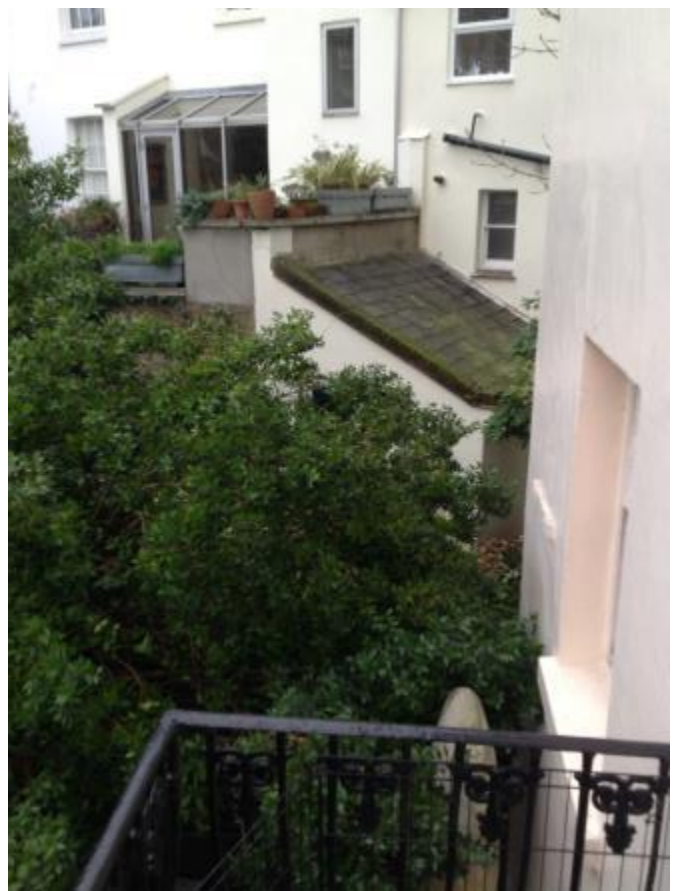
(8) Rear garden / elevation viewed from canal towpath #1



(9) Rear garden / elevation viewed from canal towpath #1



(10) View from existing terrace #1  
(11) View from existing terrace #2



(12) Existing front lightwell fenestrations



(13) Lower ground floor courtyard to no.57 Gloucester Avenue  
(14) Opposing flank elevation of no.57 Gloucester Avenue



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	18/05/2017
		N/A / attached	<b>Consultation Expiry Date:</b>	20/04/2017
<b>Officer</b>			<b>Application Number(s)</b>	
John Diver			2017/1534/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
31 St Mark's Crescent London NW1 7TT			See 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>				
Excavation of a basement extension to single-family dwelling (Use Class C3) including no.1 rear lightwell and associated alterations to rear garden level.				
<b>Recommendation:</b>		Grant conditional permission subject to s106 legal agreement		
<b>Application Type:</b>		Householder Application		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Summary of consultation:</b>	<p>Two site notices were displayed near to the site on the 29/03/2017 (consultation end date 19/04/2017).</p> <p>The development was also advertised in the local press on the 30/03/2017 (consultation end date 20/04/2017).</p>			
<b>Adjoining Occupiers:</b>	No. of responses	<b>07</b>	No. of objections	<b>07</b>
<b>Summary of consultation responses:</b>	<p>7 letters of objection were received from, or on behalf of the owners/occupiers of 11 St Mark's Crescent, 10 Waterside Place and 59 and 61 Gloucester Avenue. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> <li>(1) St Mark's Crescent is a special environment with unique conditions</li> <li>(2) Concern that moored barges would be unsightly from the canal towpath</li> <li>(3) Concerns regarding the structural implications of the works in relation to the canal waterway due to previous damage and root network of removed tree</li> <li>(4) Concern that procedure to secure permission from the Canals and Rivers Trust has not been forthcoming and that due consideration has not been paid in relation to the potential damage caused to the canal</li> <li>(5) Concern due to proximity of excavation to structures/extensions to adjacent properties</li> <li>(6) Concern that structural report has not properly considered impact to rear extension of nearby dwellings and that survey has not factored these structures into account</li> <li>(7) Concern that the lowering of the garden level would impact upon adjacent wall and garden</li> <li>(8) Concern that development will result in additional surface water / flooding to adjacent properties</li> <li>(9) Neighbouring resident is elderly and is restricted in their movement. Another occupier of adjacent unit is a full time student. A lengthy building project with noisy works would therefore be very distressing and they could not escape this disruption</li> <li>(10) Construction process would be highly disruptive and could cause damage to parked cars - street is too narrow for HGVs.</li> <li>(11) Concern over the timescales for the construction process</li> <li>(12) To use the canal for the transportation of construction materials is unacceptable due to peaceful nature of this setting and wildlife value</li> <li>(13) The use of a conveyor belt and the mooring of canal barges across neighbouring gardens would prevent neighbours from using their gardens and cause distress.</li> <li>(14) Object to the use of temporary fencing for development</li> <li>(15) Objection that no tree survey has been undertaken.</li> <li>(16) No precedent for basement excavations along the street</li> <li>(17) Potential for future application to extend the property above the</li> </ol>			



basement for the same depth with 2-3 storeys

(18) Owners will need to pay the costs of party wall surveyors and structural engineers for surrounding houses

(19) Notes that historically, properties situated on top of the Primrose Hill Road Bridge had to be demolished due to water damage and the dangers posed to users of the train line below.

Officer's response:

*(1-2) Please see section 5 and sections 7.1- 7.2 of the report*

*(3-8) Please see sections 4.6 – 4.9 of the report*

*(9-14) Please see section 6.3 – 6.6 and 7.1 -7.2 of the report*

*(15) The proposed development would not project close to or within the RPA of any protected tree and as such an Arboricultural Impact Assessment is not required.*

*(16-17) The Council can only assess the proposed development, based upon its own merits. Any subsequent application for a 2-3 storey rear extension would still require planning permission and the Council would be able to apply its policies in the future to restrict any harmful works.*

*(18) Noted. The applicants will be reminded of their requirements under the Party Wall Act via an informative.*

*(19) The structural integrity of these element would not be affected by the proposed works as a result of the distances involved. Please also see sections 4.6 – 4.9 of the report.*

<p><b>Primrose Hill CAAC</b></p>	<p>A letter of objection was received on behalf of the Primrose Hill CAAC. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> <li>(1) The rear garden is visible from the public domain (the Canal towpath) and its green character is a key part of the history and character of the conservation area. The construction of the basement, lightwell, and lightwell enclosure would all harm this aspect of the conservation area.</li> <li>(2) Application fails to preserve or enhance the character of the conservation area and should therefore be resisted</li> <li>(3) We strongly oppose the alterations to the front area, which are harmful to the perceived character of the masonry structure of the building, and conflicts with the objectives of PH39 in detracting from the original design of the building</li> <li>(4) Proposed basement extends into the rear garden area, limiting the ecological value of this space</li> <li>(5) Plans do not show soil depth</li> <li>(6) Question whether the overriding concern of the NPPF to achieve sustainable development can be achieved in this location and given the impact on the rear garden without a SuDS assessment</li> <li>(7) Suggest that site may be likely to flood due to proximity to canal</li> <li>(8) The special circumstances and risks which result from the proximity to the Regent's Canal and the location of the basement below the Canal water level require special consideration</li> </ol> <p><u>Officer's response:</u></p> <p>(1-2) Please see section 5.1 - 5.8 of the report  (3) Please see section 2 of the report  (4-6) Please see sections 2, 4.7 and 5.6 of the report  (7-8) Please see sections 4.6 – 4.9 of the report</p>
<p><b>Canals and Rivers Trust:</b></p>	<p>Following a request for comment, the Canals &amp; Rivers Trust formally responded to state that the prime elements of concern include the impact on the structural integrity of the canal wall due to the proximity of the works to the canal as well as the potential for freight by water from the site.</p> <p>At the time of writing, the Trust confirmed that no application in accordance with the Code of Practice has been received from the applicant. As such the Trust requests that conditions and informatives are added to the decision to stipulate that:</p> <ul style="list-style-type: none"> <li>• a waterway wall (canal wall) survey and appropriate repairs are secured by condition, to ensure that there is no damage to the wall during construction, or loss of water from the canal into the proposed basement</li> <li>• that the developer be made to explore the feasibility of moving construction waste by canal to avoid additional road traffic in accordance with London Plan / Camden policies.</li> <li>• That two partly sunken rowing boats in the canal adjacent to the property, are removed</li> </ul> <p><u>Officer's response:</u></p> <p><i>A condition has been attached to the recommendations as requested. The</i></p>

*applicant will be made to explore the feasibility of moving construction waste by canal as well as removing adjacent detritus from the water way through the secured CMP.*

## Site Description

The application site refers to a 19th Century end of terrace dwellinghouse with accommodation arranged over lower ground, ground, first and second floor levels. The dwelling is located on the North side of St Mark's Crescent and the rear garden of the property abuts the Regents Canal to the North. The property is situated within a row of 5 dwellings (nos.31, 1, 2, 3 and 4 St Mark's Crescent). To the front the properties are of stucco finish and feature slate pitched roofs and flat roofed, single storey portico entrance ways. The two end properties (nos.31 and 4) also feature two storey front bays as well as 3 storey flat roofed side annexes.

The dwelling is not statutorily listed but is situated within the Primrose Hill Conservation Area. The dwelling is characteristic of the local area, being defined as making a positive contribution to the character of the CA by the Primrose Hill Conservation Area Statement (2000). There are no trees protected by Tree Preservation Orders within the application site. The site is located next to a water course however is not within the Environment Agency's Flood Zones 2 or 3. The application site is however subject to a number of underground development constraints including slope stability; ground water flows and surface water flows.

## Relevant History

The planning history for the application site can be summarised as follows:

**2017/2684/P:** Certificate of lawfulness (proposed) was granted on the 12/06/2017 for the 'Alteration to rear fenestrations of the closest wing of dwellinghouse (C3) to provide full height picture window'.

**2016/7071/P:** Planning permission was granted on the 14/03/2017 for the 'Alterations to the dwelling house including: the erection of single storey rear extension with terrace above; replacement of timber framed sash windows with double glazed, matching windows to front and rear elevations; installation of no.4 rooflights to main roof; alterations to fenestrations and height of side annex as well as front lightwell'

## Relevant policies

### National Planning Policy Framework (2012)

### The London Plan (2016)

### Camden Local Plan (2017)

- G1 - Delivery and location of growth
- A1 Managing the impact of development
- A3 Protection, enhancement and management of biodiversity
- A4 Noise and vibration
- A5 Basements and Lightwells
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change

- CC3 Water and flooding
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

#### **Camden Planning Guidance:**

- CPG 1 – Design
- CPG 4 – Basements and lightwells
- CPG 6 – Amenity
- CPG 7 – Transport
- CPG 8 – Planning Obligations

#### **Primrose Hill Conservation Area Statement (2000)**

#### **Camden Geological, Hydrogeological and Hydrological Study**

### **Assessment**

#### **1. The proposal**

1.1. Planning permission is sought for the excavation of a basement extension to the existing single family dwellinghouse. The basement would extend below the full footprint of the dwelling as well as 3.5m beyond the rear elevation of the property into the rear garden area. The proposed basement would also include no.1 rear lightwell. The basement would be single storey in depth (floor to ceiling of 2.8m below dwelling and 2.2m to rear projection) and would not project beyond the front elevation of the dwelling. The proposal would also include the lowering of the rear garden level to the existing lower ground floor level for a section of the rear garden.

#### **2. Revisions**

2.1. It should be noted that during the course of the assessment revisions to the proposed scheme were requested in order to appease concerns raised by Officers'. The revisions made to the proposed scheme can be summarised as follows:

- A reduction to the scale of the proposed rear lightwell (the position of this element was also amended)
- Omission of the proposed window to the front elevation at lower ground floor level
- Revisions to secure inclusion of substrate to a minimum depth of 1m above the proposed basement

2.2. The revisions made to the scheme did not materially affect the scheme and as such were accepted as revisions under the on going application. As will be outlined in following sections, the BIA audit process also involved several negotiations to secure full details

#### **3. Assessment**

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

- The principle of basement development (Basement construction – Section 4)
- The visual impact upon the character and appearance of the host property, streetscene, local area and the Primrose Hill Conservation Area (Design and Conservation – Section 5)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential

#### Amenity – Section 6)

- The implications upon local transport and highways conditions and relevant planning obligations (Transport / Planning Obligations - Section 7)

#### 4. Basement construction

- 4.1. The Council's Basement policy (A5 - adopted June 2017) includes a number of stipulations for proposed basement development within the Borough. These include upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling (paras.(f) – (m)), but also the express requirement for applicants to demonstrate that the excavations/works proposed would not result in harm to:
- a. neighbouring properties;
  - b. the structural, ground, or water conditions of the area;
  - c. the character and amenity of the area;
  - d. the architectural character of the building; and
  - e. the significance of heritage assets
- 4.2. Parts (n) – (u) of this policy continue to expand upon this requirement and together, set the parameters for the assessment of proposed basement developments. These parameters are expanded upon with CPG4 (Basements). The Council will only permit basement development where it has been satisfactorily demonstrated that the works would accord with these criteria.

#### Basement Impact Assessment

- 4.3. In accordance with the requirements of policy A5, the applicants have submitted Basement Impact Assessment reports which review the impacts of the proposed basement structure and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability. A well-known firm of consultants using individuals who possess suitable qualifications in line with CPG requirements produced the submitted BIA. Due to the complexities of development constraints for the site and proximity to the canal, these documents have undergone a full audit from the Council's third party auditors – Campbell Reith (CR).
- 4.4. Two BIA reports were submitted for review. The submitted BIAs provided for review were produced by Chelmer Consultancy Services and Croft Structural Engineers. The authors' qualifications are in accordance with CPG4 guidelines for all sections. The BIA prepared by Chelmer Consultancy Services includes the screening, ground investigation, impact assessment, ground movement assessment and damage impact assessment. The BIA prepared by Croft Structural Engineers includes a summary of the Chelmer BIA along with the construction sequence, temporary work systems, a monitoring strategy and structural calculations. These BIA documents have been independently assessed by Campbell Reith in line with the requirements of policy A5 / CPG4.
- 4.5. Due to the level of underground constraints associated with the application site and the subsequent requirements for site investigations to inform reporting (beyond the screening/scoping stages), additional information was requested during the course of the assessment following an initial audit of reporting. Over the course of several months of negotiation, further information was requested with regard to:
- groundwater monitoring (for hydrogeology and stability purposes)
  - further discussion in relation to the impact of the nearby canal wall (for stability purposes)
  - a review of underground utilities infrastructure (for stability purposes)
  - the inclusion of adequate depth of soil cover above the basement (for hydrology purposes)
  - the provision of site investigation data logs (for assessment purposes)

- further clarification of the structural implications to adjoining properties

4.6. In light of the additional information provided, Campbell Reith issued their final audit of the applicants submitted BIA and conclude that *“Considering the revised submissions, the requirements of CPG4 have been met”*. Within the audit report itself, CR’s findings can be summarised as follows:

#### 4.7. Hydrology / surface water flows

- Although the site is within the Council’s “Primrose Hill” Local Flood Risk Zone, the Environment Agency indicates the site to be at a ‘very low’ risk of surface water flooding
- St Mark’s Crescent did not suffer from surface water flooding in 1975 or 2002.
- Despite this, due to the proximity to the Regent’s Canal at the end of the rear garden a flood risk assessment was undertaken.
- Following a review of updated information, Campbell Reith accept that the findings of the flood risk assessment
- The development would result in an increase in impermeable site area however following the submission of revisions the scheme was amended to retain a minimum of 1m of soil above the proposed basement (where it extends into the rear garden), with permeable paving placed above.
- This provision is considered to ensure infiltration capacity will be suitably mitigated in accordance with the Council’s and Thames Water’s requirements

#### 4.8. Hydrogeology / ground water flows

- Following a screening and scoping exercise, site investigation was undertaken including two boreholes to 6.1m below ground level (bgl), two hand dug trial pits as well as the subsequent extending of one borehole to a depth of 10.4m bgl.
- Following a monitoring process, ground water was encountered between the depths of 3 – 4.7m meaning that the basement construction is likely to encounter water. As such, the basement construction has been designed to incorporate waterproofing to a conservative groundwater level (1m bgl) as well as allowances for ground water pressure.
- Temporary dewatering techniques are outlined and further monitoring is suggested during construction to inform the design of temporary works.
- Campbell Reith conclude that *“It is accepted that the proposed development will not impact the wider hydrogeological”*.

#### Land Stability / Ground movement

- Analysis has been undertaken of the ground movements. This has been assessed for excavation and construction (unloading and loading) in both the short and long term conditions
- This has resulted in the proposed works obtaining a worst case impact of Category 1 on the Burland scale to any neighbouring building or structure (Very slight)
- The basement walls will be formed in an 'underpinning style' sequence allowing for any potential stability / groundwater issues to be observed in small, discrete excavations with adequate opportunity to supervise and ensure the works are properly controlled
- Structural monitoring of adjacent structures are proposed during the construction period. The proposed methodology was are deemed appropriate.
- It was found that the trigger values for monitoring proposed are reasonably conservative to limit damage impacts to within the Category 1 predicted. A monitoring strategy in accordance with the recommendations made (including preparing appropriate contingencies) will be adopted.
- Following the submission of a utilities and underground infrastructure search, it is accepted that the proposed basement will not affect any infrastructure assets.

- Campbell Reith have confirmed via an audit addendum that the findings of the ground movement analysis to the adjoining closest property (no.57) adequately demonstrates that impacts to properties situated further down the row (i.e. nos.59 and 61). They confirm that the methodology and temporary works required to control damage to No 57 will also protect No 59 and 61. Monitoring to these properties will also be required as and subject to the same trigger values as the adjacent no.57.
- Campbell Reith have also confirmed via the addendum that the development does not pose a threat to the stability of the adjacent canal wall subject to the mitigation and monitoring measures agreed within the BIA being implemented on site (also secured by condition)
- Following consultation with the Canals & Rivers Trust, a separate condition will also be added to secure full details of proposed canal wall repair works prior to the commencement of works.
- Campbell Reith conclude that the proposed works will not cause damage to neighbouring properties; structures or the structural conditions of the area;

4.9. Following the above, the submitted BIA is considered to have adequately addressed criteria (a)-(e) of policy A5.

#### Scale of proposed basement

- 4.10. In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council will also seek to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to minimise the impacts of construction on neighbouring properties. As discussed above, criterion (f) – (m) of Basement policy A5 therefore outline the maximum acceptable scale of basement extensions.
- 4.11. The basement would be of single storey depth and would extend beyond the original lower ground floor of the dwelling (like all other dwellings in the row the existing, original lower ground floor level is not at subterranean level to the front or rear). The basement extension as proposed would extend beneath the entire footprint of the dwellinghouse as well as a 3.5m projection beyond the rear building line. The total area of the proposed excavation would be 110sqm which is equivalent to less than 1.5x the foot print of the original dwelling (77sqm).
- 4.12. The basement would project into/below the rear garden area by 3.5m (plus an additional 2m x 2m lightwell). This projection would extend by less than 50% of the depth of the rear garden (5.5m/15.5m – 36%) and would cumulatively occupy an area of less than 50% of the area of the rear garden (31.5/122 sqm - 26%). The rear basement would extend into the rear garden space by less than 50% of the depth of the host dwelling when measured from the principal front/rear elevations (3.5 / 10.8m) or to 50% of its depth if the rear lightwell is included. The basement would not project beyond the front building line of the dwelling and would maintain the form of the front bay.
- 4.13. The proposed excavation would not project in close proximity to any protected trees. Where the basement would extend beyond the rear elevation of the original dwelling, it would not be set away from the neighbouring property boundary. In this instance, due to the existing lower ground floor rear extensions to the adjacent no.1 St Mark's, as well as the lower floor level of the garden space of no.59 Gloucester Avenue, the lack of a set away from the shared boundary to a depth of 3.5m is not in this instance considered to result in harm in terms of the provision of boundary vegetation.
- 4.14. In light of the above the proposed basement would be of a scale and proportion that would

remain in accordance with criterion (f) – (m) of Basement policy A5. It is therefore considered that the proposed basement would remain in accordance with the Council policy A5.

## **5. Design and Conservation**

- 5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 5.2. The Primrose Hill Conservation Area Statement (2000) advises that rear extensions should be as unobtrusive as possible, should not adversely affect the character of the building or the Conservation Area and should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of building.
- 5.3. The scale and proportions of the proposed basement is discussed above. It was concluded that the basement extension would remain proportionate and subordinate to the host dwelling, in accordance with policy A5.
- 5.4. Once constructed, the main above ground visual manifestation of the proposed basement would be the proposed lightwell to the rear of the dwelling as well as the lowered patio area. The section of the rear garden above the proposed basement will be lowered to the equivalent of the existing lower ground floor level. Following the submission of revisions, no alterations would be made to the front of the dwelling.
- 5.5. From the public towpath of the Regents Canal, the rear elevations of the terrace as well as the rear gardens areas are visible. Any alterations proposed would therefore need to be sensitive to these views. Furthermore, as rear lightwells are not a characteristic feature or within the prevailing character of the row of dwellings, it would be expected that new lightwells should be discreet and not harm the architectural character of the building or row of dwellings.
- 5.6. The host dwelling has a generous rear garden with a length of approximately 16m. The scheme would include the lowering of the existing garden level by 1m to provide lower garden patio at the level of the existing lower ground floor level to a depth of 8m. Although permeable paving is proposed for the lower garden level, these works would not result in any loss of garden area and 1m of substrate would be provided above the proposed basement to ensure that vegetation could be sustained along the full depth of the lower garden level in the future if desired. From the canal towpath, the lower garden level would not be directly visible due to the relative levels of the town path and retained upper section to the rear garden. A number of properties in the local area (including the adjacent no.1) feature large patio areas and this provision is not considered to significantly alter the character and appearance of the host dwelling or its setting. Although the lowered garden level would not be visible in public views, it would be visible from the private views afforded from the upper floor windows of surrounding properties. Notwithstanding this, as 50% of the rear garden would be retained at its current level and the scheme would not reduce the size of the rear garden area, it is not considered that this element would result in harm to the character and appearance of the host dwelling or local area. In order to be confident that the choice of permeable paving applied is fully appropriate and that this choice remains sensitive within these private views, a condition is recommended for the submission of specifications of this element.



- 5.7. Due to the aforementioned lower garden area proposed, the balustrading to enclose the rear lightwell (1.1m in height from the level of the lower garden area) would only project 10cm above the level of the garden steps in views from the rear / towpath. In light of this, the use of glazing for this balustrading is considered appropriate as it would minimise its visual impact and ensure that this slightly projection above the garden steps would not interrupt or disturb views to the rear elevation or how the group is read. Considering the distance to the closest point of the canal path from the proposed lightwell (25m) as well as the very minor projection into views from this path (10cm), it is not considered that this element would cause harm. Again, although this element would be visible in the private views afforded from the upper floor windows of surrounding properties, the lightwell is considered to remain appropriately sized and detailed to remain sensitive to the host dwelling and surrounding area.
- 5.8. Subject to the recommended conditions, it is considered that the proposed alterations and extension would not cause a detrimental impact upon the character and appearance of the host property and would preserve the special character of the conservation area. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## **6. Residential Amenity**

- 6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.
- 6.2. Once constructed, the proposed basement extension would not cause any loss of outlook, privacy or natural light to any adjoining occupier. Due to the location, size and orientation of the proposed lightwell glazing, the basement would similarly not result in any detrimental levels of light spill towards neighbouring properties that might cause harm. As such, it is accepted that *once constructed*, the proposed development would not cause harm to neighbouring amenity.
- 6.3. Notwithstanding the above, due to the constrained site access and proximity to other residential dwellings concern is raised with regard to the subsequent impacts and disturbances caused to local residents during the construction phase of development if not properly managed. In accordance with policy A1, where development sites are accessed via narrow residential streets; or have the potential to cause significant disturbance due to their location or the anticipated length of excavation or construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP).
- 6.4. Many of the submitted comments by neighbouring properties have included concerns relating to the implementation of works and the subsequent disruption caused. Comments have also been submitted which raise particular concerns in relating to the potential impacts formed upon for less physically-able or elderly residents within the vicinity as well as caused by any heavy goods vehicles (HGVs) which might need to service the site. These concerns are certainly shared by the Council and it is agreed that were the development to commence without clear, structured management plan in place then harmful impacts could ensue during the construction phase.
- 6.5. In light of the above, this instance a CMP is required in order to identify the potential impacts of the excavation and construction phase and state how the potential negative impacts will be

mitigated against. The CMP will thus manage on-site impact arising from demolition and construction but also will establish control over construction traffic and how this integrates with other construction traffic in the area having regard to the cumulative effect. In this instance, a draft CMP has been submitted although as it was drafted prior to a principle contractor being secured, many details are missing at this stage. The securing of a full CMP via a legal agreement is therefore essential to the overall acceptability of the scheme. A requirement of the submission of a CMP is for the applicant to enter into discussions and consultation with local residents and stakeholders in order to refine the proposed sequencing, timing and hour of works to avoid undue disturbances. This is especially the case where neighbouring occupiers are elderly and likely to be distressed by lengthy hours of construction or inconsiderate practises. Although some comments have objected to the proposed use of the canal for the movement of goods, it is noted that this method of servicing the site would result in a much lower impact from construction than were the site services only by HGVs and this approach is supported as will be further discussed in the following section. It is also noted that by restricting hours of construction too heavily within the CMP, the development period may be extended and as such, a dialogue will need to be had with the applicant and local residents in order to agree a sensible and reasonable approach. The applicants will be required to entering into these negotiations in order to refine the construction methodology to alleviate the impacts of the construction phase.

- 6.6. Subject to the securing of a CMP, the proposed development is not considered to lead to a significant adverse impact upon the amenities of any neighbouring residents. The development is thus considered to be in accordance with planning policies A1 and A4 of the Camden Local Plan.

## **7. Transport / Planning Obligations**

- 7.1. As noted in the previous section, the implementation of the proposed basement extension could have the potential to cause disruption unless carefully managed and as such a CMP would need to be secured via legal agreement were the Council mindful to support the scheme. As well as managing on-site impacts, any CMP would also seek to establish control over construction traffic and how this integrates with other construction traffic in the area having regard to its cumulative effect. London Plan Policy 7.26 B (d) requires development proposals “close to navigable waterways should maximise water transport for bulk materials, particularly during demolition and construction phases”. Policy T4 seeks to further encourage the movement of materials by canal where possible.
- 7.2. The spoil excavated from the proposed basement could be removed and transported to a waste facility by barge to avoid additional road traffic, and the site’s location adjacent the offside (non-towpath side) would avoid disruption of towpath users. Although submitted comments have raised objection to the use of barges for the removal of waste, the use of the adjacent waterway for transportation would be encouraged by the Council as well as the Mayor. While the tranquil setting of the canal and its subsequent amenity value is acknowledged, any barge moored to remove of spoil would be temporary. It is also noted that this was the original intention for use of the Regent’s Canal waterway. The Council may not comment on private mooring rights, however, it is expected that full details of the number, size and frequency of barges as well as their mooring positions would need to be agreed within the CMP following consultations with adjoining owners. The legal agreement will also secure the relevant monitoring fee to ensure that the Council is able to effectively manage the preparation and monitoring of this plan.
- 7.3. Where the implementation of development has the potential to cause damage to the adjacent public highway or footway, the Council may seek to secure a Highways contribution in case of damage. Although it is expected that the level of construction traffic could reduced by utilising the canal, the construction will inevitably require some level of vehicular servicing. Due to the difficult site access, this is considered the case. In order to compensate against any potential damage

caused to the public highway or footway during construction, a refundable highways and street works contribution will be required as part of a Section 106 Legal Agreement. The highways contribution could be refunded provided that, as a result of the works, the adjacent highway is undamaged.

7.4. The proposed development would not result in any increase to the number of residential units within the property and as such there would be no requirement for the provision of additional cycle parking. The proposed works would not result in the creation of any additional vehicular parking spaces and as such no objection is raised in this regard. As the development does not include any changes of use or creation of residential units, car free development is not sought in this instance.

## **8. Recommendation**

8.1. Grant conditional Planning Permission subject to section 106 legal agreement.

## **9. Legal agreement heads of term**

9.1. Planning permission is recommended subject to the securing of the following heads of terms via a section 16 legal agreement:

- Construction management plan (plus monitoring fee)
- Highways contribution in case of damage

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23rd October 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'.***

The Basement Design Studio  
Suite 17  
Maple Court  
Grove Park  
White Waltham  
SL6 3LW

Application Ref: **2017/1534/P**

18 October 2017

Dear Sir/Madam

**DRAFT**  
**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:

**31 St Mark's Crescent  
London  
NW1 7TT**

Proposal:

**DECISION**  
Excavation of a basement extension to single-family dwelling (Use Class C3) including no.1 rear lightwell and associated alterations to rear garden level.

Drawing Nos: 1701\_OS.01, 1701/BL.01, 1701/EX.01, 1701/EX.02, 1701/EX.10, 1701/EX.11, 1701/EX.12, 1701/EX.13; 1701/PL.00B, 1701/PL.01C, 1701/PL.02A, 1701/PL.10A, 1701/PL.11A, 1701/PL.12, 1701/PL.13D.

Supporting documents: Basement Impact Assessment produced by Chelmer Services with appendices (ref. BIA/8084A rev1 July 2017), Basement Impact (Structural) Assessment produced by Croft Engineers with appendices (ref. 161202 version 2 July 2017), Utilities Search produced by Chelmer Services with appendices (ref. UTS/9336), Design and Access Statement (dated Mar 2017), Planning statement (dated Mar 2017), SUDS report (ref. 1767/RE/01 dated Feb 2017), Sustainability report (dated Feb 2017), Draft construction management plan; Cover letter dated 18 August 2017 by Basement Design Studio.

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 D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 1701\_OS.01, 1701/BL.01, 1701/EX.01, 1701/EX.02, 1701/EX.10, 1701/EX.11, 1701/EX.12, 1701/EX.13; 1701/PL.00B, 1701/PL.01C, 1701/PL.02A, 1701/PL.10A, 1701/PL.11A, 1701/PL.12, 1701/PL.13D.

Supporting documents: Basement Impact Assessment produced by Chelmer Services with appendices (ref. BIA/8084A rev1 July 2017), Basement Impact (Structural) Assessment produced by Croft Engineers with appendices (ref. 161202 version 2 July 2017), Utilities Search produced by Chelmer Services with appendices (ref. UTS/9336), Design and Access Statement (dated Mar 2017), Planning statement (dated Mar 2017), SUDS report (ref. 1767/RE/01 dated Feb 2017), Sustainability report (dated Feb 2017), Draft construction management plan; Cover letter dated 18 August 2017 by Basement Design Studio.

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of the development hereby permitted, a survey of the Regent's Canal wall, and full details of any proposed repairs to the canal wall that may be required, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be prepared in consultation with the Canal & Rivers Trust or the relevant statutory undertaker. The canal wall repairs shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance, safety and structural integrity of neighbouring canal / waterway and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 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 The applicant/developer is advised that any encroachment into, or access over the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Jonathan Young (jonathan.young@canalrivertrust.org.uk) regarding any required access agreement.

- 6 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-propertyand-our-code-of-practice>)

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

**DRAFT**

**DECISION**