

# 2 Oakhill Avenue



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Front elevation no. 2



Front elevation with no. 4



Existing side elevation



Side elevation no. 4



Side elevation no. 4



Rear elevation



Relationship with no. 4



View towards garden from rear balcony



Fallen Mimosa (T4)



Opposite architecture

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>04/07/2017</b>	
Members' Briefing		N/A		<b>Consultation Expiry Date:</b>		<b>8/10/2017</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Tania Skelli-Yaoz				2017/2614/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
2 Oakhill Avenue London NW3 7RE				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>							
Variation of condition 3 (approved drawings) of planning permission ref. 2013/6162/P dated 09/03/2015 (as amended by planning permission ref. 2015/5055/P dated 16/02/2016) for 'basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes' namely to simplify the structural design, reduce vibration noise and disturbance to neighbours and to reduce the scope of differential settlement between adjacent buildings.							
<b>Recommendation(s):</b>		Grant conditional planning permission subject to S 106 legal agreement					
<b>Application Type:</b>		Variation of condition					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>00</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
Summary of consultation responses:	<p>Press notice advertised on 15/06/17 Site notice displayed 14/06/17 to 5/7/17</p> <p>5 objections were received from local residents at 1A, 2B, 2C and 5 Oakhill Avenue, 23 Heath Drive and these concerns the main issues as categorised below:</p> <p><u>Technical:</u></p> <ol style="list-style-type: none"> <li>1. Hard to understand proposal due to complex info and long history</li> <li>2. Concern over impact on waterflow in to garden as backs into site as 23 Heath Drive is about 4 metres downhill.</li> <li>3. Concerns over structural implications of development in light of road collapse at Redington Road following basement development and statement with regards to 'differential settlement between adjacent buildings'.</li> <li>4. Eyre Estate does not issue licences for basement development anymore which renders Camden Council liable for any damage to houses and roads.</li> <li>5. Property is over the fleet river and development will cause damage to the water table.</li> </ol> <p><u>Conservation/ design:</u></p> <ol style="list-style-type: none"> <li>6. Impact on Redington/ Frognaal CA and associated policies</li> </ol> <p><u>Amenity</u></p> <ol style="list-style-type: none"> <li>7. Development in garden against areas' green spaces policy</li> <li>8. Plot smaller as rear was sectioned off; therefore extension into garden even more of an impact</li> <li>9. Noise and disruption during consultation.</li> </ol> <p><u>Officers' comments:</u></p> <ol style="list-style-type: none"> <li>1. The planning history is detailed above. It is acknowledged that BIA information is highly technical; a non-technical summary is provided in the Independent BIA Audit.</li> <li>2. The independent BIA concludes that the applicant has carried out appropriate site investigations to indicate that the proposed basement will be above the ground water level.</li> <li>3. The independent BIA concludes that a ground movement assessment has been provided which with the supplementary information provided (Appx 3) is accepted.</li> <li>4. The proposed basement complies with the Camden Plan's basement policy. A standard basement condition is recommended which requires the applicant to employ a professional qualified engineer to oversee the excavation works throughout the basement construction phase. Other matters would be covered through civil law such as by</li> </ol>					



- party wall agreements and highway licences where required.
5. Pls see comment no. 2.
  6. The full impact of the proposal has been previously assessed under 2013/6162 and 2015/5055. The structural amendments to the foundations do not alter the external appearance of the development as approved.
  7. The size of the extension has not increased from the previous approval ref. 2015/5055/P.
  8. The size of the garden after rear-most part sold-off is as considered under the original application. Therefore, there is no change in assessment in this area.
  9. The development is recommended for approval subject to legal agreement to secure a CMP to control vehicular movements and associated disruption.

**CAAC/Local groups comments:**

Redington / Frogna! CAAC: No response received.

Heath & Hampstead Society: No response received.

**Site Description**

The site is a 3-storey contemporary 1970's residential building which forms part of a set of 3 connected buildings (terraced) on the north-western side on Oakhill Avenue. To its side, a single-storey small garage is attached. The site benefits from a long garden to its rear. The house is not listed and lies within the Redington / Frogna! CA. The site is known as no. 2 with 2c to its north followed by 2b. No. 4 Oakhill lies to its south.

**Relevant History**

Site:

Original pp for this group 1970.

**8804124** - Jan 1989 - pp refused on grounds of proposed roof extension and general proportion of building having an adverse effect on the appearance and visual amenity, large overbearing flank wall and unnatural jump in roof lines etc.

**2013/6162/P** Granted on 09/03/2015 for basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes (Class C3).

**2015/5056/P** Variation of condition 3 (approved plans) of planning permission 2013/6162/P granted on 09/03/2015 (for the basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes), namely to create a roof terrace with screens at rear flat roof area was refused on 07/03/2016.

**2015/5055/P** Variation of condition 3 (approved plans) of planning permission 2013/6162/P granted on 09/03/2015 (for the basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes), namely to widen the lower ground rear extension was approved on 16/02/2016.

No. 2b:

**8905456** - Jan 1990 - pp for extension with additional floor.

**Relevant policies**

**Camden Local Plan 2017**

Policy A5 Basements

CPG4 Basements

Conservation Area Statement Redington / Frogna! - January 2003

## Assessment

### 1.0 Proposal-

1.1 Permission is sought for the structural design of the basement foundations and structure. The extent of approved works to the parts of the building above ground are not proposed to be altered with this application. The amendment is limited to a revised method of structural support to the previously approved basement. By way of background, the works previously approved for this site under planning permission ref. 2013/6162/P (and subsequent minor material amendment ref. 2015/5055/P) are in association with the conversion of existing single family dwelling into 2 x 3 bedroom maisonettes.

1.2 Issues regarding land use, design & conservation, living standards, transport, trees and biodiversity have been assessed previously and are not affected by this minor material amendment application. The main issues of consideration with this application are basement related.

### 2.0 Basement considerations-

2.1 New structural drawings by Elliott Wood were submitted to propose an alternative structural support to the previously approved basement. Campbell Reith was instructed to carry out an audit on the Basement Impact Assessment submitted by Elliott Wood as part of the documentation for the proposal.

2.2 During the course of the independent assessment clarifications were requested as to the form of the construction of the basement slab, the calculations produced for the forces that act on the underside of the basement and issues surrounding the ground movement assessment. These were all provided and were considered acceptable (see section 2.7 below).

2.3 The technical appraisal of the proposal is considered an amendment to the previous planning application 2013/6162/P, which gained planning permission following an audit of the basement proposal by Chelmer engineering consultants. Only the aspects that are considered to have significantly changed have been re-audited, such as the stability and hydrogeology scoping and impact assessment. The structural considerations of the amended scheme have been produced by Elliott Wood consulting engineers. The original BIA was produced by CGL.

2.4 The proposal consists of constructing a single basement level beneath and to the side of an existing house. The garden level is also to be lowered to the rear to the level of the proposed basement. The basement construction is proposed as being formed of common construction techniques with an appropriate outline construction method also being provided. The proposal is to provide underpinning to the party wall, with an inboard liner wall. To the perimeter of the basement the wall is to be formed by L shaped retaining walls. The remaining ground floor walls are to be supported on steel columns internally within the basement. The foundations are proposed as being shallow pad foundations internally, and shallow ground bearing from the toes of the retaining walls to the perimeter. This will situate the foundations within sandy silty clay at approximately 3 metres below ground level.

2.5 Site investigations have confirmed the ground conditions as being a shallow depth of made ground overlaying sandy silty clay. Foundations to the basement will be situated in a suitable foundation strata. Appropriate protection of the basement slab, against ground movements of the clay sub soil, is proposed.

2.6 Ground water has been identified as being below the proposed basement level, and it is accepted that ground water flows are unlikely to be impacted given the highest ground water. Heave protection is proposed beneath the suspended basement slab, with 12mm of heave anticipated.

2.7 A ground movement assessment was prepared by CGL in 2014 for the original scheme and has been revised for the current scheme. It concludes that damage to the neighbouring properties should not exceed Burland Category 1 (very slight). Considering the revised submissions, the BIA meets the

criteria of CPG4 and policy A5.

2.8 An appropriate outline construction method and sequence of construction has been produced, that indicates the basement walls constructed in a hit and miss sequence, with cross propping provided across the basements.

### **3.0 Summary-**

3.1 The amendments to the structural design of the previously approved basement are considered to comply with the constraints, policies and guidance set out in Local Plan Policy A5 and Camden Planning Guidance 4 and are therefore acceptable.

### **4.0 Recommendation**

4.1 Grant planning permission subject to previous conditions and legal agreement (deed of variation to original legal agreement).

#### **DISCLAIMER**

*The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on 13<sup>th</sup> November 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'.*

Studio B Architects  
53 Priory Road  
London  
NW6 3NE

Application Ref: **2017/2614/P**

08 November 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:  
**2 Oakhill Avenue  
LONDON  
NW3 7RE**

**DECISION**  
Proposal:

Variation of condition 3 (approved drawings) of planning permission ref. 2013/6162/P dated 09/03/2015 (as amended by planning permission ref. 2015/5055/P dated 16/02/2016) for 'basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes' namely to simplify the structural design, reduce vibration noise and disturbance to neighbours and to reduce the scope of differential settlement between adjacent buildings.

Drawing Nos:

Superseded:

GA 01/C, GA 02/B, GA 03/A, GA 04/A, GA 06/B, GA 10/C, GA 09/A, GA 07/C and GA 08/A.

Proposed:

Lower ground floor plan (proposed) by Elliott Wood no. 2150667 S.010 P2, Ground floor plan (proposed) no. 2150667 S.020 P2, First floor plan (proposed) by Elliott Wood no. 2150667 S.030 P2, Second floor plan (proposed) by Elliott Wood no. 2150667 S.040 P2, Roof plan (proposed) no. 2150667 S.050 2, substructure construction sequence by Elliott Wood ref. HSt/LG/SQ.02/ P1 and HSt/SQ.03/P1, GEA letter dated 2.3.17 ref. J13073B/JD/1, CGL letter dated 19.4.17 ref. CG/08999a, CGL response to audit ref CG/08999a, BIA Audit by Campbell Reith ref. 12466-94 Rev F1 dated October 2017.

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 the original permission (ref. 2013/6162/P).

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 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition no. 3 of planning permission 2013/6162/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3:

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

05SE GA 09, 05SE GA 07, 05SE GA 06, 05SE GA 02, 05SE GA 05, 05SE GA 08 A, [Prefix: '2 Oakhill Avenue'/05] OS 01.05, GA 04, 05 GA 03A, Site Specific Arboricultural Survey, Construction Method Statement ref. 21915 dated June 2013 by Ben Sheterline, Basement Impact Assessment ref. J13073 (Issue no. 3) dated July 2013 by Price & Myers / GEA, Independent Assessment of BIA ref. BIA/4415 dated April 2014 by Chelmer Consultancy Service (CCS), Letter by Price & Myers dated 26/6/14 ref. 21915/BS: Response to CCS Independent Assessment, Construction Method Statement ref. 21915 dated June 2014 (Rev A) by Ben Sheterline, Letter by GEA ref. J13073/ME/2 dated 8/7/14: Response to CCS Independent Assessment dated April 2014, Review of revised BIA and CMS ref. RRBC/4415 dated August 2014 by CCS, Ground Movement Assessment ref. CG/08999 dated September 2014 by CGL, Impact & Method Statement dated 25/10/13 by R Wassell; Lower ground floor plan (proposed) by Elliott Wood no. 2150667 S.010 P2, Ground floor plan (proposed) no. 2150667 S.020 P2, First floor plan (proposed) by Elliott Wood no. 2150667 S.030 P2, Second floor plan (proposed) by Elliott Wood no. 2150667 S.040 P2, Roof plan (proposed) no. 2150667 S.050 2, substructure construction sequence by Elliott Wood ref. HSt/LG/SQ.02/P1 and HSt/SQ.03/P1, GEA letter dated 2.3.17 ref. J13073B/JD/1, CGL letter dated 19.4.17 ref. CG/08999a, CGL response to audit ref CG/08999a, BIA Audit by Campbell Reith ref. 12466-94 Rev F1 dated October 2017.

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

- 4 A detailed drawing of the rear side of the lower ground floor maisonette (lower ground and ground floor level) to show glazing (obscured and non-obscured), shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

The relevant part of the works shall be carried out in accordance with the details thus approved and maintained and retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

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

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

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

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 7 Full details in respect of the green roof in the area indicated on the approved roof plan (over side extension and rear extension) shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 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.

- 9 The high-level small windows on the side elevation and the side fixed panel to the rear upper ground enclosed balcony shall be provided as obscured glazing and maintained and retained as such.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 10 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 details of any proposed earthworks including grading, mounding and other changes in ground levels. 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 policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 11 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development or any phase of the development. 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 policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 12 Prior to the end of the next available planting season (in accordance with the commencement of development), replacement (1x) tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 A2 and A3 and D2 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 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.



- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 6 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)

- 7 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as well as the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's and Camden's CIL charging schedule and the information given on the plans, the charge is likely to be £8185 (163.7sqm X 50) and £81,850 (163.7sqm x 500). This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the Additional Information Requirement Form or other changing circumstances.
- 8 You are encouraged to re-use or retain the existing fish scale tiles on site as much as possible in the interest of sustainability and the protection of the character and appearance of the conservation area.

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**