

Beamish Planning Consultancy
33 Holland Gardens
Brentford
TW8 0BE

Application Ref: **2017/6513/P**

13 June 2018

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:

**Basement and Ground Floor
323 Gray's Inn Road
London
WC1X 8PX**

Proposal:

Rear basement extension; installation of plant and extraction system; replacement shop front

DECISION
Drawing Nos: Location Plan (unnumbered), 2697/G101_Opt.4_Rev.G, 2697/G128_Rev.B, 2697/G210_Rev.C, 2697/G211, 2697/G212_Rev.A, 2697/PL099, 80808/M/001_Rev.A (rear elevation), 80808/M/001_Rev.A (roof plan), Mechanical Ventilation & Environmental Control Equipment by Ashworth dated 03/10/2017, Delivery and Servicing Plan by Mode Transport Planning dated 17/10/2017, Environmental Noise Survey Results and Noise Impact Assessment for Fixed Plant by Acoustic Consultancy Partnership Ltd dated 10/11/2017, Basement Impact Assessment Report by Soiltechnics dated 16/05/2018, & Basement Impact Assessment Appendix H email dated 04/05/2018

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 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: Location Plan (unnumbered), 2697/G101_Opt.4_Rev.G, 2697/G128_Rev.B, 2697/G210_Rev.C, 2697/G211, 2697/G212_Rev.A, 2697/PL099, 80808/M/001_Rev.A (rear elevation), 80808/M/001_Rev.A (roof plan), Mechanical Ventilation & Environmental Control Equipment by Ashworth dated 03/10/2017, Delivery and Servicing Plan by Mode Transport Planning dated 17/10/2017, Environmental Noise Survey Results and Noise Impact Assessment for Fixed Plant by Acoustic Consultancy Partnership Ltd dated 10/11/2017, Basement Impact Assessment Report by Soiltechnics dated 16/05/2018, & Basement Impact Assessment Appendix H email dated 04/05/2018.

Reason:

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

- 4 Prior to commencement of any works on site, a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing.

Site investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

- 5 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.

- 6 The basement shall be constructed in accordance with the details, recommendations, methodologies and mitigation measures in the Basement Impact Assessment by Soiltechnics dated 16/05/2018 and its supporting documents hereby approved.

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.

- 7 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1 and A4 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 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.
- 3 Reasons for granting permission.

Policy A5 of the Local Plan states that basement applications should be supported by a Basement Impact Assessment (BIA), and should cause no harm to neighbouring properties; structural, ground, or water conditions of the area; the character and amenity of the area; the architectural character of the building; and, the significance of heritage assets, as well as further requirements in subsections n) - u). A BIA was submitted with the application which has been independently audited by Campbell Reith, and has been found to be compliant with this regard.

Policy A5 continues to state that basement developments should: h) not exceed 50% of each garden within the property; and m) avoid the loss of garden space or trees of townscape or amenity value. In this instance, the basement would extend beneath the previously approved extended footprint of the property, and as no garden space remains, the proposal is considered to be compliant in this regard. No external alterations (such as lightwells) would be made as a result of this proposal and as such it would not impact on the character or appearance of the host property or the historic interest of the surrounding conservation area. Given the above assessment it is considered that the proposal is generally compliant with Policy A5 of the Local Plan and CPG4 Basements, and is considered to be acceptable in this regard.

The proposed extraction flue and associated plant would be sited to the rear of the property and would replace a similar extraction system and associated plant. Given the context of development this is considered to be acceptable. The addition would not be immediately visible within public views of the conservation area and would not serve to cause harm to its character, appearance or historic interest. The details of the extraction and flue have been assessed by the Environmental Health (Noise) team, and there are no objections, subject to appropriate mitigating conditions.

Similarly, given the context of surrounding development, the replacement shopfront is considered to be acceptable in terms of design and material finish, causing no undue harm to the character, appearance or historic interest of the surrounding conservation area.

The proposal is considered to preserve the character and appearance of the conservation area. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

It is considered that subject to the attached conditions, the proposal would not result in undue harm to neighbouring amenities.

The Transport Services team has commented that due to the sensitive location of the site and the proposed basement excavation, a Construction Management Plan (CMP) is required, with a CMP Implementation Support contribution of £3136 secured by S106. This has been agreed with the agent of the scheme.

The Environmental Health (Contamination) team has also responded, stating there is a medium risk of contamination, making no objection to the proposal subject to the attached conditions.

No comments were received in relation to this scheme following public consultation. The planning history of the site and surrounding area has been considered when determining this application.

As such, the proposed development is in general accordance with policies D1, D2, D3, A1, A4 & A5 of the London Borough of Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2012.

- 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 is reminded that further consultation with Thames Water is required with respect to the public sewer running beneath the property, and a Building Over Approval shall be obtained from Thames Water prior to the commencement of development. For further information, please contact: developer.services@thameswater.co.uk

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

Executive Director Supporting Communities