

Address:	70 Elsworthy Road London NW3 3BP		11
Application Number:	2015/4684/P	Officer: Kate Phillips	
Ward:	Swiss Cottage		
Date Received:	14/08/2015		
Proposal: Erection of a 2 storey, 7 bed dwellinghouse with basement and accommodation in the roof space, following the demolition of the existing main dwellinghouse; extension of new basement under existing mews dwelling; alterations to fenestration and rear elevation of mews dwelling; associated landscaping works			
Background Papers, Supporting Documents and Drawing Numbers			
<p>1422-PL-000; 1422-PL-011; 1422-PL-012; 1422-PL-021; 1422-PL-201; 1422-PL-301; 1422-PL-302; 1422-PL-303; 1422-PL-304; 1422-PL-305; 1422-PL-306-A; 1422-PL-311; 1422-PL-312; 1422-PL-313; 1422-PL-317; 1422-PL-318; 1422-PL-321; 1422-PL-322; 1422-PL-323; Block Plan at 1:500; Landscaping Layout Plan; Planning Statement; Preliminary Ecological Appraisal (November 2015); Below Ground Drainage / SUDS Assessment (06/08/15); Sustainability and Energy Statement (July 2015); Phase II Arboricultural Impact Assessment (12/05/2015); Green roof technical data sheet (Bauder SDF Mat); Green roof technical data sheet (Bauder Xero Flor XF301 Sedum Blanket); Daylight & Sunlight Report (July 2015); Environmental Noise Survey and Noise Impact Assessment report 21163/NIA1 (6 August 2015); Site Investigation and Basement Impact Assessment Report (November 2015); Ground Movement Assessment Report (November 2015); Structural Engineering Report and Subterranean Construction Method Statement (November 2015).</p>			
RECOMMENDATION SUMMARY:			
Grant conditional planning permission subject to section 106 legal agreement			
Applicant:	Agent:		
Mr Robert Beecham C/O Agent	Savills 33 Margaret Street London W1G 0JD		

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace (Gross External Area)
Existing	<i>C3 Dwelling House</i>		<i>694 m²</i>
Proposed	<i>C3 Dwelling House</i>		<i>2190 m²</i>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>						1			
Proposed	<i>Flat/Maisonette</i>							1		

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	6+	
Proposed	3+	

OFFICERS' REPORT

Reason for Referral to Committee: Development which involves an affordable housing contribution.

1. SITE

- 1.1 No. 70 Elsworthy Road is a detached, two storey residential dwelling set within a spacious plot on the northern side of Elsworthy Road. The dwelling is rendered with a clay tiled roof. There is a two storey flat roof element at the side and a single storey element projecting to the rear, which houses a swimming pool. The main entrance to the dwelling is on the rear (north) elevation.
- 1.2 The dwelling is sited towards the north-western end of the site, beyond a large grassed area which serves as the main garden for the dwelling. A driveway runs along the north-eastern edge of the site and there is parking in the north-eastern corner of the site, within the L-shape created by the main dwelling.
- 1.3 The application site also contains an ancillary mews property, which faces onto Elsworthy Road at the south-eastern end of the site, and which is one half of a semi-detached pair (the other half relates to No.56 Avenue Road). There is garage accommodation in the mews building.
- 1.4 The application site is not within a conservation area; however, it is adjacent to the Elsworthy Conservation Area; the north-eastern boundary of the application site marks the boundary. The Elsworthy Conservation Area also includes the properties on the opposite site of Elsworthy Road.

2. THE PROPOSAL

Original

- 2.1 The proposal is for the demolition and replacement of the main dwellinghouse with a new two storey, 7-bedroom dwellinghouse with accommodation in the roof space and a basement. The proposed basement would extend under the gardens at the front and rear of the new dwelling and also below the existing ancillary mews property at the southern end of the application site. The proposal also includes landscaping works.

Revisions

- 2.2 During the course of the application the following changes have been made to the submitted plans:
 - Main roof to feature a green roof with solar PV equipment
 - Provision of ground source heat pump

3. RELEVANT HISTORY

No. 70 Elsworthy Road

- 3.1 PEX0000682 – Planning permission was granted on 03/10/2000 for the erection of a single storey front conservatory extension.
- 3.2 9005337 – Planning permission was granted on 05/12/1990 for the erection of a two storey twelve room (six bedroom) house.

No. 56 Avenue Road and No. 72 Elsworthy Road

- 3.3 2012/4562/P – Planning permission was granted on 12/07/2013 for the demolition of two single family dwellings and the construction of new single family dwelling and separate ancillary building in rear garden, the formation of basement with 2 no. skylights, 2 no. lightwells and 1 no. ventilation grille, and associated landscaping works.

62 Avenue Road

- 3.4 2011/5539/P - Planning permission was granted on 15/06/2012 for erection of a building comprising subbasement, basement, two storeys and roof level to provide a single-family dwellinghouse (following demolition of the existing building).

87 Avenue Road

- 3.5 2012/4594/P - Planning permission was granted on 23/10/2012 for erection of a two storey building plus roof level, basement and sub-basement for use as a single-family dwellinghouse (following demolition of existing two storey dwelling house).

4. **CONSULTATIONS**

Statutory Consultees

Environment Agency

- 4.1 Recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. All risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken.

Elsworthy Conservation Area Advisory Committee

- 4.2 No comments received.

Belsize Conservation Area Advisory Committee

- 4.3 Object to the proposal to excavate a basement below the proposed new house, the garden and the existing mews house. The extent of this excavation far exceeds any other domestic basement in the area and the reinstatement of soft landscaping above will forever be compromised and preclude any large trees.

Local Groups

Elsworthy Residents Association

- 4.4 Concerns about the extent of the basement excavation in the conservation area. The proposed basement far exceeds the size of any other in the area and stretches far beyond the footprint of the proposed new house. Despite the attached professional reports the amount of excavation necessitated on the site remains a huge concern. The proposed garden above the basement will be compromised for the future. Please refuse this application until it is reduced to below the footprint of the house.

Adjoining Occupiers

<i>Number of letters sent</i>	8	
<i>Total number of responses received</i>	2	
<i>Number in support</i>	0	
<i>Number of objections</i>	2	

- 4.5 A site notice was displayed on 22/09/2015 (consultation expiry date 13/10/2015) and a press notice was displayed on 24/09/2015 (consultation expiry date 15/10/2015).
- 4.6 Objections have been received from 2 respondents; 68 Elsworthy Road, 64 Avenue Road. The main points were as follows: basement is too large; noise, dust, air pollution, vibration, traffic problems during the demolition and construction period; impact on trees within the conservation area; impact on boundary wall to No. 64 Avenue Road.

5. POLICIES

5.1 National Planning Policy Framework (NPPF) 2012

London Plan (consolidated with alterations since 2011)

LDF Core Strategy and Development Policies

LDF Core Strategy

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

CS16 Improving Camden's health and wellbeing

CS18 Dealing with our waste and encouraging recycling

CS19 Delivering and monitoring the Core Strategy

LDF Development Policies

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
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 Basements and lightwells
DP28 Noise and vibration
DP29 Improving access
DP32 Air quality and Camden's Clear Zone

5.2 **Supplementary Planning Policies**

Camden Planning Guidance (CPG)

CPG1 Design (2015)
CPG2 Housing (2015)
CPG3 Sustainability (2015)
CPG4 Basements and Lightwells (2015)
CPG6 Amenity (2011)
CPG7 Transport (2011)
CPG8 Planning Obligations (2015)

5.3 **Elsworthy Road Conservation Area Appraisal and Management Strategy (July 2009)**

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- The principle of development
- Affordable housing contribution
- The impact on the character and appearance of the wider area (including the setting of the Elsworthy Conservation Area)
- The impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties
- Living standards of future occupiers
- Transport considerations
- Trees and landscaping
- Nature conservation and biodiversity
- Energy and sustainability and water
- Basement considerations

The principle of development

- 6.2 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 significantly larger in terms of floor space. The principle of development is considered to be acceptable, subject to the detailed considerations below.

Affordable housing contribution

- 6.3 Policy DP3 requires all residential development with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. The Council considers that a floor space of 1000 square metres is capable of accommodating 10 family dwellings, and will expect all residential developments that would provide additional built residential floor space of 1000 square metres or more to make a contribution to the supply of affordable housing.
- 6.4 The existing dwelling at the application site provides 694 square metres of floor space, whereas the replacement dwelling would provide 2190 square metres, which represents an increase of 1496 square metres. The proposed development must therefore make a contribution to the supply of affordable housing based on the additional 1496 square metres.
- 6.5 The Council normally expects affordable housing contributions to be made on site, but where it cannot practically be achieved on site, the Council may accept off-site affordable housing or a payment-in-lieu. In this case, insofar as the development would provide a replacement single family dwelling, it would not be reasonable to require the provision of on-site or off-site affordable housing, and therefore the Council would accept a payment-in-lieu, which would be pooled into an affordable housing fund and used to assist the provision of affordable housing in the borough.
- 6.6 Where a contribution to affordable housing is sought under Policy DP3, CPG8 requires a payment of £2650 per square metre multiplied by the on-site target for affordable housing (in this case 15%), which equates to 224.4 square metres. The proposed figure for the payment in lieu of affordable housing is £594,660 and the applicant is willing to enter into a legal agreement to secure this.

The impact on the character and appearance of the wider area (including the setting of the Elsworthy Conservation Area)

- 6.7 The Elsworthy Conservation Area runs along the north-eastern boundary of 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.
- 6.8 The surrounding development pattern is generally one of spacious detached and semi-detached properties set back from the road beyond driveways and mature planting. However, the application site differs insofar as the main dwelling is sited towards the rear end of the plot where it is not visible in public views, except in small glimpses beyond the ancillary mews building at the front of the site. The existing building is relatively modern (having been constructed in the 1990's

pursuant to planning permission reference 9005337) and it is not considered to be of any special architectural merit.

- 6.9 The replacement dwelling would occupy a similar position within the application site to the existing dwelling (although shifted slightly away from the western and northern boundaries of the site) and it would also be two storeys tall. The footprint of the new dwelling would be larger (423 square metres compared to 405 square metres) and the new dwelling would be of a different form, with greater perceived bulk and massing than the existing; however the new building would be narrower when viewed from the front and it would have a more cohesive overall design than the existing (which includes a flat roof element at the side and the swimming pool extension to the rear).
- 6.10 The accompanying Planning Statement notes that the proposed new dwelling would adopt a 'Regency' style with rendered facades and detailing in stone. The proposed new dwelling would undoubtedly be grander in appearance than the existing, due to such detailing as the decorative balconies and the large entrance canopy etc. However, given that the dwelling would be set back from the road beyond the mews building (which would not be altered externally as part of this proposal) and would not be visible in the street scene except in small glimpses, the proposed design is considered to be acceptable.
- 6.11 The replacement dwelling would have an additional 1496 square metres of floor space compared to the existing; however, this would be accommodated within the roof space (as indicated by the dormer windows in the roof slopes) and within the basement. 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, and it would also extend out to the front and below the existing ancillary mews property at 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 be the access stairs in the rear garden of the main dwelling, which are located approximately 4 metres away from the rear building line. Given the large size of the basement, this represents a relatively modest above-ground manifestation and because the access stairs are at the rear of the main building they would not draw attention to the subterranean development. Overall, 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. Furthermore, it is not considered that the proposed development would cause harm to the setting of the Elsworthy Conservation Area.
- 6.12 The area between the replacement dwelling and the existing mews building would be re-landscaped to provide formal lawns interspersed with paving and planting. The replacement dwelling would also benefit from a small rear garden, which the existing dwelling does not. The proposed landscaping works are considered to be in keeping with the style of the proposed new dwelling and the planting around the edges of the site would continue to provide some screening to the site (see also the section below on trees and landscaping).

The impact on the visual and residential amenities of the occupiers of nearby and neighbouring residential properties

- 6.13 The main residential properties that are likely to be affected by the proposal are those that border the application site; namely Nos. 56, 58, 60, 62 and 64 Avenue Road, No. 68 Elsworthy Road and No. 28 Harley 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.
- 6.14 The replacement dwelling would also be two storeys tall and it would occupy a similar position within the plot; however, unlike the existing dwelling, it would be set away from the northern and western boundaries of the site (by at least 8.3 metres and 2.6 metres, respectively). By virtue of its scale, design and siting, it is not considered that the replacement dwelling would appear overbearing to any of the neighbouring properties, or cause any undue loss of outlook.
- 6.15 Taking into consideration the separation distances, it is not considered that the proposed replacement dwelling would cause any harmful loss of sunlight/daylight to the neighbouring properties either. The submitted Daylight and Sunlight Report (dated July 2015) substantiates this judgement.
- 6.16 With regards to visual privacy and overlooking, CPG6 normally requires a minimum distance of 18 metres between the windows of habitable rooms of different residential units that directly face each other. The proposed replacement dwelling would continue to present its side elevation to the properties on Avenue Road (to the west) and whilst the separation distance appears to be less than 18 metres for some properties, due to the fact the replacement dwelling would be shifted away from the northern and western boundaries of the application site, the level of overlooking towards these properties is unlikely to be worse than the existing situation. The fenestration on the new dwelling has been designed to retain the main outlook down the length of the dwelling's own garden (southwards), towards the ancillary mews building, and the first floor windows on the side elevations of the building would serve secondary rooms such as en-suite bathrooms and wardrobes. The applicant is willing for these windows to be fitted with obscure glazing, but it is not considered to be necessary to attach a planning condition to this effect.
- 6.17 The replacement dwelling would feature a first floor balcony to serve the master bedroom. Whilst balconies can sometimes lead to overlooking into neighbouring gardens, in this case it is not considered that this would be a problem. The replacement dwelling would not abut the shared boundaries with neighbouring properties (which in itself limits the overlooking potential) and there would be planting on the balcony itself and along the shared boundaries to provide privacy between the separate plots.
- 6.18 The leisure facilities within the basement will require some form of plant. It is proposed to locate the plant on a small mezzanine level just below ground level (within the basement). The accompanying Environmental Noise Survey and Noise Impact Assessment Report (dated August 2015) 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. A planning condition can

ensure the noise levels do not exceed the Council's thresholds, in accordance with the requirements of Policy DP28.

- 6.19 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, as well as additional information about the anticipated programme of works and size of vehicles likely to access the site.

Living standards of future occupiers

- 6.20 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. It is considered that the proposed new dwelling would provide a high standard of accommodation for future occupiers.

Transport considerations

- 6.21 The application site has a Public Transport Accessibility Level (PTAL) of 4, which means it is moderately accessible by public transport; and it is within the Primrose Hill Controlled Parking Zone (CA-B), which operates between 0830 and 1800 hours on Monday to Friday. Policy DP18 expects new development to provide the minimum necessary car parking provision.
- 6.22 The proposed scheme would not introduce any additional residential dwellings and therefore the Council's car free policy does not apply and any existing spaces can be retained. Currently, there is space to park at least 6 cars at the site (2 within the garage in the mews building, 2 in front of the garage, at least 2 in the parking area at the rear of the main dwelling and there is space to park on the driveway as well as and when required). The proposed development would provide 3 dedicated car parking spaces: 2 spaces within the existing garage and 1 below at basement level (accessed via a car stacker). It would also still be possible to park in front of the garage or adjacent to the main dwelling (on the turning circle).
- 6.23 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 significant difference in the amount of parking available at the site, it is considered to be acceptable in this case.
- 6.24 The applicant is willing for the development to be car-capped (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. This can be secured through the legal agreement.
- 6.25 In accordance with The Further Alterations to the London Plan 2015, the new dwelling would require 2 cycle parking spaces, in order to encourage cycling as an

efficient, healthy and sustainable alternative to private motor vehicle usage. The accompanying Planning Statement notes that the proposal would provide 2 cycle parking spaces in the basement; however they have not been illustrated on the submitted plans. Nevertheless, it is clear that there is sufficient space within the basement to accommodate cycle parking and a planning condition can require the submission and approval of details of the proposed cycle parking, prior to the first occupation of the new dwelling.

- 6.26 Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. Due to the scale of the proposed development the Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A draft CMP has been submitted, as well as additional information about the anticipated programme of works and size of vehicles likely to access the site. Whilst the draft CMP is not considered to be acceptable in all regards, a revised CMP can be sought through the legal agreement. The legal agreement will also secure a contribution towards highway works that are required as a result of the works, as the footway and vehicular crossover directly adjacent to the site could be damaged significantly as a direct result of the proposed works.

Trees and landscaping

- 6.27 Policy DP24 requires new development to consider existing natural features, such as topography and trees. New development should respond to the natural assets of the site and its surroundings and development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.
- 6.28 Currently, mature trees within the site provide screening between the neighbouring plots. Six trees would be removed as part of the proposal. The Arboricultural Impact Assessment states that these trees are of limited quality and their removal would not be harmful to the overall arboricultural contribution of the site. It is agreed that the six trees to be removed are of low significance to the character of this part of the conservation area and a planning condition can require re-planting.
- 6.29 The initial tree survey included estimations of stem diameters for the trees on neighbouring sites that could be affected by the proposed scheme. T3 (a mature Poplar tree) is situated in the rear garden of No. 28 Harley Road and T4 (a mature Horse Chestnut tree) is situated in the rear garden of No. 68 Elsworthy Road. As the calculations were estimated it was not possible to accurately ascertain the degree of encroachment into the RPAs the proposed excavations would have. Therefore, at the request of the Council's Tree Officer, additional trial pits have been dug to demonstrate whether the off-site trees T3 and T4 would be adversely affected by the line of the proposed basement. The pit nearest T3 contained no significant roots and, whilst roots were found in the trench opposite T4, the Arboricultural report concludes that the loss of these five roots would not adversely affect the health or stability of T4. As a precautionary measure it is recommended that the line of proposed excavation within any RPAs is excavated by hand and any roots over 25mm in diameter are severed using clean sharp hand tools under arboricultural supervision. A planning condition can ensure this.

- 6.30 As noted above, the area between the replacement dwelling and the existing mews building would be re-landscaped to provide formal lawns interspersed with paving and planting. The proposed landscaping is considered to represent an improvement to the existing situation, particularly because the proposed landscaping includes a wide variety of plant type and species and is of a high quality.
- 6.31 It is also considered that the proposed tree planting is sufficient to mitigate against the loss of canopy cover provided by the trees that are proposed to be removed. A planning condition can ensure that the hard and soft landscaping works are carried out in accordance with the approved plans by not later than the end of the planting season following completion of the development.

Nature conservation and biodiversity

- 6.32 Policy CS15 seeks to protect and improve sites of nature conservation and biodiversity in the borough, including gardens. A Preliminary Ecological Appraisal (dated November 2015) has been submitted. The report notes that although there is a limited number of habitats and species of high value on site, the garden plays an important role in providing a link between ecological hubs in the wider area. The report advises that the existing habitats on site should be retained as far as possible, with special consideration being given to protecting the native plant species. Suitable measures are suggested in the report (for example, protective fencing etc.) and these measures can be secured by condition.
- 6.33 The details submitted regarding the green roof are not considered to be acceptable. The substrate is of inadequate depth to support a diversity of plant species and will not store water to an acceptable level. Furthermore, no justification for the type of green roof has been given. The submitted details include only Sedum plants which would result in a low level of biodiversity, whereas a wider variety of plant types and species with a deeper substrate would be considered acceptable. The maintenance plan submitted is also considered to be insufficient. Nevertheless, a planning condition can require the submission and approval of further details of the green roof and its on-going maintenance prior to the occupation of the building.
- 6.34 The application site is located approximately 20 metres from a hydro constraint surface water area and ground water area. Furthermore, Camden soils exhibit high Lead levels in made ground. Given the nature of the proposed works and the potential risks, it is considered necessary to attach a planning condition to require the submission and approval of a ground investigation and, if necessary, remediation measures, prior to the commencement of works.

Energy and sustainability and water

- 6.35 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.

- 6.36 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.
- 6.37 The accompanying Sustainability and Energy Statement and the later correspondence from the applicant's Sustainability Consultant outline the sustainability and energy strategy for the proposed development. The proposed development would incorporate a range of energy reduction and renewable energy measures (e.g. improving the fabric of the building, preventing heat loss, reducing air permeability, heat recovery methods, natural ventilation, insulation of the swimming pool, solar PV equipment etc.). Furthermore, the applicant has revised the application to include a green roof and the provision of a ground source heat pump.
- 6.38 The applicant notes that the overall reduction in carbon dioxide emissions is now calculated at 35.6%, which meets the 35% target set by the London Plan. The energy reduction provisions can be secured through the legal agreement. Details of the green roof and its on-going maintenance can be agreed by a planning condition.
- 6.39 Policy DP23 requires developments to reduce their water consumption, pressure on the combined sewer network and the risk of flooding. 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.
- 6.40 The NPPF requires all major development to include Sustainable Urban Drainage System (SUDS), unless demonstrated to be inappropriate. Whilst the guidance usually demands that SUDS be specified in accordance with the drainage hierarchy to provide water quality, biodiversity and amenity enhancements, the applicant has noted that, in this case, due to the size and nature of the site, it would not be feasible to introduce large scale open water features such as ponds / basins / swales (the preferred options in the hierarchy), and instead surface water will be attenuated via an appropriate flow control device and below ground attenuation crates. Permeable paving is also proposed for the majority of new hardstanding areas, which will also provide storage for attenuation within sub-base layers. On the basis that other sustainable construction techniques will be implemented on site, this approach is considered to be acceptable in this case.
- 6.41 The application site is not within an area indicated by the Environment Agency to be at risk from flooding. The applicant has confirmed that surface water run-off from the site will be restricted to 5l/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 site.
- 6.42 A further flood risk assessment has been undertaken in response to a query raised by Campbell Reith, which confirms that the proposed development will have no material impact upon the risk of flooding in the local area around the site.

Basement considerations

- 6.43 Policy DP27 notes that the Council will only permit basements and other underground development where the applicant can demonstrate it will not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.
- 6.44 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.
- 6.45 As noted above, the proposed basement would extend beyond the footprint of the new dwelling; it would extend below the front and rear gardens and also below the mews building at the front of the site. However, the basement would only manifest itself above ground by the staircase in the rear garden, which is judged to be acceptable in visual terms (see paragraphs 6.7-6.12).
- 6.46 Parts of the basement would be one and a half storeys tall (5 metres height), to accommodate the mezzanine levels (the car stacker under the mews building and the plant and staff WC under the main dwelling); however, the majority of the basement would be 1 storey tall (3 metres height). CPG4 recommends 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. It also recommends that basement development should provide an appropriate proportion of planted material to allow for rain water to be absorbed and/or to compensate for the loss of biodiversity caused by the development. It is expected that a minimum of 1 metre of soil be provided above basement development that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity. In this case, the proposed basement would be set in from the site boundaries on all sides; and at least 1.3 metres of soil would be provided above the part of the basement which extends beyond the footprint of the main building.
- 5.47 The facilities in the basement include a banquet hall, kitchen, bar, gym, games room, pool/Jacuzzi, cinema and tepidarium/spa etc. Although the basement would not feature any windows/skylights/lightwells, it is considered that the internal environment would be fit for all these intended uses.
- 5.48 The following underground development constraints apply at the application site: lost rivers; slope stability. The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith, in line with the requirements of CPG4.
- 5.49 The BIA screening exercise identified the following potential issues that were carried forward to scoping:

1. Slope stability

- Q5 - London Clay is prone to seasonal shrink-swell (subsidence and heave).
- Q6 - Six trees will be removed as part of the development
- Q7 - London Clay is prone to seasonal shrink-swell and can cause structural damage
- Q8 - A tributary of the River Tyburn is located 100 m to the west of the site
- Q13 - The development will potentially increase the foundation depth relative to the neighbouring properties to approximately 15.0 m depth

2. *Surface flow and flooding*

- Q6 - The site is located within a Flood Zone 1 and there is a low risk of flooding from reservoirs and other artificial sources. Additionally, the site is located within Critical Drainage Area number GROUP3-005 as identified by the Camden SWMP.

- 5.50 Subsequent to the issue of the initial audit, a number of clarifications and confirmations were issued. The revised BIA includes screening, scoping, site investigation and impact assessment stages as required by CPG4.
- 5.51 Campbell Reith conclude that the revised BIA, in all respects but one, has identified the potential impacts on stability and the water environment from the basement proposals, and provided suitable mitigation. However, the BIA fails to assess the impact on the part of the mews building that belongs to No. 56 Avenue Road.
- 5.52 As the basement below the mews building is relatively shallow and will be formed using conventional underpinning, Campbell Reith are satisfied that this could be addressed in a Basement Construction Plan (BCP), which can be secured by the legal agreement.
- 5.53 Based on the expert advice from Campbell Reith, and subject to the BCP, the proposal would accord with the requirements of policy DP27 and CPG4. The application is therefore considered to be acceptable in this respect.

6. **CONCLUSION**

- 6.1 The proposal to replace the existing dwelling is considered to be acceptable in principle. The replacement dwelling would provide an additional 1496 square metres of floor space and the applicant is willing to enter into a legal agreement to secure an affordable housing contribution. The impact on the character and appearance of the wider area and the setting of the adjacent Elsworth Conservation Area is considered to be acceptable. Furthermore, the new dwelling would not cause undue harm to the visual and residential amenities of nearby and neighbouring residential properties and the new dwelling would provide a good standard of accommodation for future occupiers. The transport impacts of the development are judged to be acceptable, subject to the legal agreement securing car-capped development, a construction management plan and a contribution towards highway repair works. The impact on nature conservation and biodiversity is considered to be acceptable and the development would incorporate sustainable design and construction measures. Any impacts associated with the proposed basement can be addressed in a Basement Construction Plan, also secured by the legal agreement.

6.2 Planning Permission is recommended subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:-

- Affordable housing contribution
- Construction Management Plan
- Highways works contribution
- Car-capped development
- Energy Efficiency and Renewable Energy Plan
- Basement Construction Plan

7. LEGAL COMMENTS

7.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Before the development commences, details of secure and covered cycle storage area for 2 no. cycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new dwelling, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London

- 4 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.

- 5 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 an initial 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: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 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.

- 6 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

- 7 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. 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.

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 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.

- 8 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 to the satisfaction of the Council. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2012 and shall include a tree protection plan and arboricultural method statement. The entire length of the eastern line of excavation within root protection areas of trees to be retained shall be carried out by hand using clean, sharp hand tools under arboricultural supervision. A pre-commencement meeting shall take place with the appointed arboriculturalist and the LPA's tree officer to ensure all tree protection measures are in place and the eastern line of excavation referred to in this condition within RPAs has been carried out as referred to in this condition.

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.

- 9 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Preliminary Ecological Appraisal (dated November 2015), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development will not have a detrimental impact on nature conservation and biodiversity, in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 10 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(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 10dB(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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 11 All non-road mobile machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the

demolition and construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy and policies DP32 (Air quality and Camden's Clear Zone) and DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.

- 12 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

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 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The residential unit hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

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.

- 14 At least 28 days before development commences:
(a) 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; and
(b) following the approval detailed in paragraph (a), an 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.

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 prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination in accordance with 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.

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 Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) 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 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 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.