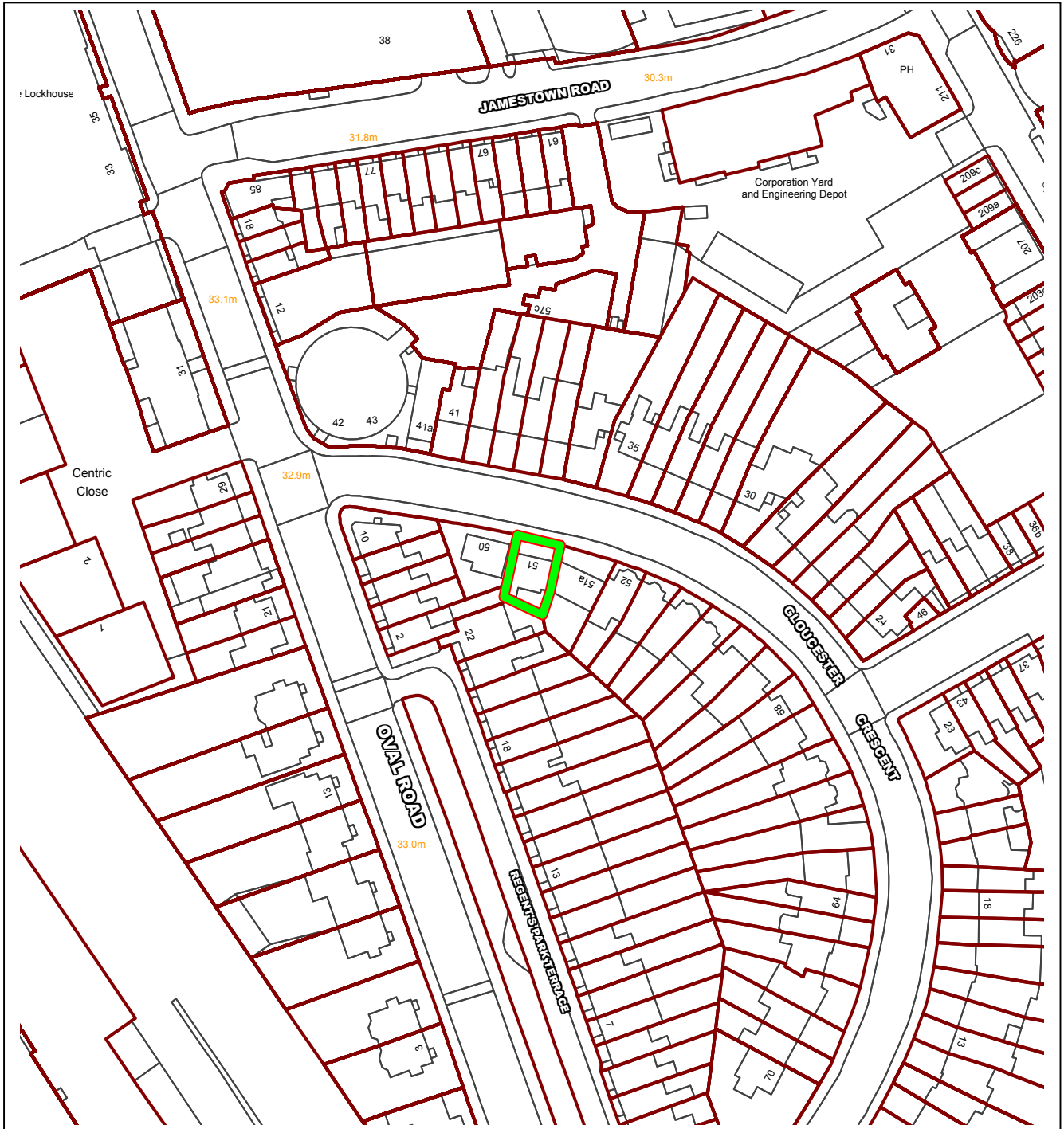


# 51 Gloucester Crescent, London, NW1 7EG

2017/2864/P - Excavation of a new basement below dwellinghouse (Class C3) including front and rear lightwells.



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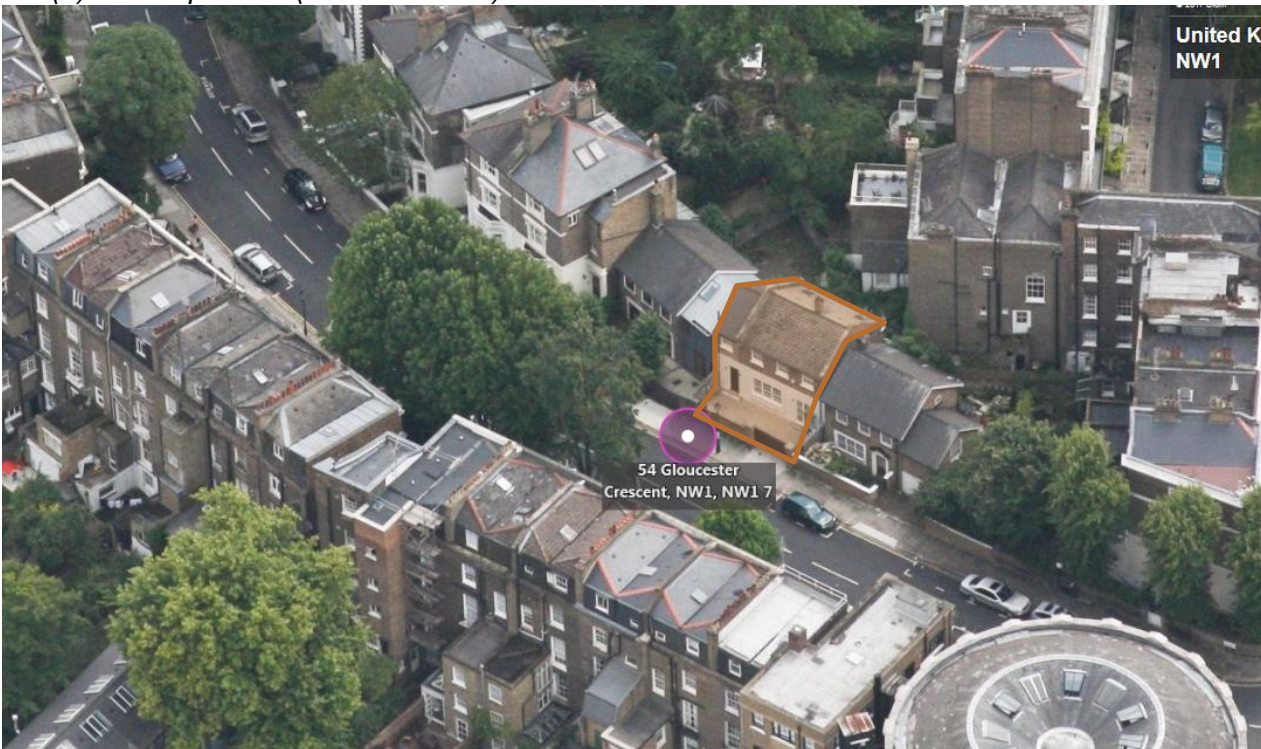
# 51 Gloucester Crescent, London, NW1 7EG

## Site Photographs:

(1) Aerial photo 1 (from the South)



(2) Aerial photo 2 (from the North)



(3) Aerial photo 2 (from the West)



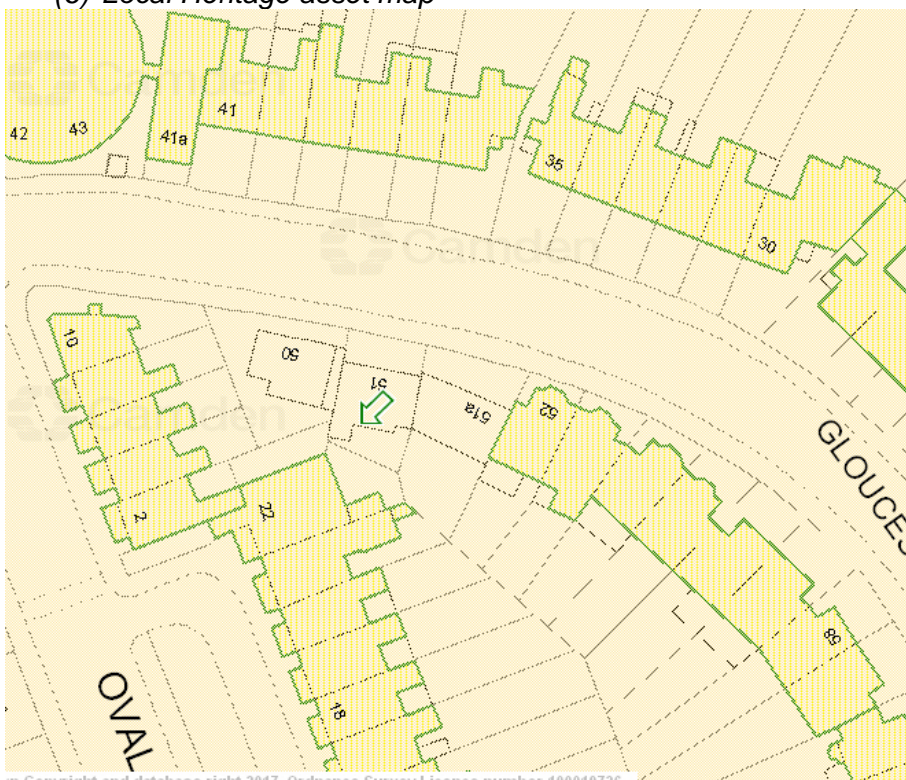
(4) Front Elevation #1



(5) Front elevation #2 / Gloucester Crescent streetscene



(6) Local Heritage asset map



Adjacent listed buildings:

- 2&4 Oval Road (GII)
- 22 Regent's Park Terrace (GII)
- 52 Gloucester Crescent (GII)

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>14/07/2017</b>
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	<b>06/07/2017</b>
<b>Officer</b>			<b>Application Number(s)</b>		
John Diver			2017/2864/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
51 Gloucester Crescent London NW1 7EG			<i>See draft decision notice</i>		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Excavation of a new basement below dwellinghouse (Class C3) including front and rear covered lightwells.					
<b>Recommendation:</b>		Grant conditional permission subject to a Section 106 Legal Agreement			
<b>Application Type:</b>		Householder Application			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Summary of consultation:</b>	Two site notices were displayed near to the site on the 09/06/2017 (consultation end date 30/06/2017). The development was also advertised in the local press on the 15/06/2017 (consultation end date 06/07/2017).					
<b>Adjoining Occupiers:</b>			No. of responses	<b>11</b>	No. of objections	<b>11</b>
<b>Summary of consultation responses:</b>	<p>Letters of objection were submitted from, or on behalf of the owners/occupiers of 2, 19 and 21 Regent's Park Terrace; 2 and 27 Oval road; 50 and 51a Gloucester Crescent; 5 Oakhill Avenue; 53 Beech Hill, Hadley Wood, EN4 0JW and 25 Christopher Street, EC2A 2BS. A further letter was received produced by Birketts LLP which was submitted on behalf of 'several' neighbours (although no specific names or addresses were provided). Their objection comment can be summarised as follows:</p> <p><i>Character/design</i></p> <ul style="list-style-type: none"> <li>(1) Precedent for basement developments may be set</li> <li>(2) Solid character of dwelling compromised by basement extension</li> <li>(3) Basement would be incongruous addition to dwellinghouse which would harm its character. Lightwell paraphernalia likely to clutter front elevation</li> <li>(4) Oppose loss of garden space which is contrary to green space policy</li> <li>(5) Works will endanger protected and mature trees</li> </ul> <p><i>Amenity / CMP/ basement works</i></p> <ul style="list-style-type: none"> <li>(6) Implementation of works likely to give rise to disruption in terms of noise, dust, pollution and traffic.</li> <li>(7) Increased levels of congestion</li> <li>(8) Permanent impacts upon reasonable enjoyment of adjoining properties not only from construction works but also as a result of having a large property so close to existing homes</li> </ul> <p><i>BIA stability</i></p> <ul style="list-style-type: none"> <li>(9) Impact to stability of foundations of neighbouring dwellings</li> <li>(10) Potential damage to surrounding properties via ground/soil movement</li> <li>(11) Concern over impact from ground movement and underpinning to nearby listed terrace</li> <li>(12) NW1 area known as 'subsiding area' within insurance companies and carries a higher premium than average due to cumulative impacts from basement excavations</li> <li>(13) History of unstable ground conditions during construction works on neighbouring sites</li> <li>(14) Soil report notes that damage likely to listed buildings unless carried out to 'highest standard'</li> </ul> <p><i>BIA water flows</i></p> <ul style="list-style-type: none"> <li>(15) Surrounding gardens do not appear to have sufficient drainage for rain water which tends to pool in rear gardens.</li> <li>(16) Concern over potential damp / flooding issues in adjacent properties as a result of impact to groundwater flows</li> <li>(17) Surface water notes indicate increase to ground water likely impacting upon Oval Road and Regents Park Terrace properties</li> </ul>					

	<p><i>Other</i></p> <p>(18) Request for applicant to:</p> <ol style="list-style-type: none"> <li>a. Engage structural engineer to design detail</li> <li>b. Engage a reputable contractor with experience</li> <li>c. Pay a deposit to neighbours in case of damages</li> <li>d. Employ recognised movement and vibration monitoring equipment to be supervised by neighbours structural engineers at owners expense.</li> </ol> <p>(19) Request for adjoining neighbours to:</p> <ol style="list-style-type: none"> <li>a. Employ their own surveyor at the owners expense</li> <li>b. Employ their own structural engineer at the owners expense</li> <li>c. Expect that a schedule of condition will be made for the entire property</li> <li>d. Expect that their surveyors and engineers report regularly on all aspects of the award to be made</li> </ol> <p>(20) Development will lead to insurance premium increases</p> <p>(21) Requirement for additional basement floor deemed unnecessary, extension would be less contentious and dangerous if built at roof level;</p> <p><u><i>Officer's response:</i></u></p> <p><i>(1) As each application must be assessed upon its own merits, the potential for the application to set a precedent for future works is not a material planning consideration.</i></p> <p><i>(2-4) Please see section 4 of the report</i></p> <p><i>(5) Please see section 5 of the report</i></p> <p><i>(6-8) Please see para. 6.2 and section 7 of the report</i></p> <p><i>(9-17) Please see section 3 of the report</i></p> <p><i>(18-19) Should permission be granted, the application would need to enter into negotiations with adjoining neighbours under the requirements of the Party Wall Act 1996 (as amended). The applicant was made aware of this requirement and the likelihood of required measures to further appease the concerns of adjoining freeholders.</i></p> <p><i>(20) The resulting impact upon insurance premiums is not a material planning consideration for the assessment of the application</i></p> <p><i>(21) Whilst officers may agree that roof extensions would result in less impacts from construction, this application must be assessed based upon the scheme submitted.</i></p>
<p><b>Primrose Hill CAAC:</b></p>	<p>A letter of objection was received on behalf of the Primrose Hill CAAC. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> <li>(1) No objection in terms of impact to surrounding heritage assets</li> <li>(2) However no approval should be granted until both structural considerations and a construction management plan are acceptable</li> <li>(3) Expect to see proposals for the implementation of sound structural engineering, which effectively addresses all relevant ecological considerations, including not only local ground conditions, but also the appropriate use of materials having regard to the objectives of the Paris Accords.</li> <li>(4) The Construction Management Plan should address the needs of local residents, but also pedestrians and cyclists using Gloucester Crescent</li> </ol> <p><u><i>Officer's response:</i></u></p> <p><i>(1) Noted</i></p> <p><i>(2-3) The scale of the proposed development is below the threshold trigger for the requirement for a full Sustainability or Energy Statement as stipulated by policy CC1 of the Local Plan. Notwithstanding this please see section 3 of the report for a discussion of implications of the basement construction.</i></p> <p><i>(4) Please see section 7 of the main report below.</i></p>

## Site Description

The application site relates to a two storey dwellinghouse situated on the Western side of Gloucester Crescent, NW1. The property is situated in the middle of a short row of three dwellings (nos.50-51a) which are read as a group within the streetscene. These properties are of contrasting scale, design and character in comparison to the larger villas along the street. The property features a modest front courtyard and rear garden, both of which are enclosed by brick boundary walls as well as a sliding metal vehicular gate to the front.

The application site is located within the Primrose Hill Conservation Area but is not statutorily listed. The Primrose Hill Conservation Area Statement (2000) classifies the application property as making a positive contribution to the Conservation Area. There are two lime trees protected by tree preservation orders immediately adjacent to the application site (to the front of no.59a – TPO ref S2). The application site is subject to a ‘Slope Stability’ underground development constraints according to the Council’s registers.

## Relevant History

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

**2016/3804/PRE** – Pre-application advice was issued on the 18/08/2016 in relation to the proposed ‘excavation of a basement behind the existing dwelling including front and rear lightwells as well as new access stair to lower ground floor level’

**PE9900701** – Permission was granted for ‘The erection of part first-floor and part ground floor and first-floor extension to the side and rear; alterations to the doors and windows at the front and rear; the provision of a wooden gate, the formation of a new pedestrian entrance, and the blocking up of an existing entrance’ on the 22/05/2000.

**PEX0000063** – Permission was refused for ‘The erection of a new mansard roof to create accommodation at second-floor level and the erection of a two-storey side extension on the north western flank of the building’ on the 21/03/2000.

Reason for refusal:

*(1) The proposed mansard and side extensions do not relate well to the scale, form, design and character of the individual building or the group of which it forms part. Furthermore, they are not subordinate to the original building and would detract from the small-scale character of this group within the conservation area...*

**8903235** – Permission was granted for the ‘Erection of a side extension at first floor level for use for residential purposes and alterations to the exterior of the building’ on the 20/09/1989.

**TP72560/621** – Permission was granted for the ‘Conversion of ground floor garage at No. 51, Gloucester Crescent, St. Pancras, into extra living accommodation’ on the 18/05/1954

## Relevant policies

### National Planning Policy Framework (2012)

### The London Plan (2016)

### Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the impact of development



- A3 Protection, enhancement and management of biodiversity
- A4 Noise and vibration
- A5 Basements and Lightwells
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

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

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

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

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

### **Assessment**

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

- 1.1. Planning permission is sought for the excavation of a basement extension to the existing dwellinghouse. The basement would be single storey in depth (floor to ceiling of 3.2m). The basement would extend below the full footprint of the dwelling as well as 1.2m beyond the front elevation into the front garden area and between 0.9m and 1.6m beyond the rear elevation into the rear garden area. The proposed basement would also include both a front and rear covered lightwells. These would both be covered via walk on rooflights and metal grilles.
- 1.2. As outlined in the history section, the proposal has been informed and designed following pre-application advice. Since submission, no revisions were sought to the proposed scheme during the assessment process although, as will be outlined in following sections, the BIA audit process also involved several negotiations to secure full details prior to the final audit report being published.

#### **2. Assessment**

- 2.1. The principal considerations material to the determination of this application are as follows:
- Basement construction
  - The visual impact upon the character and appearance of the host property, streetscene, any nearby listed buildings and the Primrose Hill Conservation Area (Design and Conservation)
  - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
  - The implications upon local transport and highways conditions and relevant planning obligations (Transport / Planning Obligations)

### 3. Basement construction

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

#### Basement Impact Assessment

- 3.3. In accordance with the requirements of policy A5, the applicants have submitted Basement Impact Assessment reports which review the impacts of the proposed basement structure and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability. A well-known firm of consultants using individuals who possess suitable qualifications in line with CPG requirements produced the submitted BIA. Due to the complexities of development constraints for the site and proximity to the canal, these documents have undergone a full audit from the Council's third party auditors – Campbell Reith (CR).
- 3.4. The submitted BIA documents provided for review were produced by Soil Consultants Limited (SCL) with Stephen Buss Environmental Consulting Ltd reviewing the Surface Water and Subsurface Flow elements. A Structural Engineer's Report and draft Construction Method Statement has been produced by Sinclair Johnston & Partners Ltd. The authors' qualifications are in accordance with CPG4 guidelines for all sections. These BIA documents have been independently assessed by Campbell Reith in line with the requirements of policy A5 / CPG4.
- 3.5. Due to the potential issues with ground/slope stability, the number of nearby listed buildings as well as the subsequent requirements for site investigations to inform reporting (beyond the screening/scoping stages), additional information was requested during the course of the assessment following an initial audit of reporting. Over the course of several months of negotiation, further information was provided with regard to:
- Ground Movement Analysis (GMA) geotechnical parameters and provision of model calculations data set
  - Further consideration of 22 Regent's Park Terrace in GMA calculations
  - Further details of the proposed resin grouting works, including how the works are controlled to prevent excessive ground movements
  - Temporary works proposals to confirm stiff propping arrangement of the underpinning works
  - GMA / damage impact assessment updated in line with updated modelling
  - Updated Movement monitoring strategy with revised monitoring trigger levels (now consistent with GMA predictions)
- 3.6. In light of the additional information provided, Campbell Reith issued their final audit of the applicants submitted BIA and conclude that *"Considering the revised submissions, the*

*requirements of CPG4 have been met*" subject to the securing of a Basement Construction Plan via legal agreement. The BCP is recommended to ensure that the methodologies outlined in the BIA are closely followed and monitored onsite during construction. Within the audit report itself, CR's findings can be summarised as follows:

### 3.7. Hydrogeology / ground water flows

- Following a screening and scoping exercise, groundwater monitoring conducted onsite recorded groundwater levels within the Made Ground at a depth of 2.30m. Suitably treated made ground will therefore be required as appropriate mitigation against ground water flows.
- Structural Engineer's Report proposes low-pressure resin grouting to stabilise soil below the water table and reduce groundwater inflows in advance of and during excavation.
- It further proposes trial excavations using the resin to be undertaken prior to the works commencing.
- It is confirmed that there are no ponds, springlines or wells are in close vicinity to the site and that the site is outside the Hampstead Pond chain catchment area.
- Subject to the securing of a BCP (discussed below), CR conclude that *"it is accepted that there will be no impact to the wider hydrogeological environment"*.

### 3.8. Land Stability / Ground movement

- Site specific ground investigation identified a variable depth of (4.2 to 4.5m below ground level) underlain by London Clay. The proposed basement will therefore be founded in London Clay
- Geotechnical design parameters are presented in the Ground Movement Analysis Report which has been updated following requests for further data/modelling.
- The damage impact assessment selects the perpendicular wall of No. 50 Gloucester Crescent as the 'worst case' scenario with horizontal and vertical movements of 3.6 and 2 mm respectively. The Burland category damage classification was determined to be Category 0 (Negligible).
- A services/infrastructure search was conducted and no sensitive assets were identified in the zone of influence of the basement.
- The trigger values proposed are consistent with the GMA and they will ensure damage impacts are maintained to a maximum of Category 1 (Very Slight).
- While CR accept that the use of resin grouting would adequately address the issue of encountered groundwater and stability of made ground while excavating, this process would need to be appropriately designed and controlled during implementation to avoid associated ground movements. CR therefore recommended that resin grouting is specifically addressed in a Basement Construction Plan (BCP) secured via legal agreement.
- Monitoring will be undertaken prior to the injection of the resin in the Made Ground and will continue through to completion of the basement structure.
- Subject to the BCP, CR conclude that *"It is accepted that there are no slope stability concerns regarding the basement development"*

### 3.9. Hydrology / surface water flows

- The site is located within the Critical Drainage Area Group 3-010 but is not located within a Local Flood Risk Zone and the Environment Agency indicates the site to be at a 'very low' risk of surface water flooding
- CR conclude that *"The proposed development will not impact the wider hydrological environment"*

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

### Scale of proposed basement

- 3.11. In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council will also seek to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to minimise the impacts of construction on neighbouring properties. As discussed above, criterion (f) – (m) of Basement policy A5 therefore outline the maximum acceptable scale of basement extensions.
- 3.12. The basement would be of single storey depth (3.2m) and would extend below the full footprint of the dwelling. The basement extension as proposed would also extend 1.2m beyond the front elevation into the front courtyard area and between 0.9m and 1.6m beyond the rear elevation into the rear garden area.
- 3.13. The total area of the proposed excavation would be 93sqm, which is equivalent to less than 1.5x the footprint of the original dwelling (73sqm). The basement construction would not occupy more than 50% of either garden area: the basement would retain 74% of the existing rear garden area (17 of 23sqm retained) and 69% of the front courtyard area (25 of 36.5sqm retained). The extent of the basement construction would not extend beyond any building line by more 50% of the depth of the host dwelling when measured from the principal front/rear elevations (max projection 1.6m / 3.6m average). The extent of excavation proposed would also project by less than 50% of the depth of either garden area (1.6m /4.5m rear – 36%; 1.2m/3.7m front – 32%).
- 3.14. Where the basement would extend beyond the footprint of the original dwelling, it would not be set away from the neighbouring property boundary. In this instance, due to the modest projection and current hard landscaping to all affected areas, the lack of a set away from the shared boundary to a maximum depth of 1.6m (at the rear) is not in this instance considered to result in harm in terms of the provision of boundary vegetation.
- 3.15. There are two protected Lime trees to the front boundary of the adjacent property (51a). As will be discussed further in the following section, the submitted arboricultural report has adequately demonstrated that the proposed excavation would not project into the Root Protection Area or otherwise cause harm to these or any other protected trees.
- 3.16. In light of the above the proposed basement would be of a scale and proportion that would remain in accordance with criterion (f) – (m) of Basement policy A5. It is therefore considered that the proposed basement would remain in accordance with the Council policy A5.

### **4. Design and Conservation**

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 4.2. CPG4 (Basements) states that the Council will only permit basement development where it does not cause harm to the recognised architectural character of buildings and surrounding areas, including gardens and nearby trees. With regard to proposed lightwells/windows, the CPG states that any exposed area of basement should remain subordinate to the building being extended; respect the original design and proportions of the building, including its architectural period and

style; and retain a reasonable sized garden. Where basements and visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the architectural character of the building, or the character and appearance of the surrounding area, or the relationship between the building and the street.

- 4.3. The Primrose Hill Conservation Area Statement (2000) accepts that the majority of properties in the CA have lightwells surrounded by rails to the front elevation. It advises however, that excavation of basement lightwells are unlikely to be acceptable where it is not a characteristic feature of the building type or street, or where works would detract from the original design of the building, streetscene or involve the loss of significant garden space.
- 4.4. Once constructed, the only visible above ground visual manifestation of the proposed basement would be the proposed covered lightwells to the front and rear of the dwelling. Due to the highly enclosed nature of the rear of the site, these element would not be publicly visible although some views would be afforded from a number of upper floor windows to adjacent properties. To the front, unlike others in the local vicinity the application property does not benefit from a substantial setback from the street or a large front garden. The area to the front of the property has been hard surfaced for parking and boundary treatment including a tall brick wall and sliding gates provide additional privacy. Notwithstanding this the property is prominent within the streetscene due to its siting on a bend and its lack of set back from the street. Although the installed gate blocks views when closed, views are afforded to the front of the property while this gate is open.
- 4.5. The proposed covered lightwells would feature panels of glazing as well as a metal grilles immediately adjacent to both the front and rear elevations of the dwelling. As these lightwells would be fully covered, they would not require any railing or upstand and would consequently not project above the made ground level. This would mean that these features would not appear overly prominent in views afforded towards them and would be visually recessive elements. The scale and proportion of the basement extension as a whole adheres to the requirements of policy A5 as discussed in the previous section and is thus considered to be of proportionate scale. The lightwell coverings to the front would be centred below the middle of the main frontage of the host dwelling, providing visual coherency. Similarly to the rear, the covered lightwells would be centred below the French doors to the rear elevation. The positioning of each lightwell would appropriately relate to the elevation above and would thus maintain the character of the existing dwelling and its relationship to the surrounding curtilage. Combined with their modest projection (1m max.) these visual manifestations of the basement extension are considered to remain subordinate to the host dwelling and not to cause harm to its character or appearance. Due to their modest projection and the existing hard surfacing to both front and rear gardens, the proposed extension would not result in a harmful loss of garden space.
- 4.6. Subject to the recommended conditions, it is considered that the proposed basement extensions would not cause a detrimental impact upon the character and appearance of the host property and would preserve the special character of the conservation area. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## **5. Trees**

- 5.1. Although there are no mature trees within the application site, three mature trees protected by Tree Preservation Orders (TPO) are present within the local area. Of those trees, two (limes T1 & T2) are located adjacent to the front boundary of the adjoining 51a Gloucester Crescent and one (Thorn spp. T3) is located beyond the rear boundary of 51a, on the adjacent property on Oval

road. In order to properly assess the potential impact upon these nearby protected trees, a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement produced by Advanced Tree Services (ATS) was submitted alongside the application.

5.2. This report has assessed the extent of the proposed basement against the calculated Root Protect Areas for these nearby trees. It concludes that due to the separation distances maintained between T3 and the basement (15m), the works would not have the potential to cause disruption to this root system or otherwise harm this specimen. With regard to T1 and T2 which are in closer proximity to the proposed basement excavation, closer observation of site conditions illustrate that existing site features such as the masonry boundary wall between nos.51a and 51, the difference in levels across the two adjoining sites (approx..300mm) as well as the level of hard standings to both front yards would have acted as a barrier for root growth across into the application site. The report thus reasons that the proposed excavation would not cause significant disruption to these adjacent trees which might cause harm. The report does not state that specific tree protection measures on site would be required during construction but does outline a methodology of monitoring for construction.

5.3. In order to review the above, the submitted Tree report has been reviewed by the Council's Trees officers who also visited the site in order to make their own observation of the site conditions. They confirm that the aforementioned site constraints would have hampered root growth within the front garden of no.51 as outlined in the report and thus raise no objections to the proposed works. They also note that the two lime trees to no.51a have been heavily pollarded in 2010, 2012 and 2016 and that the resulting shrinkage to their root system would further decrease the potential impacts from excavation. Considering these comments, no objection is raised in this regard to the proposed excavation. A condition is recommended that the methodology for construction outlined in the submitted report is adhered to onsite.

## **6. Residential Amenity**

6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.

6.2. Once constructed, the proposed basement extension would not cause any loss of outlook, privacy or natural light to any adjoining occupier. Due to the location, size and orientation of the proposed lightwell glazing, the basement would similarly not result in any detrimental levels of light spill towards neighbouring properties that might cause harm. Although the basement extension would result in a larger unit, this would remain as a single family dwellinghouse and as such it is not considered that there would be a significant increase in the level of activity within the property that might lead to issues of noise or disturbances. As such, it is accepted that *once constructed*, the proposed development would not cause harm to neighbouring amenity.

6.3. Notwithstanding the above, due to the constrained site access and proximity to other residential dwellings concern is raised with regard to the subsequent impacts and disturbances caused to local residents during the construction phase of development if not properly managed. In accordance with policy A1, where development sites are accessed via narrow residential streets; or have the potential to cause significant disturbance due to their location or the anticipated length of excavation or construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP).

6.4. Many of the submitted comments by neighbouring properties have included concerns relating to

the implementation of works and the subsequent disruption caused. These concerns are certainly shared by the Council and it is agreed that were the development to commence without clear, structured Construction management plan in place then harmful impacts could ensue during the construction phase.

6.5. In light of the above, this instance a CMP is required in order to identify the potential impacts of the excavation and construction phase and state how the potential negative impacts will be mitigated against. The CMP will thus manage on-site impact arising from demolition and construction but also will establish control over construction traffic and how this integrates with other construction traffic in the area having regard to the cumulative effect. In this instance, a draft CMP has been submitted although as it was drafted prior to a principle contractor being secured, many details are missing at this stage. The securing of a full CMP via a legal agreement is therefore essential to the overall acceptability of the scheme. A requirement of the submission of a CMP is for the applicant to enter into discussions and consultation with local residents and stakeholders in order to refine the proposed sequencing, timing and hour of works to avoid undue disturbances. The applicants will be required to entering into these negotiations in order to refine the construction methodology to alleviate the impacts of the construction phase.

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

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

7.1. As noted in the previous section, the implementation of the proposed basement extension could have the potential to cause disruption unless carefully managed and as such a CMP would need to be secured via legal agreement were the Council mindful to support the scheme. As well as managing on-site impacts, any CMP would also seek to establish control over construction traffic and how this integrates with other construction traffic in the area having regard to its cumulative effect.

7.2. Where the implementation of development has the potential to cause damage to the adjacent public highway or footway, the Council may seek to secure a Highways contribution in case of damage. Although it is expected that the level of construction traffic could be reduced by utilising the canal, the construction will inevitably require some level of vehicular servicing. Due to the difficult site access, this is considered the case. In order to compensate against any potential damage caused to the public highway or footway during construction, a refundable highways and street works contribution will be required as part of a Section 106 Legal Agreement. The highways contribution could be refunded provided that, as a result of the works, the adjacent highway is undamaged.

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

## **8. Recommendation**

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

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

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

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

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 15<sup>th</sup> January 2018, 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'.***



UV Architects  
Unit F, Flat Iron Yard  
14 Ayres Street  
London  
SE1 1ES

Application Ref: **2017/2864/P**

11 January 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:

**51 Gloucester Crescent  
London  
NW1 7EG**

Proposal:

Excavation of a new basement below dwellinghouse (Class C3) including front and rear covered lightwells.

Drawing Nos: EX(00)001), AL(00)001),

Supporting documents: Design and Access Statement by Ultra Violet Architects Ltd (dated 5 May 2017); Arboricultural Impact Assessment by Advanced Tree Services dated (December 2016); Structural Engineer Report & draft Construction Management Plan (dated May 2017); Ground Movement Analysis Report ref. 10067A/JRCB/OT (dated 9th May 2017); Site Investigation Report ref. 10067/BM/OT Rev .1 (dated 4th May 2017); Surface Water and Subsurface Flow BIA (Ref. 2016-003-033-002) by Stephen Buss Environmental Consulting Ltd (dated 20 March 2017); Structural Engineer's Report and draft Construction Method Statement (Ref. 8761 170516 RA by Sinclair Johnston & Partners Ltd (dated 16 May 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 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:

EX(00)001), AL(00)001).

Supporting documents: Design and Access Statement by Ultra Violet Architects Ltd (dated 5 May 2017); Arboricultural Impact Assessment by Advanced Tree Services dated (December 2016); Structural Engineer Report & draft Construction Management Plan (dated May 2017); Ground Movement Analysis Report ref. 10067A/JRCB/OT (dated 9th May 2017); Site Investigation Report ref. 10067/BM/OT Rev .1 (dated 4th May 2017); Surface Water and Subsurface Flow BIA (Ref. 2016-003-033-002) by Stephen Buss Environmental Consulting Ltd (dated 20 March 2017); Structural Engineer's Report and draft Construction Method Statement (Ref. 8761 170516 RA by Sinclair Johnston & Partners Ltd (dated 16 May 2017).

Reason:

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

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

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

- 5 The working practices detailed in "BS 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan" dated December 2016 by Advanced Tree Services shall be adopted throughout development. 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 BS5837:2012 and 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 Camden Local Plan

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 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.
- 4 The trees on the adjacent site at no.51a Gloucester Crescent are the subject of the Tree Preservation Order and no tree the subject of a Tree Preservation Order may be lopped, topped or felled without the consent under the Order, except as provided for in the Order or as specifically indicated within the proposals to which this planning permission relates. Further advice on this aspect may be obtained from the Tree Preservation Officer. (Tel: 020-7974 5939)

- 5 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.
- 6 This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended).

In particular, your attention is drawn to the need to ensure that the use of the front forecourt of the property for vehicular parking does not overhang or otherwise obstruct the public highway (including footway).

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

# DECISION