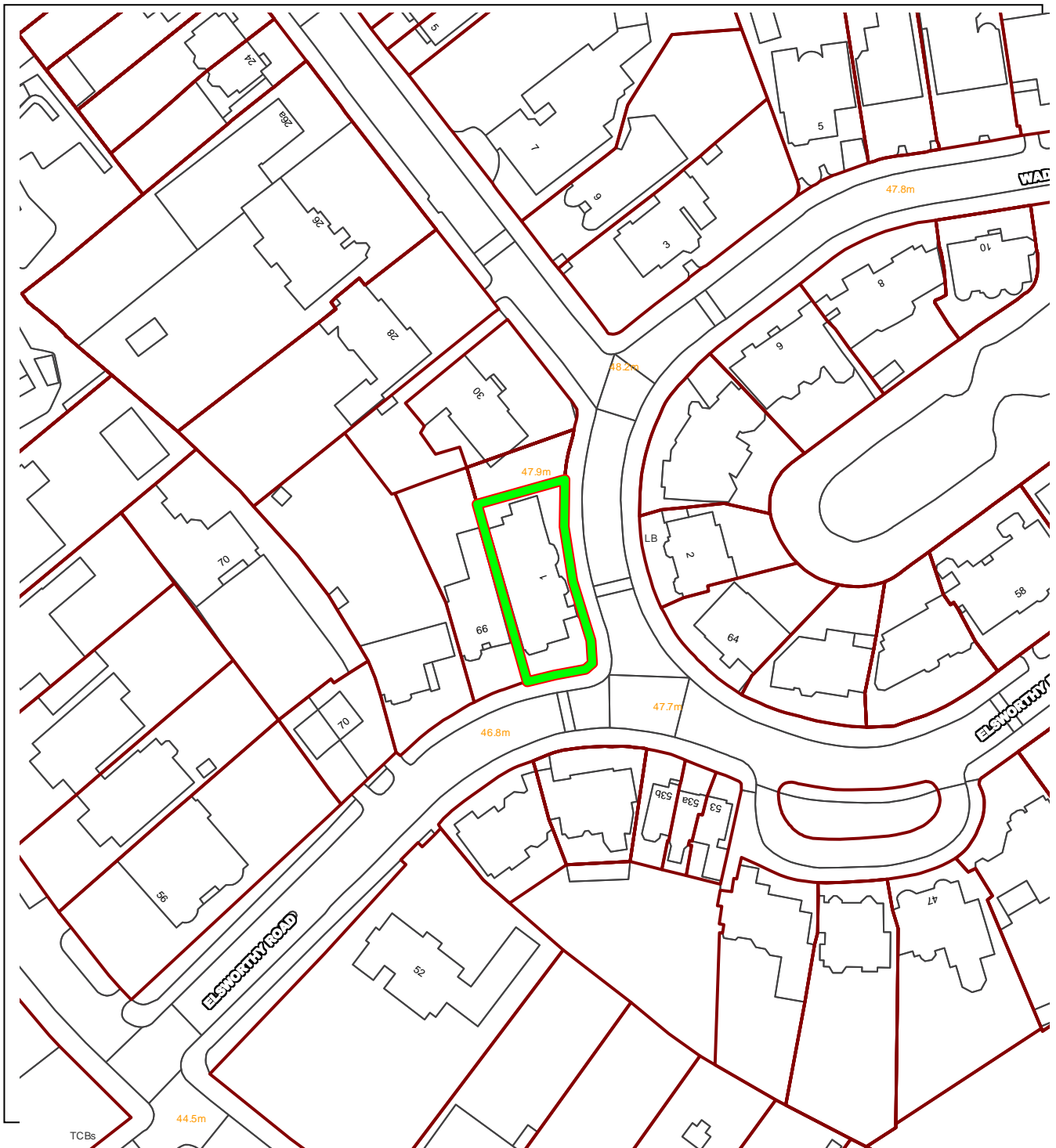
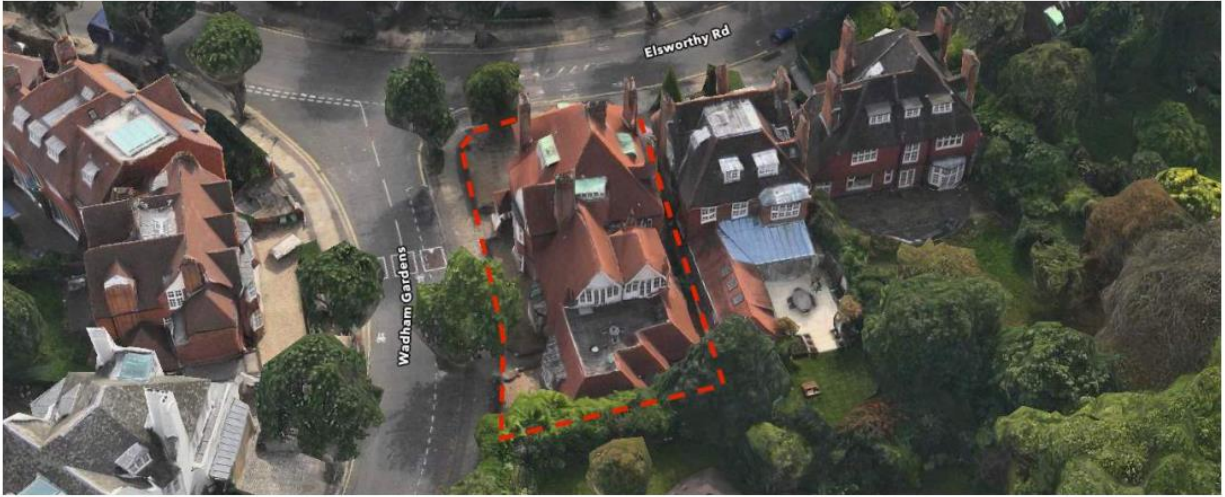


1 Wadham Gardens, London NW3

3DN ref. 2018/3320/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



Aerial photo of the site – North



Aerial photo of the site – East



Wadham Gardens - Existing front elevation



Elsworthy Road - Existing side elevation

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	28/09/2018
	N/A	Consultation Expiry Date:	30/09/2018
Officer		Application Number(s)	
Gavin Sexton		2018/3320/P	
Application Address		Drawing Numbers	
1 Wadham Gardens London NW3 3DN		Refer to Draft Decision Notice	
Proposal(s)			
Excavation of single-storey basement level under footprint of existing building, sunken terrace to north-west of site, 4x front and side light-wells with grilles, internal alterations to flats on ground, first and second floors, new and altered window openings to rear ground floor and first floor level, demolition and rebuild of the north-west end of the building, new boundary treatment with railings and landscaping works, in association with 6 existing dwellings.			
Recommendation(s):	Grant Conditional Planning Permission Subject to Section 106 Legal Agreement		
Application Type:	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	01
			No. Electronic	02		
Summary of consultation responses:	<p><i>A press notice was published on 6th September 2018 and site notices were placed on 31st August 2018.</i></p> <p><i>1 comment was received from a neighbour on Wadham Gardens:</i></p> <ul style="list-style-type: none"> <i>• In general I support this application.</i> <i>• However I feel that the treatment of the street boundary railings needs to be revised to be in keeping with conservation area.</i> <p><i>1 objection was received from a resident of King Henry's Road:</i></p> <ul style="list-style-type: none"> <i>• In principle the development of basement excavations should be resisted.</i> <i>• Despite best efforts environmental, noise and other problems will arise and the proposal would set a bad precedent for the area which should not be overrun by such schemes which run counter to the character of the neighbourhood.</i> <i>• The disruption during the works will be unacceptable for all who use Wadham Gardens and Harley Road</i> <p><i>Thames Water raised no objection and commented:</i></p> <ul style="list-style-type: none"> <i>• On the basis of information provided, Thames Water raise no objections with regard to water network and infrastructure capacity or waste water network and process infrastructure.</i> <i>• Thames Water recommend an informative be attached to the planning permission.</i> 					

Elsworthy Residents Association:

Objection

"This application is a repeat of the expired 2015/6104/P with minor changes. Some of the comments made then are still relevant:

- The Members Briefing in 2016 said that in response to my comments "the front door of the cottage had been revised". I can't see any change on the latest drawings.*
- It also said "boundary treatment has been revised to accord with the comments (mine) and confirms the original Willett design".*
- The new drawings on the present application show very close metal railings, 1.3m., which are certainly nothing like the original, as shown on the vintage photo. This site being on the junction of three roads is very prominent in the Elsworthy CA and deserves a more sympathetic treatment. It is appreciated that there will be camouflaging from the yew hedging but the railings are to be resisted.*
- Para 11 of the CMP says the road is "wide enough" for their purposes. It is wide enough for two cars to pass but being on a junction and a bend it can be hazardous and traffic marshalling will be essential.*
- Protection for the two street plane trees is also essential.*
- The boundary treatment, because of the metal railings, will not preserve or enhance the conservation area and needs to be revised again.*

CAAC/Local groups:

Elsworthy Conservation Area Advisory Committee:

We wish to confirm and reiterate the comments made by the Elsworthy Residents Association.

Officer Comments:

The drawings have been revisited and the following changes have been made :

- Railings removed and replaced with timber fence atop a low wall*
- Door to flat 3 has been improved*
- The design of the bin and bike stores has been changed to reduce the scale and bulk of bike store and to better integrate the stores with the boundary treatment*
- The landscaping has been revised to confirm Hawthorn to be replaced and reflect other changes above*
- The Basement Impact Assessment has been revised and updated*

The London Planes would be subject to a tree protection condition which would require a method statement demonstrating how trees would be protected.

A construction management plan was secured as part of the previous permission – and would be secured as part of any similar development.

Further detailed commentary is provided in the report below.

Site Description

The application site is a 2 storey traditional Willett Style house with a part 1, part 2 storey 'modern' extension to the rear (north of site) on the corner of Harley Road and Wadham Gardens. The property is located within the Elsworthy Conservation Area and is not listed. The site is listed as a positive contributor in the Conservation Area Appraisal Statement.

The building is sub-divided into 6 self-contained flats and lies in an area that is predominantly residential. Due to the 'modern' rear extension the site does not retain a significant amount of outdoor space to its rear but retains the entire front garden area as originally designed. There is no parking provided on-site.

Relevant History

2015/6104/P Granted planning permission on 26/04/2016

Excavation of single storey basement under footprint of existing building, sunken terrace to northwest of the site, 4x front and side lightwells with metal grills, internal alterations to flats on ground, first and second floors, new window openings to rear ground floor elevation, first floor rear infill extension, new boundary treatment with railings and landscaping works in association with 6 existing dwellings (C3).

2019/0203/P Under consideration

Details of tree protection as required by condition 6 of planning permission 2015/6104/P (dated 26 April 2016).

2019/0081/P Under consideration

Details of cycle & bin storage structures, hard & soft landscaping and appointment of basement engineer, as required by conditions 4, 7 and 9 of planning permission 2015/6104/P (dated 26 April 2016).

Relevant policies

National Planning Policy Framework 2018

London Plan 2016

Draft New London Plan showing Minor Suggested Changes (13 August 2018)

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A5 Basements
H4 Maximising the supply of affordable housing
CC1 Climate change mitigation
CC3 Water and flooding
D1 Design
D2 Heritage

Camden Planning Guidance (CPG)

CPG Amenity (2018)
CPG Basements (2018)
CPG1 Design (2015; updated 2018)
CPG3 Sustainability (2015)
CPG6 Amenity (2011; updated 2018)
CPG7 Transport (2011)
CPG8 Planning Obligations (2015)

Elsworthy Conservation Area Statement 2009

Assessment

1.0 Proposal

- 1.1 The proposal is largely a duplicate of the development approved subject to conditions and s106 legal agreement in April 2016 (under 2015/6104/P). Additional details have been provided of the bin and bike store and the landscaping, in order to address conditions 4 and 8 of the approved planning decision.
- 1.2 The development comprises :
- excavation of a single storey basement under the footprint of the existing building
 - a sunken terrace to northwest of the site
 - 4 x front and side lightwells with metal grilles,
 - infill of first floor rear extension (approx. 2.2sqm)
 - internal alterations to the flats on ground, first and second floors
 - new window openings to the rear ground floor elevation
 - demolition and replacement of ground floor extension on the northern elevation
 - 2x new refuse storage areas and a cycle shed
 - new boundary treatment to frontage and landscaping works

Revisions

- 1.3 The boundary treatment was amended to provide a wooden fence above a low brick wall. The cycle and bin stores were amended to reduce their scale. The basement impact assessment was revised.

2.0 Assessment

- 2.1 The main considerations with this application include:
- Land Use (including the mixture of units)
 - Design and Conservation
 - Basement Considerations
 - Amenity and Residential Accommodation Standards
 - Transport
 - Trees and landscaping
- 2.2 The 2016 grant of planning permission for development proposals which are identical in principle and almost identical in detail is a significant material consideration, which set a precedent for development of this nature at the site. The Camden Local Plan has been adopted in the interim since the grant of permission in 2016, which is also a material consideration. The principle policy changes to the Local Plan which are of relevance to this application relate to *A5 Basements* and *H4 Maximising the supply of affordable housing*. The relevance of these changes is discussed in the sections below.

Land use

- 2.3 The proposals would increase the existing residential floorspace by 231sqm, for incorporation into the existing 6 flats on the site. This is a significant increase in residential floorspace and exceeds the 100sqm threshold in policy H4 where affordable housing is generally sought. However policy H4 is also clear that a contribution towards affordable housing will only be sought where developments “*provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more*”. As the development only seeks to extend the

existing flats and creates no new units the proposals would not trigger an affordable housing contribution under policy H4.

- 2.4 There are no other land use matters which are affected by the new material considerations since the 2016 permission and therefore the land use proposals are acceptable.

Design and Conservation

- 2.5 There have been no significant changes to the design-related material considerations since the 2016 decision. The proposed rebuild of the rear extension was considered to be acceptable and this remains the case. Other elements of the proposals, such as the replacement of all existing UPVC windows within the building with painted timber, the new door to apartment 3 and minor changes to openings all remain acceptable.
- 2.6 The front boundary treatment was amended during the assessment and is proposed as a low brick wall with timber paling above, to replicate the original Willett design, a characteristic of the surrounding conservation area. Other railings and timber fencing to the north and east of the site are existing and unchanged.
- 2.7 The basement development includes 4x new lightwells to the south and west elevation, which were considered to be suitably designed and located so as to minimise their visibility and impact on the character of the host building and Conservation Area.
- 2.8 The 2016 permission included a condition requiring details of the refuse and cycle stores. The details submitted to address that requirement were amended during the course of the assessment in order to minimise the height, position and scale of the cycle store and to ensure that the bin store adjacent to the bike store would be more respectful of the character of the proposed timber fence.
- 2.9 The detailed design proposals would preserve the character and appearance of the Elsworthy Conservation Area and are acceptable in terms of policies D1 and D2. Condition 4 would secure details of all new windows, doors and gates including sections and condition 2 requires any remedial works to be in materials to match.
- 2.10 The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Basement Considerations

- 2.11 With the exception of four small lightwells and the 20sqm sunken rear terrace, the proposed basement excavation would be underneath the footprint of the building. This accords with the restrictions of Local Plan policy A5 which seek to ensure that the siting, location, scale and design of basements have minimal impact on, and are subordinate to, the host building. Two of the proposed lightwells extend by 800mm beyond the building line and the other two extend no more than 1.45m beyond the building. A small portion of the existing building would be removed in the northeast corner of the site to accommodate the sunken patio, which would extend 2.6m beyond the proposed rear wall but is otherwise within the footprint of the previously existing building. The internal floor to ceiling height provided at basement level is 3m high.
- 2.12 The application is supported by a Basement Impact Assessment (BIA). The BIA was revised during the course of the assessment following feedback from the Council's independent BIA

auditors (Campbell Reith). In particular the revisions were required to address the requirements introduced by policy A5 to restrict the potential impact from the construction of the basement to Category 1 (Very Slight) of the Burland Scale. The basement would result in a marginal increase in impermeable surfaces on the site and therefore it is not considered justified to require further details of drainage.

- 2.13 Overall the BIA Audit concludes that the revised BIA meets the requirements of CPG Basements and policy A5 subject to condition 8 which requires compliance with the BIA as audited and condition 7 requires a suitably qualified engineer to be engaged for the duration of the works.

Amenity and Residential Standards

- 2.14 The proposals would involve no changes to the impact on the amenity of adjoining occupiers which were not assessed as part of the previous application. There have been no relevant changes in material considerations which would alter the amenity assessment and therefore the proposals are acceptable in terms of policies G1 and A1.
- 2.15 Similarly the impact of the proposals on the amenity of future occupiers of the building has been previously assessed and remains acceptable.

Transport

- 2.16 The number of flats on site will remain unchanged, and therefore whilst not required by policy, the proposal to include cycle parking is welcomed.
- 2.17 A highway works financial contribution is sought prior to implementation in order to secure the remediation to the public highway as a result of the works on site. The contribution would be as before (£12,452) but indexed to allow for the interim 3 year period since the 2016 permission was issued. This would be secured by legal agreement.
- 2.18 A Construction Management Plan (CMP) is recommended to be secured by legal agreement in order to control the movement of construction vehicles, times, amount, emissions, parking and safety of vehicles and pedestrians in the vicinity of the construction site. In the interim since 2016 the Council has introduced a formal charge to support the implementation of Construction Management Plans and Demolition Management Plans, to be secured as a financial contribution as part of Section 106 agreements. In the case of this development the charge would be £3136.

Trees and landscaping

- 2.19 The site includes 1x Hawthorn (tree no. 5) and 1x Ailanthus Sapling (not a formal tree). Off-site within the pavement area outside the front of the building are 2 x Plane trees of moderate quality. To the north of the site is 1x Sycamore and 1x Cherry tree within the adjoining property. The arboricultural report submitted with the application is considered sufficient to demonstrate that the proposed development could be implemented without causing harm to the trees to be retained both on site and off site provided suitable methods are adopted and material used. Tree protection details including an arboricultural method statement would be secured prior to commencement via condition 5.
- 2.20 The existing landscaping is of low quality, the proposed scheme is considered to be a significant improvement. The native yew hedge around the perimeter of the site would be in keeping with other dense, evergreen hedges that form typical boundary treatments in this part of the

Elsworthy Conservation Area. The east Asian planting scheme is considered to be suitable for the site and to enhance the biodiversity of the site. The arboricultural report suggests that T5 (a mature on-site hawthorn tree) should be removed irrespective of development due to its poor condition. The proposed landscaping plans include reference to a replacement hawthorn, which would be secured by condition 6 as part of the landscaping proposals.

Community Infrastructure Levy (CIL)

2.21 An additional 231sqm of residential accommodation is proposed. As such the development is liable for CIL. An informative is attached to the draft decision notice.

Recommendation: Grant conditional planning permission subject to s106 legal agreement.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 28th 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 and search for 'Members Briefing'.

HUB Architects and Designers Ltd.
15 Hoopers Yard
Kimberley Road
London
NW6 7EJ

Application Ref: **2018/3320/P**

23 January 2019

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:
1 Wadham Gardens
London
NW3 3DN

DECISION
Proposal: Excavation of single-storey basement level under footprint of existing building, sunken terrace to north-west of site, 4x front and side light-wells with grilles, internal alterations to flats on ground, first and second floors, new and altered window openings to rear ground floor and first floor level, demolition and rebuild of the north-west end of the building, new boundary treatment with railings and landscaping works, in association with 6 existing dwellings.

Drawing Nos: Basement Impact Assessment by Quadrant Harmon Structural Engineers [with supporting information including : Oasys calculations, Ground appraisal report by Geo-environmental, version 3.0; Geotechnical and structural engineering for formation of new basement by Consulting Civil & Structural Engineers rev 4 (17 Dec 2018); Construction requirements and anticipated sequence (drawings 1550-GN01 rev2, GN02 rev3, GN03 rev2); Drawings 1550-01 rev2, 02 rev3, 03 rev2, 04 rev1); Outline plan of works; Structural calculations for basement; Various utility status reports; Site investigation by Geo-Environmental (GE10977)]; Daylight and Sunlight Assessment by CHP Surveyors Limited (19/10/2015); Draft Construction Management Plan by HUB Architects - 1179-APP-02; Tree survey/Arboricultural Statement by Landmark Trees (API/1WDG/AIA/01 5th July 2018); BREEAM Assessment 656RWG BREEAM Dom Refurb DS Rev P2.

Existing drawings: prefix 1179- 00 (Location Plan), 01 (plans); 02 (elevations), 03 (sections).

Proposed drawings: prefix 1179- 00 (Block Plan), 01 RevA (Plans), 02 rev A (Elevations), 03 (sections), 05 revA, 06revA (Waste/Cycle storage), 07 rev A (Bin shed & garden gate); 08 (Garden Gate), 10 revA (Railings); Proposed hard & soft landscaping 1179-10 Rev B.

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: Daylight and Sunlight Assessment by CHP Surveyors Limited (19/10/2015); Draft Construction Management Plan by HUB Architects - 1179-APP-02; Tree survey/Arboricultural Statement by Landmark Trees (API/1WDG/AIA/01 5th July 2018); BREEAM Assessment 656RWG BREEAM Dom Refurb DS Rev P2.

Existing drawings: prefix 1179- 00 (Location Plan), 01 (plans); 02 (elevations), 03 (sections).

Proposed drawings: prefix 1179- 00 (Block Plan), 01 RevA (Plans), 02 rev A (Elevations), 03 (sections), 05 revA, 06revA (Waste/Cycle storage), 07 rev A (Bin shed & garden gate); 08 (Garden Gate), 10 revA (Railings); Proposed hard & soft landscaping 1179-10 Rev B.

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

- 4 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) Details including sections at 1:20 of all new windows (including jambs, head and cill), ventilation grills and external doors;

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 policies D1 and D2 of the Camden Local Plan 2017.

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

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

- 6 All hard and soft landscaping works, including the replacement of the Hawthorn Tree as shown on the approved drawing " Proposed hard & soft landscaping 1179-10 Rev B ", shall be carried out in accordance with the approved landscape details, prior to the occupation of the development.

Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 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.

- 8 The basement works hereby approved shall be carried out in accordance with the Basement Impact Assessment (and supporting documents) as approved. Any change to the basement design or construction methodologies as approved shall be submitted to the local planning authority for approval in writing prior to their implementation.

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.

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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 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.
- 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 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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