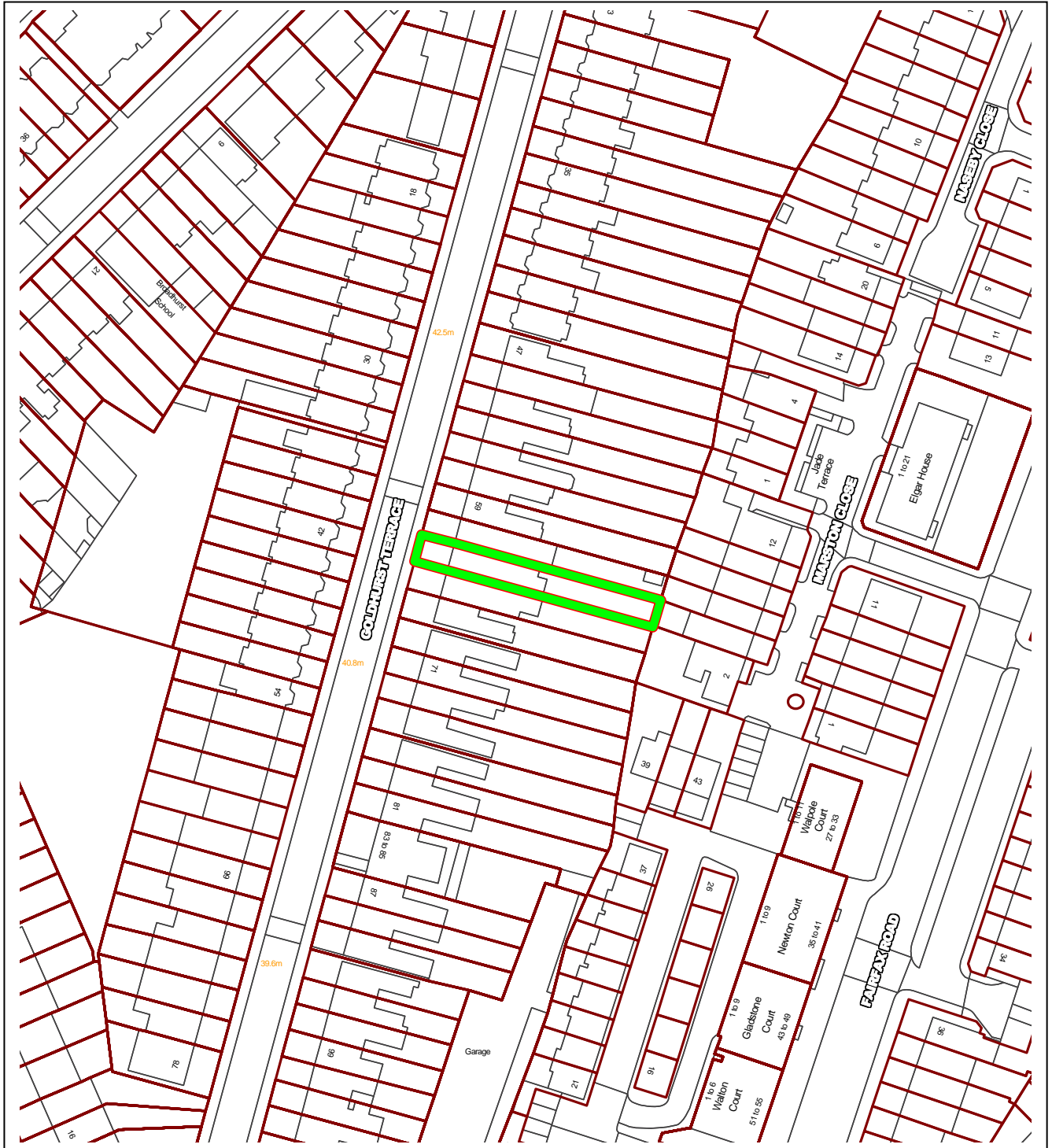


2016/4083/P – 63 Goldhurst Terrace, London, NW6 3HB



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1. Front elevation



2. Internal view of basement under construction



3. View of rear prior to construction



4. Front elevation prior to construction



Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	25/10/2016
	N/A / attached	Consultation Expiry Date:	29/09/2016
Officer		Application Number(s)	
Ian Gracie		2016/4083/P	
Application Address		Drawing Numbers	
63 Goldhurst Terrace London NW6 3HB		See draft decision	
Proposal(s)			
Excavation of basement with front and rear lightwells.			
Recommendation(s):	Grant conditional planning permission		
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	05	No. of objections	05
Summary of consultation responses:	<p>The owners/occupiers of no.15 Fairfax Place, nos. 44, 50, and 61 have objected on the following grounds:</p> <ul style="list-style-type: none"> • Work has already started - (Officer Comment: Please refer to the enforcement history section below); • No 61, 65 and 67 have all had basement excavations constructed already - (Officer Comment: Each case is considered on its own merits. A full assessment as to the impact of an additional basement has had on the surrounding area is set out in paragraphs 4.1-4.5); • A number of basements have been built back-to-back which has caused continuous disruption - (Officer Comment: Each case is considered on its own merits. A full assessment as to the impact of an additional basement has had on the surrounding area is set out in paragraphs 4.1-4.5); • The noise controls for the current building are not suitable - (Officer Comment: Please sections 7.1-7.2 below for more information); • Dirt and noise pollution created during construction - (Officer Comment: Please sections 7.1-7.2 below for more information); • There is over development of basements in the area - (Officer Comment: Please sections 4.1-4.5 below for more information). 					
CAAC/Local groups comments:	No comments received					

Site Description

The site is a three storey plus basement terraced house on the eastern side of Goldhurst Terrace. It lies within the South Hampstead (formerly Swiss Cottage) Conservation Area which is subject to an Article 4 Direction.

This application has been submitted as a result of enforcement action that was taken against the applicant as a result of the basement excavation being carried out prior to planning permission being granted.

Relevant History

63 Goldhurst Terrace (application site)

2015/3793/P – Excavation of basement with front and rear lightwells with cycle store to the front (Use Class C3). – Refused and Warning of Enforcement Action to be Taken 16/06/2016.

Reasons for refusal:

- 1. The submitted basement impact assessment fails to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and the structural stability of surrounding buildings, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 2. The proposed development, in the absence of an arboricultural report in accordance with BS5837, fails to consider the impact of the proposed basement on the surrounding trees which is contrary to policies CS5 (Managing the impact of growth and development), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), and DP27 (Basements and lightwells).*
- 3. The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for and safety of pedestrians and protect their amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
- 4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

65 Goldhurst Terrace

2014/6247/P – Excavation to enlarge existing basement including enlarged front lightwell and relocated access stairs, and new rear lightwell. Granted 02/10/2015.

61 Goldhurst Terrace

2014/2046/P – Excavation of basement to residential flat including front and rear lightwells (Class C3). Granted 28/05/2014.

2009/4813/P – Erection of a single storey rear extension (following demolition of existing rear extension) and single storey outbuilding at rear of flat (Class C3). Granted 21/12/2009.

8400846 – Change of use and works of conversion to form three self-contained flats including the erection of a ground floor extension to the rear. Granted 12/09/1984.

66 Goldhurst Terrace

2012/6105/P – Excavation of basement with front and rear lightwells to residential flat (Use Class C3). Granted 02/01/2013.

60 Goldhurst Terrace

2013/7147/P – Excavation to extend the existing basement level, creation of front and rear lightwells with rear staircase leading from ground floor to basement and addition of metal railings at ground floor level to rear elevation in connection with dwelling house (Class C3). Granted 02/01/2014.

58 Goldhurst Terrace

2012/2538/P – Excavation of enlarged basement with front and rear lightwells, erection of rear ground floor level extension with terrace over at first floor level, replacement of window with door at rear first floor level all in connection with existing flats (Class C3). Granted 20/11/2012.

Enforcement History

EN15/1295 - Hoardings in place at the front of property: enforcement investigation opened into potential excavation without permission. Case opened on 17-12-2015.

Relevant policies

National Planning Policy Framework 2012

14, 17, 56-66, and 126-141

London Plan 2016

5.3, 5.12, 5.18, 7.4, 7.6 and 8.2.

Camden LDF Core Strategy 2010

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS13 – Tackling climate change through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP2 – Making full use of Camden's capacity for housing

DP6 – Lifetime homes and wheelchair homes

DP22 – Promoting sustainable design and construction

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

Camden Planning Guidance

CPG1 – Design (July 2015)

CPG2 – Housing (July 2015)
CPG3 – Sustainability (July 2015)
CPG4 – Basements and Lightwells (July 2015)
CPG6 – Amenity (2011)

South Hampstead (formerly known as Swiss Cottage) Conservation Area Character Appraisal and Management Strategy (February 2011)

Draft Camden Local Plan

Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council is consulting on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017, policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

The following policies are considered to be relevant:

H1 – Maximising housing supply;
H6 – Housing choice and mix;
H7 – Large and small homes;

A1 – Managing the impact of development;
A3 – Protection, enhancement and management of biodiversity;
A5 – Basements and lightwells;

D1 – Design;
D2 – Heritage;

CC1 – Climate change mitigation;

T1 – Prioritising walking, cycling and public transport;
T2 – Car-free development and limiting the availability of parking.

1. Proposed Development

- 1.1 The applicant seeks planning permission for the excavation and enlargement of the existing basement to provide a single storey basement beneath the footprint of the building with an enlarged front lightwell and introduction of a rear lightwell. The basement, including lightwells, would have dimensions of 24.4m x 5.6m and it will have a depth of 2.5m at its deepest point. The basement will provide approximately an additional 110sqm of floorspace.
- 1.2 The front and rear elevations would both include 2 windows within the lightwell.
- 1.3 The proposal also includes an amended wall and railing to secure the front lightwell.
- 1.4 As noted above, this application has been submitted following the previous application that was refused with warning of enforcement action as a number of issues were still outstanding with the pending planning application. Development had also commenced on site prior to permission being granted.
- 1.5 The basement has been substantially completed to the point where no further excavation is required.
- 1.6 The following considerations are relevant in the determination of this case:
 - a) Design;
 - b) Basement Impact;
 - c) Trees and Landscaping;
 - d) Residential Amenity; and
 - e) Planning Obligations.

2. Design

- 2.1 Policy DP24 requires development proposals to consider the character setting, context and the form and scale of neighbouring buildings as well as the character and proportions of the existing buildings where (such as this case) alterations and extensions are proposed.
- 2.2 Policy DP25 of the LDF requires all alterations and extensions within designated conservation areas to preserve and enhance the character and appearance of the area. The guidance in CPG1 notes that basement extensions would not be considered acceptable where it erodes the character of existing garden spaces.
- 2.3 The basement will be located predominantly below ground level and as such will result in a minimal external change to the appearance of the host building and the wider conservation area. Whilst the proposal would result in the enlargement of the front lightwell, this is considered to be acceptable as a number of original lightwells along the street have been modified.
- 2.4 The introduction of new fenestration to both the front and rear of the building is considered acceptable by virtue of its limited visual impact on account of the lightwells restricting views of this part of the building. Should planning permission be granted, however, a condition would be recommended requiring that matching materials be used.
- 2.5 As a result of the enlarged front lightwell, a sufficient amount of garden area would be maintained which is in keeping with the character of the immediately surrounding area.

- 2.6 It is noted that the proposed cycle store will be located at basement level. CPG7 (Transport) requires that cycle parking should be located at ground floor level with step free access to the property. It is recognised, however, that whilst this is not strictly policy compliant, it is not a reason for refusal as it will be possible to store bicycles within the ground floor area as is currently possible on site.
- 2.7 The proposed section A-A appears to suggest that there will be railings around the front lightwell however the proposed elevation drawing does not show this. A condition has been added requiring further details of the railings to be submitted.
- 2.8 For the reasons listed above, the proposed development is considered to be consistent with policies CS14, DP24 and DP25 of the London Borough of Camden's Local Development Framework as well as Camden Planning Guidance on Design.

4. Basement Impact

- 4.1 The Conservation Area Character Appraisal and management Strategy states that, *"proposals for basement development that take up the whole front and / or rear garden of a property are not acceptable. The great majority of the garden should always be left unexcavated in a basement development so that there is no impact on the amenity or biodiversity of the garden. It is also important to ensure that large areas are left undeveloped between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. These areas should be wide enough to sustain the growth and mature development of the characteristic tree species and vegetation of the area"*. The proposal would take up only a small proportion of the front and rear gardens and would maintain all existing landscaping and as such is considered to be in keeping with the character of the conservation area.
- 4.2 Policy DP27 and planning guidance CPG4 state that developers will be required to demonstrate, with methodologies appropriate to the site, that schemes do not interfere unreasonably with underground water flows; maintain the structural stability of the land, existing building and neighbouring properties; and do not contribute to localised surface water flow or flooding.
- 4.3 The Basement Impact Assessment submitted by the applicant has been subject to independent verification. The independent assessment was undertaken by Campbell Reith and concludes that the final submitted BIA does reflect the processes and procedures set out in DP27 and CPG4 subject to conditions.
- 4.4 The audit of the BIA with the previously refused application 2015/3793/P concluded that a number of issues were outstanding, namely ground movement and structural stability. However, due to the fact that the basement has already been substantially complete, certain tests could not be performed. It has therefore been recommended that the basement is assessed by a Building Control officer to ensure that the above requirements can be met to the relevant standard. The applicant has since submitted a Building Control application to ensure that the above concerns can be overcome (Ref no. 17/6/00014). It is recommended that a condition is added that requires a suitably qualified structural engineer to assess the stability and that the drainage and flood risk mitigation measures have been implemented in accordance with the approved BIA. As a result Officers are satisfied that the necessary investigations will be carried out to ensure that the basement has been constructed without adverse impacts to both the structural stability of the basement itself and the surrounding subterranean conditions.
- 4.5 The BIA documents have been independently assessed in line with the requirements of CPG4. As such, officers consider that based on the expert advice the applicant has demonstrated that the proposal would accord with the requirements of policy DP27 and associated Camden Planning Guidance 4.

5. Trees and Landscaping

- 5.1 Policy DP24 states that the Council will require all development to be of the highest standard of design and will expect development to consider existing natural features, such as topography and trees. There are a number of trees surrounding the site, particularly to the rear of the building.
- 5.2 The Conservation Area assessment states that, *“mature street trees are a key characteristic of the conservation area and contribute strongly to its landscape and special significance”, “the conservation area generally has a decent level of tree cover which should be protected and enhanced”, “the general canopy/tree character of the conservation area is largely formed of / intermittent tree cover in front gardens/ trees in front gardens provide a very important landscape and streetscape function and this is especially true where street trees are not present”.*
- 5.3 As part of the previously refused application 2015/3793/P, a tree survey was submitted but it was considered insufficient for the purposes of this application and did not comply with BS5837. As such, officers were not satisfied that the impact on the trees had been taken into due consideration as part of the application.
- 5.4 The applicant has however submitted new supporting information as part of this application to demonstrate the impact on the surrounding arboriculture. The Damson tree is likely to have been harmed by the development, but the tree is not a particularly remarkable specimen, and its removal would likely have been acceptable if the application was not retrospective. Any failure or loss of the tree as a result of the development works is unlikely to impact anyone other than the landowner, and as they have indicated that they are happy to accept this, and are willing to plant another tree as mitigation/compensation officers are satisfied with its attempted retention.
- 5.5 The rationale stating that the remaining trees on site are unlikely to have suffered any significant impacts from the development is also acceptable – given the nature of the development, the distance from the trees and the limited rear access, harm is unlikely to have occurred. Suitably worded conditions have however been recommended to ensure a reasonable standard of visual amenity.
- 5.6 As such, the proposal complies with policies CS15 and DP24 of Camden’s Local Development Framework.

6. Residential Amenity

- 6.1 Given that the proposal is accommodated wholly below existing ground level it is not considered that the proposal would have an unacceptable impact on the amenity of adjoining or nearby occupiers by way of loss of light, sense of enclosure, loss of outlook, loss of privacy or the like.
- 6.2 The amenity impacts resulting from the proposed construction phase are not considered to be reason to refuse the application. An informative is recommended requiring that the contractors be considerate and work within set hours.
- 6.3 The basement would include a study/library area to the front and a living room to the rear, with a lobby area in the middle of the floor plan separating these two rooms. It is considered that as the two areas are positioned to the front and rear of the property respectively that sufficient levels of light will reach into the basement.

7. Planning Obligations

- 7.1 The site is located on a fairly narrow road with parked cars on either side of the street. This area has high traffic volumes, therefore construction vehicles servicing this site will have an

impact on Goldhurst Terrace as well as the surrounding road network. 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. As the basement has been substantially complete however, it is no longer considered necessary to secure a CMP in this instance.

- 7.2 The footway directly adjacent to the site could be damaged as a direct result of the proposed works of this nature. We would normally therefore need to secure a financial contribution for highway works via a section 106 legal agreement. However, as the basement has been substantially complete it is no longer considered necessary to secure this amount. The applicant has submitted photos demonstrating that no damage to the highway has taken place and Highways Officers have confirmed that they are happy that no financial contribution to highways works is required. As such, it is therefore considered that the proposal accords with policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

8. Conclusions

- 8.1 It is considered that in design terms the proposed construction of a basement in this location is acceptable. The applicant has also overcome the concerns with regards to the previous application. Sufficient information has been provided with regards to the impact on trees and suitably worded conditions have been recommended to ensure their replacement. The applicant has also provided, in combination with the pending application with Building Control, sufficient information to satisfactorily demonstrate that the basement can be constructed in compliance with the requirements of CPG4 (Basements and Lightwells).
- 8.2 Due to the fact that the basement has been substantially completed, Section 106 obligations that would normally be secured are not considered necessary in this instance. The public highway adjacent to the site is in a good state of repair so highways contributions are not considered necessary in this case.

9. Recommendation

- 9.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20th March 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

A Efstathiou
Dig For Victory
20 Mortlake High Street
London
SW14 8JN

Application Ref: **2016/4083/P**
Please ask for: **Ian Gracie**
Telephone: 020 7974 **2507**

21 March 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
63 Goldhurst Terrace
London
NW6 3HB

DECISION

Proposal:
Excavation of basement with front and rear lightwells.
Drawing Nos: Site Location Plan; E-01; P-01.

Reports: Basement Structural Method Statement prepared by Dig for Victory dated 24 June 2015; Geotechnical Interpretative Report prepared by Ground and Project Consultants Ltd dated July 2016; Arboricultural Impact Assessment prepared by the Environment Partnership dated August 2016; Method Statement - New Basement Construction dated 07/09/2016; Basement Impact Assessment: Groundwater dated 15/09/2016; Addendum Report on Ground Movements prepared by Ground and Project Consultants dated September 2016; Letter prepared by The Environment Partnership dated 03/03/2017.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 All new external work shall be carried out in materials that resemble, as closely as

Executive Director Supporting Communities



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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan; E-01; P-01.

Reason:

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

- 3 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 prior to the occupation of the basement:

a) Details including sections at 1:10 of all railings surrounding the front lightwell.

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

- 4 Prior to occupation of the basement, the applicant shall provide evidence that a qualified structural engineer has assessed its stability and that drainage and flood risk mitigation measures have been implemented in accordance with the approved documents.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Detailed drawings in respect of the following, shall be submitted to and approved in writing by the local planning authority before the occupation of the basement:

Details including sections at 1:10 of all railings surrounding front lightwell;

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.

- 6 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 policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

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 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 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. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £5,500(110sqm x £50) for the Mayor's CIL and £55,000 (110sqm x £500 using the relevant rate for uplift in that type of floorspace) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the 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 You are reminded that you are required to satisfy the requirements of the pending Building Control application (Ref no. 17/6/00014) before the proposed basement can be completed.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION