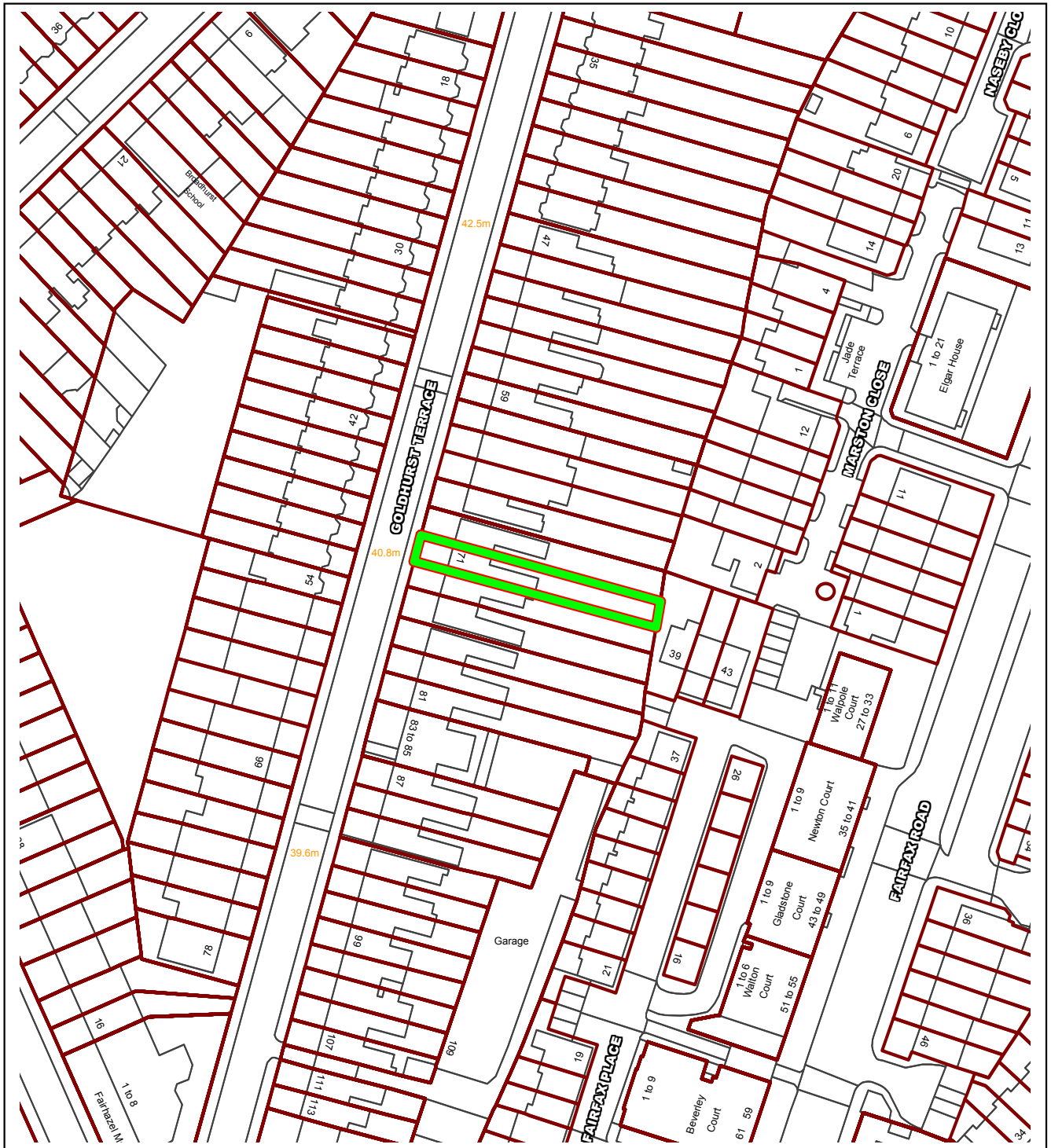


# 71 Goldhurst Terrace (2018/1610/P)



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Street elevation

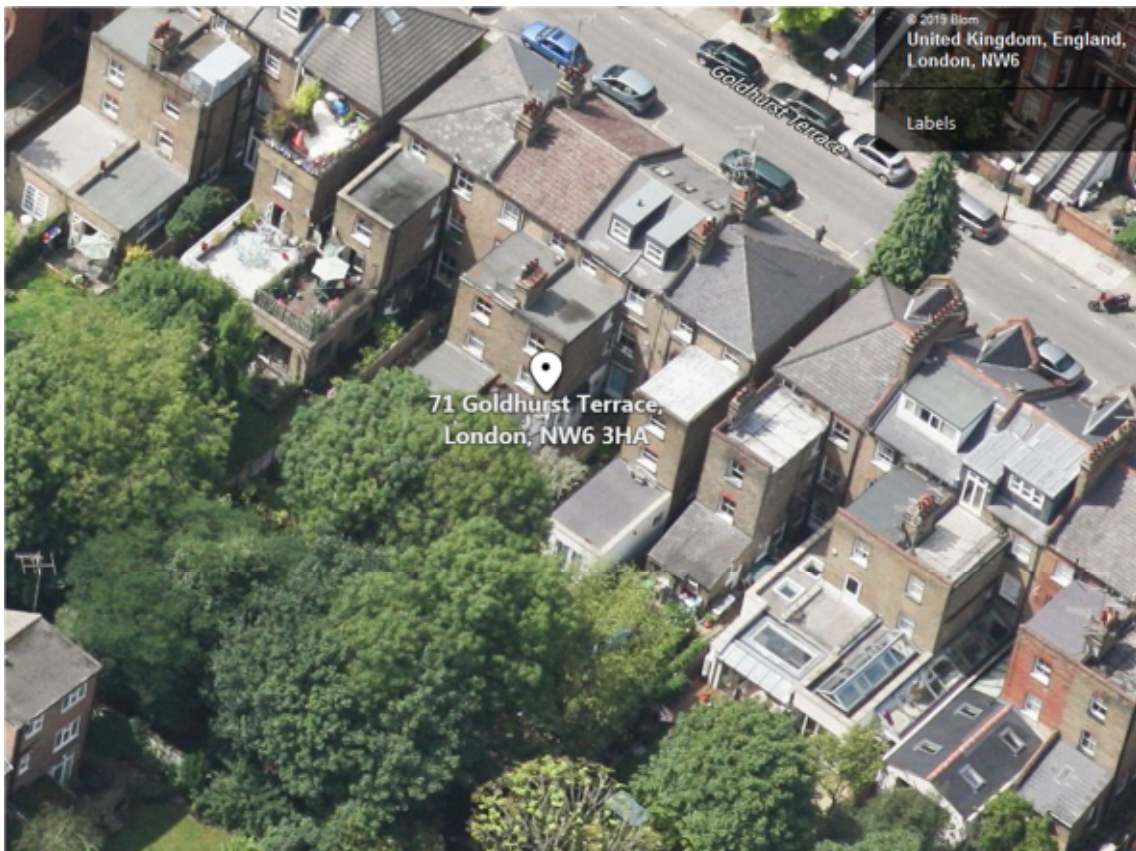
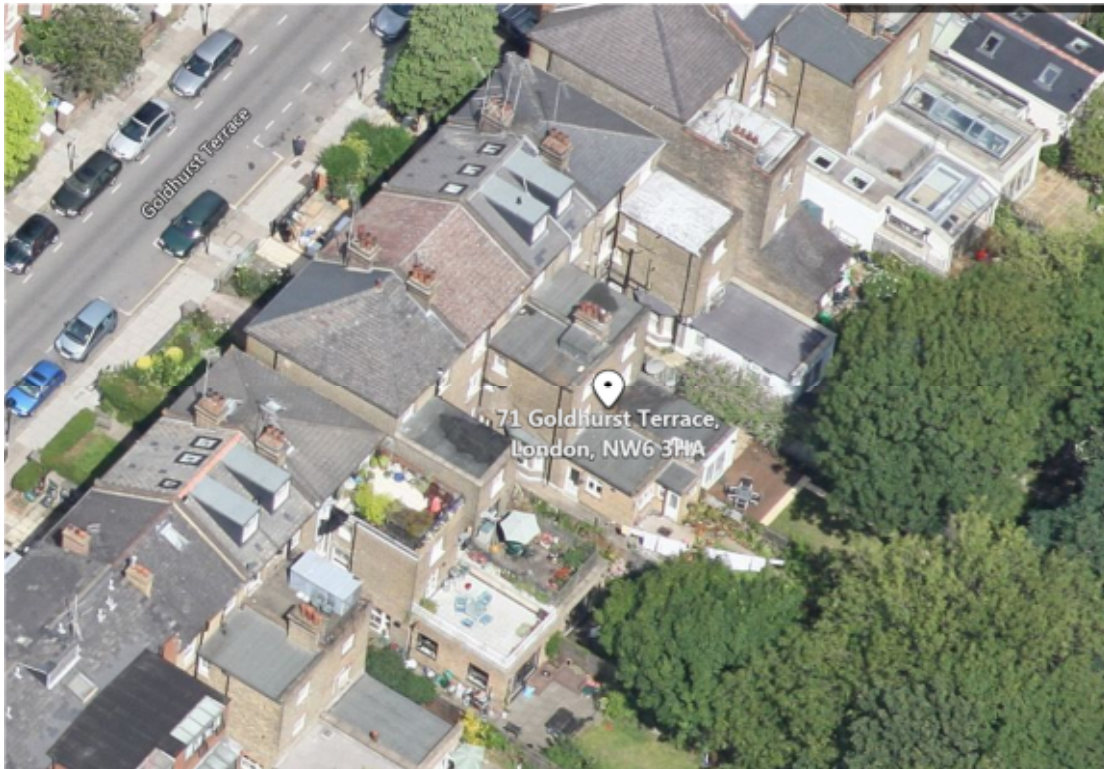
Rear of property



Views of existing rear extension showing boundary with no.69



Aerial views



<b>Delegated Report (Members Briefing)</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>31/07/2018</b>
	N/A / attached	<b>Consultation Expiry Date:</b>	<b>09/07/2019</b>
<b>Officer</b>		<b>Application Number(s)</b>	
Gavin Sexton		2018/1610/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
71 Goldhurst Terrace London NW6 3HA		Refer to Draft Decision Notice	
<b>Proposal(s)</b>			
Excavation of basement with lightwells to the front and rear; erection of a single storey rear extension.			
<b>Recommendation(s):</b>	Grant conditional planning permission subject to a section 106 Legal Agreement		
<b>Application Type:</b>	Full Planning Permission		

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>			
Informatives:				
<b>Consultations</b>				
Adjoining Occupiers:	No. of responses	<b>9</b>	No. of objections	<b>9</b>
Summary of consultation responses:	<p>Site notices were placed on Greencroft Gardens and Marston Close on 15<sup>th</sup> June 2018 for three weeks.</p> <p>A press advert was published on 14<sup>th</sup> June 2018.</p> <p>Objections have been received from 9 individuals.</p> <p><b>Construction nuisance</b></p> <ul style="list-style-type: none"> <li>• Air pollution, noise and dust.</li> <li>• Loss of parking spaces and traffic disruption down Goldhurst Terrace</li> <li>• Builders use multiple spaces and refuse to move their vehicles and can be downright rude and are unchallenged by the parking attendants on the street.</li> <li>• Pavements are routinely used as a work space.</li> <li>• Dust and dirt – Residents’ cars are routinely covered in brick and concrete residue.</li> <li>• Noise – The work can start at 7am and I have known it to go on until 10pm, seven days a week with no let up even on Sunday.</li> <li>• Disruption – these projects take months and months and as soon as one ends another starts.</li> <li>• Over the past few years the residents of this part of the street have endured almost continuous disturbance from the four adjoining excavations at Numbers 61, 63, 65, 67 and 58, 60 and 66. Each excavation has lasted for a year or longer. The amount of dirt, dust and noise generated was completely unacceptable and strongly affected the quality of life of the neighbours. Although building work is not permitted to start until 8.00am, the builders often started before then.</li> <li>• Seems to be no restriction on when deliveries can be made, with lorries frequently unloading materials onto the pavement and causing disturbance well before 8.00am.</li> <li>• Local residents include two families with young children, a pensioner and a night shift worker. It is completely unfair to consider inflicting yet another extended dig on them.</li> <li>• These works are excessive and blight the area with the intrusive low rumble of diesel engine generators and lorry traffic for a considerable length of time.</li> <li>• Will obstruct the enjoyment of our home located just in front.</li> <li>• If this and the subsequent proposals go ahead it will result in another 5 basements taking place during the next two years. There have already been 7 basements in this half of Goldhurst Terrace.</li> <li>• Previous consents have been for single family dwellings not multi occupancy buildings. As a multi occupancy building, other occupants of the building (Flat 2 &amp; 3) will remain living on site during the excavation and development period, which raises concerns for the</li> </ul>			

safety and well being of the occupants.

- One-way narrow street: the impact of the dirt and noise from the excavations is going to be exaggerated.

*Officer response: see paras 2.26-29.*

### **Impact of Basement development**

- Previous basement developments in Goldhurst Terrace have caused innumerable problems outside and inside No.75/77.
- The ridiculously large basement extensions put these early 20th century terraces under considerable stress. The water table is permanently disturbed and natural drainage disrupted which results in shrinkage of the soil and subsidence in nearby properties.
- The original basements were designed proportionately not exceeding the footprint of the building.
- Large cracks have appeared in the internal walls, bathroom tiles now have gaps between the walls and ceiling and the French doors onto the front balcony no longer fit. All recent and all due to subsidence. All these problems have arisen since disproportionate basements have been built.
- There is an 'out of sight, out of mind' attitude on basement development which does not chime with the ethos of a "conservation area". Dormer windows are not permitted as it interrupts the roofline but foundations can be hacked around and butchered and it is all okay because it is hidden.
- The consultants who wrote the technical reports in support of the application never had access to our property and their assertions about the sturdiness of the building could not be relied upon. Given it's not possible to establish that the execution of the project would not compromise the structural integrity of the building without such access, we believe the Council should not be entertaining this application at this time.
- Furthermore, it appears no study has been made on the cumulative impact the constant digging of basements around this section of Goldhurst Terrace might have on the underlying ground subsidence over time. While this may not be the responsibility of the applicant, it seems it would be reasonable for the Council to commission an overall study on this important matter before granting any new applications.
- Camden Planning must also take seriously the paramount account of the views as the stakeholders of the two residents in 71 Goldhurst Terrace together with other this street and locality residents objection rejecting this Application forthwith.
- The house was previously underpinned due to subsidence; this is not reflected in the BIA.
- Determination for state of structural integrity of property is based on an external visual examination, there has been no access to flat 2 & 3 of the building. This fails to adequately demonstrate that the proposal will not adversely affect the structural stability of the building.
- Method statement provides no mention of the potential impact to flat 2 & 3 of the building (structural damage, noise, vibration etc).
- The basement extends beyond the footprint of the building.

- BIA discusses minimising risks to the building rather than eliminating them. This may be appropriate when referring to a single dwelling building this is not sufficient for a multi occupancy building.
- During renovations at No. 69 internal damage was caused at No.71, raising concerns for larger scale projects such as the proposed basement.
- The cumulative impact of too many basements on one street compromises draining and increases risk of flooding.
- Studies have warned of the disastrous cumulative effects of unlimited basement developments in any one street. No's 59,61, 63, 65 and 67 have basements completed or in planning. If No 71 goes ahead that will be 6 in a row!!
- According to Camden council plan, basement developments have the potential to cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas and the natural environment.
- Camden council MUST draw a line at some point as there is and will be serious building environmental repercussions!

*Officer response: see paras 2.2-2.16*

#### **Design and conservation area**

- The proposed light well is too large and will adversely affect the appearance of the building.
- Planned basement and single storey extension is too big. Looks likely to result in the removal of an ash tree at No.69.

*Officer response: see paras 2.17-22*

#### **Amenity**

- Proposed sky light will be directly below second bedroom window, will create privacy issues and light pollution.
- We also note the contemplated garden extension will directly affect the views, light, air, quietness and enjoyment of tenants living in the second and third floor of the property and should thus be rejected.
- Due to the potential for flooding in Goldhurst Terrace, bedrooms are not allowed on the lower ground floor in a flood zone area.

*Officer response: see paras 2.23-25*

#### **Other matters**

- All previous basement conversions have been done by house owners; this flat is share of freehold, and the other freehold sharers are against this conversion.
- The conversion would probably increase the sound from the underground. I could never hear it and now since the conversions at no 58 and 66. It wakes me up at 5.30 am.
- As shared freeholders in the property captioned, we were advised by counsel that the applicant does not have the right to carry on the proposed project without our prior approval.



- We thus believe It would be premature, inappropriate and a waste of taxpayers' money for the Council to proceed any further at this stage.
- Other Freeholders oppose the basement and sub-soil being developed.
- Land registry indicates the front garden is a common area.
- Notice wasn't served to all shareholders of the building and adjoining buildings.
- We also consider the project changes the nature of the building and surrendering area and someone who wants a bigger house should just find one where the construction of it will not disturb many other people lives.
- Basement construction is discouraged within the Hampstead neighbourhood plan 2018-2033 released in June 2018. Surely South Hampstead should be similarly protected?
- The trend of basements development has already congested conservation areas like Goldhurst Terrace which is tantamount to overcrowding, environmental devastation, health and care risks, land contamination and erosion and killing of culture and heritage which in my view is human crime and such development must be stopped by the Camden Council which lead United Kingdom in Human Rights and Planning Excellence, must not come in the grip and traps of the Conservative Central Government and as a standing statute stop accepting such applications.

*Officer response: Certificate B of the application form was revised to show that other owner/occupiers of the property were notified of the application on 4<sup>th</sup> June 2018. The application was not registered until after that date. The other issues relate to matters outside of planning legislation. The development would be subject to separate control and agreement of other matters such as ownership and the Party Wall Act.*

**CAAC/Local groups\*  
comments:**  
\*Please Specify

CRASH (The Combined Residents" Associations of South Hampstead)

- Association wishes to object in the strongest possible terms to the proposed excavation for yet another basement in Goldhurst Terrace.
- Residents of this street have had their lives blighted by continuous pollution, dust and noise during the non-stop such developments which have gone on here over the past four years.
- There is a further application being considered by Camden Council for No 59 which, if approved, will mean that there will then be five basements in a line. (59-67) and this would leave just one undeveloped basement in a row of seven properties.
- There have been three further recent basement developments almost immediately opposite.
- CRASH has warned on numerous occasions in the past of the disastrous cumulative effects of unlimited basement development in a any one street - a fact confirmed by Dr Michael de Freitas Faculty of Engineering, Department of Civil and Environmental Engineering at Imperial College, London.
- There is already depressing evidence of existing water courses and underground springs having been diverted as a result of the huge amount of additional concrete injected into this immediate area for the necessary footings of these developments. This has had some disastrous effects for neighbouring properties where it is now not unusual for gardens to remain waterlogged for long periods - something that was not previously apparent.
- Camden Planning can surely no longer ignore the all-too-evident proofs of such occurrences or any longer fail to investigate thoroughly the cumulative effects of this number of basements in one short run of properties.
- This latest application has shown no regard or consideration for neighbours or the other tenants of a property at No 71, which is currently divided into flats.
- The fact that applicant as an absentee landlord will inflict severe hardship, inconvenience and distress on other occupants during building works while not having to endure it himself as well as blighting their lives, health and well-being, has been given absolutely no consideration. Nor has he attempted to ameliorate, in any way, the problems for the other residents which will inevitably result from these works, should they go ahead.

*Officers response: see para 2.7-9 and 2.26-30.*

## Site Description

The subject site is a three storey terraced house on the east side of Goldhurst Terrace. The building dates from the late 19th century and has been divided into flats. The majority of properties in the street are also large residential properties. The site lies within the South Hampstead Conservation Area and is identified in the South Hampstead Conservation Area Character Appraisal and Management Strategy as a building which makes a positive contribution to the character and appearance of the Conservation Area.

The site is subject underground development constraints relating to surface water and flooding.

## Relevant History

### Application site:

#### **71 Goldhurst Terrace**

2008/0974/P - Erection of a two dormer windows on the rear roofslope and installation of 4 rooflights at the front roof slope in association with the provision of additional residential accommodation for the top floor flat. **Granted planning permission 21/05/2008**

### Relevant planning records in vicinity:

#### 59 Goldhurst Terrace

**2018/0462/p:** Excavation of basement level with front and rear lightwells; erection of rear extension and rear dormer in association with reconfiguration of existing HMO (C4) to provide a 7-bed HMO, enlargement of existing unit at ground floor level (C3) and creation of additional self-contained unit (3-bed) (C3) at basement level. **Application is currently under assessment.**

#### 61 Goldhurst Terrace

**2014/2046/P:** Excavation of basement to residential flat including front and rear lightwells (Class C3). **Granted planning permission 28/04/2014.**

#### **63 Goldhurst Terrace**

2016/4083/P - Excavation of basement with front and rear lightwells. – **Granted planning permission 23/01/2017**

#### **65 Goldhurst Terrace**

2014/6247/P - Excavation to enlarge existing basement including enlarged front lightwell and relocated access stairs, and new rear lightwell. – **Granted planning permission subject to s106 legal agreement 02/10/2015**

#### **67 Goldhurst Terrace**

2013/6914/P - Excavation of single storey basement level extension including front and rear lightwells, erection of single storey ground floor rear extension, erection of rear dormer roof extension, alterations to fenestration of rear outrigger, erection of waste and cycle storage enclosure in front garden and installation of entrance door on side elevation. **Granted planning permission 28/07/2015**

## Relevant policies

### National Planning Policy Framework (2019)

#### London Plan (2016)

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Draft London Plan (2018)

#### Camden Local Plan (2017)

Policy G1 Delivery and location of growth

Policy DM1 Delivery and monitoring

Policy D1 Design

Policy D2 Heritage

Policy A1 Managing the impact of development

Policy A5 Basement

Policy A4 Noise and Vibration

Policy CC3 Water and flooding

#### Camden Planning Guidance

Design CPG 2019

Amenity CPG 2018

Basements CPG 2018

Altering and extending your home CPG 2019

Water and flooding CPG 2019

Transport CPG 2019

### South Hampstead Conservation Area Character Appraisal and Management Strategy (2011)

## Assessment

### 1. Proposal

1.1 Planning permission is sought for a basement excavation underneath the host building with front and rear lightwells and a single storey rear extension.

### 2. Assessment

2.1 The main issues to be considered are:

- Basement (scale, impact assessment, flood risk, trees & landscaping)
- Design and Heritage
- Impact on the amenity of adjoining occupiers

## Basement

*Scale*

- 2.2 Policy A5 stipulates that basement excavations should not cause harm to the neighbouring properties, the structural, ground or water conditions and the architectural character and amenity of the area. The proposed basement would sit beneath the full footprint of the property and would extend under the unbuilt side passageway between the rear extension and number 69. The total floor area of the basement would be c.130sqm. The existing footprint of the ground floor flat is 90sqm and hence the basement would be 44% larger than the host dwelling. The existing front garden is currently c.36sqm in size and is covered by hard landscaping. The proposed front lightwell would be 2m deep and cover an area of 4.5sqm. Overall the basement would be a single storey deep, providing 2-6 to 2.9m floor to ceiling depth following an excavation depth of 3.8m.
- 2.3 The rear garden is c25m in depth and following the enlargement of the rear extension it would be c140sqm in area. The front lightwell would be located in front of the existing shallow bay.
- 2.4 Policy A5 out a series of criteria (f to m) relating to the scale and footprint of basement development.
- f) not comprise of more than one storey;
  - g) not be built under an existing basement;
  - h) not exceed 50% of each garden within the property;
  - i) be less than 1.5 times the footprint of the host building in area;
  - j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
  - k) not extend into or underneath the garden further than 50% of the depth of the garden;
  - l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
  - m) avoid the loss of garden space or trees of townscape or amenity value.
- 2.5 The proposed basement would be one storey in depth and would not extend beneath more than 50% of the garden accord with criteria f-k. Criterion l expects basement excavations that extend beyond the footprint of the host building to be set back from neighbouring properties. In this instance, the lightwell to the front would be set off the boundary with both neighbouring properties. To the rear, the basement would approach the side boundary with 69 where it extends beyond the principal rear elevation of the building beneath an area that is currently hard landscaped. The basement would not extend beyond the rear elevation of the rear extension and overall it would not inhibit the capacity of the rear garden to support satisfactory landscaping.
- 2.6 It is considered that the basement dimensions accord with policy A5 requirements in respect of scale and footprint).

### *Basement Impact Assessment*

- 2.7 The submitted Basement Impact assessment (BIA) was revised in response to comments by third party auditors Campbell Reith. The Audit report notes the following from the BIA :
- The qualifications of the authors of the BIA and the associated reports are in compliance with the requirements of CPG Basements.

- The site is situated within the South Hampstead Conservation Area and that there are no listed building neighbouring the site.
- The basement will be formed using underpinning techniques. No transitional underpins will be constructed.
- The ground conditions are indicated to be Made Ground over London Clay; designated unproductive strata. Groundwater was not encountered during the ground investigation. The BIA recommends allowance is made for temporary dewatering.
- Whilst no trees are being felled, the screening and scoping identify that an arboricultural report should be provided as a tree exists some 10m from the basement. It is accepted that the basement is unlikely to have a significant impact on the root zone. (See 'Trees & Landscaping' below).
- The structural report notes that the basement walls are designed as cantilevers. This is reflected in the revised calculations.
- A ground movement assessment (GMA) has been undertaken which indicates the potential damage to neighbouring properties as no higher than Category 1 (Very Slight) on the Burland Scale.
- Proposals are provided for a structural movement monitoring strategy during excavation and construction, including reasonable trigger values. The upstairs flats to 71 Goldhurst Terrace should be included in the monitoring proposals which should be agreed with the Party Wall Engineer.
- The site is within the Goldhurst Local Flood Risk Zone. The Flood Risk Assessment (FRA) report indicates the site to be at a very low risk of flooding. It is accepted that the increase to the hardstanding is negligible and that there will be no impacts to the wider hydrological environment.
- It is accepted that there are no slope stability concerns regarding the proposed development.
- In the revised submission, an outline construction programme for the primary structure is indicated.

2.8 A number of consultation responses from residents and CRASH raise issues relating to cumulative impact on hydrology, hydrogeology and stability. No specific evidence has been put forward with the objections. BIAs submitted with planning applications are required to consider potential cumulative impact from new proposals. The BIA Audit notes the concerns from residents. The Audit advises that the BIA confirms that the proposed development will not adversely impact the local hydrology and hydrogeology and also sets out proposed construction methods and mitigation measures which would maintain stability during and following construction. It is considered that the submitted BIA and accompanying documents address the issue in respect of the proposed development. Consideration of wider impact from basement development in the area is outside of the scope of the requirements for this application.

2.9 Condition 5 would secure confirmation from the developer that a suitably qualified engineer would be engaged to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Condition 6 would require the methodologies, recommendations and requirements of the BIA and its associated documents to be applied as part of the basement works. The BIA audit recommends that the structural monitoring strategy needs to include other flats within the host building, and this is reflected in the requirements of condition 6.

### *Flood Risk*

- 2.10 A Flood Risk Assessment (FRA) was provided which clarifies that Goldhurst Terrace experienced flooding in 1975 and 2002, which is in line with Council's records. The FRA notes that the rear section of the basement will increase the area of hard surfacing slightly but considers that the potential impact of this increase on surface water run-off is likely to be negligible.
- 2.11 The basement rooms are ancillary to the main residential living space at ground floor level. They include a living room, utility room and a bedroom. Text supporting policy A5 states that *"the Council will not allow habitable rooms and other sensitive uses for self contained basement flats and other underground structures in areas at risk of flooding"*. In this instance, the basement level accommodation would be an ancillary part of the ground floor flat and would not be a self-contained unit. The FRA proposes appropriate flood risk mitigation which would be adopted, such as fitting non-return valves and a rainwater drainage system and waterproofing throughout. In addition to providing upstands around the lightwell/stairwell to prevent surface water entering the basement it notes that the front lightwell can accommodate an escape ladder and an escape stair would be provided at the rear. Internally the basement level is linked by a central stairwell to the ground floor. It is therefore considered that the proposals would include sufficient means of escape to ensure that the risk to the inhabitants would be minimised. Condition 7 would secure the flood risk mitigation measures identified in the FRA.

#### *Trees and landscaping*

- 2.12 An arboricultural report was submitted during the assessment in response to concerns about the potential impact on the existing tree in the rear garden of no 69, which is to be retained. The Tree report concludes that the tree is sufficiently far from the works that no specialist construction techniques are required in order to preserve the health of the tree but ground protection must be installed prior to the commencement of works.
- 2.13 The proposed works are outside of the calculated tree root protection area (RPA) and therefore it is not anticipated that any significant root material will be encountered.
- 2.14 The Council's tree officers have reviewed the Tree Report and confirm the tree protection plan and arboricultural method statement are sufficient to demonstrate that T1 (a mature Ash tree) to be retained will be adequately protected in line with BS5837:2012 (Trees in relation to design, demolition and construction). Condition 4 requires that tree protection measures are installed and working practices adopted in accordance with the arboricultural report.

#### ***Basement conclusion***

- 2.15 Overall, the proposed basement excavation with front and rear lightwells would be proportionate to the building being extended and would result in a minimal impact to the host building and the neighbouring ones, in line with policy A5 and CPG Basements.
- 2.16 Subject to the conditions set above, the Basement Impact Assessment and its supporting documents would comply with the requirement of policy A5 and CPG Basements.

## **Design and Heritage**

- 2.17 The proposal seeks the addition of a single storey rear side infill extension and the creation of lightwells in the rear side courtyard and front garden. The building has an existing ground floor rear extension which projects beyond the three storey closet wing and is characteristic of many of the properties along this part of the terrace. The ground floor would be extended in depth to the rear by c.1m and widened by 1.3m to provide a more spacious living room. The side bay window facing no. 69 of the existing rear closet wing would be retained. A skylight would be added to the flat roof of the enlarged extension.
- 2.18 The enlarged extension would adjoin the existing extension at no. 73 and would sit c.1m away from the boundary with 69, retaining a side passageway with escape stair from the basement. The extension would be 300mm lower in height (2.6m tall) than the existing.
- 2.19 The brickwork of the extension would match the existing and the design of the extension would be similar to many other examples within the immediate context of the streetscene in terms of scale and bulk. The rear extension would remain subordinate to the host property and would preserve the character and appearance of the building and the South Hampstead Conservation Area.
- 2.20 The visual manifestations of the basement would be the front lightwell and the rear escape stairwell on the side boundary with no. 69. Lightwells are a characteristic feature of the area with numerous neighbouring properties having large front lightwells including No.67 which is two doors away and is ringed by metal railings. The lightwell would have low railings in a design to match the existing, atop a raised upstand (low wall). It is considered that the proposed lightwell would not be detrimental to the character and appearance of the conservation area.
- 2.21 To the rear, a section of reinforced walk on glass is proposed in the rear courtyard area providing natural light into the rear element of the basement. This would be minimal in size and not visible from a public view. Overall the visible manifestations of the basement in the form of front and rear lightwells would preserve the character and appearance of the host property and the South Hampstead Conservation Area and are acceptable.
- 2.22 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.

## **Amenity**

### *Daylight/sunlight/privacy*

- 2.23 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of the neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight and noise.
- 2.24 The new basement would have limited visible manifestations in the form of the front and rear lightwells. These would not lead to any significant harmful impact on local or neighbouring amenity.



2.25 The enlarged single storey extension would be lower than the existing, but widened by c.1m towards no 69. This would have no significant impact on the daylight/sunlight enjoyed by neighbouring habitable rooms. No new windows would be introduced on the side elevation of the extension and so privacy of neighbours would not be altered. The new skylight would be set c.2.5m from the nearest window of the 1<sup>st</sup> floor flat. The resulting oblique angle between rooflight and window would mean that there is no loss of privacy to the upper floor, nor to occupants of the ground floor, and any light spill from the skylight would be minimal.

### *Construction nuisance*

2.26 Neighbours have raised concerns in relation to the nuisance caused by the construction works as part of basement excavations, due to numerous such developments taking place along the street in the recent past. The excavation of the basement resulting in noise, dust and air pollution from construction works would be managed by a Construction Management Plan (CMP) secured via s106 legal agreement. Camden's Basement planning guidance notes that 'construction management plans should cover the following:

- provisions for phasing;
- provisions for site management, safety, and supervision,
- management of construction traffic and parking;
- management of noise, vibration, dust, and waste;
- provisions to ensure stability of buildings and land;
- provisions for monitoring movement, and
- provisions for a construction working group (for projects where there will be a need for ongoing consultation with the affected neighbours through the construction phase e.g. long, complex projects)'

2.27 In this case, the development is unlikely to be unusually long or complex and therefore a construction working group is not considered to be a requirement of the CMP. However, as a legal live document, the agreement would ensure that the construction works would take into account any other construction near to the application site, and ensure smooth management of the Construction traffic and parking. As such, the CMP would ensure that the construction of the proposed scheme would minimise the harmful impacts of construction on the building and on local amenities.

2.28 It is evident from planning records (see 'site history') that the developments in the immediate area (2011-2017) which involved excavation of new basements were granted planning permission without securing a Construction Management Plan. However Basement CPG 2018 now makes it clear (para 5.3) that "*the Council will generally require a construction management plan for basement developments to manage and mitigate the greater construction impacts of these schemes*". CMPs are required to follow the Camden pro-forma which sets out details of the topics and issues to be covered and the minimum extent of consultation required. It is therefore expected that a more strategic approach to managing the construction practices will be in place for this and any future basement development in the immediate area.

2.29 The CMP would be subject to a monitoring fee of £3,136 for the Council to review and monitor the CMP and the construction of the development.

2.30 It is considered that the impact of the proposed rear extension and basement (once completed) would result in no significant harm to the amenity of neighbours. The

construction of the basement would be subject to oversight and management by way of the Construction Management secured by s106 legal agreement. Overall it is considered that the impact of the development and means of mitigating it are acceptable in terms of policy A1.

## **Transport**

2.31 As the proposal represents an extension to the existing flat and no new units are created the development would not be required to be car-free or provide cycle parking.

### **3. Recommendation and planning obligations**

3.1 Grant conditional planning permission subject to s106 legal agreement with the following heads of terms:

- CMP and monitoring fee of £3,136

***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> July 2019, 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'.***

Opera Architects Ltd  
Hurlingham Studios  
Ranelagh Gardens  
London  
SW6 3PA

Application Ref: **2018/1610/P**

10 July 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:  
**71 Goldhurst Terrace**  
**London**  
**NW6 3HA**

Proposal:  
Excavation of basement with lightwells to the front and rear; erection of a single storey rear extension.

Drawing Nos: Existing drawings: Prefix 27\_17: PP.1.1 Site and block plan rev 05; /1 Ground floor cellar rev 03, /2 Roof Plan rev 01, /3 Elevation Front-Rear rev 03, /4 Section S-01 rev 03, /5 Section S-02 rev 03.

Proposed drawings: Prefix 27\_17: /1 Ground floor rev 04, /2 Roof Plan rev 05, /3 Basement Floor rev 04, /4 Elevation Front-Rear rev 04, /5 Section S-01 rev 04, /6 Section S-02 rev 04.

Supporting documents: Arboricultural Impact Assessment (May 2019) by Hallwood Associates, ref HWA10216\_AP111; Basement Impact Assessment by Gabriel GeoConsulting Ref: GGC18672/R1 March 2018; Response to BIA Audit by Opera Architects with attachments 'GSE revised calculations' by Green Structural Engineering & 'Settlement Curve' by Gabriel GeoConsulting.

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 policies 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 :

Existing drawings: Prefix 27\_17: PP.1.1 Site and block plan rev 05; /1 Ground floor cellar rev 03, /2 Roof Plan rev 01, /3 Elevation Front-Rear rev 03, /4 Section S-01 rev 03, /5 Section S-02 rev 03.

Proposed drawings: Prefix 27\_17: /1 Ground floor rev 04, /2 Roof Plan rev 05, /3 Basement Floor rev 04, /4 Elevation Front-Rear rev 04, /5 Section S-01 rev 04, /6 Section S-02 rev 04.

Supporting documents: Arboricultural Impact Assessment (May 2019) by Hallwood Associates, ref HWA10216\_APIII; Basement Impact Assessment by Gabriel GeoConsulting Ref: GGC18672/R1 March 2018; Response to BIA Audit by Opera Architects with attachments 'GSE revised calculations' by Green Structural Engineering & 'Settlement Curve' by Gabriel GeoConsulting.

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

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report dated May 2019 ref. HWA10216\_APIII by Hallwood Associates. 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. The works shall be undertaken under the supervision of the project arboriculturalist.

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.

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

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

- 6 The development hereby approved shall be carried out strictly in accordance with the recommendations, requirements and methodologies set out in the Basement Impact Assessment by Gabriel GeoConsulting Ref: GGC18672/R1 March 2018 and Response to BIA Audit by Opera Architects with attachments 'GSE revised calculations' by Green Structural Engineering & 'Settlement Curve' by Gabriel GeoConsulting, as approved. The implementation of such measures shall include, inter alia, flood risk mitigation and structural movement monitoring of the building itself.

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 Camden Local Plan 2017.

- 7 The basement shall be fitted with the flood risk mitigation measures as recommended in Section 5.1 of the Flood Risk Assessment Report (FRA) Rev 00 - 24/05/2018 hereby approved.

Reason: To ensure no harm would be caused to the amenity of the occupants due to the risk of flooding, in accordance with policies A1, A5, CC2 and CC3 of the London Borough of Camden Local Plan Policies.

Informative(s):

- 1 Reasons for granting permission: Refer to officer's Members Briefing Report
- 2 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).

- 3 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.
- 4 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 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.
- 7 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.

- 8 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 9 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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