

2020/2471/P - 24 Ferncroft Avenue



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Aerial view of existing site

Image 1. Existing aerial view



Proposed Aerial View from Priory Terrace

Image 2. Proposed image

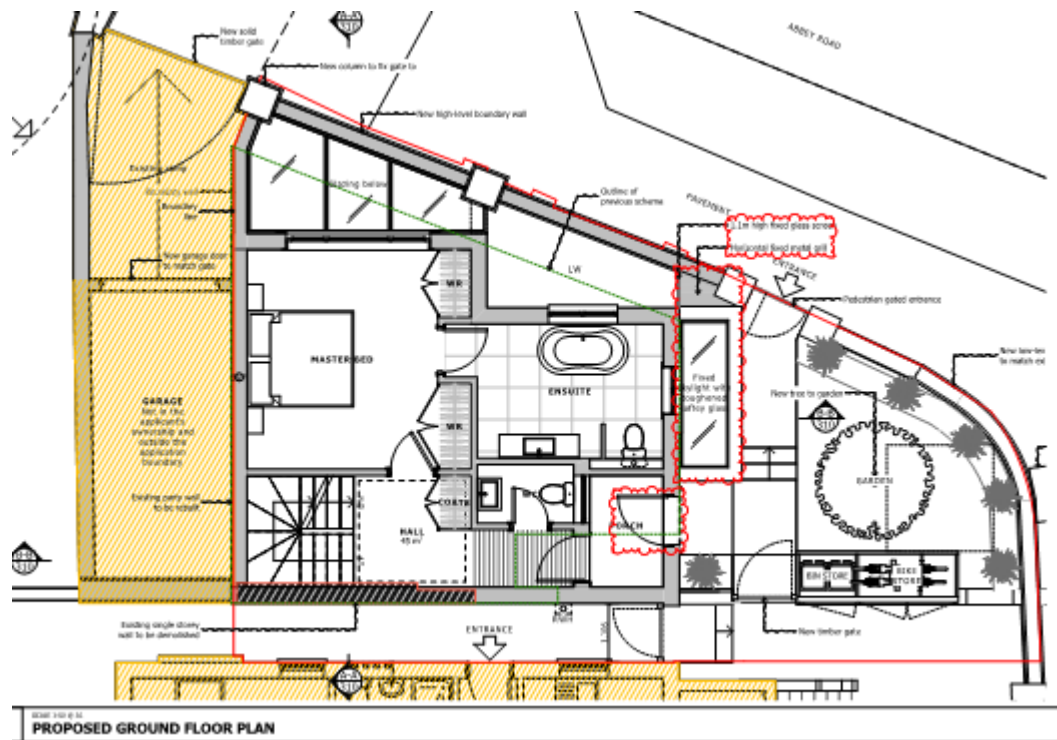


Image 3. Proposed ground floor plan

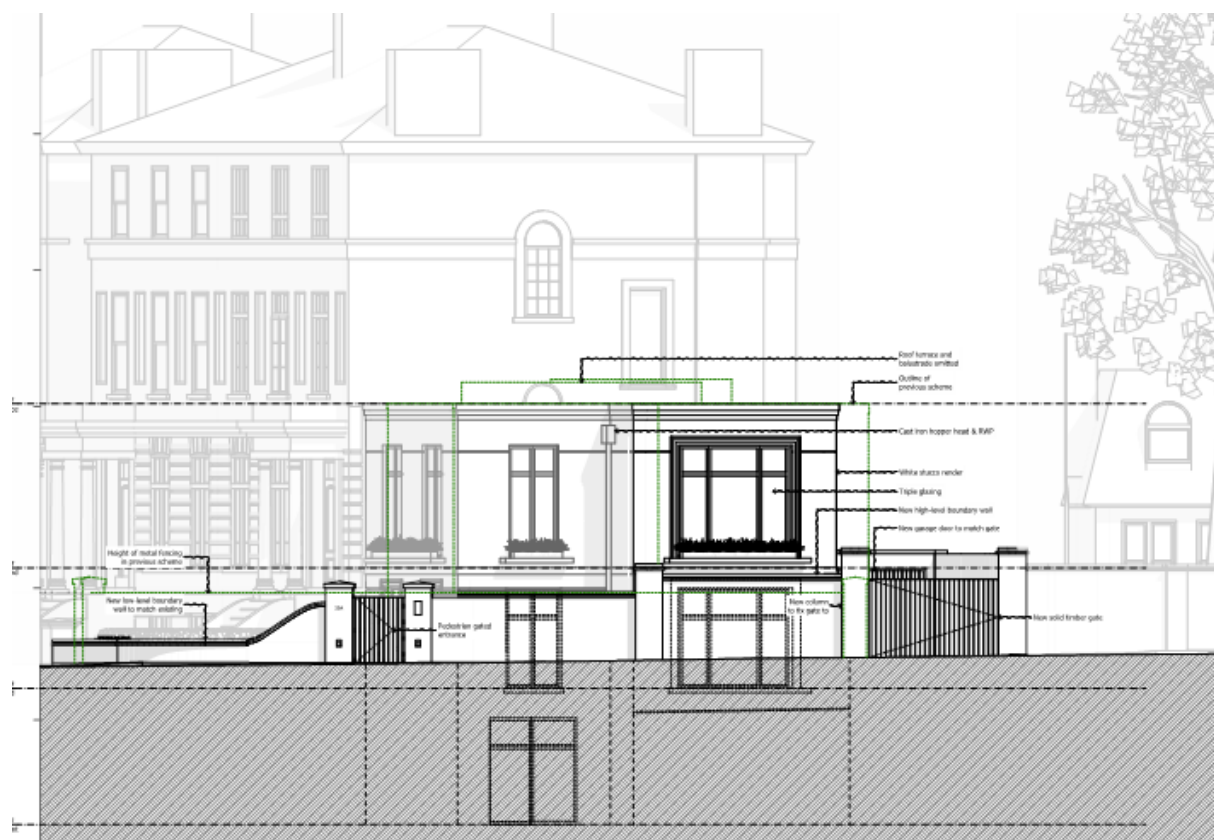


Image 4. Proposed north elevation



Image 5. Proposed east elevation

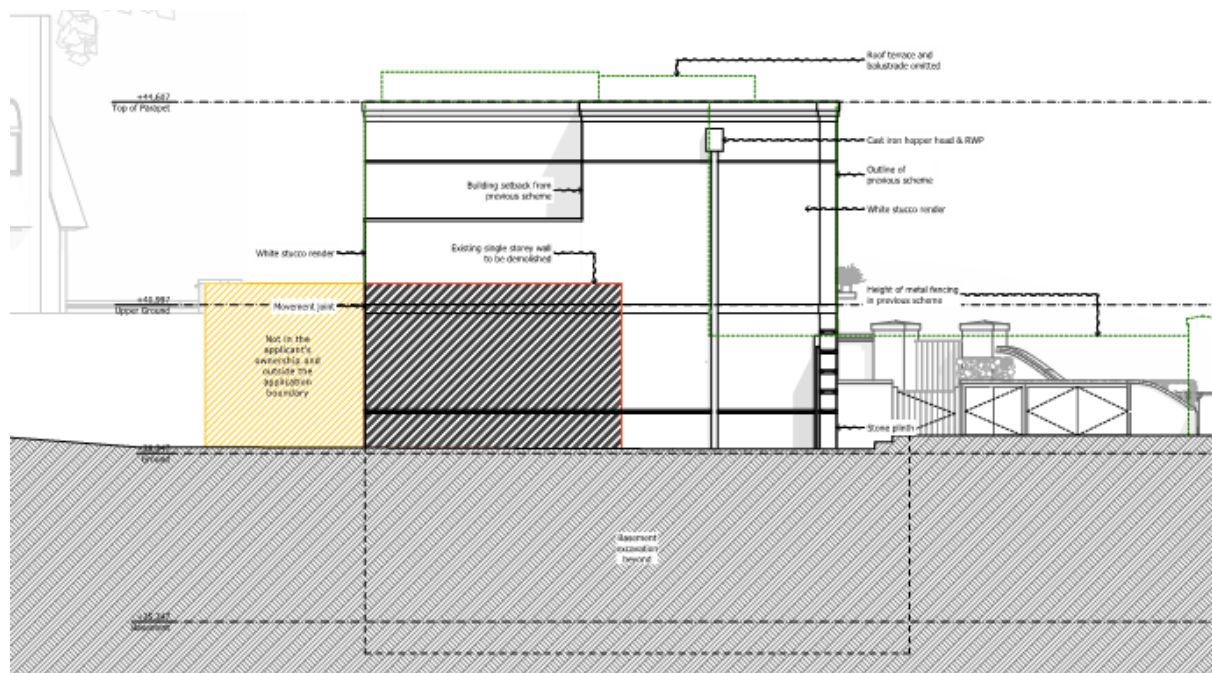


Image 6. Proposed south elevation

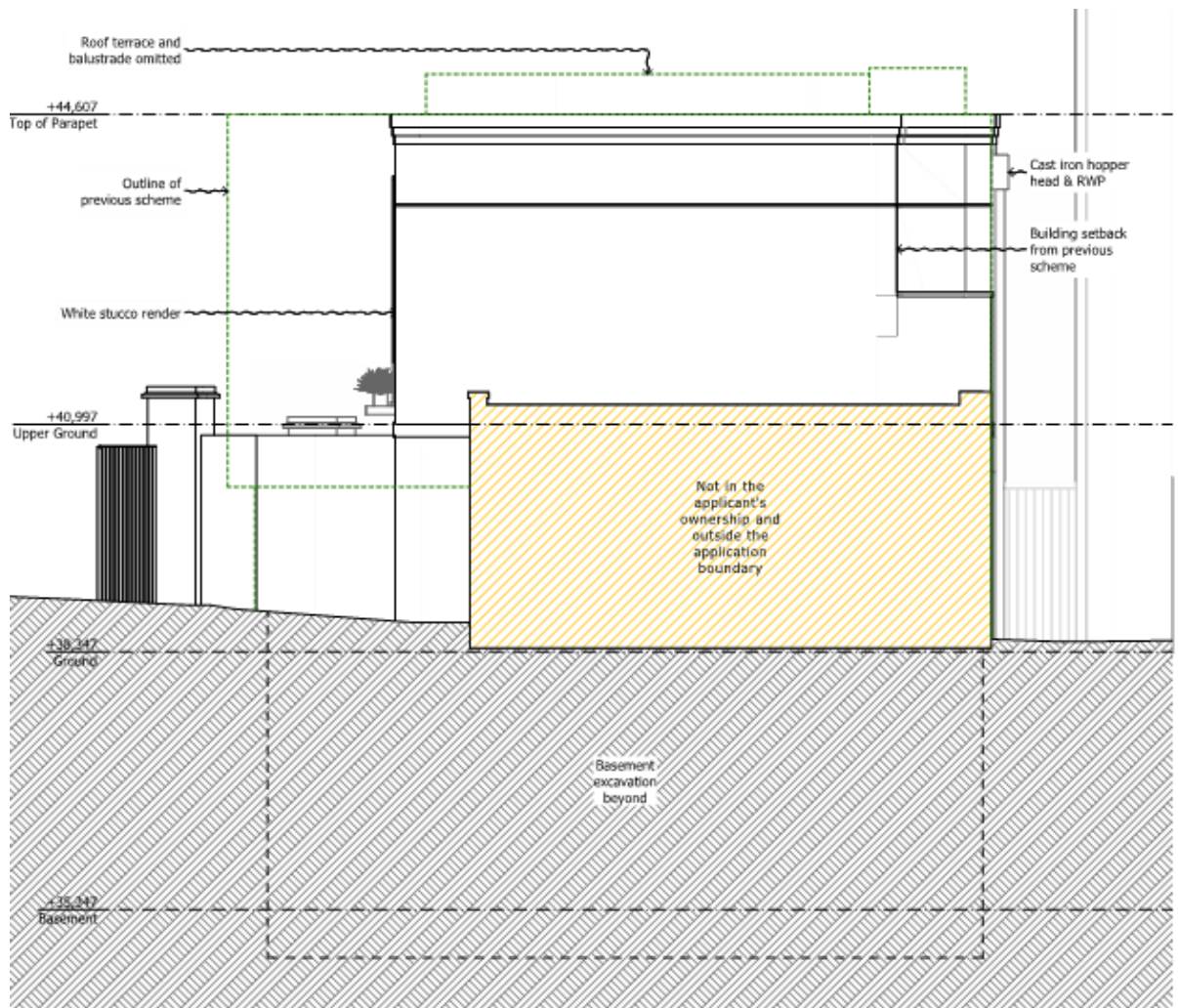


Image 7. Proposed flank elevation drawing



Image 8. Proposed CGI drawing.

Delegated Report (Members briefing)		Analysis sheet	Expiry Date:	06/08/2020
		N/A	Consultation Expiry Date:	09/08/2020
Officer			Application Number(s)	
Obote Hope			2020/2839/P	
Application Address			Drawing Numbers	
Land and building lying on the south side of Abbey Road to the side of 39 Priory Terrace London NW6 4DG			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of 2-storey plus basement house with front lightwell and associated landscaping following demolition of existing garage.				
Recommendation(s):		Grant planning permission subject to s106 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	00	No. of objections	41
Summary of consultation responses:	A site notice was displayed from 15/07/20 to 08/08/20 and the application was advertised in the local paper on 16/07/20 (expiring 08/08/20).					
	39 objections have been received from the following addresses: <div>1. 15 Fairfax Place;</div> <div>2. Four Objections from 132A Abbey Road;</div> <div>3. 2 x Objections from Flat 3, 39 Priory Terrace;</div> <div>4. Flat 1, 22 Belsize Square;</div> <div>5. Six objections from Flat 4, 39 Belsize Square</div> <div>6. Ground floor flat 39 Priory Terrace;</div> <div>7. 10 Glenloch Road</div> <div>8. Flat 2, 6 Priory Terrace</div> <div>9. 2 x Objections from 9 Doulton Mews</div> <div>10. 2 x Objections from 26 Priory Terrace;</div> <div>11. Flat 2 134 Abbey Road;</div> <div>12. 2 x Objections 37 Priory Terrace;</div> <div>13. 36 Priory Terrace;</div> <div>14. Flat 3 18 Prior Terrace</div> <div>15. Flat 3 18 Prior Terrace;</div> <div>16. 21 Prior Terrace;</div> <div>17. 122A Ducks Hill Road;</div> <div>18. 11 Priory terrace;</div> <div>19. Flat a, 20 Priory terrace</div> <div>20. 2 x objections from Flat a, 37 Priory terrace</div> <div>21. 75 Priory Park Road</div> <div>22. 2 x Objections from Flat 3, 132 Abbey Road</div> <div>23. Alberto Ceccolini</div> <div>24. Inmaculade Latorre</div> <div>25. Panayiotis Pelekanos</div>					
The following objections have been received:						

Design and basement:

1. Although the roof terrace has been removed, the revised proposal is still inappropriate in a Conservation area, the skylight, solar panels and sedum green roof will be easily visible from neighbouring properties and are not in keeping with the area;
2. This a small plot and the revised plans will result in the over development of the site and interfere with the current dissipation of rainwater.
3. Basement excavation up to 4.5m;
4. Increase height of the basement;
5. lack of information on depth of basement foundation, presence/absence of nearby basement and presence/absence of in other structures not confirmed;
6. Not only has the applicant failed to take on board the concerns of the local residents with their new Basement proposal;
7. Many neighbours have legitimate concerns about the proposals which require 4.5m excavations in already compromised London clay sub-soil which is subject to recurring movement with any changes in the moisture content;
8. presence/absence of nearby basement and presence/absence of in other structures not confirmed;
9. depth of the basement;
- 10.mitigation plan for the neighbouring building if any;
- 11.rainfall and other seepage;
- 12.the increase in internal height shown on the most recent drawings;
- 13.Previously experienced unusual shakings of the building and after discovered they were generated by a minor depression in the tarmac on Abbey road;
- 14.Unplanned expenses to repair the cracks which the tremors caused;
- 15.Cannot think of any valid reason why any building should be constructed in such close proximity to an existing dwelling;
- 16.The project submitted still states the need of excavations at least 4.5 metres deep. In our previous objections we described the situation and submitted clear evidence about the instability and fragility of the clay soil in our area;
- 17.The proposal may contribute to subsidence and 132, 134 Abbey Road;
- 18.The proposal would be harmful to the character of area;
- 19.The proposal would cause instability of foundation;
- 20.The excavation of the presented building will, with all certainty, create

undesirable ground movements which will affect the stability, the structure and possibly even the safety of the inhabitants of the buildings nearby;

21. The proposal looks nothing like all of the other buildings at this end of Priory Terrace;
22. This looks unacceptably out of character with everything else in Priory Terrace, and in a very exposed and visible location, its north east corner;
23. This proposed development is within the Priory Road Conservation Area and therefore any development should only be carried out in line with this. 13 - 39 Priory Terrace and 124 - 134 Abbey Road are explicitly identified as making a positive contribution;

Officer's response;

1. *The conservation team reviewed the application on various occasions and considered the final proposal would enhance the character of the conservation given that the garage and the additional alterations being proposed along the junction of Priory Terrace with Abbey Road would result in the garage being replaced that detracts from the wider area;*
2. *Please refer to part 2. for the additional information on page 19 for further comments;*
3. *Please see paragraphs 5.2-5.5 in the basement section below.*
4. *Please see paragraphs 5.2-5.5 in the basement section below.*
5. *Please see paragraphs 5.2-5.5 in the basement section below.*
6. *Please see paragraphs 5.2-5.5 in the basement section below.*
7. *Please see paragraphs 5.2-5.5 in the basement section below.*
8. *Please see paragraphs 5.2-5.5 in the basement section below.*
9. *Please see paragraphs 5.2-5.5 in the basement section below.*
10. *Please see paragraphs 5.2-5.5 in the basement section below.*
11. *Please see paragraphs 5.2-5.5 in the basement section below. Furthermore, Thames water were consulted and no objection was raised to the proposed works which is subjected to condition in regards to the piling;*
12. *The basement depth would be up to 4m;*
13. *Please see paragraphs 5.2-5.5 in the basement section below.*
14. *The proposal being assessed has been independently assessed and found to be acceptable subject to planning conditions;*
15. *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with*

permission is developed without unnecessary delay;

16. Campbell Reith confirmed that an interpretation based on the ground investigation and appropriate soil parameters are provided, including the design parameters for retaining wall. This is accepted.

17. It's unlikely that the proposal would contribute to subsidence given its location in context to 132 Abbey Road. The ground investigation has identified that the site is underlain by Made Ground to 1m below ground level (bgl) over London Clay proven to 15m bgl. Although groundwater was not encountered during drilling, perched water was recorded at c.2.50m bgl during monitoring and Campbell Reith confirmed that an interpretation based on the ground investigation and appropriate soil parameters are provided, including the design parameters for retaining wall. This is accepted;

18. Please see the design assessment in section 2.0 below;

19. Please see paragraphs 5.2-5.5 in the basement section below.

20. Please see paragraphs 5.2-5.5 in the basement section below.

21. The proposal is a stand along dwelling and not built to replace the scale of the other dwellings in the local area;

22. Please see the design assessment from section 2 below;

23. The semi-detached villas along Priory Terrace have side passages with a separating brick wall between each villa. These give access to the rear garden from street level and also provide light to windows on the side elevation;

24. Please refer to figure 8 in the comments section below to see the historic composition of the corner plot.

Amenity:

- 1. Impact on residential amenity;*
- 2. Noise disturbance that can have mental health impact;*
- 3. The building works will bring huge disruption to our area;*
- 4. It is too prominent in the streetscape and should not be so close to no.39, as it creates an uncomfortable, dark crevice between structures and limits outlook from no.39;*
- 5. This will make already small flats on Priory Terrace feel even more cramped as they look directly onto a wall;*
- 6. In these small London flats, some small kind of view is a great relief particularly if future lockdowns have to be imposed;*

Officer's response:

- 1. Please see the residential amenity assessment in section 4.0 below;*
- 2. Please see the residential amenity assessment in section 4.0 below.*
- 3. The proposal would be subject to a Construction Management Plan for further info please refer to the paragraph 6.6 below;*

4. *Please see the amenity assessment in section 4 below;*
5. *The windows to the flank elevation are secondary windows further info is available in the amenity assessment from section 4 below;*
6. *The windows on the flank elevation do not relate to amenity rooms;*
7. *The piling support to the new building proposed is going to prevent the access to LGFF at 39a and the access to such LGFF will be severely jeopardized if not impossible during the working.*

Other;

1. Not all the objections were noted on the Revised BIA Audit
2. The developers and contractors have repeatedly shown indifference to public safety;
3. Lack of affordable housing;
4. Transport impact;
5. Has no environmental benefit;
6. The freeholders in properties opposite the proposed development, including my own freehold flat at 132 Abbey Road, were not consulted;
7. The lack of transparency and the unfairness of the consultation process. The developers have never consulted with me and my brother who is the co-owner or anyone in the neighbourhood about their plans. We have proof that they have never mentioned any plans of construction in the land next to our building;
8. We have never had an official communication with the constructor about their plans and NO Party Wall Agreement;
9. Also, rubbish bins collection and bicycles parking of the proposed development requires access from our land;
10. As well as Legal Right of Way is better addressed privately by a Solicitor;

Officer response;

1. *The BIA Assessment was revised to include all the objections that were logged until 10 February 2021;*
2. *It is unclear as to what aspect of works have been shown indifference to by the developer and contractor.*
3. *The National and Local Plan requires a mixture of housing scheme including market housing and affordable housing;*
4. *Please see the transport assessment in section 6.0 below;*
5. *Please see the sustainability assessment in below in section 8.0;*
6. *The Council no longer send out consultation letters. Statement of Community involvement [here](#): A site notice was displayed from 15/07/20 to 08/08/20 and the application was advertised in the*

	<p><i>local paper on 16/07/20 (expiring 08/08/20).</i></p> <p><i>7. The applicant confirmed that they have copies of email exchanges between Mr Pelekanos's brother and the developer dating back to June and July 2019;</i></p> <p><i>8. An informative is attached to the decision in regards to party wall agreement which is not material planning consideration.</i></p> <p><i>9. The proposed bin and bike stores are identified as being located on land within the applicant's ownership (i.e. the application boundary) and can be wheeled onto Abbey Road via the proposed new pedestrian gate for collection;</i></p> <p><i>10. Access Rights to the lower ground floor flat would be a private issue between both parties;</i></p>

Site Description

The site comprises two single storey garages located on the corner of Priory Terrace and Abbey Road. The site is between number 39 Priory Terrace which is split into flats and Priory Lodge a single dwellinghouse located on Abbey Road. The site is located within the Priory Road Conservation Area (CA). The site also lies within the Kilburn Neighbourhood Area. As yet there is no Neighbourhood Plan for this area.

Almost opposite the site on Abbey Road is the Grade II listed St Mary's Church. 39 Priory Terrace is noted in the CA statement as making a positive contribution to the Conservation Area.

The site is identified in the Camden Geological, Hydrogeological and Hydrological Study – Guidance for Subterranean Development Issue01- ARUP - November 2010 as having underground development constraints of surface water flow and flooding and slope stability.

Relevant History

Subject site

J5/5/8/37214: Planning permission for erection of a part one and part two-storey house on the site of two existing garages fronting Abbey Road. The application was refused on **16/02/1984**. Four reasons for refusal were given relating to

- (1) impacts to natural light;
- (2) lack of adequate parking provision;
- (3) loss of off-street parking spaces; and
- (4) harmfully inappropriate and out of character design.

Relevant policies

NPPF 2019

The London Plan March 2016, consolidated with alterations since 2011

Publication London Plan December 2020

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy A5 Basements

Policy D1 Design

Policy D2 Heritage

Policy H2 Maximising the supply of self-contained housing from mixed use scheme

Policy H4 Maximising the supply of affordable housing

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car-free development

Camden Planning Guidance (2018/2019)

Access for all (March 2019)

Air Quality (adopted January 2021)

Altering and extending your home (adopted March 2019)

Design (adopted March 2021)

Amenity (adopted March 2021)

Basements (adopted March 2021)

Biodiversity (March 2018)

Housing (January 2021)

Trees (March 2019)

Transport (adopted March 2021)

Water and flooding (March 2019)

Developer Contribution adopted March 2019)

Energy efficiency and adaption (March 2021)

Priory Road Conservation Area Statement (Adopted January 2000)

Assessment

1.0 Proposal

- 1.1 Consent is sought for the erection of a two storey, plus basement dwelling following the demolition of an existing single storey garage. The proposed house would provide 3x bedrooms over three floors, and be a modern design finished in brick with large glazed openings at the front, court yard at basement level with lightwells to the front and side elevations.
- 1.2 The existing garage is approximately 3.0m high (when measured from street level) and 2.9m wide and 6.0m in depth with a footprint of approximately 17.4sqm. The proposed dwelling would be two storey (6.4m high) with a flat roof with a series of photovoltaic panels to the rear. The proposal would include a basement with a footprint of approximately 58sqm (including a south eastern lightwell of 3.7sqm in area) and an external depth of 3.2m.

Revisions

- 1.3 During the course of the application the applicant has submitted revised drawings integrating the two garages agreed between the owners of the respective site, including:
1. Reduced the height of the dwelling to align with the top of the portico of 39 Priory Terrace;
 2. Rationalise the boundary treatment - this now comprises a low level brick perimeter wall on Priory Terrace (to match the existing) and will transition into a taller wall along Abbey Road using the vernacular style;
 3. The roof terrace has been removed completely (and replaced with solar panels and a green roof). Additional demolition works are no longer proposed;
 4. Changes in the overall design and appearance to include deeper set horizontal banding on white render; stepped cornicing; simplified projecting sills; and a more confidently designed triptych window on the side elevation;
 5. Changes to the landscaping approach which now includes low level box hedging and a tree to replicate the one that originally existed when the site was occupied by a coach house in the 19th century;
 6. The BIA Audit has been updated to include all 36 objections that were made and addressed the concern raised in regards to
- 1.4 The main issues for consideration are:
- Design and heritage
 - Residential standards
 - Amenity
 - Basement impact
 - Transport
 - Planning Obligations
 - Affordable housing
 - Approval in principle
 - Trees
 - Sustainability
 - CIL

2.0 Design and heritage

Site and surroundings

- 2.1 The application site comprises a corner site at the junction of Priory Terrace and Abbey Road, which currently consists of a pair of garages built in 1963. The site is located within the Priory Road Conservation Area (CA). The site also lies within the Kilburn Neighbourhood Area. As yet

there is no Neighbourhood Plan for this area. The subject site also falls within the setting of the Grade II listed Church of St Mary, which is a landmark building on the north side of Abbey Road; the site is considered to make a neutral to negative contribution to the setting of the church in its existing form.



39a St George's Road, early 20th century (Camden Archives)

- 2.2 The character and appearance of the Priory Road Conservation Area is defined by its original street pattern and homogeneous architectural language in the Italianate style of classical architecture which prevailed during the mid-19th century. It is a largely intact example of a mid-19th century suburban development comprising residential streets, shops and a church. Semi-detached villas predominate and reflect those of the neighbouring Eyre Estate in St John's Wood, comprising symmetrical semi-detached houses designed to appear like one large detached villa.
- 2.3 Priory Terrace which are generally of brickwork and classical stucco architectural detailing. The church can only be glimpsed from the north ends of the latter two roads (given the fall in land levels to the south), but the architectural significance of the church can be best appreciated in views along Abbey Road. The existing boundary treatment, poor-quality garages and minimal landscaping of the subject site, and the resulting exposure of poor-quality aspects of the built form on the south side of Abbey Road, are considered to make a neutral to negative contribution to the setting of the church in views along Abbey Road.

Demolition

- 2.4 According to the heritage statement that was submitted with the application the garage structure was built on the original open stableyard and stable building following the demolition of the building on the eastern part of the site during the early 1960s. The garages are plain and utilitarian in their form and use of materials, comprising brickwork to the side walls, a sloping flat roof and modern metal up-and-over doors. Notwithstanding the above, the existing garage is of no architectural merit, and its loss is not considered harmful to the character or appearance of the conservation area as long as a suitable high quality replacement is proposed.

Design

- 2.5 The proposed building would present a high quality, modern addition to Priory Terrace with the junction of Abbey Road. The proposed building would represent an independent pavilion structure that clearly separates itself from the neighbour and minimises all impacts to the existing dwelling main elements would be would be two storeys with double height windows, tempered by angled reveals and perforated privacy screens. Adjacent to this would be the single storey element, set back from the street behind another perforated screen. A modest lightwell is proposed in front of the single storey element, and its presence would be obscured by the screen.
- 2.6 The modern design is in contrast to the elaborate, highly decorative architecture elsewhere in the conservation area, The proposed height plus basement sits comfortably adjacent to No. 39 Priory Terrace, the parapet height matching the string course of the mid-19th century semi-detached villa, as recommended in the pre-application advice. Indeed, the parapet coping and cills of the ground floor windows provide visual ties with the horizontal elements of the adjoining villa. Details of facing materials will be secured by condition.
- 2.7 The proposed building would be two storeys (plus basement) with its bulk and massing responding to the character of Priory Terrace. The key elements of the architectural detailing of No.39 on its north elevation will remain clearly visible. The stepped plan of the building picks up the strong building line of Priory Terrace and successfully turns the oblique angled corner onto Abbey Road; the sinuous garden wall follows the curved back of pavement line, and makes the transition from low walls on Priory Terrace to high walls on the western side of Abbey Road.



- 2.8 The proposed boundary treatment has been changed completely. A brick bay wall with piers is now proposed along the boundary, replacing the railings. This will comprise a low level brick perimeter wall on Priory Terrace (to match the existing) and will transition into a taller wall along Abbey Road using vernacular shapes and forms found on the entrance stairs to neighbouring properties. In agreement with the adjoining landowner, a new timber gate is proposed in front of the retained garage onto Abbey Road as well as a new built up parapet wall to align with the existing. The new gate is welcomed as it improves the security of the garage and reduces the amount of rubbish building up in front of the existing garage door. The pedestrian secure gated

entrance to the site has been moved back to its original position off Abbey Road (as per the original scheme).and thus its already positive contribution to the character and appearance of the Conservation Area will be sustained and enhanced.

- 2.9 The overall design and appearance is considered acceptable. The proposed building would add architectural interest on a site of currently poor townscape value, distracting attention away from negative contributors (the existing garage) and thereby also enhancing the setting of the Grade II listed church on the north side of Abbey Road. The proposed architectural detailing and use of materials draw on the homogenous classical language of the surrounding streetscapes within the Conservation Area in a visually literate modern idiom. In particular, the top of the parapet wall aligns with the top of the portico of 39 Priory Terrace; the design of the fenestration echoes that of Priory Terrace; as does the use of white render (with rustication at the lower level). The exposed London stock brickwork to the west part relates better to Abbey Road and particularly to the exposed brickwork of 53 Priory Road, whilst the white rendered east part relates to the stuccoed mid-19th century villas on Priory Terrace.



- 2.9.1 In conclusion, the existing building offers little more than a solid roller shutter when viewed from Priory Terrace and arguably makes a negative contribution to the character and appearance of the conservation area, and therefore its loss is not considered to be harmful. The proposed building sits comfortably within its plot and can be read both as a continuation of the typology of Priory terrace, in terms of height, bulk and massing, and as a new building in its own right. The modern approach is an improvement on the utilitarian design of the existing garage, and therefore is considered to both preserve and enhance the character and appearance of the street scene and wider conservation area. As such the proposal is considered to comply with policies D1 and D2 of the Local Plan 2017.

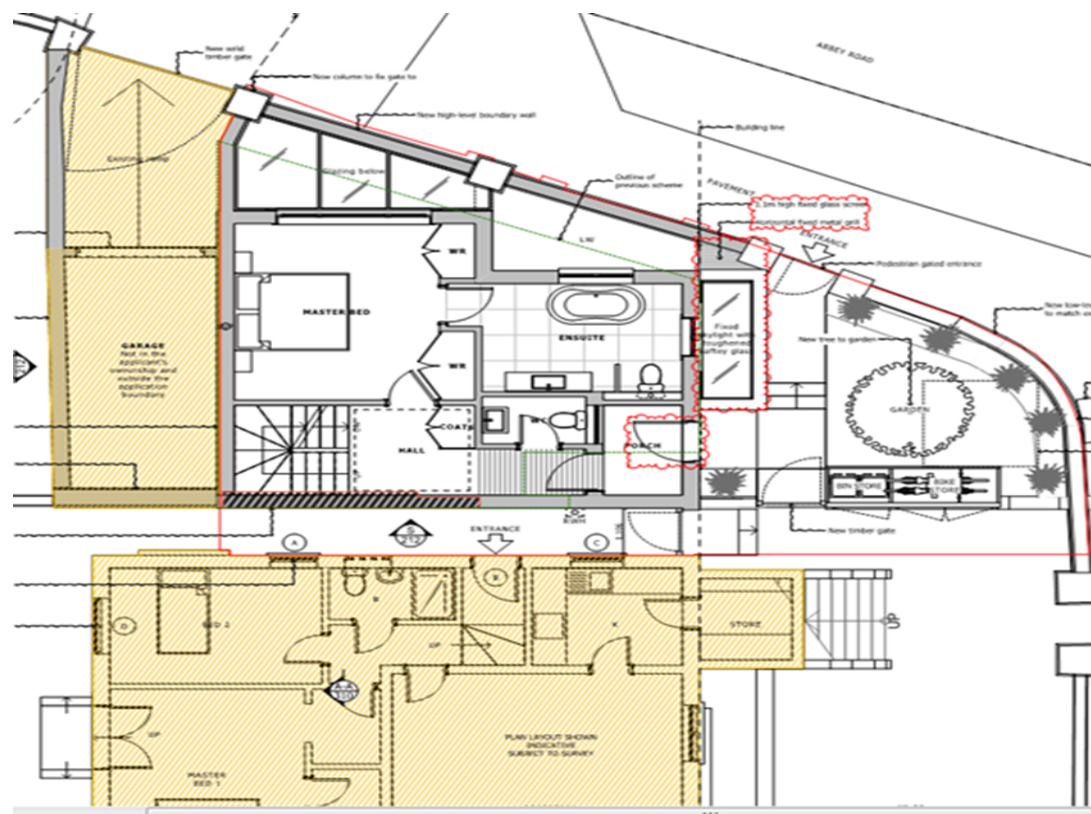
- 2.9.2 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, scale, design and location of the proposed alterations, would ensure no harm is caused to the character of the host building and surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.

3.0 Residential standards

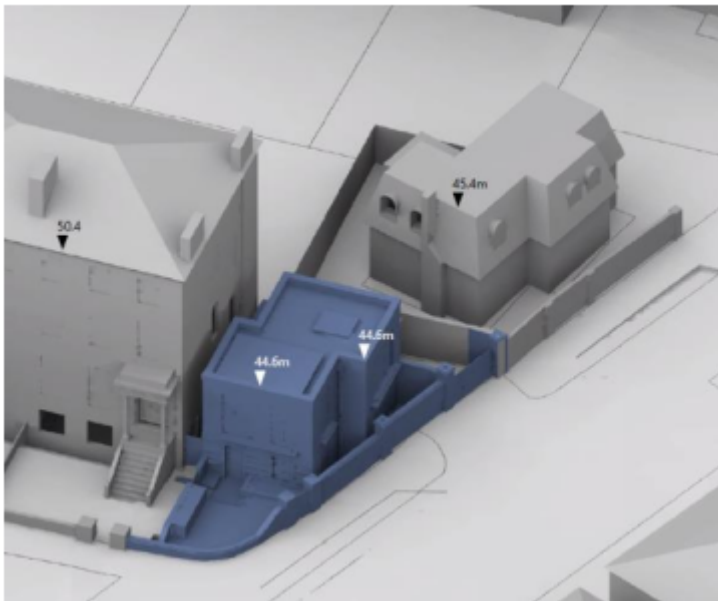
- 3.1 The proposed building would provide a 3-bedroom house over three floors with a gross internal floorspace of approximately 148sqm which meets the Council's residential floorspace standards. All rooms would be adequately sized and both bedrooms would be approximately well over the 11.5sqm advised for double bedrooms in the DCLG space standards measuring 13.2 (Bedroom 3), 22.5sqm and 18.5 respectively. Lifetime Homes has been superseded by Part M4 (2) of the Building Regulations (1st October 2015). M4 (2) is similar to lifetime homes but requires totally step free housing. Compliance with M4 (2) would be secured by condition.
- 3.2 The house would be single aspect, but have acceptable outlook, access to sunlight and daylight and natural ventilation due to the large windows. The bedrooms are at basement level but would face the lightwell patio, and the daylight/sunlight report indicates one bedroom would have an Average Daylight factor (ADF) of 1 (meeting the minimum ADF level) whilst all other rooms would exceed the minimum ADF requirements. Adequate storage is proposed, including cycle and internal bin storage at ground floor level. Overall the proposal would provide a good standard of residential accommodation.

4.0 Amenity

- 4.1 Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.
- 4.2 The closest properties to the development are 29 Priory Terrace and Prior Lodge Abbey Road, both of which are in residential use. The site is some 6m from the rear of Priory Lodge and 1.4m from the flank elevation of 29 Priory Terrace.



- 4.3 When viewed from the rear of Priory Road, the proposed dwelling would be 9.3m wide, the same as the existing garage. The two storey section of the rear elevation would be 9.2m wide. However, the majority of the windows on the neighbouring building face north towards the flank elevation with two windows overlooking the site at first floor level. The submitted daylight and sunlight report indicated that the first floor level room from Priory Lodge will experience virtually no change in daylight as a result of the scheme. Here changes from the existing daylight levels are limited to absolute shifts of 0.6% VSC and would not be perceptible to the occupants.
- 4.4 No. 29 Priory Terrace is perpendicular to the application site and approximately 1.8m away. The two storey section of the proposed building is closest to the site and separated by an alleyway. This building consists of 4 x self-contained flats and the principal elevations of this property are orientated east and west such that they will have no view of the proposals. There are 5 windows across the lower and upper ground levels which overlook the site however 4 of these are understood to serve secondary or non-habitable space such as circulation, bathrooms / WC and a small 'non-habitable' kitchen at c.6m². The daylight sunlight report confirmed that there is 1 window located to the lower ground level which is a secondary window to a bedroom as shown below.

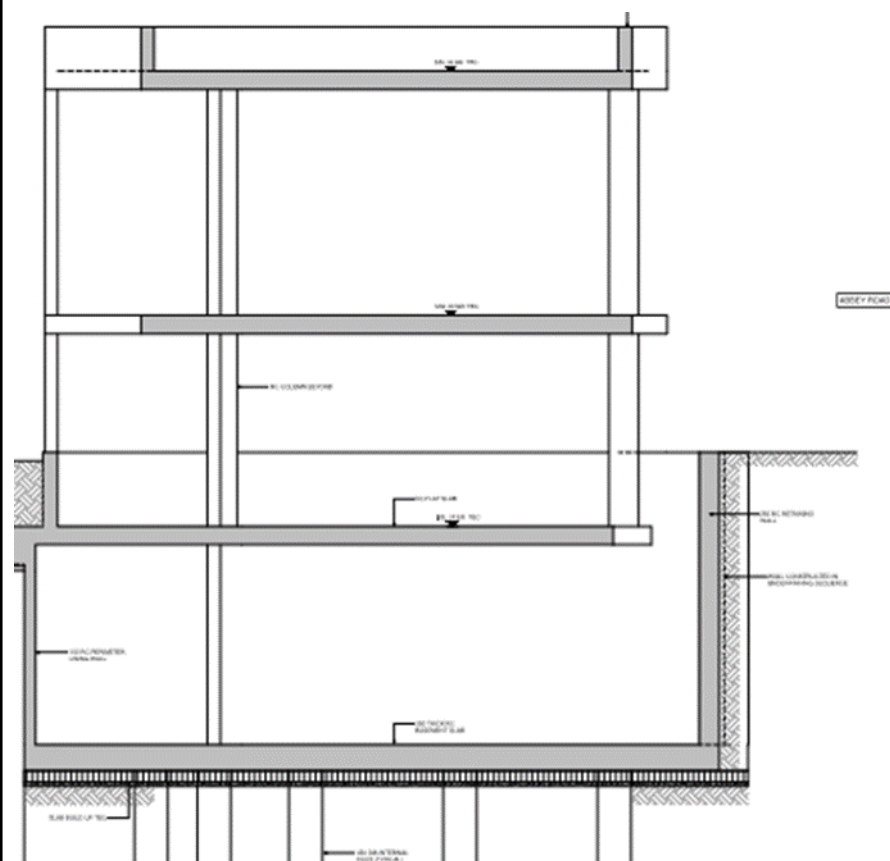


- 4.5 The applicant has submitted a daylight/sunlight report which indicates that impact on daylight to nos. 39 Priory Terrace and Priory Lodge would be negligible. The BRE guidelines recommend that the Vertical Sky Component (VSC) for habitable rooms would be limited to 0.9 times their existing level such effects are considered unnoticeable under the BRE guidelines.
- 4.6 In terms of sunlight, only Priory Road is within 90° of due south. The BRE guidelines suggest that Annual Probable Sunlight Hours (APSH) should be at least 25% overall, with at least 5% of that during winter, and any reduction should be limited to 20%. The report indicates that given the main living rooms to this property face away from the proposals, this property is not required for sunlight assessment and thus will not be materially affected by the scheme in terms of sunlight. Overall there would be no noticeable impact on sunlight or daylight to neighbouring properties.
- 4.7 In terms of Priory Lodge located to the west elevation. The proposed building would have one window to the south east side at 1st floor level with the other windows facing Abbey Road to the flank elevation. Vertical Sky Component (VSC) results for this property demonstrate that the first level room will experience virtually no change in daylight as a result of the scheme. Here changes from the existing daylight levels are limited to absolute shifts of 0.6% VSC and would not be perceptible to the occupants. The effects to this property are fully compliant with the BRE guidelines for both VSC and NSC daylighting. The report confirmed that there would be no noticeable impact with daylight levels to the first floor windows.

4.8 In terms of loss of privacy, no windows are proposed to the rear elevation.

5.0 Basement impact

5.1 The development includes a basement floor comprising two bedrooms, a bathroom and a patio. The total footprint of the basement, including lightwell and patio, is approximately 63sqm with an external depth of approximately 3.8m as shown below.



5.2 The applicant has submitted a Basement Impact Assessment (BIA) identifies that the proposed basement be low permeability that have negligible significance for water supply or river base flow, no surface water features are located within 1km of the site and at a low risk of surface water flooding. The amount of hard surfacing would not be altered and no trees would be felled. The basement will be founded on London Clay, with the structural loads bearing bored piled foundation. It is proposed to undertake the basement excavation following construction of retaining walls formed using the underpinning method and contiguous piling.

5.3 Campbell Reith have reviewed the BIA and the Desk Study and Ground Investigation Report and was prepared by Geotechnical and Environmental Associates Limited. A Structural Engineers Statement has been prepared by Engineers HRW and a Flood Risk Assessment by Infrastruct CS Ltd. The authors of the documents have provided evidence of suitable expertise as set by CPG (Basement). Campbell Reith accepts that perched ground water will be encountered during basement foundation excavation. However, It is accepted that the proposal would not impact the subterranean groundwater flows and report confirmed that the site is in an area with a very low to medium risk of flooding from different sources. However, Campbell Reith concluded that suitable mitigation measures in the form of SuDs are incorporated to deal with this and the increase in impermeable area. Thus, it is accepted that the proposal will not impact the hydrology of the area.

- 5.4 The site is located in an area prone to seasonal shrink-swell subsidence. However, it is accepted that the development is away from zone of influence of any tree and it is accepted that the surrounding slopes to the development site are stable. A Ground Movement analysis has been undertaken of horizontal and vertical ground movements. An updated damage assessment has been provided for neighbouring properties which predicts Category 0 damage and negligible impacts to the highway. No proposals are provided for a movement monitoring strategy during excavation and construction, however it is stated that a monitoring strategy would be developed at later stages. Campbell Reith conclude that the BIA is considered to meet the requirements of CPG (Basement) and conditions will require the development to be carried out in accordance with the submitted basement information and the comments contained within the Campbell Reith audit, and that the temporary and permanent works are overseen by a relevantly qualified engineer.
- 5.5 Whilst the site is in an archaeological priority area the Greater London Archaeological Advisory Service have concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and advised that although on the edge of a tier 2 archaeological priority area, the proposed works are too small scale to result in a significant archaeological impact at this location no further assessment or conditions are therefore necessary.

6.0 Transport

- 6.1 The 3 bedroom dwellinghouse would need to be car-free in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. This would be secured by a legal agreement if planning permission is granted, and would prevent future occupiers from obtaining on-street parking permits.
- 6.2 Secure, accessible, and covered cycle parking should be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the new London Plan. The London Plan standards are shown below. The plan indicates that a bike store would be provided in the front garden for 2 bicycles. The bike store dimensions are as follows: Height: 1,330mm; Width: 1,960mm; Depth: 890mm. This would be acceptable as the bike store fits 2 bicycles and is covered and lockable.
- 6.3 The submitted plans show space for 1x cycle at ground floor level. Whilst storage for 2x cycles would be required in line with the London Plan, given the constraints of the site, and that the proposed dwelling is only two bedrooms, the shortfall is considered acceptable in this instance. No details of the storage have been submitted and a condition will require details of secure storage for 1x cycle to be submitted to the Council for approval.

6.4 Planning Obligations

- 6.5 The footway directly adjacent to the site is likely to sustain damage because of the proposed demolition and construction works. In addition, the existing crossover on Abbey Road would be reduced in size. A highways contribution would need to be secured as a section 106 planning obligation if planning permission is granted. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage to the public highway in the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development. A cost estimate for the highway works has been requested from Council's Transport Design Team and will be forwarded once received.
- 6.6 Due to the site being in a mainly residential area and the amount of construction works, a construction management plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and neighbouring community. We would seek to secure a CMP implementation support contribution of £3,136 and a Construction Impact Bond of £7,500 as section 106 planning obligations in accordance with Policy A1, if a subsequent planning application were to be approved. The Council has a CMP pro-forma which must be used once a Principal Contractor has been appointed.

- 6.7 A Construction Management Plan (CMP, in the form of the pro-forma, would need to be approved by the Council prior to any works commencing on site. The CMP pro-forma is available on the Camden website:
<https://www.camden.gov.uk/documents/20142/1269042/CMP+pro+forma+03-02-2020.docx>.
Details on Construction Impact Bonds is available on the Camden website:
<https://www.camden.gov.uk/documents/20142/1269042/Construction+Impact+Bonds+-+Guidance+-+05-02-2020.pdf/>.

Approval in Principle (AIP)

- 6.8 The proposal would involve basement excavations close to the public highway. The Council has to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. The applicant would be required to submit an 'Approval in Principle' (AIP) report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement planning obligation. This is a requirement of British Standard BD2/12. The AIP report would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required. The AIP report and an associated assessment fee of £1,863.54 would need to be secured via a legal agreement if planning permission were to be granted.

7.0 Affordable Housing Contribution

- 7.1 Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm Gross Internal Area (GIA) or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity.
- 7.2 The proposal includes a new unit and an uplift of 150sqm GIA of floorspace. This would result in a requirement for 4% affordable housing (capacity is rounded up to the nearest 100sqm (i.e. 200sqm), with 50sqm and above being rounded up). This would equate to a requirement of 6sqm of affordable floorspace. Where developments have capacity for fewer than 10 additional dwellings, the Council accepts a payment-in-lieu (PIL) of affordable housing as set out in Policy H4.
- 7.3 The CPG Housing document was published in January 2021. The Camden Local Plan 2017 has adopted GIA to assess self-contained housing and affordable housing requirements under Policies H2 and H4. For consistency, the payment rates incorporated in the updated CPG Housing are expressed as payments per sqm of GIA and have been updated for housing and affordable housing. PIL of affordable housing required by Policy H4 is now £5,000 per sqm GIA. The PIL required for the proposed development is calculated below:
- Based on an uplift in GIA of **150sqm** the percentage AH target would be **4%** (capacity for **2** units (rounded to the nearest 100sqm) so **2 x 2% = 4%** contribution)
 - The affordable housing floorspace target is **4% x 150sqm = 6sqm**
 - A PIL is sought at a rate of £5,000 per m² of GIA, as per CPG Housing January 2021
 - The financial contribution is therefore **6m² x £5,000 = £30,000**
 - This is based on measurements **taken from the submitted plans / submitted by the applicant** and the final financial contribution would be dependent on the PIL figure at the time of agreeing the Section 106 Agreement

7.4 On this basis, a payment in lieu of £30,000 towards affordable housing would be required if permission were granted.

8.0 Trees

8.1 There are no trees on site, but two tree/s adjacent to the site's north eastern boundary in the rear in the garden of the Priory Lodge. The proposal has been reviewed by a Council Tree Officer who advises that although there are trees very close to the development, the fact that the development will be wholly within the existing footprint makes significant impacts on trees unlikely. It is recommended that an arboricultural method statement be secured by condition to demonstrate how the neighbouring trees will be protected during construction.

9.0 Sustainability

9.1 The building would utilise large south facing windows for solar gain and would be required to limit water consumption of 105 litres per person per day. A condition will require a sustainability statement to be submitted and approved prior to construction and require evidence to demonstrate that such water efficiency has been achieved.

9.2 The proposed dwelling would be constructed with a green roof and photovoltaic panels. The proposed green roof would increase biodiversity, provides a habitat for invertebrates and ground nesting birds. Combined the proposed green roof would help to lower peak rainfall runoff; reducing the risk of floods. A combined solar PV and green roof also has the potential for increased diversity as they will provide variations in moisture, sunlight and wind exposure. This can lead to a greater biodiversity when compared with a fully exposed green roof with no photovoltaic panels.

10.0 CIL

10.1 The proposal will be liable for both the Mayoral and the Camden CIL as the proposal is for a new residential unit.

11 Recommendation:

11.1 Grant conditional planning permission subject to a Section 106 Agreement with the following heads of terms:

- Car-free development
- Condition securing the provision of 2 long-stay cycle parking spaces
- Construction Management Plan and associated Implementation Support Contribution of £3,136
- Construction Impact Bond of £7,500
- Approval in Principle and associated costs of £1,863.54
- Highways contribution - £18,653.77
- Affordable Housing Contribution of £30,000

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 22nd February 2020, 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'.

Application ref: 2020/2839/P
Contact:
Tel: 020 7974
Date: 16 February 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

hgh Consulting
45 Welbeck Street
London
W1G 8DZ

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:

**Land and building lying on the south side of Abbey
Road to the side of 39 Priory Terrace
Kilburn
London
NW6 4DG**

Proposal:

DECISION
Erection of 2-storey plus basement house with front lightwell and associated landscaping following demolition of existing garage.

Drawing Nos: The development hereby permitted shall be carried out in accordance with the following approved plans: ((919)001_PL02; (919)002_PL03; (919)010_PL02; PL03; (919)020_PL03; (919)210_PL02; (919)211_PL03; (919)212_PL02; (919)310_PL03; (919)900_PL03; Daylight and Sunlight report commissioned by EB& dated December 2020; Energy Statement commission by ME7 dated March 2020; Air Quality Assessment commissioned by Air Quality Consultants dated May 2020; Structural Engineer's Statement commissioned by Engineers HRW dated May 2020; 2015-HRW-XX-XX-DR-C-0500 REVP01; Energy Statement; Heritage Significance, Impact Assessment and Justification Statement commission by Heritage Information Ltd Dated May 2020; Desktop Study and Ground Investigation Report commissioned by GEA dated September 2020; 2015-HRW-XX-XX-DR-S-200 REVP4; 2015-HRW-XX-XX-DR-S-200; Archaeological Desk-Based Assessment commissioned by Heritage Information Ltd fated May 2020; SAP Predicted Energy Assessment no date; Basement Impact Assessment Audit commissioned by Campbell Reith dated February 2021 and Tree Statement commissioned by Adam Hollis dated 11 March 2020.

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: ((919)001_PL02; (919)002_PL03; (919)010_PL02; PL03; (919)020_PL03; (919)210_PL02; (919)211_PL03; (919)212_PL02; (919)310_PL03; (919)900_PL03; Daylight and Sunlight report commissioned by EB& dated December 2020; Energy Statement commission by ME7 dated March 2020; Air Quality Assessment commissioned by Air Quality Consultants dated May 2020; Structural Engineer's Statement commissioned by Engineers HRW dated May 2020; 2015-HRW-XX-XX-DR-C-0500 REVP01; Energy Statement; Heritage Significance, Impact Assessment and Justification Statement commission by Heritage Information Ltd Dated May 2020; Desktop Study and Ground Investigation Report commissioned by GEA dated September 2020; 2015-HRW-XX-XX-DR-S-200 REVP4; 2015-HRW-XX-XX-DR-S-200; Archaeological Desk-Based Assessment commissioned by Heritage Information Ltd fated May 2020; SAP Predicted Energy Assessment no date; Basement Impact Assessment Audit commissioned by Campbell Reith dated February 2021 and Tree Statement commissioned by Adam Hollis dated 11 March 2020.

Reason:

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

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

to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

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

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of any impact piling, a piling method statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in consultation with Thames Water or the relevant statutory undertaker, and shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Renewable Energy Strategy and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with Policies G1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 8 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used [for large areas of green roof add in : and showing a variation of substrate depth with peaks and troughs]
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4(major apps only), D1, D2(if CA or LB) and A3 of the London Borough of Camden Local Plan 2017.

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

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 11 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

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 D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 12 Prior to the commencement of any works on site, details demonstrating how tree/s on the neighbouring site 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.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 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 for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 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.
- 5 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.

- 6 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.
- 7 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 8 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 9 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.

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