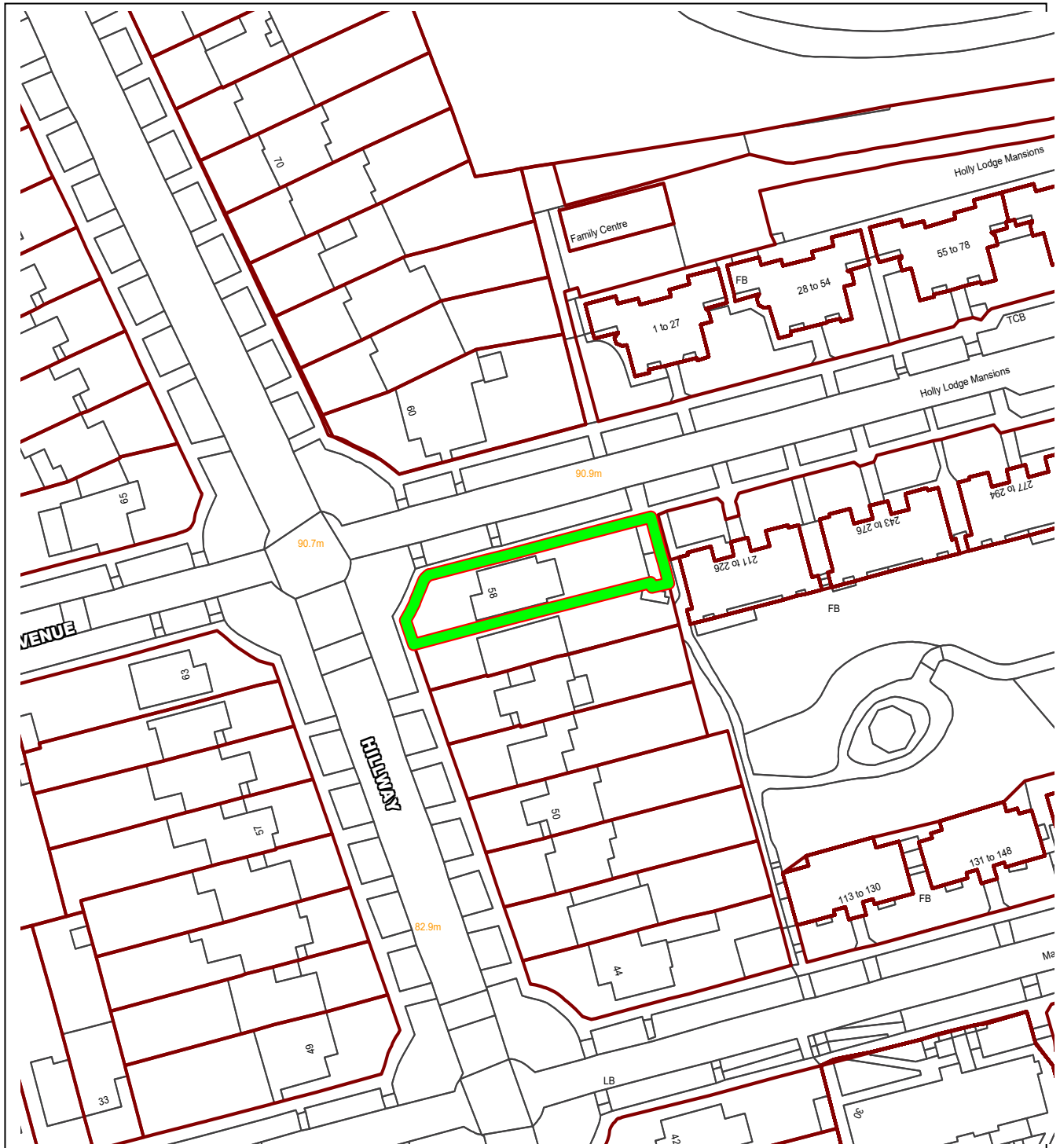


# 58 Hillway, N6 6EP (2020/5695/P)



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## Site photos



1. Front elevation front Hillway



2. Side elevation fronting Oakshott Ave





3. View from rear garden of rear elevation



4. View of side courtyard where two flush lightwells with grilles are proposed

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>02/02/2021</b>
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	14/02/2021
<b>Officer</b>			<b>Application Number(s)</b>		
Sofie Fieldsend			2020/5695/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
58 Hillway London N6 6EP			Please refer to decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Excavation of basement extension below footprint of building with rear and side lightwells.					
<b>Recommendation(s):</b>		Grant conditional planning permission subject to S106 agreement			
<b>Application Type:</b>		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	12	No. of objections	12
Summary of consultation responses:	The application was advertised by site notice on 20/01/2021 (consultation expiry 13/02/2021) and by press advert on 21/01/2021 (consultation expiry 14/02/2021).					
	Letters of objection were received from 12 local residents on the following grounds (summarised):  <u>Design/heritage</u> <ul style="list-style-type: none"><li>• Contrary to Policy A5 of the Camden Local plan (6.112)</li><li>• Lightwells visually obtrusive, out of character with CA. Harms host property character and heritage.</li><li>• Basement in general out of keeping with the area</li><li>• Development results in overdevelopment of the building which has already been extended</li><li>• Will set unwanted precedent in CA</li><li>• Creates a separate basement flat against HLE statutes and character of the area.</li></ul> Officer response: <i>See section 3 (Design and Conservation) for full assessment.</i>  <u>Neighbouring Amenity</u> <ul style="list-style-type: none"><li>• Risk to adjoining properties: Flooding and subsidence which would create a change in ground conditions permanently</li><li>• Concern impact Fleet River, harming Highgate cemetery in terms of heritage and ground stability</li><li>• Concern basement would have to have a continuous running pump to ensure no internal flooding. Would create noise</li><li>• Disruption, pollution, noise and traffic from construction</li><li>• Safety concern to children and parents attending the nursery due to construction</li><li>• Side entrance will create noise and loss of privacy to No.56 Hillway</li><li>• Concerns about safety in draft CMP</li></ul> Officer response: <ul style="list-style-type: none"><li>• <i>See section 5 (amenity) for full assessment of impact on neighbouring amenity and section 6 (Transport) for assessment of construction impacts.</i></li><li>• <i>Furthermore, if planning permission is granted, a construction management plan shall be secured by s106 agreement, which will need to be submitted for approval by the Council's Transport, Highways and Environmental Health Officers prior to commencement of works, and would require community consultation.</i></li></ul>					

#### BIA

- Disagrees with groundwater depth, geology, subterranean screening, stability screening and groundwater findings of original BIA
- Disagrees that site is located in Flood zone 1 and the site is in fact high risk for flooding
- Independent assessment of original BIA states damage (level 2 or 3 Burland Scale estimated) to No.56 Hillway, disagrees with findings of applicants BIA
- Concerns BIA does not include risk to No.54 Hillway

#### Officer response:

- *All concerns were forwarded to Campbell Reith for consideration in their audit, and were also queried in their initial audit report which confirmed that the submitted BIA did not meet the requirements of policy A5 and CPG Basements.*
- *Campbell Reith requested additional information/measurements to be taken and have confirmed the latest BIA meets the requirements of Policy A5 and CPG Basements.*
- *See section 4 for discussion of the basement impact.*

#### Other:

- Loss of rental income to owner of No.56 Hillway due to construction
- No.56 Hillway requests compensation for potential damage and maintenance to property, in the form of financial bonds
- Draft Construction Management Plan (CMP) has been submitted without prior engagement with No.56, nor establishment of a working group with other affected parties in the Holly Lodge Estate (HLE).

#### Officer response:

- *Damage to neighbouring property would be dealt with through party wall agreement.*
- *Loss of rental income is not a material planning consideration but a civil matter*
- *If planning permission is granted, a construction management plan shall be secured by s106 agreement, which will need to be submitted for approval by the Council's Transport, Highways and Environmental Health Officers prior to commencement of works, and would require community consultation.*

Following ongoing discussion between the applicant's engineers and Campbell Reith, a revised BIA was submitted in October 2021. Campbell Reith issued their final audit report in October 2021 confirming that the revised BIA now met the requirements of Policy A5 and CPG basements.

On the 16/10/21, an additional objection was received from No.56 Hillway. It can be summarised as follows:

- 1) Following my objection dated 8 February 2021, I raised many objections and points that remain unanswered although, Campbell Reith's BIA audit (CRBIAA) did pick up similar concerns. Section 10.4 of the BIA does not acknowledge my comments which was by far the

most technical and detailed. As a result the conclusions in the latest BIA in respect to the impact on my property (No.56) of the proposed development is unchanged. I remain in strong disagreement with this conclusion.

2) Revised BIA is still flawed:

- a) Its failure to test assumptions by running sensitivities as directed in the CRBIAA (cl 4.11).
- b) Cl 9.3.3 in the BIA assumes “perfect workmanship” in its calculations. This is unrealistic and does not address the CRBIAA question on sensitivity.
- c) Cl12.2 para 11 in the BIA states that the ground movement calculations are not predictions but maximum limits the construction must be controlled within to avoid damage to my property. This is therefore NOT a prediction of movement and means no assessment of damage to my house has been undertaken.
- d) The content of the report is technical and relies on calculations that were reviewed by a Chartered Civil Engineer specialising in sub structures, engaged by me to look at the application last January / February. I pointed out the calculations submitted were based on somewhat debatable assumptions to mitigate all risks to my property in favour of the applicant, which is contrary to the advice I have received following my independent review. I continue to challenge this application to protect my property against short term damage during construction and long term damage caused by consolidation settlements (ground water changes) and creep. It still remains that damage from long term ground movement has not been addressed.
- e) Earlier checks indicated that there are errors in the BIA calculations. On such example is an incorrect critical length of my house was used to calculate the resultant horizontal strain. This meant the damage impact is underestimated. There are many caveats in the BIA, that points to Soils Ltd being uncommitted to their “professional” opinions and conclusions. Coupled with simple editing errors throughout the reports, the BIA does not provide me with any confidence that it is a fair assessment of the real impact that my property could suffer.

3) Keep incurring costs to re-appoint professional engineers to review revisions of BIA. Revisions not being consulted on.

4) Concerns about Construction Management Plan

Officer response:

- 1) The BIA is only required to address issues raised by objectors where they contain evidence/information about the site which could affect the basement impact assessment and mitigation measures. Campbell Reith’s audit considers whether the BIA complies with Camden Planning Guidance for basements and takes into account any such evidence/information. Campbell Reith didn’t find that the objection provided any information which was not already included in the BIA.
- 2) All objections regarding the BIA accurately were reviewed by Campbell Reith prior to the issue of the final BIA audit to ensure their concerns were addressed if relevant.
  - a) The GMA presented in the BIA predicted ground movements originating from heave caused by basement excavation, the application of new structural loads, retaining wall lateral deflection and workmanship/underpinning installation. An additional

assessment was undertaken following CIRIA C760 guidance. Both the assessments conclude that damage to neighbouring properties due to the proposed development will be within Cat.1 of the Burland Scale.

- b) The GMA actually allows for workmanship induced settlement of 5mm assuming 'good' construction practice.
- c) As above, a category of damage has been estimated from predicted ground movements.
- d) Both short term and long term ground movements have been presented in the GMA.
- e) The GMA seems to include correct details on the dimensions of neighbouring properties. We acknowledge that the BIA is not always written as well/clearly as would be ideal, but we have reviewed assumptions and conclusions in accordance with Terms of Reference and are satisfied that impacts have been conservatively assessed and suitable mitigation described.

3) All basements are independently reviewed by Campbell Reith an internal auditor at the expense of the applicant. The Council do not normally re-consult on BIA revisions that seek to address outstanding information as they are a supporting document. *Campbell Reith have confirmed that the revised BIA complies with the requirements of policy A5 and Basements CPG. Please see section 4 for full discussion.*

4) *A construction management plan shall be secured by s106 agreement, which will need to be submitted for approval by the Council's Transport, Highways and Environmental Health Officers prior to commencement of works, and would require community consultation.*



<b>Holly lodge CAAC</b>	<p>Objection received 10/02/2021 on the original design</p> <p>1) Design</p> <ul style="list-style-type: none"> <li>• The proposed basement includes a kitchen, bathroom, bedroom, living room and a separate access to the front garden, as such it could be a self-contained flat if the proposed stairs from the ground floor hall were closed. The deeds of all houses on the Holly Lodge Estate contain a covenant which prohibit part of a house being let out for occupation as a separate household (Clause 2 of Part III), i.e. the basement cannot become a separate dwelling.</li> <li>• The plans show a 2.7m wide hard paving in front of the existing bay window part of which will be a grille (material not stated) over the lightwell for the basement. This will be an alien (&amp; ugly) feature and contrary to all other properties in the Conservation Area. Assuming the steps to the south are an escape route is the hard paving required? Maybe the lightwell could be hidden from the front by low plants – though still visible from Oakeshott Ave to the north.</li> <li>• Additionally, in the evenings light can spill out of the basement window and illuminate the front of the house, again an alien experience within the conservation area.</li> <li>• No gate is shown at the top of the steps to the basement from the front garden, nor is there a fence further back meaning the rear garden is visible, is this correct (seems a security risk)?</li> </ul> <p>2) Basement Impact Assessment</p> <ul style="list-style-type: none"> <li>• The BIA boreholes confirm Camden's geological, hydrogeological &amp; hydrological study by Ove Arup in 2010 that the property is on the Claygate Member, a type of soil that when overlying clay can have a tenancy for landslides. Furthermore, the Arup report indicates that the property is in an area of "Significant Landslide Potential". In light of this we would expect that the water level monitoring would be carried out until at least April to establish the maximum levels. We are concerned that the landslip potential has not been addressed in the geological report.</li> <li>• It is believed that one of the tributaries of the River Fleet originates slightly further north uphill, residents report issues with springs in rear gardens.</li> <li>• Subsidence was reported in 2019 at 59 Hillway, due either to trees or the drought in 2018 (June/July/August were exceptionally dry) or both, see 2020/0344/T. A tree survey should be carried out to assess the likely impact of the development on the trees</li> <li>• No structural engineering scheme is included in the application, without such a scheme it is not possible to determine whether the escape stairs to the south, which look narrow, will be wide enough to meet building regulations.</li> <li>• Both underpinning and mini piles are mentioned, which - or are both proposed?</li> <li>• What is the potential impact on neighbours? With the basement nearly 19m wide (across the hill) and c. 3.5m + piling/under pinning deep how will this impact the adjacent properties, particularly those downhill. Some form of monitoring checking for movement in the</li> </ul>

nearby buildings should be required (as mentioned in the BIA, p29, p42, etc) and an escrow account holding money in event of remedial work being required demanded.

- The basement will most likely require a sump pump to remove excess ground water and will add extra on the public drains/sewers.
- CPG Basements states that during the scoping stage the applicant should enter pre-consultation/set up a working group with local residents and amenity groups who may be impacted (clause 4.14), this has not happened.

#### 4) Hours of Work

- The hours of work given on page 10 are those stipulated by Camden but do not match those in the HLE Builders' Code referred to in the box. These reduce Saturday hours to 09.00 to 13.00.
- The Highgate Neighbourhood Plan, on page 61, recommends that, unless justified by exceptional circumstances (for example concrete-pouring), work on basements should be limited to 08.00 to 18.00 on Mondays to Fridays only. High impact works, including all demolition and concrete breaking, should be restricted to 09.00 to 12.00 & 14.00 to 17.30 on weekdays. At no time should there be any works on Saturdays, Sundays or public holidays. These hours have been adopted by the Royal Borough of Kensington & Chelsea in their Code of Construction Practice April 2019 (p29).
- The hours of work should match those of the Highgate Neighbourhood Plan as required by CPG Basement, clause 5.7, alternatively those of the HLE Builders' Code.
- These hours may need modification to accommodate the drop-off / collection times for the nursery.

#### 5) Control of Site Traffic/ Construction

- The pro forma CMP correctly identifies the Holly Lodge Estate (HLE) is a private housing estate, the HLE Committee must be a required consultee and approver for any eventual CMP.
- The HLEC can assist the Contractor in consulting with neighbours, etc.
- Construction Working Group: A notice board should also be erected on the barrier demarcating the site which displays the latest newsletter, progress against plan, details of any complaints received, contact details of site / project management & owners, etc.
- Note there is a children's nursery on the north side of Oakeshott Avenue (Holly Lodge Mansions) just east of the rear garden of 58HW. The management of this facility should be consulted.
- Neighbouring sites to consider: 91 & 93 Hillway are both under development (& have been since 2015). 69 Hillway is currently undergoing development.
- Approval to suspend parking bays should be sought from the HLEC.
- Is it planned that the conveyor will be at high level over the footpath and guarded allowing pedestrians to pass underneath at all times?
- If the tipper trucks, etc, need to reverse into Oakeshott Avenue to turn round then additional parking bays will need to be suspended, an alternative is to continue north on Hillway & exit the estate at the Highgate West Hill entrance (the barrier automatically rises) where they can turn south towards Kentish Town.
- The Holly Lodge Garden / Highgate West Hill entrance has barriers, these currently are closed between 23.00 & 11.00 though the exit gate will always open if a vehicle approaches from the east.

- Hillway must not be blocked, if required the Contractor should provide marshals to manage the north south traffic.
- Hillway has become a favoured route for cyclists descending after completing the Swain's Lane Hill Climb as it is less busy than West Hill.
- As the work is for a resident the charge for the first suspended bay is £5/day, only additional bays are charged at Camden's published rates.

#### 6) Summary

- *The construction of such a large basement would be very disruptive and set a precedent for estate which is built on the slopes of Highgate Hill, one of the steepest hills in London and where there are many springs.*
- *The design with a highly visible lightwell to the front would detract from the estate's 1920's Garden City Movement / Arts & Craft design.*
- *In recent years there have been many reports of subsidence in the estate, a recent example being the mansion block 113-130 Makepeace Avenue.*

#### *Officer response:*

- 1) *The separate side entrance at basement level and front lightwell have been removed from the scheme.*
- 2) *See section 4.*
- 3) *The standard informative about hours of work has been attached and the CMP will also control hours further if required*
- 4) *A CMP has been secured by S106. This does require consultation with neighbours.*
- 5) *The front lightwell has been removed from the development. Please see sections 3.3-3.4 and section 4.*

*Following revisions, a revised response was received on 27<sup>th</sup> May 2021.*

*The design is much improved with the development now effectively invisible from the public realm, thank you.*

*Assuming the review of the BIA comes back positive and you are minded to recommend for approval please add the following conditions;*

- *Both neighbouring owners (56 Hillway & the Holly Lodge Estate Committee (HLEC)) are required consultees in developing the Construction Management Plan (CMP) which must be finalised before any work commences. The HLEC represent the Trustees who own the roads & footpaths, etc, and can assist in minimising the impact of the development on the estate. In addition to defining traffic routes the CMP should require the formation of a Construction Working Group (CWG) liaising between the developer and the residents.*
- *An independent surveyor is to be appointed by the developer to monitor the works which would include a pre-work survey, surveys during the construction and post completion survey(s) after a number of months. The surveyor would report to the CWG.*
- *The developer should obtain JCT 6.5.1 insurance for the work ([JCT Clause 6.5.1 Insurance - Designing Buildings Wiki](#)) which does not require negligence to be proven and throughout the construction of the structure the developer should have monies held in an escrow account covered by a suitable agreement that ensures funds are*

	<p><i>available for remedial works if required.</i></p> <p><i>Officer response:</i></p> <ul style="list-style-type: none"> <li><i>• A construction management plan shall be secured by s106 agreement, which will need to be submitted for approval by the Council's Transport, Highways and Environmental Health Officers prior to commencement of works, and would require community consultation.</i></li> <li><i>• A condition is attached securing details of the basement engineer who will monitor the development</i></li> <li><i>• A party wall agreement will cover potential damage</i></li> </ul>
<p><b>Holly Lodge Residents' Association (TRA)</b></p>	<p>Objection received 13/02/2021</p> <ul style="list-style-type: none"> <li>Concerned that site is adjacent to 211-226 Holly Lodge Mansions, Oakeshott Avenue. The Mansion block consists of 16 flats in a four-storey building.</li> <li>Four almost identical blocks further down the hill on Makepeace Avenue are subject to significant subsidence which has entailed underpinning.</li> <li>Concerned that basement works may destabilise the adjacent block, 211-226 Holly Lodge Mansions.</li> </ul> <p><i>Officer response:</i></p> <ul style="list-style-type: none"> <li><i>• See section 4 for discussion of the basement impact.</i></li> </ul>

## Site Description

The application site is a three storey detached property located on the corner of Hillway and Oakshott Avenue. The application site sits within a predominantly residential area and is not listed but sits within the Holly Lodge conservation area. It is also within the Highgate Neighbourhood Plan Area.

## Relevant History

### Application site:

**2008/0734/P** - Erection of hipped roofs to 2 no. existing flat roof dormers on side (south-east) elevation and 1 no. existing flat roof dormer on rear (north-east) elevation of single dwellinghouse (Class C3). Granted 12/09/2008

**2007/3734/P** - Erection of an enlarged rear conservatory extension and front porch, installation of 2 no. side dormers and 1no. rear dormer and other elevational alterations to single family dwelling house (C3). Granted 29/10/2007

### Neighbouring properties:

80 Hillway

2007/5774/P – Erection of a ground floor rear extension and a raised rear terrace with associated excavation to form a basement at the rear, erection of a single storey front side extension in front of garage, and erection of a roof extension comprising installation of two dormer windows on the rear and south sides to dwellinghouse. - Granted 22/01/2008

84 Hillway

2006/0883/P – Erection of dormer windows at side and rear roof, installation of two conservation rooflights and enlarged openings to rear elevation at basement of dwellinghouse. - Granted 12/04/2006

95 Hillway

2014/7606/P - Construction of a part basement level, loft conversion including installation of dormer windows and conservation roof lights and erection of single storey side and rear extension. – Granted 04/03/2015

## Relevant policies

### **National Planning Policy Framework 2021**

### **The London Plan 2021**

### **London Borough of Camden Local Plan 2017**

A1 (Managing the impact of development)

A3 (Biodiversity)

A4 (Noise and vibration)

A5 (Basements)

D1 (Design)

D2 (Heritage)

T4 (Sustainable movement of goods and materials)

DM1 (Delivery and monitoring)

### **Camden Supplementary Planning Guidance**

Design CPG 2021

Basements CPG 2021

Amenity CPG 2021

Transport CPG 2021  
Home Improvements CPG 2021  
Trees CPG 2019  
Water and flooding CPG 2019

## **Holly Lodge conservation area appraisal and management strategy 2012**

### **Highgate Neighbourhood Plan 2017**

Policy TR2: Movement of Heavy Goods Vehicles

Policy TR3: Minimising the Impact of Traffic Arising from New Development

Policy DH2: Development Proposals in Highgate's Conservation Areas

Policy DH7: Basements

## **Assessment**

### **1. Proposal**

1.1 Planning permission is sought for the following works:

- Excavation of a new basement level beneath the footprint of the house with a lightwell to the rear and two lightwell to the side. The new basement floor would measure approximately 110sqm (GIA) in total. The two side lightwells measure 1.2sqm each and the rear is 4sqm. The lightwells would be covered in a flush metal grille.

1.2 The following revisions were made to the proposals following submission:

- Reduction in size of side lightwell and removal of proposed external stairs to basement level. Two smaller lightwells with flush metal grilles are now proposed
- Removal of proposed side entrance doors at basement level
- Removal of proposed front lightwell

### **2. Assessment**

2.1 The principle considerations in the determination of this application are as follows:

- Design and Conservation
- Basement excavation
- Neighbouring amenity
- Transport
- Trees

### **3. Design and Conservation**

#### Legislative background

*The Planning (Listed Building and Conservation Area) Act 1990*

3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### Policy review

3.2 London Plan policies HC1 and D4, Policies D1 and D2 of the Camden Local Plan and supplementary planning documents CPG Design and CPG Home Improvements are relevant.



Policy D1 of the Camden Local Plan seeks to secure high quality design in all development by requiring development to respond to local character and context, be highly sustainable in design and construction, integrate well to the surrounding streets and townscape, comprise high quality architecture, and be accessible for all. Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. In line with the statutory tests, Policy D2 states that the Council will not permit the loss of or substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

### Assessment

- 3.3 The external changes to the existing building at ground level and above would be limited, with the most significant works comprising below ground elements. Above ground works comprise the installation of three small lightwells that are covered with flush metal grilles. The revised lightwells to the side and rear would be discreet, with the two side lightwells having a modest footprint of 0.8m deep by 1.4m wide each and the rear one would measure 1m deep by 4.2m wide. Due to the location and scale of these alterations, there would be limited visibility of these alterations from the streetscene. The existing boundary treatment would screen the lightwells from public view. Furthermore, the openings would be relatively small within the garden setting and located closer to the house, and as such, are not considered to harm the appearance of the garden setting in this instance.
- 3.4 In conclusion, the proposed development would preserve the character and appearance of the host building and the significance of the Holly Lodge Conservation Area. As such, the proposals are acceptable in this regard, in accordance with policies D1 and D2 of the Camden Local Plan 2017.

## **4. Basement excavation**

- 4.1 Policy A5 states that in determining applications for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The Council will only permit basement development that does not cause harm to the built and natural environment or local amenity and does not result in flooding or ground instability.
- 4.2 Developers are required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or the water environment in the local area.
- 4.3 In terms of the siting, location, scale and design of basements, it advises that basement development should:
- a) not comprise of more than one storey;
  - b) not be built under an existing basement;
  - c) not exceed 50% of each garden within the property;
  - d) be less than 1.5 times the footprint of the host building in area;
  - e) extend into the garden no further than 50% of the depth of the host building; and
  - f) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building.
- 4.4 The existing building does not have a basement level at present. The proposed basement floor would comply with policy A5 as follows:
- a) The proposed basement would be single storey.

- b) The proposed basement would not be constructed beneath an existing basement.
- c) Only the lightwells extend beyond the existing footprint and they occupy a modest 6.3sqm in total of side/rear garden space. This would comply
- d) The existing ground floor footprint (GEA) measures 130sqm, and the proposed basement footprint measures 136.3sqm which is less than 1.5 times the footprint of the host building.
- e) The depth of the existing building is 17m (including the rear extension, 14.2m without), and the basement would extend into the garden 1m (4.9m if you exclude the extension) which is less than 50% of the depth of the host building.
- f) Where the basement extends beyond the footprint of the host building it is set back from all boundaries.

4.5 Overall then, the siting, location, scale and design of the proposed basement is considered to be in accordance with the requirements of policy A5 and would ensure that the basement would have minimal impact on, and be subordinate to, the host building.

4.6 To determine the scheme's impact on drainage, flooding, groundwater conditions and structural stability, the applicant has submitted a Basement Impact Assessment (BIA) which has been subject to independent verification by Campbell Reith in accordance with Policy A5 and the Basements CPG. The Basement Impact Assessment (BIA) has been carried out by Soils Limited. They have provided information to show that their authors possess suitable qualifications and relevant experience.

4.7 The BIA initially submitted with the application was not found to be in accordance with policy A5, and Campbell Reith's initial audit report dated June 2021 confirmed the following areas required more information:

- a) The presence of underground infrastructure within the development's zone of influence should be confirmed and impacts assessed, if required. A conceptual site model should be provided.
- b) Screening responses should be clarified, as Section 4 of the BIA audit.
- c) A site investigation indicates the ground conditions to comprise Made Ground over the Claygate Member.
- d) The BIA recommends additional groundwater monitoring, which should be undertaken. Further assessment of the impacts to the hydrogeological environment is required, as Section 4 of the BIA audit.
- e) Interpretative geotechnical information is presented. However, clarifications are required, as Section 4 of the BIA audit.
- f) Outline permanent and temporary structural proposals should be presented, including confirmation of formation levels, construction methods, sequencing and propping. Structural loads should be confirmed.
- g) A Ground Movement Assessment (GMA) is presented. This should be confirmed, noting the queries in Section 4 of the BIA audit.

4.8 Revised BIA reports were submitted in September 2021 and October 2021 following ongoing discussion between Campbell Reith and the applicant's engineers to address the outstanding concerns and inconsistencies. In response to the applicant's revised BIA dated October 2021 and additional supporting information, Campbell Reith issued their Final BIA Audit Report in October 2021 confirming that the submitted BIA and supporting details have been completed in accordance with the requirements of Policy A5 and CPG Basements and would result in negligible impact to neighbours and the highway. The revised details indicate that ground movements to neighbouring properties will result in damage not exceeding Burland Category 1 (Very Slight), in accordance with the requirements of policy A5.

4.9 Concerns have been raised by objectors that the information within the BIA is incorrect, however officers are satisfied that the discussions between the applicant's engineer and Campbell Reith and the production of a revised BIA have addressed these concerns. The neighbours objections

were forwarded to Campbell to ensure they were appropriately considered. No.56 were concerned that their property would experience Burland Category 2 or 3 which is not the case in this instance, as stated above the details show that ground movements to neighbouring properties will result in damage not exceeding Burland Category 1 (Very Slight).

4.10 The neighbour at 54 Hillway objected that their property was not included in the damage category assessment as located immediately beyond 56 Hillway and within 15 from the excavation. The revised BIA confirmed that they were excluded because ground movements (especially horizontal movements) reduce rapidly with the distance from the excavation. The damage classification from Burland depend on a combination of the effects caused by vertical deflection (not total vertical movements) and horizontal movement, which are then transformed respectively into deflection ratio and horizontal strain. The analysis done with PDisp (contour plots in Figure 27 to Figure 29) show that vertical movements reduce to zero within 10m from the excavation towards 56 and 54 Hillway. This is due to the presence of the buildings and related loads. The approach was accepted by Campbell Reith.

4.11 Concerns were also raised about potential flooding and the impact on the Fleet River. The site is located in Flood zone 1 as shown on the environmental agency's website and is not in a historically flooded street. The site is not located within a Local Flood Risk Zone. The site is at 'very low' risk of flooding from surface water run-off. Therefore officers are satisfied that the site is not in a high flood risk zone as claimed by some of the objections. Standard flood risk mitigation measures should be adopted.

4.12 The River Fleet is located 200m South East of the site. Given the distance is over 100m, the influence of the proposed development on ground subsidence is therefore minimal, as the proposed development must be designed in agreement with the volume change potential observed from laboratory testing and negligible changes to the existing groundwater regime are acceptable.

4.13 The revised BIA outlines that known subsidence issues at neighbouring properties were caused by foundations falling within the area of influence of tree roots (as demonstrated by documents from the planning portal).

4.14 Policy DH7 of the Highgate Neighbourhood Plan sets out that basement development should demonstrate that:

- i There will be no adverse effect from subterranean development on the structural stability of adjacent properties and associated potential damage;
- ii There will be no possibility of irreparable damage to the local water regime both in terms of ground water diversion and surface water flooding;
- iii There will be no individual or cumulative impact of development on the character and biodiversity of gardens and adjacent open spaces, particularly in designated conservation areas and those areas adjacent to Highgate's Major Open Spaces (identified in 3.4.2).

III. Where there is evidence that there have been problems with drainage or flooding, or desk top surveys indicate problems may arise, applicants will be required to demonstrate to the satisfaction of the LPA that development will not cause or exacerbate such problems. III. Under no circumstances should construction be allowed to proceed where there is evidence that damage to neighbouring properties would exceed Burland Scale 1.

## 2. Protection for Neighbours:

Where a Construction Management Plan (CMP) is secured, it should be submitted, and must be approved by the LPA, prior to the commencement of works.

## 3. Limiting Environmental/Ecological Impacts:

I. Any basement development should normally be expected to allow for a minimum of one metre of permeable soil above any part of the basement beneath a garden to support biodiversity and larger trees/planting. This depth should be greater if necessary to preserve landscaping

consistent with neighbouring properties.

II. All basement developments should incorporate a positive pumped device or other suitable flood prevention device to avoid the risk of sewage backflow causing sewer flooding

4.15 Part 1 of the policy has been addressed above, part 2 is addressed in the transport section (6) below and a CMP will be secured. In regards to part 3, as stated above only modest lightwells will extend beyond the buildings existing footprint and in this instance it would be unreasonable to secure planning over the top as they act as the only natural light sources to the basement level. The BIA indicates that a pump will be installed to pump any water to the manhole in the event of water ingress.

4.16 If planning permission is granted, conditions will require the development to be carried out in accordance with the recommendations of the BIA and Campbell Reith's audit report, and will require the applicant to submit details of a qualified engineer to inspect, approve and monitor the construction works (conditions 4 and 5). An informative will also remind the applicant of the need to enter into a Party Wall Agreement.

4.17 As such, officers are satisfied that the proposed basement works would not impact on drainage, flooding, groundwater conditions or structural stability, and that the BIA meets the requirements of policy A5 of the Camden Local Plan and Policy DH7 of the Highgate Neighbourhood Plan.

## **5. Neighbouring amenity**

5.1 Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, and impact on daylight and sunlight. Construction-related impacts are dealt with in the Transport section below.

5.2 The majority of the proposed works are below ground, meaning they would not impact neighbouring daylight / sunlight or outlook or privacy.

5.3 Concerns have been raised by neighbouring occupants that the proposed basement water pump would create additional noise, however given its scale and location indoors it is unlikely to harm any close proximity neighbours amenity.

5.4 As such, the proposals are acceptable in this regard and would accord with policy A1.

## **6. Transport**

6.1 The Council's Highways Team have reviewed the development and determined that a CMP and CMP implementation support contribution of £3,136 is required to be secured as S106 planning obligations in accordance with Policy A1. An Impact Bond is not deemed necessary for this development.

## **7. Trees**

7.1 The Holly Lodge CAAC objected on the grounds that a tree report should be submitted. The development is mostly contained within the footprint of the existing building with two small side lightwells and a rear lightwell projecting beyond this. The BIA states that no trees will be removed to facilitate the development. The Council's Trees Officer has reviewed the scheme and has concluded that given the scale/siting of the development an Arboricultural Report is not required and there would not be a harmful impact on the trees. However, trees maybe indirectly adversely affected during development through the storage of materials and compaction on site. Therefore, a condition is attached requesting details of tree protection measures and their installation prior to commencement of works.

## **8. CiL**

8.1 The proposal would be liable for the Camden Community Infrastructure Levy (CIL). Whilst the development proposes no additional dwellings, as more than 1,00sqm of residential floorspace is proposed it would be required.

## **9. Conclusion and recommendation**

9.1 In conclusion, the proposed development would preserve the character and appearance of the host building and the significance of the Holly Lodge Conservation Area in accordance with policies D1 and D2 of the Camden Local Plan. Following the audit of the applicant's basement impact assessment, officers are satisfied that the proposed basement works would not impact on drainage, flooding, groundwater conditions or structural stability, and that the BIA meets the requirements of policy A5 of the Camden Local Plan and Policy DH7 of the Highgate Neighbourhood Plan. The proposals would not result in harmful overlooking or loss of privacy for neighbouring residents or the local transport network subject to the recommended conditions and obligations, in accordance with policies A1 and T1.

9.2 As such, the proposed development is considered acceptable and it is recommended that conditional planning permission is granted subject to a S106 agreement securing the following heads of terms:

- A construction management plan (CMP) and CMP implementation support contribution 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 8<sup>th</sup> November 2021, 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'.***

Application ref: 2020/5695/P  
Contact:  
Tel: 020 7974  
Date: 3 November 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](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

the basement design studio  
Maple Court (suite 17)  
Grove Park  
White Waltham  
SL6 3LW

Dear Sir/Madam

**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:  
**58 Hillway**  
**London**  
**N6 6EP**

Proposal:  
Excavation of basement extension below footprint of building with rear and side lightwells.  
Drawing Nos: 20-011-01 sheet: 1 of 4, 2 of 4, 3 of 4 and 4 of 4;  
20-011-02A sheet: 1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5;  
Basement Impact Assessment by Soils Limited, 18781/BIA/Rev1.03, received October 2021, Campbell Reith's audit report revision F1 dated October 2021.

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 and Policy DH2 of the Highgate Neighbourhood Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

20-011-01 sheet: 1 of 4, 2 of 4, 3 of 4 and 4 of 4;

20-011-02A sheet: 1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5;

Basement Impact Assessment by Soils Limited, 18781/BIA/Rev1.03, received October 2021, Campbell Reith's audit report revision F1 dated October 2021.

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 basement development shall be constructed in accordance with the method and recommendations set out in the following documents:

Basement Impact Assessment by Soils Limited, 18781/BIA/Rev1.03, received October 2021, and the recommendations set out in Campbell Reith's audit report revision F1 dated October 2021.

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 and Policy DH7 of the Highgate Neighbourhood Plan 2017.

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

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

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 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, 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.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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.

- 4 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.

- 5 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. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 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.

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