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# Appeal Decision

Hearing held on 23 November 2021

Site visit made on 24 November 2021

**by Jonathan Price BA(Hons) DipTP MRTPI DMS**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday 21 February 2022**

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**Appeal Ref: APP/X5210/W/21/3272103**

**4b Hampstead Hill Gardens, London NW3 2PL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Neil Brearley against the decision of the London Borough of Camden.
  - The application Ref 2019/5835/P, dated 19 December 2019, was refused by notice dated 21 October 2020.
  - The development proposed is demolition of the existing two-storey residential dwelling (Class C3) and construction of a new 3 storey residential dwelling with basement (Class C3).
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing two-storey residential dwelling (Class C3) and construction of a new 3 storey residential dwelling with basement (Class C3) at 4b Hampstead Hill Gardens, London NW3 2PL, in accordance with the terms of the application, Ref 2019/5835/P, dated 19 December 2019, subject to the conditions set out in the attached Schedule.

## Preliminary Matters

2. The Council's third, fourth and fifth reasons for refusal all relate to the absence of legal obligations. These were required respectively for securing compliance with an approved Construction Management Plan (CMP), an Approval in Principle (AIP) for the basement works and measures for this scheme being for 'car-free' housing.
3. A draft agreement made pursuant to section 106 of the Town and Country Planning Act 1990 (s106) was provided with the appeal. Whilst not addressing a specific reason for refusal, this included provision for a highways contribution to address any reinstatement of the public footway/vehicular crossover following construction works. The Council confirmed its requirement for this.
4. Following the Hearing, a revised and completed s106 between the owners of No 4b and the Council was provided, dated 2 February 2022. This thus satisfies the final three reasons for refusal. However, the appellants dispute the 'car-free' requirements and CMP implementation payment. The s106 contains a 'blue pencil' clause, whereby the two disputed obligations are subject to my finding them compliant with the statutory tests in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010. As an alternative to the s106 obligation, the Council suggested a condition covering the CMP after

the Hearing, agreed with the appellants and submitted on a without prejudice basis. I deal with the s106 in detail further on in this decision.

## **Main Issues**

5. The main issues in the appeal are the effect of the proposal upon:
- the character and appearance of the Hampstead Conservation Area (HCA) and the setting of nearby grade II listed buildings, and
  - the living conditions of the occupiers at 4a Hampstead Hill Gardens, with particular regard to outlook.

## **Reasons**

### *Character and appearance of HCA and settings of nearby grade II listed buildings*

6. The appeal site is within the Hampstead Hill Gardens character zone, as defined by the Hampstead Conservation Area Statement (HCAS) and which notes that this area generally features larger, detached and semi-detached houses. Hampstead Hill Gardens forms a loop between Pond Street and Rosslyn Hill. Development began from Pond Street in the 1870s, with a fine group of stucco-faced semi-detached villas. This continued in the 1880s, where a series of substantial red brick villas, of the Queen Anne revival style, sweep around the northern loop towards Rosslyn Hill. These largely comprise the grade II listed houses designed by the Victorian architectural practice of Batterbury and Huxley. These renowned architects were responsible not just for the design of these individual buildings but also the layout of Hampstead Hill Gardens on what was previously farmland.
7. In this planned layout, the large nineteenth century villas are positioned slightly back from the street edge and set closely together. They have quite large back gardens, with those on the outer edge of the loop largely hidden from street views by the close arrangement of the buildings. The large villas at Nos 4 and 6 face away from each other on opposite inwards sides of the northern loop. Their adjacent side gardens thus originally formed a relatively wide gap within the frontage, as an exception to the otherwise quite close arrangement of houses.
8. Part of this gap, originally a tennis court within the side garden to No 4, was acquired by appellant Mr Brearley's father Roy in the 1950s, who designed and had built No 4a. This was a single house of a simple rectangular plan with red brick walls and low-pitched roof. No 4b was created as a separate dwelling in the 1960s, by adding a floor over the double garage to one end of 4a. The resulting house is a narrower plan to No 4a, with a flat rather than shallow pitched roof and featuring zinc cladding to the front elevation. No 4b is subservient in size, but the pair are of a comparable height. They observe the established building line in Hampstead Hill Gardens but are much lower and smaller in scale than surrounding buildings, occupying shallower plots.
9. Not cited specifically in the HCAS, these more recent dwellings pre-date both the HCA designation and Batterbury and Huxley listings. The HCAS refers generally to the few small modern houses and flats which have been added to Hampstead Hill Gardens in recent years, which, although in marked contrast to the older villas, are found not to detract from the character of the area.

10. As described, the proposal is to demolish the existing two-storey No 4b and replace this with three storeys plus basement. HCAS guideline H5 seeks the retention of buildings which make a positive contribution to the character or appearance of the area, supporting demolition only of those which detract. Guideline H21 recognises the opportunity to enhance the area with new development that respects built form and historic context. Subject to a scheme that would preserve or enhance the character and appearance of the HCA, and not harm the setting of nearby listed buildings, the Council raises no objection to the principle of demolishing and replacing No 4b.
11. The Council's first reason for refusal finds the harm to derive from the height, bulk and scale of the replacement dwelling, rather than the architectural treatment. This is a revised scheme and the product of some negotiation with the Council, which finds the main palette of materials and general design approach an appropriate contextual contemporary response to the local built character.
12. The designated heritage assets affected by the proposal are the HCA and the adjacent listed buildings, particularly Nos 3, 4, 5, 7, 9 and 11. I have duties to have special regard to the desirability of preserving the settings of these listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the HCA, under sections 66(1) and 72(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. The settings of these listed buildings and the character and appearance of the HCA relate to each other. The setting of the listed buildings, key to how their significance is appreciated, relates principally to the street views of these tall, closely packed houses which are of a grand scale and high architectural quality. The curvature of the road engenders a sense of anticipation and provides a gradual reveal of this fine streetscape of Queen Anne revival villas, as they sweep around the loop.
14. The significance of the wider HCA relates to its varied nature, reflecting how Hampstead has evolved, with more spaciouly designed suburbs extending from its earlier village core. Within this context, Hampstead Hill Gardens is significant for the planned and unified appearance of its grand and closely arranged villas, including the Batterbury and Huxley houses.
15. Nos 4a and 4b are anomalous with the earlier and much grander residential properties in Hampstead Hill Gardens, in respect of their modern designs, lower height and smaller scale and plot size. As the Council notes, whatever the merits of the original No 4a, the fragmentation of the site into separate properties combined with later alterations has not best served the unity of the architectural composition of the host site, or its contribution to the character and appearance of the HCA.
16. No 4b currently makes no positive contribution to the character and appearance of the HCA. Notwithstanding the ambivalence of the HCAS, it is in my view quite clearly a detractor. Regarding its scale, the proposed replacement is constrained by the restricted plot size and largely reflects the footprint of the existing building. The second-floor accommodation would be contained within the roof space, with dormer windows to front and rear. Such articulation moderates the overall height and massing required to provide a further floor of accommodation. The new dwelling would still be notably taller

than No 4a. However, many buildings contain elements of varying sizes and heights and, given that the existing semi-detached pair are not matching, this factor does not itself translate to any material harm in terms of street scheme character and appearance. Indeed, by aligning horizontal elements of the new building with those of No 4a, as well as using zinc as a roofing material, the proposal achieves a reasonable degree of congruency. Furthermore, the proposal would remain significantly smaller than the next door building at No 6, and so involves a visually acceptable graduation in scale between this and No 4a.

17. In these respects, the architecture proposed is compatible with, and brings about an improvement to, the character and appearance of the streetscene. Whilst of a greater scale than the poorer quality existing dwelling, this would neither be to such a degree as to compete harmfully with the adjacent and nearby larger buildings, nor overwhelm No 4a.
18. For proposals affecting heritage assets, paragraph 197 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of new development making a positive contribution to local character and distinctiveness. The scheme before me has undergone iterative revision through negotiation with the Council. The outcome is a well-designed contemporary building which, whilst avoiding mimicry, respects the surrounding historic character through the proposed materials, scale, proportions and detailing. These include the pitched roof, chimney and overhanging eaves, a gable articulated to echo that facing it at No 6, appropriately proportioned fenestration and other detailing, such as the use of cornicing and string courses. All of this suitably reflects and blends in with the key aspects of the surrounding historic built environment.
19. The replacement dwelling would better suit its historic surroundings than the existing and not be of excessive height, bulk and scale relative to these. The scheme meets HCAS Guideline H21 for new development to enhance the area, by respecting historic context as well as building lines, elevational design, architectural characteristics, detailing and materials.
20. The new house would angle slightly further forward towards the street, revealing a wider side gable and pitched roof. This would interrupt a quite limited view of the rear elevation of the listed house at No 4, above the existing flat roof to No 4b. The more expansive gable of the replacement dwelling would echo the design and materials of that facing it at No 6 and comprise a part of an overall more fitting design. Otherwise, the new house would not be of a scale, nor sited, such as to have any overbearing effect upon views of the street scene.
21. There would be the loss of a quite restricted view of the juxtaposed rear No 4 and locally listed No 6. Preserving every view within a conservation area might unreasonably preclude any degree of change, however appropriate. The proposal would still preserve the picturesque appearance of the red brick villas as they curve around the road frontage. The gradually revealing street views of the Batterbury and Huxley houses along Hampstead Hill Gardens would not be harmed by a replacement dwelling both more sympathetic to the surrounding architecture and appropriate in scale and position.
22. I do not attribute negative merit to the existing and anomalous building that occupies this site, through this preserving a degree of openness and a narrow

viewpoint to the rear of No 4. This should not preclude the relatively modest increase in scale and height of a replacement building that would make a positive contribution architecturally and avoid harm to the historic environment. Historic England's conservation principles include the expectation for proposals to reveal or reinforce heritage significance<sup>1</sup>. The improved architectural quality of the replacement dwelling, marrying well with that of the surrounding nineteenth century buildings, helps achieve such heritage reinforcement, whilst largely preserving that presently revealed.

23. The proposal would not be of excessive height, bulk or scale that would harm the character and appearance of the HCA or the settings of the nearby grade II listed buildings. These would be preserved, thus addressing the two statutory duties. The proposal thus complies with policies D1 and D2 of the Camden Local Plan 2017 (LP) and DH1 and DH2 of the Hampstead Neighbourhood Plan 2018 (NP). This is insofar as it respects local context and character, including by being complementary in detailing and materials to its context and preserving the historic environment and relevant heritage assets.

#### *Living conditions of occupiers at 4a Hampstead Hill Gardens*

24. The Council's second reason for refusal is over the increased height and mass of the replacement dwelling resulting in a loss of outlook and having an adverse effect upon the living conditions of residential occupiers at No 4a through being unneighbourly and overbearing.
25. The increased height of the replacement dwelling would obscure parts of the sky and side elevation to No 6, including its chimney, that are currently visible from the back garden and rear windows of No 4a. These occupiers have quite open views to the rear over the back garden of No 4 and the rear parts of the properties running to either side of Hampstead Hill Gardens. A nearby mature copper beech tree is prominent to one side. This outlook is not solely reliant on the openness of views to the side above the rear projection at No 4b. Whilst this side outlook is reduced and constrained by the increased height of this proposal, it is far from entirely blocked out. This scheme would have an impact upon the outlook from the rear of No 4a, with an increase in the sense of enclosure. However, given the otherwise quite open rear outlook, this would not result in an unacceptably overbearing impact.
26. This increased height and mass would not have such an adverse effect upon the rear outlook at No 4a as to lead to unacceptable living conditions for its occupiers. Therefore, I find this proposal complies with LP Policy A1 and NP Policy DH1, insofar as these seek to protect the quality of life of neighbouring occupiers in respect of effects upon outlook.

#### **Other Matters**

27. Neighbouring occupiers have raised other concerns over the effects on living conditions. Whilst visible in views from their facing windows, the added height and forward projection to the front façade of the replacement dwelling would cause no material harm from a loss of privacy or an overbearing effect on outlook for occupiers living opposite to No 4b.
28. This scheme would reduce the degree of current overlooking onto the rear garden of No 4, and obliquely to that of 4a, by the relocation of the living area

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<sup>1</sup> As referred to in paragraph 5.39 of Council's appeal statement.

from first floor to ground level. There would be views from the upper floor windows of the new house, but these would be from bedrooms, causing no significant loss of privacy to these neighbouring back gardens.

29. No windows are proposed in the end gable, but the increased height of the pitched roof would accentuate the impact from the facing windows of apartments at No 6 and the side garden to the upper ground floor flat. However, this would not be enough to have an overbearing effect on the outlooks from these neighbouring dwellings or the garden to the side, such as to give rise to unacceptable living conditions for occupiers.
30. The scheme has been the subject of a daylight and sunlight assessment<sup>2</sup> and I have considered this against interested party comments and the specialist statement<sup>3</sup> made on their behalf. The assessment provides 3D drawings and window maps for the surrounding dwellings and follows the relevant Building Research Establishment (BRE) guidelines<sup>4</sup>, as required under the Council's planning guidance<sup>5</sup>.
31. The evidence satisfies me that surrounding dwellings will experience only small changes in the daylight and sunlight to their windows and that the scheme meets BRE recommendations. The interested parties' statement refers to a need to factor in the effect of the mature beech tree on daylight to the rear of No 4a, particularly that received through windows to the facing kitchen. However, based on the available evidence, and my site inspection, I am persuaded this proposal would cause no material harm to the living conditions at No 4a through reduced daylight and sunlight.
32. The proposal would increase the periods during the year when the side garden to No 6 was overshadowed. This amenity area is assessed to currently receive at least two hours of direct sunlight to 77.3% of its total area on 21 March. This proposal would reduce this to 45.9%, falling short of the BRE's recommended 50%. However, the assessment finds that during the majority of the summer months, when the garden would be mostly used for sitting out in, the degree of increased over-shadowing would be significantly less, reducing towards the longest day.
33. Like any construction, this project would result in noise, vibration and other disturbance and there will clearly be adverse impacts on adjoining occupiers, most notably those at the attached No 4a, but also those of No 6. The construction works would, however, be for a temporary period and the adverse impacts could be mitigated by requiring adherence to an agreed CMP, a draft of which has been provided by the appellants.
34. There might be practical challenges in replacing this dwelling on its current footprint. Permission would be needed to work from any neighbouring property garden. However, in assessing a completed scheme against LP Policy A1 and NP Policy DH1, the increase in scale would not be unduly unneighbourly and this proposal would not cause an unacceptable degree of harm to the living conditions of surrounding occupiers. In these regards, this proposal also satisfies LP Policy A1 and NP Policy DH1.

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<sup>2</sup> Daylight, Sunlight and Overshadowing Assessment - Point 2 Surveyors 16 December 2020.

<sup>3</sup> Planning for Sustainability Limited - 17 September 2021.

<sup>4</sup> Building Research Establishment; site layout and planning for daylight and sunlight; a guide to good practice (2011).

<sup>5</sup> Camden Planning Guidance Amenity March 2018.

35. A further area of concern, quite understandably, relates to the part demolition of a semi-detached structure and the excavation of a basement and the effects of this on No 4a, both structurally and in respect of the practicalities of carrying out the works. The planning requirements for allowing basements are addressed through LP Policy A5, NP policies BA1 and BA2 and the related Council guidance<sup>6</sup>. This is to ensure all new basements maintain the structural stability of the building and any neighbouring properties, avoid adversely affecting drainage and run-off or causing other damage to the water environment in the local area.
36. As required by NP Policy BA1, the proposal was accompanied by a Basement Impact Assessment (BIA). As described in the officer's delegated report, the BIA has satisfied the Council's audit process and no wider hydrogeological impacts were found. Predicted ground movements were estimated to be 'very slight' on the Burland Scale. The basement thus meets the requirements of planning policy, including its dimensions satisfying the criteria in LP Policy A5.
37. The concerns of neighbouring occupiers, as supported by independent engineering advice<sup>7</sup>, are not unreasonable ones. However, and as acknowledged, the details provided in the BIA are sufficient to meet the Council's requirements for planning permission. For the more detailed constructional stages, the Party Wall Act requirements come into play. From the information submitted, there are no substantive planning grounds to resist the proposed basement.

### **Section 106 Agreement**

38. Under the CIL Regulations 2010, and as set out in Framework paragraph 57, planning obligations in section 106 agreements must satisfy the following three tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. The s106 agreement finalised for this proposal includes the 'blue pencil' provision that the obligations in clauses 4.1 and 4.3 shall be conditional upon this decision determining compliancy with these tests.
39. Clause 4.1 of the s106 precludes a general entitlement to an on-street parking permit for future residents of the replacement dwelling at No 4b. Clause 4.2 exempts the current occupiers from this, should they return. LP Policy T2 supports these clauses by requiring all new developments in the Borough to be car-free, including through not issuing on-street parking permits and using legal agreements to ensure that future occupants are aware of this. The supporting text to Policy T2 in paragraph 10.20 supports returning occupiers of redevelopments retaining their parking permits.
40. In the context of LP Policy T2, and the case made in Annex B of the Council's appeal statement, I conclude that the car-free requirement in clause 4.1 of the s106 complies with the three CIL Regulation 122(2) tests. This is necessary to make the development acceptable in planning terms by helping mitigate parking stress and congestion in the surrounding area, directly related to the proposal and fairly and reasonably related in scale and kind to it.

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<sup>6</sup> Camden Planning Guidance Basements March 2018.

<sup>7</sup> Report by SR Brunswick C Eng FICE FCIQB rev B September 2021.

41. Clause 4.3 of the s106 provides for construction to accord with an approved CMP. This also requires a fixed sum CMP Implementation Support Contribution. Camden's guidance<sup>8</sup> says that obligations may be applied to small scale developments to achieve measures such as CMPs. This also states that fee contributions payable through section 106 agreements may be negotiated where further costs of technical verification, inspection and ongoing supervision are likely to be incurred. Further Council guidance on amenity<sup>9</sup> refers to planning conditions only being used to control matters within a site boundary but where a range of matters lie outside, particularly in relation to highways, a CMP will in most cases be secured through a s106 agreement.
42. The appellants do not dispute the need for a CMP, having submitted a draft document based on the Council's published requirements, but consider the suggested condition would adequately provide for this. The Council's case is that an obligation is required to control activities outside the development site, such as on the public highway, and to secure the Implementation Support Contribution. The latter is towards the Council's costs of reviewing, monitoring and, if necessary, enforcing the CMP and based on the projected officer time. This could include managing complaints from residents, meetings with the developers and site visits, in addition to the time taken to review CMPs.
43. The project is not of a large scale, nor complex logistically, such as to have significant impacts upon the local highway network. Whilst construction has the potential to have a significant impact upon the sensitive environment of neighbouring residential occupiers, adherence to a CMP through a condition would be adequate to address these concerns. Consequently, I do not find the obligation in clause 4.3 of the s106, including the requirement for the financial contribution, to meet the Regulation 122(2) tests of necessity and reasonableness, relative to the scale of this proposal.
44. The highways contribution required through clause 4.4 of the s106 is not made specifically conditional upon my concluding it satisfies the three Regulation 122(2) tests. Nonetheless, LP Policy A1 over managing development impacts and the Council's transport guidance<sup>10</sup> support the required developer contributions towards the remediation of highway impacts and the funding of crossover amendments. Consequently, I am satisfied this clause meets the required tests.
45. The appellants' BIA has been audited by the Council's consultants Campbell Reith, who have confirmed the conclusions drawn are valid and determined it to be acceptable. Clause 4.5 of the s106, requiring a basement AIP application, and the financial contribution for assessing this, is also not specifically conditional to my conclusion of it satisfying the Regulation 122(2) tests. However, the requirements are supported through the Council's basement guidance<sup>11</sup> to ensure excavations do not compromise the structural integrity of the adjacent public highway and, on this basis, I am satisfied this clause meets the tests.
46. Other than clause 4.3, where the adherence to an approved CMP would be covered adequately by the suggested planning condition, the obligations in the

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<sup>8</sup> Camden Planning Guidance Developer Contributions March 2019.

<sup>9</sup> Camden Planning Guidance Amenity March 2018.

<sup>10</sup> Camden Planning Guidance Transport March 2019.

<sup>11</sup> Camden Planning Guidance Basements March 2018.



s106 meet the three tests and have been given weight in reaching this decision.

### **Conditions and conclusion**

47. I have considered the conditions suggested by the Council, and as amended on behalf of interested parties, against the tests in Framework paragraph 56. This requires conditions be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Having regard to these tests, I have made some amendments, mainly for accuracy and precision.
48. In addition to setting the standard time limit for commencement (1), it is necessary in the interests of certainty for a condition to define the plans and details the scheme should accord with (2). Furthermore, in the interests of certainty, conditions are needed to apply the methods set out in the arboricultural impact assessment and the BIA (3,4). To ensure the development is carried out in a neighbourly manner, in respect of the living conditions of adjacent occupiers, the local environment and the operation of the local highway network, a condition is necessary to ensure that it proceeds in accordance with an approved CMP (5).
49. In the interests of protecting the visual amenity of the area, a condition precludes any demolition in advance of a contract for carrying out the entire development (6). In the interests of the satisfactory appearance of the final development, a condition is necessary governing the facing materials used (7). To foster sustainable travel modes, a condition is required to ensure that adequate cycle storage is provided with the new dwelling (8).
50. Mainly to safeguard the structural stability of No 4a, a condition requires the approved basement works be supervised by an approved chartered engineer (9). Conditions are necessary to secure suitable hard and soft landscaping of the approved development (10, 11). In the interests of water use efficiency, occupation is conditional upon meeting set requirements (12). Finally, in the interests of controlling the future appearance of the replacement dwelling, a condition removing permitted development rights for any subsequent enlargement, improvement or other alteration is justified (13).
51. Subject to these conditions, and for the reasons explained in this decision, I conclude that the appeal should be allowed.

*Jonathan Price*

INSPECTOR

## **APPEARANCES**

### *FOR THE APPELLANT:*

Mr Neil Brearley	Appellant
Jonathan Marginson	Senior Director DP9
Laurence Osborn	Director Grid Architects
Kevin Murphy B.Arch MUBC RIBA IHBC	KM Heritage

### *FOR THE LOCAL PLANNING AUTHORITY:*

Kate Henry	Principal Planning Officer London Borough of Camden (LBC)
David McKinstry	Conservation Officer LBC
Emily Shelton-Agar	Legal Officer LBC

### *INTERESTED PERSONS:*

Alex Shinder	Local resident/ Hampstead Conservation Area Advisory Committee, Hampstead Committee for Responsible Development and lead for Hampstead Hill Gardens Residents Association
Hannah Walker BA(Hons) MSc IHBC	Heritage Consultant
Christine Hereward	Solicitor
Steven Brunswick C Eng FICE FCIOB	Structural Engineer
Oliver Froment	Hampstead Neighbourhood Forum
Mrs Janna Williams	Neighbour
Crispin Williams	Mrs Williams' son
Anthea Williams	Mrs Williams' daughter
Joe Suddaby	Neighbour
Charlotte Viscountess Chelmsford	Neighbour

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX\_100revP2, EX\_101revP1, EX\_102revP1, EX\_300revP1, EX\_301revP1, EX\_302revP1, EX\_303revP1, 218136-S-D300revP4, 218136-S-GA099revP2, 218136-S-GA100revP2, 218136-S-GA101revP2, 218136-SGA102revP2, 218136-S-P002revP4, 218136-S-P003revP1, PL\_001revP4, PL\_099revP4, PL\_100revP4, PL\_101revP4, PL\_102revP4, PL\_103revP4, PL\_200revP4, PL\_201revP4, PL\_202revP5, PL300revP4, PL301revP4, PL302revP4, PL303revP4, Energy and Sustainability Report (Revision 0 - 19 December 2019).
- 3) The development hereby permitted shall not be carried out other than in accordance with the methods outlined in the submitted Arboricultural Impact Assessment version 2 ref 18-2625 dated 18 February 2019.
- 4) The development hereby permitted shall not be carried out other than in accordance with the Basement Impact Assessment revision 2 by RPS dated 15 May 2020.
- 5) The development hereby permitted shall not commence until a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details. The CMP will include details of the following:-
  - (a) a plan setting out the measures that will be adopted in undertaking the demolition of the existing building and the construction of the development, using good site practices in accordance with the Council's Considerate Contractor Manual and in the form of the Council's Pro Forma Construction Management Plan, to ensure the construction phase of the development (meaning the whole period between the implementation date and the completion of the development) can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network including (but not limited to):-
  - (b) a statement to be submitted to the Council giving details of the environmental protection, highways safety and community liaison measures proposed to be adopted in order to mitigate and offset potential or likely effects and impacts arising from the demolition of the existing building or structures on the property and the building out of the development;
  - (c) proposals to ensure there are no adverse effects on the Conservation Area features;
  - (d) mitigation and monitoring effects on the health and amenity of local residences, site construction workers, local businesses and adjoining developments undergoing construction;

- (e) amelioration and monitoring measures over construction traffic, including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any);
  - (f) the inclusion of a waste management strategy for handling and disposing of construction waste; and
  - (g) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time.
- 6) The demolition hereby permitted shall not be undertaken before there has been entered into a contract for the carrying out of the entirety of the works of redevelopment of the site to which this planning permission relates.
  - 7) The development hereby permitted shall not proceed above slab level until details of all facing materials and samples of those materials (to be provided on site) have been submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out other than in accordance with the details approved and all approved samples shall be retained on site during the course of the works.
  - 8) The development hereby permitted shall not proceed above slab level until details of secure and covered cycle storage for three long-stay spaces have been submitted to and approved by the local planning authority. The approved cycle spaces shall thereafter be provided prior to the first occupation of the new dwelling, and permanently retained thereafter.
  - 9) No development apart from demolition shall 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 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. No basement works shall be carried out except under supervision by the approved chartered engineer. Any subsequent change or reappointment of chartered engineer shall be submitted to and approved in writing by the local planning authority prior to works being re-commenced. The approved chartered engineer shall remain appointed for the duration of the construction works.
  - 10) The development hereby approved shall not proceed until full details of hard and soft landscaping, including replacement tree planting, and means of enclosure of all unbuilt, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall

not be carried out otherwise than in accordance with the details thus approved and shall be permanently maintained thereafter.

- 11) All hard and soft landscaping works shall be carried out in accordance with the approved landscaping details by not later than the end of the planting season following completion of the development or prior to the occupation of the new dwelling, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species.
- 12) The dwelling hereby allowed shall not be occupied until the Building Regulation optional requirement to achieve a maximum internal water use of 110 litres/person/day has been complied with.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse hereby allowed shall take place without the grant of planning permission having first been obtained from the local planning authority.

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