

Agenda Item 08

Supplementary Information Planning Committee on 16 December, 2015

Case No. 15/4484

Location	31 Montrose Avenue, London, NW6 6LE
Description	Proposed excavation of basement, installation of front lightwell, internal glass panels to form rear lightwells, insertion of three rear rooflights to existing single storey addition and replacement and enlargement of first floor rear facing window and alteration to first floor side facing window to dwellinghouse

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1. Trees

There is a mature cherry street tree to the front of the application site. The applicant has supplied a Tree Survey & Protection Plan which has been conducted by a certified Tree consultant.

The tree has been given a category U grade which means that irrespective of the proposed development it should be considered for removal and replacement by the Council in the next 12-24 months. In this context the Tree Protection Plan sets out appropriate measures to ensure that the tree will be reasonably protected during construction of the proposed basement and front light-well, which have been approved by the Council's tree officer subject to a condition to ensure that the proposed protection measures are carried out.

2. Construction Management

The applicant has provided further details of how noise and dust generated from the construction would be managed. Measures to manage dust include for example wind breaking nets around material stock piles and vehicle loading/ unloading areas, water spraying to reduce dust generation and wheel washing. Measures to manage noise include giving notice to neighbouring residents of likely periods of noisy activities and equipment hired should be serviced with anti vibration dampeners.

Nuisance during construction is managed separately by Environmental Health and there are established hours of construction for construction sites which should be adhered to. The applicant is reminded of these in an informative.

Whilst matters relating to the impact of construction are not normally planning considerations the details submitted by the applicant are welcomed. As set out in the main report it is recommended that any permission be subject to a condition requiring that the developer be registered and adhere to the Considerate Constructors Scheme.

Officers appreciate this level of concern with subterranean developments however the applicant is considered to have given due consideration to these issues.

Concern was raised that nos. 13 and 15 Montrose Avenue have been permitted basements. There could therefore be a situation where three basement excavations taking place in close proximity which could compound any neighbour impact. However each case must be considered on its own

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merits and it is not considered reasonable to resist the proposal on this basis.

3. New objection

A further representation has been received from number 33 Montrose Avenue. The objection is similar in nature to representations already received however it comments about the potential discovery of an unexploded bomb; no further evidence has been provided and as such it is not considered a reason for refusal.

4. Previous development of the application site

Attention was drawn to works carried out at the property in 2007. There is no planning history for previous development at no.31 Montrose Avenue however there is a building control record for 2007 for a single storey side extension, toilet and shower on second floor and alterations on ground floor. The works completed did not require planning permission.

5. Basements on Montrose Avenue and within Queens Park

There is a growing trend within the Queens Park Conservation Area for basement developments. In 2014, two basements have been approved on Montrose Avenue at nos. 13 and 15.

In the wider Queens Park Conservation Area in 2015, 14 basements applications were made, with 9 approved, 3 not yet determined including this application and 2 refused.

33 Milman Road initially had an application (15/1812) refused for a basement due to the visual impact of the front lightwell.

A revised application for a basement was subsequently approved.

38 Harvist Road (15/2792) was refused due to the overall scale of a number of extensions including the basement, single storey side and rear extensions and a rear dormer window.

6. Party Wall Act and liability of Council

The Borough Solicitor has confirmed that before the development commences the developer would need to satisfy Building Regulations to ensure all necessary surveys and compliances have been completed in accordance with Building Regulations.

With regards the Party Wall Act, the developer will need to serve the notices on neighbours and in the event of damage to the neighbour's property, the developer would need to rectify these.

The Council will not be liable for any structural issues provided Building Control has not been negligent in ensuring that they carry out the appropriate inspections when required.

7. Royal Borough of Kensington and Chelsea policy on basements

Reference was made to the Royal Borough of Kensington and Chelsea's Draft Basements Supplementary Planning Document and the requirement in this policy to keep carriageways and

footpaths unobstructed during construction, particularly on narrow roads. This policy is in draft form and not yet adopted. Brent's own Basement Practice Guide requires developers to consider the transportation impacts of basement developments and the applicant has indicated in their submission details of the siting of the skip and hoardings and how the footpath would not be obstructed. The applicant has also indicated their intention to consult with the Council's Transportation Team prior to commencement as required by the Basements Practice Guide. The applicant is therefore considered to have shown due consideration to the potential transportation impact of the proposal.

8. Implications of collapses in Barnet and Barnes

Attention was drawn to recent instances of building collapses associated with basement excavations. It would appear these have been due to poor construction methodology. The applicant has provided a detailed Method Statement which demonstrates they have given due consideration to their methodology.

9. Soil conditions

Concern was raised about the implications of soil conditions on the site. The applicant has provided a detailed Method Statement from a firm of Structural and Civil Engineers detailing how the basement would be constructed and indicating that the soil will be investigated. The applicant is considered to have shown due consideration to the build methodology of the development.

Additional condition

The proposed development, hereby approved, shall be carried out in accordance with the Tree Protection Plan.

Recommendation: Remains Approval subject conditions contained in the draft decision notice