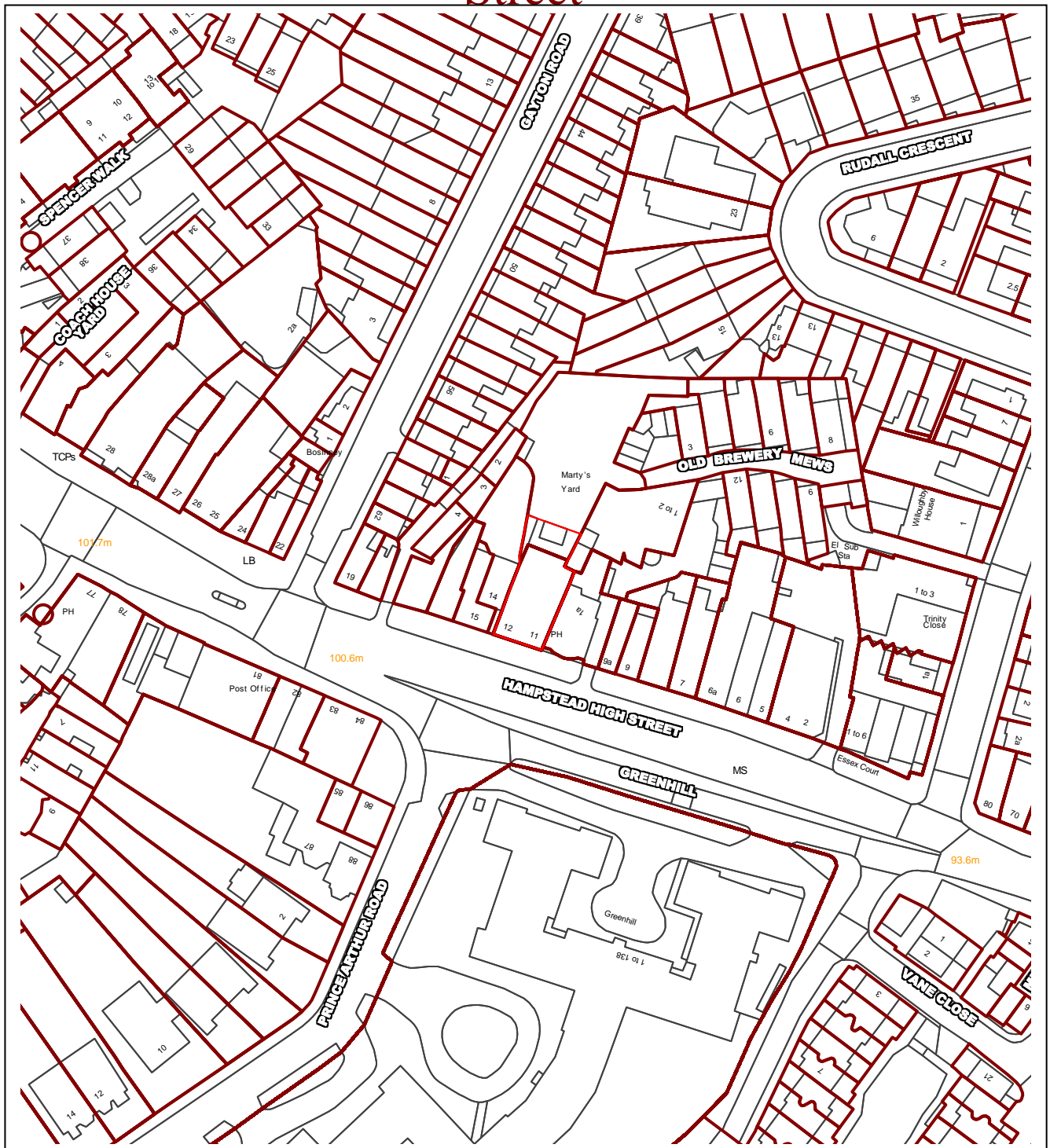


# 2022/0700/P 11 and 12 Hampstead High Street



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Image 1. Aerial view.



Image 2. Block view of the site and its surroundings.





Image 3. The rear showing looking south from the car park.



Image 4 showing the height of the neighbouring boundary walls.

Image 5. Existing and proposed elevations

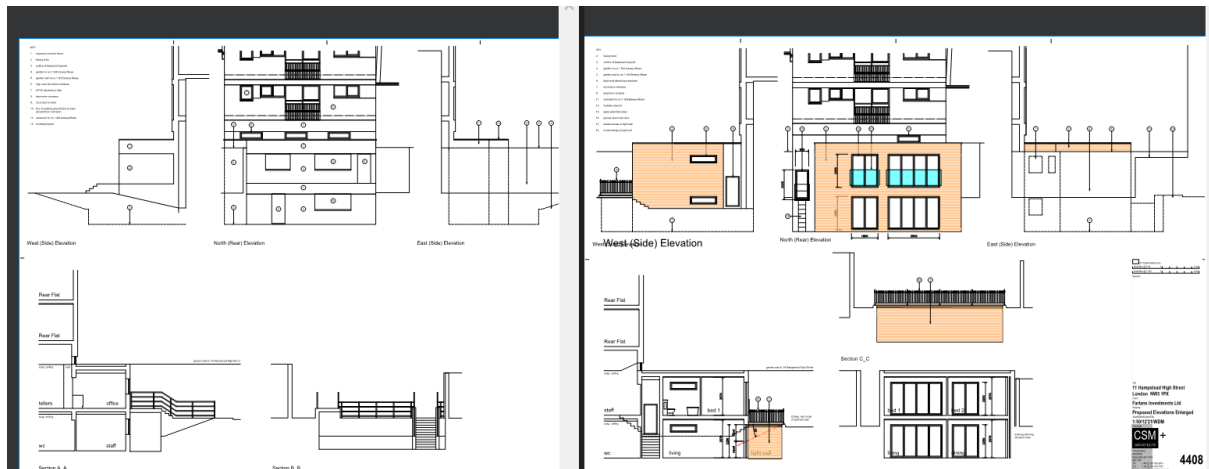


Image 6. Existing drawings.

2022/0700/P  
11-12 Hampstead High Street  
Photos and Plans



Image 7. Proposed drawings.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	19/12/2022
		N/A / attached		<b>Consultation Expiry Date:</b>	07/01/2024
<b>Officer</b>			<b>Application Number(s)</b>		
Obote Hope			2022/0700/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
11 Hampstead High Street London NW3 1PX					
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of two-storey rear extension, following the excavation for a lower-ground floor extension to provide 1 x 3 bed self-contained flat.					
<b>Recommendation(s):</b>		Granted Subject to a Section 106 Legal Agreement			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was re-displayed from 06/12/2023 to 30/12/2023 and the application was re-advertised in the local paper on 14/12/2023 (expiring 07/01/2024).</p> <p>Comment received from no 14 Hampstead High Street are summarised as follows:</p> <ol style="list-style-type: none"><li>1. I am concerned that the excavation to create the larger basement will affect my house;</li><li>2. I am concerned that the works will lead to the wall being destabilized;</li><li>3. There is a small tree on the development site, alongside the boundary wall, which is not mentioned in the submission, and;</li><li>4. As part of the proposal, there are 2 small windows in the west elevation from which the occupants could look up towards my property &amp; thereby reduce my privacy.</li></ol> <p><i>Officers' comments are as follows:</i></p> <ol style="list-style-type: none"><li>1. <i>Please refer to the basement section in section 8 below;</i></li><li>2. <i>Please refer to the basement section in section 8 below;</i></li><li>3. <i>Please refer to the basement section in section 8.5 and 11.1below, and;</i></li><li>4. <i>A condition would be attached to ensure that all the windows to the flank elevations are obscured glazed and fixed shut. See Amenity section below in paragraph 6.4.</i></li></ol>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p><b>Hampstead Neighbourhood Forum</b> objected on the following grounds:</p> <ul style="list-style-type: none"><li>• The proposal is to decrease the existing ground floor commercial area from 164 sq/m to 112 sq/m i.e. a loss of 52 m2, a 32% loss);</li><li>• At lower ground level the reduction is 123 m2 to 69.6 m2, a 43 % loss, and;</li><li>• The Plan asks applicants applying for a change of use to demonstrate a long history of vacancy. At the very least, we would expect the applicant to present a strong case to justify the permanent loss of commercial footage in a prominent High Street location: for example, a market report/appraisal from a reputable retail property agent demonstrating that this size unit would be more desirable to tenants.</li></ul> <p><b><u>Officer response:</u></b></p> <ul style="list-style-type: none"><li>• <i>Please refer to paragraph 3.0 to 3.7 below;</i></li><li>• <i>Please refer to paragraph 3.4 to 3.7 below;</i></li><li>• <i>Please refer to paragraph 3.4 to 3.7 below;</i></li></ul>					

## Site Description

The site comprises a three-storey purpose-built block of flats over a commercial ground floor and basement, located on the north side of Hampstead High Street opposite Prince Arthur Road. Although the site is not statutorily or locally listed, the adjoining building to the north, No. 14 and No's 9 & 9a to the south are listed. The site lies within Hampstead Conservation Area and is located in sub area one (Heath Street/High Street).

The building does not make a positive contribution to the Conservation Area; page 13 of the Conservation Area Appraisal it is noted that the application buildings "...pays no regard to the character of the area". The rear of the building faces onto a car park (Marty's Yard) at the end of Old Brewery Mews which is noted as retaining some remnants of its old industrial character.

## Relevant History

**2004/2157/P:** Grant pp for the renewal of planning permission PW9902628, granted on appeal on 19.04.2000 for the change of use of the 3rd floor from one flat to two one-bedroom flats, including works of conversion, and the erection of a fourth floor to create a new two bedroom flat.

**2016/4427/P:** Allowed on appeal for the construction of 3 balconies to the front elevation of the building at first, second and third floor levels and replacement windows and glass balustrade panels to the rear elevation of the building at first, second, third and fourth floor levels. Allowed on appeal APP/X5210/W/316700 dated 26 April 2017.

**PW9902628:** Refuse pp 09.08.99 for the erection of an additional storey to create a new one-bedroom flat at 4th floor level and the change of use of the 3rd floor from on flat to 2 x 1-bedroom flats for reasons of bulk/design, light loss and lack of parking. 19.04.00: Appeal T/APP/X5210/A/99/1035 against above allowed dated 13<sup>th</sup> April 2000.

**1964:** Grant pp for the erection of basement, ground and 3-storey building comprising a bank with 6 x 1-bedroom flats and associated parking.

**1979:** Grant pp for continued use of land at the rear and car park for occupiers of No. 11 & 12 Hampstead High Street and persons employed in the offices at No. 2 Old Brewery Mews. Provision for the flats was on the basis of 1x parking space for each of the residential units.

## Relevant policies

### National Planning Policy Framework (2023)

### London Plan (2021)

### Camden Local Plan (2017)

H1 Maximising housing supply  
H4 Maximising the supply of affordable housing  
H6 Housing Choice and Mix  
H7 Large and Small Homes  
E1 Economic Development  
E2 Employment premises and sites  
A1 Managing the impact of development  
A5 Basements  
D1 Design  
D2 Heritage  
CC1 Climate change mitigation  
CC2 Adapting to climate change  
CC3 Water and Flooding  
CC4 Air Quality  
CC5 Waste  
T1 Prioritising walking, cycle and public transport  
T2 Parking and car-free development  
T4 Sustainable movement of goods and material



TC1 Quantity and location of retail development  
TC2 Camden's centres and other shopping areas  
TC4 Town centre uses  
DM1 Delivery and monitoring

### **Camden Planning Guidance**

CPG Design  
CPG Amenity  
CPG Basements  
CPG Developer contributions  
CPG Energy efficiency and adaption  
CPG Housing  
CPG Transport  
CPG Trees  
CPG Water and flooding

### **Hampstead Neighbourhood Plan 2018-2033**

BA1 Basement Impact Assessment  
BA2 Basement Construction Plans  
BA3 Construction Management Plans  
EC1 Encouraging a healthy retail mix  
EC2 Contributing positively to the retail environment  
DH1 Design  
DH2 Conservation areas and listed Building  
HC1 Housing mix  
NE2 Trees  
NE4 Supporting biodiversity  
TT4 Cycle and car ownership

### **Draft Camden Local Plan**

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **Assessment**

### **1. Proposal**

1.1. Planning permission is sought for the following:

Erection of two storey rear extension, following the excavation for a lower-ground floor extension to provide 1 x 3 bed self-contained flat.

### **2. Assessment**

2.1. The main considerations in relation to this proposal are:

- Land Use
- Design and Heritage
- Quality of Accommodation
- Impact on the amenity of neighbouring occupiers
- Affordable Housing
- Transport
- Basement
- Flooding
- Biodiversity and Sustainability
- Trees

- Waste
- CIL
- Heads of Terms

### 3. Land Use

- 3.1. The host building is in mixed use with commercial (Use Class E) comprises a bank at ground and basement levels with 6 flats (Use Class C3) above. The proposed extension is to rear of the site and includes internal reconfigurations at ground and basement levels to facilitate the new residential unit, which results in a reduction of GIA commercial floorspace from 285.3smq to 181.9sqm.
- 3.2. Policy E2 encourages the provision of employment premises in the borough with the aim of protecting these properties which are suitable for continued business use, in particular premises for small businesses and services that provide employment for Camden residents and those that support the functioning of the local economy.
- 3.3. Local Plan Policy TC2 seeks to prevent concentrations of uses which would harm a centre's attractiveness to shoppers or its residential amenity. The policy supports development of housing within town centres above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses.
- 3.4. Notwithstanding the above, the Council will encourage the provision of employment premises and sites in the borough and will consider higher intensity redevelopment of premises or sites that are suitable for continued business use. This includes the retention of employment floorspace for existing business and opportunities for SMEs.
- 3.5. The proposal includes a partial change of use of the basement and ground levels from Class E to Class C3, with the majority of Class E floorspace reconfigured and retained. The applicable test is whether the premisses would be continually viable as commercial unit. However, it should be noted that commercial use class is within the use Class E use which means the unit may be used for a range of retail-type uses as well as office space. The use is considered to be in keeping with the intentions of the introduction of the flexible Class E use class designation. Indeed, the existing bank floorspace could change to another use within Class E without the benefit of planning permission under existing legislation.
- 3.6. The supporting Marketing Letter from WR Consulting and supporting Interest of Schedule indicate that interest for a commercial unit of 1700sqm and over was mainly from food operators including supermarkets, restaurants, and coffee shops which would require supporting facilities such as additional waste management, and ventilation; as well as the possibility of an independent use at basement level. The proposed size of the unit is sufficient for the continued commercial use and this combined with the demand from retailers for unit sizes between 800-1200sqm means the loss of some of the rear part of the commercial unit to residential use is considered acceptable in meeting the aims of policy E2 and Policies EC1 and EC2 of Hampstead Neighbourhood Plan 2018 in this instance.
- 3.7. It should be noted that the provision of housing represents the priority land use of the adopted Local Plan and, in order to meet (and exceed) the objectively assessed needs of the Borough, the Council seeks to maximise the delivery of new housing. This is supported by policies H1 (Maximising housing supply) and G1 (Delivery and location of growth). On this basis, housing is generally supported in principle in what is a predominantly residential environment.

## 4. Design and Heritage

4.1. Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition, it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance Design and Home Improvements are also relevant.

4.2. The Council requires development to respect local context and character. Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018 requires that development consider the impact on existing rhythms, symmetries and uniformities in the townscape. New development should be seen as an opportunity to enhance the Conservation Area. The Hampstead Conservation Area Appraisal and Management Plan has regard to the rear gardens of properties and notes:

*New development should ensure that the scale of the proposal overall integrates well with the surrounding area, carefully responding to the scale, massing and height of adjoining buildings. The proposal should respect the general pattern of heights in the surrounding area whilst, positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area. The design should also consider any strategic or local views, vistas and landmarks. Whilst respecting and sensitively responding to the natural and physical features, both on and off the site.*

4.3. The Camden Planning Guidance (CPG) on 'Design' and 'Home Improvements' also clearly state Camden's expectations for development. CPG 'Design' states that the Council will seek to ensure that development responds positively to the existing context and character of the building and its surroundings. CPG 'Home Improvements' also gives guidance on extensions which are relevant in this instance.

4.4. The proposed two-storey rear extension would be constructed within the lightwell of the existing basement area. The proposed extension would be constructed using matching brickwork with aluminium windows and doors, featuring Juliet balconies at first floor level.

4.5. The proposed extension is subservient in scale to both the host building and neighbouring properties. As constructed the proposed extension would face on to Marty's Yard which is ringed with predominantly single storey structures and boundary walls. Although lightwells are not characteristic of Marty's Yard it is noted there is already a lightwell in this location enclosed by railings so this relationship would remain unchanged.

4.6. Given the modern appearance of the proposals it's important that the extension is seen as an extension to the building otherwise it would appear as a somewhat incongruous structure. Therefore, a condition would be attached for the brickwork to be submitted and approved this would ensure a consistent appearance. Although metal railings (rather than a glazed balustrade) would help to give the proposal a more industrial feel in character with Marty's Yard, the flats above ground floor level received planning permission (unimplemented) that was won on appeal for glass balustrade above ground floor level. Thus, the introduction of glass balustrades at this level are considered acceptable.

4.7. Overall, the design and appearance of the two-storey extension is modest in scale it would read as subservient to the host and adjoining listed buildings. Further, the extension would not impact on views of either building, therefore the setting of both listed buildings at nos. 9 and 14 Hampstead High Street would be preserved. The development would accord to Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

## 5. Quality of Accommodation

- 5.1. The proposed new dwelling would provide a three-bedroom, five-person unit located over two floors featuring a total GIA of 144sqm, with the requirement being 93sqm. Two of the bedrooms are double bedrooms, which have a minimum floor area of 11.5m<sup>2</sup> whilst the other bedroom would be single room just over 8.3sqm. Approximately 35sqm of external outdoor amenity space is provided at lower ground floor level.
- 5.2. Overall, the standard accommodation for the prospective occupiers is acceptable in terms of light, outlook, privacy and amenity. The floorspace proposed would also significantly exceed the minimum floorspace standards. Thus, the proposal is considered to be in accordance with Policy HC1 of Hampstead Neighbourhood Plan 2018.
- 5.3. The proposal results in an uplift of 144sqm GIA of residential floorspace. This would result in a requirement for an uplift for 2% contribution to affordable housing and would equate to a requirement of 2.8sqm of affordable floorspace. Where developments have capacity for fewer than 10 additional dwellings, the Council accepts a payment-in-lieu (PIL) of affordable housing as set out in Policy H4.
- 5.4. The CPG Housing document was published in January 2021. The Camden Local Plan 2017 has adopted GIA to assess self-contained housing and affordable housing requirements under Policies H2 and H4. For consistency, the payment rates incorporated in the updated CPG Housing are expressed as payments per sqm of GIA and have been updated for housing and affordable housing. PIL of affordable housing required by Policy H4 is now £5,000 per sqm GIA. The PIL required for the proposed development is calculated below:
- Based on an uplift in GIA of 144sqm the percentage AH target would be 2% (capacity for 1 unit (rounded to the nearest 100sqm) so  $1 \times 2\% = 2\%$  contribution)
- The affordable housing floorspace target is  $2\% \times 144\text{sqm} = 2.88\text{sqm}$
- A PIL is sought at a rate of £5,000 per m<sup>2</sup> of GIA, as per CPG Housing January 2021
- The financial contribution is therefore  $2.88\text{m}^2 \times £5,000 = \textbf{£14,400}$
- 5.5. This is based on measurements taken from the submitted plans / submitted by the applicant and the final financial contribution would be dependent on the PIL figure at the time of agreeing the Section 106 Agreement.
- 5.6. On this basis, a payment in lieu of £14,400 towards affordable housing would be required if permission were granted.

## 6. Impact on neighbouring Amenity

- 6.1. Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.
- 6.2. The proposed two-storey rear extension would be constructed within the existing lightwell and extend up to ground floor level. The proposal would not be harmful to the neighbouring properties given that majority of the extension would be 595mm above the existing 5.3m high boundary wall.

- 6.3. Whilst there would be a very significant impact on both the amount and quality of daylight and sunlight within the commercial unit given that the building is in commercial use this would be given limited weight.
- 6.4. New windows are proposed to the flank (west) elevation at lower-ground and ground floor levels. To protect the amenity of the neighbouring occupiers from the loss of privacy a condition would be attached for the new side facing windows to be obscured glazed to the lower panel and shall be restricted to a maximum opening to 100mm for all windows below 1700mm from floor level. The proposed windows shall be maintained and permanently retained thereafter.
- 6.5. The provision of Juliet balconies is an integral part of the design of the building and will provide some increased opportunity for overlooking. However, the main impact is the car parking space to the rear, so this is not a notable impact on privacy of neighbouring residential occupiers.
- 6.6. The introduction of a residential unit to the rear of the building is not anticipated to lead to harmful levels of noise given the low impact nature of the use. Thus, the proposal is considered to comply with policy A1 of the Camden Local Plan, and no undue harm to neighbouring amenity would be caused as a result of the proposed development.

## **7. Transport**

- 7.1. In accordance with Policy T1 of the adopted Local Plan, the Council expects cycle parking at developments to be provided in accordance with the standards set out in the London Plan. This would give a requirement for 2 spaces for long stay use. The submitted drawings show there would be sufficient cycle spaces for the newly created residential unit in the front garden area of the subject site. However, precise details (type of rack etc) have not been provided. A condition is attached requiring the submission of further cycle storage details and the provision of adequate cycle storage.
- 7.2. In accordance with Policies T2 of the adopted Local Plan and policies TT1 and TT2 of Hampstead Neighbourhood Plan 2018, the Council expect all developments to be car free. This would prevent the future occupiers of the newly created dwelling from adding to existing on-street parking pressure, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport, to be secured via s106 legal agreement.
- 7.3. In accordance with policies BA2 and BA3 of the Hampstead Neighbourhood Plan, and policy T1 of the Local Plan a full CMP would need to be secured by means of a section 106 together with an Implementation Support Contribution of £4,075.60 and Impact bond of £8000.

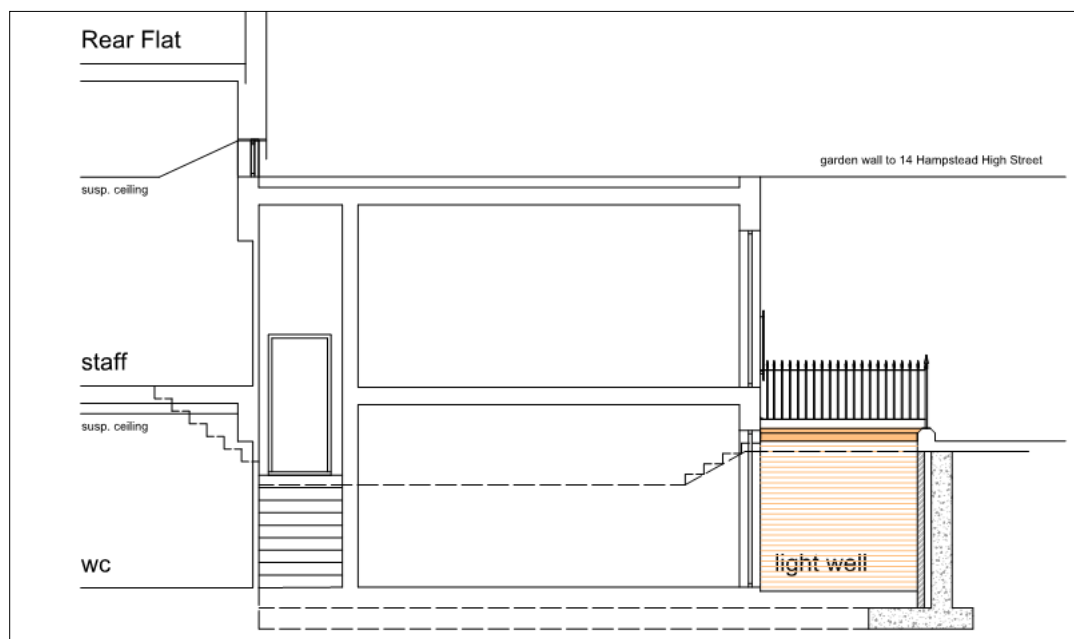
## **8. Basements**

- 8.1. Policy A5 of the Camden Local Plan states that 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 water environment in the local area. Furthermore, the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. In determining proposals for basement and other underground development, the Council requires an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment (BIA).
- 8.2. The Council requires applicants to demonstrate that proposals for basements are in accordance with policy BA1 Hampstead Neighbourhood Plan 2018 and basement extension should:



- a. Not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';
- b. Avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- c. Avoid cumulative impacts;
- d. Not harm the amenity of neighbours;
- e. Provide satisfactory landscaping, including adequate soil depth;
- f. Not harm the appearance or setting of the property or the established character of the surrounding area;
- g. Protect important archaeological remains; and
- h. Not prejudice the ability of the garden to support trees where they are part of the character of the area.

8.3. It is proposed to extend the lower ground floor into the existing lower ground level courtyard situated to the rear of the property. The works will include cutting into the paved embankment and stairwell (that separates the site from the adjoining car park) and construction of a new retaining wall.



*Figure 1: Section showing the area being excavated*

8.4. A number of documents were submitted by the applicant in support of the basement proposal, of most relevance is the Basement Impact Assessment (BIA). The Council's independent auditor Campbell Reith has reviewed these documents. Campbell Reith undertook an initial review and asked for clarifications, before publishing their final report in November 2023 confirming the basement proposals were acceptable. They audited the applicant's submission detailing the potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with Camden's policies and technical procedures.

8.5. Groundwater was not encountered during the GI but measured to be 4.45m and 4.54m below the car park level during later monitoring visits carried out on 26th July and 28th July 2022. Surface flow and flooding screening confirmed no increase in impermeable area and the land stability screening identified the site has an existing slope greater than 7 degrees at the rear of

the property. As part of the construction a new retaining wall will be constructed, and the slope cut out. A ground model and associated geotechnical parameters have been provided in the updated Phase II Hydrock report to inform the detailed design and the screening has been updated to include reference of a small tree present in proximity to the extension and has confirmed it is to be retained.

- 8.6. The independent audit from Campbell Reith confirmed that the BIA was carried out by individuals with suitable qualifications; the screening and scoping assessments were undertaken in accordance with the Council's CPG Basements; that impacts on adjacent properties would be limited and mitigated as part of design development; impact on groundwater flow would be very low and the development is not anticipated to impact the hydrological environment.
- 8.7. The BIA report confirms that the proposed development does not result in any deepening with respect to the existing basement and / or retaining structures. The architect's drawings confirm that the basement of the neighbouring property to the east is at a similar level of the existing lightwell at the rear of the property and it is accepted that there are no subterranean or surface water flow concerns regarding the proposed development. A ground investigation (GI) has been undertaken comprising one rotary open hole borehole, one handheld mini percussive borehole and two hand excavated trial pits. The findings indicate that the site is underlain by Made Ground of variable thickness (ranging from 0.45m to 1.40m) over firm sandy clays of the Claygate Member. The London Clay Formation was encountered from 5.60m below the car park level, comprising stiff (becoming very stiff) silty clay.
- 8.8. Updated architect drawings have been provided to show the proposed basement and neighbouring foundations. The drawings indicate the basement of the neighbouring property to the east is at a similar level (within 300mm) of the existing lightwell at the rear of the property. The BIA also states that the proposed development does not result in any deepening with respect to the existing basement and / or retaining structures.
- 8.9. Overall, the basement is in proportion to the host building and sit mainly below the footprint of the proposed building. Subject to the attached conditions requiring a qualified engineer to oversee the development and securing compliance with the BIA and audit as well as S106 legal agreement securing a CMP, the proposed basement would not cause harm to neighbouring properties, structural, ground, or water conditions of the area, the character and amenity of the area or the architectural character of the proposed building.

## **9. Flooding**

- 9.1. Campbell Reith's audit accepted the site is at very low risk of flooding. Flood risk mitigation measures are proposed with the impacts from surcharged sewers. They determined the proposed development will not increase the risk of flooding in the surrounding environment.
- 9.2. In line with policy A5, it is accepted that there are no subterranean or surface flow concerns regarding the proposed development. No proposals are provided for a movement monitoring strategy during excavation and construction, and it can be confirmed that the BIA complies with the requirements of CPG Basements.

## **10. Biodiversity and Sustainability**

- 10.1. Local Plan policy CC1 and Policy HE4 Hampstead Neighbourhood Plan 2018 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policies CC2 and CC3 are also relevant with regards to sustainability and climate change.
- 10.2. The building would utilise large north facing windows for solar gain and would be required to limit water consumption of 105 litres per person per day. A condition will require a sustainability statement to be submitted and approved prior to construction and require evidence to demonstrate that such water efficiency has been achieved.
- 10.3. The rear extension features a blue roof and photovoltaic panels. The proposed blue roof would increase biodiversity, providing a habitat for invertebrates and ground nesting birds as well as helping to lower peak rainfall runoff thus reducing the risk of floods. A combined solar PV and blue roof also has the potential for increased diversity as they will provide variations in moisture, sunlight and wind exposure. This can lead to a greater biodiversity when compared with a fully exposed blue roof with no photovoltaic panels and the details of the PV panels would be condition.

## **11. Trees**

- 11.1. There are no trees that would be impacted upon on the host building. However, the tree at the neighbouring site at 14 Hampstead High Street would be retained and protected. Thus, a condition is attached which would require the submission of details prior to the commencement of any works on site, to demonstrate how tree(e) on the neighbouring property no 14 Hampstead High Street would be protected during construction work. Hence, the proposal is considered to be in accordance with policy NE2 of the Hampstead Neighbourhood Plan 2018.

## **12. Waste**

- 12.1. Camden Local Plan policy CC5 (Waste) and CPG (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.
- 12.2. The agent confirmed that storage is provided for waste and recycling in the cupboards and utility areas and the current arrangement for collection is that black bags are left outside the building for collection.

## **13. CIL**

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

## **14. Heads of Terms**

- 14.1. If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. The obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought if permission were to be granted:
- New dwelling to be secured as car-free

- Construction Management Plan and implementation support contribution £4,075.60 and Impact bound of £8000
- Affordable Housing Contribution of £14,400

## **15. Recommendation**

- 15.1. Grant conditional planning permission subject to Section 106 legal agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22<sup>nd</sup> January 2024, 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: 2022/0700/P  
Contact: Obote Hope  
Tel: 020 7974 2555  
Email: [Obote.Hope@camden.gov.uk](mailto:Obote.Hope@camden.gov.uk)  
Date: 16 January 2024

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[www.camden.gov.uk](http://www.camden.gov.uk)

CSM+Architects  
1 Boyd Street  
Newcastle upon Tyne  
NE2 1AP

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**11 Hampstead High Street  
London  
NW3 1PX**

Proposal:

Erection of two storey rear extension, following the excavation for a lower-ground floor extension to provide 1 x 3 bed self-contained flat.

Drawing Nos: 4408\_Loc; 4408\_21; 4408\_22; 4408\_23; 4408\_24; 4408\_25; 4408\_44; 4408\_43; 4408\_41; 4408\_42; 4408\_45; P21-270/P1; 1253 REV B; Design and Access Statement commissioned by CSM Architects and Basement Impact Access Audit by Campbell Reith dated January 2023; Marketing letter by WR Consultancy dated 19th December 2022 and Phase II Geo-environmental Assessment by CSM Architects LLP dated 11 April 2023.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must begin no 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

4408\_Loc; 4408\_21; 4408\_22; 4408\_23; 4408\_24; 4408\_25; 4408\_44; 4408\_43; 4408\_41; 4408\_42; 4408\_45; P21-270/P1; 1253 REVB; Design and Access Statement commissioned by CSM Architects and Basement Impact Access Audit by Campbell Reith dated January 2023; Marketing letter by WR Consultancy dated 19th December 2022 and Phase II Geo-environmental Assessment by CSM Architects LLP dated 11 April 2023.

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

- 3 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 5 Before the development commences, details of secure and covered cycle storage area for 2 x cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

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

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

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

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

- 8 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, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. 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 ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and 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.

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

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

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 10 The proposed dwelling shall be designed and constructed in accordance with Building Regulation Part M4 (2). Shall be permanently retained and maintained thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance

with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.

- 11 All new side facing windows shall be obscured glazed to the lower panel and shall be restricted to a maximum opening to 100mm for all windows below 1700mm from floor level. The proposed windows shall be maintained and permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 12 Prior to the commencement of any works on site, details demonstrating how tree(e) on the neighbouring property no 14 Hampstead High Street to be protected during construction work shall be submitted to and approved by the local planning authority Council 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 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 8 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.
- 9 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

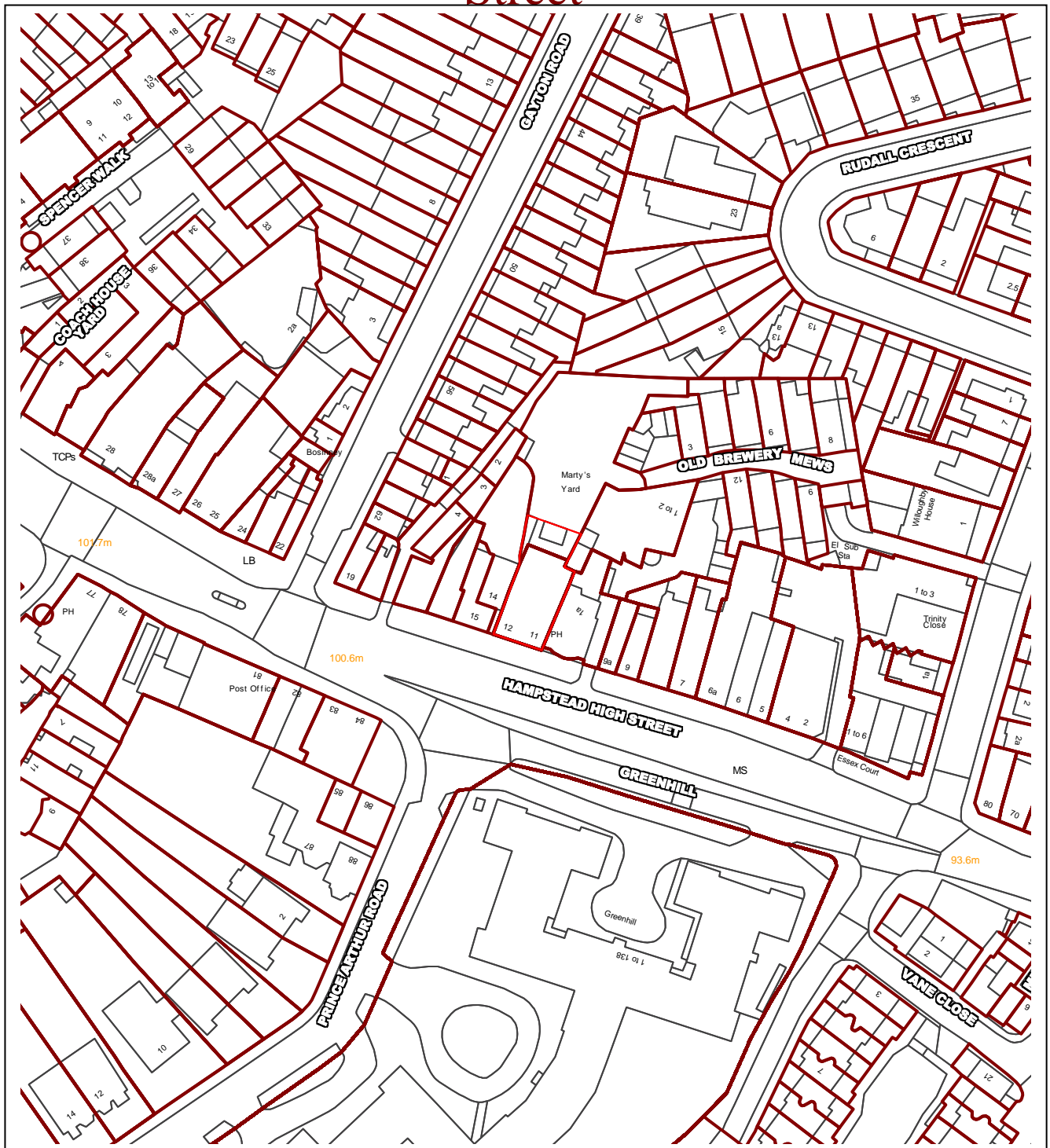
You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

# 2022/0700/P 11 and 12 Hampstead High Street



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