

# **PLANNING, HERITAGE, DESIGN & ACCESS STATEMENT**

**IMPERIAL TOWERS,  
17 NETHERHALL GARDENS  
LONDON  
NW3 5RT**

**SEPTEMBER 2024**

**RENNIE & PARTNERS,  
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# PLANNING, HERITAGE, DESIGN & ACCESS STATEMENT

CONTENTS	PAGE
1.0 Introduction	2
2.0 Site and Surroundings	2-3
3.0 Planning History	4
4.0 Proposed Development	4
5.0 Planning Policy	
• Policy & Compulsory Purchase Act 2004/T&C Planning Act 1990	5
• NPPF	5
• London Plan 2021	5
• Camden Local Plan 2017	6
• Redington and Frognal Neighbourhood Plan 2021	6
• Camden Planning Guidance – Design 2021	7
6.0 Considerations	7
7.0 Heritage Statement	8-10
8.0 Conclusion	10

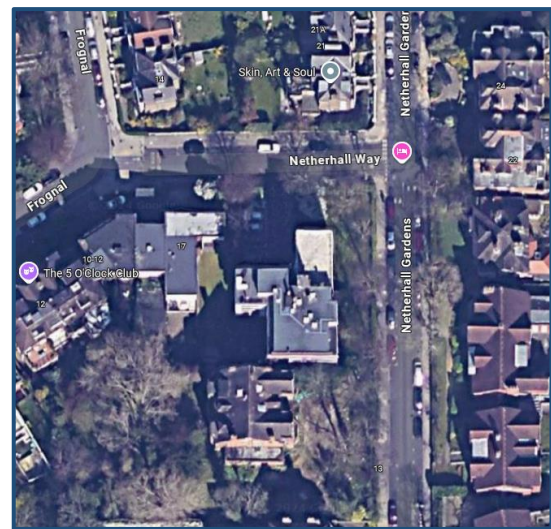
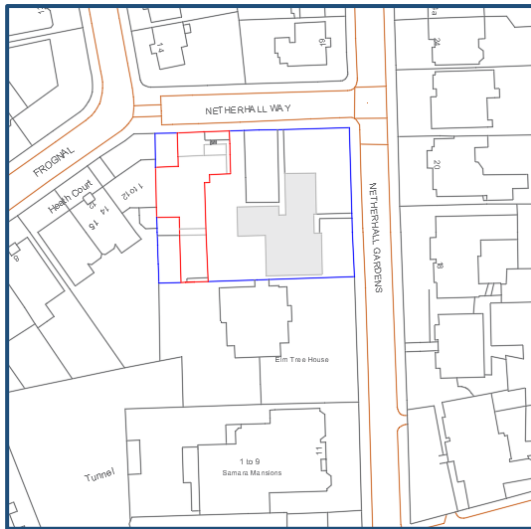
# PLANNING, HERITAGE, DESIGN & ACCESS STATEMENT

## 1.0 INTRODUCTION

- 1.01 We are instructed by our client, Imperial Towers (Freeholders) Limited to submit a full planning application seeking the installation of metal gates and railings at Imperial Towers, 17 Netherhall Gardens, London.
- 1.02 The application relates solely to the garage block below the lower rise three-storey block of flats on the western side of the complex that accommodates flats No.22-27.
- 1.03 The proposed works entail installing gates and railings to secure the lower ground floor communal garage block/underpass considering recent garage burglaries and anti-social behaviour from non-residents that has included defecating and drug use. These actions have made residents wary of using their garages and accessing the communal store housing the waste bins.
- 1.04 In addition to the requisite application forms and this Planning, Heritage and Design and Access Statement, the application is accompanied by the following drawings:
- Location Plan: Drawing No.5680.PL.001
  - Site Plan: Drawing No.5680.PL.002
  - Existing Garage Plan: Drawing No.5680.PL.003
  - Existing Elevations: Drawing No.5680.PL.004
  - Proposed Gate Plan: Drawing No.5680.PL.005
  - Proposed Gate Elevations: Drawing No.5680.PL.006
- 1.04 This Statement sets out relevant planning policy, planning history, and assesses the scheme in accordance with the requirements of the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF).

## 2.0 SITE & SURROUNDINGS

- 2.1 The application site forms part of the Imperial Towers complex lying on the corner of Netherhall Way and Netherhall Gardens at the border of Redington and Frognall Conservation Area.
- 2.2 The communal garages/underpass subject to this application are located within a three storey, flat-roofed structure, comprising 6 individual flats, set over two floors (raised ground and 1<sup>st</sup> floor level). The communal garage block is set over the lower ground floor and extends partially below the rear communal gardens.



- 2.3 The communal garage block comprises 27 No. garages and the communal bin store accessed via a communal driveway. Vehicular access is off Netherhall Gardens whilst secondary pedestrian access from the main entrances is via an external staircase along the front elevation. Secondary means of escape from the garage block is via a metal staircase to the rear of the garages accessing the communal garden.
- 2.4 To the east, Flats 1-21 Imperial Towers are contained within a taller, 5-6 storey building that fronts Netherhall Gardens to the east and Netherhall Way to the north.
- 2.5 To the west the building subject of this application abuts a more imposing 4-storey, red brick block of flats, known as Heath Court.
- 2.6 Immediately to the south of the building is open parking associated with Imperial Towers, beyond which is another block of residential flats, Elm Tree House.

# PLANNING, HERITAGE, DESIGN & ACCESS STATEMENT

## 3.0 PLANNING HISTORY

3.1 The site has the following relevant planning history:

Application No.	Development Description	Status	Date of Decision
2022/5631/P	Details pursuant to condition 4 (window details) of planning permission 2022/0031/P.	Granted	22.02.2023
2022/0031/P	Replacement of existing single glazed timber windows with double glazed timber windows.	Granted	08.08.2022
2011/3600/P	Roof extension to provide additional habitable accommodation to flat.	Granted	20.09.2011
2008/0500/P	Erection of an extension at roof level on the northern wing to provide additional habitable accommodation to apartment 21.	Granted	03.06.2008
2006/1342/P	Replacement of existing timber balcony railings on the north, east, west and south elevations & at roof level with clear glass panels.	Granted	19.05.2006
2006/0056/P	Replacement of existing timber balcony railings on the Netherhall Way elevation with clear glass panels.	Granted	10.03.2006

## 4.0 PROPOSED DEVELOPMENT

4.1 The proposed works entail installing:

- an automated bespoke sliding gate and railings across the entrance to the communal garage block, set back from the boundary.
- Pedestrian gate to the side footpath adjacent the side (east) elevation of the building at raised ground level.

4.2 These works are required to reduce the risk of future forced entries into the garages and to minimise the use of the garage access road for anti-social behaviour by unauthorised passers-by (area used to defecate and take drugs etc.).

4.3 The bespoke sliding gate have been designed to match the style of the existing metal balustrade along the front elevation of the said building at raised ground floor level to ensure the gate is in-keeping with the original modern design of the building.

## 5.0 PLANNING POLICY

### **Planning & Compulsory Purchase Act 2004 & the Town & Country Planning Act 1990**

- 5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990 sets out that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 38(3) states that the Development Plan includes the adopted Development Plan Documents (DPDs). Material considerations include National Planning Guidance, and in particular the National Planning Policy Framework (NPPF), together with supplementary planning documents adopted by the Local Planning Authority (LPA).

- 5.2 The approved Development Plan, in relation to this application, for the purposes of the Act, comprises the London Plan 2021, the Camden Local Plan 2017, and the Redington and Frognal Neighbourhood Plan 2021.

### **National Planning Policy Framework (NPPF)**

- 5.3 The NPPF sets out the Government's planning policies for England and how these should be applied.
- 5.4 Paragraph 2 reaffirms that planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.5 Chapter 8, Paragraph 96 (sub-paragraph b) confirms that Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*

### **London Plan 2021**

- 5.6 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The following policies are considered most relevant to the consideration of this application:
- Policy D11 – Safety, security and resilience to emergency.
  - Policy HC1 - Heritage Conservation and Growth.

- 5.7 Policy D11 confirms that Developments should include measures to design out crime that – in proportion to the risk – deter terrorism, assist in the detection of terrorist activity and help mitigate its effects. These measures should be considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area.

## **Camden Local Plan 2017**

- 5.8 The Camden Local Plan was adopted in 2017 and sets out the Council's planning policies and vision for the borough. The following policies are considered to be particularly relevant to the consideration of this application:

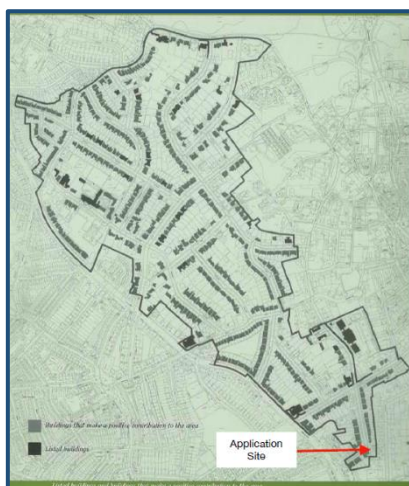
- Policy A1 - Managing the impact of development.
- Policy C5 – Safety & Security.
- Policy D1 – Design
- Policy D2 – Heritage

- 5.9 Policy C5 acknowledges that crime and fear of crime is a significant concern for many of Camden's residents and businesses and can undermine people's quality of life, health and wellbeing. Camden Local Plan requires developments to demonstrate they have incorporated design principles which contribute to community safety and security.

## **Redington & Frognal Neighbourhood Plan 2021**

- 5.10 The Redington and Frognal Neighbourhood Plan was adopted in 2021 and seeks to guide future development in Redington and Frognal. Having been supported at local referendum it now forms part of the Development Plan for this part of the borough. The following policies are considered to be particularly relevant to the consideration of this application:

- Policy SD2 - Redington Frognal Conservation Area
- Policy SD4 - Redington Frognal Character





## **Camden Planning Guidance – Design 2021**

- 5.11 The Council has prepared Camden Planning Guidance (CPG) on Design to support the policies in the Camden Local Plan 2017.
- 5.12 In considering the use of materials the guide seeks to ensure proposed materials are contextual having been informed by those used in the local area. The guide also seeks to encourage the use of durable materials that are fit for purpose and will weather well.

## **6.0 CONSIDERATIONS**

- 6.1 Given that these proposals solely seek the installation of metal gates, it is submitted that the main issues for consideration are the design of the proposals and their impact on the character of the building and wider Conservation Area and the ability to improve the security of the site for the existing residents.

### **Design and Impact on Character of Building**

- 6.2 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, and comprise high quality architecture.
- 6.3 Additional guidance in the Council's CPG in relation to Design notes that in order to achieve high quality design, all new development proposals, including refurbishment such as this, should respond positively and sensitively to the existing context. The use of good quality durable materials is encouraged.
- 6.4 It is submitted that by virtue of the gates being of similar design to the existing terrace railing, there would be no harm to the design and character of the existing building, and thus the proposals comply with Policy D1 of the Camden Local Plan 2017 as well as Policy D4 of the London Plan 2021.
- 6.5 It is also submitted that the installation of the gates will improve security to the garage area reduce the undertaking of antisocial behaviour and thereby complies with paragraph 96 of the NPPF (reference within 5.5) and acknowledges policy C5 of the Camden Local Plan 2017 (referenced within 5.10).



## 7.0 HERITAGE STATEMENT

- 7.1 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. The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas.
- 7.2 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.3 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal.
- 7.4 Paragraphs 199-202 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm.
- 7.5 Paragraph 202 states:  
*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 7.6 Policy D2 of the Camden Local Plan 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.

### **Statutory Designations**

- 7.7 The building the subject of this application is not a listed building however, it does fall within the designated Redington and Frognal Conservation Area. It also lies immediately adjacent the Fitzjohns Netherhall Conservation Area.
- 7.8 The boundary between the two neighbouring Conservation Areas splits the Imperial Towers site through the middle on a north-south axis.

- 7.9 There are no listed buildings in the immediate vicinity of the application site, however a number of the surrounding buildings are identified as making a positive contribution to the designated Conservation Area. The building the subject of this application is not one such building.

### **Redington and Frognal Conservation Area**

- 7.10 The Remington and Frognal Conservation Area was first designated in 1985, with further extensions being added in 1988 and 1992. The Redington and Frognal Conservation Area Statement (2003) notes that the *“Conservation Area occupies an area of sloping land to the west and southwest of the historic centre of Hampstead Village. It forms a well preserved example of a prosperous later 19th century and Edwardian residential suburb.”*
- 7.11 Whilst the character and appearance of the Conservation Area is generally defined by the large red brick houses and the mature vegetation, the Conservation Area Statement defines eight sub areas, each of which have their own distinct independent character.
- 7.12 The application site falls into Sub Area 8: Arkwright Road, Frognal, Frognal Close and Lindfield Gardens. This area is noted to have the most varied character in the Conservation Area, due to the development of its four constituent roads being sporadic.
- 7.13 The neighbouring building (nos. 9 & 11 Frognal) are noted in the Conservation Area Statement to be *“a particularly fine pair of orange brick houses with stone dressings”*. The application site is not mentioned at all in the Conservation Area Statement.

### **Fitzjohns and Netherhall Conservation Area**

- 7.14 The boundary of Fitzjohns and Netherhall Conservation area lies immediately adjacent the application site to the east. This Conservation Area was first designated in 1984 and extended in 1988, 1991 and 2001. It sits on the southern slopes of Hamstead between Rosslyn Hill and Finchley Road. Its street layout is dominated by Fitzjohns Avenue which runs through the centre of the Conservation Area, with parallel streets to the east and west. Generally the urban grain is that of large houses with generous gardens.
- 7.15 The Council's Conservation Areas Statement for this area, divides the area in to two sub areas. The application site abuts Sub Area 1 which is centred on Fitzjohns Avenue.

- 7.16 Imperial Towers is noted in the Conservation Area Statement as being built in the 1970s having replaced 15 & 17 Netherhall Road, *“a 1970s five Fitzjohns and Netherhall Conservation Area boundary Application Site storey block that has little to recommend it, in red brick and is situated too close to the frontage”*.

### **Impact of Proposals on Significance**

- 7.17 It is submitted that the installation of the gates will cause no harm to the significance of the designated Conservation Area within which the application site falls, nor to the setting of the immediately neighbouring Conservation Area.
- 7.18 The character of the Conservation Areas clearly comes from its 19th century and Edwardian residential development, and its associated layout, density, form, design and vegetation. The existing block of flats, having been constructed in the 1970s is a modern intrusion in these areas and as such is not a building that is identified in either Conservation Area statement as being of particular importance to the character of either area. The proposed gates will be purpose made design to match the existing railings and are in keeping with the overall design of the building. We consider the design will have no impact on the significance of either Conservation Area. Given that this is a modern infill development, the use of a metal gates will not look out of keeping, nor will it detract from the character of the wider area. A high-quality product is specified. On the basis that the proposals are submitted to have a neutral impact on the significance of the heritage assets there is no need to carry out the balancing exercise required by paragraph 202 of the NPPF. The proposals will preserve the special character and appearance of the heritage assets and therefore accord with Policy D2 of the Camden Local Plan 2017.

## **8.0 CONCLUSION**

- 8.1 To summarise, planning permission is being sought to install metal gates to secure the communal garage block to reduce the use of the area for anti-social behaviour by non-residents and reduce the risk of future burglaries.
- 8.2 The building itself is a modern 1970s infill that is not identified as being a positive contributor to either the Reddington and Frognal Conservation Area in which the building sits, or the neighbouring Fitzjohns and Netherhall Conservation Area.
- 8.3 The proposed gates will replicate the design of the existing railings to the terraces and be of a high-quality design. It is for the reasons set out in this statement that it is submitted that the proposals accord with the relevant policies of the Development Plan and can therefore be supported.