

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:	25/01/2013
		N/A / attached		Consultation Expiry Date:	10/1/13
Officer			Application Number(s)		
Alan Wito			2012/6452/L		
Application Address			Drawing Numbers		
Manor House 9 Downshire Hill London NW3 1NR			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Details of contract for the carrying out of works required by condition 6 of listed building consent granted on appeal ref: APP/X5210/E/10/2129689 on 13/01/2011 (ref: 2009/0056/L for the demolition of existing single dwellinghouse in association with the erection of new single dwellinghouse (Class C3).)					
Recommendation(s):		Approve			
Application Type:		Approval of Details (Listed Building)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>A notice was published in the Ham & High on 20/12/12 with responses due by 10/1/13. A site notice was put up outside of the property which ran from 12/12/12 to 2/4/13.</p> <p>A letter has been received from the owner of 8 Downshire Hill. Reassurances are sought that the contract submitted for approval in this application envisages that the construction of all ground works will be completed in 6 months of the demolition.</p> <p><i>Response: This condition only asks for written confirmation of the placement of a contract for the entire works (demolition and the new build) and this is what has been submitted. The s106 agreement under section 29 (vi) requires that the lower ground floor and basement shall be completed within six month of the start of bulk excavations from the property and not completed within 6 months of demolition.</i></p> <p><i>Approval of this condition would not negate the need to comply with the requirements of the s106.</i></p> <p>The neighbour also raises the point that works cannot be started until the Construction Management Plan and the Detailed Construction Plan (as defined in the S106) have been approved.</p> <p><i>Response: This is correct and an informative has been attached so that the applicant is aware of this</i></p>					
CAAC/Local groups* comments: *Please Specify	<p>The Heath and Hampstead Society have written in with a letter of objection. These objections relates to:</p> <p>No contractor is named. There are no assurances that the numerous conditions will be complied with competently.</p> <p><i>Response: The condition only requires a letter stating that the contract has been entered into, it does not require the contractor to be named as the purpose of the condition is to ensure the site isn't left vacant after demolition. The conditions will have to be complied with, irrespective of who the contractor is.</i></p> <p>A JCT Design and Build Contract has been entered into, thus the original architects and engineers have been dispensed with. Particular concern is raised in terms of hydrogeological and engineering design of the deep basement and its foundations. Concern was also expressed that new engineers would be employed by the contractor.</p> <p><i>Response: There is no requirement that the architect at the time of submission of the application is involved in the scheme. Any architect appointed by the applicant will have to comply with the approved drawings and conditions.</i></p>					

Condition 9 of the planning permission dealt with hydrogeological matters and has been approved under application 2012/1395/P. If the applicant wishes to deviate from this they will need to submit new information for approval. Condition 7 required the submission of details of a suitably qualified structural engineer with membership of the Institute of Structural Engineers. This was approved under application 2011/6313/P. Any change or reappointment to this has to be confirmed with the Local Planning Authority.

Under the terms set out by the applicants' solicitor there is no guarantee that following demolition the applicants will not cancel the contract. This would allow the applicant to appoint another contractor on terms that the council would not control or to abandon the site, leaving houses exposed to damage.

Response: Under the terms of the section s106 agreement 4.4.1 the development must be completed within 30 months of the start of demolition works. Additionally under 2.9(vi) the lower ground floor and basement within six months of the start of bulk excavations. Condition 6 of the planning permission also requires the proposed house to be completed in its entirety.

Site Description

9 Downshire Hill is a Grade II listed single dwellinghouse, dating from the early 19th century. However listed building consent has been granted on appeal (see relevant history below) for the demolition of the existing building. An accompanying planning permission was at the same time also allowed on appeal for a new single dwellinghouse. At the present point in time the 19th Century building remains at the site.

The site is located on the north-west side of Downshire Hill, close to the junction with Keats Grove (to the south-east). Pilgrim's Lane runs parallel to Downshire Hill to the north-west of the application site. The host building is attached to the Grade II listed No. 8 Downshire Hill via a 20th century porch and side extension. Downshire Hill is located within Hampstead Conservation Area and is considered to be a street of exceptional picturesque quality with 48 listed buildings of varied classical and gothic styles. All nearby buildings on this part of Downshire Hill and Keats Grove are Grade II listed, with the exception of the Grade I listed St John's Church (on the junction of Downshire Hill and Keats Grove). The nearby properties on the south-east side of Pilgrim's Lane (which back onto the rear gardens of properties on Downshire Hill) are not listed, but are identified within the conservation area as making a positive contribution to the special character of this part of the Hampstead Conservation Area.

Relevant History

2008/5894/P - Erection of new single dwellinghouse following demolition of existing single dwellinghouse (Class C3). Refused 11/05/2010. Appeal (APP/X5210/A/10/2129688) allowed 13/01/2011.

2009/0056/L - Demolition of existing single dwellinghouse in association with the erection of new single dwellinghouse (Class C3). Refused 11/05/2010. Appeal (APP/X5210/A/10/2129689) allowed 13/01/2011.

2011/6313/P - Details pursuant to condition 7 (appointment of suitably qualified structural engineer) of planning permission allowed on appeal on 13/01/2011 (Refs. APP/X5210/A/10/2129688 and 2008/5894/P) for the erection of new single dwelling house following demolition of existing single dwelling house (Class C3). Granted 2/2/12

2011/6381/L - Submission of a schedule of architectural features for reinstatement pursuant to condition 5 of listed building consent granted on appeal on 13/01/2011 (ref: 2009/0056/L) for the demolition of an existing single dwellinghouse in association with the erection of new single dwellinghouse (Class C3). Granted 16/3/12.

2012/1772/L - Notification of the start of works required by condition 3 and demolition works required by condition 4 of appeal decision dated 13/01/2011 (ref: APP/X5210/E/10/2129689) of listed building ref: 2009/0056/L for demolition of existing single dwellinghouse in association with the erection of new single dwellinghouse (Class C3). Granted 16/5/12.

2012/1395/P - Details of groundwater flow and relief measures required by conditions 9a, b & c of planning permission allowed on appeal dated 13/01/2011 (ref:APP/X5210/A/10/2129688) (planning ref: 2008/5894/P) for the erection of new single dwellinghouse following demolition of existing single dwellinghouse (Class C3). Granted 29/5/12.

Relevant policies

LDF Core Strategy and Development Policies

CS14 (Promoting high quality places and conserving our heritage)

DP25 (Conserving Camden's heritage)

Assessment

Condition 6 of the listed building consent granted on appeal required:

The works of demolition hereby approved shall not be commenced before the Local Planning Authority has received written confirmation from a solicitor that a contract(s) for the carrying out of the entire scheme of works authorised by the associated planning permission (2008/5894/P) has been entered into.

In their report the inspector stated that listed building consent can only be granted for the demolition of the building in view of the acceptability of the replacement proposals. Condition 6 was attached to ensure that a gap site was not left and that the benefits of the scheme are realised.

A letter has been received from Longmores Solicitors that James Taylor Homes have entered into a contract for the demolition and construction of a new residential property in accordance with the planning permission 2008/5894/P.

The submitted letter satisfies the requirements of the condition and therefore it is recommended that it is approved.

An informative will be attached notifying the applicant that they cannot implement the development until all the relevant parts of the Section 106 agreement have been approved.

DISCLAIMER

Decision route to be decided by nominated members on Monday 21st January 2013. For further information please click [here](#).