

Delegated Report		Analysis sheet	Expiry Date:	18/08/2015
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Zenab Haji-Ismael			2015/3530/P	
Application Address			Drawing Numbers	
22 Frogna! Way Hampstead London NW3 6XE			KSR Architects Design and Access Statement (dated June 2015), Skelly and Couch Energy and Sustainability Report (dated June 2015), Heritage Collective Archeological Desk Based Study (dated June 2015), Draft CMP, Deloitte Daylight and Sunlight Report (dated June 2015), DP9 Planning Statement (dated June 2015), Transport Statement (dated June 2015) and Price and Myers Basement Impact Assessment and Construction Method Statement (dated April 2015).	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of the existing house and the erection of a seven bedroom single family dwelling house with associated works including enlarged basement.				
Recommendation(s):		Grant Planning Permission Subject to a Section 106 Legal Agreement		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	15	No. of responses	50	No. of objections	12
Summary of consultation responses:	<p>Objections relating to the proposed demolition were received from 21 local residents which included objections from the following addresses; 88 Frogнал & 12b Church Row, 24 Perrins Walk, 16 Church Row, 17 Broomsleigh Street, 15 Church Row, 20 Church Row, 5 Glenmore Road, 23 Church Row, 16 Perrins Walk, 19 Church Row and 17 Church Row.</p> <p>The objection made the following points</p> <ul style="list-style-type: none"> • Over development of the site – over large house to replace existing • Impact on the listed graveyard • Loss of a positive contributor • Concerns about the loss of the brick cottage at 20 Perrins Walk • Loss of trees • The independent BIA assessment is not truly independent as it is funded by the applicant • No clear reason why the existing should be demolished aside from the dilapidated state • Line is blue is deceptive and shows a greater curtilage than it actually is <p><i>Officer response:</i></p> <ul style="list-style-type: none"> • <i>The applicant has made attempts to design a building that respects the openness of the site however this does not overcome the loss of the positive contributor</i> • <i>The proposal is unlikely to impact the listed graveyard or any of the other listed buildings within the vicinity of the site would not result in the felling of significant trees</i> • <i>In coming to the decision, the Council has used the approvals as baselines as opposed to the current dilapidated state of the buildings</i> • <i>An arboricultural report has demonstrated that the proposal</i> • <i>The proposal would not impact the cottage at 20 Perrins Walk</i> • <i>The BIA report was reviewed by an independent assessor appointed by the Council</i> • <i>The dilapidated state is not considered as material justification for the existing building's removal</i> • <i>The red line demarks the application site while the red line relates to other adjacent land outside the application site but within their ownership.</i> <p>Supporting comments were received from 29 local residents including 7 Frogнал Way, 14 Frogнал Way, 20 Frogнал Way, 11 Frogнал Way, 52</p>					

Gordon Square, 47 Netherall Gardens, 42 Redington Road, 26 Ellerdale Road, 8 Summit Lodge, 30 Ellerdale Road, 1 Frognal Gardens, 4 Frognal Way, 34 Ellerdale Road, 2 Perrin's Lane, 1a Gardnor Mansions, 21 Perrins Walk, 32 Flask Walk, 18 Frognal Way, and 9 Prince Arthur Road.

- The redevelopment of the existing eye sore is welcomed
- Benefits the Hampstead Conservation Area
- Good contemporary replacement that is sensitively designed to sit with the mix of existing houses including the nearby listed buildings
- Maintains the open verdant character
- Unreasonable to expect the restoration of the existing building which has limited value

Three key local groups have responded to this application.

- i) The Heath and Hampstead Society - support
- ii) The Church Row Association and Church Row and Perrins Walk Neighbourhood Forum - Objections
- iii) The Frogal Way Association – Support

The Heath and Hampstead Society

The Heath and Hampstead Society responded to the consultation with the following

In its present ruined condition, the house detracts significantly from the amenities of the area, a situation which the proposals would rectify. The design put forward by the new owner is similarly unobtrusive, and will have no greater effect on the setting of the surrounding listed buildings. Hence, the Society raises no objection to this application.

Church Row Association and Perrins Walk Neighbourhood Forum - Objections

4.4 The Church Row Association's objection was submitted with supporting Heritage Assessment compiled by Architectural History Practice (AHP) and the Perrins Walk Neighbourhood Forum objected on the following grounds.

The principle reasons for objection are the following

- (i) principle of demolishing the existing building
- (ii) the size and bulk of the proposed building
- (iii) the hydrology of the site, and
- (iv) the site environment, including trees

Principle of demolition of the existing building

Church Row Association have pointed out that both Historic England and the Planning Inspectorate have considered the building as one that makes a positive contributions to the local area by virtue of the fact that the building has its own entry in Pevsner's 'The Buildings of England'. The Association raise concerns about the loss of this significant building which was designed by Philip Pank, a local architect.

The residents of Church Row find it abhorrent that the applicant has used the current dilapidated state of the building as a reason to demolish the house. Present state of dilapidation must be ignored. The Church Row Association feel that in the absence of a clear and reasoned explanation as to why the building should be demolished, approval should be refused.

Officer response: *Sufficient justification has not been provided with regards to the loss of the existing building which is a positive contributor.*

**CAAC/Local groups*
comments:**
*Please Specify

Size and Bulk

The current planning application if granted, the new dwelling would result in a 450% increase on the original building. The association feel that the Design and Access Statement is inaccurate and factually incorrect in particular where the applicant has used the consented scheme of the 2009 scheme as a baseline for calculating the increase in size and bulk. The Association believe that the increase in floorspace is in fact 560%.

Officer response: The proposed design has made attempts to maintain the openness of the site; however the proposed design does not overcome the loss of the existing building which is a positive contributor to the Hampstead Conservation Area.

Hydrology

The Association feel that the applicant's hydrological studies are not consistent with local knowledge. The applicant's hydrological studies should be substantiated by independent experts.

Officer response: the submitted BIA has been independently reviewed and found to be acceptable.

Arboriculture and the Environment

The *proposal* would result in the loss of three trees protected by Hampstead Conservation Area and also no real detail has been given about the landscaping that is proposed at this site. No details are also given about what will happen to the Georgian wall that runs through the middle of 20 Perrins Walk garden.

Officer response: The proposal would result in the felling of three low quality trees and the pruning of two trees. It is considered that the proposed development could take place without adversely affecting the trees to be retained both on site and on neighbouring sites in line with BS5837:2012- Trees in relation to design, demolition and construction.

Frogna! Way Residents Association

The Frogna! Way Residents Association raised the following points

In 2007 the house was sold to a developer who at first proposed four new houses on the site and eventually applied for two. These schemes *were* obtrusive and out of keeping with the conservation area, affected the setting of nearby listed buildings and interrupted important views across the site. For these reasons, the proposals attracted widespread and vehement opposition, including from this association and its members as well as the residents of Church Row. The application for two houses was refused by the council, with the refusal upheld at appeal in 2009.

In his decision, the inspector stated that the existing house made a positive contribution to the conservation area. Having attended the appeal hearing throughout, this observation seems to have been made in the context of the unattractive replacement proposal before him. Unlike most houses in

Frognal Way, the existing house was not identified as making a positive contribution in the Conservation Area Statement adopted in 2001, and notwithstanding the inspector's comment the council did not include it in the Local List adopted in January 2015. The prevailing view seems to be that while it was – originally – an interesting one-off architect designed house of the period, its contribution to the conservation area falls below that of other unlisted houses in the area, and it is at the lower end of the spectrum of importance.

The new proposals are strongly influenced by the form of the Pank house and its response to the unusual backland site; it is set into the slope of the natural ground so that it is hardly seen from the public domain, which also preserves the important views from Frognal Way to the rear of Church Row. The proposed house has a full green roof (not a sedum roof) so that the view from the houses on the south side of Church Row will be of an open and green landscape; a significant improvement on the unattractive flat roofs of the present building.

While we acknowledge their views, we consider that they are mistaken, and that this reaction is a leftover from the opposition to the former owner's proposals and modus operandi. Furthermore the retention of the existing house would now be almost impossible given the depredations of the previous owner and its present condition. In view of the planning consent for replacement of the walls granted previously, the most that could now be expected would be a re-creation or replica; and in all the circumstances it would seem perverse to insist on this when design standards and building technology have advanced over the last forty years and the new owners, like the original ones, will have their own specific requirements.

The grant of planning permission for this application will allow the construction of a new house on this important site in the heart of the conservation area; commissioned, like its predecessor, by individual clients for their own occupation, which is a strong tradition in Hampstead. It will allow the derelict site and buildings to be revived with a new house and garden, appropriate by reason of their unobtrusive design. We hope that the council will grant this application.

Site Description

The site comprises a single storey detached dwellinghouse with basement located at the end of Frognal Way, a gated cul-de-sac. The house is located on a generous plot with a large garden to the rear containing an open air swimming pool. The house dates from the mid-1970s and was designed by Phillip Pank, a prominent local modernist architect. The complex plan of the house is noteworthy; it has a central rotunda at its entrance with three wings or “fingers” that radiate from the rotunda to the sides and rear. The garden contained three mature trees (Beech, Lime and Willow) all covered by TPOs. The willow tree has been removed following permission 2014/4872/T and the other two trees remain. The site is located within Hampstead Conservation Area.

Frognal Way is characterised by low density development of single family dwelling houses, an abundance of mature vegetation, an informal street layout and a wide un-adopted road with a crushed gravel surface, all of which, contribute to the semi-rural quality of the local area. The grain of development is distinct from other areas of Hampstead.

This site is highly prominent in views from the north and north west. It is located at the end of the street and adjacent to a public footpath as well as the marked change in topography from Church Row down to Frognal Way mean that it can be seen from both private areas and the public realm. The siting and design of the house, which appears from street level as a single storey, ensure long views up to the listed terrace of Church Row. Much of the surrounding area is a mix of residential building types and styles from different periods, many of which are listed (Grade I, II* and Grade II).

The site is currently vacant with the house having fallen into a dilapidated state partly as result of partial demolitions undertaken by the previous owner for which there is a current enforcement notice in place.

Relevant History

EN15/0457 – An enforcement notice has been served on the applicant against the removal of the original roof and fascia boards from the three wings of the dwelling house. This is currently being appealed by the applicant. The submission of appeal statements has been suspended pending determination of the planning application.

If permission is granted subject to S106, and development commences on site, the enforcement notice will **no** longer be relevant.

EN12/0238 – Enforcement notice served (10/12/2012) and Untidy Land Notice (S215) issued on 10 Dec 2012, to remedy the poor condition of the land, ref. EN12/0238.

This required **the** following works to be carried out within 2 months:

“Either of the following:

- Fit a watertight permanent roof which matches the previous roof in design and materials; or fit a temporary watertight roof.*
- In respect of any external window and door openings of the dwelling house where the windows and or doors have been damaged or removed, board up fully all external window and door openings. Paint all installed boarding to match the adjacent brickwork in colour.*
- Remove permanently from the land all litter and debris and keep the land clear of all litter and debris.*
- Cut back all vegetation on the land so that such vegetation does not overhang or encroach upon any adjoining land or highway.”*

*Following **the** issue of the Untidy Land Notice the applicant installed a temporary watertight roof and improved security measures on site.

2011/0924/P – Granted (07/03/2011) for the replacement of existing external brickwork of existing

residential dwelling with custom manufactured bricks as an amendment to planning permission granted 28/09/2009, ref. 2009/3168/P for extension to existing basement, conservatory extension at ground floor level, insertion of car lift to basement, introduction of green roof, lightwells, lantern light roof extension and associated works to existing dwelling house.

2009/3168/P – Granted (28/09/2009) for the extension to existing basement, conservatory extension at ground floor level, insertion of car lift to basement, introduction of green roof, lightwells, lantern light roof extension and associated works to existing dwelling house.

**This planning permission has been partially implemented.*

2007/3790/P & 2007/3791/C - Dismissed at appeal (08/10/2008) for the erection of 2 x two-storey single-family dwellings together with basement parking and associated landscaping following demolition of existing house, garage and swimming pool. The Council would have refused this application, however an appeal against non-determination was lodged by the applicant which was subsequently dismissed by the Planning Inspector.

Relevant policies

LDF Core Strategy and Development Policies

National Planning Policy Framework 2012- Paragraphs 13, 17, 32, 35, 51, 56-66, 123, 126-141
National Planning Policy Guidance 2014

London Plan March 2015, consolidated with alterations since 2011- Policies 6.9, 6.10, 7.4, 7.6 and 7.8 of Mayor's Supplementary Planning Guidance

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)

CS19 (Delivering and monitoring the Core Strategy)

DP2 (Making full use of Camden's capacity for housing)

DP3 (Contributions to the supply

DP5 (Homes of different sizes)

DP6 (Lifetimes homes and wheelchair housing)

DP16 (The transport implications of development)

DP20 (Movement of goods and materials)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

DP28 (Noise and vibration)

Supplementary Planning Policies

Camden Planning Guidance (CPG) 2011 – CPG 6, 7 and 8

Camden Planning Guidance (CPG) 2015 – CPG 1, 2, 3 and 4

Hampstead Conservation Area Statement - 2001

Assessment

1.0 Proposal:

- 1.1 The proposed scheme seeks to demolish the existing building and to erect a three storey single family dwelling house which would include lower ground, upper ground and basement floor levels to provide a seven bedroom single family dwelling. The proposals include a vehicular entrance from Frogna Way in the position of the existing gates, with garaging to be located in a similar position of the (now demolished) previous garage.
- 1.2 The house entrance will be at the upper ground floor level of a similar level to the existing main door. The level change will ensure that the building appears to be a single storey building when viewed from either Frogna Way or Church Row.
- 1.3 The overall footprint of the house would be 1,821 GIA of which 1,200 sqm GIA would be below ground, which includes plant rooms. Due to the change in levels, the total depth below ground would be approximately 6.1m.
- 1.4 The principle considerations material to the determination of this application are summarised as follows:
- Land use
 - Heritage and design
 - Quality of residential accommodation
 - Neighbouring amenity
 - Basement
 - Trees
 - Sustainability
 - Transport

2.0 Land use

- 2.1 The principle of replacing a single family dwelling house with a single family dwelling house is considered acceptable. There are therefore no land use issues.

3.0 Heritage and design

- 3.1 The site is currently occupied by one two storey dwelling that was commissioned by Harold Cooper and designed by Philip Pank in 1975. The existing house has not been in use since 2007 and is currently in a dilapidated state.
- 3.2 The existing building is not identified in the Hampstead CAS as making a positive contribution. However, the Council re-assessed its contribution in 2007 when the first demolition proposal for the site was submitted. After consulting English Heritage the Council concluded that the building was of architectural and historic interest and by an architect of local and regional note. Following an assessment for statutory listing in 2007 English Heritage confirmed that although the building did not satisfy the strict criteria for listing that it was of historical interest.
- 3.3 The existing house was considered to make a positive contribution to the conservation area by the Planning Inspector in 2009. Para 14 of the 2009 appeal statement – The Inspector refers to the *“interesting and distinctive design and appearance”* and the design by *“an architect of some local importance following a commission from a specific client”*. In terms of its wider impact the Inspector considered that *“its form and design are assimilated into the site without detracting from the adjoining house and with little impact on important local views of Church Row and surrounds.”* Furthermore, *“it continues and adds to the theme of individual houses in Frogna Way, which define its character.”*
- 3.4 S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to

conservation areas requires that “..*Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*” Where harm to the character and appearance of the conservation area has been identified as a result of this development proposal **the Council must give this harm considerable importance and weight in their balanced judgement of the application.**

3.5 In the 2009 appeal statement the Inspector noted the building as a positive contributor for its “*interesting and distinctive design and appearance*”. The Inspector also noted that “*its form and design are assimilated into the site without detracting from the adjoining house*”. The Inspector also noted that the proposed building “*continues and adds to the theme of individual houses in Frognaal Way, which define its character.*”

3.6 Subsequent applications were consented by officers in 2009 and 2011 for alterations at basement and ground floor levels. All elements of the proposal regarding the impacts on the existing building, which had already been recognised by the Planning Inspector as making a positive contribution to the Hampstead Conservation Area in October 2009 were carefully considered. The 2009 consent preserved and enhanced the character and appearance of the conservation area, by sensitively extending and adapting the positive contributor rather than remodelling the existing building to such a degree that it takes on the appearance of a new building. The existing building including the alterations is therefore considered by officers as a positive contributor.

3.7 Paragraph 129 of the NPPF states...

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets (NDHA), a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

3.8 NPPF paragraph 138 states that the loss of a building that makes a positive contribution to the significance of a conservation area should be treated either as substantial harm under paragraph 133 or less-than-substantial harm under paragraph 134.

3.9 Paragraph 134 of the NPPF is clear that “*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 securing its optimum viable use.*”

3.10 Policy DP25 outlines a clear presumption in favour of retaining buildings that make a positive contribution to the character and appearance of a conservation area; their loss will only be acceptable where “*exceptional circumstances are shown that outweigh the case for retention.*”

3.11 Paragraph 3.36 of Camden Planning Guidance 1 (Design) notes there is a presumption in favour of retaining NDHAs.

3.12 The proposed development is a contemporary house, which proposes some elements of architectural interest and acknowledges the openness of the plot. Although there are no principle design objections to the proposed dwelling house any proposed replacement building must preserve

and enhance the character and appearance of the conservation area to an appreciably greater extent. The existing Pank-designed building is one of many modern buildings dating from various decades of the 20th and 21st centuries in the conservation area, including in Frogna Way. Architecturally, the overall form of the proposed building including detailed designed differs significantly to the existing house. It is considered that the proposed development does not constitute an improvement over the existing building (and taking into account the 2009 consented changes) in preserving and enhancing the character and appearance of the conservation area, to warrant the loss of the existing building which is considered to make a contribution to the conservation area.

3.13 The proposal would result in the total loss of the unique form of the existing building at ground floor level and therefore it would result in less than substantial harm to the character of Hampstead Conservation Area.

3.14 The proposal puts forward no exceptional circumstances, public or planning benefits that outweigh the less than substantial harm which is the loss of the positive contributor in the Hampstead Conservation Area and therefore the proposal is considered unacceptable. The proposal does not sustain and enhance the significance of the non-designated heritage asset (NDHA).

3.15 In applying the statutory duties, the NPPF tests and local policy, officers considered that although the proposal makes attempts to acknowledge the openness of the plot and the setting, however, the loss of the existing building would have an impact on the significance of the setting of the Hampstead Conservation Area as a whole. Considerable weight has been given to assessing the merits of the proposed replacement dwelling against the loss of the existing dwelling and in the absence of clear public benefit of the proposal, the proposal is considered unacceptable.

4.0 Affordable Housing

4.1 Development Policy DP3 sets out the target for affordable provision based on a sliding scale that increases from 10% for developments with the capacity to deliver 10 homes (1,000sqm). The proposed scheme results in approximately 1,227 sqm GEA and therefore triggers affordable housing obligation.

4.2 It is considered that the site is unable to support on-site affordable housing delivery because the character of the area is unsuitable for separate driveways and the grounds are likely to command a high service charge.

4.3 A lack of sites within the vicinity of the development for the applicant to purchase and the high value of the location makes the opportunity to provide a single family dwelling property difficult. Paragraph 6.3 of Camden Planning Guidance 2 (Housing) acknowledges “an addition of 1,000 sqm residential floorspace will not have a 10 dwelling capacity in every single case. In assessing capacity the Council will take into account whether the additional area is capable of contributing to the number of homes in the scheme (eg. does it have access to natural light)”.

4.4 The site does not have the capacity to deliver affordable housing on site and whilst there is an uplift of over 1,000sqm GEA, much of this is beneath ground and used for plant and to accommodate a swimming pool. There is therefore approximately 200 sqm of this is uninhabitable space. It is therefore considered that the development would not trigger affordable housing provision which is consistent with Policy DP3.

5.0 Quality of Residential Accommodation

5.1 The proposed dwelling would provide a good standard of residential accommodation for a single family dwelling house. The space and layout of the rooms would provide a good level of comfort to future occupiers and could easily be adapted in compliance with Part M of the building regulations.

6.0 Impact on Neighbouring Amenity

Sunlight/daylight

6.1 The proposal would result in an additional storey below the existing building and extend the footprint at ground floor level to accommodate the new layout. It is considered the proposed redevelopment of this site, by virtue of its height, scale and proximity to neighbouring properties would not result in any loss of sunlight/daylight and outlook to the neighbouring residents along Frogna Way.

Privacy

6.2 Given the positioning of the windows, the distance between the properties, and the orientation and the (replacement) surrounding trees that would provide natural screening, the proposal is unlikely to result in any loss of privacy or overlooking in comparison to the existing building.

6.3 It is therefore considered that the proposed development would not have a detrimental impact on the amenity of neighbouring occupiers in comparison to the existing situation.

7.0 Basement Construction

7.1 As detailed under paragraph 2.1 of this report, the proposal incorporates the excavation of a basement which would sit beneath the footprint of the house and part of the basement will project out to the rear between approximately 2.5 and 3m. The newly created basement floor level would comprise a footprint of approximately 543 sqm (excluding plant room).

7.2 The Basement Impact Assessment and related documentation submitted by the applicant has been subject to independent verification. This is owing to the location of the application site within a hydrogeological constraint area. In this instance, the independent reviewer is fully satisfied with the level and nature of information provided by the applicant.

The independent review

7.3 In responding to policy DP27 and CPG4, the applicant submitted a range of documentation at the outset of the application. This included a Basement Impact Assessment (BIA) Report by Price and Myers dated April 2015. An independent review of all the relevant documentation was undertaken by Campbell Reith, on behalf of the Council. The scope of this study was, in short, to ascertain whether the submission of the application was sufficiently robust and accurate to enable planning permission to be granted in accordance with the requirements of LDF policy DP27.

7.4 Campbell Reith concluded that the information provided by the applicant is sufficient to comply with policies DP27A, B and C. Therefore the structural stability of the host and neighbouring properties, the water environment and the cumulative impacts of both has been independently verified as being maintained. Hence, the applicant has comprehensively demonstrated that the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability.

7.5 Given the extent of the basement excavation proposed in this case it would be considered necessary and appropriate to secure a 'Basement Construction Plan' by s106 legal agreement. The basement construction plan will set out detailed information to demonstrate how the design and construction of the basement has been prepared in order to minimise the impacts on neighbouring properties and the water environment, and provides a programme of measures to be undertaken by the owner to with the objective of minimise the impact on the structural integrity of neighbouring properties and sensitive structures such as the public highway. The BCP is in accordance with CPG4

and will ensure that the final detailed design and mitigation measures of the basement are in accordance with the findings and recommendations of the submitted BIA.

7.6 With this matter secured via legal agreement, it is considered that the proposal would fully satisfy policy DP27 and CPG4.

Sustainable urban drainage

7.7 In order to mitigate the impact of the proposed, the development will seek to incorporate SUDs techniques following the guidance in London Plan policy 5.13. However, the constrained nature of the site and small scale of development make the installation of some SUDs techniques challenging. The following items have been considered in accordance with the drainage hierarchy of policy 5.13:

- Rainwater storage – water butts are being considered to store run-off from the roof of the development. This will then be used at a later date for use in the gardens
- Infiltration – porous surfaces are being considered for the driveways to reduce surface water run-off. The garden spaces to the rear of the development will also aid in the natural infiltration of the site.
- Attenuation – the use of ponds or open water features discounted due to the constrained nature of the site limiting the external space. Storage tanks have also been discounted due to the small scale of the development.
- Discharge – the remaining surface water run-off will be discharged to the sewer system.

7.8 In addition to a condition to secure these details it would be recommended that the details of hard and soft landscaping be secured.

8.0 Trees and Landscaping

8.1 There are currently twenty one trees on site of which three are considered to be of significance. One of these trees has been felled in accordance with permission 2014/4872/T. The proposal would result in the felling of three low quality trees and the pruning of two trees. An arboricultural report was submitted with the application which undertook extensive site investigations to ensure the impacts of the proposed development do not negatively impact the important trees. The arboricultural report submitted and the more recent results of the trial pit investigations to assess rooting are considered sufficient to demonstrate that the proposed development could take place without adversely affecting the trees to be retained both on site and on neighbouring sites in line with BS5837:2012- Trees in relation to design, demolition and construction.

9.0 Sustainability and Energy

9.1 It is proposed that the design would incorporate a passive approach to energy conservation including photovoltaic panels, a low carbon heating system supplied by air source heat pumps and rainwater harvesting to reduce water demand and use resources efficiently. Other features include dual flush toilets, flow restrictor water supplies, low energy lighting, mechanical ventilation with heat recovery for when opening windows is not desirable and large glazed windows to living areas to maximise sunlight. The combination of these measures will achieve an overall CO₂ reduction of 56% against the baseline position which meets the London Borough of Camden and London Plan energy saving targets. A condition would be required to secure the implementation of these measures.

10.0 Transport

10.1 Development policy DP18 states that the Council seeks to ensure that developments provide the minimum necessary car parking provision. The Council expects development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport. The site is located in the Hampstead Conservation Area. In addition, the site has a PTAL rating of 3. The existing site has 2 on-site car parking spaces.

10.2 The proposal would retain these car parking spaces; a car capped agreement with a maximum of 2 on-site car parking spaces will be secured through Section 106 planning obligation. As such the proposal would comply with Core Strategies CS11 and CS19 and Development Policies DP19 and DP21.

10.3 Camden Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development (including demolition stages) will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Camden Development Policy DP21 relates to how a development is connected to the highway network. For some developments this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

10.4 The primary concern is public safety and to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is likely give rise to amenity issues including noise, vibration and air quality. The Council would have secured a CMP through a Section 106 legal agreement to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.

10.5 The site falls within a PTAL rating of 3 which is considered to be good. Any successful application would be required to submit details of cycle parking spaces at ground floor level. The proposal would be required to provide cycle parking in accordance with table 6.3 of the London Plan. If the proposal was considered acceptable, details of cycle parking spaces would have been sought by way of condition.

11. Recommendation: Refuse planning permission on the following grounds:

1) Heritage

The proposed demolition by reason of the loss of the existing building which makes a positive contribution to the Hampstead Conservation Area would cause harm to the character and appearance of the conservation area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

2) Absence of S106 to secure CMP

The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

3) Absence of S106 to secure BCP

The proposed development, in the absence of a legal agreement securing a Basement Construction Plan requiring appropriate detailed drainage design, construction method statements, and mitigation and monitoring measures, would be likely to harm local hydrology, geology and land stability conditions and would cause harm to the built and natural environment and local amenity. This would be contrary to policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.