

Delegated Report		Analysis sheet	Expiry Date:	12/04/2016
		N/A	Consultation Expiry Date:	24/03/2016
Officer			Application Number(s)	
Tania Skelli-Yaoz			2016/0849/P	
Application Address			Drawing Numbers	
Garages to the rear of 26, New End Square London NW3 1LS			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
		Alfie Stroud		
Proposal(s)				
Demolition of six existing garages and the erection of a three storey, two bedroom single dwelling house including the excavation of a basement.				
Recommendation(s):		Grant conditional planning permission subject to legal agreement		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	14	No. of responses	03	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed 2/3/16-23/3/16 and a press advert was published on 3/3/16 (responses expiry on 24/3/16). 14 residents were consulted; the summary of responses are as follows:</p> <p><u>Design & conservation</u></p> <ul style="list-style-type: none"> • Site currently an eye-sore • Remove PD rights • Windows are generally too large and especially those looking westwards • Insufficient assessment of the effects of the proposal on the surrounding listed buildings <p><u>Transport</u></p> <ul style="list-style-type: none"> • Seek a stopping up order for road closure during construction • Secure red hatched area as public land • Revised CMP required with local consultation, contact point and pedestrian safety in light of school within 300m <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Concerns over loss of daylight to window W2 (basement study) resulting in noticeable effect. • Concerns over loss of space, light and property value, noise and disturbance during construction <p><u>Other</u></p> <ul style="list-style-type: none"> • Legal agreement suggestions to include BCP, CMP and parking restrictions • Concerns over impact on adjoining trees • Concerns over ground water flow and subsidence • Structural damage concerns <p><i>Officers' comments:</i></p> <p><u>Design</u></p> <ul style="list-style-type: none"> • <i>A condition to remove PD rights is recommended;</i> • <i>The proposed windows on the western elevation have been positioned so not to be directly across the existing first floor window at no. 42 New End Square, therefore no overlooking will result from this design. The window sizes are considered appropriate in the context of the whole design and particular elevation within the setting of the Conservation Area (CA) and the adjoining listed buildings;</i> • <i>The effects of the proposal on the surrounding listed buildings have been assessed – see sections 'setting of heritage asset' below.</i> <p><u>Transport</u></p> <ul style="list-style-type: none"> • <i>Red hatched area is to be secured as public highway;</i> • <i>A revised CMP is recommended to be secured via LA</i> 					

- *The impact of the development on possible public right of way has been considered – see Public Right of Way section below. The applicants will be reminded by way of an informative of the need to comply with relevant highways legislation and the need to consult with the Highways Authority and apply for any required stopping up orders.*

Amenity

- *The impact on the basement window at no. 20 New End Square is considered marginal with acceptable daylight levels retained for this location; there are no other significant impacts on loss of daylight or sunlight from this proposal;*
- *Concerns over noise, disturbance and dust during the construction phase. These are matters covered by Environmental Health legislation and the Building Regulations and do not therefore form a material consideration to which weight can be attributed as part of the planning process. The applicants will be reminded by way of an informative of the need to comply with the relevant legislation. In terms of construction vehicles and access, a construction management plan (CMP) is recommended to be secured via LA in order to protect local amenities during the course of construction. Concerns over loss of value are not a planning consideration.*

Other

- *A BCP has not been recommended by the Independent basement assessors;*
- *A CMP is recommended via LA;*
- *The development is recommended as car-capped (i.e. no off-street parking permits to be issued)*
- *Impact on adjoining trees has been assessed – see section ‘Trees’ below;*
- *The impact of the basement excavation has been considered and assessed independently. Please see section ‘basement considerations’ below.*

CAAC/Local groups comments:

Hampstead CAAC: no reply received.

Historic England / archeologic service: no Desk-based Assessment required. However in light of recent nearby information at no. 29 New End Square a watching brief is required as part of an archaeological condition.

Officers’ comments:

A condition to address the above is recommended with informative.

Site Description

The site comprises six vacant single garages which can be accessed via New End Square which is located within a residential area to the east of Hampstead Town Centre, between Flask Cottages to the south and New End Square to the north east. To the west of the site is a footpath to Flask Cottages and 42 Streatley Place. A Grade II Listed lamppost is located immediately to the north and a cherry tree is located within the gardens of 26 New End Square.

There are a number of Grade II listed buildings in the surrounding area including buildings on New End Square, the boiler house chimney at the former New End Hospital, New End Primary School and 53-67 Flask Walk. The site lies within a designated Archaeological priority area.

The site is located in the Christ Church/Well Walk sub area of the Hampstead Conservation Area which was designated in 1968. The site is characterised by an intricate network of lanes and narrow alleyways built on complex slopes of the land to the east of Heath Street. There are a variety of building types, ages and styles ranging from tiny cottages of all ages, grand 18th century houses, Victorian tenements and substantial villas to 20th century council flats and small private houses. The Conservation area statement does not mention the garages subject to consideration but does mention that the garages to the south of the site (located on Flask Walk) detract from the streetscape and the open space.

The site has a PTAL rating of 3 but the site is a five minute walk from Hampstead station and local bus routes.

Relevant History

2015/4223/PRE demolition of the existing garages and the erection of a part 2, part 3 storey building plus basement to provide a single family dwelling with integral garage, patio and roof terrace at second floor level- advice issued on 30/09/2015.

TP/13784/2773 planning permission granted in 1962 for the erection of 5 three bedroom houses (now 3-7 Flask Walk) and 6 two-bedroom flats (now 26 New End Square) with eleven garages.

Relevant policies

NPPF 2012

Paragraphs 14, 17, 30, 49, 56-66, 126-141 and 173

The London Plan March 2016

LDF Core Strategy and Development Policies 2010

CS1 (Distribution of growth)

CS3 (Other highly accessible places)

CS4 (Areas of More Limited Change)

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 and encouraging biodiversity)

CS17 (Making Camden a Safer Place)

CS18 (Dealing with Our Waste and Encouraging Recycling)

CS19 (Delivering and Monitoring the Core Strategy)

DP2 (Making Use of Camden's Capacity for Housing)

DP6 (Lifetime Homes and Wheelchair Homes)

DP16 (The Transport Implications of Development)

DP17 (Walking, cycling and public transport)

DP18 (Parking Standards and Limiting the Availability of Car Parking)

DP19 (Managing the impact of parking)

DP21 (Development Connecting to the Highway Network)

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)

Hampstead Conservation Area Statement – October 2001

Camden Planning Guidance 2015 and 2013

Assessment

Proposal

The site comprises six vacant garages with vehicular access from New End Square. The proposal would include the demolition of the garages and excavation of a basement beneath the footprint of the proposed dwelling house. The proposed dwellinghouse will be a part three, part four storey dwelling including basement.

Revisions

Revisions to the proposal since the pre-application advice was issued include setting back the building line on the north-west corner to remove concerns over loss of outlook, inclusion of integral parking, removal of garage doors and inclusion of open canopy to address issues of bulk on the front elevation, alterations to pitch of roof to reduce daylight & sunlight implications, and relocation of terrace to more enclosed central area. These revisions are considered to address early concerns raised.

Further revision were incorporated within the current application to include:

- 1) The front entrance recess reduced to 600mm and CCTV to be added to be added to the carport in line with the Design-Out-Crime Officer's suggestion.
- 3) A balustrade was added to the western edge of the car port, in the interest of pedestrian safety.
- 4) Drawing 61_P_23 updated to show a chimney and the correct ridge lines on the roof plan.
- 5) A fin added to the first floor southern window in the interest of the protection of privacy to no. 7 Flask Cottages. This will project 300mm from the brick wall face in line with the window and powder coated to match the colour of the rest of the window frames.
- 6) The lower ground floor bathroom (facing west) and lower ground window (facing south, in the entrance hall) will be obscure glazed.

The principal consideration material to the determination of this application are Land use, Design & conservation, Basement considerations, Amenity, Residential standards, Transport, Trees, Sustainability and CIL.

Land use:

The principle of the redevelopment of the site to provide housing is considered acceptable and would contribute to the supply of additional housing to meet or exceed Camden's targets in accordance with CS6 and DP2.

The loss of the garages is considered acceptable for reasons of under-use and would contribute towards the use of sustainable modes of transport and the efficient use of land for housing purposes, in accordance with policies CS5 and DP2.

Design & conservation:

The proposed development would materially affect the setting of two designated heritage assets – the listed buildings 20 New End Square and four lampposts in New End Square – and would change the character and appearance of another, the Hampstead Conservation Area.

Design, character and appearance

The site was developed with houses prior to the mid-twentieth century, and the reinstatement of a house at this part of New End, in place of the existing garages, is welcome and an acceptable extension of the area's predominantly residential character. The development will appear prominently in three local views, all dominated by other historic and modern houses in brick: along New End, up Flask Walk Cottages, and glimpsed from New End Square. In each of these views, the proposed building's scale is appropriate and works with the dramatic topography to integrate with the

townscape; critically for its contribution to the character of New End and New End Square, it stands at two storeys on its northern side. The building's L-shape form allows it to stand away from and protect a prominent and characterful mature oak tree which stands to its east between it and 26 New End Square. The resulting massing is still further broken-down and accommodated to the surrounding townscape by the use of pitched slate roofs and by a careful compositional balance struck by large windows. The precise placement and size of these windows has been subject to revision in view of neighbouring amenity and local architectural character.

The proposal works explicitly in the language of domestic and vernacular architecture in Hampstead – chimneys, windows referencing Georgian proportions, an undercroft, and pitched slate roofs – relying on high-quality materials and refined details to present as more modern piece of townscape. The quality and tone of the brick, laid in Flemish bond given articulation by soldier courses and soldier-course lintels, is appropriate to both the building and the setting of surrounding brick houses. Window reveals and glazing bars give a modern style to the elevations and a level of detailing which promises to match the quality of nearby historic buildings.

The proposed development is considered to promise a positive contribution to the character and appearance of Hampstead Conservation Area.

Setting of heritage assets

One of four listed lampposts stands immediately adjacent to the proposed development at the corner of Flask Walk Cottages and New End. Its setting will be significantly altered by the proposed development, but will not be harmed. Its setting is already slightly compromised by the degraded and mixed quality of surrounding street materials and surfaces, as well as by the unresolved quality of the townscape created by the modest garages at this otherwise characterful corner. While the proposed development will stand closer to the lamppost than existing garages, so did the buildings which stood on the site prior to the 1960s. The proposed parking undercroft retains some sense of the recent openness of the site at this point along with a visual connection onto Flask Walk Cottages, which will help to set the lamppost in a piece of high-quality townscape which invites public access.

The setting of 20 New End Square will not be harmed by the proposed development. It will be read as an interesting, modern house of a scale consistent with the townscape beyond New End Square. It will thus give New End's streetscape – which is part of the backdrop to no. 20's architectural and historic interest – a completeness and additional quality it currently lacks. In scale it is deferential and in materials and detailed design it is complimentary to the listed building. Construction and engineering impacts of the proposed development on 20 New End Square must be avoided, and this is recommended to be secured by other relevant submitted documentation.

Archaeology

GLAAS have responded on the need for archaeological investigation and safeguarding of this site, which lies in an Archaeological Priority Area.

Basement considerations:

The proposal is submitted with a Basement Impact Assessment prepared by Michael Alexander; 'Basement Impact Assessment by Michael Alexander ref. P3133 Issue 1.3' (Amended 5.7.16) with associated documentation and a 'Geotechnical, hydrogeological, ground movement & land contamination assessment' by LBH ref. LBH4379 ver 3.0 dated July 2016. This was independently audited by Campbell Reith; ref. 12336-39 Rev F1 (dated August 2016) and email dated 7.9.16 from Campbell Reith 'Rear 26 New End Square 2016/0849/ BIA' labelled as Correspondence re BIA addressing the listed building status of no. 20 New End Square.

The basement measures 3.3 deep from front ground level and 3.9 from front garden level (latter includes depth created by ½ of upper ground storey and is influenced by the steep slope of Flask Walk).

The basement excavation has been assessed taking into account the age and historic status of the

surrounding buildings (some listed) and lampposts and conservation area as a whole. The proposed excavation has been considered in relation to ground movement, geological and hydrological considerations and found acceptable, subject to a standard condition requiring the excavation period to be overseen by a qualified suitable engineer. A Basement Construction Plan (BCP) is not recommended.

Amenity:

Due to the dense urban setting of the proposal site within its surroundings; a key concern with this development is the amenity. The proposal has been designed sympathetically in a way that will not impact the amenity of neighbouring residents in respect of daylight/sunlight, overlooking and sense of enclosure.

The southern ground floor window, abutting the garden of no. 7 Flask Walk has been designed as obscured and will be conditioned as such. The ground floor bathroom window facing onto Flask Walk will be similar for the protection of privacy of future occupiers. The first floor southern window would normally be required to be obscured in order to protect the privacy of no. 7 Flask Walk's occupiers (front rooms windows at ground and especially first floor), however, for design reasons, has been proposed with a 300mm fin instead which will prevent overlooking into the aforementioned first floor window. There are no other concerns raised by the proximity of windows.

As mentioned above, the roof terrace has been relocated to a central location, flanking the side of the no. 7 Flask Walk's roof and does not raise amenity concerns.

A daylight/sunlight to demonstrate the development would not impact the amenity of neighbouring residents has been submitted. It concludes that marginal impact ('negligible') is likely on 1 window each at 42 New End (bedroom) and 20 New End (basement office). Their retained VSC levels will be 70% and 73% of the existing level; against an indicative guide level of 80%. The impact on these windows is therefore considered acceptable in the context of this dense urban environment and the historic location of a building in this location.

The proposal is therefore considered to comply with policy DP26. Nonetheless, it is recommended to remove permitted development rights from this property in the interest of the protection of amenity of adjoining occupiers in this dense urban setting.

Design out crime

The front entrance is designed with a recess which raised concerns over the increased risk of crime. This was revised to reduce the recess to a maximum of 600mm at the entrance door in consultation with the Metropolitan Police Design-Out-Crime officer. CCTV has also been proposed to the front open garage area for similar reasons. The latter is recommended to be conditioned for details. The reduced recess affects Buildings Regs Part M4(2) and is discussed below.

Residential accommodation standards

The reduction in the front recess to 600mm results in the building not able to meet a requirement listed in Building Regs Part M4(2) 2.20 a) which is for an external landing of 1200 x 1200mm outside the private entrance door. However, all other aspects of Part M4(2) are likely to be met. Due to the site's highly constrained access on a narrow sloping public path, this is considered justified.

Otherwise, the proposal is for a 2-bedroom house that complies with the national housing Standards, is generous in size and provides a terrace and a courtyard garden. This is considered to be adequate.

Transport/ Highways:

DP17 (Walking, cycling and public transport) seeks to promote sustainable travel options and Policy DP18 (Parking standards and limiting the availability of car parking) expects new developments to be car free. Although the site has a PTAL rating of 3, the site is a 5 minute walk from Hampstead station (260m) and regular bus routes into central London.

The scheme includes provision of one off street car parking space. Other than the car parking that is proposed on site, you would be required to enter into a S106 Agreement to ensure the proposed dwelling is car capped.

The Council's cycle parking standards require two cycle parking spaces. The ground floor plan includes 2 cycle parking spaces within the refuse store. Locating the cycle parking in the refuse store would discourage residents from owning a bicycle and therefore from cycling. The current design of the building provides sub-standard cycle parking facilities, which do not seem to be in accordance with Camden Planning Guidance document CPG7 (Transport). The applicant should consider providing cycle parking facilities separate from the refuse store; however, on balance this should not form a reason for refusal. It is therefore recommended to condition details of the cycle parking accommodated separately from the refuse storage.

Highway contributions are recommended in order to remedy the pavement following construction and in order to cover the costs of paving the triangle of land which is handed over by the owners of the site as public highway with Yorkstone paving. This area lies between the front of the site (western side) and the existing listed lamppost on New End (see hatched plan, marked in red).

CMP

Camden Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development 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 development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

This site is located in the Hampstead Conservation Area. Our primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). In addition, New End Square is a narrow residential street with limited access from the surrounding highway network. The proposal would involve the demolition of the existing garages followed by the construction of the new residential dwelling. The Council needs 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. A CMP must therefore be secured as a Section 106 planning obligation.

Public Right of Way

A permanent closure/ stopping up will need to be undertaken in any location where the development would obstruct public rights of way along the public highway. In this case it is considered possible that potential rights of way are affected in an area in front of the existing garages where pedestrians were previously allowed to cross the land (site) – where the western side hoarding now exists into Flask Walk - without walking around the hoarded site as existing now, and as would be the case once the land is developed.

Whilst part of this area will remain open and accessible and dedicated as public highway so that it can be used as part of the adjoining path and its contribution back as public highway (red hatch area on drawing no. 61_P_20_C) is welcomed by the Council, the plan also shows that part of the this area will be developed by forming a parking space. This will mean that if public rights do exist over this part of the site, that the public rights will be obstructed.

It is considered that the contribution of the red hatched area to public highway will assist pedestrian movement and help resolve any issues as to the status of this part of the land as public highway. If public rights of way have been acquired over the remaining part of the forecourt area, it is considered that the effect of its loss on pedestrian movement is marginal. Any permanent removal of public rights of way would be subject to a separate statutory procedure under s.247 of the Town and Country Planning Act. An informative will be added that the applicants are advised to consult with

the Council's Highways Department in relation to the need for any temporary or permanent road closures/ stopping up orders prior to works starting. . Any temporary road closures required for the construction of development will also be fully considered as part of the CMP.

Trees:

Trees T1, 2 and 3 are all off site trees. No trees are proposed to be removed to facilitate the scheme. The minor pruning that is proposed to facilitate access is considered not to be detrimental to the health of the trees or the visual amenity the trees provide and is therefore considered acceptable. The arboricultural method statement and tree protection plan are considered sufficient to demonstrate that the trees to be retained off site will be adequately protected during development in line with BS5837:2012. This will be conditioned.

A condition is also recommended in relation to the foundation type and service routes. The arb. report refers to special foundations to ensure tree roots are not damaged but does not give full details. Details of service routes have also not been included. This is recommended to be conditioned upon approval.

Sustainability:

Camden considers sustainable design and construction as integral and our policy ambitions relating to sustainable design and construction are set out in Policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainability and tackling climate change). A report has been submitted to demonstrate how the development will contribute towards the reduction in CO2 emissions, use of renewable materials and water efficiency. The relevant conditions to secure these measures are recommended.

Summary:

Special regard has been attached to the desirability of preserving the setting of adjoining listed buildings and structures in the vicinity which the site possesses and considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS1, CS3, CS4, CS5, CS6, CS11, CS13, CS14, CS15, CS17, CS18 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP6, DP16, DP17, DP18, DP19, DP21, DP22, DP23, DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.3, 5.3, 7.4, 7.6 and 7.8 of the London Plan 2016 and paragraphs 14, 17, 47-55, 56-68 and 126-141 of the National Planning Policy Framework.

CIL:

A Camden CIL contribution and a Mayoral CIL contribution would be expected. This has been estimated at £13,150 for the Mayoral CIL and £131,500 for the Camden CIL.

Summary of Section 106 Planning Obligations:

- Car capped development (1 no. parking space on site, no parking permits off-site)
- Construction management plan
- Financial contribution for highway works to remedy pavement following construction and to repave with Yorkstone red hatched triangle area of land between site and lamppost;
- That the land edged red shall be dedicated to the public highway prior to occupation of the house (and therefore that it shall be kept open for the passage and re-passage of pedestrians in perpetuity) and maintained as such
- That prior to the above the area (triangle hatched in red on drawing 61_P20_Rev C) shall be paved in accordance with details to be approved by the Council.

