

**Date:** 17th January 2017  
**Our Ref:** 2016/0630/PRE  
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David Taylor  
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Dear Sir,

### **Planning Pre-application Advice:**

#### **Jack Straw's Castle 12 North End Way London NW3 7ES**

Thank you for submitting a pre-planning application enquiry on 4.2.16 for the above properties. This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

### **Proposal**

Erection of two Class C3 dwellinghouses on existing car park adjacent to Jack Straws Castle, including associated redesign and landscaping of remaining car park.

The proposal was discussed with officers at 2 meetings on 22.3.16 and 30.6.16. The scheme has been subsequently amended and justified to address officers' comments and concerns. Notably a Second Addendum dated November 2016 was submitted which provides a statement of significance of the existing Jack Straws Castle, assessment of the scheme's impact on this significance, analysis of Raymond Erith's original design concept for the north facade of this building, justification for a formal urban design idiom here, revision from 3 houses to 2 houses, and evidence of more consultation with stakeholders. The revised plans are drwg nos. 1370/1D, 2C, 3.

### **Site and surroundings**

The site comprises the carpark serving the adjoining Jack Straws Castle comprising Class D1 gym on the basement and ground floors and Class C3 flats on upper floors above. The carpark is accessed off Heath Brow, which also serves the City Corporation of London carpark behind. The building constructed in 1962 is listed Grade II and lies within sub-area 7 of the Hampstead conservation area.

The site adjoins Hampstead Heath to the north and west and is visible from it across Whitestone Pond to the east. The Heath is Public Open Space and Metropolitan Open Land, as well as Heath House opposite. Old Courthouse to the south and Heath House opposite, along with its wall and War Memorial, are also listed buildings and structures and within the conservation area.

## **Planning History**

The most recent and relevant decisions for the carpark are listed below which show how successive applications for development of this site have been refused and dismissed on appeal.

PWX0302151- Erection of roofed enclosure over carpark and two 2 storey houses. Refused 10.4.03; appeal dismissed 3.12.03

2003/1396/P- Erection of roofed enclosure over carpark and two 2 storey houses. Refused 25.9.03; appeal dismissed 3.12.03

2004/0705/P- Erection of 2 storey house at rear of carpark and new boundary treatments. Refused 14.5.04; appeal dismissed 21.12.04

## **Relevant policies**

### **National Planning Policy Framework 2012**

### **The London Plan 2016**

### **LDF Core Strategy**

- CS1 (Distribution of growth)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change and 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)
- CS16 (Improving Camden's health and well-being)
- CS19 (Developing and monitoring the Core Strategy)

### **LDF Development Policies**

- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair homes)
- DP15 (Community and leisure uses)
- 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)
- DP22 (Promoting sustainable design and construction)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)

## **Other Planning Guidance**

### [Camden Planning Guidance](#)

CPG1 Design (2015)

CPG2 Housing (2016)

CPG3 Sustainability (2015)

CPG4 Basements and lightwells (2015)

CPG6 Amenity (2011)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

### Hampstead Conservation Area Statement 2001

#### **Emerging policy:**

It should be noted that the Camden Local Plan will replace the Local Development Framework (LDF) Core Strategy and Development Policies in 2017. The submission draft has now been approved by Cabinet and Full Council after a period of public consultation. The Local Plan and associated documents were formally submitted to the Secretary of State for public examination. The public hearings for the Examination were held at the Camden Town Hall during October 2016.

The submission draft is a material consideration in planning decisions. At this stage the Plan has weight in decision making and is a statement of the Council's emerging thinking. Emerging policy is therefore a relevant consideration to this pre-app advice.

#### **Assessment**

The main issues of consideration are

- Heritage impact
- Open space impact
- Landscape
- Land use and residential standards
- Amenity
- Basement impact
- Sustainability
- Transport
- Community Infrastructure Levy

#### **Heritage impact**

The history of this site, in terms of the original design intentions by Raymond Erith for Jack Straws Castle and its carpark and the successive rejections on appeal of later schemes for residential development of this carpark, are important material considerations in assessing this scheme. The 2<sup>nd</sup> Addendum report dated November 2016 is welcome in providing a very useful analysis of the significance of the existing listed building and its setting, the rationale behind its original design concept, the advantages of the currently proposed scheme compared to previous unsuccessful development schemes for this site, and the justification for the design concept and impact of the current proposal. As noted above, the key issue here is

the impact of the scheme on heritage assets, notably the setting and significance of the adjoining listed building of Jack Straws Castle itself and the other listed buildings nearby, and the character and appearance of the surrounding conservation area.

The 2004 appeal decision is important in that the Inspector was concerned about retaining the 'cliff-like wall' (of the north facade) facing the carpark which had been likened by some to a castle moat and that he thought the appealed scheme diluted the drama of this space. However he also did not discount the possibility of any further development on the carpark. His comments are a material consideration.

The Council's previous refusals were based on the premise that it considered no further development of the carpark was possible here as it would harm the setting of this listed building where its northern elevation and lower ground carpark contributed to the impression of a castle and moat. The 2004 scheme involved a small 2 storey house set back behind the open carpark and this was deemed unacceptable by the Inspector, although he suggested that some form of development could be possible here. In comparison, the current proposal for a taller and wider development, 3 stories high across the whole carpark back edge, is clearly larger than this appeal scheme and, on the face of it and in light of this appeal decision, it would have a greater unacceptable impact in enclosing the open space of the carpark. However officers also acknowledge that there are subtle but important differences between the past and current schemes that help sway the balance. The appeal scheme projected beyond the junction between the rendered rear section of the building and the main weather-boarded façade, it was designed as an extension in matching pastiche design, and the carpark had a solid boundary around part of it. In contrast the new scheme is set back further and respects the junction between both elements of the main building, it is conceived as a distinctive separate building with contrasting design idiom, and the carpark is left largely open as existing.

On balance, bearing in mind the Inspector's comments and the submitted analysis of design differences as well as subsequent stakeholder comments, officers consider that the principle of a residential development on this site can be now supported. The new pair of houses can be viewed as a subsidiary terrace of buildings in the same way as the array of houses that flank the main castle building on the south side, ie. the Old Courthouse, which has a similar height, setback and setting. The new building has a contrasting design in a Georgian style which does not compete with or dilute the significance and dominance of the main Jack Straws Castle building. It is considered that the new scheme with its setback and open carpark boundary preserves views of the main north facade of the castle building and does not seriously detract from its significance in the original design concept appearing as a 'cliff-like wall facing over the carpark' and does not seriously 'dilute the drama of this space' (quoting from the Inspector). Thus it is considered that the illusion of a sheer castle wall with moat is still readily apparent and that the setting of the adjoining listed building will not be significantly harmed.

Furthermore it is acknowledged that more recent consultation with stakeholders has resulted in an important level of support for this new approach which is a material consideration. The daughter of the original architect Raymond Erith, 2 commentators on 20<sup>th</sup>C architecture, the Twentieth Century Society and Historic England have all written to support it.

Nevertheless, officers will need to carry out an assessment and evaluation of the scheme in accordance with the requirements and tests within chapter 12 of the NPPF (especially paras 129-134) regarding any impact and level of harm caused to the significance of designated heritage assets, ie. the adjoining listed building and the surrounding conservation area. If 'less than substantial' harm is identified, then a balancing exercise will be required to weigh the harm caused against the public benefits of the proposal.

It is considered that the recent changes to the scheme since the last meeting are an improvement and the 2 houses look less cramped than the 3 house scheme and more reflective of the Old Courthouse plot widths. The footprint, height, depth and location of the houses are acceptable in principle. However there are 2 aspects of the scheme that require further consideration.

It is considered that the very formal and urban arrangement of the proposed façades does not suit this setting here. Officers still remain unconvinced of the argument presented that a Georgian style is appropriate in this semi-rural setting and that the examples given of other similar houses in London and elsewhere set a precedent here; the examples given appear to be mainly Georgian houses that have since been surrounded by later urban expansion or were designed as set pieces facing formal parkland. In this case, the setting and history of Whitestone Pond is different which has an informal grouping of houses organically developed over time and loosely arranged around a junction and surrounded by a natural heath landscape. Officers would recommend that the front façades are alternated subtly to suit the more rural setting in this regard and to preserve the character and appearance of the surrounding conservation area.

No details are given of the proposed boundary treatment around the carpark. Given the above analysis, it is important that the open space is not further enclosed by solid structures such as walls and fences and that the details are shown at an early stage with any application submission. The design and use of materials should be influenced and informed by the significance of the listed building and the idea of the castle moat.

### **Open Space impact**

The site adjoins Public Open Space and Metropolitan Open Land (MOL). It is considered that, given the building will be set back from the front behind the carpark and will be mainly screened from the rear by trees, the scheme will not harm the open character and setting of the adjacent Heath open space and it will preserve the openness of this MOL.

### **Landscape**

As indicated above, it is important that details for the landscaping and boundary treatment of this carpark are discussed and agreed before any formal submission. A solid boundary around the entire site, such as walls, fencing or high hedges, and a formal design of entrance gates and piers (as suggested on previous draft elevations) will not be acceptable, although it is acknowledged that a hedge will help soften and screen any car parking, refuse stores etc. from public views. Surface materials for the carpark should be considered at an early stage.

Existing trees within the City carpark at the rear of the site should be retained and protected during construction. An assessment must be made as to how they will be impacted, both in terms of roots by the proposed basement excavation and of crowns by the above-ground construction.

An ecology statement will need to be submitted as the site adjoins Hampstead Heath, a Site of Nature Conservation Importance (SNCI).

### **Land use**

The latest plans for 2 houses show two 4 storey 4 bedroom 6 person units, although floorspace figures are not given. The sizes for the double and single bedrooms and for the units overall as shown appear to comply with new national housing space standards, London Plan standards, and Camden's own guidance contained in CPG2 Housing. The design of the houses should be accessible to occupiers over time by meeting national standards for new build dwellings in Part M4 (2) of the Building Regulations. The provision of 2 family sized units does not comply with the Dwelling Size Priorities Table in policy DP5 in that no 'high priority' 2 bedroom units are provided; nevertheless, given the constraints of the site and heritage designations, it is considered that this is acceptable in this context. The revised design for 2 houses is better than the previous 3 house scheme as the layout appears less cramped and now has a more orthodox staircase arrangement.

The plan of the houses appears to show adequate receipt of daylight, sunlight, outlook and privacy. However the basement kitchen diners are only lit by a very narrow lightwell and there is concern that they may not receive adequate daylight and sunlight. A full light assessment should be undertaken and if necessary, the lightwells enlarged to ensure adequate light and outlook.

The plans do not show any private amenity spaces for these large family sized houses. It is expected that some amount of private amenity space should be provided, in the form of gardens or balconies in line with London Plan standards, as it would be unreasonable for the occupants to totally rely on the public open space of the Heath behind for their domestic needs. Such provision of private space may impact on the layout and design of the carpark in front.

Adequate refuse storage needs to be provided on site.

### **Amenity**

It is considered that there will be no impact on the amenity of adjoining neighbouring properties. However it is noted that the new building will sit closely alongside 2 ground and 1<sup>st</sup> floor windows on the north facade of Jack Straws Castle itself and, if they serve habitable rooms, any impact on their light and outlook should be checked.

### **Basement impact**

In line with policy DP27, all new basements will be assessed to ensure they maintain the structural stability of the building and any neighbouring properties,

avoid adversely affecting drainage and run-off or causing other damage to the water environment, and avoid cumulative impacts on structural stability or the water environment in the local area. It is considered that the new single storey basement proposed here under the footprint of the houses will be acceptable in principle and will have little impact on the appearance of the new building and conservation area. However it must not harm the stability of the adjoining listed building or the function of local underground water courses, given the special topographical and geological context of this site on sandy soils at a hill summit adjoining Hampstead Heath. Any application will need to be supported by a full Basement Impact Assessment which will be reviewed and audited by the Council's external engineering consultants. Depending on the outcome of the audit and sensitivities of the site, the excavation methodology may need to be subject to a Basement Construction Plan, secured by S106 legal agreement.

A site-specific flood risk assessment is unlikely to be required here, as the site is not on a street identified as being 'at risk' from surface water flooding, according to the local plan maps.

The site lies within an Archaeology Priority area of Hampstead Heath, thus an assessment will need to be submitted with any application to identify if the site has a potential for archaeological remains underneath.

## **Sustainability**

In line with policies DP22 and CS13, the Council will require development to incorporate sustainable design and construction measures. CPG3 provides more information on how schemes will be assessed to meet these criteria. Notably the national standard of Code for Sustainable Homes for new dwellings has now been withdrawn and replaced by the Government's new technical standards for new dwellings.

The Council will continue to require new residential development to submit a sustainability statement demonstrating how the development mitigates against the causes of climate change and adapts to climate change. Thus all applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 20% reduction in carbon emissions below Part L of the Building Regulations by means of the installation of on-site renewable technologies where feasible. Moreover applications of 5 or more residential units or 500m sqm or more of any floorspace (gross internal) will also be required to submit an energy statement demonstrating how the development has followed the energy hierarchy. The total floorspace of the proposed scheme is not known at this stage which may trigger this threshold.

All applications must demonstrate this through the submission of appropriate sustainability and energy statements, the detail of which to be commensurate with the scale of the development, and this will be confirmed by a post-construction review secured by either condition or a S106 agreement.

All new build dwellings should achieve a maximum internal water use of 110 litres per person per day (this includes 5 litres for external water use). Permeable paving and Sustainable Urban Drainage systems should be used on the carpark surface.

## **Transport**

The site is located in the North End Controlled Parking Zone (CA-V) which operates between 1100 and 1300 hours on Monday to Friday. In addition, the site has a PTAL rating of 3 which means it is moderately accessible by public transport. Accordingly it is recommended that the scheme be 'car-free'; the documents submitted suggest that the houses would be, which is welcomed. However if car parking is provided within the existing carpark (at a maximum of 2 spaces for the 2 houses), then the scheme should be 'car-capped' to prevent any harmful overspill of cars onto the public highway, given that on-street parking will be still possible in the afternoons and evenings as well as during the day in 'pay and display' bays on-street and in the City carpark. This will be secured by S106.

It is also proposed that a condition is imposed requiring final details of the forecourt parking arrangements, to control the use and layout of car spaces and to ensure it is acceptable in landscaping and heritage terms. It is not clear from the latest submitted plans how the carpark will be organised, how many car spaces are retained and whether the car-stacker arrangement with new basement level parking is still proposed as in earlier draft plans. If this is still proposed, it will need to have no impact in design and land stability terms on the adjoining listed building. An assessment is also needed of the current car parking provision and how the scheme will impact on existing spaces used by the flats in Jack Straws Castle itself. Finally the carpark layout needs to take account of any new amenity space needed for the new houses as well as any impact of parked cars and refuse storage areas on the amenity of the new houses (in terms of light and fumes).

Cycle parking should meet the minimum requirements of the London Plan and be designed to meet Camden's cycle parking design specifications as set out in Camden Planning Guidance (CPG7- Transport).

As the site is located on a roundabout, any deliveries and servicing activity should take place within the site. Also given this location and site constraints, a Construction Management Plan would be required.

## **Community Infrastructure Levy (CIL)**

The scheme will be liable to Community Infrastructure Levies for both Mayor of London and London Borough of Camden. The Mayor's CIL will apply to all development which adds one or more dwellings or more than 100sqm of floorspace at a rate of £50 per sqm. The Council's CIL will equally apply to all new dwellings at a rate of £500 per sqm in the Hampstead/Highgate area. Please refer to the Council's website for further information on the Borough's CIL.

## **S106 obligations**

As per the preceding report, a S106 Legal Agreement will be needed to cover the following Heads of Terms:-

- Car-free or car-capped housing
- Post-construction sustainability and energy reviews



- Basement Construction Plan if necessary
- Construction Management Plan

### **Planning application information**

If you submit a planning application, I would advise you to submit the following for a valid application:

- Completed forms.
- The appropriate fee
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red and other land in applicants' ownership in blue.
- Floor plans, elevations, sections at a scale of 1:50
- Carpark plans and sections
- Landscaping plans for carpark
- Planning statement
- Heritage statement
- Energy/sustainability statements
- Basement Impact Assessment
- Archaeological report
- Daylight/sunlight report
- Ecology report
- Arboricultural report
- Please see [supporting information for planning applications](#) for more information.

Given the location and sensitivities of the site, together with the scale of the scheme, it is recommended that the applicant conducts its own consultation with surrounding neighbours, relevant councillors and local groups prior to the submission of any formal planning application.

We are legally required to consult on applications with individuals who may be affected by the proposals. We no longer notify neighbours by post, but we still display a notice on or near the site and advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter, please do not hesitate to contact me on 0207974 5867.

Thank you for using Camden's pre-application advice service.

Yours faithfully,

Charles Thuaire

Senior Planning Officer  
Planning Solutions Team

It is important to us to find out what our customers think about the service we provide. To help, we would be very grateful if you could take a few moments to complete our [pre application enquiry survey](#). We will use the information you give us to monitor and improve our services.