

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING STATEMENT

'Demolition of existing garage block and replacement with a part two, part one storey 3 bed dwelling (Class C3), recladding and extension of existing garage block, provision of refuse and cycle storage, and associated landscaping and alterations.'

On Behalf of Holly Walk Developments Ltd

LAND TO REAR OF 16 FROGNAL GARDENS, LONDON NW3 6UX



RTPI

mediation of space · making of place

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1 OVERVIEW

- 1.1 This Planning Statement has been prepared on behalf of Holly Walk Developments Ltd ("the applicant"), to support an application for planning permission. Planning permission is sought on the following development:

'Demolition of existing garage block and replacement with a part two, part one storey 3 bed dwelling (Class C3), recladding and extension of retained garage block, provision of refuse and cycle storage, and associated landscaping and alterations.'

Application Documents

- 1.2 In addition to this Planning, Design and Access Statement the following documents are submitted in support of this application:

- Application Covering Letter;
- Completed Application Form;
- Completed Community Infrastructure Levy Form;
- Site Location Plan;
- Existing and Proposed Floorplans and Elevations prepared by Peter Bernamont;
- Design and Access Statement including Heritage Statement prepared by Peter Bernamont;
- Daylight and Sunlight Assessment prepared by Herington Consulting Ltd; and,
- Sustainability and Energy Statement prepared by Energy Council.

Format of this Statement

- 1.3 This Statement comprises the following sections:

1. Overview – *provides a brief introduction to the application supported by this Statement;*
2. Site and Surroundings – *briefly describes the application site and its surroundings;*

3. Planning History – *provides details of the planning history relevant to the application;*
4. Proposed Development – *describes the proposals;*
5. Planning Policy Context – *identifies the planning policy framework against which the application should be determined;*
6. Planning Assessment – *sets out the merits of the application proposals and how it complies with relevant planning policy;*
7. Conclusions – *summarises our conclusions in respect of the application.*

2 SITE AND SURROUNDINGS

- 2.1 The application site comprises a collection of 2 garage blocks, comprising 4 garages, to the rear of 16 Frognal Gardens in the London Borough of Camden. 16 Frognal Gardens is a large detached property that has since been split into several residential units. The garages in question, are separately leased to various flats within 16 Frognal Gardens and are mostly used for storage purposes.
- 2.2 None of the buildings on site are statutorily listed, but the Site is within the Hampstead Conservation Area, and is identified as being within 'Sub-Area Five: Frognal' which backs directly onto 'Sub-Area Four', which includes the Graveyard extension alongside Holly Walk and on up past Prospect Place, towards Holly Place and beyond. There are no other site specific planning policy designations.
- 2.3 The Site is also surrounded by a number of listed properties, including:
- Roman Catholic Church of St Mary (List UID: 1379106) – Grade II*;
 - 1-4 Holly Place and Attached Railings (Listed UID: 1379103) – Grade II;
 - 1-9 Benhams Place (List UID: 1244496) – Grade II;
 - 164 Prospect Place (List UID: 1139085) – Grade II;
 - Tomb of George Gilbert Scott Junior (List UID: 1067372) – Grade II;
 - Tomb of Temple Moore (List UID: 1356756) – Grade II;
 - Tomb of Eve Hammersley (List UID: 1067371) – Grade II;
 - Tomb of Sir Walter Besant (List UID: 1356755) – Grade II; and,
 - St Johns Churchyard Extension Gates and Railings (List UID: 1356757) – Grade II.
- 2.4 The surrounding area is residential in character with a variety of detached and terraced properties of varying scales and styles, however, the area immediately to the rear of the Site is characterised by the greenery within the Graveyard extension and rear gardens of properties on Frognal Rise. Although the surrounding area is characterised by greenery, there are no trees within the Site that would be affected by the proposed development.

- 2.5 Vehicular access to the Site is currently provided via Holly Walk to the rear of the Site. The Site is also within a 5 minute walk of Hampstead Underground Station (Northern Line). There are also two bus stops within 400m of the Site which provide access to the Greater London bus network. The Site has a PTAL rating of 3 indicating good accessibility to public transport.

3 RELEVANT PLANNING HISTORY

- 3.1 The planning history for the Site is extensive, however, the majority of planning applications are historic being pre-2000. In any case, the following are considered to be most relevant.

Land to Rear of 16 Frognal Gardens

- Planning permission (ref. PW9702681) was refused on 22.10.1997, for the erection of a new two storey structure, incorporating eight garages and ancillary store room at ground floor, rear extension to ground floor flat in No.16 at ground and first floors, creation of new two bedroom flat at first floor and installation of railings and gates.

16 Frognal Gardens

- Planning permission (ref. 8401230) was granted on 26.09.1984, for the construction of a side extension to provide additional residential accommodation for the existing flat and new internal entrance lobby;
- Planning permission (ref. 37371) was granted on 05.03.1984, for the construction of a gymnasium ancillary to residential flat and new internal entrance lobby, replacing side entrance hall and bedroom;
- Planning permission (ref. 37370) was granted on 05.03.1984, for a first floor extension of ground floor rear flat and glazed link at ground floor level to connect existing flat to existing garage.

Pre-application Discussions

- 3.2 Extensive pre-application discussions with Officer's at LBC have taken place to date, including a pre-application meeting (ref. 2017/4522/PRE)¹, which was held on site on 02.10.2017. This meeting followed an initial request for pre-application advice (ref. 2016/6943/PRE)². Planning Officers provided the following detailed comments:

- The principle of providing housing in this location is accepted;
- Two bedroom dwellings are a high priority in LBC;

¹ Please see **Appendix 1** for a copy of LBC's written pre-application advice dated 16.10.2018 (ref. 2017/4522/PRE)

² Please see **Appendix 2** for a copy of LBC's written pre-application advice dated 08.03.2017 (ref. 2016/6943/PRE)

- Design cues should be taken from the principal building on the Site and its neighbours, including the lower eaves of the host property and adjacent to the north;
- A pedestrian access gate from Holly Walk into the property is acceptable;
- The use of a solid brick base with a more lightweight upper storey that uses timber glazed elements is acceptable; and,
- The proposed boundary wall should be red brick rather than white render.

3.3 However, overall, LBC planning officers concluded in their written advice that:

"The height, bulk and massing remain unacceptable in their current form. Taking into consideration the pattern of development along this side of Holly Walk, the setting of the listed buildings, and the heights of adjacent buildings, a height of one and a half storeys is considered to be the maximum limit."

- 3.4 To address these concerns the revised proposals have utilised a split level design, which is situated with the bulk of the massing away from the Holly Walk Boundary. The newly built boundary wall is now also proposed to be red brick, with the entrances to the proposed dwelling and retained vehicular parking area kept simple to appear as back entrances to the principal building on the Site, i.e. 16 Frogna Gardens.
- 3.5 Overall, it is considered that the revisions accord with the aims and objectives of LBC's previous written advice and Local Plan generally.
- 3.6 Please see the submitted Design and Access and Heritage Statement which explores the design development of the proposals in greater detail.

4 PROPOSED DEVELOPMENT

- 4.1 The proposals seek planning permission for the demolition of one of the existing garage blocks to allow for the erection of a part two, part single storey dwelling, a wall and vehicular gate fronting Holly Walk, landscaping and associated alterations. Full Planning permission is sought for:

‘Demolition of existing garage block and replacement with a part two, part one storey 3 bed dwelling (Class C3), recladding and extension of existing garage block, provision of refuse and cycle storage, and associated landscaping and alterations.’

- 4.2 The proposed development seeks to deliver a high quality 3 bedroom family dwelling that successfully integrates with the host property and conservation area generally.
- 4.3 The proposed dwelling would be split level, with living accommodation provided at both ground and first floor level. Care has been taken to minimise the visual impact of the proposals on Holly Walk, which has resulted in the part two, part single storey design. This ensures that it reads as a dwelling within the garden of 16 Frognal Rise as opposed to a new dwelling to Holly Walk.
- 4.4 The proposed dwelling as a whole has been designed to meet the minimum internal space standards set out in Policy 3.5 of the adopted London Plan. The building would also achieve the design standards for Accessible and Adaptable Dwellings set out in Part M4(1) of the Building Regulations.
- 4.5 There are no trees on site that would be affected by the proposed development. The other garage block to the south of the Site would remain unaffected by the proposals, although this part of the Site would be updated to include some replacement cycle and refuse storage for the flats within 16 Frognal Gardens. Cycle and Refuse storage for the new dwelling would be provided separately within its private courtyard.
- 4.6 A green roof would be incorporated on top of the proposed building, to aid in the management of on-site drainage and surface water run-off, in addition to a 0.75kWp photovoltaic (“PV”) panel oriented to maximise solar gains.

5 PLANNING POLICY

- 5.1 The development proposals take account of relevant national, regional and local planning policy. This section of the Planning Statement set out the relevant adopted and emerging planning policy framework, against which the proposals are assessed in Section 6 of this Planning Statement.

Adopted Planning Policy Framework

- 5.2 In accordance with Section 38(6) of the Planning and Compulsory Act (2004), planning applications should be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.
- 5.3 The relevant adopted development plan documents for the site comprises of the:
- London Plan consolidated with alterations (2016)(the 'London Plan'); and,
 - LBC's Local Plan (LP)(2017).
- 5.4 In considering the development proposals, other relevant documents which will form material considerations in the determination of the planning application include the National Planning Policy Framework (NPPF)(2012), and the National Planning Policy Guidance (NPPG)(2014 as updated).
- 5.5 There are also a number of Supplementary Planning Guidance/ Documents published by the GLA and LBC which provide guidance on standards for development proposals. These documents are referred to throughout this Statement where relevant, including (but not limited to):
- LBC's Hampstead Conservation Area Statement (2010);
 - LBC's Local List (2015);
 - CPG1 Design (as updated 2018);
 - CPG2 Housing (as updated 2018);
 - CPG3 Sustainability (as updated 2018);
 - CPG6 Amenity (2018); and,
 - CPG8 Planning Obligations (as updated 2018).

6 MATERIAL CONSIDERATIONS

6.1 This section assesses the application proposals in the context of the planning policy framework identified above. The Principal matters that are considered to be relevant to this application are set out in the following sub-sections:

- Principle of Development;
- Layout, Design and Appearance;
- Heritage Impacts;
- Residential Amenity;
- Parking and Refuse Storage;
- Sustainability and Energy;
- Landscaping and Trees; and,
- Planning Obligations and CIL

Principle of Development

- 6.2 The NPPF established a 'presumption in favour of sustainable development' that requires LPAs to approve planning applications which accord with the development plan without delay (para.14) and states that planning should do all it can to support and encourage sustainable economic growth (para.19).
- 6.3 Paragraph 111 of the NPPF further states that decisions should "*...encourage the effective use of land by re-using land that has been previously developed ("brownfield land"), provided it is not of high environmental value*". The Site has been previously developed and is not covered by any planning policy designations intended to protect land of environmental value in LBC. In addition, LP Policy G1 states "*development will take place throughout the Borough with the most significant growth expected to be delivered through... Development at other highly accessible locations*".
- 6.4 The Site is not within a designated Growth Area. However, the Site has a PTAL rating of 3 (Good) and is within a 5 minute walk of Hampstead High Street and Underground Station. Furthermore, the Site is located in a predominantly residential area, where further residential development would be appropriate. The location of the proposed development is therefore in accordance with the NPPF and Policy G1.

Principle of Residential Use

- 6.5 LP Policy H1 states LBC will maximize the supply of housing and exceed a target of 16,800 additional homes from 2016/17-2030/31, including 11,130 self-contained homes. To achieve this, LBC will regard self-contained housing as the priority land use of the Local Plan.
- 6.6 The proposals seek to replace the existing garages to provide a new 3 bedroom dwelling set over two storeys. The Site is already within residential use, no change of use is proposed, and the provision of one additional dwelling will not result in an unacceptable intensification of residential use.
- 6.7 The principle of providing housing in this location has already been established during pre-application discussions with Officer's at LBC. A 3 bedroom unit is now proposed, however, this is still a dwelling size regarded as high priority under LP Policy H7.
- 6.8 The proposals are therefore considered to accord with the aims and objectives of Local Plan Policies H1, H3 and H7.

Layout, Design and Appearance

- 6.9 The final design of the proposed development has been carefully considered with regard to the local context and in accordance with planning policy.

Design Approach

- 6.10 LP Policy D1 requires development to respect local context and character, utilise high quality detailing and materials and integrate well with the surrounding streets. It also states the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.11 The Site currently comprises two flat roofed garage blocks with access provided from Holly Walk to the rear. They are not considered to have any architectural merit and are incongruous within the historic context of the Site. The proposed development seeks to replace one of these garages with a more "modern" building that better relates to its surroundings. The form of the new building has been designed to adapt to the local context, reducing its visual and physical impacts on neighbouring properties whilst enhancing the character and appearance of the streetscene. The proposals will also remodel the other garage block so it reads as an integral part of the development.

- 6.12 The design approach has been informed by the desire to create an innovative and contemporary addition to the Hampstead Conservation Area that positively contributes to the character of the area. The scale and siting of the new dwelling is such that it would nestle in amongst the greenery and mature trees that surround the Site.
- 6.13 The overall approach to the design was broadly supported by Officers during pre-application discussions, and it is considered that the subsequent revisions to the massing of the proposals, including the split-level design has addressed any outstanding concerns.

Local Context and Character

- 6.14 The proposed development will be two storeys in height, however, a split level design is now proposed to minimise the perceived bulk of the proposals, particularly in views from Holly Walk. The development will also be flat roofed to further reduce the height and bulk of the proposals. The building footprint is slightly larger than the garage block it replaces, but the use of green roofs and the split level design will help to break up the massing of the proposals.
- 6.15 The proposed dwelling is in-scale with surrounding development and would appear as a subservient addition to the rear of 16 Frognal Gardens. Whilst the development would front Holly Walk, its design is such that it would appear as a modern 'mews' type development within the rear garden of 16 Frognal Gardens.
- 6.16 The siting of the propose dwelling would remain the same as the garage block to which it replaces, preserving the established grain of development. All rooms would meet the internal space standards set out in Policy 3.5 of the London Plan, and the internal layouts have been designed to meet Building Regulations Part M4(1).
- 6.17 Due to the setback to the rear of 16 Frognal Gardens, the visual impact of the proposals on Frognal Gardens would be minimal. However, as access is proposed from Holly Walk which abuts the rear boundary of the Site, careful consideration has been taken to ensure the proposals present a high quality frontage to this street. As part of this, the retained garage block would be remodeled to read as an integral part of the development. A wall would also be erected along the entire Holly Walk frontage, with gates to provide vehicular and pedestrian access. This coherent approach will ensure that the proposals contribute positively to the character and appearance of the streetscene.
- 6.18 Overall, the proposed extension has been designed to maximise the internal space available to occupiers, whilst minimising the visual impact and perceived bulk of the development. The relationship between the proposed dwelling and the historic buildings

on Holly Walk has been carefully considered, and the design of the proposals reflects this. For these reasons it is considered that the design of the proposals has appropriately considered the local context and character and represents the highest standard of design as required by LP Policy D1.

Materials

- 6.19 The supporting text of LP Policy D1 requires new development to convey a quality of design to create an attractive and interesting building. Schemes should also incorporate materials of a high quality.
- 6.20 The materials to be used in the construction of the proposed extension include: red brick, timber, PPC metal windows and painted metal detailing. These have been chosen for their high quality in order to complement the materials and architectural detailing of neighbouring buildings, whilst maintaining a visual contrast between the “old” and “new”. The use of these materials was welcomed by Officer’s during pre-application discussions.
- 6.21 It is therefore considered that the choice of materials would make a positive contribution to the character and appearance of the Conservation Area, and help to create an attractive and interesting building, in compliance with LP Policy D1.
- 6.22 Further details regarding the design of the proposed development can be found within the accompanying Design and Access and Heritage Statement.

Heritage Impact

- 6.23 The Site lies within the Hampstead Conservation Area and is adjacent to several statutorily listed buildings as set out within Section 2 of this Statement.

Hampstead Conservation Area

- 6.24 LP Policy D2 requires development within conservation areas to preserve and enhance the character and appearance of the area. It also states LBC will resist the total demolition or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area.
- 6.25 The proposed development has been designed to complement the historic context of the Site. Compared to the existing garage blocks (which have no special architectural or historic interest), the proposed development would deliver a high quality dwelling that would provide an excellent example of the natural evolution of architectural design in the

area during the 20th Century, enhancing the overall character and appearance of the Conservation Area.

- 6.26 The proposed development will include the demolition of one of the existing garage blocks, and the remodeling of the other to ensure the development reads as one in views from Holly Walk. The existing garages and poor quality and of low architectural quality. The demolition/ remodeling of these unlisted buildings should therefore be acceptable in principle.

Statutorily/ Locally Listed Buildings

- 6.27 LP Policy D2 further states LBC will resist development that would cause harm to the significance of a listed building through an effect on its setting.
- 6.28 The proposed development does not include the demolition or alteration of a listed building.
- 6.29 The proposed dwelling would not cause harm to the special architectural and historic interest of neighbouring, as it would occupy an area of previously developed land currently occupied by garage blocks of little architectural merit. The new dwelling has been designed to reflect the grander scale of 16 Frognal Gardens, whilst also ensuring that the proposals are subordinate to the historic buildings on Holly Walk.
- 6.30 This has included the use of a split level design to shift the bulk of the proposals away from Holly Walk, thus emphasising the dominance of the listed properties. The reduced scale of the proposals as viewed from Holly Walk allows the proposals to read as a development to the rear of 16 Frognal Gardens, whilst the remodeling of the retained garage block and erection of a red brick wall ensures the proposals read as a single coherent development.
- 6.31 The proposed development has been designed to minimise its perceived bulk in views from Holly Walk, this ensures that long views of the listed buildings (specifically those on Prospect/ Benham Place) are unaffected by the proposals. Instead, the replacement of the poor quality garages and boundary wall, will significantly enhance the character and appearance of the Site, and area generally, including the setting of these buildings.
- 6.32 As regards to the listed structures within the Grave Yard extension, given the nature of the proposals it is not considered that they will have any adverse impact on the setting of these listed structures.

- 6.33 For these reasons it is considered the proposals preserve and enhance the setting of adjacent listed buildings, in accordance with the aims and objectives of LP Policy D2.

Residential Amenity

- 6.34 Local Plan Policy A1 requires new development to protect the quality of life of occupiers and neighbours, and states LBC will resist development that fails to adequately assess and address transport impacts, visual privacy, outlook, daylight and sunlight etc.
- 6.35 No trees would be removed as a result of the proposed development, which ensures that a large amount of screening is maintained between the Site and neighbouring properties. In addition, all the ground and first floor rooms face towards Holly Walk in order to improve privacy and minimise any perceived overlooking impact.
- 6.36 The development is proposed to have a flat roof and is split level to reduce the height of the proposals closest to 16 Frognaal Gardens. This will ensure the proposals will not have an undue impact in terms of sense of enclosure on neighbouring properties.
- 6.37 The submitted Daylight and Sunlight Assessment also confirms that the proposals will not have an adverse impact on the daylight and sunlight conditions of neighbouring properties. It also confirms that the proposed dwelling will provide sufficient daylight and sunlight conditions for future occupiers.
- 6.38 Given the planning history and previous use of the Site, we considered there to be a low risk of soil or groundwater contamination being found on the Site. Furthermore, a Ground Investigation Survey has not been identified by LBC Planning Officers as a required document for validation of this application. There would be no unacceptable impacts in terms of contaminated land as a result of the Proposed Development, in compliance with detailed criteria (m) above.
- 6.39 The potential transport impacts are discussed in greater detail in the following section.
- 6.40 Overall, the proposals would not cause any unacceptable harm to amenity as set out in detailed criteria (e) to (n) above, and therefore complies with LP Policy A1.

Parking and Refuse Storage

- 6.41 The NPPF seeks to promote sustainable transport. In doing so, it seeks to ensure that developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (Paragraph 34).

- 6.42 Local Plan Policy T2 states LBC will limit the availability of parking and require all new developments in the borough to be car-free. To secure this, LBC will not issue on-street parking permits in connection with new developments and will use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.
- 6.43 In this case it is proposed that the proposed dwelling is car free, and the applicant is willing to secure this by way of a legal agreement. It is not therefore considered that the development will have any adverse impact on the availability of parking or free flow of traffic within the area.
- 6.44 The proposals would result in the loss of three of the existing garages which currently serve 16 Frognaal Gardens. However, these garages are currently used for storage, and in any event, all of the units within this property have access to car parking permits, and so it is not considered the loss of the existing garages will have any adverse impact on the availability of parking within the area.
- 6.45 As regards to cycle parking, 2no. secure and sheltered cycle parking spaces are proposed to be provided within the courtyard of the proposed dwelling in accordance with the standards set out within Table 6.2 of the London Plan.
- 6.46 It is not therefore considered that the proposals will have any additional adverse impact in transport terms as a result of the proposed subdivision, and the proposals accord with Local Plan Policy T2.

Refuse Storage

- 6.47 In accordance with CPG1, the proposed development includes internal storage in the kitchen for recycling and refuse. An external bin store is provided near the entrance gate, to accommodate a single free-standing wheelie bin (140l), kitchen waste caddy, seasonal storage of garden waste, and a free-standing receptacle for storing refuse.

Sustainability and Energy

- 6.48 LP Policy CC1 requires all development to minimise the effects of climate change and encourages new developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. In accordance with Paragraph 8.8 of the Local Plan, all new residential development will also be required to demonstrate a 19% CO₂ reduction below Part L 2013 Building Regulations.

- 6.49 The accompanying Sustainability & Energy Statement demonstrates that the Proposed Development would achieve a 19% reduction below Part L 2013, significantly exceeding the minimum requirements. This target would be attained by incorporating the following measures to proposed dwelling:
- Using building fabric with good thermal performance, double glazing, and high air tightness;
 - Utilising low-energy building services systems, including: lighting and a high efficiency condensing boiler to heat the building; and,
 - Providing a 0.75kWp ("kilowatt-peak") PV system at roof level, orientated to maximise power generation throughout the year.
- 6.50 LP Policy CC2 further states that all development should not increase and wherever possible reduce, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems ("SuDs"); and incorporate measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.
- 6.51 The proposed development would marginally increase the footprint of the building as compared to garage block it replaces; however, the proposed dwelling would have a flat green roof and would introduce some soft landscaping to an area of the Site that is currently paved or built upon. The green roof should help to minimise surface water run off on the Site, improving site drainage generally.
- 6.52 LP Policy CC3 requires developments to incorporate water efficiency measures.
- 6.53 The proposed development would incorporate measures to reduce the demand for potable water to 110 litres per person per day. This would be achieved by harvesting rainwater, specifying water-efficient appliances, and installing a pulsed water meter.
- 6.54 For these reasons the proposed development complies with the requirements of LP Policies CC1, CC2 and CC3 and should not be refused on these grounds. Further details of the sustainability and energy-saving measures to be incorporated in to the proposal can be found in the accompanying Sustainability and Energy Statement.

Landscape and Trees

- 6.55 LP Policy A3 seeks to protect and to secure additional trees and vegetation throughout the Borough.

- 6.56 The proposed development does not include the removal of any trees. Given the Site's "backland" location, and the proximity of neighbouring properties, the incorporation of additional trees and vegetation has the potential to negatively impact the amenity of neighbouring occupiers in terms of potential overshadowing, blocking of views, and root damage. We therefore consider the planting of additional trees to be inappropriate in this location.
- 6.57 The proposals are in accordance with LP Policy A3 and should therefore not be refused on the basis of its impact on nearby trees and vegetation.

Planning Obligations

Affordable Housing

- 6.58 LP Policy H4 states LBC will seek to maximise the supply of affordable housing and will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sq.m GIA or more.
- 6.59 For developments of less than 10 units, LBC will still expect a contribution, calculated as a sliding target as a percentage of floor area starting at 2% for one home (measured as 100sq.m GIA).
- 6.60 The size of the development is such that it is not practicable to provide affordable housing on site. A payment in lieu will therefore be sought. However, in this case the proposed dwelling will replace one block of garages that serve 16 Frognal Gardens. It is therefore proposed that the affordable housing contribution is calculated on the basis of the net additional floorspace provided on site.
- 6.61 Based upon the guidance contained within CPG 8, this payment is calculated as follows:

Floorspace of proposed dwelling	= 151sq.m (GEA)
Floorspace of garage block to be demolished	= 46sq.m (GEA)
Net additional residential floorspace	= 105sq.m (GEA)
Site Capacity (100sq.m GEA per dwelling)	= 2 dwellings
Percentage target for on-site affordable housing	= 4% (2% per dwelling)
Floorspace target for on-site affordable housing	= 105 x 0.04

= 4.2sq.m (GEA)

Payment in lieu of affordable housing = 4.2 x £2,650

= **£11,130**

Community Infrastructure Levy

6.62 The Community Infrastructure Levy (CIL) Regulations 2010 provide that it is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development; and,
- c. Fairly and reasonably related.

6.63 The existing GIA of the garages is 43sq.m. The proposed GIA of the new dwelling is 120sq.m. As a new dwelling is proposed, the development is liable to pay CIL for the total net additional floorspace (77sq.m).

6.64 Further details can be found in the CIL Additional Information Form submitted with this application.

7 CONCLUSION

- 7.1 The proposed development seeks to replace one of the existing garage blocks to deliver a new three bedroom dwelling to the rear of 16 Frognal Gardens.
- 7.2 The demolition of the unlisted garage structure (which has no architectural or historic interest) is considered to be acceptable in principle, and the Site is in a highly accessible and sustainable location suitable for residential development.
- 7.3 The design of the proposed dwelling is of the highest quality and has been heavily informed by the local character and appearance of the area. The design sensitively responds to the context of the surrounding Conservation Area through careful analysis of the site constraints to determine ways of providing privacy for the occupants of the proposed dwelling and its neighbours. This analysis has taken into account the long views to and from the Site, sunlight and daylight impacts and security. The design response to these factors has been to orientate the dwelling towards Holly Walk, whilst utilising a split level design to minimise its perceived bulk.
- 7.4 The proposed dwelling would make a positive contribution to the character and appearance of the Hampstead Conservation Area. The demolition of a low value garage block, and the remodelling of that which is retained, would not have an adverse impact on the setting of nearby statutorily or locally listed buildings.
- 7.5 No trees are proposed to be felled to facilitate the construction of the proposed development. The total area of soft landscaping on the Site would increase as a result of the proposals.
- 7.6 Overall, the proposed design is of outstanding architectural merit, allows for improvements to be made in terms of accessibility, sustainability, and landscaping, and would make a positive contribution to the character and appearance of the area in a way that complements the historic context of the Site.
- 7.7 The supporting technical assessments demonstrate that the Site is free from technical constraints that cannot otherwise be mitigated. The proposed development is therefore deliverable.
- 7.8 The proposed development accords with the relevant national, regional and local planning policies. It is on these grounds that we respectfully request that full planning permission be granted.

Appendix One

Pre-application Advice (ref. 2017/4522/PRE)



Date: 16/10/2017
Our ref: 2017/4522/PRE
Contact: Kristina Smith
Direct line: 020 7974 4986
Email: Kristina.smith@camden.gov.uk

Planning Solutions Team
Planning and Regeneration
 Culture & Environment
 Directorate
 London Borough of Camden
 2nd Floor
 5 Pancras Square
 London
 N1C 4AG

By email

www.camden.gov.uk/planning

Dear Peter Bernamont,

Re: Town House, 16 Frognal Gardens, NW3 6UX

Thank you for submitting a follow up pre-planning application enquiry for the above property which was received on 07/08/2017 together with the required fee of £1,461.60. A site visit was carried out on Monday 2nd October with the case officer and conservation officer.

This is a follow up to a previous pre-application enquiry and so the following advice note should be read in conjunction with the former advice report. Since the previous submission, the LDF has been superseded by the Camden Local Plan 2017 and so areas where policy has changed shall be flagged. The primary focus of this advice shall be on design and conservation considerations.

1. Proposal

The proposal comprises the following:

- Erection of three storey single dwelling house following demolition of garage block
- Hard and soft landscaping works

2. Site description

The application site lies to the rear of 16 Frognal Gardens and is located within the Hampstead Conservation Area, and in particular Sub-Area Five (Frognal) as identified within the Hampstead Conservation Area Statement (HCAS, adopted October 2001). It is located to the rear of 16 Frognal Gardens and directly faces Sub-Area Four (Church Row / Hampstead Grove) and the Graveyard Extension running up the hill from St John's Church along Holly Walk.

The site is also located adjacent to a Site of Nature Conservation of Borough Importance (CaBI08 Hampstead Parish Churchyard) which is to the east on the opposite side of Holly Walk.

3. Relevant planning history

The key relevant planning history is as follows:

- **8590/1149** – Conversion of 16, Frognal Gardens, N.W.3. into eight flats and nine garages consisting of one four room flat in basement, one two and one four room flat

on ground floor, similarly on first floor, one two and one three room flat on second floor and one three room flat on third floor. – Granted 12th December 1963.

- **TPD1571/1504** – Conversion of 16, Frognaal Gardens, N.W.3 into five self-contained flats, one per floor and erection of eight garages at rear with access to Holly Walk and one garage at side. – Granted – 2nd July 1964.

4. Relevant policies and guidance

National Planning Policy Framework 2012

The London Plan March 2016

The Camden Local Plan 2017

Since the previous pre-application enquiry, the Camden Local Plan 2017 has been adopted and fully supersedes the LDF. The policies relevant to the proposals are:

H1 – Maximising housing supply;
H6 – Housing choice and mix;
H7 – Large and small homes;

A1 – Managing the impact of development;
A3 – Protection, enhancement and management of biodiversity;
A5 – Basements and Lightwells;

D1 – Design;
D2 – Heritage;

CC1 – Climate change mitigation;
CC3 – Water and flooding;
CC4 – Air quality;
CC5 – Waste;

T1 – Prioritising walking, cycling and public transport;
T2 – Car-free development and limiting the availability of parking.

5. Assessment

The planning considerations material to the determination of this application are as follows:

- Principle of Land Use;
- Design and Conservation;
- Transport;
- Sustainability;
- Amenity; and
- CIL.

As outlined at the beginning of the report, this advice request follows directly on from another pre-application advice request in relation to a similar proposal. Much of the assessment for this previous scheme remains the same for the amended scheme and as such further comment will only be made where the previous advice has altered as a result of the new

scheme/policy changes. This report should therefore be read in conjunction with the previous report.

Principle of Land Use

The principle of providing housing in this location has already been established under the previous pre-application. The unit size proposed remains a 2-bed unit, which is a dwelling size regarded as high priority under Policy H7.

Design and Conservation

The latest pre-application enquiry seeks to reduce the footprint but retain the height, and move the massing away from the host building to create a perpendicular elevation that directly abuts Holly Walk narrow end on. The justification provided for this form is the similar form of the listed buildings on the opposite side of Holly Walk. Officers would argue, however, that Prospect Place and Benham's Place are unique exemplars of an important Georgian phase of development in Hampstead Village. Whereas borrowing their rectilinear form and unarticulated eaves promises a positive contextual response, the listed buildings are – in their scale, massing, and presentation of flank walls hard on the streetside – anomalous to the more established townscape of Holly Place and the surrounds of the cemetery, and need to retain dominance in the streetscape to preserve their setting. It would therefore be particularly inappropriate to mirror this scale, massing and arrangement for a new infill house, sited in a garden plot.

Furthermore, the combination of the shift in massing to this side of the site and the part two and a half/ part three storey height above ground would have an overbearing impact on Holly Walk and a detrimental effect on the setting of the listed buildings on Prospect Place and Benham's Place. The proposed height and massing would be incongruous and excessive in unfolding views as one travels up the hill, wherein the two Places, the spacious rear gardens and large houses of Frognal Gardens, and then the smaller, tighter grain of buildings on Holly Place are read in sequence. The building as proposed would be an obstruction to this arrangement.

Rather than using the height of the listed buildings opposite as prompts, it is recommended that cues are taken from the principal building on the site and its neighbours, including the lower eaves of the host property and the property adjacent to the north, and the existing two storey side/rear extensions to these properties. Bearing this in mind, officers consider that one and a half storeys above ground level is the maximum height that the site can accommodate. Additional excavation may be required to achieve the desired internal headroom. (Please refer to the section on basement excavation in the previous pre-application for information on Basement Impact Assessment and audit). The massing should be moved away from the front boundary line and towards the host property so the building is understood as a secondary development in the rear garden of 16 Frognal Gardens rather than a property in its own right that addresses Holly Walk. A pedestrian access gate from Holly Walk into the property is thought to be acceptable but this should be a visually quiet entrance if the property is to appear as rear garden development.

In terms of materiality, officers support the approach of a more solid brick base with a more lightweight upper storey that uses timber and glazed elements to soften the bulk. If carried out well, the use of a high-quality timber would complement the unique green character along Holly Walk and be sensitive to the garden context. More information on materials, including manufacturer's specification, would be welcomed at planning application stage.

Rather than the suggested white render, it is recommended that the treatment of the boundary wall is informed by the surrounding properties such as the red brick of the host property and other properties to the south of the site. To be consistent with the character of Holly Walk and Place, white facing materials would be best kept north of the threshold between the two; while, red-brick boundary treatments are an important characteristic common to several centuries of development in Hampstead.

The Council would welcome the reinstatement of a green character to the rear garden of 16 Frognaal Gardens, right up to the Holly Walk boundary, which would improve the streetscene and conservation area, offer sustainability and biodiversity benefits; and allow the building to be better understood as rear garden development. Any proposal should therefore be considered alongside a coherent hard and soft landscaping strategy.

Standard of residential accommodation

The proposed floorspace for the 2-bed dwelling over three storeys would be approximately 117sqm which is in excess of what is required for a 3b6p and even for a 4b6p. The submitted information maintains that at least a 2-bed unit is required from the site. Given the floorspace in excess of requirements, it is likely that a 2-bed unit could still be provided at reduced height.

The proposed development would provide a high standard of amenity with aspect in all four directions and a good amount of daylight and sunlight. The dwelling would also comprise an area of private amenity space.

Affordable Housing

It should be noted that since the adoption of the Local Plan (July 2017), the Council's requirements in terms of contributions toward affordable housing have been updated. Policy H4 (d) (Maximising the supply of affordable housing) of the Local Plan includes new stipulations regarding requirements for affordable housing contributions of schemes providing a capacity for less than 10 units (or 1000sqm).

Where this is the case the Council will still expect a contribution, calculated as a sliding target as a percentage of floor area starting at 2% for one home (measured as 100sqm GIA C3 floorspace) and increasing by 2% for each additional 100sqm of additional GIA (C3) added to capacity. For example, where a development would contribute an additional 500sqm of residential floorspace, 10% of this area ($2\% \times 5$) / 50sqm would be expected to be provided as affordable. Where it is demonstrated that onsite provision is not appropriate, in accordance with this policy the Council will accept a payment-in-lieu of affordable housing.

Given the proposed development would only create one additional unit, in this instance a payment-in-lieu of affordable housing is considered appropriate. The relevant quote for a payment-in-lieu would be calculated by multiplying the expected affordable housing contribution (in GEA) by the adopted multiplier. The adopted multiplier outlined in figure 1 of CPG8 (Planning Obligations) is currently set at £2,650 per sqm for market residential schemes. Further guidance in terms of this requirement is outlined within Chapter 2 of CPG 2 (Housing) and Chapter 6 of CPG 8 (Planning Obligations).

It should be noted that the Council is looking to update the adopted CPGs to better align with the newly adopted Local Plan, with a revised and increased multiplier rate going to public consultation in the coming months. The updated guidance documents are likely to be adopted in the Spring/Summer of 2018.

Transport and Parking considerations

- Cycle Parking

The revised plans now propose 4 cycle spaces in the private courtyard at ground floor level. To fully comply with policy T1, the cycle spaces should be enclosed. This may already be the case but it is not certain from the submitted information.

- Car-parking

As per the previous pre-application advice, Policy T1 requires new units in such locations to be 'car free'. This would be secured by way of a Section 106 legal agreement.

The car parking spaces in the existing garages belong to leaseholders of 16 Frognal Gardens. In the event of the garage being demolished to make way for the new unit, these car parking spaces would still remain on site given the occupier would remain the same. It is recommended that a swept path analysis is provided with the application to demonstrate that the proposed number of vehicles can comfortably be parked on site and therefore would not add to parking pressures on Frognal Gardens.

- Construction Management Plan

Please refer to previous advice but please note that the implementation support contribution has increase from £1,140 to £3,136 for small-scale development.

- Highways Contribution

Please refer to previous advice.

Sustainability

The substantive requirements previously outlined by policy DP22 have been carried over within the adopted Local Plan. Policy CC1 states that the Council will require development to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. All minor residential developments (over 1+ unit) are expected to submit a sustainability statement - the detail of which to be commensurate with the scale of the development showing how the development will:

- Implement the sustainable design principles as noted in policy CC1
- Demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use).

Further information regarding the Council's requirements regarding Climate Change mitigation measures are outlined within CPG3 (Sustainability). Guidance relating to the design of living walls and roofs will be issued alongside these notes.

Amenity of surrounding occupiers

The massing of the proposal has been moved away from the rear of 16 Frognal Gardens and towards Holly Walk; however, there may still be an impact on the light received by these windows. Without a daylight/sunlight assessment the impact cannot be fully understood.

For the proposal to be supported in design and conservation terms, a reduction in height is required, which should go some way to addressing daylight concerns. A daylight/sunlight assessment should still be submitted with any application to give officers confidence there would not be an impact.

The new building would be adjacent to a window on the flank elevation of no.18 Holly Walk. Given the height reduction required, and the fact the window is a second window to a bathroom, the impact on outlook is likely to be acceptable.

The positioning of any windows on the rear elevation should be carefully considered to avoid overlooking to the rear windows of 16 Frognal Gardens. If windows are unavoidable for daylight purposes then they should be obscure glazed.

Community Infrastructure Levy (CIL)

You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule the CIL charge is £50 per additional sqm and for Camden CIL the site is within Zone C (£500 per sqm for residential). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index. More information can be found [here](#).

Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

Conclusion

The height, bulk and massing remain unacceptable in their current form. Taking into consideration the pattern of development along this side of Holly Walk, the setting of the listed buildings, and the heights of the adjacent buildings, a height of one and a half storeys is considered to be the maximum limit.

6. Planning application information

Should you choose to submit a planning application which addresses the outstanding issue detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed form – Full Planning Application
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- The appropriate fee
- Planning Statement
- Design and Access Statement

- Heritage Statement (may be included in DAS)
- Daylight and Sunlight Assessment
- CIL Liability Form
- Sustainability Statement
- Basement Impact Assessment (if excavation is proposed)
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. The Council must allow 21 days from the consultation start date for responses to be received. You are strongly advised to contact surrounding occupiers as well as the Hampstead Conservation Area Advisory Committee to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

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 or the attached document please do not hesitate to contact Kristina Smith on **020 7974 4986**

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

Yours sincerely,

Kristina Smith

**Planning Officer
Planning Solutions Team**

Appendix Two

Pre-application Advice (ref. 2016/6943/PRE)



Planning Solutions Team
Planning and Regeneration
 Culture & Environment
 Directorate
 London Borough of Camden
 2nd Floor
 5 Pancras Square
 London
 N1C 4AG

Date: 08/03/2017
Our ref: 2016/6943/PRE
Contact: Ian Gracie
Direct line: 020 7974 2507
Email: ian.gracie@camden.gov.uk

Peter Bernamont – Architect
 22 High Street
 Kent
 CT14 7AE

www.camden.gov.uk/planning

Dear Mr. Bernamont,

Re: Construction of new single dwelling house (plus basement) following demolition of existing single storey garages – 16 Frognal Gardens, London, NW3 6UX

Thank you for submitting a pre-planning application enquiry for the above property which was received on 16th December 2016 together with the required fee of £3,600.

1. Drawings and documents

- 1.1 The following documentation was submitted in support of the pre-application request:
- Cover Letter prepared by Peter Bernamont – Architect dated 15 December 2016;
 - Dwg no. FGH/P1-P5; FGH/2A/11; FGH/2A/12; FGH/OS1 + OS2; FGH/2A/1-10
 - Summary notes dated December 2016.

2. Proposal

- 2.1 Construction of new single dwelling house (plus basement) following demolition of existing single storey garages to the northern section of the site.
- 2.2 The proposed building will comprise a two-storey two-bedroom dwellinghouse with a sunken lower-ground floor level.

3. Site description

- 3.1 The application site lies to the rear of 16 Frognal Gardens and is located within the Hampstead Conservation Area, and in particular Sub-Area Five (Frognal) as identified within the Hampstead Conservation Area Statement (HCAS, adopted October 2001). It is located to the rear of 16 Frognal Gardens and directly faces Sub-Area Four (Church Row / Hampstead Grove) and the Graveyard Extension running up the hill from St John's Church along Holly Walk.

- 3.2 The site is also located adjacent to a Site of Nature Conservation of Borough Importance (CaBI08 Hampstead Parish Churchyard) which is to the east on the opposite side of Holly Walk.

4. Relevant planning history

- 4.1 The key relevant planning history is as follows:

- **18590/1149** – Conversion of 16, Frognal Gardens, N.W.3. into eight flats and nine garages consisting of one four room flat in basement, one two and one four room flat on ground floor, similarly on first floor, one two and one three room flat on second floor and one three room flat on third floor. – **Granted – 12th December 1963.**
- **TPD1571/1504** – Conversion of 16, Frognal Gardens, N.W.3 into five self-contained flats, one per floor and erection of eight garages at rear with access to Holly Walk and one garage at side. – **Granted – 2nd July 1964.**

5. Relevant policies and guidance

- 5.1 The relevant policies that would apply to this proposal are taken from the London Borough of Camden Local Development Framework (Core Strategy and Development Policy documents) as adopted on 8th November 2010, The London Plan 2016 and the NPPF (2012). The following policies will be taken into consideration:

National Planning Policy Framework 2012 London Plan March 2016

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 and encouraging biodiversity;

CS16 – Improving Camden's health and well-being;

DP2 – Making full use of Camden's capacity for housing;

DP5 – Homes of different sizes;

DP16 – The transport implications of development;

DP17 – Walking, cycling and public transport;

DP18 – Parking standards and limiting the availability of car 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.
 DP28 – Noise and vibrations

5.2 The following documents also provide relevant guidance for this proposal:

CPG1 – Design (2015);
 CPG2 – Housing (2015);
 CPG3 – Sustainability (2015);
 CPG4 – Basements and lightwells (2015);
 CPG6 – Amenity (2011);
 CPG7 – Transport (2011)
 CPG8 – Planning Obligations (2015)

Hampstead Conservation Area Statement (October 2001).

Draft Camden Local Plan

5.3 Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council is consulting on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017, policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's Development Plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

5.4 The following policies are considered to be relevant:

H1 – Maximising housing supply;
 H6 – Housing choice and mix;
 H7 – Large and small homes;

A1 – Managing the impact of development;
 A3 – Protection, enhancement and management of biodiversity;
 A5 – Basements and Lightwells;

D1 – Design;
 D2 – Heritage;

CC1 – Climate change mitigation;
 CC3 – Water and flooding;
 CC4 – Air quality;
 CC5 – Waste;

T1 – Prioritising walking, cycling and public transport;
 T2 – Car-free development and limiting the availability of parking.

6. Assessment

6.1 The main issues to consider in the preparation of this application are as follows:

- Principle of land use;
- Heritage and Design;
- Amenity Impacts;
- Sustainability;
- Biodiversity;
- Arboriculture;
- Basement.

Principle of land use

6.2 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposed development of the site for residential purposes is welcomed in accordance with policy DP2. The immediate surrounding area is characterised by large homes of three bedrooms or more.

Design

- 6.3 Holly Walk is strongly defined by the presence of mature landscaping within the rear gardens and high level rear boundary treatments of 2-16 Frognal Gardens, coupled with the more verdant character of the Graveyard Extension, which is part of a Site of Nature Conservation of Borough Importance (CaBI08 Hampstead Parish Churchyard). The application site represents a break in this character, with its open frontage to an area of hard-standing for parking.
- 6.4 The northern end of Holly Walk includes Holly Place, a symmetrical terrace of small, brick and white painted three storey houses (Nos. 1-8) grouped around the Church of St Mary which was built in 1816; the central houses are set back slightly to form a little space in front of the church. Historic lanes are located to the east of the northern section of Holly Walk (Prospect Place (1790s), Benham's Place (1813) and Holly Berry Lane. The flank elevation of properties on these historic lanes directly abut the street frontage, however it is important to note that the orientation of these properties is north-south fronting these small lanes. No.s 16 and 17/18 Holly Walk, late 20th century houses built on the former garden of Moreton House to the north, are located on large plots, extending further to the west than those to the south facing Frognal Gardens. Houses on these plots are generously set back from the street.
- 6.5 As outlined above the site has a complicated and sensitive context. The application site is occupied by an open garage court. The HCAS refers to this as an 'unsightly garage court' (p.35) which 'intrudes on Holly Walk (p.39). To complicate things further, the matching garage range to the south now forms part of no.16A Frognal Gardens, although the planning history is unclear as to when this occurred.

Assessment

- 6.6 The Hampstead Conservation Area Statement (HCAS) includes the following guidelines for new development:

“H11 – Rear gardens and backlands contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife. Development within gardens is likely to be unacceptable.

H21 – New development should be seen as an opportunity to enhance the Conservation Area and should respect the built form and historic context of the area, local views as well as existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.

H22 – Hampstead has a variety of building types, ages and styles. There are striking examples of modern architecture and design, however modern development has not always taken account of the area’s history and its context. Modern architectural design will not be resisted per se, but it should be considerate to its context.”

- 6.7 The existing garage court is identified within the HCAS as a building or feature that detracts from the character of the area and would benefit from enhancement, however it is also stated that ‘*development in the rear gardens of Frognal Gardens can easily harm the qualities of this lane.*’ (p.35).
- 6.8 It is considered that due to the presence of the existing garages there is scope for the redevelopment of the site, as an opportunity to enhance the character and appearance of the Hampstead Conservation Area (in line with policies CS14 / DP25), however it is not considered that it would be possible to exceed the scale and massing of the existing garage range. Therefore the two storey development on this site, as is shown within the pre-application drawings is not considered to be acceptable. Further discussions regarding a smaller development on the site would be welcomed.
- 6.9 A contemporary architectural approach is welcomed, however careful consideration should be given towards proportions and materials that respond to the established context.
- 6.10 It is strongly recommended that any redevelopment should be considered in conjunction with improvements to the external appearance of the south garage range and improvements to the boundary treatment / landscaping. Any development proposals should include provision for repairing the open frontage to the rear of no.16 Frognal Gardens through the inclusion of an area of planting to complement the existing character to the south of and opposite the site. Further to this, it is considered that a redevelopment of the site that included the garages to the south would be a more appropriate approach to this site by of tackling its current negative appearance to the conservation area.

Impact on amenity of neighbours

- 6.11 A daylight/sunlight report will be required in support of this application to demonstrate whether the proposal will reduce the amount of daylight and sunlight that reaches the properties adjacent to the application site. However, in light of the comments above with regards to its design, it may be that the proposed replacement dwelling may be less harmful, or indeed a wholly different scheme, in terms of daylight and sunlight once the application is submitted. In its current form however, a daylight/sunlight report would be required.
- 6.12 The current proposal is considered to be an overbearing building that will create a sense of enclosure to the adjacent residential occupiers by virtue of its close positioning to the rear of 16 Frognal Gardens. It is noted that the applicant has provided a drawing to show the daylight/sunlight impact of the proposal. However this is not considered enough to demonstrate the full impact of the proposal. To that end, it is considered that a full daylight/sunlight report should be submitted in support of the eventual planning application.
- 6.13 Officers note that bedroom 2 at the 'mid-level of the house features a window to the rear. This would provide the opportunity for an unacceptable level of overlooking towards properties to the rear. This should be omitted from the eventual permission or at the very least obscure glazed to remove this possibility. However, in light of the design and conservation issues noted above, it is thought that a re-design would seem more appropriate in this instance.
- 6.14 In terms of the amenity for future occupiers of the proposed dwelling, the proposal is high quality. The proposal will provide considerable amounts of daylight and sunlight whilst also offering good levels of outlook to the front and rear for the occupants.
- 6.15 Accessible housing is now secured by condition and standards now form part of the published London Plan. The proposal should comply with these standards.

Transport

- 6.16 Policy DP18 seeks to ensure that developments provide the minimum necessary car parking provision. The Council will, however, expect development to be car free in areas of high accessibility. Paragraph 5.9 of CPG7 defines highly accessible areas as those that have a PTAL rating of 4 and above. The application site has a Public Transport Accessibility Level (PTAL) of 3. However, emerging policy T2 seeks to ensure that *all* new development is car free. As such, it is considered that by the time this application is submitted and ultimately determined, a Section 106 legal agreement will be required to secure the new residential unit as car free.
- 6.17 With regards to cycle parking, none appears to be proposed as part of this scheme. Table 6.3 of the London Plan requires that two spaces should be provided for units above one bedroom. As such, two cycle parking spaces will be required. The applicant is advised to include a provision for cycle parking should a planning application be eventually submitted.

- 6.18 A Construction Management Plan (CMP) and a highways and streetworks contribution will be required to manage the development's impact on the highway network. The proposal includes significant construction works and has the potential to result in a large number of construction vehicle movements to and from the site, which would have a considerable impact on the local transport network. The overall scale and kind of development is considered to require a full CMP and highways contributions in order to mitigate any adverse impacts of the development works. The CMP, contributions and the car-capped agreement will all be secured through a Section 106 agreement.
- 6.19 In February 2016 Camden's Cabinet agreed to the introduction of a £60/hour charge to support the implementation of Construction Management Plans (CMPs), to be secured as part of Section 106 agreements. It is being introduced in order to help meet the significant costs involved in assessing and enforcing CMPs. The charging approach is consistent with the approach currently being taken for the implementation of Travel Plans as part of Section 106 agreements. An indicative fee of £1,140, as part of the Section 106 agreement, will therefore be required to cover this cost.

Sustainability

- 6.20 The government has removed the Code for Sustainable Homes and streamlined housing standards so that there is no longer local standards, set by Council's, connected with new housing development. As a result, the ability to assess new housing under the Code for Sustainable Homes has been removed. Whilst the Code for Sustainable homes assessment has been removed, the planning application will be assessed using policies DP22 (Promoting sustainable design and construction) and DP23 (Water) and London Plan policy 5.2 which seeks to achieve a 40% reduction in carbon emissions beyond Part L of the Building Regulations.

Biodiversity

- 6.21 Policy CS15 states that the Council will protect and improve sites of nature conservation and biodiversity. As noted above, the application site is located opposite a Site of Nature Conservation of Borough Importance (CaBI08 Hampstead Parish Churchyard). As such, it will be important for the eventual application to consider the impact on this site. A statement will therefore need to be submitted demonstrating the proposals impact on the SNCI. The statement will need to include:
- details about the existing biodiversity interests and protected species found on the development site (including any possible impacts that the new development may have on them); and
 - details of any proposed measures to mitigate or compensate for the possible impacts of the proposed development.

Arboriculture

- 6.22 Policy DP27 (Basements and lightwells) of Camden's Local Development Framework states that the Council will consider whether proposals lead to the loss of open space or trees of townscape or amenity value.
- 6.23 It is noted that there are a number of trees to the rear of the site that could be affected by the proposed development. As such, any planning application would therefore need to be supported an arboricultural report, in accordance BS5837:2012, by a qualified arboricultural consultant. The amenity value of the trees, justification for their removal or pruning and any tree protection details would need to be included.

Principle of basement development

- 6.24 Policy DP27 (Basements and lightwells) states that *"in determining the proposals for basement and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate"*. Further guidance on the processes and recommendations for Basement Impact Assessments is set out within CPG4 (Basements and Lightwells, September 2013) and the associated Camden geological, hydrogeological and hydrological study 2010 (referred to below as the 'Arup report').
- 6.25 As such, any planning application for a basement development on this site would need to include a Basement Impact Assessment (BIA) which has been prepared in accordance with the processes and procedures as set out within CPG4.
- 6.26 This site is subject to a number of underground development constraints including surface flow and slope stability. As a result, the submitted BIA will be independently assessed by a third party to satisfy the Council and neighbouring groups that the development would not lead to any unacceptable impacts on the groundwater flows, land stability and surface flows of the area should the development be granted.
- 6.27 For completeness please ensure that the report details the author's own professional qualifications. Note that CGP4 requires the following qualifications for the different elements of a BIA study or review:

Surface flow and flooding

A Hydrologist or a Civil Engineer specialising in flood risk management and surface water drainage, with either:

- The "CEng" (Chartered Engineer) qualification from the Engineering Council; or a Member of the Institution of Civil Engineers ("MICE"); or
- The "C.WEM" (Chartered Water and Environmental Manager) qualification from the Chartered Institution of Water and Environmental Management.

Subterranean (groundwater) flow

A Hydrogeologist with the “CGeol” (Chartered Geologist) qualification from the Geological Society of London.

Land stability

A Civil Engineer with the “CEng” (Chartered Engineer) qualification from the Engineering Council and specialising in ground engineering; or

A Member of the Institution of Civil Engineers (“MICE”) and a Geotechnical Specialist as defined by the Site Investigation Steering Group with demonstrable evidence that the assessments have been made by them in conjunction with an Engineering Geologist with the “CGeol” (Chartered Geologist) qualification from the Geological Society of London.

- 6.28 Attached with this pre-application letter is Section A of the Basement Impact Assessment Audit. When you eventually submit the planning application, you will need to complete Section B which is also attached. This will allow the BIA to be audited at the earliest opportunity of the application process.

7. CIL

- 7.1 The proposal by its size and land use type will be liable for the London Borough of Camden’s Community Infrastructure Levy (CIL) introduced on the 1st April 2015 to help pay for local infrastructure and the Mayoral CIL which helps fund Crossrail introduced on 1st April 2012. Further details on CIL and how it is charged can be found on our website:

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-builtenvironment/community-infrastructure-levy/>

- 7.2 The Mayoral CIL charge would be £50 per sq.m for residential floorspace. As the development is within Zone C, the Camden CIL charges would be £500 per sq.m. This equals a total of £550 per sq.m for office floorspace when combining the two charges.

8. Conclusion

- 7.1 Officers consider that, in order for a development at this site to be considered acceptable, the development must use the entirety of the plot and therefore consider the redevelopment of the south garages as well. It is considered that a single storey development would be most appropriate in this location both in order to respond to the surrounding environment in design and conservation terms but also in terms of the amenity impacts on the neighbouring occupiers.
- 7.2 A Basement Impact Assessment will need to be submitted in support of any future application to ensure the acceptability of a proposed basement on site. As set out above, the applicant will be required to complete Section B of the Basement Impact Assessment Audit when submitting the application.

- 7.3 Should the applicant be minded to proceed with a proposal of the scale submitted as part of this pre-application request, a Daylight/Sunlight report will be required to demonstrate the impact on the adjacent properties.

9. Planning application information

- 8.1 If you submit a planning application which addresses the outstanding issue detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed and signed planning application forms for Full Planning Permission;
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red;
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed';
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed';
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed';
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed';
- Design and Access Statement including a Heritage Statement;
- Planning Statement;
- Sample photographs/manufacturer details of proposed materials;
- The appropriate fee – £385;
- Basement Impact Assessment – with completed Section B of BIA Audit;
- Daylight/Sunlight Report;
- Arboricultural Report;
- Biodiversity Statement;
- Please see [supporting information for planning applications](#) for more information.

- 8.2 We are legally required to consult on applications with individuals who may be affected by the proposals. We would, put up 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.

- 8.3 This application will be decided under delegated powers. However, if 3 or more objections are received, and/or a local amenity group object, then the application will be referred to Member's Briefing which is held every Monday.

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 or the attached document please do not hesitate to contact Ian Gracie (0207 974 2507)

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

Yours sincerely,

Ian Gracie

Planning Officer
Planning Solutions Team