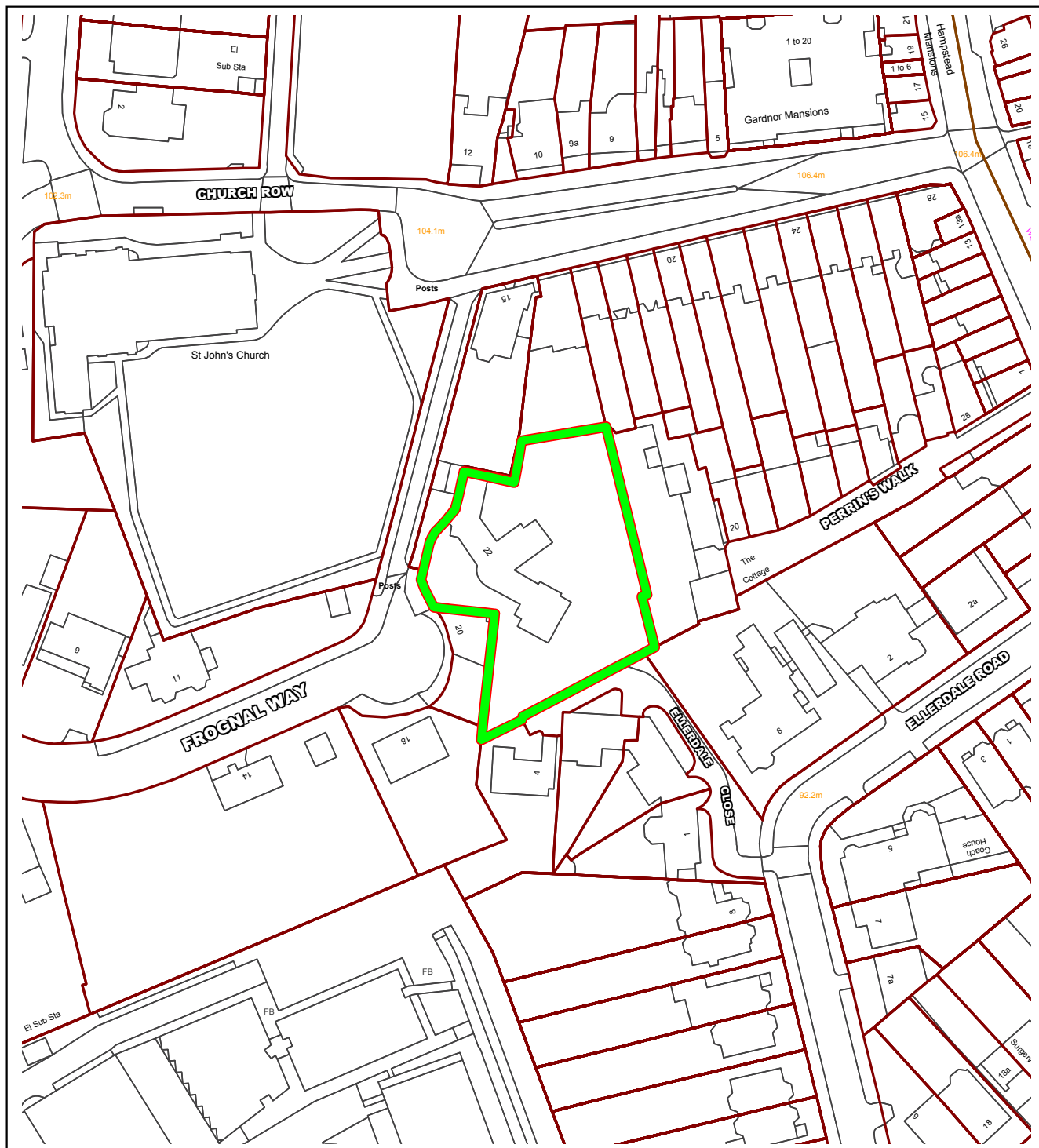
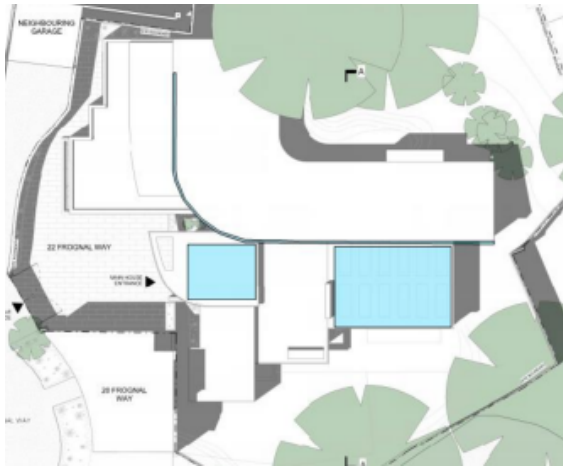


2019/0564/P – 22 Frognal Way, NW3 6XE



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2019/0564/P – 22 Frognal Way, NW3 6XE



1) Previously approved PV panel locations (shaded in blue)



2) Previously approved green and flat roof areas



3) Proposed PV panel locations (on flat roof areas, not green roof); vents/chimneys/terminals also shown



Note 1: Proposed additional PV panels; Note 2: Previously approved PV panels (ref: 2015/3530/P); Note 3: Proposed timber clad vent enclosure; Note 4: Proposed vent; Note 5: Proposed chimney.

4) Proposed south elevation showing PV panels, vents/chimneys/terminals

Delegated Report		Analysis sheet	Expiry Date:	09/04/2019
(Members Briefing)		N/A	Consultation Expiry Date:	N/A
Officer			Application Number(s)	
Ben Farrant			2019/0564/P	
Application Address			Drawing Numbers	
22 Frognal Way London NW3 6XE			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<p>Installation of additional solar panels to flat roof areas; installation of 2 x chimney termination flues, and 2 x vent terminals at roof level as an amendment to 'Demolition of existing dwelling house at 22 Frognal Way redevelopment to provide a single detached family dwelling house and all other necessary works' ref: APP/X5210/W/16/3150327 dated 09/03/2017 following refusal of planning permission ref: 2015/3530/P dated 18/03/2016.</p>				
Recommendation(s):		Grant Consent		
Application Type:		Non Material Amendment		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	0	No. of objections	0
Summary of consultation responses:	As the application is for a Non Material Amendment (NMA), no statutory third party consultation process is required. No comments were received.			
Belsize Conservation Area Advisory Committee (CAAC)	<p>The Church Row Residents Association objected on the following grounds:</p> <p>“Planning Application 2019/0564/P seeks to vary the approvals by installing 67 solar panels, and various flues. The application states that the reasons behind the amendment are set out in the covering letter, but no reasons or justification are provided in the covering letter.</p> <p>As noted above any amendment should consider its impact on the Conservation Area and the listed buildings around it. The above map indicates the solar panels will be visible from listed 6 Ellerdale Close and from St Johns Church, both of which are higher than 22 Frognal Way, but it will also be visible from other locations such as Victorian Cottage at the bottom of Perrin’s Walk (also elevated and noted as making a positive contribution to the Conservation Area).</p> <p>Permission should not be granted.”</p> <p>Officer Response:</p> <ul style="list-style-type: none"><i>The description has been changed since these original comments, whilst exact numbers of photovoltaic (PV) panels were not specified within the original application, sections of the roof allocated to PV panels were shown on the approved plans. It is anticipated that the area previously approved could accommodate 34 PV panels, with a further 33 proposed on the flat roof areas.</i><i>Whilst the PV panels may be visible from other properties/areas, they are considered to be discreet and would be viewed within the context of the previously approved PV panels. They would not raise any design or heritage concerns. See section 3 for full assessment.</i>			

Site Description

The site is located on the eastern side of Frognal Way, within the Hampstead Conservation Area. The existing building (single storey detached dwellinghouse with basement) has been demolished and the site has been cleared following appeal ref: APP/X5210/W/16/3150327 dated 09/03/2017.

The site is prominent in views from private areas and the public realm. Frognal Way is characterised by low density development of single family dwelling houses, mature vegetation, an informal street layout and a wide un-adopted road, all of which, contribute to the semi-rural quality of the local area. The grain of development is distinct from other areas of Hampstead.

A number of listed buildings exist within the surrounding area, notably the terraces on the southern side of Church Row (mix of Grade II and Grade II* listed) to the north of the application site, St John's Church (Grade I listed) to the north-west, no.9 Frognal Way (Grade II* listed) to the west, and no.6 Ellerdale Road (Grade I listed) to the south-west of the site.

Relevant Planning History

2015/3530/P - Demolition of existing dwelling house at 22 Frognal Way redevelopment to provide a single detached family dwelling house and all other necessary works – **Refused 18/03/2016 – Allowed at Appeal Ref: APP/X5210/W/16/3150327 dated 09/03/2017**

Relevant policies

Section 96A of the Town and Country Planning Act 1990.

Assessment

1. The proposal

1.1. This application seeks a non-material amendment to the development approved at appeal under reference APP/X5210/W/16/3150327 dated 09/03/2017 (see history section above). The following amendments are sought:

- Installation of additional PV panels on the previously approved flat roof areas; it is proposed to erect the panels on 3 further elements of flat roof, and would allow for 67 PV panels, rather than the previously approved areas which could accommodate 34 panels.
- Installation of 2 x chimney and flue terminals, and 2 x vent terminals at roof level.

2. Revisions

2.1. No revisions were made during the course of the application.

3. Assessment

3.1. For non-material amendment applications, the requirement on the local authority is not to assess the planning merits of the proposal but whether or not the amendments proposed are materially different from what was previously approved or not.

- 3.2. Within the National Planning Policy Guidance on Non Material Amendments, there is no statutory definition of 'non material'. It states that "it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another". Section 96A(2) of the Town and Country Planning Act 1990 states that "In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".
- 3.3. The proposed PV panels would be located on the flat roof and would not require the removal of, or amendment to, the approved green roof. The PV panels would be located close to areas of the roof previously covered with PV panels as part of the original approval. Full green roof details are yet to be discharged under condition 7 of the allowed appeal.
- 3.4. The proposed flue and vent terminals similarly would be discreetly located and would not impact on the overall character and appearance of the property and surrounding conservation area.
- 3.5. The proposed alterations are of such a siting, scale and design that they would have a neutral impact on the conservation area and the setting of surrounding Listed Buildings, particularly within the context of the previously consented scheme.
- 3.6. The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.7. There would be no neighbouring amenity impacts as a result of the amendment.
- 3.8. The proposed amendment is considered to be minor in the context of the original scheme and would not raise any new issues or alter the substance of the approved scheme. It can therefore be treated as a non-material amendment to the original proposal.
- 3.9. The full impact of the proposed development has already been assessed by virtue of the original approval ref: APP/X5210/W/16/3150327 dated 09/03/2017 following refusal of planning permission ref: 2015/3530/P dated 18/03/2016. In the context of the permitted scheme, it is considered that the amendment would not have any material effect on the approved development in terms of appearance and neighbour impact.
- 3.10. This decision relates only to the changes highlighted on the plans and set out in the description and shall only be read in the context of the substantive permission granted ref: APP/X5210/W/16/3150327 dated 09/03/2017 following refusal of planning permission ref: 2015/3530/P dated 18/03/2016 and is bound by all the conditions and obligations attached to that permission.

Recommendation:

Approve non-material amendment.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 13th May 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr George Smith
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Application Ref: **2019/0564/P**
Please ask for: **Ben Farrant**
Telephone: 020 7974 **6253**

09 May 2019

Dear Sir/Madam

DRAFT
DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:
22 Frognal Way
London
NW3 6XE

Proposal: Installation of additional solar panels to flat roof areas; installation of 2 x chimney termination flues, and 2 x vent terminals at roof level as an amendment to 'Demolition of existing dwelling house at 22 Frognal Way redevelopment to provide a single detached family dwelling house and all other necessary works' ref: APP/X5210/W/16/3150327 dated 09/03/2017 following refusal of planning permission ref: 2015/3530/P dated 18/03/2016.

Drawing Nos:

Superseded plans: FGW-P-100, FGW-P-301, FGW-P-302, FGW-P-303 & FGW-P-304.

Amended plans: FGW-P-100_Rev.A received 29/03/2019, FGW-P-301_Rev.A received 12/03/2019, FGW-P-302_Rev.A received 12/03/2019, FGW-P-303_Rev.A received 12/03/2019 & FGW-P-304_Rev.A received 12/03/2019.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

Executive Director Supporting Communities



For the purposes of this decision, condition no.2 of permission granted ref: APP/X5210/W/16/3150327 dated 09/03/2017 following refusal of planning permission ref: 2015/3530/P dated 18/03/2016 shall be replaced with the following condition:

REPLACEMENT CONDITION 2:

The development hereby permitted shall be carried out in accordance with the following approved plans:

KSR Architects Design and Access Statement (dated June 2015), Skelly and Couch Energy and Sustainability Report (dated June 2015), Heritage Collective Archaeological Desk Based Study (dated June 2015), Heritage Collective Heritage Statement (dated June 2015), Motion Draft CMP, Deloitte Daylight and Sunlight Report (dated June 2015), DP9 Planning Statement (dated June 2015), Motion Transport Statement (dated June 2015) and Price and Myers Basement Impact Assessment and Construction Method Statement (dated April 2015), Arboricultural Impact Assessment (dated June 2015), FGW-P-100_Rev.A received 29/03/2019, FGW-P-301_Rev.A received 12/03/2019, FGW-P-302_Rev.A received 12/03/2019, FGW-P-303_Rev.A received 12/03/2019 & FGW-P-304_Rev.A received 12/03/2019.

Informative(s):

- 1 You are advised that this decision relates only to the changes highlighted on the plans and set out in the description and shall only be read in the context of the substantive permission granted ref: APP/X5210/W/16/3150327 dated 09/03/2017 following refusal of planning permission ref: 2015/3530/P dated 18/03/2016 and is bound by all the conditions and obligations attached to that permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

Yours faithfully

Director of Regeneration and Planning

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.