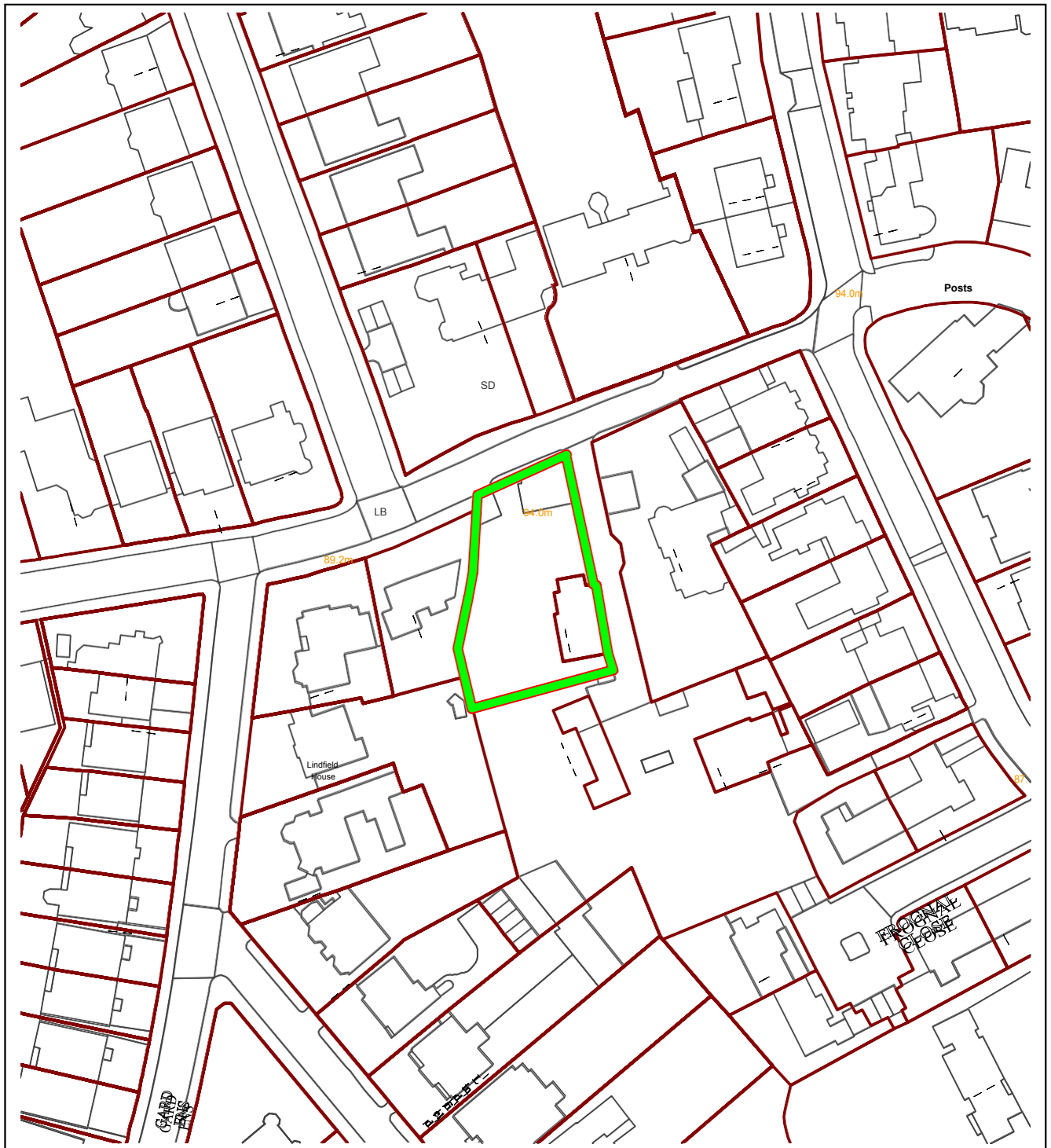


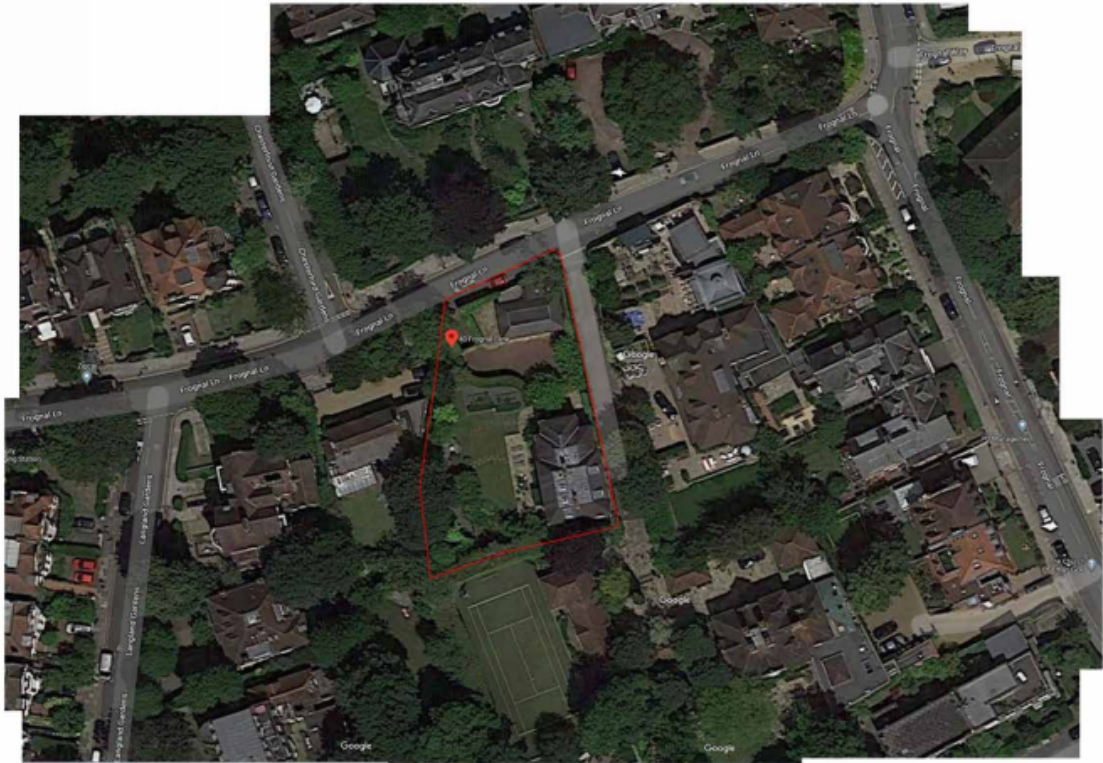
40 Frognal Lane

2020/4453/P 2020/4969/L

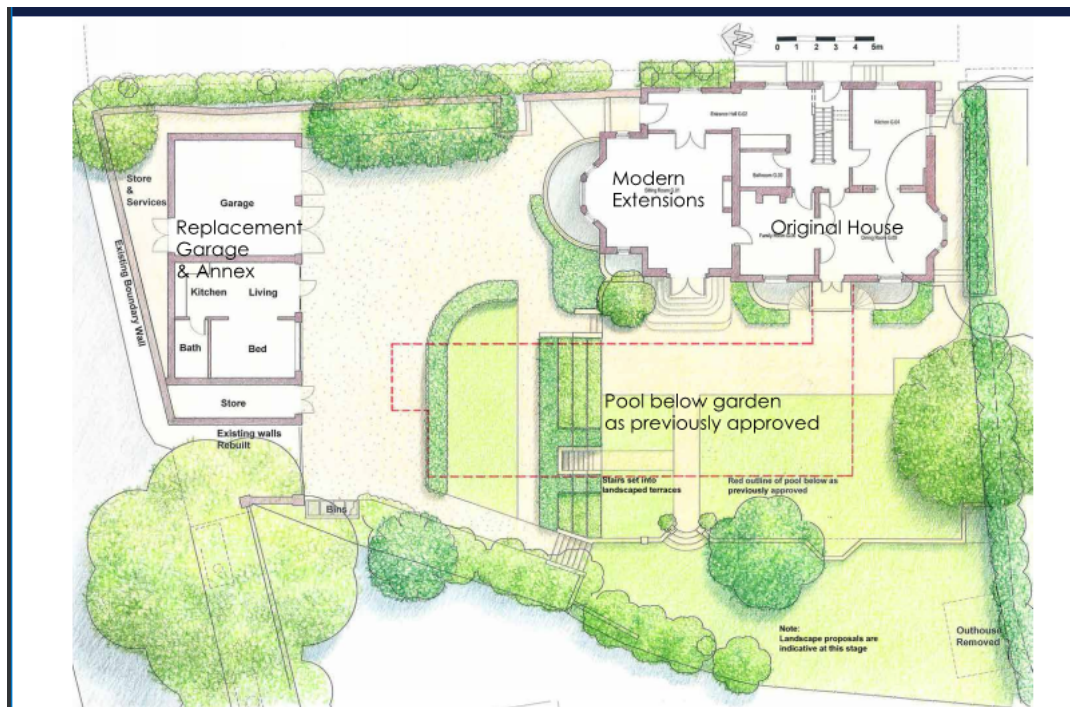


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Photos



1. Aerial view



2. Proposed site plan



3. West elevation



4. East elevation



5. East elevation from private drive road

Front door canopy enlarged



6. Existing and Proposed North Elevation



7. Existing and Proposed North Elevation



8. Existing and Proposed South Elevation



Existing Front Elevation

- 1) Grilles removed
- 2) Original glazing bars re-instated

WEST ELEVATION

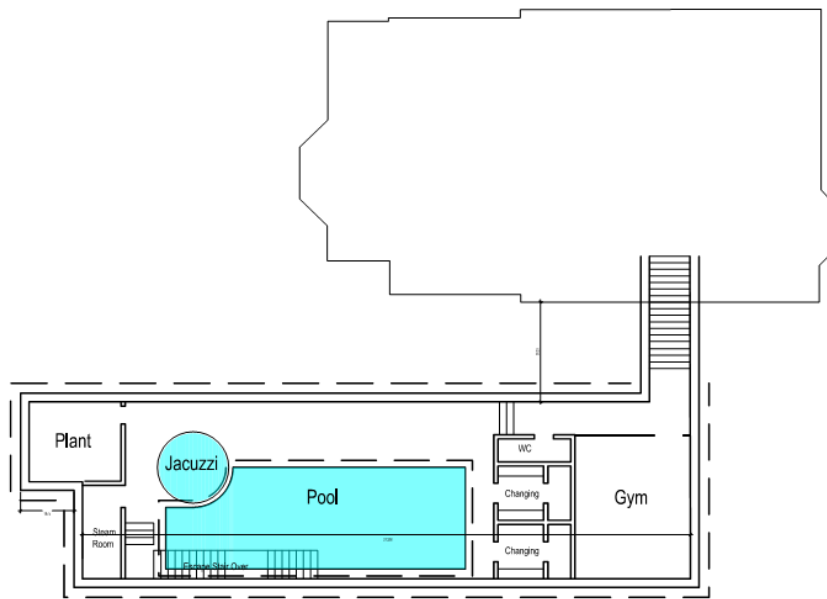
Please see p28 & 29 for photos of the West Elevation



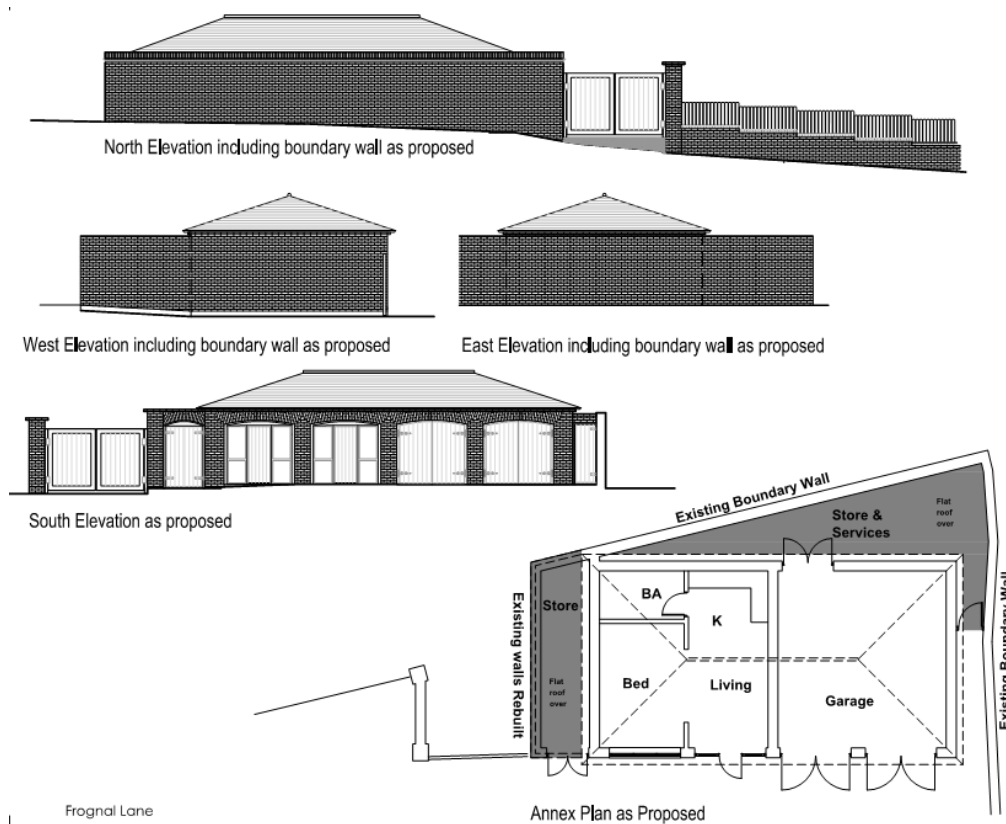
Proposed Front Elevation

WEST ELEVATION

9. Existing and Proposed West Elevation



10. Proposed basement plan



11. Proposed North Annex

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		24/11/2020			
		N/A		Consultation Expiry Date:		29/11/2020			
Officer				Application Number(s)					
Josh Lawlor				1. 2020/4453/P 2. 2020/4969/L					
Application Address				Drawing Numbers					
40 Frognal Lane London NW3 6PP				See draft decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
<p>1. Various alterations including erection of replacement single storey garage and annex; excavation to create basement level swimming pool under garden area; replacement windows and the re-instatement of the east side door and porch.</p> <p>2. Various alterations including erection of replacement single storey garage and annex following demolition of existing; excavation to create basement level swimming pool under garden area; replacement windows and the re-instatement of the east side door and porch. Internal alterations including changes to basement level layout; formation of openings, kitchen reconfiguration and opening up of staircase at ground floor level; subdivision of bathroom, door relocation and works to fireplaces at first floor level.</p>									
Recommendation:		<p>1. Grant conditional planning permission subject to section 106 legal agreement</p> <p>2. Grant listed building consent</p>							
Application Type:		<p>1. Householder application</p> <p>2. Listed Building Consent</p>							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
Summary of consultation:		For each application, a site notice was displayed on 29/10/2020 (consultation end date 22/11/2020) and a notice was placed in the local press on 05/11/2020 (consultation end date 29/11/2020).							
Adjoining Occupiers:		No. of responses		4		No. of objections		4	
Summary of consultation responses:		4 x letters of objection have been received from the occupiers of the properties to the rear of the site: 42 Frognal Lane; 42a Frognal Lane, 42 (Staff Flat) Frognal Lane and one unknown address.							

Three of the objections related to pedestrian and vehicular safety issues arising from the reinstatement of a door on the east elevation:

1. The proposed door opening (east elevation) is located at the tightest spot on the Lane. The alley is so tight that it is effectively a one-way system, meaning most of those minivans have to back up blindly into Frognal Lane, creating often chaos and safety hazard. It would be extremely dangerous to open that access. The proposed access has no footpath and is completely dark at night. Concerns that the new door will become primary entrance and therefore lead to additional vehicles using this lane causing additional issues with vehicular maneuverability.

Two of the objections related to tree works:

2. The proposal to fell a mature and large magnolia tree visible from the street is questioned. I understand a wild owl has been nesting there. We question the use of the same arboricultural report for the previous application.

One of the objections relate to the basement works and construction impact:

3. The BIA is based on different drawings and does not assign a risk category to buildings in close proximity to the works.
4. Concerns over construction impacts and request appropriate controls to limit the hours of working and deliveries to the site. The works may coincide with the works taking place at 38 Frognal Lane

Officer comment:

1. Opening of door on East elevation – The new door would provide access onto a raised platform and stair which leads to the private road. The raised platform is part of the curtilage of the site. The local planning authority would not restrict access from the application building to this road. The applicant has the legal right to use the lane at all times and for all purposes. However it is noted that since the applicant's property has a dedicated vehicular entrance gate on Frognal Lane it is unrealistic to think that there will be a significant increase in vehicle use to the access road as a result of bringing back the east door into use. See para. 4.7 below
2. Tree works – No trees are proposed to be felled as part of this application. See section 7 below
3. Basement works – The 2017 granted application was subject to a full assessment by Camden's independent auditor (Campbell Reith). The submitted BIA was audited by Campbell Reith in the 2017. This application also includes an updated Ground Movement Analysis assessment which demonstrates a Burland scale impact of 1 which is in accordance with current development plan requirements (the previous development plan polices tolerated an impact up to scale 2). The proposed basement dimensions are the same as the previously approved drawings. The current basement designs are identical in all material respects. See section 5 below
4. Construction impacts - The proposal is granted subject to a S106 agreement for a Construction Management Plan (CMP) which would control construction related impacts. The CMP would account for other construction sites in the area and the impact of lorries on the highways network. See paras. 6.3 and 8.2 below

Site Description

No. 40 Frogna Lane is a detached residential dwelling on the southern side of the road. It is Grade II listed. The building is two storeys high, with a basement, and has a tiled, hipped roof. The building sits within a generously sized plot, with a private garden to the side (west) and a driveway and detached garage building to the front (north) of the site. The main building is well-screened from the main road as it is located towards the rear of the plot and there is a high brick wall along the front boundary of the site.

The application site is within the Hampstead Conservation Area. The following underground development constraints apply: surface water flow and flooding; subterranean (groundwater) flow; slope stability. The site falls within the Hampstead Neighbourhood Plan area.

Relevant History

2014/5915/P Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling (Class C3). – **Granted 12/12/2017**

2014/6018/L Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling, involving new connection from existing basement **Granted 31/08/2017**

2013/7063/L - Alteration to existing boundary wall, involving the removal of the existing pedestrian gate on the northern boundary wall and its infilling with matching brickwork and installation of a new pedestrian gate on the eastern boundary wall - **Granted 31-03-2014.**

2013/6955/P - Alteration to existing boundary wall to a single dwellinghouse (Class C3), involving the removal of the existing pedestrian gate on the northern boundary wall and its infilling with matching brickwork and installation of a new pedestrian gate on the eastern boundary wall - **Granted 31-03-2014.**

2013/3106/L - Replacement and restoration of joinery, fittings and finishes and removal of unauthorised fittings and materials, and installation of a new heating system to existing dwellinghouse (Class C3) - **Granted 31-07-2013.**

2011/1341/P - Excavation to create basement level swimming pool under garden area in connection with existing residential dwelling (Class C3) - **Granted 16-12-2011.**

2011/1174/L - Excavation to create basement level swimming pool under garden area and associated internal alterations in connection with existing residential dwelling (Class C3). - **Granted 16-12-2011.**

2009/5622/P - Erection of a single storey outbuilding within garden of residential dwelling - **Refused 02-03-2010.**

2004/2933/P - The erection of a side extension to an existing double garage to provide ancillary staff accommodation - **Granted 18-10-2004.**

2004/3233/L - The erection of a side extension to an existing double garage to provide ancillary staff accommodation - **Granted 18-10-2004.**

2004/2534/P - The erection of a single storey side extension and the replacement of a door on the rear elevation with a window, as an amendment to planning permission 2003/2758/P, granted on 02/04/04, for the erection of a single storey rear conservatory extension and 2-storey side extension for a swimming pool, plus associated elevational alterations - **Granted 03-08-2004.**

2003/1122/P - Erection of new boundary wall and railings and 2 new vehicular entrances with gates,

plus provision of forecourt parking in front garden of no.38, plus landscaping works to side garden between Nos. 38 and 40 - **Refused 18-09-2003.**

9470309 - Retention of satellite dish on roof - **Refuse Listed Building Consent 28-03-1996.**

9401571 - Retention of satellite dish on roof - **Refuse Planning Permission 28-03-1996.**

9370132 - Demolition and reconstruction of south and east elevations - **Refuse List. Build. or Cons Area Consent 02-12-1993.**

9270036 - Demolition and reconstruction of west wall together with the demolition of the north wing and replacement with a new two storey extension together with works of refurbishment - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9270035 - Demolition and reconstruction of west wall together with the demolition of the north wing and replacement with a new two storey extension together with works of refurbishment - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9200132 - The erection of a two storey extension and roof dormers and garage building - **Granted 26-03-1992.**

9200131 - The erection of a two storey extension and roof dormers and garage building - **Granted 26-03-1992.**

9170163 - Works of repair and refurbishment including the partial demolition and rebuilding of the west façade - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9170162 - Works of repair and refurbishment including the partial demolition and rebuilding of the west façade - **Grant List.Build. or Cons.Area Consent 26-03-1992.**

9005147 - Partial demolition and erection of a two storey extension to a single family dwelling - **Refused 01-08-1991.**

9070907 - Demolition of garage (consent in retrospect) - **Grant List.Build. or Cons.Area Consent 15-05-1991.**

9070906 - Retrospective consent for demolition of part of southern garden wall - **Grant List.Build. or Cons.Area Consent 15-05-1991.**

9070904 - Demolition of timber garage and part of brick wall in retrospect - **Grant List.Build. or Cons.Area Consent 05-06-1991.**

9070903 - Retention and completion of partially constructed bicycle store refuse store and meter housing - **Refused 05-06-1991.**

9070835 - Demolition of two storey side extension and works of repair and refurbishment to main buildings - **Refused 01-08-1991.**

9005567 - Retention and completion of partially constructed bicycle store refuse store and meter housing - **Refused 05-06-1991.**

8770425 - Works of alteration and repair including the formation of a room within the roofspace and the addition of a conservatory - **Grant List.Build. or Cons.Area Consent 13-04-1988.**

8703330 - Works of alteration and repair including the formation of a room within the roofspace and the addition of a conservatory – **Granted 13-04-1988.**

Relevant policies

The National Planning Policy Framework 2019

- Chapter 12- Achieving well-designed places (paragraphs 124-128, 130, 131).
- Chapter 16- Conserving and enhancing the historic environment (paragraphs 190, 193 and 196).

London Plan 2021

Camden Local Plan 2017

- A1 Managing the Impact of Development
- G1 Delivery and Location of Growth
- A2 Open space
- A3 Biodiversity
- A5 Basements
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding

The Hampstead Neighbourhood Plan 2018

- Policy DH1 Design
- Policy DH2 Conservation Areas and Listed Buildings
- Policy NE2 Trees
- Policy NE4 Supporting biodiversity
- Policy BA1 Basement Impact Assessments
- Policy BA2 Basement Construction Plans
- Policy BA3 Construction Management Plans
- Policy TT1 Traffic volumes and vehicle size
- Policy TT2 Pedestrian environments

Camden Planning Guidance (CPG)

- CPG Design (2021)
- CPG Home Improvements (2021)
- CPG Amenity (2021)
- CPG Basements (2021)
- CPG Trees (March 2019)

Hampstead Conservation Area Statement (October 2001)

Assessment

1. The proposal

1.1. There are four key aspects to these applications for planning permission and listed building consent:

- External alterations to the main house which aim to recreate aspects of the original appearance which have been lost. These include bringing the east door back into use, window replacements including the more historically accurate glazing pattern and the removal of the security grilles on the rear elevation, south and west elevations. The door on the east elevation would be re-opened and a porch installed.
- The internal alterations include some minor alterations to the basement level layout and the connection to the previously approved pool room. At ground floor a staircase would be opened up; kitchen reconfigured; opening formed to dining room; and opening formed to drawing room. At first floor the bathroom would be subdivided; a fireplace re-opened; door from landing relocated; and master bedroom fireplace reinstalled. There would be no changes to the second floor or roof.
- Excavation for below ground pool complex which are based on the same dimensions as the previously consented applications.
- Proposals to demolish a non-original annex which is to be rebuilt as a large annex.

3. Background

3.1. The building has had a very checkered recent past and structurally the building has been virtually rebuilt (see planning history). This is to the extent that even the exterior brick elevations appear to have been built at some time during the last 30 years. This highly damaging work was unauthorised and the current owner has worked to reinstate much of the earlier lost historic character. The recent damaging interventions include:

- The building has been extensively refaced with modern brick.
- Some window openings have been altered and the frames have been unsympathetically replaced.
- The roof is described in the listing as tiled, but it is now slate covered.
- The northern extension to the original house is entirely of recent date.
- The annex/garage is modern.
- The original floor plan has been altered during the unauthorised works.
- Recent investigative works have confirmed that the fabric of the internal walls dates from the late 20th century and it appears no vestige of the original masonry structure remains.
- The stair was replaced when second floor accommodation was added and again more recently.
- The original door in the east elevation has been blocked.
- In the basement the floor has been lowered.

3.2. In 2011 and then again in 2017, planning permission and listed building consent were granted for excavation works to create a basement level swimming pool under the garden (the current applications would create a basement to the same scale as previously approved); however, the permissions were not implemented and have expired. There have been no material changes to on-site conditions.

4. Heritage and design considerations

4.1. The application site is located within the Hampstead Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or

appearance of the conservation area. Furthermore, the application building is Grade II listed and the Council has a statutory duty, under Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 4.2. Policy D1 of the Local Plan seeks to secure high quality design in development and Policy D2 notes that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

Basement Works

- 4.3. Policy A5, which relates to basements, resists proposals that would cause harm to:

- c) the character and amenity of the area;*
- d) the architectural character of the building; and*
- e) the significance of heritage assets.*

- 4.4. The development involves excavation works to create a basement level swimming pool under the garden area (to the west of the host building). The new swimming pool room would be accessed via the existing basement of the host building, down a flight of steps leading from a new opening created at the end of a corridor (in a space currently used for wine storage). The overall basement would measure 23.2 metres long and 6.2 metres wide. The maximum excavation would be 7.5m and the height of the room (i.e. above the level of the water in the pool) would be 3.65 metres. In total, the new swimming pool would be 4.8 metres below the lowest part of the existing basement at the host building.

- 4.5. There would be a minimum of 1 metre of soil above the top of the basement. There are no apparent external manifestation of the basement above ground level which means it would not be possible to discern the basement swimming pool room from the garden. As such, it is not considered that the proposal would cause undue harm to the character and amenity of the wider area, or detract from the architectural character of the host building, in compliance with criteria (c) and (d) above.

- 4.6. With regards to the significance of the heritage asset (the listed building (criterion (e))), the accompanying text to Policy A5 notes that basement development below a listed building can harm the fabric, structural integrity, layout, inter-relationships and hierarchy of spaces and architectural features of the building. Furthermore, the addition of a floor level beneath the original lowest floor level of a listed building (basement, cellar, or vault) may affect the hierarchy and historic integrity of the floor levels within the building. The development of a basement beneath a listed building can also necessitate the removal of significant parts of the original structure and fabric of the building. The modest link between the existing basement and the new swimming pool room would not cause undue harm to the special architectural and historic interest of the host building sufficient to warrant a refusal of the application on this basis. The fact the new swimming pool room would be contained below ground would mean that there is minimal impact on the visual appearance of the building.

External alterations to main building

- 4.7. There would be minor alterations to the front door canopy on the north elevation which is acceptable. Condition 4 part a) attached to the listed building consent requires detail of the new canopy and associated lighting to rear door on the east elevation onto the access lane. The proposed window replacements including the more historically accurate glazing pattern and the removal of the security grilles on the rear, south and west elevations are a welcome enhancement to the listed building. The door on the east elevation would be re-opened and a porch installed which would have little impact on the character or appearance of the listed building. Details of the

new porch to the east elevation would be secured via condition. The relocation of the windows installed in the 1990s to the Victorian extension is welcomed. The new windows would be more modestly proportioned than the existing and thus help this later addition to appear more subordinate to the main building.

Reconstruction of annex building

- 4.8. The proposed design of the annex building is considered to be architecturally an improvement on the non-descript building which currently occupies this part of the site. The new structure would be slightly larger and the pitched roof would feature more prominently over the boundary walls, but the new structure would represent an improvement in architectural quality on the existing. The materials and character of the annex would be a marked improvement on the existing structure which provides no visual contribution to the conservation area or setting of the listed building. Condition 4 part c) attached to the listed building consent requires details of samples of the outbuilding/garage.
- 4.9. A condition is also imposed to require the outbuilding to remain in ancillary use to the main building. The condition would prevent the use of the annex for permanent sleeping accommodation or as a business premises.

Internal alterations to main building

- 4.10. At basement level there would be some minor alterations to the layout and the connection to the previously approved pool room. At ground floor a staircase would be opened up; kitchen reconfigured; opening formed to dining room; and opening formed to drawing room. At first floor the bathroom would be subdivided; a fireplace re-opened; door from landing relocated; and master bedroom fireplace reinstalled. There would be no changes to the second floor or roof.
- 4.11. These alterations would restore some of the original features of the building and would retain the building's existing plan form.
- 4.12. Special regard has been attached to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, as well the character and appearance of the conservation area under s.16, s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

5. Basement considerations

- 5.1. Policy A5 states that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Specific criteria f-m against which to assess basement development is provided. The proposed basement accords with the requirements of Policy A5 in terms of its impact on the character and appearance of the host building, the wider area, and the significance of heritage assets. The basement also complies with the criteria laid out in parts (f) to (m) of the policy and is consequently considered to be acceptable in terms of siting, location, scale, design and its subordination. It is noted that the proposed basement has the same dimensions to that approved in 2017. See section 7 below for the assessment of harm to trees.
- 5.2. Policy A5 of the Local Plan notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

c) neighbouring properties;

d) the structural, ground, or water conditions of the area;

- 5.3. The policy goes on to note that applicants will need to demonstrate that proposals for basements:

- (n) do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';*
- (o) avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
- (p) avoid cumulative impacts;*

- 5.4. Paragraph 6.117 of the Local Plan states that "In order to provide the Council with greater certainty over the potential impacts of proposed basement development, we will generally expect an independent verification of Basement Impact Assessments to be funded by the applicant". Hampstead Neighbourhood Plan Policy BA1 criteria 3 states that 'all proposals must aim for no higher than Burland Scale 1 ("very slight") and construction will not be allowed to proceed where there is evidence that damage to neighboring properties would exceed Burland Scale 1.
- 5.5. The previous application was accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith. The screening and scoping stages within the previously approved report are in accordance with the requirements of CPG Basements. The basement would not harm the structural, ground, or water conditions of the area. There have been no changes to site conditions which would impact the BIA and the conclusions within the final audit produced by Campbell Reith.
- 5.6. Further assessment has been provided in terms of impact to the structural stability of the host building and to neighbouring buildings. An updated Ground Movement Assessment (GMA) was undertaken. There has been an assessment of risk of damage to properties by subsidence using the Burland Scale. The GMA indicates that damage to neighboring structures or the listed house will not exceed Burland Category of 1 (Very Slight). Based on the updated GMA and previously approved BIA it has been demonstrated that there would be an acceptable impact to, the geological, hydrological and hydrogeological conditions of the surrounding area. Campbell Reith have reviewed the updated GMA and conclude that the BIA adequately identifies the potential impacts from the basement proposals and provides suitable mitigation.
- 5.7. Each stage of the BIA has been carried out by engineering professionals who hold qualifications relevant to the matters being considered. The applicant has submitted details of a qualified engineer who will inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration, to ensure compliance with the design which has been checked and approved by a building control body. The submitted details and appointment confirm that the chartered structural engineers have the relevant qualifications which comply with the requirements of Camden Planning Guidance, including CEng and MStructE.

6. Residential Amenity

- 6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.
- 6.2. The main residential properties that are likely to be affected by the proposal are those that border the application site; namely 38 Frognal Lane; Lindfield House, Langland Gardens; 42A Frognal Lane; 44 Frognal Lane. All other nearby residential properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposed works. Given the nature of the proposed works, there would be no adverse impact on neighbouring residential amenity in terms of daylight / sunlight, outlook or overlooking.

6.3. Policy A4 also seeks to minimise the impact on local amenity from the demolition and construction phases of development. In this case, given the extent of the proposed works, the Council will secure the submission of a Construction Management Plan (CMP) by a section 106 legal agreement, which should serve to minimise the impact on neighbouring properties during the construction period. Overall, subject to securing the CMP by legal agreement, the proposal is considered to be acceptable in this respect.

7. Trees and biodiversity

7.1. Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.

7.2. Policy A5 of the Local Plan requires applicants to demonstrate that proposals for basements:

(r) provide satisfactory landscaping, including adequate soil depth;

(u) do not prejudice the ability of the garden to support trees where they are part of the character of the area

7.3. Hampstead Neighbourhood Plan policy BA1 part 3 states that basement developments under gardens should leave a minimum distance of 15m from any veteran tree or from a boundary that is a historic tree line, unless it can be demonstrated that any harm to the trees would not be significant or could be mitigated.

7.4. There would be no trees removed as part of this application. The Arboricultural Report which was submitted with the application in July 2017 application has been submitted again with this current application. The Council's Tree and Landscape team have reviewed the report and are satisfied that the proposed works would not cause undue harm to trees and vegetation on the site. A suitable condition is suggested to ensure that the works are carried out in accordance with the tree protection measures outlined in the report.

7.5. CPG Basements notes that basement development that extends below garden space can reduce the ability of that garden to support trees and other vegetation. It advises that sufficient margins should be left between the site boundaries and any basement construction to enable natural processes to occur and for vegetation to grow naturally. In this case, the proposed basement would be set well away from the site boundaries, which is considered to be acceptable.

7.6. CPG Basements also notes that basement development should provide an appropriate proportion of planted material to allow for rainwater to be absorbed and/or to compensate for loss of biodiversity caused by the development. It is expected that a minimum of 1m of soil be provided above basement development that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity. In this case, at least 1m of soil is provided above the roof of the basement, which is considered to be acceptable.

8. Transport considerations

8.1. Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road, and Policy A4 seeks to minimise the impact on local amenity from the demolition and construction phases of development.

8.2. The proposal would involve the excavation and removal of a lot of material and would therefore involve a significant number of vehicle movements to and from the site. A CMP will be secured by

legal agreement to ensure the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A CMP implementation support contribution of £3,136 and Construction Impact Bond of £7,500 would also need to be secured as a Section 106 planning obligation.

8.3. Car-free and car-capped policies would not apply to this development. However as the existing annex would be completely demolished and rebuilt, 2 Electric Vehicle Charging Points (EVCPs) would need to be provided in accordance with Policy T6.1 (Residential parking) of the London Plan. A condition is attached securing the provision of 2 Electric Vehicle Charging Points.

9. CIL

9.1. The proposal will be liable for the Mayor of London and Camden Community Infrastructure Levy (CIL) as the floor space exceeds 100sqm. 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.

10. S106 Legal agreement

- Construction Management Plan and associated Implementation Support Contribution of £3,136
- Construction Impact Bond of £7,500

11. Recommendation

- 1) Grant conditional planning permission subject to section 106 legal agreement
- 2) Grant listed building consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Monday 29^h March 2021, 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'.

Application ref: 2020/4453/P
Contact:
Tel: 020 7974
Date: 25 March 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Richard Morton Architects
The Bungalow
Home Yard
Hatfield House
Hatfield
AL9 5NQ

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
40 Frognal Lane
London
NW3 6PP

Proposal: Various alterations including erection of replacement single storey garage and annex; excavation to create basement level swimming pool under garden area; replacement windows and the re-instatement of the east side door and porch.

Drawing Nos: 178-101, 178-102, 178-110, 178-111, 178-112, 178-113, 178-114, 178-115, 178-116, 178-117, 178-120, 178-121, 178-122, 178-123, 178-124, 178-125, 178-126, 178-127, 178-128, 178-129, 178-130, 178-131, 178-132, 178-133, 178-134, 178-135, 178-136, 178-137, 178-138, 178-139, 178-140, 178-141, 178-142, 178-143, 178-144, 178-144, 178-142, 178-143, 178-144, 178-145

Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Ground Movement Analysis Report (dated 21 February), Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Design & Access Statement & Heritage Statement; Arboricultural Report (dated 01/07/2017).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

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

178-101, 178-102, 178-110, 178-111, 178-112, 178-113, 178-114, 178-115, 178-116, 178-117, 178-120, 178-121, 178-122, 178-123, 178-124, 178-125, 178-126, 178-127, 178-128, 178-129, 178-130, 178-131, 178-132, 178-133, 178-134, 178-135, 178-136, 178-137, 178-138, 178-139, 178-140, 178-141, 178-142, 178-143, 178-144, 178-144, 178-142, 178-143, 178-144, 178-145

Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Ground Movement Analysis Report (dated 21 February), Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Design & Access Statement & Heritage Statement; Arboricultural Report (dated 01/07/2017).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with report by Simon Pryce Arboriculture ref: 17/033 dated 1st July 2017 hereby approved. The protection shall then remain in place for the duration of works on site.

Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of Policies D1 and A3 of the Camden Local Plan 2017 and policies NE2, NE4 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 5 The appointed chartered engineer, as set out in the letter prepared by Fairhurst dated 12 January 2021, hereby approved, shall inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Any change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of Policy A5 of the Camden Local Plan 2017 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

- 6 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment prepared by Train and Kemp dated April 2017 (as amended), including the recommendation for additional groundwater monitoring as set out in section 4.6 of the BIA.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of Policy A5 of the Camden Local Plan 2017 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

- 7 The outbuilding hereby approved shall only be used for purposes incidental to the use of the main property (40 Frognal Lane) and shall not be used for any permanent sleeping accommodation, or for any other purposes whatsoever, including separate residential accommodation, or as business premises.

Reason: In order to protect the residential amenities of neighbouring occupiers and prevent substandard living accommodation in accordance with policy A1 and D1 of the London Borough of Camden Local Plan 2017.

- 8 Two Electric Vehicle Charging Points (EVCPs) shall be provided for the new garage hereby approved.

Reason: To encourage more sustainable methods of transport in accordance with policy T1 of the Camden Local Plan (2017) and Policy T6.1 (Residential parking) of the London Plan 2021.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

Application ref: 2020/4969/L
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 25 March 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Richard Morton Architects
The Bungalow
Home Yard
Hatfield House
Hatfield
AL9 5NQ

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
40 Frognal Lane
London
NW3 6PP

DECISION

Proposal: Various alterations including erection of replacement single storey garage and annex following demolition of existing; excavation to create basement level swimming pool under garden area; replacement windows and the re-instatement of the east side door and porch. Internal alterations including changes to basement level layout; formation of openings, kitchen reconfiguration and opening up of staircase at ground floor level; subdivision of bathroom, door relocation and works to fireplaces at first floor level.

Drawing Nos: 178-101, 178-102, 178-110, 178-111, 178-112, 178-113, 178-114, 178-115, 178-116, 178-117, 178-120, 178-121, 178-122, 178-123, 178-124, 178-125, 178-126, 178-127, 178-128, 178-129, 178-130, 178-131, 178-132, 178-133, 178-134, 178-135, 178-136, 178-137, 178-138, 178-139, 178-140, 178-141, 178-142, 178-143, 178-144, 178-144, 178-142, 178-143, 178-144, 178-145

Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Design & Access Statement & Heritage Statement; Arboricultural Report (dated 01/07/2017).

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

178-101, 178-102, 178-110, 178-111, 178-112, 178-113, 178-114, 178-115, 178-116, 178-117, 178-120, 178-121, 178-122, 178-123, 178-124, 178-125, 178-126, 178-127, 178-128, 178-129, 178-130, 178-131, 178-132, 178-133, 178-134, 178-135, 178-136, 178-137, 178-138, 178-139, 178-140, 178-141, 178-142, 178-143, 178-144, 178-145

Basement Impact Assessment (as amended); Structural Stability Report (dated 23/02/2011); Geotechnical Investigation (dated 30/09/2011); Hydrological Assessment (dated 21/09/2011); Design & Access Statement & Heritage Statement; Arboricultural Report (dated 01/07/2017).

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017 and DH2 of the Hampstead Neighbourhood Plan 2018

- 4 Detailed drawings and photos of samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Detailed drawings at 1:10 of the new canopy and associated lighting to rear door on east elevation onto the access lane. The development shall be carried out in accordance with the approval given.

b) Manufacturer specification, including photos of any new fireplaces or detailed drawings at 1:20 of any new fire places. The development shall be carried out in accordance with the approval given.

c) Before the brickwork is commenced for the annex hereby approved, photos of a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided. A photo of a sample of the roofing material shall also be provided. This shall be accompanied by photos of existing brickwork of

the main house and of the boundary wall for comparison. The development shall be carried out in accordance with the approval given.

d) Detailed drawings of the planting/soft and hard landscaping, including area around underground pool access hatch. A photo of the sample panel of the paving shall also be provided. The development shall be carried out in accordance with the approval given.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017 and DH2 of the Hampstead Neighbourhood Plan 2018

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION