

Address:	Land to the rear of 17 Frognal London, NW3 6AR		3
Application Number:	2019/2263/P	Officer: Adam Greenhalgh	
Ward:	Frognal & Fitzjohns		
Date Received:	29/04/2019		
Proposal: Erection of detached, single storey, 3-bedroom dwelling to the rear of No. 17 Frognal			
Background Papers, Supporting Documents and Drawing Numbers: F12/2020/PRBL Rev C, F12/2018/PP/01 Rev E, F12/2018/PP/02 Rev E, F12/2018/PP/03 Rev C, F12/2018/PP/04 Rev B, F12/2018/PP/06 Rev B, Arboricultural Report, Impact Assessment & Protection Method Statement (Crawshaw Arborcare LTD 10/12/2020), Ecology report (Cherryfield ecology 25/10/2019), Endoscope survey of tree (T6) letter (Cherryfield Ecology 24/10/2019), Energy Assessment/SAP report (Energy Calculations Ltd 14/11/2019), Green Roof & Green Wall Planting & Maintenance Plan (The Plantman - 06/12/2020)			
RECOMMENDATION SUMMARY: Grant conditional permission subject to S106 legal agreement			
Applicant: Mr Nick Sofroniou		Agent: KA Designs	
c/o agent		23 Haslemere Aveune Barnet EN4 8EY	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace (GIA)
Existing	N/A	Vacant former residential garden	N/A
Proposed	C3	Dwellinghouse	95.5m ²
Net additional (GIA)	C3	Dwellinghouse	95.5m ²

Residential Use Details:		
	Residential Type	No. of Bedrooms per Unit

		1	2	3	4	5	6	7	8	9+
Existing	N/A									
Proposed	House			1						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

Executive Summary

The application site comprises a 0.04 hectare (400 sq m) plot of vacant land which was formerly part of the rear garden of 17 Frognal, a four storey building in use as flats.

The site formed the rearmost part of the rear garden of 17 Frognal and it is now separated by a fence from 17 Frognal which has retained a 27.5m deep communal garden. The site lies within the Redington Frognal Conservation Area and 17 Frognal and the neighbouring buildings on Frognal are positive contributors in the Redington Frognal Conservation Area.

The site consists of grass and artificial grass and there are 16 trees of which 2 are category A, 1 category B, 12 category C and 1 category U. To the rear is a 2/3 storey office development (Hampstead Gate), to the sides are a bungalow and car park and the communal gardens of the neighbouring 4 storey building on Frognal, Court Mansions.

The application seeks permission to erect a single storey, 3 bedroom dwelling in the middle of the site, on its northern side. The dwelling would be accessed by the existing path next to 17 Frognal and it would have a maximum height of 4.16m with a sloping roof and render and timber cladding for the walls, a part green roof and hard and soft landscaping. The three existing category A and B trees (and 1 category C tree) would be retained and 13 new trees planted to replace the 11 category C and 1 category U tree which would be removed.

The site is not designated as open space and the proposal would not result in the loss of any protected open space. Additionally, the site does not constitute a non-designated space with nature conservation, townscape and amenity value which should be protected under policy A2 (Open Space) of the Local Plan.

The plot no longer forms part of the site of the positive contributor to the Conservation Area (i.e. 17 Frognal) and the residential development of the land is not considered to harm the character or appearance of the Conservation Area or the quality of the townscape.

The siting and design of the dwelling would safeguard the amenity of the occupiers of adjoining sites and the dwelling would comply with the nationally described space standards.

No significant ecological interests would be harmed and subject to conditions relating to tree protection measures and the provision of new landscaping and green roof, there would be no loss of landscape or biodiversity value at the site.

The development would be secured as car parking permit free and a legal agreement would also ensure the implementation of a Construction Management Plan and contribution to highway maintenance.

The proposal would provide a new dwelling in accordance with policy G1 on delivery and location of growth and the new dwelling would include energy efficiency measures to reduce carbon emissions above Building Regulations targets. In order to ensure that the development achieves the greenfield run-off rate, a condition requiring the provision of SUDS will be attached.

OFFICERS' REPORT

Reason for referral to committee: The Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members. The Panel considered it should be heard by committee due to the access situation, the loss of trees and the principle of building on 'back-land'.

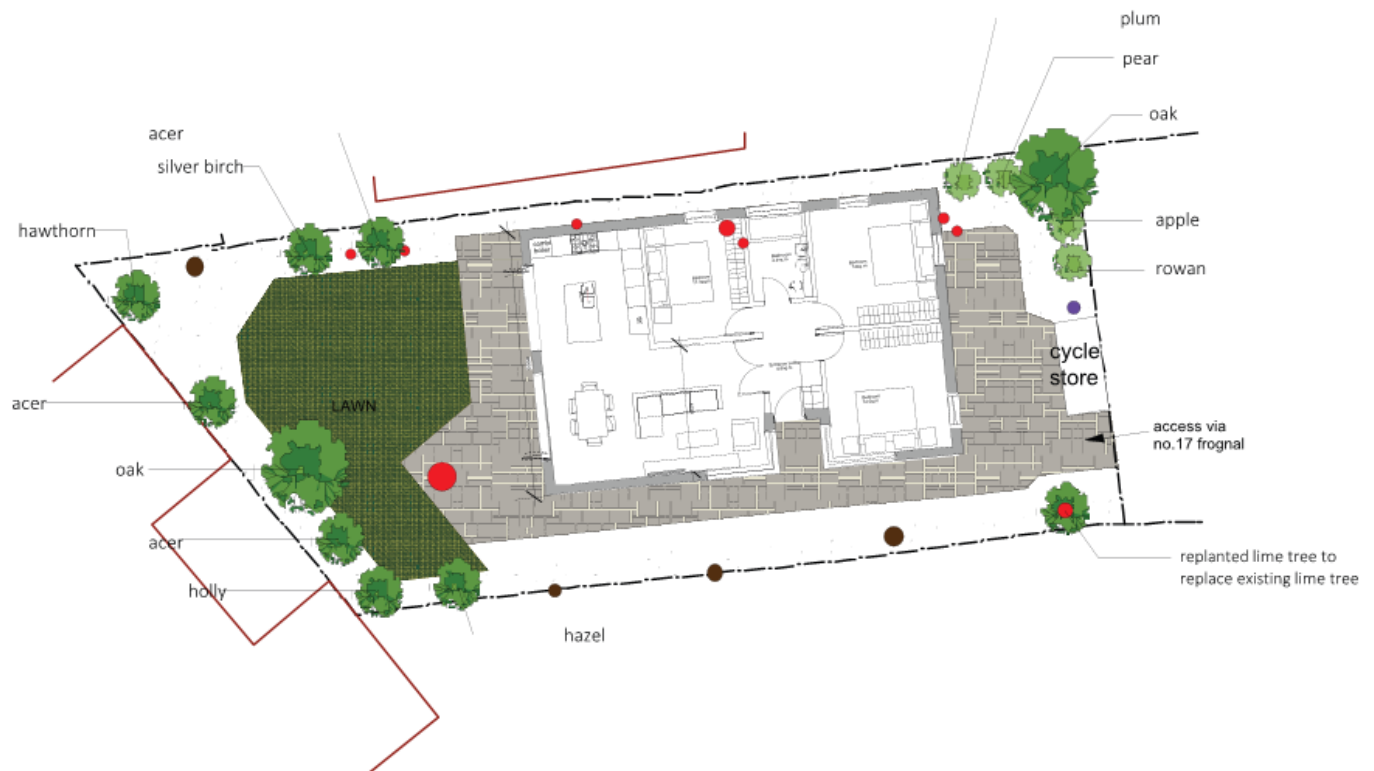
1. SITE

- 1.1 The site is to the rear of 17 Frognal, a four-storey, semi-detached, residential building situated on the western side of Frognal. The site comprises a 12.5m wide, 24 – 40m deep plot of land to the rear of 17 Frognal. Until 1989 it all formed part of the rear garden of 17 Frognal but then a separate land parcel was formed under the Land Registry and it is now a separate plot. The site is part hard-landscaped, part-grassed land, and there are several existing trees. The Tree report identifies 16 trees of which 2 are category A, 1 category B, 12 category C and 1 category U.
- 1.2 The site is adjoined by the 27.5m deep rear garden of 17 Frognal (east), the communal rear gardens and car park of Court Mansions (south), a house in Hampstead Gate (west) and a vacant bungalow and a commercial car park (north).
- 1.3 There is an existing one metre wide path to access the site alongside 17 Frognal.
- 1.4 Neighbouring buildings are three storeys (Hampstead Gate) and four and five storeys (Frognal) in height.
- 1.5 The site is located within the Redington Frognal Conservation Area. It is not listed. No. 17 Frognal is identified as making a positive contribution to the character of the conservation area.

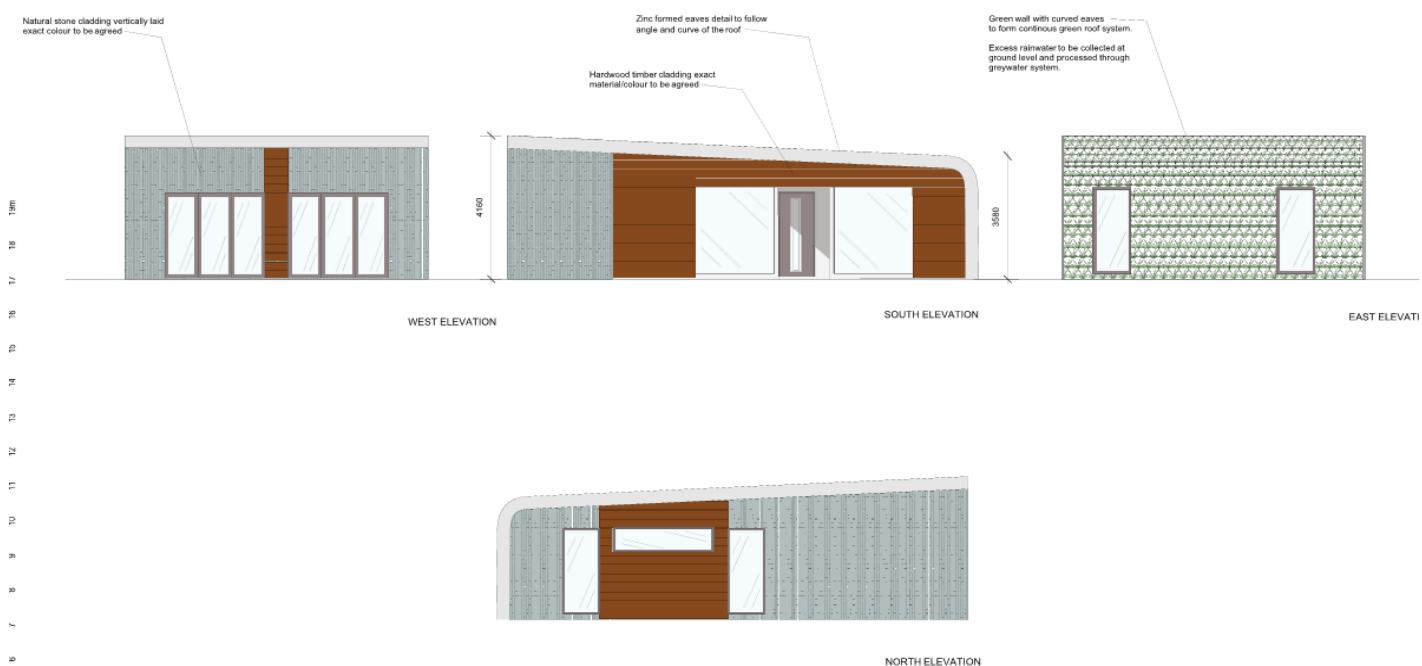
2. THE PROPOSAL

- 2.1 Planning permission is sought for a three-bedroom six-person single storey dwelling on the site. Situated towards the middle of the site and on its northern side, the new dwelling would be 13.2m in length and 8.5m in width. It would have a low pitched roof with a maximum height of 4.16m. It would contain three double bedrooms (11.3 sq m, 14 sq m and 14.6 sq m) and a 44 sq m kitchen/living room/diner. The gross internal area would be 95.5 sq m. Paving would be undertaken on three sides of the new dwelling (west, south and east). A lawn would be formed on the west

(Hampstead Gate) side of the site and landscaped strips with trees on all four sides. Three existing category A and category B trees and 1 category C tree would be retained and 13 new trees planted as per an Arboricultural Report/Plan. The application also includes an Ecological Survey and an Endoscope Survey for bats.



Proposed plan



Proposed elevations

- 2.2 The materials are indicated as natural stone and timber cladding for the walls, a green roof with two rooflights and solar energy panels and powder coated aluminium windows.
- 2.3 Minor amendments and further information have been secured during the course of the application. A slight increase in the size of the dwelling has been made to ensure compliance with the housing standards (see Quality of residential accommodation below) and details of the green roof and measures to protect existing trees have been provided.

3. PLANNING HISTORY

- 3.1 None of relevance

4. CONSULTATIONS

Statutory Consultees

- 4.1 Redington Frognal Neighbourhood Forum were consulted. Objections were raised on the grounds that the site offers value to bat, owls and other wildlife and that the Draft Redington Frognal Neighbourhood Plan (DRFNP) proposes to designate this copse as a local green space. The site is also noted as being an oasis protected by trees. The Forum consider the removal of trees to be unacceptable and state it would result in a loss of protection from noise and poor air quality.

Officer response: See paras. 13.7 – 13.11 of the report below. An Ecology Appraisal and Endoscope Survey were undertaken and no bats, badgers, breeding birds, amphibians, reptiles nor other species were found. The Council's Nature Conservation Officer and The London Wildlife Group raised no objections to the proposals. The Inspector for the examination of the DRFNP did not agree with the local green space designation and the site is not therefore included in the list of designated Local Green Spaces in the RFNP which is now the referendum version. There would be a net gain of trees on the site and the proposal would not result in any significant changes to the noise or air quality climates.

Conservation Area Advisory Committee

- 4.2 Hampstead CAAC were consulted. Objections were raised on the grounds that the ownership status of the land is unclear, proof of a right of way is required, cutting down a whole copse is unacceptable, the proposal would harm the Conservation Area, cars should not be included, adverse impact on underground water features/courses, increased risk of flooding, site is unsuitable for development and damage to protected trees in area.

Officer response: Land ownership is not a material planning consideration in this instance. The only trees to be removed are Category C trees, plus a Category U being removed because of its condition. Replanting of the trees with a net gain is proposed and the Category A and B trees would be retained with tree protection measures secured. The proposal would be car-free. No on-site car parking nor

vehicular access is proposed. There is no basement nor underground development proposed.

Local Groups

- 4.3 Redington Frognal Association raised objections on grounds of: Loss of trees/copse (A Tree study indicates the loss of 40% of trees in the Redington Frognal Conservation Area between 2010 and 2016), unsustainable development on land nominated to be designated as a local green space in the DRFNP.

Officer response: The only trees to be removed are Category C trees, plus a Category U being removed because of its condition. Replanting of the trees with a net gain is proposed and the Category A and B trees would be retained. The Inspector for the examination of the DRFNP did not agree with the local green space designation and the site is not therefore included in the list of designated Local Green Spaces in the RFNP which is now the referendum version.

4.4 Adjoining Occupiers

- 4.5 A site notice was displayed on 12/06/2019 and 06/07/2019 and the application was advertised in the local paper on 13/06/2019 and 07/07/2019.

- 4.6 27 objections and comments were received from occupiers of various flats within Nos. 17 (4 letters), 19, 23, 27, 29, 42 Frognal, No. 27 Arkwright Road and other unknown addresses. The following concerns were raised:

- Harm to/failure to preserve conservation area/visually harmful
- Harm to biodiversity/ecological impact
- Unwanted use of green corridor/open land
- Nominated as Local Green Space by the RFNP
- Damage/loss of mature trees – owner has not replaced cut down protected trees
- Overdevelopment of site/inappropriate backland development
- Insufficient access to backland site/no street access
- Insufficient access to utilities
- No guarantee that development will remain 'car free'/car parking shown on plans
- Noise and disturbance as a result of construction process
- Insufficient information submitted – no energy/sustainability/accessibility statement, no daylight/sunlight assessment
- Incorrect boundaries shown on plans
- Unstable/boggy ground – unsuitable for building on
- Lack of information regarding drainage/potential for surface water flooding/run-off
- Passage from Frognal too narrow to allow building materials through
- Negative impact on air quality – trees filter Finchley Road pollution
- No information on waste storage and management
- Increased footfall/change in circulation.

- Increased noise and disturbance in new location
- Loss of privacy/residential amenity impact
- Fails to meet space standards
- Development would be overlooked by offices and nearby buildings (substandard quality of accommodation)

Officer response: Development of the site and use of the land are considered in the 'Principle of development' section of this report below (paragraph 7.1-7.7). Siting and physical appearance of development and effects on conservation and design are considered in 'Design & Conservation' below. Tree and biodiversity implications are considered in 'Trees, landscaping & biodiversity' below. Accessibility to the site during construction and future transport impacts are considered in 'Access, highways & transport' below. Effects on the amenity of surrounding occupiers are considered in 'Residential amenity' below. The quality of the proposed accommodation is considered in 'Quality of residential accommodation' below.

The submitted drawings are considered to show the existing site and the proposals sufficiently.

The application includes measures to reduce water use/run-off and to promote sustainable transport and biodiversity. Planning conditions are recommended accordingly.

The stability of the ground is a matter for control under the Building Regulations procedure. There is no basement nor significant excavation that would warrant a Basement Impact Assessment.

The provision of utilities/services is not considered to be a material planning consideration in this instance and would need to be secured from statutory undertakers.

5. POLICIES

5.1 National and regional policy

NPPF 2019

The London Plan 2021

5.2 Local Plan

G1 Delivery and Location of Growth

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

D1 Design

D2 Heritage

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials
DM1 Delivery and Monitoring

5.3 **Supplementary Planning Guidance**

CPG Housing (January 2021)
CPG Amenity (January 2021)
CPG Design (January 2021)
CPG Developer Contributions (March 2019)
CPG Transport (January 2021)

5.4 **Redington and Frognal Conservation Area Statement 2000**

5.5 **Redington and Frognal Neighbourhood Plan**

The Referendum version of the Redington and Frognal Neighbourhood Plan was agreed in June 2021 with 88% in favour of the Plan being adopted. It should therefore be given full weight.

The following policies of the Plan are considered to be relevant considerations:

SD2 Redington Frognal conservation area
SD4 Sustainable development
BG11 Gardens and ecology
BG12 Tree planting and preservation
BG13 Lighting

5.6 **London Borough of Camden Housing Delivery Test - Action Plan dated August 2020**

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Principle of development
8	Housing mix & affordable housing
9	Quality of residential accommodation
10	Design and conservation
11	Residential amenity
12	Access, highways & transport
13	Trees, landscaping & biodiversity
14	Flood risk

15	Energy and sustainability
16	Land contamination

7. PRINCIPLE OF DEVELOPMENT

- 7.1 Policy G1 (Delivery and location of growth) of the Camden Local Plan is concerned with creating the conditions for growth to meet Camden's identified needs in terms of homes, jobs and infrastructure. In order to do this, the Council will support development that makes best use of its site, taking into account such considerations as quality of design, context, sustainability, amenity, heritage and transport accessibility. Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.
- 7.2 The support at local policy level for developing housing on underused land reflects a key objective of the NPPF 2019 which is to make effective use of land. Paragraph 117 states that 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. The application achieves this goal.
- 7.3 In accordance with the requirements of the Government's Housing Delivery Test, the Council has published a Housing Delivery Test Action Plan. This sets out a series of actions to ensure that Camden is able to meet its housing requirement in future years. The housing delivery plan has been produced as the data shows that housing completions in Camden in recent years have fallen below the borough's housing delivery target. Between 2017/18 and 2019/20, Camden had a target of 3,265 new homes and 2,568 were delivered. This equates to 79%. Under the 2019 rules if delivery falls below 95%, authorities must publish an action plan to explain how they intend to increase delivery in future years. The Council also need to have a 20% buffer on our five year land supply. This should be taken into account when the Council are making decisions on applications which if approved would enable the delivery of additional housing for the borough.
- 7.4 In a recent appeal decision (ref: APP/X5210/W/20/3261840, allowed on 17/05/2021) in respect of land adjacent to Jack Straws Castle, North End Way, NW3 7ES (LB Camden planning application ref: 2020/1828/P) the Inspector noted that, under para 11 of the NPPF, there is a presumption in favour of allowing proposals for new housing where it cannot be demonstrated that there is a 5 year supply of housing. Para 11 of the NPPF indicates that the benefits of proposals (which in this case includes the provision of new housing) should be weighed up in situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites and there should be a presumption in favour of development in the absence of clear reasons for refusing the development. As Camden cannot currently demonstrate a 5 year housing target, this should be taken into account in the decision making process.

- 7.5 In summary, there should be a presumption in favour of the provision of the new dwelling in this case, subject to there being no significant harm which would outweigh the benefits of providing a new house. The planning impacts of the development are assessed in turn below.
- 7.6 The site lies in a residential area and it is not designated open space on the Local Plan Policies Map. Policy A2 (Open Space) of the Local Plan states that 'non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible' will be protected (part e). In section 10 below, below the concern of overdevelopment is addressed. The building would be at the end of the open space, comprising the rear garden of 17 Frognal and the plot at the end subject to this application. Measuring from the submitted plans, the 116sqm dwelling (GEA) would only cover approximately 32% of its 362sqm plot beyond the garden of 17 Frognal. The dwelling would be sited over 35m from the rear elevation of 17 Frognal and the overall coverage of the site of the new dwelling, taking into account its plot and the rear garden of 17 Frognal, would only be 14% of this non-designated open space (116sqm GEA of 840sqm). Overall, the building maintains most of the open space, would be proportionate to the plots and surrounding buildings, and would maintain the open space's value. The proposal does not conflict with the aims of policy A2 (Open Space) of the Local Plan.
- 7.7 The nature conservation implications are considered in section 13 below and the proposal is not considered to result in any significant harm or loss of trees or biodiversity. The townscape and amenity implications are considered in sections 10 and 11 below and the proposal is considered not to result in harm to the character or appearance of the Conservation Area or the visual or residential amenity of surrounding occupiers.
- 7.8 The site was designated as Local Green Space in the Draft Redington Frognal Neighbourhood Plan – May 2020 (LGS 6: Copse to the rear of 17 Frognal). The Examiner's Report of the Redington Frognal Neighbourhood Plan stated 'I am not satisfied that this site is demonstrably special to the local community and I recommend that it is not designated as Local Green Space.' The site was therefore removed from the list of Local Green Spaces in the Redington Frognal Neighbourhood Plan Referendum version (June 2021).
- 7.9 There are no blanket policies which expressly prohibit the development of under-used vacant land such as the application site in the Redington & Frognal Conservation Area Character Appraisal and Management Plan. A full assessment of the proposal in the context of the Conservation Area is undertaken in Design & Conservation below.
- 7.10 In conclusion, as the site has no specific protection and subject to the other policies of the Development Plan and any other material considerations, it is appropriate for residential development.

8. HOUSING MIX & AFFORDABLE HOUSING

- 8.1 The proposal would create a new three-bed dwelling house and Policy H7 identifies 2 and 3 bed units as the highest priority. The proposal would result in a new family sized 3 bed unit in accordance with the Local Plan.
- 8.2 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. Given the floorspace of the new dwelling would be 95.5 sq m GIA, a contribution is not required by policy in this instance.

9. QUALITY OF RESIDENTIAL ACCOMMODATION

- 9.1. CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms.
- 9.2. The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The proposed dwelling exceeds the minimum size requirement in the nationally described space standards for a three bedroom 6 person house on one storey (i.e. 95 sq m). The bedrooms would meet the size requirements and all the habitable rooms are considered to be of sufficient size with adequate natural daylight. The proposed garden space is considered to be sufficient.
- 9.3. An objection has been received on the grounds that the site would be overlooked and the privacy of occupiers would be compromised. The two storey dwellings in Hampstead Gate adjoin the western boundary of the site, approximately 9m from the proposed dwelling. To the north is a vacant bungalow. New planting is proposed along the site boundaries and the new dwelling and lawn would therefore be screened from direct overlooking from any upper level windows. Boundary fences/walls would mitigate overlooking from ground floor windows. Details of new boundary treatment and new planting (numbers, species, sizes, locations) are recommended to be secured under planning conditions 3 and 11.

10. DESIGN & CONSERVATION

- 10.1. Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states 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.
- 10.2. Within the Heritage section of the Council's Planning Guidance SPD it is noted that 'The Council will only permit development within conservation areas that preserves and where possible enhances the character and appearance of the area'. The Redington Frognal Neighbourhood Forum also point out that the Redington Frognal Conservation Area Character Appraisal and Management Plan notes the significance of rear gardens to the character and appearance of the Conservation Area.

- 10.3. In terms of the principle of the development in the context of the character and appearance of the Conservation Area, it should be noted that the site is a separate planning unit which does not form an integral part of the site of 17 Frognal nor the Frognal streetscene. The site is 27.5m from the rear of 17 Frognal (and further and not visually prominent from within the Frognal streetscene). It is not considered to form an integral part of the site of 17 Frognal which is noted as being the positive contributor to the conservation area and its redevelopment would not compromise the significance of the conservation area.
- 10.4. Due to its location, size and siting, the site is not considered to be an integral part of 17 Frognal and a proposal to develop the land to provide a new dwelling is not considered to result in the loss of active garden land to the detriment of the character of 17 Frognal, the Frognal streetscene, or the general residential character of this part of the conservation area.
- 10.5. The site is not identified by the Council as being a designated green or ecological space and the Council's Arboricultural and Ecological officers do not consider that there would be a material loss of significant trees nor protected species. The arboricultural and ecological implications of the development are discussed in section 13 of this report.
- 10.6. The plan of tree removal and planting (see 'Trees') would not result in significant harm to the arboricultural value of the site within the conservation area. The siting of the dwelling would allow for the retention and replacement of trees on all four sides of the site; the Council's Arboricultural Officer considers that the landscape value of the site in the conservation area would not be impaired (see section 13 - 'Trees, landscaping & biodiversity').
- 10.7. The size, layout and form of the new dwelling and paving would not harm the character nor appearance of the conservation area. With a maximum height of 4.16m, length of 13.2m and width of 8.5m, the new dwelling would have a low pitched green roof and stone and timber clad walls (the east elevation facing 17 Frognal would have a green wall). The dwelling would be of a contemporary form and appearance situated over 32m from the Frognal buildings. It is considered that it would not disrupt the setting of older buildings, interrupt the general pattern of development, nor harm the character or appearance of the conservation area. The new dwelling would also contrast with the more conventional brick/tiled 2/3 storey terraced houses in Hampstead Gate to the west. However, as a one-off stand-alone dwelling on a separate plot which does not sit within an established streetscene, it is not considered that it should replicate the form, massing, proportions or architectural style of any surrounding development and its unique size, style, shape and materials are not considered to detract from the character and appearance of the conservation area and are considered to result in a satisfactory design.
- 10.8. Concern has been raised (in a letter of objection) that the proposal would constitute an overdevelopment of the site. This is also a consideration under Policy A2 of the Local Plan. The proposed building is only a single storey structure and makes use of land to provide an additional home in a time of significant housing need. Measuring from the submitted plans, the 116sqm dwelling (GEA) would have a smaller footprint than the buildings on Frognal and it would only cover approximately 32% of its

362sqm plot beyond the garden of 17 Frognal. The dwelling would be sited over 35m from the rear elevation of 17 Frognal and the overall coverage of the site of the new dwelling, taking into account its plot and the rear garden of 17 Frognal, would only be 14% of this non-designated open space (116sqm GEA of 840sqm). The site coverage would be less than the neighbouring houses in Hampstead Gate and adequate levels of separation and openness would be achieved such that the proposal would not result in an overdevelopment to the detriment of the character and appearance of the conservation area and the visual amenity of surrounding occupiers.

- 10.9. A planning condition is recommended to prevent any extensions, additions or alterations to the building which would be allowed as permitted development (under the GPDO) without the consent of the Local Planning Authority. Any extensions, additions or alterations may be harmful to the appearance of the site (and the amenity of neighbouring occupiers) and consequently, it is considered reasonable to 'control' any permitted development.
- 10.10. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, scale, design and location of the proposed alterations, would ensure no harm is caused to the character of the host building and surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.

11. RESIDENTIAL AMENITY

- 11.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.
- 11.2. Privacy:
- 11.3. As the new dwelling would be single storey, all the windows would be at ground level and they would not result in any material overlooking of any adjoining sites. The same is true for the garden. However, the topographical survey indicates that there are 1.2m high walls/fences along the boundaries with the adjoining residential sites. A condition is therefore recommended to require the submission and approval of boundary treatments which would prevent overlooking (Note: As a minimum 1.8m high walls/fences are regarded to prevent overlooking from ground floor level rooms and gardens).
- 11.4. Daylight and sunlight:
- 11.5. As the new dwelling would be single storey (with a maximum height of 4.16m) it should not result in significant overshadowing of any neighbouring properties. The new dwelling would be sited alongside the rear elevation of the bungalow to the north.

This currently faces the boundary fence at the site and the proposal would not result in a significant loss of light from the main habitable rooms of this property.

11.6. Outlook:

- 11.7. As the new dwelling would be single storey (with a maximum height of 4.16m) situated behind boundary walls/fences (to be secured by condition), it would not be likely to result in any significant loss levels outlook for any surrounding occupiers. It would not represent an overbearing feature and it would not result in the loss of any designated open space or interests of any significant amenity or heritage value for surrounding occupiers. Comments on the effect on the character and appearance of the Conservation Area and landscape value are included in sections 2.5 and 2.8 of this report.

11.8. Noise:

- 11.9. The site is located in a residential area which is characterised by 2–5 storey residential buildings which are in use as flats. Immediately adjoining the site are the gardens of the flats at 17 Frognal and Court Mansions, family houses in Hampstead Gate and a commercial car park. The proposal would not generate significantly higher noise or activity levels than the surrounding residential buildings and it is not considered that the neighbouring properties would experience significant noise nor disturbance as a result of the proposal.

- 11.10. Noise from site works has the potential to adversely impact neighbouring noise sensitive receptors. A Construction Management Plan (CMP) would be secured via section 106 to address this (more details below).

11.11. Air Quality:

- 11.12. Concern has been raised (in one of the letters of objection) regarding increased air pollution from Finchley Road as a result of the removal of trees. However, replacement trees are proposed and there would be a net gain of one tree. A It is not considered that there would be significant harm on the air quality in the area as a result of the application.

12. ACCESS, HIGHWAYS & TRANSPORT

- 12.1. There is an existing path to the site from Frognal (to the side of 17 Frognal) and this would be used to access the new development. A car free development is proposed and so vehicular access is not required. Adequate access would be provided for future occupiers (and visitors). For a single household domestic waste and recyclables could be stored within the house and taken out to the highway on collection days. The 50m long path alongside 17 Frognal would be sufficiently wide and it would provide level access for future occupiers to safely wheel a bin out to the highway on collection days. It would be reasonable to expect future occupiers to wheel the bin out on collection days. A gate could be provided at the entrance of the site to provide security for future occupiers. The condition relating to boundary treatments would require details to be submitted.

12.2. Cycle parking:

- 12.3. Policy T1 requires all new development to provide cycle parking facilities in accordance with the minimum requirements of Camden's cycle parking standards and the London Plan. For residential units with 3 bedrooms, the required provision is 2 cycle spaces. The proposed site plan includes a cycle store close to the entrance to the site but no details have been provided. It is therefore recommended that a condition is attached to secure details of cycle parking facilities. There is adequate space for the cycle parking to be provided in a number of suitable locations.

12.4. Car parking:

- 12.5. Policy T2 of the Local Plan requires all new developments in the borough to be car-free. The new dwelling would not have any on-site car parking spaces in accordance with Policy T2. The applicant/owner would be required to enter into a section 106 legal agreement to ensure that future occupiers are exempt from obtaining car parking permits. Planning permission is recommended subject to the completion of a section 106 agreement with car-free housing secured.

12.6. Construction Management Plan:

- 12.7. Given the potential extent of construction work on a busy street, a Construction Management Plan (CMP) would be required via a section 106 legal agreement to ensure the proposed development does not create traffic congestion nor lead to a loss of amenity for surrounding occupiers in accordance with policy A1. A CMP implementation/monitoring contribution of £3,136 would also need to be secured as a section 106 planning obligation if planning permission is granted.
- 12.8. The applicant has indicated that access would be available from the adjoining car park during the course of construction. This would reduce the intensive use of adjacent highways by construction vehicles and an informative is recommended by officers to advise that access to the site during construction from the adjoining car park should be explored (and the applicant has confirmed this will be the case).
- 12.9. Nevertheless, as the site is constrained and given that the construction works may result in nuisance and potential damage to neighbouring properties it is considered that a Construction Impact Bond of £7,500 should be secured.

12.10. Highway works:

- 12.11. A financial contribution of £5,000 would be sought for highway works to repair any damage to the pavement caused during construction of the proposed development. This would be secured as a section 106 planning obligation.

13. TREES, LANDSCAPING & BIODIVERSITY

- 13.1. The Tree report identifies 16 existing trees of which 2 are category A, 1 category B, 12 category C and 1 category U. A Tree Constraints Plan indicates the location of the trees. The 2 category A and 1 category B trees are located on the southern boundary of the site where lawn is proposed.

- 13.2. A Tree Impact Plan shows the retention of the category A and B trees and the removal of 11 category C and 1 category U trees. The Category C trees to be removed are all noted as being poor specimens and the Category U tree is unsafe which is why it is being removed. All the trees are of low visibility from the public realm.
- 13.3. There are 13 trees proposed to be planted as replacements for the 12 to be removed. These would include 2 Oaks, a Silver Birch, a Rowan, an Apple, a Pear, a Plum, a Lime, a Holly, a Hawthorn and 3 Japanese Acer. They would be planted within landscaped strips around the house. Where possible, the new trees would be of a heavy standard with a minimum girth of 14–16cms. Conditions are recommended to ensure that the replacement planting is undertaken and that the new trees are maintained in accordance with BS8545:2014 and replaced if they subsequently die. The replacement planting would mitigate the loss of amenity and canopy cover provided by the trees to be removed and enhance the biodiversity of the site. The proposed maintenance plan is considered sufficient to demonstrate that the replacement trees would be adequately maintained to ensure successful establishment.
- 13.4. The tree protection plan, arboricultural method statement and proposed scheme of monitoring are considered sufficient to demonstrate that the trees to be retained would be adequately protected throughout development.
- 13.5. The scheme involves the use of specialist foundations to ensure the impact on trees to be retained would be of an acceptable level. Full details have not been submitted, as such these details would be secured by condition.
- 13.6. The landscape value of the site would also be preserved by way of a green roof and green wall on the eastern elevation of the building. Full details would be secured by condition.
- 13.7. An Ecology Appraisal was carried out by Cherryfield Ecology and this identified the site as comprising bare ground, artificial turf, short perennial, scrub, trees and a metal shed. The scrub and trees provide suitable nesting ground for birds and one tree provides high potential for roosting bats.
- 13.8. However no bats, badgers, breeding birds, amphibians, reptiles nor other species were found. No significant water courses, water bodies, woodland suitable as habitat features were found within the search area of the site (1000m radius).
- 13.9. The Ecology Appraisal recommended an endoscope survey of tree T6 be carried out to investigate the evidence of any bats. No bats or evidence of bats using the tree were found.
- 13.10. London Wildlife were consulted on the Ecology Appraisal and Endoscope Survey. They agreed with the findings. The Council's Nature Conservation consultant has reviewed the submitted information and considers it sufficient in demonstrating compliance with policies A2, A3, CC1, CC2, and CC3.
- 13.11. In addition to there being no significant loss of protected species or habitats, a green roof and green wall would be formed on the new dwelling to provide new habitats.

14. FLOOD RISK

- 14.1. Several objections refer to how the proposal would result in the loss of green and permeable garden space. The new dwelling and its associated paved area would occupy existing green and permeable space but the site is not in a flood risk zone and conditions requiring details of hard and soft landscaping would safeguard the landscape and biodiversity value of the site.
- 14.2. In terms of flooding and water run-off there should be no significant risk as the site is not in a medium or high risk flood zone and a condition requiring the submission and approval of Sustainable Drainage Systems (SuDS) would ensure that there is not significant water run-off in the interests of sustainability and the prevention of flooding. The condition would ensure that attenuation is provided so that greenfield rates of run-off are achieved. In order to ensure that the dwelling complies with policies on climate change and water and flooding (policies CC1, CC2 and CC3) a planning condition in respect of water efficiency is recommended.

15. ENERGY AND SUSTAINABILITY

- 15.1. Policy CC1 of the Camden Local Plan requires all development to minimise the effects of climate change and to meet the highest environmental standards during construction and operation. The policy states the Council's aim for all development to promote zero carbon development and to reduce carbon dioxide emissions.
- 15.2. The application includes an Energy Statement which indicates that development would incorporate energy efficiency measures to reduce carbon emissions above the Building Regulations targets by 20% - in compliance with the 19% policy target. The measures included to secure carbon reductions would include low energy lighting, air pressure tests, intermittent extract fans, time and temperature zone controls, under floor emitters, air to water heat pump, a minimum loss water heat cylinder and PV panels on the roof. Details of the PV panels are recommended to be secured by way of a condition in the interests of the appearance of the building and the sustainability of the development.

16. LAND CONTAMINATION

- 16.1. The site is not known to have been used for any contaminating uses in the past and there are no known contaminating processes in the immediate vicinity. As the full history of uses is not known and as Camden's soils typically contain elevated levels of lead and other potential contaminants, primarily in the Made Ground stratum, the risk increases from low to medium and a condition is recommended accordingly.

17. CONCLUSION

- 17.1. Under the NPPF and following the Council's Housing Delivery Test Action Plan, there is a presumption in favour of granting proposals for new housing unless it can be demonstrated that there would be harm to planning interests which would outweigh the benefits of the new housing. The proposal has been assessed as not likely to cause a level of harm which would outweigh the benefits of the new house. The proposal would not result in the loss of any designated open space and it would not

compromise the garden land of any existing property nor result in harm to the character nor appearance of the Conservation Area. The under-used plot which no longer forms part of the garden of 17 Frognal fulfils the criteria for residential development in the NPPF and Local Plan. The proposed development would not harm the character nor appearance of the Conservation Area nor result in the loss of any designated open space or landscape or biodiversity value from the site. There would be no notable harm to the amenity of any surrounding occupiers. Subject to a legal agreement to secure a car-free development, Construction Management Plan (with bond and supporting/implementation fee) and contribution to highways, there would be no adverse effects on the highway. There would be no undue flood risk from the development. The new house would be a sustainable development and it would include measures to secure appropriate CO2 emission reductions.

18. RECOMMENDATION AND PLANNING OBLIGATIONS

18.1. Grant conditional planning permission subject to a section 106 Legal Agreement to include the following Heads of Terms:

- Car-free
- Construction Management Plan (plus monitoring support fee of £3,136)
- Construction Impact Bond (£7,500)
- Highways contribution (£5,000)

19. LEGAL COMMENTS

19.1. Members are referred to the note from the Legal Division at the start of the Agenda.

Conditions

- 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 Approved Drawings:

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

F12/2020/PRBL Rev C, F12/2018/PP/01 Rev E, F12/2018/PP/02 Rev E, F12/2018/PP/03 Rev C, F12/2018/PP/04 Rev B, F12/2018/PP/06 Rev B, Arboricultural Report, Impact Assessment & Protection Method Statement (Crawshaw Arborcare LTD 10/12/2020), Ecology report (Cherryfield ecology 25/10/2019), Endoscope survey of tree (T6) letter (Cherryfield Ecology 24/10/2019), Energy Assessment/SAP report (Energy Calculations Ltd 14/11/2019), Green Roof & Green Wall Planting & Maintenance Plan (The Plantman - 06/12/2020)

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

3 Details of architectural features, materials, boundary treatments, PV/solar panels:

Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details of all windows, ventilation grills, external doors and gates;
- b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).
- c) Details of all boundary treatments
- d) Details of PV/solar panels on roof

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and the sustainability of the development, in accordance with the requirements of policies D1, D2, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

4 Building Regulations Part M4 (2):

The proposed dwellinghouse, hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017.

5 Restrictions on permitted development:

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

6 Details of habitats for protected species:

Prior to first occupation of the development a plan showing details of small mammal connectivity, bird and bat box locations and types, and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes and other measures shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (2016), the London Plan intend to publish (2019) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

7 Water efficiency:

The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

8 Cycle parking details:

Before the development commences, details of secure and covered cycle storage area for 2 no. cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

9 Waste/recycling storage details:

Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

10 Green roof details:

Prior to commencement of development , full details in respect of the green roof in the area indicated on the proposed roof plan and the green wall on the east elevation shall be submitted to and approved by the local planning authority. The details shall include

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- iii. full details of planting species and density

The green roof and green wall shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

11 Details of new landscaping:

Prior to the end of the next available planting season, landscaping including replacement tree planting shall be carried out in accordance with the arboricultural report by Central London Tree Surveys Arboricultural Consultants dated 10th December 2020 entitled "Arboricultural Report, Impact Assessment & Protection Method Statement". The trees shall be planted and maintained in accordance with BS8545:2014 - Trees from the nursery to independence in the landscape and the approved landscape maintenance plan.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2 and A3 and D1 and D2 of the London Borough of Camden Local Plan 2017.

12 Compliance with approved landscaping details:

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

13 Tree protection measures:

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report by Central London Tree Surveys Arboricultural Consultants dated 10th December 2020 entitled "Arboricultural Report, Impact Assessment & Protection Method Statement". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision and monitoring of the retained project arboriculturalist as detailed in the approved arboricultural report and the findings of supervision visits shall be sent to the Council's Tree and Landscape officer after each visit.

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 A2 and A3 of the Camden Local Plan.

14 Details of foundations:

Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

15 Details of land contamination:

Prior to the commencement of work for each section of the development or such other date, or stage in the development as may be agreed in writing by the Local Planning Authority (LPA) a scheme including the following components to address the risk associated with site contamination shall be submitted to and approved in writing by the LPA.

A) A ground investigation based on the Phase 1 Desk Study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

B) The results of the investigation and detailed risk assessment referred to in (A) and, based on these, in the event that remediation measures are identified necessary, a remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken;

C) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete.

Each section of the development shall be carried out strictly in accordance with the relevant risk assessment, site investigation, remediation strategy and verification plan so approved, and no change therefrom shall take place without prior written consent from the LPA.

Any investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11). In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported immediately to the LPA.

For the avoidance of doubt, this condition can be discharged on a section by section basis.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

16 Sustainable urban drainage:

Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change, demonstrating greenfield levels of run-off. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informatives :

- 1 If possible, access to the site during construction should be achieved from the adjoining car park to the north. This should provide safe and convenient access to the site without any detriment to highway safety.

- 2 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).
- 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. See informative 1 regarding access to the site during the course of construction from the adjoining car park.
- 4 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 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)
- 6 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.
- 7 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.

- 8 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.

