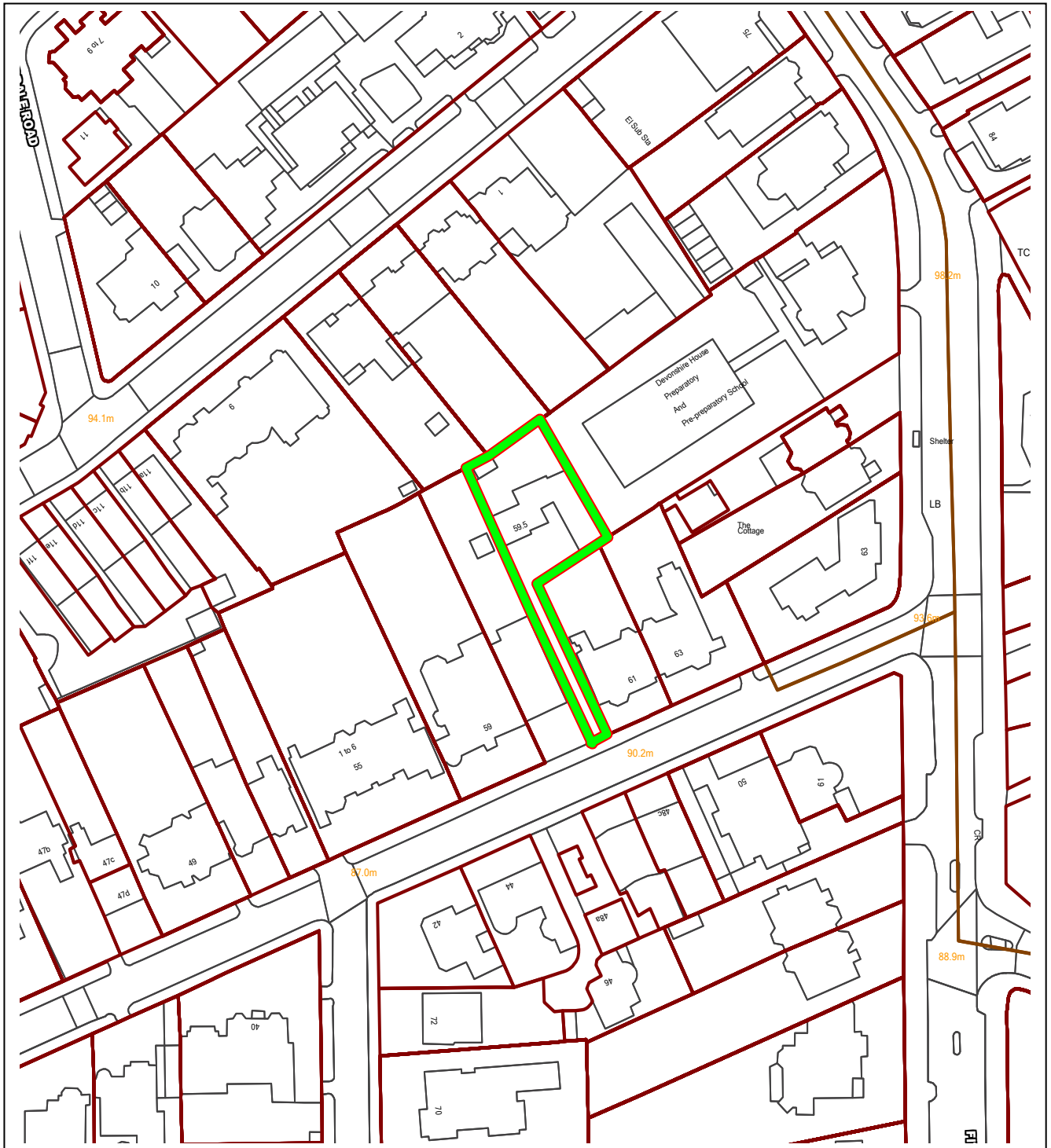


# 59 and Half Netherhall Gardens, London, NW3 5RE



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## Photos



1. Aerial photo of site



2. View from front to access site



3. View to front entrance



4. Front elevation of existing dwelling



5. Front elevation (looking west)



6. View of rear elevation



7. View of rear garden.



8, 9 and 10 above are views of upper garden entrance and upper garden



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>31/11/2021</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	16/01/22
<b>Officer</b>			<b>Application Number(s)</b>	
Jaspreet Chana			2021/4884/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
59 And A Half Netherhall Gardens London NW3 5RE			<i>Refer to decision notice</i>	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Demolition of existing dwelling and construction of replacement dwelling with associated landscaping				
<b>Recommendation:</b>	Grant conditional planning permission (subject to a Section 106 Legal Agreement)			
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:	<b>Refer to Decision Notice</b>			
Informatives:				
<b>Consultations</b>				
Summary of consultation:	<p>The site notice(s) were displayed on 23/12/21 (consultation end date 16/01/22).</p> <p>The development was also advertised in the local press on the 23/12/21 (consultation end date 16/01/22).</p>			
Adjoining Occupiers:	No. of responses	<b>6</b>	No. of objections	<b>06</b>
Summary of consultation responses:	<p>Objections were received from neighbouring properties, these can be summarised below:</p> <ul style="list-style-type: none"> <li>• Aesthetically the current building is in keeping with much of the local Hampstead architecture presenting as discreet, restrained and elegant. Stylistically the proposal is more akin to the controversial plans for the large development of the O2. The development of 59 is far too large in a sensitive residential site within the conservation area and neither in keeping nor sympathetic and bears little relationship to the surrounding area.</li> <li>• The building is currently in an attractive regency revival style, built in the 1930s, this regency style is greatly influenced by the arts and crafts style of the surrounding area, this is essential to the area's garden suburb character.</li> <li>• There has been no justification provided to demolish the existing building. The premises are in Fitzjohns &amp; Netherhall Conservation Area, and subject to Local Plan Policy D2 (Heritage). This policy seeks to preserve and, where appropriate, enhance Camden's heritage assets and their settings including conservation areas... Any proposal for substantial demolition must be mindful of Policy CC1 (Climate Change Mitigation), in particular, points e) and f) which require all proposals involving substantial demolition to demonstrate that it is not possible to retain and improve the existing building. However the current building can be retained and improved, because it has permission to be extended (ref.2020/1736/P).</li> <li>• The current building makes a positive contribution to the area's character. Once replaced the heritage will be gone, for this reason the council should resist demolition.</li> <li>• The existing house can be seen from the public realm and therefore any changes made would be visible from the street scene and to houses to the rear also.</li> <li>• The surrounding area to the existing dwelling is complemented with mature trees and general leafy environment. The proposed dwelling would be a modern, cube, glass brick building jarring in such an environment it would not be in keeping with the context scale or other properties in the conservation area.</li> <li>• Concerns are raised in regards to construction works over a significant time jeopardising on mature trees and erosion of biodiversity and removal of the leafy environment.</li> <li>• Disruption from construction would be caused and the access to the</li> </ul>			

property through a narrow driveway may be problematic.

- Noise disruption from the construction and the pollution from the vehicles will cause a negative impact on the amenity of the neighbours on this road.

*Officer's response:*

*Please see sections 5, 6, 7 and 8 below.*

## Site Description

The application relates to a detached two storey infill dwelling to the rear of No. 61 on the north side of Netherhall Gardens accessed via a private driveway. The site falls within the Fitzjohns / Netherhall Conservation Area and is not listed as either a positive or negative contributor to the area in the conservation area statement. The dwelling itself is relatively modern (constructed in 1930s) but traditional in character apart from an uncharacteristic flat roof. A large attached garage wing features a hipped roof with two front gables.

The site is surrounded by densely planted mature trees on the boundaries, particularly at the side and rear. Due to its location set well back from the street and behind gates, the building is not visible from the public highway. Nos. 61 and 63 Netherhall Gardens are three storeys high and No. 59 has three storeys with additional loft accommodation.

## Relevant History

**2020/1736/P** - Erection of a hipped roof over the existing flat roofed dwelling house with two front and three rear dormer windows (Renewal of planning permission ref 2017/3934/P granted on 12 September 2017) – **Granted on 22/12/2020.**

**2017/3934/P** - Erection of a hipped roof over the existing flat roofed dwelling house with two front and three rear dormer windows – **Granted on 12/09/2017.**

**2005/3788/P** - Removal of condition 2 (specifying the pitch and height of the roof) of the planning permission dated 13/05/05 (2005/1248/P) for the formation of a new pitched slate roof on main part of single-family dwellinghouse. – **Granted 06/02/2006**

**2005/1248/P** - Formation of a new pitched slate roof on main part of house to replace existing flat roof. - **Granted** subject to a condition restricting the pitch of the roof on **13/05/2005. The permission was not implemented.**

**PW9802879R2** - Erection of a 2 storey front extension and roof parapet on the main house and a pitched roof extension on the garage block – **Granted subject to conditions 08/07/1999**

**PW9802880** Erection of a two storey front extension and two pitched roof extension on the main house and garage block. As shown on drawing No 626/S01-06, AP01-07. **Refused 08/07/1999** on the basis of the prominence of the proposed roof, and the resulting floorspace of the building being excessive in relation to the site and the character of the area.

## Relevant policies

### National Planning Policy Framework (2021)

### The London Plan (2021)

### Camden Local Plan (2017)

- A1 – Managing the impact of development
- A4 – Noise and vibration
- D1 – Design
- D2 – Heritage
- CC1 – Climate change mitigation
- CC3 – Water and flooding
- CC4 – Air quality
- CC5 – Waste
- DM1 – Delivery and monitoring

- G1 – Delivery and location of growth
- H1 – Maximising housing supply
- H3 – Protecting existing homes
- H4 – Maximising the supply of affordable housing
- H6 – Housing choice and mix
- H7 – Large and small homes
- T1 – Prioritising walking, cycling and public transport
- T2 – Car-free development and limiting the availability of parking.

#### **Camden Planning Guidance:**

- Amenity (2021)
- Access for all (March 2019)
- Home Improvements (2021)
- Air Quality (2021)
- Design (2021)
- Housing (2021)
- Housing Improvements (2021)
- Energy efficiency and adaptation (2021)
- Water and flooding (2019)
- Transport (2021)
- Trees (2019)

#### **Fitzjohns / Netherhall Conservation Area Statement (2001)**

### **Assessment**

#### **1. The proposal**

1.1. Planning permission is sought for:

- Demolition of existing dwelling and construction of one new detached family dwelling.
- Hard and soft landscaping works

#### **2. Revisions**

2.1. It should be noted that during the course of the assessment, the following revisions were made:

- Changes were made to front and rear elevations, change of fenestration design to improve solid to void ratio
- Front entrance to property re-designed.
- Change of colour of materials.

#### **3. Assessment**

3.1. The principal considerations material to the determination of this application are as follows:

- Land use
- Principle of demolition
- Design and conservation
- Occupier amenity
- Residential amenity
- Excavation works
- Transport impact
- Trees and landscaping
- Sustainability



- Conclusion
- S106 Obligations

#### **4. Land use**

- 4.1. Self-contained housing is the priority land-use of the Local Plan. As the proposed development concerns the erection of a larger dwelling house following demolition of an existing dwelling house it would still provide residential use, it is considered that the proposed development in land use terms is acceptable.
- 4.2. Given that the proposed dwelling would not result in an uplift of units, a contribution towards affordable housing would not therefore be required in this case.

#### **5. Principle of demolition**

- 5.1. Policy CC1 Climate change mitigation require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The construction process and new materials employed in developing buildings are major consumers of resources and can produce large quantities of waste and carbon emissions. The possibility of sensitively altering or retrofitting buildings should always be strongly considered before demolition is proposed.
- 5.2. A condition and feasibility study has been submitted with the application to support the approach for demolition and replacement. This study provides detail of the existing structure and compares two development options: renovation and extension; and new framed construction.
- 5.3. An existing structure review provides the following detail:
- Foundations are corbelled brick or mass concrete strip footings founded in made ground or soft gravelly clay, which will be subject to seasonal and tree movement effects. Foundations are too shallow and if retained would require extensive underpinning.
  - Ground floor slab is solid concrete with no insulation. The investigation noted that the soils in their current state are not capable of safely supporting a ground bearing slab and recommended that a replacement suspended slab supported by main foundations is adopted.
  - Walls, first floor and roof – to meet modern thermal standards it's recommended to install a separate wall skin with insulation and air gap. Some timber joist show signs of deformation and water ingress which would require replacement and repair. The roof would need to be upgraded or replaced in its entirety.
- 5.4. The review of the existing structure provides detail into what needs upgrading and replacement. Two development options have been explored, the first is extensive renovation and extension and the second is a new framed construction.
- 5.5. Following the feasibility study, a whole life carbon assessment was submitted and the following was summarised:

### Existing scenario

The existing scenario has been modelled as though no work has been done. Therefore, as no new materials are entering the scheme, the embodied carbon of the existing scheme is 0 kgCO<sub>2</sub>e. The total lifetime carbon impact (60 years) of the existing scenario is 1,882,486 kgCO<sub>2</sub>e (3,513 kgCO<sub>2</sub>e/m<sup>2</sup>).

### Refurbishment scenario

The total lifetime carbon impact (60 years) of the refurbishment scenario is 776,547 kgCO<sub>2</sub>e (1,506 kgCO<sub>2</sub>e/m<sup>2</sup>):

- The operational carbon of the refurbishment scheme is 302,240 kgCO<sub>2</sub>e.
- The embodied carbon of the refurbishment scheme over the study period is 474,307 kgCO<sub>2</sub>e:
  - Construction stage impacts: 415,317 kgCO<sub>2</sub>
  - Building operation impacts: 52,282 kgCO<sub>2</sub>e/year
  - Deconstruction impacts: 20,979 kgCO<sub>2</sub>
  - Reuse, recovery, and recycling potential: -14,271 kgCO<sub>2</sub>

### New build scenario

The total lifetime carbon impact (60 years) of the new build scenario is 718,646 kgCO<sub>2</sub>e (1,398 kgCO<sub>2</sub>e/m<sup>2</sup>).

- The operational carbon of the new build scheme is 222,840 kgCO<sub>2</sub>e.
- The embodied carbon of the new build scheme over the study period is 495,806 kgCO<sub>2</sub>e:
  - Construction stage impacts: 434,330 kgCO<sub>2</sub>
  - Building operation impacts: 52,385 kgCO<sub>2</sub>e/year
  - Deconstruction impacts: 23,395 kgCO<sub>2</sub>
  - Reuse, recovery, and recycling potential: -14,305 kgCO<sub>2</sub>

*Fig.1. Extract from Whole life carbon assessment document*

5.6. Given the above, the refurbishment scenario demonstrates a higher operational carbon but a lower embodied carbon. The new build scenario demonstrates a lower operational carbon but a higher embodied carbon. After year 14, the increased operational carbon impact of the refurbished scheme results in a larger cumulative carbon impact when compared to the new build scheme. Therefore, a newly built scheme would be the best possible option in terms of carbon impact for this site.

5.7. Further mitigation measures would also be recommended to be secured as part of this application to create the lowest impact building which will further increase the carbon gap between the refurbished scheme and the newly built scheme. Some of these measures stated in the whole life carbon statement would be:

- Substitution of aluminium framed windows for timber windows
- Use 50% repurposed brick for internal walls
- Increase air source heat pump performance
- Substitution of volume of foundation Portland cement for ground granulated blast slag
- Recycling the materials of the existing dwelling to 90% which would be beneficial to the carbon savings and exceeds the 85% waste requirement under policy CC1.

5.8. These mitigation measures would be secured by S106 within the energy and sustainability plan.

5.9. Given the above it is considered that demolition would be considered acceptable in this instance.

## **6. Design and conservation**

6.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's

conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

- 6.2. The existing building is a two-storey-plus-dormers stucco house of traditional, vaguely regency character. It is understood to have been constructed in the 1930s and so is not of authentic style to its period. It forms an L-shape with a flat roof and attached single-storey-plus-dormers coach house and owing to the arrangement of massing, reads as a collection of buildings in a garden setting.
- 6.3. The proposed replacement house is to be a two storey contemporary home with a vertical emphasis to its fenestration, and a contrasting contemporary annex building of horizontal proportions. The main facing material would be modern brickwork and glazing, flat roof to include green roofs. The house is to be laid out as a modern open plan living area at ground floor with four bedrooms at the first floor. There will also be a semi-inset swimming pool wing to the east with extensive green roof cover, details of the green roofs would be secured via condition.
- 6.4. This proposal has been through two pre-applications with officers and through this process adjustments have been made to the scale, massing and design to be more sensitive to the subject site and the surrounding area. The proposed dwelling in massing terms would be of a similar footprint as the existing dwelling and would sit comfortably in relation to the plot. The new dwelling would retain its front and rear building lines as well as maximum height at two storeys with a flat roof. Additional massing would be positioned to the east in the form of a single storey addition to the annex that would house a swimming pool.
- 6.5. Furthermore, it is noted that the existing building has planning permission (See planning history) to add a pitched roof extension with dormers in place of the existing flat roof. The proposed new dwelling would be only two storeys tall and would take up the same footprint as the existing with warm toned brickwork and proposes green roofs. This new design would be more in keeping with the surrounding garden leafy area and would remain subordinate to the existing subject site and surrounding conservation area.
- 6.6. The character of the building has little similarity with the surrounding conservation area which largely comprises large buildings of various architectural styles and scales. This is due to its location being within the rear garden of No.59 and Half Netherhall. Given its location within the garden and it being surrounded by a mixture of tall trees and neighbouring boundary walls it's hard to distinguish a certain character the new dwelling should be similar to. The current dwelling is an anomaly within this location and does not follow any obvious character therefore any replacement dwelling would also be an anomaly within this site which would be assessed on its own merits. Therefore the character of the new dwelling has been considered carefully and due to the high quality design and set back location from all boundaries the dwellings character and appearance would be considered acceptable.
- 6.7. The fenestration would be very regular with six vertical openings of the same proportions at both ground and first floor levels; and a grand front entrance door with ground to first floor glazed surround. The annex would combine a largely glazed internal side and external first floor with solid brickwork at front façade and part of rear first floor elevation. The contemporary two masses would be connected by a glazed link. The annex would create a subordinate relationship with the main house owing to its slightly lower height, more contemporary architectural character and the break in massing between the two volumes.
- 6.8. The proposed design has been considered from the perspective of impact on the conservation area. Given its setback position from the street and the fact that only fleeting glimpses of a small section of the front elevation would be possible, it is considered that no harm would result to the conservation area. As such, the proposed design in this inconspicuous location is considered acceptable. Full external materials would be conditioned to secure high quality execution.



*Fig.3. Block plan of subject site*

6.9. The new dwelling is set back and set down from the front of the main dwelling leaving the dwellings on Netherhall Gardens (61 and 63) as the prominent buildings and this helps to ensure that the new dwelling in the rear would read as a more sympathetic, subordinate addition. The new unit would have access from the south west from the front narrow alleyway and also has amenity space as a garden to the north-west side. The existing access and parking area for the existing house would be maintained.

6.10. It is therefore considered that the proposed new dwelling would maintain a sense of visual separation from the existing dwellings along Netherhall Gardens and would still allow an appreciation of the green leafy surroundings. Overall, the scale, bulk and form of the development has been carefully designed and is in keeping with the character and appearance of the surrounding area.

6.11. Overall, the design of the proposed development is considered acceptable. The scheme is considered to reflect on and respond to the existing form, scale, appearance and material palette that is observed along Netherhall Gardens. It is considered that the proposed new dwelling would not cause harm to the character and appearance of this part of the Fitzjohns and Netherhall Conservation Area, and is in accordance with policies D1 and D2 of the Camden Local Plan.

## **7. Occupier amenity**

7.1. The proposed new dwelling would have reasonable layouts with decent sized rooms with high ceilings and good access to daylight and natural ventilation. The unit would have a living room, study, kitchen/dining and gym area with access to the pool and utility on the ground floor and four spacious bedrooms with on-suites, study and closets on the first floor. The unit would be dual aspect and would meet the London Plan space standards for bedrooms and overall floor space. The proposed dwelling would have sufficient external amenity space in the form of (west

elevation) private garden.

7.2. The dwelling would have separate refuse and cycle stores within the front/side of the property with easy access from the street. It would continue the same arrangement for waste as the existing dwelling and would provide easy access for waste collection crews.

## 8. Residential amenity

8.1. Policy A1 of the Camden Local Plan seeks to ensure that development does not cause adverse amenity impacts upon neighbours. This is in regards to sunlight, daylight, privacy and overlooking.

8.2. The application site is within a constrained plot set to the rear of Nos.61 and 63 Netherhall Gardens. The land slopes upwards slightly from the front of Nos.61-63 to the rear properties on Arkwright Road which are on higher ground level.



Aerial View - West

*Fig.4. Aerial View existing – West*

8.3. The replacement dwelling would, for the most part, be no higher than the existing property and be two storeys in height set within the same footprint as the existing dwelling with similar separation distances to current neighbours. Where there is additional massing compared to the existing building (east elevation) it would be a sufficient distance away from neighbouring properties from all boundaries for there to be any amenity implications (as can be seen from the above photo). Therefore it is not considered the new dwelling would cause harm to neighbours amenities in regards to loss of light, overbearing, privacy or outlook impacts.

8.4. Although the new dwelling would have glazed openings on the first floor which face towards the rear elevations of Arkwright Road properties (Nos.5 and 7), the Arkwright properties are on higher ground level and would in turn be looking down onto the proposed new dwelling. Given the significant separation distance from the rear elevations back to back it is not considered harm would be caused to the amenities of Nos.5 and 7 in regards to loss of light, overbearing, privacy or outlook impacts.

8.5. It is expected that plant equipment to be installed at the new dwelling will be provided in association with the swimming pool and general maintenance of the house. An acoustic report has been submitted with this application and demonstrates that the proposed plant equipment will have no adverse effect on the living conditions of surrounding occupiers and the standard noise conditions would apply.

8.6. The proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring residents. The development is thus considered to be in accordance with planning policies A1 and A4.

## 9. Excavation works

9.1. The proposed development proposes a swimming pool at ground level but which involves some excavation to the east of the site only. It would be constructed using a contiguous embedded retaining wall to retain the soil temporarily and permanently to create a 1.5 - 2.5m deep subterranean development.



Fig.5. Proposed swimming pool location and ground floor layout

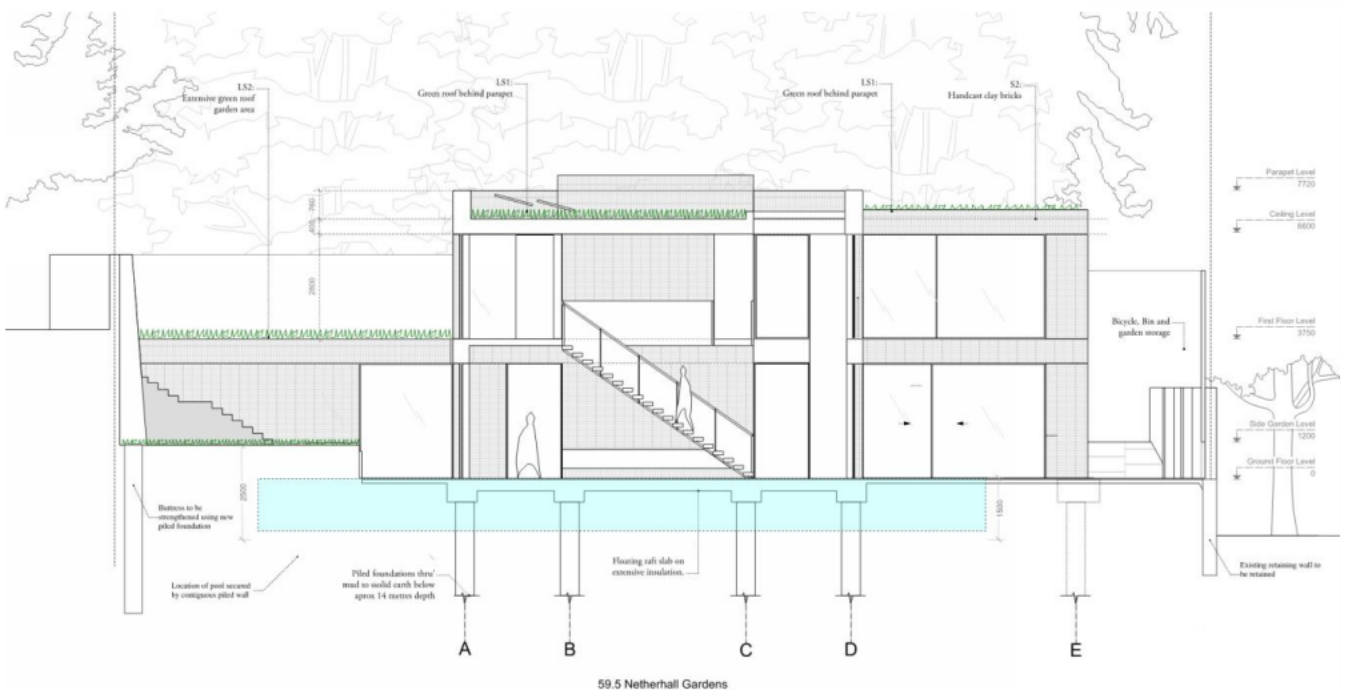


Fig.6. Proposed section indicating pool excavation in relation to retaining walls

9.2. A basement impact assessment has been carried out and has concluded the following: 'the proposed works should have no significant impact on the neighbouring structures and the site-specific ground and water environments. The neighbouring building structures are more than 10m away from the subterranean development and hence will not be impacted directly by the excavation'. The retaining structures are to consist of CFA piles foundation which will induce minimum vibration and will cater for a safe excavation with minimum settlement and horizontal deflection.

9.3. The basement impact assessment was assessed by the Council's basement engineers Campbell Reith and they have concluded:

- *The authors qualifications are in accordance with basement CPG guidelines for all sections*
- *The proposed basement slab levels are anticipated to be a maximum of 3.0m below existing ground level.*
- *Screening and scoping assessments are presented, supported by desk study information.*
- *Geotechnical parameters and outline retaining wall calculations are provided and accepted.*
- *A contiguous piled wall will be used to hold the sides of the excavation and soil pressures with a robust arrangement of temporary internal bracing/props. New buttresses will be installed to strengthen the existing retaining wall prior to excavating.*
- *The ground movement assessment (GMA) considers the impact to neighbouring buildings and boundary walls. The damage anticipated will not exceed Burland category 0 (Negligible).*
- *A structural monitoring strategy has been developed to control construction works and maintain movements within the predicted limits. A structural monitoring layout plan and trigger levels have been provided.*
- *It is accepted that the proposed basement will not impact the hydrogeology or slope stability in the surrounding area and SUDS mitigation measures are proposed.*
- *Based on the revised BIA submission and additional information presented the BIA meets the requirements of Camden Planning Guidance: Basements.*

9.4. Given the above expert advice from Campbell Reith, the proposal accords with the requirements of Policy A5 and with CPG Basements. The development is therefore considered to be acceptable in this respect.

9.5. A site investigation report was conducted for land contamination. The council's contaminated land officer has reviewed the report and stated that he is in agreement with the findings of the desk study and the nature of the ground investigation. However two elevated concentrations of lead were detected above the published generic assessment criteria. The report recommends the collection of further samples to enable a Detailed Quantitative Risk Assessment (DQRA) to be undertaken. A clean cover system should be installed in all garden and soft landscaped areas. This would be secured by a planning condition.

## **10. Transport impact**

10.1. Policy T2 seeks to ensure car-free development across the borough. It is understood the redeveloped property would be for a returning occupier and therefore there would be no car-free obligation but the Council will seek the inclusion of a mechanism that prohibits future occupiers from obtaining parking permits.

### Cycle parking and bin store

10.2. For a dwelling of this size, policy requires two long stay cycle parking spaces. The submitted floor plans show an external area near the plant room which shows space for adequate cycle parking, details of which would be secured by condition.

10.3. 1 Electric Vehicle Charging Point (EVCP) would need to be provided in accordance with Policy T6.1 (Residential Parking) of the London Plan. This will be secured by condition.

### Construction Management Plan (CMP)

10.4. The site is located in an area with multiple schools, and is within the [Frognaal/Fitzjohns](#)

[Neighbourhoods of the Future Healthy School Street Zone](#). Due to the sensitive location of the site and the amount of excavation, demolition and construction works, a construction management plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and neighbouring community. The Council would seek to secure a CMP implementation support contribution of £3,920 and a Construction Impact Bond of £7,500 as section 106 planning obligations in accordance with Policy A1, if the planning application were to be approved.

### *Highways contribution*

- 10.5. The footway and crossover directly adjacent to the site is likely to sustain damage because of the proposed construction activities. The Council would need to undertake remedial works to repair any damage following completion of the proposed development. A highways contribution, the amount which remains to be confirmed by the relevant team, would need to be secured as a section 106 planning obligation if planning permission is granted. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage to the public highway in the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development.

## **11. Trees/landscaping**

- 11.1. No trees are to be removed as part of this proposal. An arboriculture report has been submitted with this application and it identifies a surrounding tree T1 Oak with a root protection area of 7m from the stem covering a diameter of the canopy, however the RPA of this tree would not reach the proposed pool. It is possible that some roots extend to the pool area as such care would need to be taken when excavation for the pool takes place. Some small shrubs are to be removed during the proposed works and so their relocation will be assessed by further landscaping details. These would be secured by planning conditions.
- 11.2. Hard and soft landscaping is proposed as part of the proposal, more details would be secured by conditions.

## **12. Sustainability**

- 12.1. In line with policies CC1 and CC2, the Council will require development to incorporate sustainable design and construction measures. All new-build minor residential development (less than 5x units) are required to submit a sustainability statement (details of which are to be commensurate with the scale of the proposed development) and follow the hierarchy of energy efficiency. The proposed development must also aim to achieve at least a 20% reduction in CO2 emissions.
- 12.2. The approach to energy usage would follow the principles of the energy hierarchy, focussing on the objective to 'Be Lean' the aim is to use energy saving techniques as much as possible throughout the project. It will allow for a low carbon project, using renewable energy via air source heat pumps in each house.
- 12.3. The construction and materials of the new build would result in an efficient thermal envelope for the reduction in outward heat transmittance. The new dwelling is considered to reduce carbon emissions by 18% and 26.2% from the fabric energy efficiency measures described in the 'Be Lean' section using SAP 2012 and draft SAP 10 carbon dioxide emissions factors. Total carbon emissions will be reduced by 57.2% and 56.5% over Building Regulations with further inclusion of an air source heat pump and photovoltaic panels. Given this it is considered the proposal meets and exceeds the target of overall 35% carbon reduction over part L building regulations as set out in the London plan policy SI2 and Camden's Policy CC1.
- 12.4. The sustainability statement incorporates sustainable and energy saving standards which



would be secured by a S106 within an energy and sustainability plan. Further details would be required of the photovoltaic panels, these would be secured by planning condition.

### *Cooling/overheating*

12.5. Overheating analysis of the new dwelling was carried out. The proposed new dwelling would implement passive design measures and the modelling results indicate that the scheme is compliant with the overheating requirements. The proposal maximises passive design measures by responding to the local context in the following ways:

- *Energy efficient lighting and appliances have been recommended to reduce internal heat gains;*
- *The building fabric will be insulated over and above the standards set out by the Building Regulations and reduced solar gains from glazing solar factor of 0.5 will help keep heat out of the building;*
- *Internal shading devices such as blinds/curtains should help further limit solar gains;*
- *Natural ventilation to supply fresh air to the building through openable windows would be provided.*
- *To achieve the thermal comfort levels shown in this report the level of occupant control for the opening windows would need to be optimum i.e. fully responsive to indoor temperature.*
- *Full height doors to front/side/rear elevations to be single pivot door opening inwards;*
- *All other glazing areas to be sliding panels with 50% opening.*
- *The development would consist of concrete slabs and steel frame walls. The concrete slabs will provide thermal mass. This will absorb heat energy during the day and release it at night keeping spaces at steadier temperature.*
- *The results indicate the scheme is compliant with the overheating requirements as set out in CIBSE TM59.*

12.6. The above standards would be secured as part of the s106 legal agreement under an energy and sustainability plan.

12.7. These energy efficiency measures and sustainable features will help to reduce the sites contribution to the causes of climate change and help create a more sustainable development which will complement the heritage of the site and last well over time. The proposal would be in accordance with polices CC1 and CC2.

## **Conclusion**

12.8. Overall, it is considered that the proposed development would respond well to its site and would replace a relatively modern building with no heritage protection with a new building of a high standard of design and improved sustainability credentials.

12.9. The proposed development is in general accordance with Policies G1, H1, H6, H7, A1, A3, A4, D1, CC1, CC2, CC3, CC5, T1, T2 and T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021; the London Plan 2021 and the provisions of the National Planning Policy Framework 2021.

## **13. Recommendation**

13.1. Grant conditional Planning Permission subject to section 106 agreement, S106 clauses:

- Car capped (owners are to return to the site once built)
- Construction Management Plan and associated Implementation Support Contribution of £3,920
- Construction Impact Bond of £7,500
- Highways contribution – £2,446.66

- Energy and sustainability plan

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 9th January 2023, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2021/4884/P  
Contact: Jaspreet Chana  
Tel: 020 7974 1544  
Date: 5 January 2023

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

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Planning Sense Ltd  
19 St Johns Court  
Beaumont Avenue  
St Albans  
AL1 4TS  
United Kingdom

Dear Sir/Madam

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

**DRAFT**

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**59 And A Half  
Netherhall Gardens  
London  
NW3 5RE**

Proposal:

Demolition of existing dwelling and construction of replacement dwelling with associated landscaping

Drawing Nos: R013-A5, R015-A5, R-101-A5, R-111-A5, R-121-A5, R-212-A5, R-223-A5, R-233-A5, R-311-A5, R-321-A5, RC-101-A5, RC-111-A5, RC-121-A5, RC-212-A5, RC-223-A5, RC-233-A5, RC-311-A5, RC-321-A5, A-010-A11, A-013-A11, A-101-A11, A-111-A11, A-121-A11, A-211-A11, A-212-A11, A-222-A11, A-222-A11, A-231-A11, A-231-A11, A-242-A11, A-311-A11, Design & Access Statement Rev: September 2022, Basement Impact Assessment ref no. 20071-SLL-00-XX-BIA-S-002 dated 27 April 2021, Site Investigation Report by Soil Consultants ref no. 10578-0T 11 Feb 2021, Structural report for planning by structures Lab Ltd ref no. 20071-SLL-00-XX-RE-S-001 26 May 2021, Construction management plan by the Quoin Consultancy erf Q5259 June 2021, Arboriculture Impact Report ref no. 210630 rev 2 10 Feb 2021, Surface water management ref: CCE-ZC251-PL-RP-01 May 2021, Site photographs, Basement Impact Assessment by Structures Lab Ltd ref: 20071-sll-00-xx-bia-s-002 dated 30 Nov 2022, Basement Impact Assessment Addendum by Soil Consultants ref. SCL 10578-JRCB Issue 2 dated 14 Dec 2022, Law Society Property Information form 3rd edition, Basement Impact Assessment Audit Revision: F1 December 2022, Overheating Analysis ref: 5908 22/07/2021, Sustainability statement ref: 6280 23/07/2021, RFO vs NC Comparison Chalcot House ref: 5908 23/07/2021, Energy Assessment ref: 5908 22/07/2021, Environmental Noise Survey Report 22/06/2021, Condition & Feasibility Report: 20071-SLL-00-XX-RE-S-003 25/03/2022, Planning and heritage statement.

**DECISION**

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 The development hereby permitted shall be carried out in accordance with the following approved plans: R013-A5, R015-A5, R-101-A5, R-111-A5, R-121-A5, R-212-A5, R-223-A5, R-233-A5, R-311-A5, R-321-A5, RC-101-A5, RC-111-A5, RC-121-A5, RC-212-A5, RC-223-A5, RC-233-A5, RC-311-A5, RC-321-A5, A-010-A11, A-013-A11, A-101-A11, A-111-A11, A-121-A11, A-211-A11, A-212-A11, A-222-A11, A-222-A11, A-231-A11, A-231-A11, A-242-A11, A-311-A11, Design & Access Statement Rev: September 2022, Basement Impact Assessment ref no. 20071-SLL-00-XX-BIA-S-002 dated 27 April 2021, Site Investigation Report by Soil Consultants ref no. 10578-0T 11 Feb 2021, Structural report for planning by structures Lab Ltd ref no. 20071-SLL-00-XX-RE-S-001 26 May 2021, Construction management plan by the Quoin Consultancy erf Q5259 June 2021, Arboriculture Impact Report ref no. 210630 rev 2 10 Feb 2021, Surface water management ref: CCE-ZC251-PL-RP-01 May 2021, Site photographs, Basement Impact Assessment by Structures Lab Ltd ref: 20071-sll-00-xx-bia-s-002 dated 30 Nov 2022, Basement Impact Assessment Addendum by Soil Consultants ref. SCL 10578-JRCB Issue 2 dated 14 Dec 2022, Law Society Property Information form 3rd edition, Basement Impact Assessment Audit Revision: F1 December 2022, Overheating Analysis ref: 5908 22/07/2021, Sustainability statement ref: 6280 23/07/2021, RFO vs NC Comparison Chalcot House ref: 5908 23/07/2021, Energy Assessment ref: 5908 22/07/2021, Environmental Noise Survey Report 22/06/2021, Condition & Feasibility Report: 20071-SLL-00-XX-RE-S-003 25/03/2022, Planning and heritage statement.

Reason:

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

- 3 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 including sections at 1:10 of all windows (including jambs, head and cill), 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).

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 in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof plan 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 showing a variation of substrate depth with peaks and troughs
  - iii. full details of planting species and density

The living roofs 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.

- 5 Before the development commences, details of secure and covered cycle storage area for 2 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.

- 6 Before the development commences, details of 1 Electric Vehicle Charging Point (EVCP) to be added to the site, 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.

- 7 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 8 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, A4 and TC4 of the London Borough of Camden Local Plan 2017.

- 9 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development] [prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 Part A: No development shall commence until further assessment of the risk posed by lead in the soils at the site is undertaken and the findings are submitted to and approved in writing by the local planning authority. The work must be carried out in compliance with LCRM (2020) and by a competent person.

Subsequent parts if/where required following the completion of Part A:

Part B: No development shall commence until a remediation method statement (RMS) is submitted to and approved in writing by the local planning authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This document should include a strategy for dealing with previously undiscovered contamination. All works must be carried out in compliance with LCRM (2020) and by a competent person.

Part C: Following the completion of any remediation, a verification report demonstrating that the remediation as outlined in the RMS have been completed should be submitted to, and approved in writing, by the local planning authority.

This report shall include (but may not be limited to): details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil and waste management documentation. All works must be carried out in compliance with LCRM (2020) and by a competent person.

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.

- 11 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 the approved protection details.

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 London Borough of Camden Local Plan 2017.

- 12 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.

- 13 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.

#### 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, 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 (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully,

Supporting Communities Directorate