

41 Frognal

Wooded and flower-filled site in 2012



Front garden in 2012



Rear garden in 2012



41 Frognal rear garden, during 2020 after five years of construction



Planning Committee Members' Briefing, 02/04/2015

Address:	41 Frognal London NW3 6YD		6
Application Number:	2015/2026/P	Officer: Zenab Haji-Ismael	
Ward:	Frognal & Fitzjohns		
Date Received:	02/04/2015		
Proposal: Erection of a second floor extension and a part 2/part 3 storey rear and side extension including the excavation of a basement and the creation of an additional self-contained dwelling.			
Background Papers, Supporting Documents and Drawing Numbers			
<p>Supporting documents: Design and Access Statement (dated March 2015), KM Heritage-Heritage Statement (dated March 2015), DP9 Planning Statement (dated April 2015), Landmark Trees Arboricultural Assessment (dated March 2015), Motion Transport Statement (dated March 2015), Sustainability and Energy Statement (dated March 2015), DSG Acoustic Report, GIA Daylight and Sunlight Assessment (dated June 2015), DS2 Affordable Housing Statement (dated April 2015), Construction Management Plan (dated April 2015) and Construction Method Statement (dated March 2015).</p>			
RECOMMENDATION SUMMARY: Grant planning permission subject to a S106 Legal Agreement			
Applicant:		Agent:	
Renough Limited c/o Agent		DP9 Ltd 100 Pall Mall London SW1Y 5NQ	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		m ² 414.5
Proposed	C3 Dwelling House		m ² 1618

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette							1		
Proposed	Flat/Maisonette	1					1			

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)

Existing	3	
Proposed	3	

OFFICERS' REPORT

Reason for Referral to Committee: This application is reported to Committee because it involves the excavation of a basement in a Conservation Area which requires a basement construction plan and the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 which does not allow for an exemption from the scheme of delegation (part vi).

1. SITE

- 1.1 The application site is located on the western side of Frognal. The existing house is a two storey, low horizontal 1960's international modernist style house in brick with plenty of glass and with a flat roof which is set well back from the street frontage.
- 1.2 The house was designed by Alexander Finders for the industrialist Harry Kleeman. The building sits within sub area eight in the Redington and Frognal Conservation Area and is noted as making a positive contribution to the Conservation Area.
- 1.3 There are a number of statutory listed buildings in the vicinity of 41, all listed Grade II. Immediately adjacent are 39/39A Frognal and 1&2 Frognal Close, opposite is the University College School. 5&6 Frognal Close are also listed Grade II.
- 1.4 The site occupies one of the largest plots in Frognal with almost an acre of land and the two storey house seems to nestle into the wooded and flower-filled garden (which also contains a swimming pool). The garden and trees – some of which pre-date the current property form a mature landscape and there are specimen trees in the front garden including Horse Chestnut, Sycamore, London Plane, Norway Maple, Robinia, Black Maple and Sugar Maple.

2. THE PROPOSAL

- 2.1 The application proposes the following
 - Part one and part two storey side and rear extension
 - Erection of a single storey basement
 - Erection of a new garage
 - Erection of an additional one bedroom self-contained dwelling

3. RELEVANT HISTORY

- 3.1 Planning ref. 846: Planning permission granted on 24 August 1965 for the erection of a detached dwelling house on the site at 41 Frognal.

4. CONSULTATIONS

Statutory Consultees

- 4.1 N/A

Conservation Area Advisory Committee

4.2 Redington and Frogna! CAAC object on the following grounds:

The proposed rear and side extensions and the addition of a third storey would be highly damaging to the street scene from both Frogna! and Frogna! Close and would cause shading and loss of light and privacy to the gardens of neighbouring properties in Frogna! Close.

We object to the proposed fellings of mature trees, purely to make way for the development, on this important bat and owl corridor. We consider it essential that a Phase 1 Habitat Survey is conducted prior to commencing any work on this sensitive site.

The extent of the loss of soft surface is unnecessary and unacceptable, due to the side and rear extensions and the garage and extravagant space for car parking, i.e. over and above the present arrangement and notwithstanding the addition of a proposed garage. Two parking spaces should be more than sufficient and could be parked on soft surface.

The excavation of a basement extends excessively beyond the footprint of the existing house. Light pollution would be created in this environmentally sensitive area, and its adverse impact on birds and bats.

Gaps between properties are a key feature of the Redington Frogna! Conservation Area and it is essential that gaps be maintained. This proposal does not respect this important Design Guideline. The building will be highly visible from Frogna! during the winter months, when the deciduous trees are not in leaf.

Officer response: The additional storey and the extensions are sympathetically designed to maintain the overall horizontal form. It is considered that the overall architectural integrity of the building remains. The extensions are well set back and windows carefully positioned so not to impact the amenity of the neighbouring properties. The proposed design has been considered to enhance the existing site and therefore the conservation area.

Whilst the basement extension is considered large, the existing site sits on approximately an acre of land; the proposed basement would sit beneath the existing footprint of the house and extend to the front beneath the hardstanding and upto the slope. The arboricultural report has confirmed that no trees would be impacted by the proposed development.

4.3 Hampstead CAAC object on the following grounds

The applicant's Heritage Report sneeringly dismisses the existing building as "derivative". The enlargement from 2 to 3 storeys and the adding of a wing to the South end of the house. damages it. The incorporation of trendy copper cladding, meretricious detailing and ever more glass turns it into just another Hampstead rich-boy's mansion.

The proposed basement does not comply with the emerging local plan. It is the garden and its trees and flowers that will suffer the most; as a result of the basement construction.

Officer response: The additional storey and the extensions are sympathetically designed to maintain the overall horizontal form. It is considered that the overall architectural integrity of the building remains. The extensions are well set back and windows carefully positioned so

not to impact the amenity of the neighbouring properties. The proposed design has been considered to enhance the existing site and therefore the conservation area.

Whilst the basement extension is considered large, the existing site sits on approximately an acre of land; the proposed basement would sit beneath the existing footprint of the house and extend to the front beneath the hard standing and upto the slope. The existing policy for basement allows for a single storey basement provided it is supported by a BIA that has been independently assessed and verified. It is far too early to give weight to the emerging local plan, as the proposal complies with DP27 Basements and lightwells.

Local Groups

4.3 N/A

Adjoining Occupiers

4.4 A site notice was displayed on 1 May 2015 and an article was published on 15 May 2015

<i>Number of letters sent</i>	30	
<i>Total number of responses received</i>	27	
<i>Number in support</i>	4	
<i>Number of objections</i>	18	

4.4 17 objections have been received from the occupiers of 21 Frognal, 51 Frognal, 31 Frognal, 1 Frognal Close, 33 Frognal, 1 Frognal Close, 33 Frognal Way, Sabrina Scolaro, 37 Frognal, 39 Frognal, 58 Frognal, 31a Frognal, 5 Frognal Close, MDA on behalf of occupiers of Frognal Close, 3 Frognal Close, Patrica Orwell, 254a Finchley Road, Flat 8, Lindlefield Gardens, anonymous neighbour and 2 Frognal Close commenting on the following

4.5 Inappropriate mass and bulk to a traditionally low design

4.5.1 The current house is well proportioned with low horizontal lines that fit very well at the top of the slope surrounded by trees. The proposal would make the house disproportionate and ostentatious. At the top of the slope it would tower over the viewer on the street. The proposed garage block would change the whole view of the house from the street and would be a loss of a positive contributor and impact on the conservation area.

4.5.2 The planning proposal alters this relationship completely particularly in terms of scale, inappropriate massing, inappropriate relationship to neighbouring properties, loss of original features and lost historical interest. The proposal would increase the footprint of the house by 450%.

4.5.3 The application seeks comprehensive refurbishment of a dilapidated building which is 50 years old; there are far older houses in Hampstead that do not appear to make those claims.

4.5.4 Neighbours raised concern over the use of copper at second floor level which they considered to not be in conformity with the existing building. There are concerns

that if left untreated, it will oxidize and become a dull, uniform and over-bearing colour.

- 4.5.6 *Officer response: The additional storey and the extensions are sympathetically designed to maintain the overall horizontal form. It is considered that the overall architectural integrity of the building remains. The extensions are well set back and windows carefully positioned so not to impact the amenity of the neighbouring properties. The proposed design has been considered to enhance the existing site and therefore the conservation area.*

4.6 The lack of consultation from the applicant

- 4.6.1 The applicant was asked by the planning officer in the pre-application advice to consult neighbouring residents and the CAACs, no such extensive consultation was undertaken.

- 4.6.2 *Officer response: 30 neighbouring residents were consulted between 09/04/2015 and 30/04/2015. A site notice was displayed on 01/05/2015 and a press notice was issued on 15 May 2015.*

4.7 Construction noise and nuisance

- 4.7.1 Concerns are raised over the noise, dust and vibration over the period of the construction and the coming and going of the vehicles. Concerns also raised that this may cause traffic disruption during school hours.

- 4.7.2 *Officer response: whilst it is acknowledged that the excavation of the basement will cause noise and disruption over the period of construction, this will be managed and minimised through a CMP clause in a S106 legal agreement. The applicant has submitted a draft CMP which has been reviewed by officers in transport and environmental health and considered to be acceptable.*

4.8 Structural stability of neighbouring houses

- 4.8.1 1 and 2 Frogmal Close, immediately adjacent to the site and the proposed areas of construction, are both Listed. Both already suffer from uneven floors and internal cracking, and garden subsidence and heave.

- 4.8.2 The BIA does not include a ground movement survey and therefore it is hard to assess the level of damage that may be caused to the neighbouring structures on Frogmal, Frogmal Close and Lindfield Gardens.

- 4.8.3 Concern that properties on a downslope from the application site and already suffer from high levels of flooding/surface run-off due to several large surrounding basements built within neighbouring gardens.

- 4.8.4 Concerned that in a road which historically had a number of streams running through, this application may affect the water table of houses below No 41.

- 4.8.4 The proposed basement is double the footprint of the house and therefore contrary to the local plan, and the excavation of the basement will cause unknown structural damage to neighbouring properties.

4.8.5 *Officer response: A basement impact assessment was submitted with the application, this was independently assessed and further details were requested by the independent assessor. The applicant has undertaken further investigative works to ensure there will be minimal or no disruption to the neighbouring properties. This has been accepted and signed off by the independent assessor. The basement works and surrounding properties will be monitored throughout the duration of the works and the applicant has also agreed to make good any potential damage that may occur.*

Whilst the basement extension is considered large, the existing site sits on approximately an acre of land; the proposed basement would sit beneath the existing footprint of the house and extend to the front beneath the hard standing and upto the slope. The existing policy for basement allows for a single storey basement provided it is supported by a BIA that has been independently assessed and verified. It is far too early to give weight to the emerging local plan, as the proposal complies with DP27 Basements and lightwells.

4.9 Amenity

4.9.1 A 5m gap would remain and this would impact the daylight/sunlight of properties at Frognal Close. This would also result in overlooking into the properties at Frognal Close.

4.9.2 *Officer response: The gap has been measured by the officer on site and there would be a of 7m. Overall 41 Frognal will remain a storey lower than the properties at Frognal Close. Whilst the current gap of 12m would be reduced by 5m, a good gap would remain between 41 Frognal and the properties at Frognal Close. The windows have been positioned sensitively to mitigate any overlooking into neighbouring properties. It is considered that the application will not have any adverse impact on the amenity of the neighbouring property.*

4.10 Loss of trees/landscaping and reduction in greenspace

4.10.1 The basement, the proposed garage and extensions would result in the loss of green space, will harm trees and result in less natural screening between the site and properties at Frognal Close.

4.10.2 *Officer response: The application was supported by an arboricultural report which has concluded that the trial pits which were created to ascertain whether roots were present have shown that the trees to be retained on site are unlikely to be adversely affected by the proposals. The trees that the report refers to that are to be removed have already been removed, this includes four trees that were dead/dangerous therefore exempt and two other trees that were not considered suitable for tree preservation orders due to their poor condition.*

4.27 Three letters of support were received from the occupiers of 12 Lindfield Gardens, flat at 20 Frognal, 22 Frognal Way, 26 Ellerdale Road and 30 Ellerdale Road

- Sensitive design that fits in with the conservation area
- The renewal of the site and the proposed landscaping will be positive
- The construction management plan has been sensitive and taken into consideration the school and the local area

5. POLICIES

National Planning Policy Framework 2012
National Planning Policy Guidance 2014
London Plan March 2015, consolidated with alterations since 2011
Mayor's Supplementary Planning Guidance

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS11 (Promoting sustainable and efficient travel)
CS13 (Tackling climate change through promoting higher environmental standards)
CS14 (Promoting high quality places and conserving our heritage)
CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
CS19 (Delivering and monitoring the Core Strategy)
DP2 (Making full use of Camden's capacity for housing)
DP5 (Homes of different sizes)
DP6 (Lifetimes homes and wheelchair housing)
DP16 (The transport implications of development)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and limiting the availability of car parking)
DP20 (Movement of goods and materials)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and vibration)

Supplementary Planning Policies

Camden Planning Guidance (CPG) 2011 – CPG 6, 7 and 8
Camden Planning Guidance (CPG) 2013 – CPG 1, 2, 3 and 4
Redington and Froggnal Conservation Area Statement

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Affordable housing
- Design – scale, bulk and detailed design
- Impact of basement development
- Standard of residential accommodation provided
- Impact on neighbouring amenity
- Impact on trees/landscaping
- Sustainability and energy
- Transport issues

Affordable Housing

- 6.2 Overall, the proposal will add an additional 1,246 sqm to the existing house, much of which will be within the proposed basement which measures approximately 700 sqm. The proposal would form a new self-contained unit.
- 6.3 The proposed development provides two dwellings; the main six bedroom house which is designed to provide a home for a family, and a one bedroom duplex apartment. The planning officer suggested that the development could make provision for an affordable unit on site and felt the self-contained unit could perhaps accommodate the affordable unit. The applicant has demonstrated that due to the service charge that would be levied for the upkeep of the driveway and woodland the unit would be prohibitively expensive for an affordable occupier. The entrance for both the larger house and the smaller self-contained unit would be shared by both occupiers and it is not possible to offer an alternative entrance due to the layout of the site.
- 6.4 In terms of off-site affordable housing provision, the applicant does not own another site within the vicinity of the development and there is a lack of sites within the vicinity of the development which the applicant may purchase, it is therefore not practical to make an off-site provision of affordable housing. Given the size of the sum required and the values of the properties within the vicinity of the development, it is unlikely that a site could be purchased that would optimise the delivery of affordable housing.
- 6.5 Due to the combination of factors in the above two paragraphs, the final option, an affordable housing contribution in lieu, is thus considered to be acceptable in this case. The Applicant has agreed to the full in-lieu financial contribution of £565,775 (213 sqm x £2,650/sqm) which will be secured via legal agreement. As the full contribution is to be paid, there is no requirement for a deferred affordable housing contribution. The payment in lieu is the most feasible method of delivering affordable housing allowing the Council to pool contributions to fund affordable housing elsewhere in the borough where required, as such the proposal accords with Policy DP3.

Design- Bulk, massing and detailed design

- 6.6 The Frognal area is probably the most varied in character as its development has been sporadic. Directly opposite the site is University College School and the property itself is surrounded by Grade II listed building on either side. Originally in 1963, the proposal was to build three houses which would be for sale but the plans were later changed in 1965 to create a large single family dwelling comprising 7 bedrooms.
- 6.7 The existing house sits on a slope and sits well back from the road. The property has been empty for the last four years and the existing dwelling is in a dilapidated state. The proposal seeks to enhance the current site whilst maintaining its architectural clarity, distinctiveness and overall horizontal form. The form would respect the surrounding listed buildings.
- 6.8 The proposal results in an additional storey of 2.4 meters that is set well back by 6.1 meters to the side and 3.1 to the rear. At first floor level, there is an increase to the side elevation by 9 meters and to the rear by approximately 3 meters. At ground floor level, the original garage that was proposed would be built and a separate access door for the additional unit would be created to the side elevation. Despite these alterations, the building would maintain its low horizontal form and its architectural clarity would remain legible.

- 6.9 The materials that are proposed to be used are as existing, there is an introduction of copper to the second floor which compliments the warm hues of the existing palette. The architectural brickwork and timber panel features would be repaired where required and the materials would be repeated in matching tones on the rear and side extensions to maintain the continuity of the building. The glazed feature on the rear elevation would be replaced with contemporary glazing. The existing would be replaced with glazing that meets current standards, the proposed windows would match the currently existing.
- 6.10 A new sedum blanket green roof would be introduced to the new garage and the one bedroom apartment so the views of these areas are more sympathetic from neighbouring properties.
- 6.11 The proposed basement would measure 959 sqm. It would sit beneath the entirety of the house and project out beneath the front of the house by approximately 20 meters, which would sit beneath the existing slope. Whilst the basement is considered rather large, given the context of the site which sits on approximately one hectare of land, the proposed single storey basement would have little impact on the streetscene or the wider conservation area. Further discussion on the basement is to follow in the section below.
- 6.12 The proposal in respect of design/townscape would accord with policies CS14, DP24 and DP25, subject to conditions to control detailed design and materials.

Impact of Basement Development

- 6.14 As detailed under paragraph 2.1 of this report, the proposal incorporates a single storey basement extension which sits beneath the entirety of the house and projects out to the front of the garden by 20 meters beneath the existing slope.
- 6.15 The newly created basement floor level would comprise a footprint of 956 sqm at a depth of 3 to 4m.
- 6.16 The Basement Impact Assessment and related documentation submitted by the applicant has been subject to independent verification. This is owing to the location of the application site within a hydrogeological constraint area. In this instance, the independent reviewer is fully satisfied with the level and nature of information provided by the applicant. A brief timeline of the main events in this process are detailed below:
- April 2015 – Applicant agrees to independent verification process, given the context detailed above.
 - May 2015 – Campbell Reith instructed to carry out independent review of applicant information.
 - June 2015 – Campbell Reith independent review concludes additional basement related information required
 - July 2015 – Applicant submits further information
 - July 2015 – Campbell Reith second independent review concludes additional basement related information required
 - July 2015 – Applicant submits further information
 - July 2015 – Campbell Reith third independent review concludes basement related information is satisfactory for the purposes of this planning application.

The independent review

6.17 In responding to policy DP27 and CPG4, the applicant submitted a range of documentation at the outset of the application. This included a Basement Impact Assessment (BIA) Report by GEA dated March 2015. An independent review of all the relevant documentation was undertaken by Campbell Reith, on behalf of the Council. The scope of this study was, in short, to ascertain the submission of the applicant was sufficiently robust and accurate to enable planning permission to be granted in accordance with the requirements of LDF policy DP27.

6.18 The first independent review concluded:

A ground movement assessment was received which indicates that potential damage was likely to occur to some walls of no. 2 Frognal Close and the Frognal Close garage block as well as the boundary retaining wall, although no predicted damage was greater than Burland Category 2. However, it has not been possible to confirm whether these predictions have been arrived at correctly. These movements may produce greater damage to shallow founded elements of no. 2 Frognal Close which are reported to be suffering from existing ground settlements currently (consultation response). Further groundwater monitoring should be carried out to confirm that groundwater will not be encountered during basement excavation, thus minimising the impact on adjacent structures, as offered within the BIA.

Investigation should be undertaken to quantify the presence of existing or consented basements in the vicinity of the proposal site to determine their hydrogeological impact on the area throughout construction and in the long term.

6.19 The applicant duly considered the Campbell Reith view and produced additional information.

6.20 The second independent review concluded:

The BIA has been prepared and revised by personnel who have suitable qualifications.

The retained walls of the existing property will be underpinned and basement perimeter walls will be formed using piles in order to construct the proposed single storey basement.

It is accepted that the development will have no adverse effect on drainage or run off as there is no increase in impermeable area and the site is not in an area known to be at risk from surface water flooding.

It is accepted that the basement will be founded in London Clay and groundwater will not be affected by the development.

Although the surrounding slopes to the development are stable, the northern end of the basement is in close proximity to no. 2 Frognal Close and the retaining wall boundary between the two properties. Further investigations of existing footings to 41 Frognal and the boundary wall have been provided. These and the clarifications to the Ground Movement Assessment to confirm that the building damage assessment is reasonable.

The ground movement assessment indicates that potential damage is likely to occur to some walls of no. 2 Frognal Close and the Frognal Close garage block as well as the boundary retaining wall, although no predicted damage is greater than Burland Category 2. However, the predicted ground movements may produce greater damage to shallow founded elements of no. 2 Frognal Close which are reported to be suffering from existing ground settlements currently (consultation response). Mitigation measures and proposals to make good were presented by the Applicant on 15 July 2015.

The applicant offered the following mitigation measures

The site and its immediate surroundings will be monitored before, during and after the construction of the basement. It is proposed that the initial monitoring arrangements should include a detailed condition survey of the retaining wall, the external paved areas of 2 Frogna Close as well the internal areas noted in the AB report Section 2.2. The predicted damage category for the boundary retaining wall is 'very slight' which might typically lead to cracks of up to 1 mm that can be remedied by simple redecoration. On completion of the project all such cracks induced by the proposed basement construction will be made good and as a gesture of goodwill this will include the making good of the pre-existing vertical crack in the wall. Similarly any such worsening of internal slabs will be returned to its predevelopment condition. In addition the external paved area to 2 Frogna Close will be made good on completion, again as a gesture of goodwill.

The BIA report finally concluded that

Further groundwater monitoring was carried out and identified a shallow perched groundwater table which will have to be addressed during construction.

Investigation was requested to quantify the presence of existing or consented basements in the vicinity of the proposal site to determine their hydrogeological impact on the area throughout construction and in the long term. This was presented with information provided on 14 July 2015 and confirms no adverse impact on subterranean flows. It is recommended that measures to deal with groundwater flow, the proposed monitoring scheme and the proposals for making good are developed in a Basement Construction Plan.

- 6.23 Given the extent of the basement proposal it is considered necessary and appropriate to secure a 'Basement Construction Plan' by s106 legal agreement. This is in accordance with CPG4 and will ensure that the final detailed design and mitigation measures of the basement are in accordance with the findings and recommendations of the submitted BIA.
- 6.24 With this matter secured via legal agreement, it is considered that the proposal fully satisfies policy DP27 and CPG4.

Standard of residential accommodation provided

- 6.26 The proposal would result in the provision of a generous seven bedroom dwelling house and a generous one bedroom duplex measuring approximately 150 sqm of accommodation meeting the minimum floorspace requirements according to the CPG standards and London Plan.
- 6.27 In accordance with CPG2 Housing, all habitable rooms would feature minimum headroom of 2.3m.
- 6.28 The applicant has submitted a Lifetime Homes statement identifying design features which would maximise accessibility in mind of the site constraints. The proposal largely complies with the Lifetime Homes criteria. The proposal adequately meets all applicable standards and is therefore in accordance with policy DP6.

Impact on neighbouring amenity

Sunlight/daylight

- 6.29 Although the proposal would result in an additional storey and a side and rear extension, together with an increase in height of the side extension (garages) from 9m up to 12 m in height, it is considered the proposed extension, by virtue of its terminating height, scale and proximity to neighbouring properties would not result in a any loss of sunlight/daylight and outlook, particularly to Nos.1&2 Frognal Close and no. 39 Frognal. The development site sits on just under an acre of land and the additional storey and extensions are well set back from the neighbouring properties. The applicant submitted a daylight/sunlight report undertaken by GIA dated June 2015 confirming the proposal would not result in adverse impact.

Privacy

- 6.30 The proposal would include windows to the side elevation. Given the positioning, the setback of the extension and the surrounding trees that provide natural screening, the proposal is unlikely to result in any loss of privacy or overlooking.

Sustainability & Energy Efficiency

- 6.31 LDF policies CS13 and DP22 as well as CPG3 require that development reduce the effects of and adapt to climate change, consider local energy generation, carbon reduction measures, water and flooding. The London Plan also sets region wide targets for energy efficiency.
- 6.32 The application is accompanied by a BREEAM Domestic Refurbishment Pre-Assessment. The proposal seeks to achieve an 'excellent' rating. A BREEAM Domestic Refurbishment Pre-Assessment has been prepared for the planning application, the assessment demonstrates that the proposed development could achieve an 'Excellent' rating, with a predicted score of 74.4 %. and the minimum standards achieved for the Energy (60%), Water (60%) and Materials (40%) categories. The proposal is considered to adequately comply with policies CS13, DP22 and CPG3.
- 6.33 An Energy Strategy due because of the increase in floorspace over 1,000 sqm, which follows the approach outlined in the London Plan, LDF policies CS13, DP22 and DP23 and CPG3, has also been submitted. Most notably the three steps of the energy hierarchy of 'be lean', 'be clean' and 'be green' have been incorporated. In overall terms it is concluded that carbon dioxide emissions are anticipated to be reduced by 60% in comparison with Part L 2013 Building Regulations. It should be noted that the London Plan only requires a 35% reduction over the Building Regulations. This would be achieved through a variety of mean which include the upgrading the external fabric, passive design and low energy and renewable energy building services systems.

Trees, Biodiversity and Landscaping

- 6.34 The applicant has submitted an Arboricultural report by Landmark Trees, compiled by a qualified professional. The trial pits which were created to ascertain whether roots were present have shown that the trees to be retained on site are unlikely to be adversely affected by the proposals. The trees that the report refers to that are to be removed have already been removed, this includes four trees that were dead/dangerous therefore exempt and two other trees that were not considered suitable for tree preservation orders due to their poor condition.

- 6.35 The proposal includes the reinstatement of the mini woodland to the front of the site with associated landscaping. The proposal is considered to make adequate provision for planting on site. The permission has been conditioned to require further details of planting be required.
- 6.36 Policy recommends that green roofs be used as a way to contribute to the landscaping and biodiversity of inner-city sites. The garage and side extension has included a green roof which will enhance the character of the wider conservation area. The planning permission is recommended to be conditioned requiring the full details of the green roof to be submitted for approval.

Transport issues

- 6.37 Policy CS11 seeks to promote sustainable transport including walking, cycling, public transport and improvements to streets and places.
- 6.38 CPG6 (Amenity) requires that a construction management plan (CMP) be submitted for development that is likely to give rise to significant noise and other disturbance during construction. There is sufficient on-site space for machinery but there is the potential for effects of construction in terms of, inter alia, noise, dust and vibration on neighbouring residents. It is therefore considered necessary to require the applicant to enter into a S106 legal agreement to secure the provision of a Construction Management Plan (CMP). A draft CMP has been submitted which has outlined how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips etc.), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The CMP has been considered by the transport planners and found to be acceptable. The S106 clause will thereby ensure the proposal complies with the requirements of the Council's transport policy, specifically, DP20.
- 6.39 Camden's Parking Standards for cycle parking states that 4 cycle parking spaces would be required for units of this size, the garage is large enough to accommodate the cycles.
- 6.40 There is adequate space on the driveway of the site to provide adequate waste storage.

Planning obligations

- 6.41 In accordance with CS19 'Delivering and Monitoring the Core Strategy' and CPG8 'Planning Obligations' the following additional obligations are considered appropriate to meet the particular needs and requirements for the operation of the scheme and to mitigate identified impacts to make the scheme acceptable.
- 6.42 As mentioned in paragraphs 6.2 to 6.5 of this report, the increase in floorspace of over 1,000 sqm would require a contribution of £565,775 towards the provision of affordable housing.

Highways

- 6.43 The proposal includes significant excavation works which are likely to damage the footway to the front of the site. A contribution towards such works is considered to be appropriate to fund repair works.

Mayoral Community Infrastructure Levy

- 6.44 The development would be liable to the Mayor's Community Infrastructure Levy (CIL) because it involves the creation of additional residential units and an increase in floor space. Based on the Mayor's CIL charging schedule and the information provided on the plans, the charge would be approximately £60,175 (Residential uplift of 1,203sqm @ £50/sqm).

Camden Community Infrastructure Levy

- 6.45 The development would be liable to Camden's Community Infrastructure Levy (CIL) because it involves the creation of additional residential units and an increase in floor space. The site is in Zone A and as such, based on the Camden CIL charging schedule, and the information given on the plans, the charge would be approximately £601,500 (Residential uplift of 1,203 sqm @ £500/sqm).
- 6.46 The CILs would be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

7. **CONCLUSION**

- 7.1 The proposed development seeks to create additional residential accommodation as well as to create an additional unit adjoining the existing dwelling. The additional storey and the side and rear extension have been appropriately and sympathetically designed. The materials that are proposed to be used are to match the existing. The proposed copper that will be used on the additional storey will be sympathetic to the character of the building and sit well with the tones of the existing timber and brick. The use of high quality materials, the setback nature of the extension will retain the overall legibility of the original architecture and the proposal is therefore acceptable in heritage terms and the scheme retains the part of the building that makes a positive contribution to the character and appearance of the conservation area.
- 7.2 The side extension would be of high quality design and would preserve the character and appearance of the Conservation Area. The extensions are not considered to have any adverse impact on the residential amenity of neighbouring properties. The applicant has demonstrated, following independent review that the excavation of a basement would not harm the surrounding area and the development would not harm the amenity of neighbouring residents, subject to suitable s106 controls over construction. The construction impact will be managed through a CMP clause of a S106 Agreement.
- 7.3 The development would be appropriate and in accordance with relevant National and Regional Policy, Core Strategy and Development policies and Camden Planning Guidance for the reasons noted above.
- 7.4 Conditional Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Affordable Housing Contribution of £565,775
 - Construction and Demolition Management Plan
 - Basement Construction Plan
 - Highways contribution

8. **LEGAL COMMENTS**

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

Condition(s) and Reason(s):

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

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement (dated March 2015), KM Heritage- Heritage Statement (dated March 2015), DP9 Planning Statement (dated April 2015), Landmark Trees Arboricultural Assessment (dated March 2015), Motion Transport Statement (dated March 2015), Sustainability and Energy Statement (dated March 2015), DSG Acoustic Report, GIA Daylight and Sunlight Assessment (dated June 2015), DS2 Affordable Housing Statement (dated April 2015), Construction Management Plan (dated April 2015) and Construction Method Statement (dated March 2015).

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 6 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. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, 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 policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council->

contacts/environment/contact-the-environmental-health-team.en 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.

- 3 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or queries to CIL@Camden.gov.uk

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above.

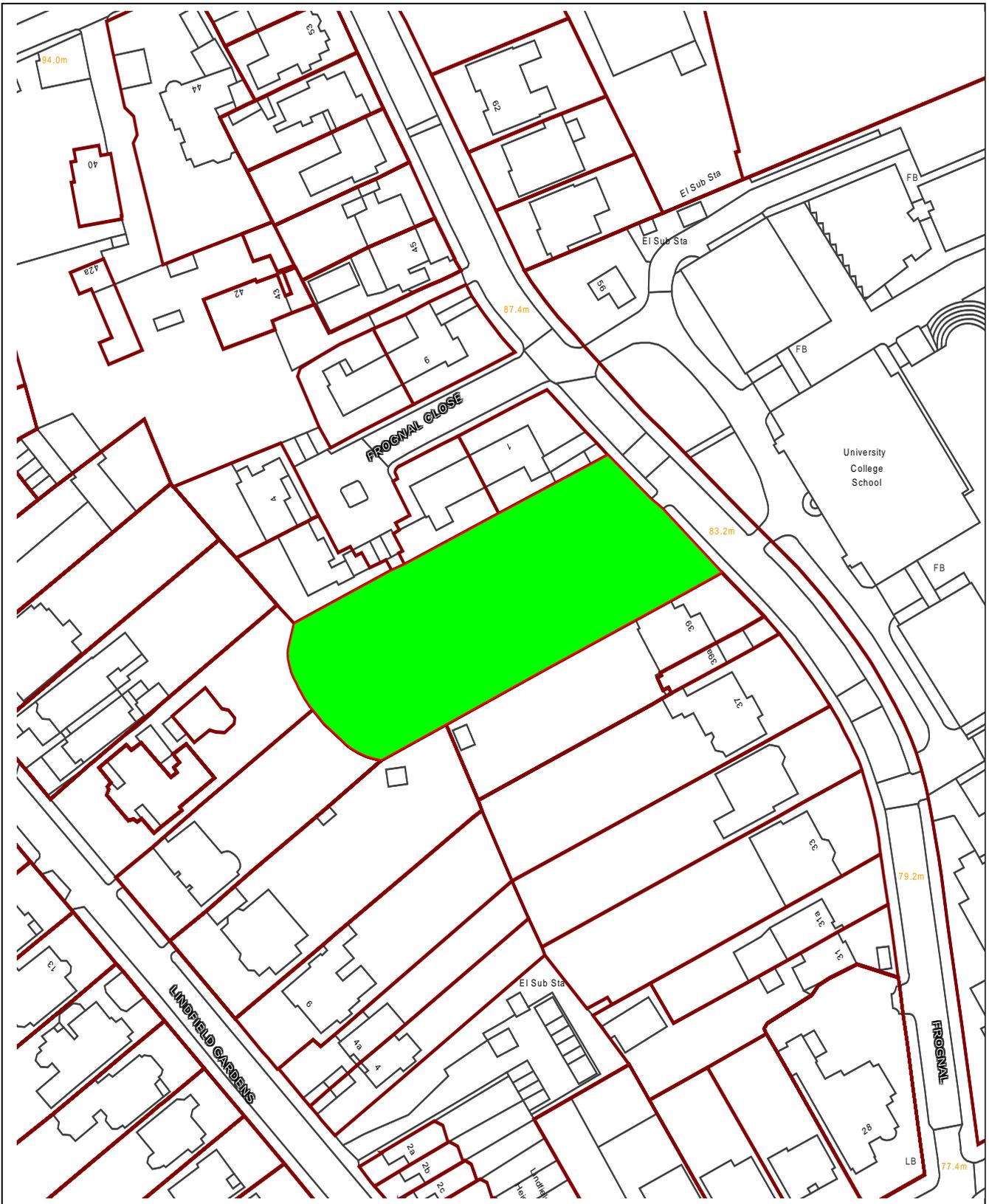
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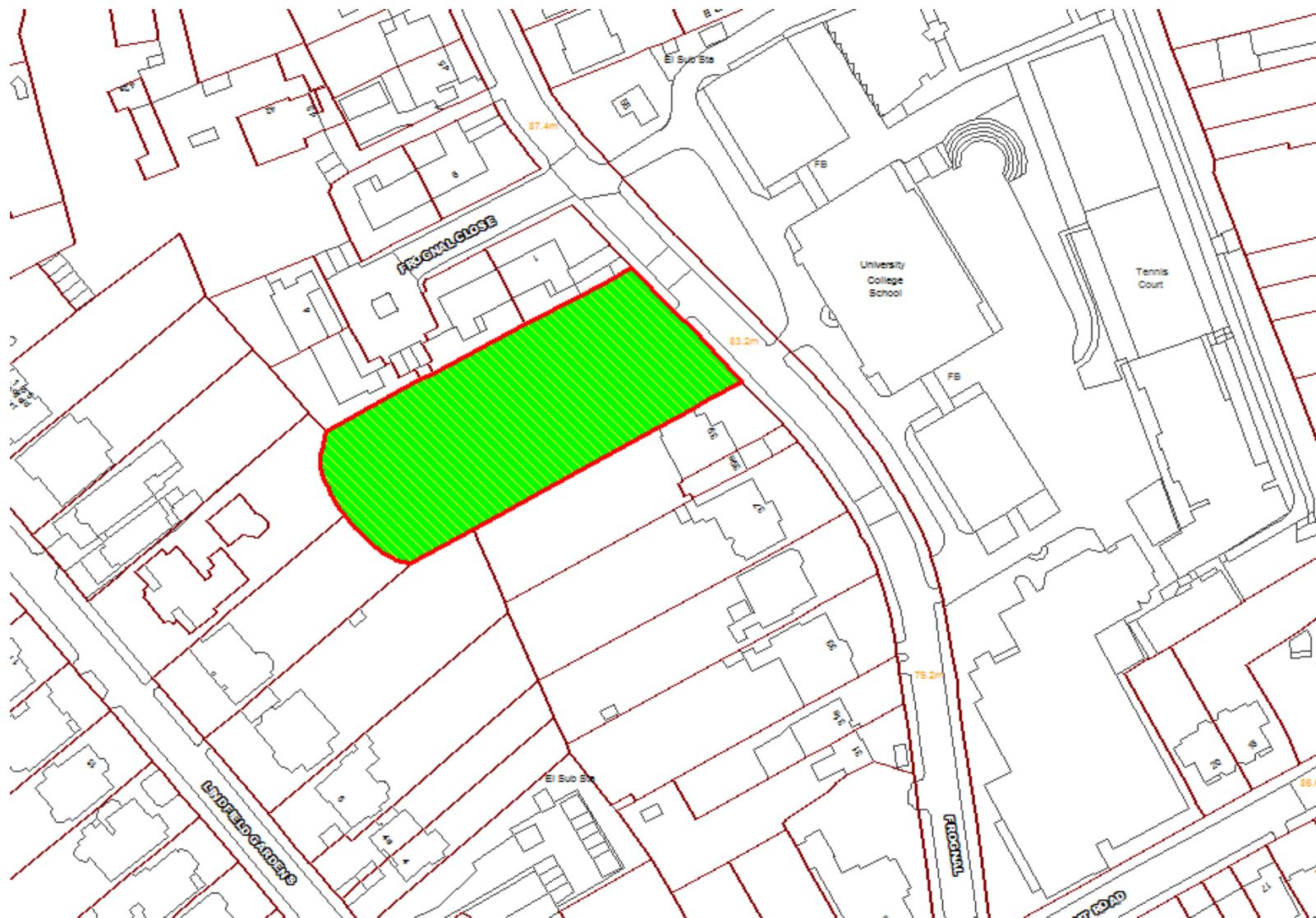
	<p>Application No: 2015/2026/P</p> <p>41 Frognal London NW3 6YD</p>	<p>Scale: 1:1250</p> <p>Date: 24-Jul-15</p>	<p>N</p> 
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1. DC Committee

6 August 2015

2013/6912/P

41 Frognal





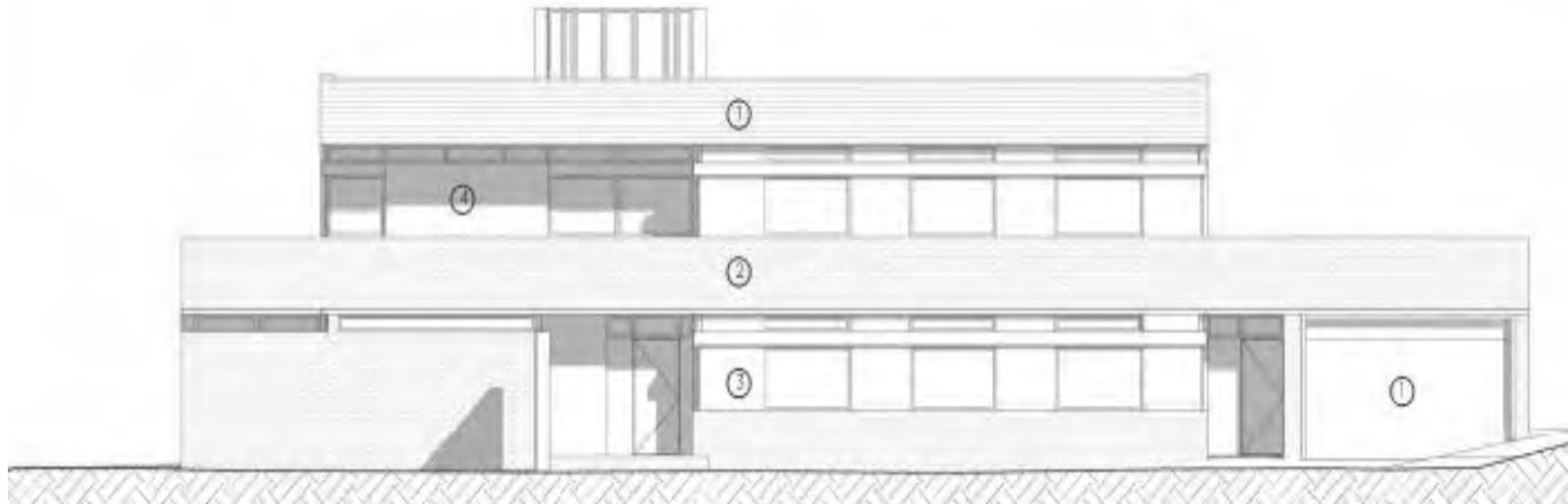








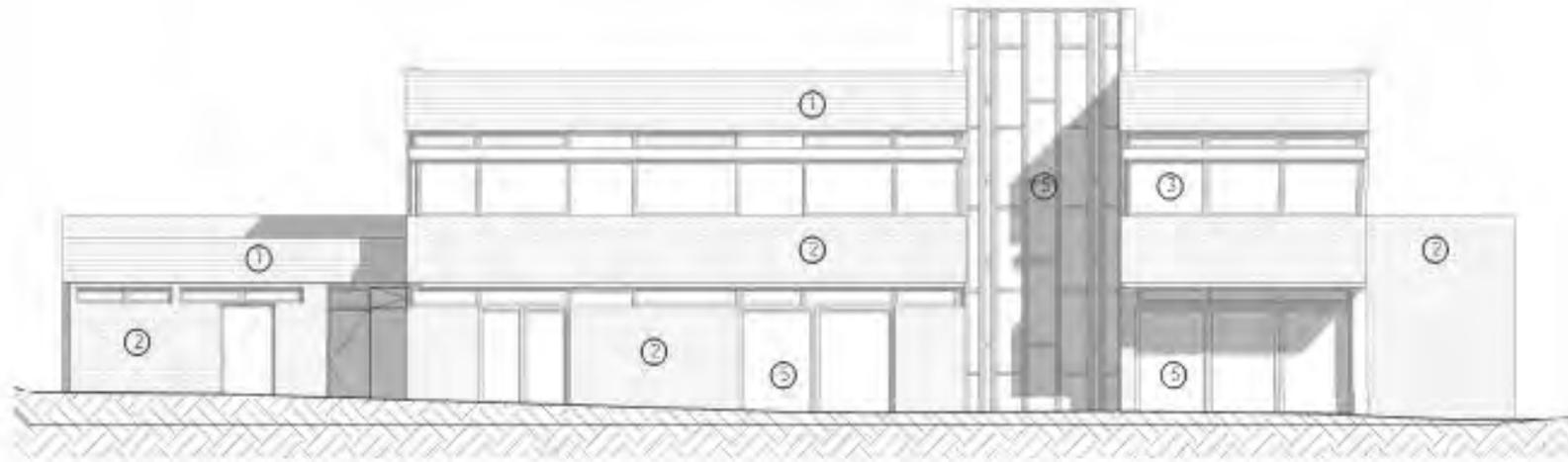




Existing Front Elevation



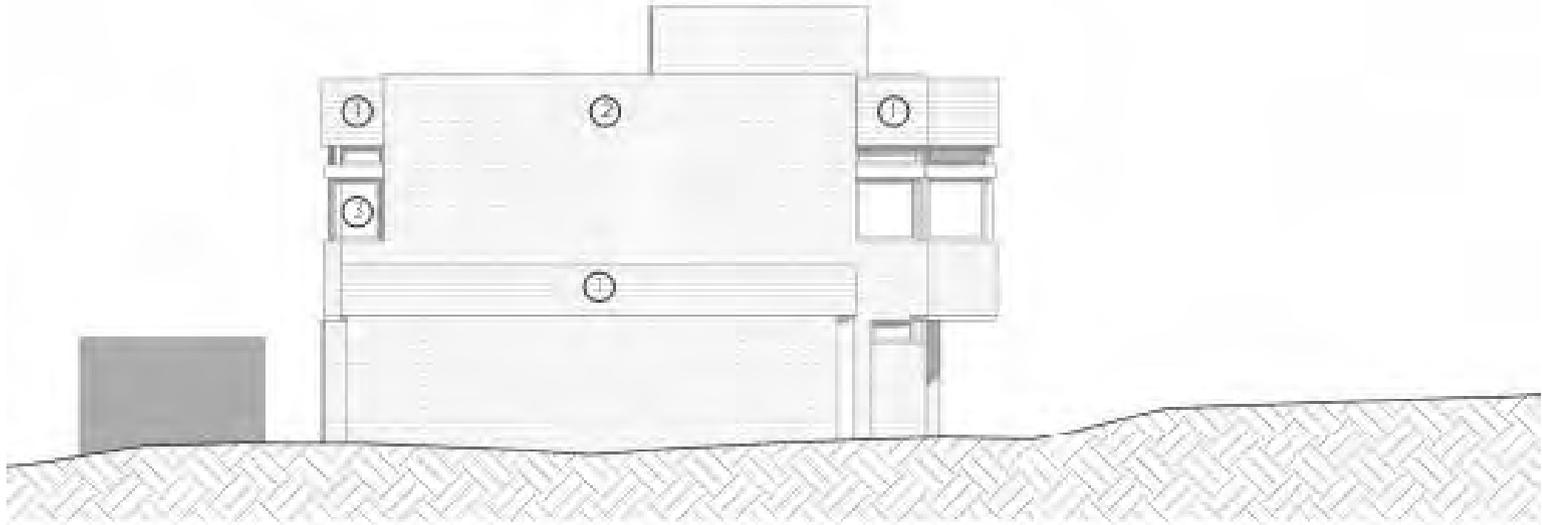
Proposed Front Elevation



Existing Rear Elevation



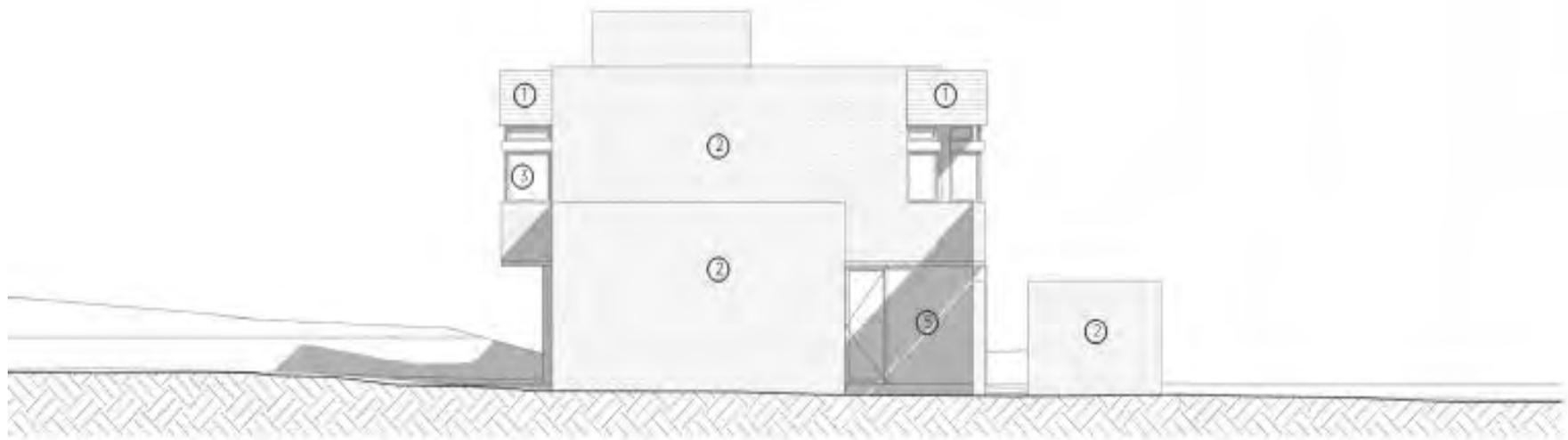
Proposed Rear Elevation



Existing Side Elevation (North)



Proposed Side Elevation (North)



Existing Side Elevation (South)

- ③ Back painted glass (as existing)
- ④ Copper
- ⑤ Render (as existing)
- ⑥ Green wall
- ⑦ Glass opaque/translucent
- ⑧ Timber slats/screen
- ⑨ Brick - to match existing



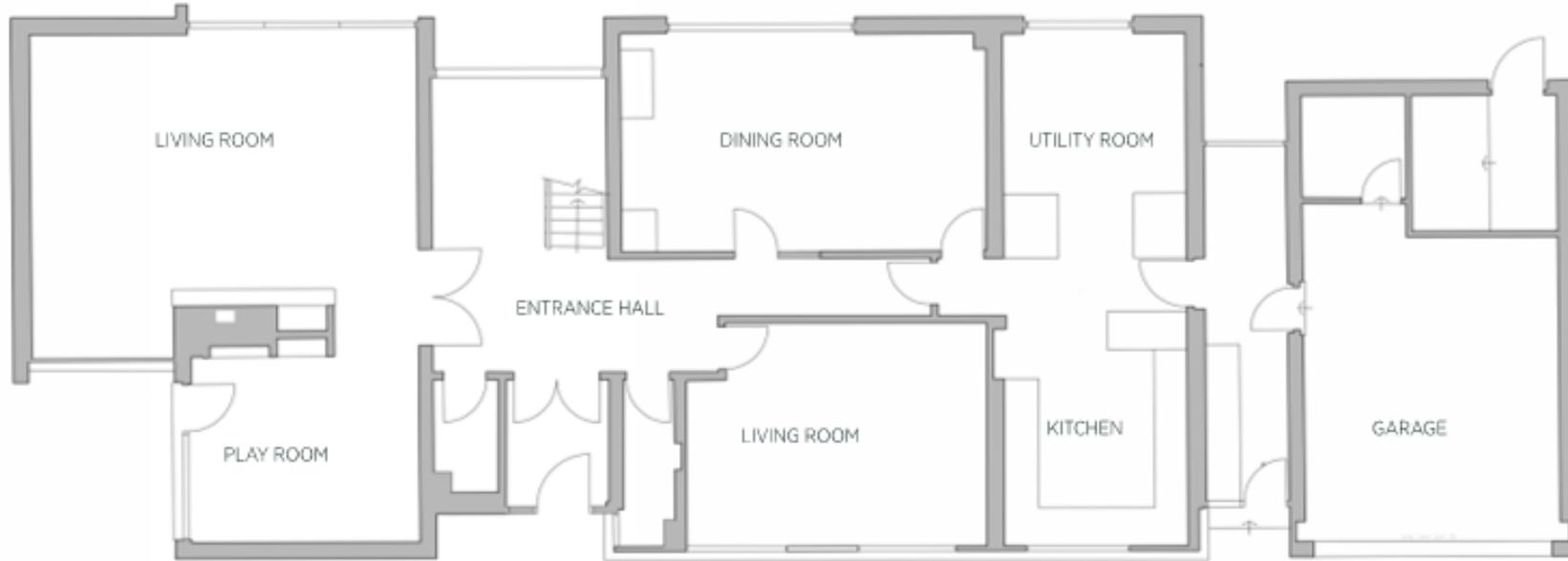
Proposed Side Elevation (South)

Proposed Lower Ground Floor



LOW

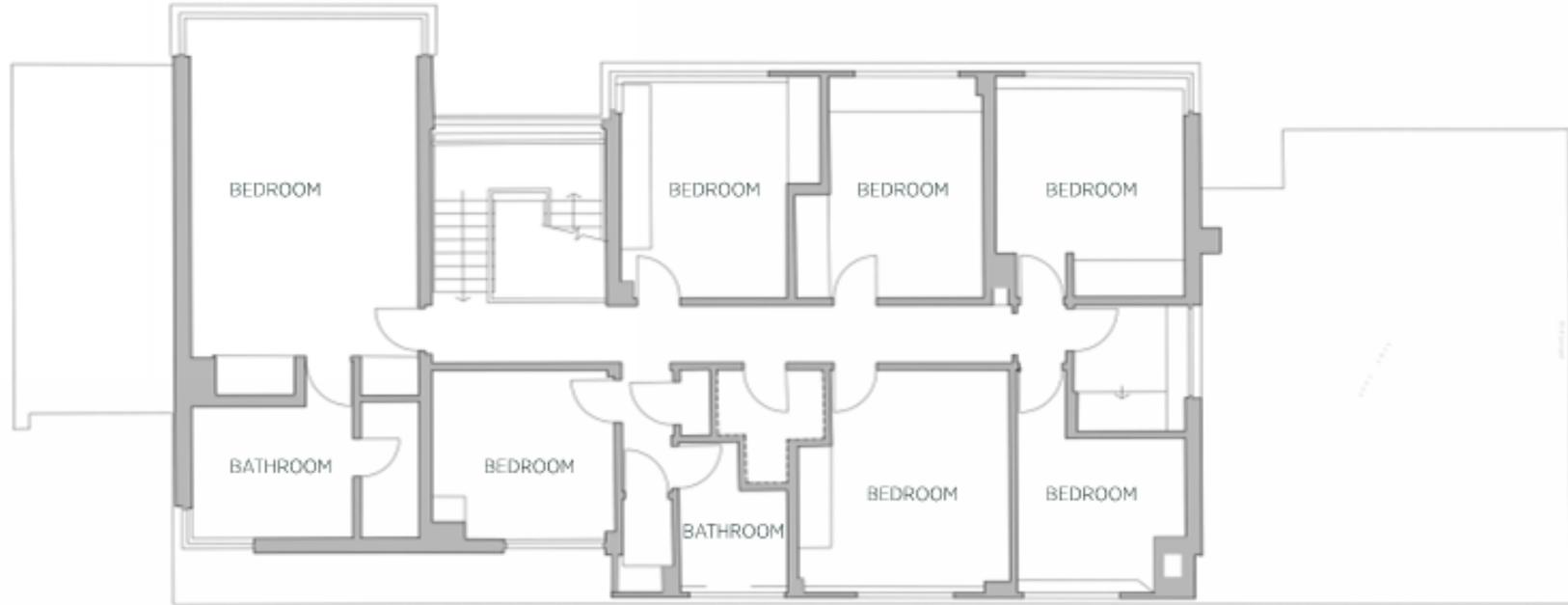
Existing Ground Floor



Proposed Ground Floor



Existing First Floor



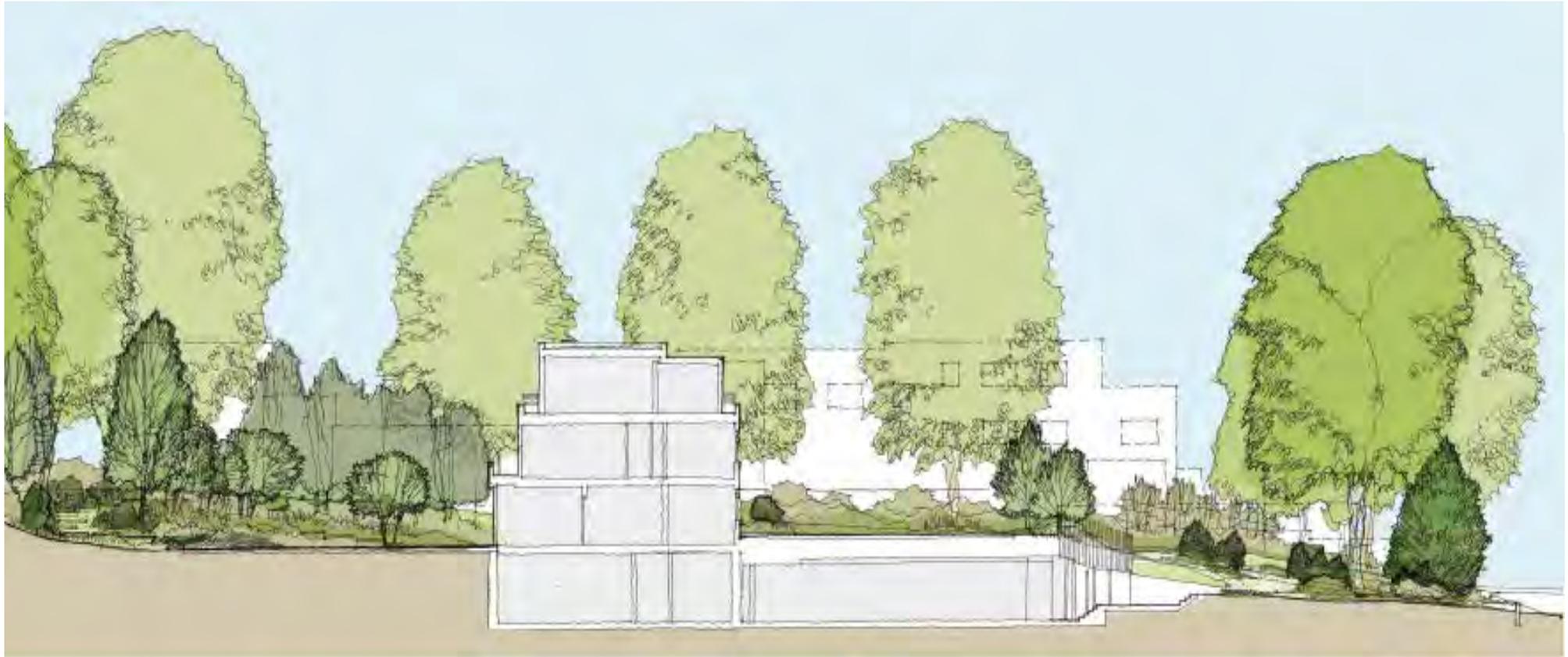
Proposed First Floor



Proposed Second Floor



Proposed Section



Proposed Landscaping





Front Facade



Rear Facade

