



# Photographs



Above: Existing 'Croftway House'



Above: Looking towards the existing pool house and driveway



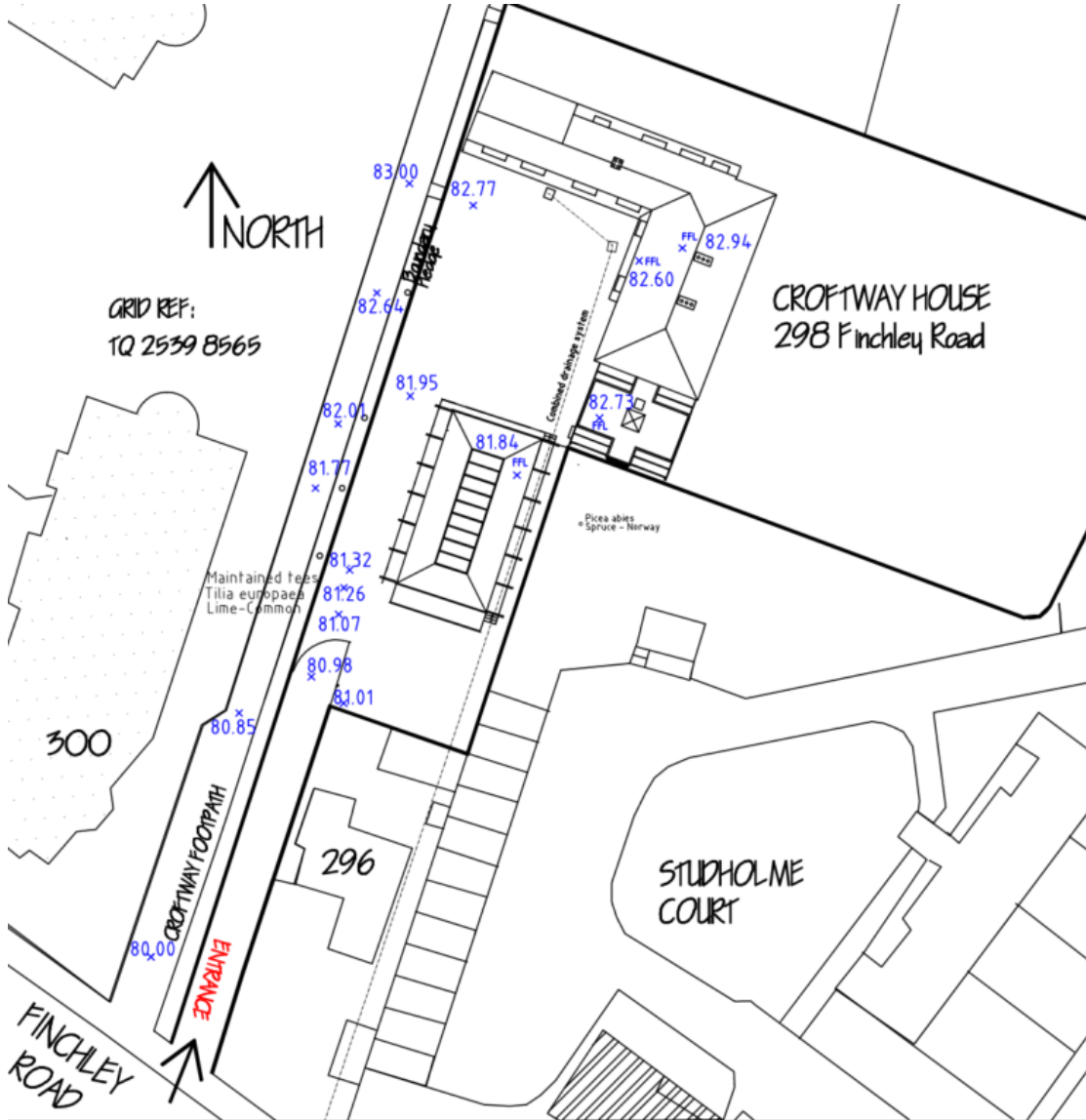
Above: Existing boundary treatment with the adjacent public pedestrian accessway



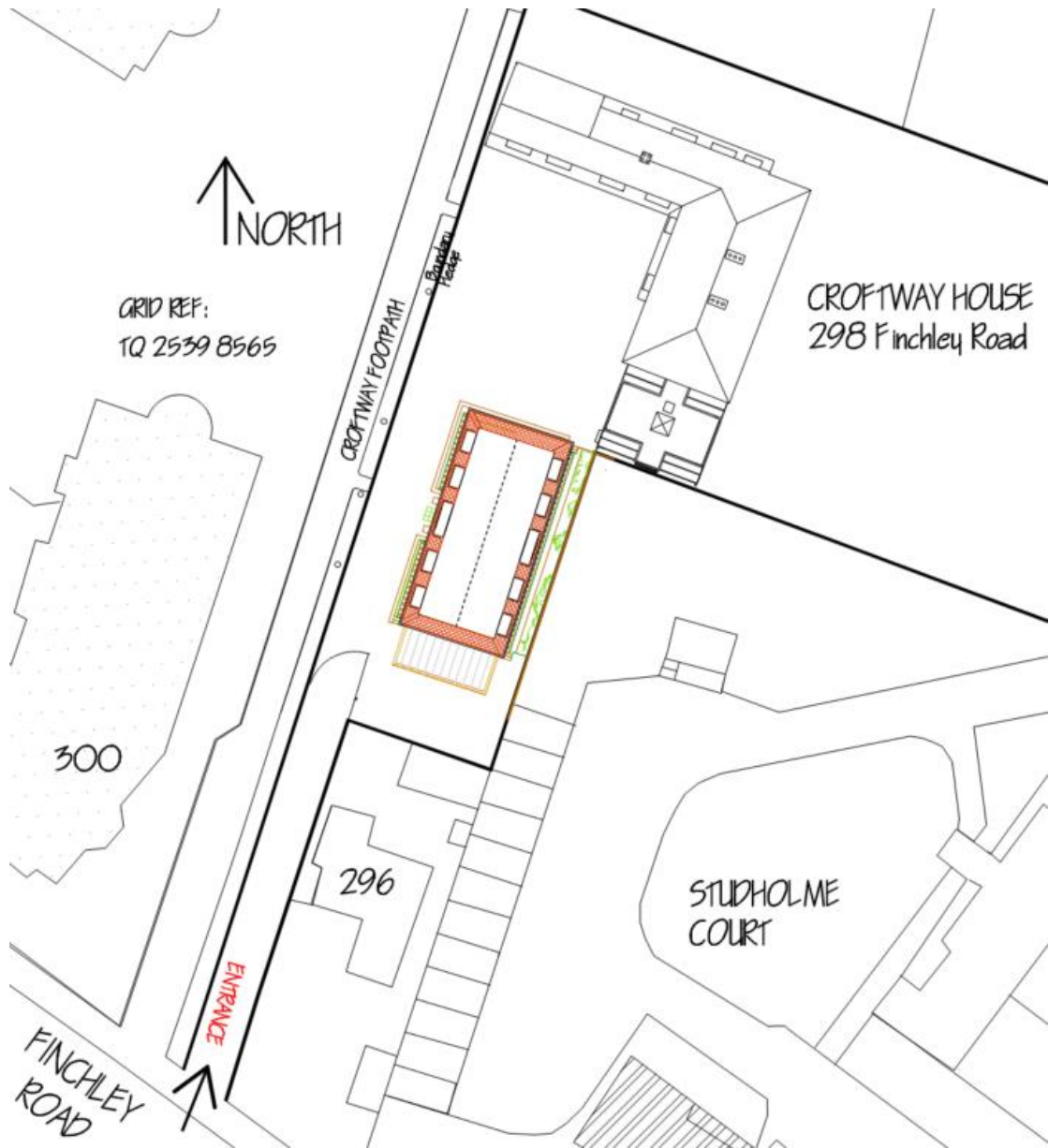
Above: Looking towards the application site (background) from the public pedestrian accessway. The chimney partly visible at the centre left is Croftway House

# Application Plans

Existing site plan:



Proposed site plan:



Proposed west elevation:



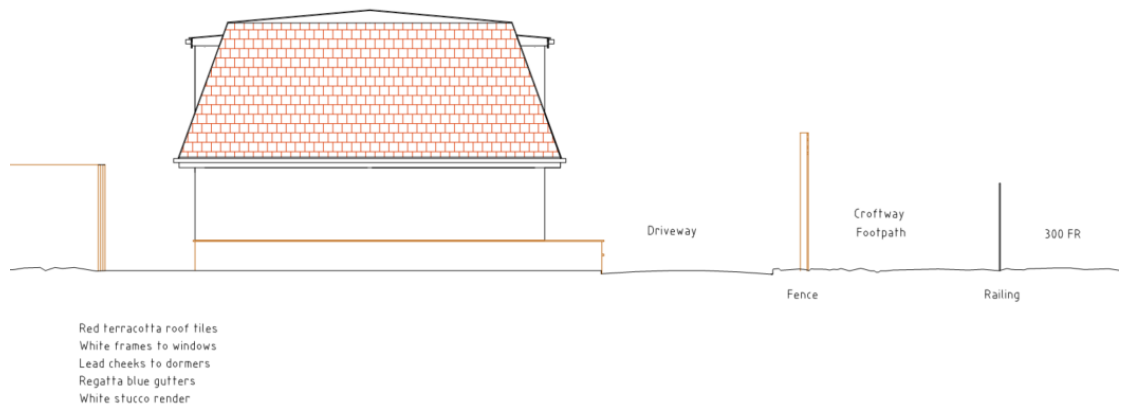
- Red terracotta roof tiles
- White frames to windows
- Lead cheeks to dormers
- Regatta blue gutters
- White stucco render

Proposed east elevation:

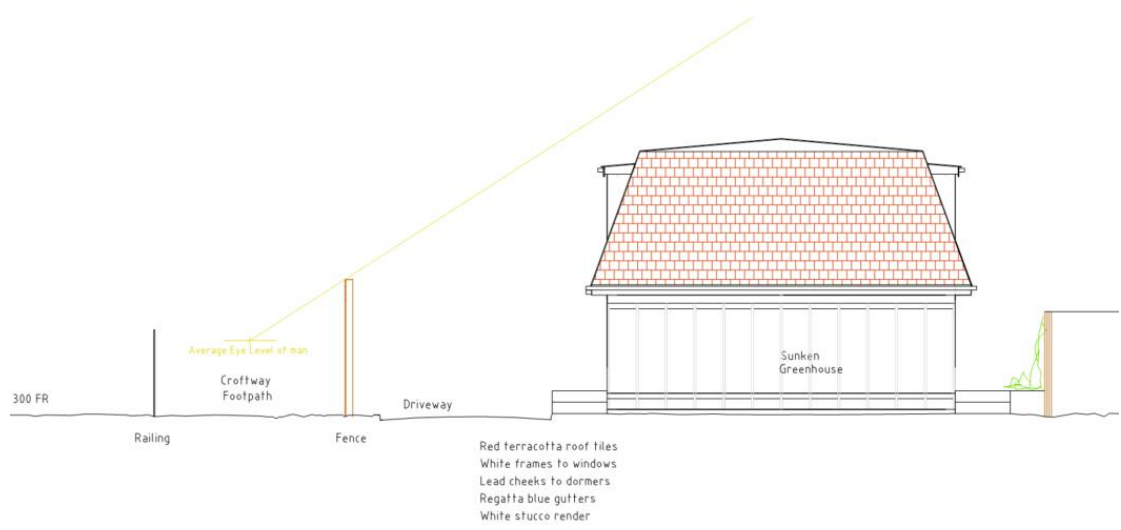


- Red terracotta roof tiles
- White frames to windows
- Lead cheeks to dormers
- Regatta blue gutters
- White stucco render

Proposed north elevation:



Proposed south elevation:



Proposed west elevation (long):





<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	26/12/2022
		N/A / attached	<b>Consultation Expiry Date:</b>	09/02/2023
<b>Officer</b>			<b>Application Number(s)</b>	
Brendan Versluys			2022/4764/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
298 Finchley Road London NW3 7AG			<i>See draft 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 the existing pool house and replacement with a two storey plus basement dwelling house (Class C3).				
<b>Recommendation:</b>		Grant conditional planning permission subject to a s106 legal agreement		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	<i>Refer to Draft Decision Notice</i>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Summary of consultation:</b>	A site notice(s) was displayed near to the site on the 11/01/2023 (consultation end date 04/02/2023).			
<b>Adjoining Occupiers:</b>	No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Redington Frogmal Association:</b>	<p>A letter of objection on behalf of the Redington Frogmal Association was received on 2/02/2023.</p> <p>Excerpts of RFA’s objection are copied below:</p> <p><i>We are concerned about the impact of the development proposal on the woodland footpath, Croft Way. The metal roof will be visible from the public footpath and will jar with the wooded ambience.</i></p> <p><i>The Association considers that the height should be reduced to the extent that it is not visible from the public footpath.</i></p> <p><i>Trees are central to the landscape character of the Redington Frogmal Conservation Area. Large numbers have been lost from the gardens behind Finchley Road, an important bat foraging and commuting route.</i></p> <p><i>To help preserve and enhance the woodland character of Croft Way, it would be appreciated if the developer would plant trees and hedges to screen the building and add to the area’s biodiversity.</i></p> <p><u>Officer’s response:</u></p> <p>The proposed dwelling house has been redesigned so that the total building height has reduced by 1.5-1.9m. An assessment of the building design and visual impacts is made in section 3 of this report.</p> <p>Landscaping is assessed in section 5 of this report.</p>			
<b>Redington Frogmal Neighbourhood Forum:</b>	<p>A letter of objection on behalf of the Redington Frogmal Neighbourhood Forum (RFNF) was received on 29/01/2023.</p> <p>RFNF object to the application as they consider the proposal does not comply with the following policies of the Redington Frogmal Neighbourhood Plan:</p> <p><u>Policy SD 4</u></p> <p>“Development, including redevelopment, complement the distinctive character of the Redington Frogmal area and the immediate site context.”</p> <p>RFNF consider the proposal does not take into account the following sub policies:</p>			

viii landscaping plans with trees and other planting are not provided.

xii "eaves and spaces for internal bat roosts, and the use of bird bricks and other features to support wildlife" are not included.

RFNF have also made comments regarding the following Neighbourhood Plan policies:

- Policies BGI 1 and BGI 2

RFNF note the site lies within an ecological network and a bat foraging and commuting area and it is therefore of particular importance that all sub policies of BGI 1 and BGI 2 are embraced.

- Policies UD 1 and UD 2

RFNF note both of these policies relating to underground development apply and take precedence over the Camden Local Plan policies. It should be noted that high impact activities are limited to certain hours only and it will be necessary to demonstrate compliance with both UD 1 and UD 2.

The scheme was subsequently revised due to concerns raised by Council's Planning Officer. The revised scheme was circulated to the RFNF. RFNF confirmed that still objected to the application. RFNF provided additional comments, which are copied below:

*The Neighbourhood Forum does not feel that the revisions address the Redington Frogna! Neighbourhood Plan policies. In particular, the revised drawings are not compliant with the following policies:*

- *policy SD 4 viii, which requires that, "Landscaping should be an integral part of the design and layout of development and should include trees and other planting using species with a high value to biodiversity, as set out in section 6.2 Planting Guidance to Enhance Biodiversity and Conservation Area Character."*

*No landscaping plans have been provided.*

- *policy SD 4 xii, which states that, "Development that incorporates eaves and spaces for internal bat roosts, and the use of bird bricks and other features to support wildlife, will be particularly welcomed."*

*The new building does not incorporate eaves or other features to support wildlife.*

- *policy BGI 1 ii requires a high Urban Greening score in excess of the London Plan target and i, iii, v and vii are also relevant and should be complied with*

- *policy BGI 2 requires trees to be planted.*

<https://www.redfrogforum.org/wp-content/uploads/2021/07/Redington-Frogna!-Neighbourhood-Plan-Adoption-Version-September-2021.pdf>

*It would also be helpful to receive details of how potential light pollution from*

*the new building is going to be addressed, given the building's position right up against the important Croft Way wildlife corridor.*

*It is our view that the revised plans do enough to address the Neighbourhood Plan and meet RedFrog's objection,*

Officer's response:

Landscaping is assessed in section 5 of this report.

As the proposal is for 1 x additional dwelling, which does not contain any expansive or floor to ceiling areas of glazing, and offset from the Croft Way footpath by approximately 5m, any light pollution effects are considered negligible.

The applicant has agreed to a condition of consent requiring the provision of bird and bat boxes at the site which will further improve the biodiversity of the site in accordance with Neighbourhood Plan policies.

## Site Description

The site is a rear site, located on the eastern side of Finchley Road with its northern boundary adjoining Croft Way, a public pedestrian accessway between Finchley Road and Kidderpore Avenue.

The site is accessed via a panhandle driveway shared with 296 Finchley Road to the front of no. 298.

The site accommodates a large, two-level dwelling house, known as 'Croftway House'. In addition, a single-level pool house, (built in 1998) with attached greenhouse is located adjacent to the south west of the dwelling house, at the end of the panhandle driveway. A large forecourt is located in front of the Croftway House and the pool house, with the rear of the property being a large garden area.

Croftway is erroneously marked as a locally listed building on Camden Council's GIS viewer, however Council's Conservation team have advised the site is not included or proposed to be included in the Council's register for locally listed buildings.

A 3m high vertical timber slat fence lines the site's western boundary with Croft Way. High-level vegetation is planted around the periphery of the site boundaries.

The site is adjacent to the Redington Froggnal Conservation Area, the north-western boundary of Croftway adjoins to the Conservation Area, and properties adjoining the site's northern eastern boundary with Kidderpore Avenue lie within the conservation area.

The site is located in the Redington and Froggnal Neighbourhood Plan Area.

## Relevant History

The planning history for the application site can be summarised as follows:

### **9501487**

The erection of 2 x two storey houses with car parking as shown on plan numbers 9566.01-05.

**Refused 27/02/1996**

### **2003/1163/P**

Erection of a two storey side extension to the south wing of Croftway House, and replacement of 58m length of the existing fence on border between Croftway House and Croftway Footpath with new wooden fence to height 2.4m with 0.6m trellis on top, to match the adjoining fence between 9 Kidderpore Avenue & Croftway Footpath.

**Granted 09/10/2003**

## Relevant policies

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- **H1** Maximising housing supply
- **H6** Housing choice and mix
- **H7** Large and small homes
- **A1** Managing the impact of development
- **A3** Biodiversity
- **A4** Noise and vibration
- **A5** Basements
- **C5** Safety and security

- **C6** Access for all
- **D1** Design
- **D2** Heritage
- **CC1** Climate change mitigation
- **CC2** Adapting to climate change
- **CC3** Water and flooding
- **CC4** Air quality
- **T1** Prioritising walking, cycling and public transport
- **T2** Parking and car free development
- **T4** Sustainable movement of goods and materials

### **Redington and Froggnal Neighbourhood Plan 2021**

- SD 2 Redington Froggnal Conservation Area;
- SD 3 Car-free development;
- SD 4 Sustainable development and Redington Froggnal character
- SD 5 Dwellings: Extensions and garden development
- BGI 2 Tree planting and preservation
- UD 1 Underground development
- UD 2 Construction Management Plans

### **Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Basements (2021)
- CPG Design (2021)
- CPG Energy efficiency and adaptation (2021)
- CPG Housing (2021)
- CPG Transport (2021)
- CPG Trees (2019)

### **Redington and Froggnal Conservation Area Appraisal and Management Strategy (2022)**

## Assessment

### 1. The proposal

The application seeks to demolish the existing pool house and construct a new detached two storey dwelling with a basement. The dwelling would be positioned within a similar footprint as the existing pool house, located adjacent end of the panhandle accessway adjacent to the eastern boundary with Studholme Court, and south of the existing dwelling house.

The dwelling would accommodate four bedrooms at the ground floor level and an open plan living area at first floor level. The basement would accommodate storage and utility areas, as well as a gym and a 'sunken' greenhouse. A raised, angled roof of the greenhouse would be attached to the building's south elevation at ground floor.

The ground floor of the building would be clad with white stucco render, with shutters attached to the ground floor windows to match the existing dwelling house. A low brick wall with a raised garden would be positioned either side of the main entry and extend along the length of the elevation.

The first floor is designed with a mansard roof clad with red terracotta roof tiles. The east and west elevations would each accommodate five dormers (4 x single height and 1 x double height) with lead cheeks. The central dormers would be full height and serve as Juliet balconies.

The proposed dwelling is designed to Passivhaus standards, a voluntary standard for energy efficiency in a building, which reduces the building's ecological footprint.

No dedicated cycle storage facilities are proposed for the new dwelling, however the basement level would be suitable for accommodating bicycles and there is sufficient space within the garden for a cycle store.

No changes to the existing 'Croftway' dwelling house are proposed.

### Revisions

The following revisions have been made to the proposed dwelling house, after concerns were raised by Council Officers:

- The dwelling's external design has been amended from a two-level building with a pitched, anthracite grey metal long strip roof, clad with white stucco over all parts of the elevations, and pergola with trellis and foliage over the east and west elevations, to incorporate design motifs and materials which achieve a greater level of consistency with the existing Croftway dwelling house (to be retained). Consequently, the total building height has reduced by approximately 1.5-1.9m.

### 2. Assessment

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

- Housing
- The visual impact upon the character and appearance of the host property, streetscene, local area (Design and Heritage)
- Trees and Landscaping
- Energy & Sustainability
- Basement
- Transport
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)

### 3. Housing

- 3.1. Policy H7 seeks to provide a range of unit sizes to meet demand across the Borough. For market units, table 1 of the policy considers 1 bedroom/studios to have a lower priority, 2 and 3 bedroom units to be of high priority and 4 bedroom or more to be of lower priority. The proposal would provide a four bedroom dwelling.
- 3.2. The floor area of the proposed dwelling would be generous and comfortably exceed the Nationally Described Space Standards minimum requirements for a four bedroom dwelling.
- 3.3. Acceptable levels of outlook would be provided for the ground floor bedrooms and upper floor living areas. The ground floor bedrooms adjacent to the eastern boundary would be more limited compared to the level of outlook afforded to the other bedrooms, however the 2m depth, enhanced through being positioned over landscaped areas, are considered adequate.
- 3.4. All bedrooms and living areas have adequate access to sunlight and daylight.
- 3.5. The proposed dwelling house would not have a dedicated outdoor living space, however the design of the internal spaces, including the provision of a sunken greenhouse and the first floor level Juliet balconies, would provide residents with a direct sense of connection to outdoor areas. In addition, there is adequate space south-west of the dwelling (adjacent to the boundary with 296 Finchley Road) to serve as an outdoor living space for the dwelling. The application site is also within convenient walking distance to Fortune Green public park.
- 3.6. The proposed dwelling is spacious and provides generous storage areas, in particular at the basement floor level.
- 3.7. For these reasons above, the proposed unit is considered to provide an acceptable standard of accommodation for future occupants and would be in accordance with policies A1 and D1.
- 3.8. Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. This is based on an assessment where 100sqm of floorspace is considered to be capacity for one home. In developments that provide less than 10 units, affordable housing contributions can take the form of a payment in lieu. In this case, the proposal provides an addition of residential floor space of 221m<sup>2</sup> and as such, a contribution of £44,200 towards affordable housing would be required. An affordable housing contribution would be secured as part of a s106 legal agreement.

#### **4. Design and Heritage**

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features. In addition, Policy SD 2 Redington Froggnal Conservation Area of the Redington Froggnal Neighbourhood Plan, requires new developments to preserve or enhance the green garden suburb character of the Conservation Area, by maintaining gaps between buildings, and including trees, hedges, and maintaining an open garden suburb character created by well-vegetated front, side and rear gardens. Policy SD5 5 Dwellings: Extensions and garden development also requires extensions to existing buildings to be designed to complement the character of the original building and context.
- 4.2. The proposed dwelling would be of an increased scale compared to the pool house and would be a more prominent feature and reduce the level of openness at the site compared to the existing situation, however this would be acceptable for the following reasons:
  - The proposed new house would not dominate over the existing dwelling house: The existing



dwelling house is large in terms of height, footprint and its curtilage. The proposed dwelling house would be positioned in an area already occupied by an existing ancillary building (pool house), therefore the principle of a replacement building and located in the same position as the existing pool house, would not be unanticipated in this existing context. Secondly, the proposed dwelling would have a lower overall height than the existing dwelling house (including its more recently constructed addition). As illustrated on the 'Proposed Long elevation mansard' plan, the proposed dwelling would have a markedly reduced height compared to the original part of Croftway House, which makes up the bulk of the building. Overall, the size and scale of the proposed dwelling would appear as ancillary to the existing dwelling house. Any loss of perceived spaciousness at the site would be negligible given the moderate scale of the proposed dwelling house and its positioning set away from the existing Croftway House and setback from Finchley Road and pedestrian accessway (Croft Way).

- The proposed dwelling house is designed to complement the character and form of the existing dwelling house, as well as buildings in the adjacent Redington Froggnal Conservation Area: The use of terracotta roof tiles, white stucco render, blue shutters, and 'scroll supported' entry cover, would match the materials and detailing used on the existing Croftway House. The proposed mansard roof would contrast with yet also complement the traditional pitched, gabled roof form used on Croftway House. Overall, the proposed dwelling would be sympathetic to the materiality and detailing used in the existing dwelling house.

The proposed landscaping, in the form of raised planter beds on the building's west elevation, would provide a buffer around the proposed house and ensure it did appear as an isolated element within the site. The retention of the majority of existing boundary landscaping, which includes mature specimen trees and hedging, would also soften the bulk of the building and retain the landscaped character of the site. The applicant has agreed to conditions of consent requiring details of landscaping to be submitted and implemented, prior to the completion of the dwelling, and maintained thereafter. Further assessment is provided within section 5 of this report.

- Due to the presence of the existing high-level boundary fencing, screening provided by existing vegetation and separation provided by the 'Croft Way' public accessway, there is a level of separation provided between the application site and adjacent Conservation Area to the north.

4.3. Council's Conservation Officer objected to the original proposal, as they consider the proposed dwelling constitutes overdevelopment of the site, and consider the height, bulk and form of the building to be overbearing as the site is entered up the driveway from Finchley Road and dominate over the adjoining site fronting to Finchley Road. The Conservation Officer also considers the proposal may have impacts on the setting of the Redington Froggnal Conservation Area. Although the Conservation Officer considered the revised proposals to provide positive mitigating effects in terms of overall bulk, they still objected to the proposals on overdevelopment grounds.

4.4. The applicant's sectional drawing ('Proposed Section A-A') demonstrates the proposed dwelling would have a very limited degree of visibility from the adjacent Croft Way public access, due to the visual obstruction of the high boundary fence. Views of the dwelling would also be obstructed by existing vegetation and intervening buildings. The site also does not have a strong relationship with the adjacent Redington Froggnal Conservation Area, due to the generous setbacks of buildings from the side boundaries, and there being a distinct separation through the Croft Way public access, fencing and mature vegetation separating the application site and the Conservation Area. Although there are limited views of the site from within the Conservation Area, it is not considered to contribute to the setting or significance of the conservation area. Likewise, the conservation area statement, the application site is not mentioned as making an important contribution to the setting of the conservation area.

4.5. Given the limited visibility of the proposed dwelling from surrounding public spaces and noting the relationship between the site and adjacent Redington Froggnal Conservation, in addition to the

building having been reduced in height and redesigned to be more complementary to the form of the existing Croftway House (as elaborated under section 4.2 above), the proposals are not considered to cause harm to the setting of the conservation area.

- 4.6. For these reasons the proposal would preserve the character and appearance of the site and its wider surrounds, including the Redington and Frogna Conservation Area.
- 4.7. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

## **5. Trees and Landscaping**

- 5.1. Policies A3 and D1 advise that the Council seek to protect gardens and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. Policy SD 2 Redington Frogna Conservation Area of the Redington Frogna Neighbourhood Plan, requires new developments to preserve or enhance the green garden suburb character of the Conservation Area, by maintaining gaps between buildings, and including trees, hedges, and maintaining an open garden suburb character created by well-vegetated front, side and rear gardens.
- 5.2. Construction of the proposed dwelling may require the removal of an Apple tree, which the applicant has proposed to replace. The works would not require the removal of any other trees including those at the interface with the conservation area. Council's Tree Officer has advised the impact of the scheme on the trees to be retained will be of an acceptable level provided appropriate tree protection measures are secured. The applicant has agreed to a condition of consent that prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work to be submitted to and approved by Council. The condition would stipulate 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.
- 5.3. While no landscaping plans have been provided, with landscaping details to be secured as a condition of consent, the proposed raised planter beds at the west elevation of the building would provide some biodiversity benefit. The retention of the majority of existing boundary landscaping, which includes mature specimen trees and hedging, and the provision of the replacement Apple tree, would also ensure biodiversity outcomes are broadly consistent with the existing situation.
- 5.4. In light of the above, the proposed scheme is considered to have an acceptable impact on the biodiversity of the site and landscaped character of the wider area.

## **6. Transport**

- 6.1. Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion. It is more specifically aimed at improving health and wellbeing, encouraging and promoting active lifestyles, encouraging and promoting trips by sustainable modes of transport (walking, cycling and public transport), and addressing problems associated with poor air quality in the borough. Thus, car-free housing is required in the borough, regardless of any parking stress that may or may not locally exist.
- 6.2. No dedicated onsite car parking is proposed for the new dwelling. The applicant has agreed for the dwelling to be 'car free', which would exclude the owner/occupier from obtaining any on-street

parking permit for the dwelling. The 'car free' provision would be secured via a s106 legal agreement.

- 6.3. Policy T1 requires cycle parking facilities in the form of 2 x long-stay cycle spaces, to be provided in accordance with the London Plan.
- 6.4. The existing dwelling house has space for on-site bicycle parking within the existing buildings.
- 6.5. The applicant has not proposed any dedicated cycle parking for the new dwelling house, however the proposed basement would accommodate adequate space for cycle storage and this space can be conveniently accessed via the proposed lift within the dwelling house. This is considered an acceptable arrangement. There would also be adequate space within the curtilage of the site to construct new cycle storage units, should the applicant propose to erect these at a future date. The cycle spaces would be secured as a condition of consent.
- 6.6. Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' The applicant has agreed to prepare and adhere to a Construction Management Plan in relation to the construction works and has also offered an associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500, which would be secured via a s106 agreement. Implementation of the CMP will minimise the impact of construction works on the transport network and surrounding residential properties. Overall, construction effects will be acceptable and will be appropriately mitigated via implementation of the CMP.

## **7. Energy and Sustainability**

- 7.1. In line with policies CC1 and CC2, the Council will require development to incorporate sustainable design and construction measures. All proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building. Where the demolition of a building cannot be avoided, Council expect developments to divert 85% of waste from landfill and comply with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site.
- 7.2. The existing pool house would be dismantled and transported with the steel frame for reuse. The rooflight, which disassembles to become flat packed, and the 8 uPVC sliding doors, that infill the sides, would also be dismantled and remain with the dismantled steel frame. If the existing felt roof tiles cannot be reused, they would be recycled. The pool shell is a monocoque structure formed from glass fibre. The applicant intends to extract it from the pool pit in one piece. The applicant would offer it for reuse. If the pool shell was not accepted by another party, it would be cut up and recycled. The pool is backfilled with granite chippings and these will be retained on site for reuse. The applicants estimate there to be approximately 12m<sup>3</sup> of blockwork that they intend to retain on site for hardcore. The approximate 40 number 8'x4' plasterboard sheets would be recycled. Based on the methodology provided by the applicant at least 85% of the demolished pool house fabric would be diverted from landfill. On this basis and also taking into account the benefit of the proposal providing an additional dwelling house, the demolition of the pool house is considered acceptable.
- 7.3. The applicant intends for the proposed dwelling house to achieve Passivhaus certification. Passivhaus is a voluntary standard for energy efficiency in a building, which reduces the building's ecological footprint. The construction of the dwelling in accordance with the submitted Sustainability Statement, which details the energy saving measures to be implemented in the construction of the new dwelling, including the use of thermal insulation, ventilation heat recovery, and other measures, would be secured as a condition of consent.

- 7.4. The Air Source Heat Pump (ASHP) element of the proposal has been withdrawn by the applicant, due to the application not being accompanied by an comprehensive Noise Assessment Report. The applicant proposes to apply for a separate planning permission for the ASHP at a later time, should they intend to proceed with this element.
- 7.5. The proposed development is therefore considered to accord with the sustainability outcomes sought by the Local Plan.
- 7.6. A condition is proposed requiring the dwelling to achieve a maximum internal water use of 110litres/person/day, to ensure the need for further water infrastructure in the local area is minimised.

## **8. Basement considerations**

- 8.1. Policy A5 states that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Specific criteria f-m against which to assess basement development is provided. The proposed basement accords with the requirements of Policy A5 in terms of its impact on the character and appearance of the host building, the wider area, and the significance of heritage assets. The basement also complies with the criteria laid out in parts (f) to (m) of the policy and is consequently considered to be acceptable in terms of siting, location, scale, design and its subordination.
- 8.2. Policy A5 of the Local Plan notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:
- c) neighbouring properties;*
  - d) the structural, ground, or water conditions of the area;*
- 8.3. The policy goes on to note that applicants will need to demonstrate that proposals for basements:
- (n) do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight';*
  - (o) avoid adversely affecting drainage and run-off or causing other damage to the water environment;*
  - (p) avoid cumulative impacts;*
- 8.4. Paragraph 6.117 of the Local Plan states that "In order to provide the Council with greater certainty over the potential impacts of proposed basement development, we will generally expect an independent verification of Basement Impact Assessments to be funded by the applicant". Redington Frognaal Neighbourhood Plan Policy UD 1 states 'Residential basements and other underground development...must have no adverse impact on... garden spaces..trees...underground streams or spring lines.. neighbouring properties'.
- 8.5. The application is accompanied by a Basement Impact Assessment (BIA), which has been independently audited by Campbell Reith. The screening and scoping stages within the report are in accordance with the requirements of CPG Basements. The basement would not harm the structural, ground, or water conditions of the area. The basement would also not have any adverse effect on adjacent properties, and would likely require the removal of one Apple tree, of which the applicant has proposed to replace. It is unclear whether the 2 metres of depth for roots of medium trees would be provided, however the tree protection to be approved by Council and implemented throughout the duration of construction works would minimise any damage to tree roots. As discussed in section 5 Transportation of this report, the applicant is required to submit a construction management plan (CMP) which will be secured by S106 agreement to ensure the

development takes measures to minimise the impact of construction works. In particular excavations in relation to basement works, would be restricted to 9 am till 5.30 pm on weekdays, and be restricted from occurring on Saturdays, Sundays or public holidays, in accordance with Policy UD 2 of the Redington and Frognal Neighbourhood Plan.

## **9. Amenity**

- 9.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development.
- 9.2. The proposals are not considered to cause harm to the adjoining neighbouring properties nor the residential occupiers of the existing Croftway House in terms of loss of light, privacy, overlooking or noise disturbance.
- 9.3. The proposed dwelling would be located north of the adjacent property at Studholme Court, therefore the proposal would result in minimal overshadowing into this property. Similarly in relation to 296 Finchley Road, any overshadowing would primarily fall into utility areas at this property and not over its existing dwelling house or outdoor living spaces.
- 9.4. Any overlooking of Studholme Court would be minimal due to the screening by existing mature specimen trees at the periphery at this property, the flats and outdoor living spaces being well separated from the proposed dwelling house, and the living areas of the first floor having dual outlook from the west and east elevations. The proposed dwelling would not allow for overlooking of 296 Finchley Road.
- 9.5. The proposed dwelling would be sited in a manner and separated an adequate distance from the existing dwelling house, such that there would not be any reverse sensitivity effects in terms of visual privacy or loss of sunlight and daylight.
- 9.6. Overall, the proposal would result in acceptable amenity effects.

## **10. S106 Legal agreement**

- Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500
- New house to be 'car free'
- Affordable housing contribution of £44,200

## **11. Recommendation**

- 11.1. Grant conditional Planning Permission subject to a s106 legal agreement.

*The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 31<sup>st</sup> July 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: 2022/4764/P  
Contact: Brendan Versluys  
Tel: 020 7974 1196  
Date: 24 July 2023

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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Mr & Mrs Rory Brooks  
298 Finchley Road  
London  
NW3 7AG  
United Kingdom

Dear Sir/Madam

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

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

Address:  
**298 Finchley Road**  
**London**  
**NW3 7AG**

Proposal:  
Demolition of the existing pool house and replacement with a two storey plus basement dwelling house (Class C3).

**DECISION**  
Drawing Nos: Planning Design and Access Statement prepared by Rory Brooks, Proposed First Floor Plan, no.298.01MM; Proposed Ground Floor Plan, no. 298.02MM; Proposed Basement Floor Plan, 298.03; Proposed basement structure, no. 298.04; Proposed Roof Plan, no. 298.05MM; Proposed Site Plan, no. 298.06MM; Proposed West Elevation, no. 298.07MM; Proposed East Elevation, no. 298.08MM; Proposed Section A-A, no. 298.10M; Proposed Section B-B, no. 298.11MM; Proposed North Elevation, no. 298.12MM; Proposed Long elevation, no. 298.29M; Existing pool house, no. 298.32; Topographic Map Existing, no. 298.36; Proposed Basement detail, no. 298.41; Proposed Ground Floor detail, no. 298.42; Location Plan, no. TQRQM22254152814788; Construction / Demolition Management Plan pro forma prepared by Rory Brooks; Surface Water Drainage Assessment, rev 1.0, prepared by LBHGEO dated 27/10/2022; Basement Impact Assessment, rev 1.0, prepared by LBHGEO dated 25/10/2022

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 Planning Design and Access Statement prepared by Rory Brooks, Proposed First Floor Plan, no.298.01MM; Proposed Ground Floor Plan, no. 298.02MM; Proposed Basement Floor Plan, 298.03; Proposed basement structure, no. 298.04; Proposed Roof Plan, no. 298.05MM; Proposed Site Plan, no. 298.06MM; Proposed West Elevation, no. 298.07MM; Proposed East Elevation, no. 298.08MM; Proposed Section A-A, no. 298.10M; Proposed Section B-B, no. 298.11MM; Proposed North Elevation, no. 298.12MM; Proposed Long elevation, no. 298.29M; Existing pool house, no. 298.32; Topographic Map Existing, no. 298.36; Proposed Basement detail, no. 298.41; Proposed Ground Floor detail, no. 298.42; Location Plan, no. TQRQM22254152814788; Construction / Demolition Management Plan pro forma prepared by Rory Brooks; Surface Water Drainage Assessment, rev 1.0, prepared by LBHGEO dated 27/10/2022; Basement Impact Assessment, rev 1.0, prepared by LBHGEO dated 25/10/2022

Reason:

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

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

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

- 4 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 and Policy SD2 of the Redington and Frognaal Neighbourhood Plan 2021

- 5 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 and policy BG12 of the Redington and Frognaal Neighbourhood Plan 2021

- 6 Prior to commencement of the development, the applicant will have constructed and implemented all the measures contained in the Sustainability Statement, titled Planning Design and Access Statement prepared by Rory Brooks, and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with Policies G1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017 and policy SD4 of the Redington and Frognaal Neighbourhood Plan 2021

- 7 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 the new dwelling, 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.

- 8 The demolition hereby approved shall divert 85% of waste from landfill and comply with the Institute for Civil Engineer's Demolition Protocol and either reuse materials on-site or salvage appropriate materials to enable their reuse off-site. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to reducing waste and supporting the circular economy in accordance with the requirements of Policy CC1 of the London Borough of Camden Local Plan 2017.



- 9 The sustainable urban drainage system referenced in the document titled 'Surface Water Drainage System, rev 1, prepared by LBHGEO, dated 27/10/2022 and listed in condition 2 of this permission, shall be implemented as part of the development and thereafter retained and maintained.

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

- 10 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.

- 11 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies SD2, SD4 and SD5 of the Redington and Frognaal Neighbourhood Plan 2021

- 12 No development shall take place until full details of privacy measures between the existing 'Croftway House' and proposed ancillary dwelling house, have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: Reason: To ensure that the development provides a reasonable standard of visual privacy between 'Croftway House' and proposed ancillary dwelling house, in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017 and policies SD2, SD4 and SD5 of the Redington and Frognaal Neighbourhood Plan 2021

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) there shall be no improvement, alteration, removal or erection of any means of enclosures, other than as approved under this permission or other condition attached to it, without the prior written permission of the local planning authority.

Reason: To safeguard the visual amenity of the area, and the amenity space and privacy of occupiers, in accordance with policies G1, D1 and A1 of the Camden Local Plan 2017 and policies SD2, SD4 and SD5 of the Redington and Frognaal Neighbourhood Plan 2021

- 14 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment (Basement Impact Assessment, rev 1.0, prepared by LBHGEO dated 25/10/2022) hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and policies UD1 of the Redington and Frogal Neighbourhood Plan 2021 .

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

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy A3 of the Camden Local Plan 2017.

- 16 During any internal or external demolition of buildings or any site clearance, a precautionary measure is required that all contractors are aware of potential roosting bats and that external features such as roof tiles and other features which may support bats (i.e. areas with cracks or holes providing access routes for bats) should be removed by hand. There is a required formalisation of a protocol as to the steps to be taken in the event that a bat or bats is/are found during the demolition works. Should bats or their roosts be identified then works must cease and the applicant will be required to apply for, and obtain, a European Protected Species Licence and submit proof of this to the authority before work recommences. Additionally they will be required to submit a method statement detailing features to be retained and added to site to maintain and replace roost and foraging features on the site.

Reason: In order to ensure the development safeguards protected and priority species in accordance with policy A3 of the Camden Local Plan 2017.

- 17 The proposed demolition or any site clearance should be undertaken outside the breeding bird season (i.e. it should be undertaken in the period September to January inclusive). Should it prove necessary to undertake demolition or clearance works during the bird nesting season, then a pre-works check for nesting birds should be undertaken by a qualified ecologist. If any active nests are found, works should cease and an appropriate buffer zone should be established (the qualified ecologist would advise). This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: In order to ensure the development safeguards protected and priority species in accordance with policy A3 of the Camden Local Plan 2017.

- 18 Basement construction works will be restricted to 9 am till 5.30 pm on weekdays. At no time shall there be any works on Saturdays, Sundays or public holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017 and policy UD2 of the Redington and Frognal Neighbourhood Plan 2021

- 19 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 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.

- 4 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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