



**Frognal Lane Garages**

# Planning Statement

**March 2024**

**DP9 Ltd**

DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ



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## **1. Introduction**

- 1.1 This Planning Statement has been prepared by DP9 Limited in support of an application made by Pollyshire Ltd (hereafter referred to as the 'Applicant') for full planning permission for development proposals at Frogna! Garages, Frogna! Lane, London NW3 7DX.
- 1.2 The application is submitted to the London Borough of Camden (hereafter referred to as 'LBC') and sets out the planning case in support of the proposals in the context of relevant national, regional and local planning policy guidance.
- 1.3 The description of the Proposed Development is set out below:

*“Demolition of existing garages and the erection of 2 x dwellinghouses (Class C3), garages, and associated works.”*

### **Supporting Documents**

- Application form prepared by DP9 Limited;
- Community Infrastructure Levy Additional Information Form, prepared by DP9 Limited;
- Cover Letter prepared by DP9 Limited;
- Planning Statement (Inc. HoTs) prepared by DP9 Limited;
- Existing and Proposed Drawings, including plans, sections and elevations prepared by TODD Architects;
- Location plan and block plan, prepared by TODD Architects;
- Design and Access Statement (Inc. Energy Statement) prepared by TODD Architects;
- Planning Fire Safety Strategy prepared by TODD Architects;
- Daylight and Sunlight Assessment, prepared by Lumina;
- Tree Survey Data, Tree Constraints Plan and Covering Report; prepared by Indigo.
- Viability Assessment, prepared by DS2;
- Basement Impact Assessment, prepared by Soils Ltd;



- Site Contamination Survey, prepared by Solis Ltd.

## **2. Site Context**

- 2.1 The application site is located on Frogna Lane, in close proximity to Finchley Road, which is located in the Frogna ward of the London Borough of Camden. The Site currently comprises eight sing-storey garages, with an area of hardstanding located immediately adjacent. The Site measures 362 sqm in area.
- 2.2 The Site is located between two six-storey residential blocks to the immediate east and west. The block to the west is Palace Court, which is located on the junction between Frogna Lane and Finchley Road, and the block to the east is Ashley Court.
- 2.3 The Site is located approximately 500m from Finchley Road and Frogna Station with a PTAL of 5, representing very good public transport accessibility. On this basis the Site is considered highly underutilised in this area of strong accessibility.
- 2.4 The Site is located on a site of varied topography, with the gradient sloping down towards the western end of the Site.
- 2.5 The site does not lie within the setting of any listed buildings, nor is it situated within a Conservation Area. The Site is however located directly opposite the Redington and Frogna Conservation Area, which largely encapsulates the Site and Finchley Road, however it has been omitted from this designation.



### **3. Planning History**

3.1 The Site has no planning history of note, based on searches on LBCs online records.



## 4. Pre-Application Discussions and Consultation

- 4.1 The NPPF states that ‘good quality pre-application discussion enables better communication between public and private resources and improved outcomes for the community’. It encourages Applicants to take up pre-application advice services offered by Local Planning Authorities, as well as engage with their local community. As such, the Applicant has undertaken detailed pre-application consultation with LBC prior to submission of the application.
- 4.2 Two initial pre-application meetings have held with LBC planning officers on the 10<sup>th</sup> March 2022 and on 22<sup>nd</sup> July 2022.
- 4.3 Subsequently, on 19<sup>th</sup> July 2022, the proposals were presented to senior officers for an internal briefing at LBC.
- 4.4 The planning application stage was put on hold until the applicant had settled an acquisition matter which was completed late 2023. At this point, the applicant re-engaged with LBC Planning Officers to discuss next steps ahead of this application for full Planning Permission. This latest pre-app meeting was held on 15<sup>th</sup> January 2024.
- 4.5 It is worth noting that the latest pre-app was a follow up from the previous meetings, where development principles had been agreed. The final pre-app looked to address comments directly from the pre-app feedback received in 2022, ahead of this planning application being submitted.
- 4.6 A summary of feedback received from the initial pre-application meetings is provided below:
- **Proposed Mix** - Due to the site constraints and the fact that only two units are proposed, the proposed mix was considered acceptable.
  - **Residential Development and Outlook** - The principle of residential development was considered acceptable; however officers suggested the internal layout should be re considered to provide a better outlook.
  - **Scale of Development** - In principle, the redevelopment would enhance the streetscape and the scale of the development is acceptable.
  - **Design** - The overall architecture of the properties is reasonably attractive in its own right, subject to some minor design amendments.



- **Garages** - Two garages on either side that are integrated into the two properties should be separated into four garage doors instead of two double doors, so the garages are read as four single garages rather than two double garages.

4.7 A summary of feedback received from the final pre-app meeting is provided below:

- **Loss of existing garages** and retention of four garages could be accepted.
- **The housing mix** (3-Bed and 5-Bed) was accepted. Suggested exploring unit sizes to provide two or three bed units.
- **Design, scale and massing** -Suggested that the design could further optimise the site and provide more flexibility for future development.
- **Basement excavation** the front garden/hard standing extends more than 50% in area, and the extent of excavation should be reduced to comply with this criterion.
- **Audit on BIA** queried matters on surface water drainage, ground movement assessment, and ground modelling, as well as assessment against policies UD1 and UD2 of the RFNP.
- **Overlooking and loss of privacy** concern for residents of Ashley Court due to the first-floor balcony, and current lack of mitigation.
- **Daylight/Sunlight** – acknowledged that transgressions are minor. Full DLSL to be submitted as part of any future full application.
- **Site Contamination Survey** – to be submitted as part of full application to assess the impacts on the health of future residents from contaminants
- **Trees** - The impact of the scheme on the trees to be retained will likely be of an acceptable level provided suitable tree protection measures are secured.
- **Sustainability** section to be included in the DAS as part of the full application.



## 5. Application Proposals

### Description of Development

5.1 The description of the Proposed Development is as follows:

*“Demolition of existing garages and the erection of 2 x dwellinghouses (Class C3), garages, and associated works.”*

5.2 This section should be read in conjunction with the Design and Access Statement, which describes the principal components of the Proposed Development.

5.3 The Proposed Development seeks the demolition of the existing garages and the delivery of two dwellinghouses which provide high-quality accommodation, better utilising the space which sits between the two 6-storey residential blocks either side of the Site.

5.4 The Proposed Development comprises a rectilinear form with a red-brick materiality with elements of white brick, which is directly informed by the character of the adjacent blocks. The massing is located over three levels. Both of these aspects were directly informed by initial pre-application engagement with LBC’s officers.

5.5 The proposed dwellings comprise 443 sqm (GIA), with the eastern unit (‘Unit 1’) measuring 253 sqm and the western unit (‘Unit 2’) measuring 190sqm. The dwellings comprise bedrooms, living space and utility space on the lower ground floor; kitchen/living/dining on the ground floor; and bedrooms on the first and second floors.

5.6 The two dwellings are complemented by landscaping, with Unit 1 including 50 sqm of amenity space, and Unit 2 including 73 sqm of amenity space.

5.7 The Proposed Development comprises four garages which have been retained and will be re-provided for existing occupiers. This results in a net reduction of car parking when compared to the existing situation.





## 6. Planning Policy Framework and Overview

- 6.1 This section of the Planning Statement identifies the statutory development plan that is relevant to the application Site and key material considerations that are relevant to the determination of the application. The planning policy context comprises three levels of adopted policy: national, regional and local. At each level, there is both planning policy and supplementary guidance which together provides the framework within which the Proposed Development should be considered. Further specialist guidance has also been taken into consideration when assessing the impacts of the development, as addressed within the supporting technical documents.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when making any determination under the Planning Acts, it should be in accordance with the development Plan unless material considerations indicate otherwise.

### **Current/Emerging Planning Policy Framework Current Planning Policy Framework**

- 6.3 The Development Plan for the Site comprises the following:
- The London Plan (2021);
  - Camden Local Plan (2017)
- 6.4 The National Planning Policy Framework ('NPPF') (supported by National Planning Practice Guidance (NPPG)) is also a relevant consideration in the determination of planning applications for the Site. The Development Plan is supported by a suite of Supplementary Planning Documents ('SPD').

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

- 6.5 The revised National Planning Policy Framework was updated on 20th July 2021 sets out the Government's planning policies for England and how they should be applied and is an important material consideration. It should be taken account of in the preparation of the development plan and in making decisions on planning applications.
- 6.6 Paragraph 8 outlines that there are three overarching objectives to achieving sustainable development. They are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The three sustainable objectives are:

Economic – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support



growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Social – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

Environmental – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.7 The NPPF states that *“so that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development”* (Paragraph 10). Paragraph 11 identifies that in making decisions this means:

a) Approving development proposals that accord with an up-to-date development plan without delay; or

b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

6.8 The London Plan (LP) is the Spatial Development Strategy for Greater London which was formally published by the Mayor on 2nd March 2021. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

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

6.9 The Camden Local Plan (CLP) is the key strategic document in Camden's development plan. It sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions.

6.10 A list of relevant policies within the CLP are set out in Appendix A.



### **Redington Frogna! Neighbourhood Plan (2021)**

- 6.11 The site lies within Redington Frogna! Neighbourhood Plan area. The Redington Frogna! Neighbourhood Area and Neighbourhood Forum was adopted in September 2021. Neighbourhood plans are statutory planning documents and we must take it into account when we make decisions on planning applications in that neighbourhood.

### **Supplementary Planning Documents**

- 6.12 SPDs provide advice and information on how planning authorities apply planning policies. Relevant Supplementary Planning documents include:
- Mayor's London Plan Guidance
  - Camden Planning Guidance (2021)
- 6.13 A list of relevant Camden Planning Guidance documents are set out in Appendix B.



## **7. Planning Policy Assessment**

- 7.1 The key planning considerations associated with the Proposed Development and discussed further in these sections relate to the Principle and Land Use, Design, , Neighbouring Amenity, Energy and Sustainability, Transport and Highways, Fire Safety, Planning Obligations and CIL.

### **Principle of Land Use**

- 7.2 The principal land use considerations relate to the loss of garages and provision of new residential accommodation.
- 7.3 A breakdown of proposed floorspace is provided in the Area Schedule detailed within the Design & Access statement.

#### *Loss of existing garages*

- 7.4 CLP Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport. The Council has put all these measures in place to meet its zero carbon targets. CLP Policy T2 state limits parking in the borough with the overall aim to be car free. To achieve this, Camden will resist car permits and front garden development, among other measures.
- 7.5 Supporting text (Para 10.20) states that the council will consider retention or re-provision of existing parking provision for existing occupiers.
- 7.6 The existing site contains eight garages. The existing Site represents an unattractive gap in the townscape in terms of its use when compared to the adjoining properties. The Proposed Development will re-provide four of the eight garages for existing occupiers which results in a net reduction of car parking when compared to the existing situation. The Proposed Development provides no new car parking for future residents in accordance with Camden Local Plan Policy T2.
- 7.7 Feedback from pre-application confirmed that the replacement of four and loss of four garages could be supported. This alongside provision of two high quality dwellings is considered a major benefit and is therefore considered acceptable.



### *Provision of Residential Use*

- 7.8 The site is identified as possible redevelopment opportunity within the Redington Froggnal Neighbourhood Plan (2021), with an opportunity identified to redevelop the site with 'low-level residential development'.
- 7.9 Residential use is the priority land use of the Local Plan. CLP policies H1, H3, H4, H6 and H7 are relevant with regards to the provision of housing and set out what is required in terms of tenure and unit mix.
- 7.10 Housing Delivery Test (HDT) is an annual measurement of housing delivery in relevant plan-making authorities. Over the last 3 years, it measures whether planned requirements for local housing needs were met. Using the government's most recent figure for 2021, Camden has an action plan to produce and a 20% buffer to the 5-year housing supply. As part of the Authority Monitoring Report, officers conducted a review of the 5-year housing land supply in the borough and concluded that the amount of deliverable housing land falls considerably short of requirements. In decision-making, it is necessary to place great weight on housing provision in light of the presumption in favour of sustainable development in paragraph 11(d) of the NPPF. According to the NPPF, applications should be granted unless their adverse impacts significantly and demonstrably outweigh their benefits.
- 7.11 In addition to contributing to the strategic objectives of the Local Plan, the proposed dwellings would also contribute to the borough's housing needs, which must be given significant weight in the decision making of this application. As such the principle of the Proposed Development is considered acceptable.

### *Conclusion on Land Use Principles*

- 7.12 The Proposed Development would bring an underutilised site, into a use that harmonises with the character of the area. Providing new dwellings on the site, in an urban area with good public transportation links, meets the development plan objectives and meets the national, regional, and local objectives. The benefits of the scheme significantly outweigh any imperceptible harm caused by the Proposed Development. Presumption in favour of sustainable development (paragraph 11(d) of the NPPF) is therefore relevant, which means the application should be granted planning permission.



## **Tenure and Unit Size Mix Of The Proposed Housing**

- 7.13 CLP Policies H1, H3, H4, H6, H7 are relevant with regards to new housing, including to tenure and unit size.

### *Mix of Unit Size*

- 7.14 CLP Policy H7 aims to secure a range of homes of different sizes, and the Dwelling Size Priorities Table under section 3.189 of policy H7 states that 2-bedroom and 3-bedroom units are of high priority, and 4-bedroom units (or more) are of lower priority, albeit still recognises a need for this unit size.
- 7.15 According to the pre-application response, large units are proposed on a site with only half of its development potential. As such, it was suggested that half the site could take a couple of 2-bed mews houses of two floors with small basements which would be more viable and conform to the Council's policy.
- 7.16 This advice contradicts the initial pre-app feedback received. The initial pre-app design provided one 2-bed and one 3-bed. Feedback indicated that this did not optimise development and that a greater mix and mass could be achieved. This prompted the next design iteration to address these concerns by increasing the mix and mass of units.
- 7.17 The Proposed Development provides a policy compliant mix of sizes including a proportion of three and four-bedroom homes. A scheme of two 2-bed mews houses contributes less to the Council's targets than a scheme of the proposed unit mix, which offers a greater number of bedrooms. The notion of 2 mews houses would be an inefficient use of site and would not be deliverable. Furthermore, the proposed mix reflects the characteristics of the area, where larger homes are prevalent.
- 7.18 Notwithstanding the above, the pre-app response acknowledged provision of a high priority unit, along with the constraints of the site, as such the proposed mix was considered acceptable.
- 7.19 Overall, the mix of unit sizes is considered acceptable and in accordance with policy H7.

### *Housing Choice and Mix*



- 7.20 CLP Policy H4 aims to maximize affordable housing. Homes that provide one or more additional homes and have capacity for fewer than 25 additional homes are subject to a sliding scale target, starting at 2% for one home and increasing by 2% for each additional home. One additional home is defined as 100sqm of additional residential floorspace (GIA). The additional residential floorspace is rounded to the nearest 100m<sup>2</sup> (GIA). A payment-in-lieu of affordable housing will be accepted for developments that can accommodate fewer than ten additional dwellings (or 1000sqm). CLP Policy H4 accepts that a payment-in-lieu is often the most appropriate means to secure this provision in schemes of under 10 units.
- 7.21 The pre-app feedback confirmed that a payment-in-lieu is often the most appropriate means to secure this provision in schemes of under 10 units. At pre-app stage, the payment-in-lieu, based on the above multiplier, was calculated as £232,500.00 (10% of 465 sqm £5000) (based on 465sqm).
- 7.22 The Proposed Development would provide 443sqm of residential uplift (capacity for two homes), as such a payment-in-lieu is considered acceptable for compensating lack of onsite affordable housing.
- 7.23 The sliding scale in Policy H4 (d) is relevant, starting at 2% for one home and increasing by 2% for each home added to capacity. The additional residential area would have a home capacity of 2 which equates to a target of 4% affordable housing on the sliding scale.
- 7.24 In order to determine whether affordable housing can be provided by the Proposed Development a comparison is made between the Residual Land Value (RLV) of the Proposed Development and the Benchmark Land Value (BLV) of the site. A scheme with a RLV lower than its BLV is considered unviable, and is therefore unlikely to be developed, unless affordable housing and/or planning obligations can be reduced. When the RLV exceeds the BLV, the scheme could come forward in principle and provide affordable housing.
- 7.25 For the existing garages, the viability report assumes a value of £55k per unit and £35k for the parking spaces. This produces an Existing Use Value (EUV) of £720,000 and the BLV equates to £781,000.
- 7.26 Based on comparable evidence, The Viability Report adopts a value of £800 psf, which equates to roughly £1.88m per unit. Third Party Costs within the appraisal includes the £200k Rights of Light and the compensation costs of £130k.



- 7.27 The RLV of the Proposed Development is calculated as £7,855. With a BLV of £781,000 the Proposed Development produces a deficit of £773,145 and can therefore not provide any affordable housing.

### **Quality of Accommodation**

- 7.28 CLP Policy H6 relates to housing choice and mix, and seeks high quality accessible housing as well as housing suitable for Camden's current and future households. LP Policies D5 and D6 recommend providing the highest standard of accessible and inclusive design to allow everyone to use them safely, easily and with dignity.
- 7.29 LP Policy D6 and CLP policy H6 and D1 require high quality housing with adequate sized rooms and homes with dual aspect. CLP Policy A1 aims to protect the amenity of occupiers in relation to privacy, outlook, light, and noise. Policy requires new noise sensitive developments to incorporate suitable noise and vibration measures. CLP Policy A2 encourages the provision of private amenity space, which is reflected in LP Policy D6.

### *Design and layout / Optimisation*

- 7.30 The Proposed Development conforms with the nationally described space standards in terms of overall size and bedroom size.
- 7.31 The most recent pre-app feedback accepted the need to retain four garages, however, suggested this could hinder the development potential on site and efforts should be made to ensure this is not lost as a consequence of the design. Feedback indicated that the garages should not justify inefficient or unadaptable development on site and therefore alternatives should be looked at.
- 7.32 The building has been designed with future development potential in mind, whereby both the garages and large habitable rooms could be converted into bedrooms in the future.
- 7.33 The DAS includes an illustrative plan to show how the building could be converted in the future once the existing lease on the garages expire.
- 7.34 However, given the constraint of the existing garages, the current layout utilises the whole site and is considered to optimise development opportunity of the site.





- 7.35 The proposed dwellings are designed to a high standard in terms of size and layout, with step-free access. All units and rooms meet nationally described space standards and comply with Part M - M4(2) requirements.
- 7.36 Both dwellings would have dual aspect, with large windows to allow for cross-ventilation.
- 7.37 Overall, the Proposed Development optimises the development opportunity on the site, providing two high quality homes that help contribute to Camden's housing delivery targets, and enhances the street scene.

#### *Outlook*

- 7.38 Within the initial pre-app feedback, officers suggested the internal layout should be re considered to provide a better outlook. It was suggested to flip the layout on upper floors, so that the habitable rooms face the front where they would likely receive more light and better outlook.
- 7.39 The Proposed Development responded to this comment positively, whereby the upper floor layout was amended to bring all habitable rooms for the front elevation of the property.

#### *External Amenity Space*

- 7.40 CLP Policy A2 requires developments to include opportunities to provide private amenity space, and LP Policy D6 states that 1-2 person dwellings must provide 5 square metres of private outdoor space, an additional 1 square metre for each additional occupant, and the space must have a minimum depth and width of 1.5 metres.
- 7.41 Various external amenity spaces are provided in the Proposed Development, such as front gardens and balconies. Unit 1 would have 50sqm of private amenity space, and Unit 2 would have 72sqm. Proposals would provide usable amenity space for the future occupiers and would have a good depth and width.
- 7.42 Overall, the provision of private amenity space conforms to policy and will result in a high-quality development.

#### *Daylight and sunlight*



- 7.43 CLP Policy A1 seeks to protect the quality of life of occupiers and neighbours including daylight and sunlight. The CPG Housing & CPG Design highlights the importance of high-quality housing that provides well-lit accommodation.
- 7.44 The Proposed Development is supported by a Daylight and Sunlight Report prepared by Lumina. The DLSL report indicates that all rooms within the Proposed Development at the first and second floors will comply with the BRE targets, with all bedrooms achieving more than 100 Lux. In these rooms, there will be very high levels of internal daylight. At lower ground level and on the ground floor, however, there will be lower levels of light. When compared to other developments in other parts of the Borough, the overall performance of this development is comparable, if not better, given its location and surrounding relationship to Ashley Court or Palace Court (which are 6 stories in height).
- 7.45 Overall, the quality of daylight in the Proposed Development will be adequate with compromised levels of daylight limited to one lower ground floor bedroom.

#### *Conclusion on Quality of Accommodation*

- 7.46 The Proposed Development is considered acceptable in terms of layout and design, aspect, outlook, light, and would provide an acceptable level of amenity.

#### **Design and Conservation**

- 7.47 CLP Policy D1 and CPG (Design) are relevant to design elements. The Site is located across the road from a Grade II listed Presbyterian Church. Further north along Finchley Road are a number of locally listed buildings. The site is not located within a Conservation Area, but Redington and Frognal Conservation Area surround it to the north and east. Accordingly, CLP Policy D2 is considered since it states that the Council will resist development outside of a conservation area that harms its character or appearance.
- 7.48 The Redington and Frognal Neighbourhood plan identifies the site for possible redevelopment opportunity. It describes the site as an inefficient land use, not consistent with sustainable transport policies. The site does not positively contribute to the character of the area and represents an unnatural gap in the street in terms of townscape.
- 7.49 The pre-application feedback agreed that the redevelopment of the site would in principle be a positive enhancement to the streetscape.



- 7.50 The Proposed Development repairs the gap, and makes more efficient use of the site, and creates a strong contextual relationship with the surrounding buildings through provision of a new high-quality building. The Proposed Development is considered to be an enhancement to the character of area and to the adjacent conservation area.

#### *Site Layout*

- 7.51 The Proposed Development is for a single building that optimises the use of the development plot, with a new part three-story, part two story building, comprising two dwellings. The proposed building line follows the established building line of the existing garages.
- 7.52 The Site slopes downwards east to east towards the junction with Finchley Road. As a result of the sloped typography, the Proposed Dwellings are stepped to provide level access from the street.
- 7.53 The Proposed Development is oriented north-south, with the entrance to both dwellings facing Frogal Lane. The Proposed Development presents a coherent street arrangement in accordance with relevant design policies.

#### *Scale and Massing*

- 7.54 Unit 1 is larger of the two dwellings, comprising 253sqm (GIA) across lower ground, ground, first, and second floors with a max height of 14.38m. Unit 2 comprises 190sqm (GIA) across lower ground, ground, and first floor with a max height of 12.55m. This is commensurate with the heights of other residential dwellings along Frogal Lane.
- 7.55 Both buildings adjacent to the site are six stories high. The massing has been dictated by the daylight/sunlight impacts and therefore creates a slightly unordered form in regard to its immediate neighbours. Nevertheless, the massing has been designed and optimised with consideration of protecting neighbouring amenity from the outset. In keeping with the sloping typology of the site, the dwellings are stepped down west. Excavation is proposed to the rear of the dwellings to connect to garden level and maximise the efficiency of the site.



- 7.56 Overall the proposed scale and mass is considered acceptable and is not overbearing and protects the amenity of the neighbouring properties. This stance has been supported within the pre-application feedback.

*Architectural appearance and materiality*

- 7.57 CLP Policy D1 and the NPPF requires development to be high-quality in terms of design, detailing and materials.
- 7.58 The supporting Design & Access Statement, prepared by TODD Architects, illustrates a creative design response to optimising the underutilised site. Through thoughtful analysis and understanding of the surrounding character, the building has been sensitively designed to deliver an appropriate residential development.
- 7.59 Materials proposed are contextually relevant to the area's established palette.

**Landscape and Trees**

- 7.60 CLP Policy A2 and A3, and CPG Biodiversity, seek to protect existing trees and vegetation of biodiversity and amenity value.

*Landscape and Biodiversity*

- 7.61 The Site is a brownfield site which has a low biodiversity value, being primarily paved with shrubs growing out of the pavement slabs.
- 7.62 The Proposed Development involves replacing current driveway hard surfaces with open-cell pavers, facilitating grass growth, and two front lawns. In addition, green privacy screens are strategically positioned on the private amenity balconies. Green privacy screens, planters, front lawns, and grass growing through open-cell pavers enhance biodiversity and contribute positively to a site's streetscape.
- 7.63 As of 12 February 2024, most new developments will be required to comply with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Exemptions include small residential developments between one and nine units.



7.64 As such, the Proposed Development is exempt from the BNG requirements set out in Schedule 7A above, given that the planning application has been submitted before 2 April 2024, when mandatory BNG comes into effect for this type of development.

7.65 Due to the fact that the proposed development is exempt from current policy and legislation, the BNG metric calculation has not been completed.

#### *Trees*

7.66 CLP Policy A3 includes the protection of trees and where developments are near trees, that the relevant tree protection documents are provided.

7.67 It is not proposed to remove any trees to facilitate development.

7.68 This application is supported by Tree Survey Data, a Tree Constraints Plan ('TCP') and Covering Report, prepared by Indigo, which demonstrates that the Site is clear of tree constraints except a few minor fronds coming over the boundary from T4. The report suggests that the Root Protection Areas ('RPA') of T1 and T4 would be deflected or diminished by the local conditions (boundary walls, concrete flooring etc) and the TCP overlay demonstrates that the RPA's of these trees are not present on site.

7.69 The pre-application feedback confirmed that as long as adequate tree protection measures are in place, the impact of the scheme on the trees to be retained will likely be of an acceptable level. It was agreed these details could be secured by condition.

7.70 Overall, the proposals will significantly improve the amenity and biodiversity of the site.

#### **Impact on Neighbouring Amenity**

7.71 CLP Policy A1, A4 and CPG Amenity all relate to the impact of development on light, outlook, privacy, and noise on residential properties in the area. There are also impacts associated with construction work, but these are addressed in the section entitled 'Transport'. Policy objectives are to protect the quality of life of residents and to prevent development that causes an unacceptable level of harm to amenity.

#### *Daylight and sunlight*

7.72 This application is supported by a Daylight and Sunlight Report (DLSL Report) prepared by Lumina. The DLSL Report outlines potential impacts on neighbouring properties as



a result of the Proposed Development. Below is a summary of the potential impact on daylight and sunlight for the following properties:

1-3 Frognal Lane

Full and comfortable compliance with the BRE Guidelines

Ashley Court

Imperceptible loss of light at ground, first and second floor levels,

11-17 Palace Court

One Living Room will experience a loss but within the BRE recommendation. One Kitchen/ Living Room will experience reductions that marginally exceed the BRE recommendations. However, this Kitchen is served by multiple windows, which when combined with the results of the No Skyline Daylight Distribution Analysis, confirm that the work surfaces and the overall use of this kitchen are not materially affected. Three windows serving the flat at first floor level will experience reductions just above 20% and only one room will just exceed a 20% reduction of Daylight Distribution.

Palace Court, 250 Finchley Road

Two windows at first floor level will marginally exceed the BRE VSC threshold.

- 7.73 These properties are considered the closest properties within the neighbouring blocks to be affected by development.
- 7.74 The two neighbouring buildings, Ashley Court and Palace Court, are six and seven storeys tall. Therefore, BRE Guidelines advice on flexibility and context is paramount to the decision making of the Proposed Development.
- 7.75 According to the BRE Guidelines, alternative numerical targets could be set using mirror-image massing. The approach is also supported by various Appeal Decisions.
- 7.76 Due to the size of the site, a development that matched Ashley Court or Palace Court's height would not be appropriate. This would result in significant impacts on the amenity of neighbouring occupiers.



- 7.77 As such the Proposed Development adopts a more domestic scale, designed well within the flexibility recommended in the BRE Guidelines. DLSL Report concludes, from the various analyses, that although the proposals will not fully adhere to the numerical targets in the BRE Guidelines, there will be no major shortfalls and the levels of daylight and sunlight received by neighbouring residential occupiers will remain adequate.
- 7.78 The Design and Access Statement demonstrates how the massing envelope has evolved as a result of daylight and sunlight impacts.
- 7.79 Overall, the Proposed Development would not have a significant impact on daylight and sunlight of neighbouring properties, and where there are more notable impacts, they are generally in line with those seen in more urban areas. Overall, the proposal would not significantly impact neighbouring amenity.

#### *Overlooking*

- 7.80 It was acknowledged at pre-application that some of the private amenity terraces face onto neighbouring properties.
- 7.81 To mitigate this, the Proposed Development has introduced 1.5m high privacy screens to prevent any overlooking into adjacent properties. Overlooking from the terrace adjacent to Palace Court is prevented by restricting the access by a planter.
- 7.82 As such, the Proposed Development is considered to be in accordance with CLP Policy A1 and sufficiently protects the quality of life of occupiers and neighbours.

#### **Basement Impact**

- 7.83 CLP Policy A5 will only permit basement development if it has been demonstrated that it will not adversely affect structural, amenity, environmental, or conservation/design aspects. The proposed basement excavation is assessed against the criterion contained within policy A5.
- 7.84 Given the sloping typology of the site, the 'basement' level is considered more akin to a lower ground floor. Notwithstanding this, a full Basement Impact Assessment (BIA) was submitted during the pre-application stage which was subsequently reviewed by Camden's independent auditors Campbell Reith.



- 7.85 At pre-app stage, the Proposed Development did not comply with part H and part K of the policy as the excavation exceeded 50% of each garden within the property; and extended underneath the garden further than 50% of the depth of the garden.
- 7.86 In response to this, the excavation under front garden/hard standing has been reduced to less than 50% in area, as such, the Proposed Development now complies with Policy A5.
- 7.87 Notwithstanding the above, the pre-app feedback confirmed that the BIA contained all of the elements expected in a BIA, however requested clarification on surface water drainage, ground movement, and ground modelling.
- 7.88 An updated BIA has been prepared by Soils Ltd to support this planning application. The BIA has considered that the site is in the Redington Frogнал Lane neighbourhood plan area which has particular requirements relating to ground and surface water. Furthermore, the assessment on Ground Movement and Ground Modelling has been updated to address previous comments.
- 7.89 The BIA demonstrates that the Proposed Development will have no harm to the built and natural environment or local amenity, and is therefore in accordance with Policy A5.

### **Transport**

- 7.90 CLP Policy T2 aims to limit car parking opportunities within the borough with the aim of reducing air pollution and congestion and improving an area's attractiveness for walking and cycling.
- 7.91 CLP Policy T2 supports the proposed loss of the garages and front forecourt car parking. The Redington and Frogнал Neighbourhood Plan also recognised that the existing garages are not an efficient land use, inconsistent with sustainable transport policies, and Local Plan Policy and supports the redevelopment of parking spaces for an alternative use.
- 7.92 The Site comprises eight single storey garages plus eight front forecourt parking areas.
- 7.93 The Proposed Development seeks to demolish four of the central garages and re-provide four garages that remain outside of the applicant's ownership. Two of the four garages will be re-provided on the far east of the site, within Unit 1; the second two





garages will be located at the western end of the site, within Unit 2. One of the existing crossovers serving the existing garages will become redundant.

- 7.94 The Proposed Development to re-provide four garages to existing residents is considered to be in accordance with CLP Policy T2 and the Redington and Frognaal Neighbourhood Plan.

### **Cycle parking**

- 7.95 CLP Policy T1 sets out requirements for cycle parking in accordance with the standards set out in the London Plan. For residential units with two or more bedrooms the requirement is for two spaces per unit. The provisional requirement for the development is therefore four spaces in total.
- 7.96 The Proposed Development includes provision of eight cycle parking spaces, four for each unit. The storage facilities are located to the front of the site, and are secure, accessible, and covered in accordance with Policy T1 and CPG Transport.

### **Sustainability**

- 7.97 LP policies G1, SI 1, SI 2, SI 3, SI 4, SI 5 and SI 7 and CLP policies CC1, CC2, CC3, CC4 and CC5 are relevant to sustainability. All developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Developments are also expected to consider the energy hierarchy principles set out in the London Plan.
- 7.98 CCPG Energy and Efficiency states that minor residential developments (up to 4 units) should provide 19% below Part L of 2013 Building regulations.
- 7.99 CLP Policy CC1 states that details within the Sustainability Statement can be commensurate with the scale of the Proposed Development showing how the development will implement the sustainable design principles as noted in policy CC2 and CPG Energy efficiency and Adaptation. Policy requires all developments to incorporate renewables wherever feasible. Proposals should demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.
- 7.100 CLP Policy CC2 requires all development to adopt appropriate climate change adaptation measures such as; the protection of existing green spaces and promoting



new appropriate green infrastructure; not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

- 7.101 CLP Policy CC3 requires development to incorporate water efficiency measures and utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible. Development is expected to meet the requirement of 110 litres per person per day (including 5 litres for external water use).
- 7.102 The pre-app advice confirmed that a Sustainability Statement is required as part of the full application submission, to demonstrate how the development would reduce carbon dioxide emissions through following the steps in the energy hierarchy.
- 7.103 The first stage of the energy hierarchy is to reduce demand (be lean), the second stage is to supply energy locally and efficiently (be clean) and the third step is to use renewable energy (be green).
- 7.104 The Proposed Development provides less than 500sqm of new floorspace, as such, the Sustainability Statement (included within the DAS) has been prepared proportionately to this. The Sustainability Statement demonstrates that all relevant policies have been considered in the design and construction and outlines how these will be applied where measures are proposed.
- 7.105 CPG Energy and Efficiency states that minor residential developments (up to 4 units) should provide 19% below Part L of 2013 Building regulations. The Proposed Development targets reducing carbon emissions by at least 30% below the 2021 Building Regulations Part L.

#### *Refuse and Recycling*

- 7.106 In terms of waste and recycling storage, CLP Policy CC5 and CPG Design are relevant and aim to ensure that appropriate storage for waste and recyclables is provided in all developments. According to the guidance, each unit would require a 120L, 140L, and 23L waste bin.
- 7.107 At ground level, the Proposed Development facilitates the storage of 240L refuse bin, 240L recycling bin, and 23L food bin, which exceeds local policy requirements.

#### **Fire Safety**



- 7.108 LP Policy D12A requires development to achieve the highest standards of fire safety. To demonstrate compliance, development proposals should submit a Planning Fire Safety Strategy (PFSS).
- 7.109 The Design and Access Statement includes a Planning Fire Safety Statement ('PFSS'). It identifies space provisions for fire appliances and assembly points, sets out passive and active fire safety measures, such as active fire protection systems, and includes construction methods and measures to limit fire safety risks posed to the surrounding area. Furthermore, the PFSS sets out consideration to suitable and dignified means of escape and identifies how emergency access is to be provided, noting fire safety equipment for the fire and rescue services, as well as provision of firefighting water supply.



## **8. Section 106 Planning Obligations and Community Infrastructure Levy (CIL)**

- 8.1 The Community Infrastructure Levy (the 'levy') is a charge which can be levied by local authorities on new development in their area.
- 8.2 The Mayor of London's Community Infrastructure Levy 2 (MCIL2) is a tariff chargeable by the GLA on new development from 1st April 2019. The Site is located in charging area Band 1. The Mayoral CIL2 chargeable in Camden is £80 per sqm for residential development.
- 8.3 At Borough Level, LBC's CIL Charging Schedule took effect from 1st October 2020. The Site is located in Residential Zone C. The charging rate is £644 per sqm.
- 8.4 With reference to the CPG Planning Obligations, the principal Heads of Terms relating to this planning permission is anticipated to relate to the following matters, subject to viability discussions:

### **Construction**

- Construction Management Plan (CMP)
- CMP Approval in Principle Contribution
- CMP Implementation Support Contribution
- CMP Impact Bond

### **Highways**

- Highways Contribution – Redundant Crossover.

### **Car Parking Permits**

- On-street Residents parking permit (car) free





## 9. Conclusions

- 9.1 It is considered the principle of the new residential development is acceptable. In addition to contributing to the strategic objectives of the Local Plan, the proposed dwellings would contribute to the borough's housing needs, which must be given significant weight in the decision making of this application.
- 9.2 The Proposed Development repairs the gap, and makes more efficient use of the site, and creates a strong contextual relationship with the surrounding buildings through provision of a new high-quality building. The materials proposed are contextually relevant to the area's established palette.
- 9.3 Providing new dwellings on the site, in an urban area with good public transportation links, meets the development plan objectives and meets the national, regional, and local objectives. The mix of unit sizes is considered acceptable and in accordance with CLP Policy H7.
- 9.4 The proposed dwellings are designed to a high standard in terms of size and layout, with step-free access. All units and rooms meet nationally described space standards and comply with Part M - M4(2) requirements.
- 9.5 The quality of daylight in the proposed new development will be adequate with compromised levels of daylight limited to one lower ground floor bedroom.
- 9.6 The Proposed Development is considered acceptable in terms of layout and design, aspect, outlook, light, and would provide an acceptable level of amenity. The provision of private amenity space conforms to policy and will result in a high-quality development.
- 9.7 The proposed building scale and mass is considered acceptable and is not overbearing and protects the amenity of the neighbouring properties. The Proposed Development would not have a significant impact on daylight and sunlight of neighbouring properties, and where there are more notable impacts, they are generally in line with those seen in more urban areas. Overall, the proposal would not significantly impact neighbouring amenity.
- 9.8 The BIA demonstrates that the Proposed Development will have no harm to the built and natural environment or local amenity, and is therefore in accordance with Policy A5.



- 9.9 The Proposed Development includes provision of eight cycle parking spaces, four for each unit. The storage facilities are located to the front of the site, and are secure, accessible, and covered in accordance with Policy T1 and the cycle facilities section of CPG Transport.
- 9.10 A sustainable, design led approach has been informed by the surrounding context and functionality required by the Proposed Development. The Proposed Development targets reducing carbon emissions by at least 30% below the 2021 Building Regulations Part L.
- 9.11 Overall, the Proposed Development provides a sustainable residential development and the benefits of the scheme significantly outweigh any imperceptible harm caused by the Proposed Development. The Proposed Development fulfils the three dimensions of sustainable development as defined by the NPPF and therefore the presumption in favour of sustainable development applies.
- 9.12 The Proposed Development also accords with the general principles of the National Planning Policy Framework and the adopted local and regional policy. As such, we respectfully ask that the Proposed Development is considered for planning approval.

Produced by: Michael Green

Approved by: Sam Hine

Date: 18.03.2024



## **Appendix A – Camden Local Plan Policies**

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H5 Protecting and improving affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- C5 Safety and security
- C6 Access for all
- A1 Managing the impact of development
- A2 Open space
- A3 Biodiversity
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste
- T1 Prioritising walking, cycling and car-free development
- T2 Parking and car-free development
- T3 Transport infrastructure

## **Appendix B - Camden Planning Guidance Documents**

- CPG – Design
- CPG – Basements
- CPG – Water and flooding
- CPG - Housing
- CPG – Amenity
- CPG – Energy efficiency and adaptation
- CPG – Biodiversity
- CPG – Air quality
- CPG – Access for all
- CPG – Transport
- CPG – Planning Obligation



