

Application ref: 2024/1122/P
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DP9 Ltd.
100 Pall Mall
St. James's,
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:

Frognal Garages on land west of Ashley Court
Frognal Lane
London
NW3 7DX

Proposal:

Demolition of existing garages and the erection of 2 x dwellinghouses (Class C3) with excavation of basement, associated amenity space, four new garage spaces, front and rear landscaping and associated works.

Drawing Nos: FGG-TOD-10-ZZ-DR-A-10001-P01-Existing Site Plan, FGG-TOD-10-ZZ-DR-A-10002-P01-Site Block Plan, FGG-TOD-10-ZZ-DR-A-10003-P01-Site Location Plan, FGG-TOD-20-01-DR-A-20003-P02-GA Plan - Level 01, FGG-TOD-20-02-DR-A-20004-P02-GA Plan - Level 02, FGG-TOD-20-LG-DR-A-20001-P02-GA Plan - Level LG, FGG-TOD-20-UG-DR-A-20002-P02-GA Plan - Level UG, FGG-TOD-30-ZZ-DR-A-30001-P02-GA Elevation - North, FGG-TOD-30-ZZ-DR-A-30002-P02-GA Elevation - South, FGG-TOD-30-ZZ-DR-A-30003-P02-GA Elevation - East and West, FGG-TOD-40-ZZ-DR-A-40001-P02-GA Section AA, FGG-TOD-40-ZZ-DR-A-40002-P02-GA Section BB,

FGG-TOD-03-ZZ-PP-A-03001-P01-Design and Access Statement, Baseline Report Data TCP Overlay, Frognal Garages Daylight and Sunlight Report Feb 2024,

Frognal Garages Viability Letter 19.03.24 with appendices, 21334_Frognal Garages_Preliminary Investigation Report Rev2.0_Part1 - Part6, DP9 Ltd Cover Letter - Frognal Lane Garages, 21334_Frognal Garages_Preliminary Investigation Report

Rev2.0_Part1, 21428_FRA_Frogna1 Garages_Rev1.1, 21428_Sustainable Drainage Strategy_Frogna1 Garages_Rev1.1, 21109_Rev. 2.1 Basement Impact Assessment, 21109_Rev. 2.3 Basement Impact Assessment, 21109_Accompanying Letter, FGG-TOD-03-ZZ-PP-A-03002 Architects Note and Legal Advice Letter

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development by reason of its failure to optimise the capacity of the site, would inhibit the development potential of the site and make inefficient use of Camden's limited land. The proposal is therefore contrary to policies D1 (Design) and G1 (Delivery and location of growth) of the London Borough of Camden Local Plan 2017 and SD2, SD4, and SD5 of the Redington Frogna1 Neighbourhood Plan 2021 and policy D3 of the London Plan 2021.
- 2 The proposed design by reason of design, form and fenestration pattern, would be detrimental to the character and appearance of the area. The design and form would result in an incoherent and unordered building, failing to contribute positively to the area. The proposal is therefore contrary to policies D1 (Design) and G1 (Delivery and location of growth) of the London Borough of Camden Local Plan 2017 and SD2, SD4 and SD5 of the Redington Frogna1 Neighbourhood Plan 2021.
- 3 The proposed development, by reason of larger homes with poor quality design, would result in units with poor internal layouts and outlook in living areas to the detriment of future occupiers, contrary to policies D1 (Design) and H6 (Housing choice) of the London Borough of Camden Local Plan 2017
- 4 The proposed terraces and massing of the buildings would result in unacceptable impact on residential amenity of neighbouring properties by way of overlooking, loss of privacy, and impact on light. It would therefore be contrary to policy A1 (Managing the impacts of development) and D1 (design) of the London Borough of Camden Local Plan 2017.
- 5 The proposed basement extension, in the absence of an appropriate Basement Impact Assessment to demonstrate otherwise, would be likely to cause harm to the stability of neighbouring properties and the local hydrogeological environment, contrary to policy A5 (Basements) of the London Borough of Camden Local Plan 2017.
- 6 The proposed development, in the absence of a legal agreement securing an Approval in Principle Plan and associated monitoring fee, would be likely to be detrimental to highway infrastructure and general highway and pedestrian safety, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 7 The proposed development, in the absence of a legal agreement securing financial contributions towards highways works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of London Borough of

Camden Local Plan 2017.

- 8 The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.
- 9 The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP), associated contributions to support the implementation of the CMP, and an impact bond, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
- 10 The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.

Informative(s):

- 1 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.
- 2 Biodiversity Net Gain (BNG) Informative (1/2):
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because it is not "major development" and the application was made before 2 April 2024.

++ Summary of statutory exemptions for biodiversity gain condition:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because:

- It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
- It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
- The application is a Householder Application.
- It is for development of a "Biodiversity Gain Site".
- It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

3 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer