

Delegated Report		Analysis sheet		Expiry Date: 08/07/2024	
		N/A		Consultation Expiry Date: 10/06/2024	
Officer			Application Number(s)		
Ewan Campbell			2024/1122/P		
Application Address			Drawing Numbers		
Frognal Garages on land west of Ashley Court Frognal Lane London NW3 7DX			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
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.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
		No. of responses	37	No. of objections	26
Neighbour Consultation		<p>A site notice was put up on 17/05/2024 and expired on the 10/06/2024</p> <p>26 objections were received from neighbours including by Cllr Steve Adams. Concerns include:</p> <ul style="list-style-type: none"> - Excessive bulk and massing - Excessive height in this location - Overdevelopment - Loss of privacy - Loss of outlook and increased sense of enclosure - Adverse impact on daylight/sunlight - Reduction in quality of living conditions for neighbours - Will lose the community garden - Excessive basement development - Issues with basement impact assessment - Structural and ground condition concerns from basement development - Subsidence concerns from basement development - Issues with financial viability report 			

- Loss of parking
- Parking issues
- Traffic congestion
- Access issues
- Construction related issues
- Dumping rubbish
- Developers actions and pressure on community and councillors
- Improper consultation process by developer
- Impact rental income
- Restrictive covenants which affect development site
- Comments of support not affected by development

Officer comments: issues relating to the design, impact on amenity, basement and structural issues, transport orientated issues and construction impacts are discussed in section 3 below. Other issues around dumping rubbish, impact on rental income, restrictive covenants are not material to the assessment of the application.

The issues in relation to the consultation process is noted by the Council. Throughout the assessment the Council was made aware of numerous neighbours receiving spurious claims regarding the proposed development. There were 11 comments in support of the proposals. Comments include:

- Support new homes being built
- Massing and design supported
- New design is better than existing garages
- Current site is eyesore
- Space could be used for community and affordable homes or more parking
- Improve traffic situation

Officer Comments: All of these comments are noted however some infer that the comments do not relate to the details in the planning application

Redington Frogmal Neighbourhood Forum

The Redington Frogmal Neighbourhood Forum have objected to the proposal. Concerns include:

- Block design is not positive contribution
- Design should incorporate traditional elements

The Forum also supports the boundary treatment, hedges and garden

Thames Water

Thames Water commented on the proposal. Comments include:

- Surface water drainage and minimising groundwater discharges
- Informative should be attached in relation to mains water

Officer comment: these issues are noted

Site Description

This application relates to a row of eight single garages on the south side of Frogmal Lane, lying to the west of Ashley Court, a six-storey modern block of flats. The site is unlisted and lies just outside Redington Frogmal Conservation Area, with the boundary of the conservation area ending at no. 2 Frogmal Lane, which is adjacent to Ashley Court to the east.

Frognal Lane slopes downwards from east to west towards Finchley Road. As a result, there is a level change, where the garages step down in level twice along the length of the site. There is also a level change from front to back, with the building being two-storey in height to account for the drop in level to the rear of the property. The front building line along Frognal Lane also steps forwards from east to west, with the front building line of the garages and Palace Court sitting further forward compared to Ashley Court. In front of the garages is an area of hard standing, which is also used for parking.

The site is identified as possible redevelopment opportunity within the Redington Frognal Neighbourhood Plan (2021), with an opportunity identified to redevelop the site with 'low-level residential development'.

Relevant History

No planning history on site

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A3 Biodiversity
A4 Noise and vibration
A5 Basements
D1 Design
H1 Maximising housing supply
H4 Maximising the supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
CC1 Climate Change Mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Parking and Car free development
T4 Sustainable movement of goods and materials
DM1 Delivery and Monitoring Policy A3 Biodiversity
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding

Camden Planning Guidance (CPG)

CPG Access for all
CPG Design
CPG Amenity
CPG Water
CPG Energy Efficiency and Adaptation
CPG Transport
CPG Developer contributions
CPG Housing
CPG Basements
CPG Biodiversity

Redington and Frognal Neighbourhood Plan (2021)

SD2 Redington Frognal conservation area

SD4 Redington Frognal character

BGI1 Gardens and ecology

BGI2 Tree planting and preservation

UD2 Development impacts

RF4 Garages (eight) on the south side of Frognal Lane (guidance for opportunity sites)

Draft Camden Local Plan

The Council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. PROPOSAL

1.1. The applicant seeks planning permission for the following:

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

2. CONSIDERATIONS

2.1. The material considerations for this application are as follows:

- 2.1.1. Principle of development
- 2.1.2. Design and Heritage
- 2.1.3. Amenity
- 2.1.4. Quality of accommodation
- 2.1.5. Affordable Housing
- 2.1.6. Basement
- 2.1.7. Trees and Landscaping
- 2.1.8. Transport
- 2.1.9. Site Contamination

3. ASSESSMENT

Principle of Development

- 3.1.1. 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. All these measure are in place to ensure the Council meets their zero carbon targets.
- 3.1.2. Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. This will be done through not issuing car permits and resisting development of front gardens.
- 3.1.3. London Plan Policy H1 (Maximising housing supply) sets a 10-year housing target for Camden of 10,380 additional homes from 2019/20 to 2028/29. Policy H1 states that we will seek to exceed the target for additional homes, particularly self-contained homes by (a) regarding self-contained housing as the priority land-use of the Local Plan and (d) where sites are underused or vacant, expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.
- 3.1.4. Policy H1 states that we will monitor the delivery of additional housing against the housing target, and will seek to maintain supply at the rate necessary to exceed the target. The DLUHC's 2022 Housing Delivery Test (HDT) is an annual measurement of housing completions. It measures whether development plan requirements (or, in some cases, local housing needs calculated by the government's standard method) have been met over the

last three years. The government's most recently published figure is for 2022 when the government's measurement for Camden was 69%, which means that Camden's development plan policies are treated as being out-of-date in relation to housing proposals and the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged. There is a need to place great weight on the provision of housing in decision-making. The HDT test measurement demonstrates that the Council is failing to meet its housing targets, which further emphasises the need under Policy H1 to expect the maximum supply of housing from underused or vacant sites.

- 3.1.5. Whilst the Council accept the principle of housing on site, following on from the pre-application advice and as outlined in the design and heritage section, the proposal needs to be designed in a way that optimises the site and provide capacity to maximise the supply of housing on this site. Whilst providing two additional homes, because of the poor design, the proposal actually inhibits the potential for at least another two homes with a more comprehensive redevelopment. On top of this, as discussed in the amenity section the scheme also adversely impacts neighbours amenity meaning that the proposal provides no net benefit in relation to the delivery of high quality housing because it notably reduces the quality of two existing homes. The guidance for opportunity sites in the Neighbourhood Plan (reference RF4) also acknowledges the inefficient use of the site and promotes effective use for housing delivery subject to amenity impacts.
- 3.1.6. Policy H7 of the Local Plan aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. The policy requires that all housing development, including conversion or extension of existing homes and non-residential properties contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT) (see below); and includes a mix of large (3 or more bedrooms) and small homes.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

- 3.1.7. The Council accepts the provision of one higher priority and one lower priority unit however, the unit sizes has meant the development is not acceptable for other reasons. As with the pre-application report, whilst this is accepted, officers recommend this be altered to provide smaller units on site to accommodate for the plot size and optimise the use of the site.

Design and Heritage

- 3.1.8. Paragraph 123 of the NPPF states that:

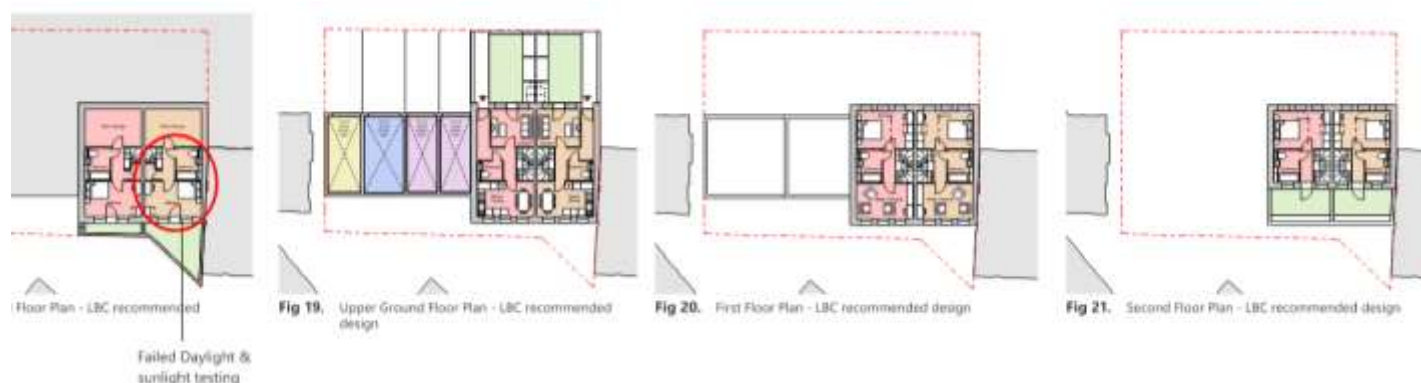
Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 3.1.9. Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.

- 3.1.10. Local Plan policy G1 aims to secure high quality development making most efficient use of land and resisting development that is contrary to this. These aims and principles are also relayed in policy D1 as well. London Plan policy D3 also instructs development to make 'the best use of land by following a design led approach that optimises the capacity of sites.' As per the policy this ensures that development is most appropriate in relation to the site.
- 3.1.11. The Redington Frogna! Neighbourhood plan also outlines the framework for future development in the area and provides a set of policies that are aimed at achieving high quality design which respects the character and architectural features of the area and also protects the verdant character and green infrastructure that is present within the designated area. Policies SD1, SD2, SD4, SD4, SD4, SD5, BGI1 and BGI2 are all considered in relation to this.
- 3.1.12. The proposal is not within a conservation area but borders the Redington Frogna! Conservation and is opposite the Grade II listed church. It is not considered that these heritage assets will be impact as part of the proposals. The surrounding context is primarily residential. The site does not positively contribute to the character of the area and represents an unnatural gap in the street in terms of townscape. The redevelopment of the site would in principle be a positive enhancement to the streetscape
- 3.1.13. The guidance in RF4 of the Redington Frogna! Neighbourhood Pan (2021) highlights sites for potential redevelopment. The description states:
- This site, on the south side of Frogna! Lane, opposite number 3, comprises eight garages.*
- This is not an efficient land use, is not consistent with sustainable transport policies, and Local Plan Policy T1 10.19 supports the development of parking space for alternative uses. The Forum note that garages in the Redington Frogna! area are increasingly being sold for development. Between 2010 and 2015, garages at six sites were demolished to make way for residential development. The majority of the garages are unused.*
- Opportunity: The site could be utilised for a low-level residential development, subject to any impacts on amenity being satisfactorily addressed.*
- 3.1.14. This shows that the garages have been highlighted as a site with development opportunity by the neighbourhood forum as well and therefore the development plan accepts the principle of development coming forward. This does mean the utilising the whole site is important and ensuring that the scheme optimises current and future development potential.
- 3.1.15. During the pre-application process the Council raised significant concerns over the fact the development was both not optimising the capacity and creating substandard development which was not flexible and did not adhere to this design led approach. The strong preference for the Council would be for the site to be fully (properly) redeveloped and to ensure the principles of policies D1, G1 and London plan policy D3 are adhered to. The proposal is piecemeal and still includes the retention of four out of the eight garages and this approach fails to optimise the use of the site and could undermine future capacity.
- 3.1.16. The developer contends this is down to ownership issues and they are unable to purchase these from owners meaning that this proposal is the most they can do with the site with these ownership and contract constraints. This may be the case, and it is recognised that purchasing multiple sites can be a difficult process in order to deliver optimal development that complies with the development plan. However, these difficulties in overcoming the private contractual issues between owners does not justify poor design, sub-optimal

development, harming the future optimal development of the site, or otherwise a departure from the development plan.

- 3.1.17. To overcome this issue, the officers took a balanced approach and suggested possible solutions to overcome this issue. It was suggested that the scheme be revised to ensure that development on site could come forward which included the retention of garages but with the flexibility designed in to ensure more development could take place in future if the other garages became available. It was recommended that the uses should be split up so the uses are not integrated as much; moving the garages to one side of the site and then having the residential accommodation on the other side (on the top end of Froggnal Lane) for example. The recommendation was also to reduce the unit and basement sizes so the internal design of the spaces and building envelope could more easily achieve this outcome.
- 3.1.18. Ultimately this was not properly explored and the supporting information submitted shows various examples of how this is not possible with information in 'appendix A' of the design and access statement claiming that the development still provides potential future development. This view is not accepted by the Council as the plans just show the kitchen being extended and not actually any additional homes, and does not demonstrate that the development optimises the sites capacity in terms of unit numbers and home types.
- 3.1.19. An Architects note was also submitted attempting to demonstrate that the pre-application advice by the Council would not work. The figure below shoes that if the design split the uses then the basement rooms would fail daylight/sunlight



- 3.1.20. However, this actually shows the potential for this move; the basement could just be removed and then there would be two acceptable 2-bedroom units with amenity space. By doing this the design could be more rational and easily replicated across the site once/if the garages become available. If you overlay the floor plans on to where the garages are you then get four good quality units. See figure 2 below:

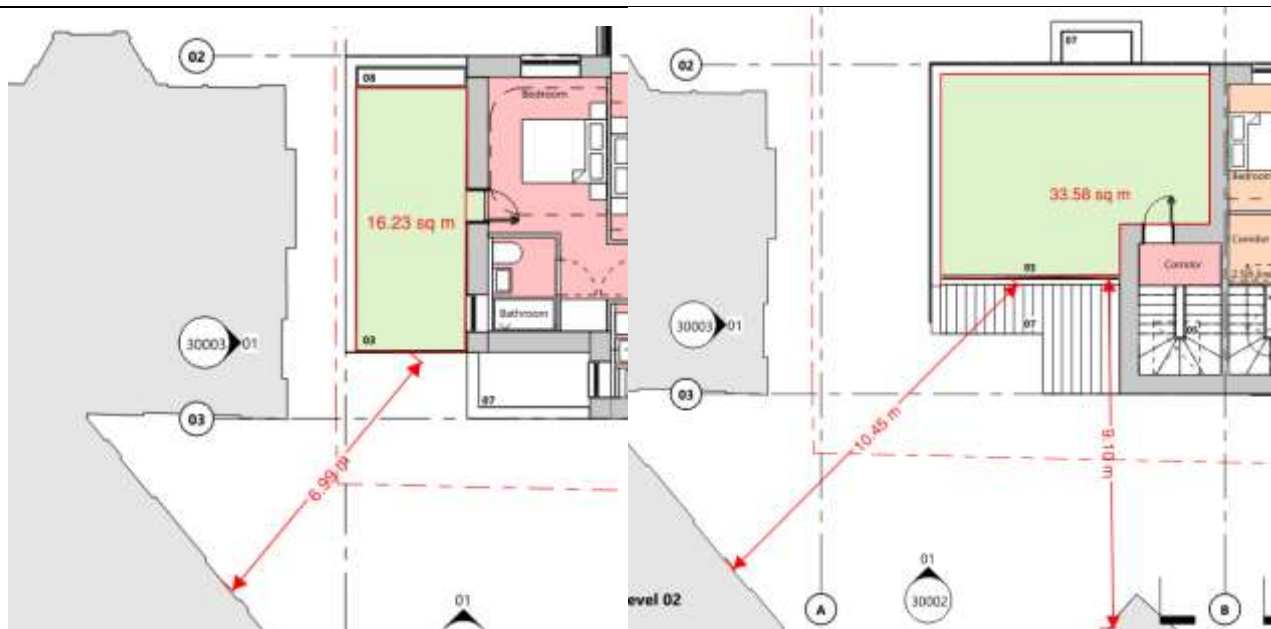


- 3.1.21. It is recognised that there are land level differences and so the height may differ on the southern side towards Finchley Road but this demonstrates that this is workable option to provide a design which enables the optimisation of the site to potentially take place whilst retaining the garages as an interim step.
- 3.1.22. The scheme proposes stepping the massing from the north east (and highest) point of the site, proposing three storeys above ground in this point and scaling down two storeys to the south west (and lowest) point of the site. The roof to the rear of the site is also sloped and chamfered off to reduce the massing facing Ashley and Palace Court. The site is sandwiched between two larger apartment blocks and therefore the overall massing, helped by these moves sits comfortably between them. However, the massing has seemingly been dictated by daylight/sunlight scores and driven by very large floor areas for large units. As laid out in the pre-application report this does not seem like the appropriate location for these types of units however this overall principle of stepping down the massing is accepted. Whilst from a design perspective the massing is acceptable, there are also other implications in terms of standard of accommodation and impact on neighbouring amenity which means the current massing raises significant concerns.
- 3.1.23. Moreover, the form of the building appears unordered and generally lacks an overall coherence. To the front there are bay windows, but the building contains different stepped elements for terraces in different locations and creates different levels which appear incongruous and irrational. This concern is compounded to the rear of the site where the form coupled with the fenestration layout means this appears messy and not an ordered approach you would expect from a well-designed new build scheme. Overall, this is a poor design approach and forms part of the reason for refusal.
- 3.1.24. In terms of materials, the use of red brick, fits in the material palette of the area and the use of grey brick, as a way of distinguishing the garages from the residential areas is also a principle that can be accepted. Whilst accepted it is noted that little effort has gone into providing a high quality scheme which has fully considered its surroundings and responded to its context. Due to the infill nature of the scheme there is an opportunity to provide a creative design solution which be manifested in the materials providing its high quality nature.

- 3.1.25. The Designing Out Crime officer has also been consulted on the application. Several concerns were raised during the application stage including the interconnection between the residential and garages being secure as well as ensuring the bicycle theft is mitigated with secure cycle storage. The relationship between the rear of the site and the rear of properties on Finchley Road also creates an awkward relationship and issues relating to confined areas and spaces have implications in terms of safety.
- 3.1.26. However, the officer confirmed that, in the event of approval, conditions securing silver designing out crime accreditation and the maintenance of this throughout the lifetime of the development would be placed on the application.
- 3.1.27. As such, the proposal fails to accord with policies D1 and D2 of the Camden Local Plan 2017, SD1, SD2, SD4, SD4, SD4, SD5, BGI1 and BGI of the Redington Frognaal Neighbourhood plan 2021, the London Plan 2021, or the NPPF 2023. From heritage and conservation perspective it is recommended that the application be refused.

Amenity

- 3.1.29. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.
- 3.1.30. It is recognised that the rear of the development is within close proximity to the rear of flats of Palace Court however this relationship exists currently with existing buildings along Frognaal Lane and Finchley Road. The rear windows themselves on upper floors are sensitively designed and are not large parts of glazing, where harmful overlooking or privacy could occur. Therefore, the views from within the proposed units would not provide any harmful overlooking or privacy concerns for neighbours.
- 3.1.31. There are also four terraces proposed as part of the scheme; two to the east and two to the west. The terraces proposed on the east elevation are mainly set to the front and relatively small reducing the perception of overlooking and loss of privacy. The terrace at second floor is also blocked by other part of the development and therefore the increase in overlooking from this terrace would be low. The terrace at first floor also contains adequate mitigation with a proposed green privacy screen. With the terraces on the west elevation these are much larger (33.6sqm and 16.2sqm respectively), significantly closer to the rear of properties at Palace Court and have more direct views. Looking at the figure below this shows the distance between the two terraces and closest window:



3.1.32. Whilst it is appreciated that a 1.5m privacy screen is proposed, because of the height of the terraces against the windows of Palace Court combined with the proximity, this creates a relationship which would cause a significant increase in the perception of overlooking and loss of privacy. This issue was mentioned within the pre-application report and the Council considers that it has not been adequately addressed.

3.1.33. A Daylight, Sunlight and Overshadowing Report has been submitted as part of the application which details any impacts upon neighbouring properties.

3.1.34. The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several standards in its assessment of surrounding buildings which are described in the BRE guidance:

Vertical Sky Component (VSC) – *The BRE considers that daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (a reduction of more than 20%) its former value.*

No Sky Line (NSL), also known as Daylight Distribution (DD) – *The NSL figure can be reduced to 0.8 times its existing value (a reduction of more than 20%) before the daylight loss is noticeable.*

3.1.35. **Annual Probable Sunlight Hours (APSH)** - The BRE considers 25% to be acceptable APSH, including at least 5% during the winter months. Impacts are noticeable if less than these targets, and sunlight hours are reduced by more than 4 percentage points, to less than 0.8 times their former value. It recommends testing living rooms and conservatories.

3.1.36. The BRE recommends for **overshadowing** least half (50%) of the area should receive at least two hours (120 mins) of sunlight on the 21st March, and the area which can receive some sun on the 21st March is less than 0.8 times its former value.

3.1.37. Below is the table demonstrating the level of impact associated with the %reductions for VSC

BRE compliant	20.1% to 30% reduction	30.1% to 40% reduction	More than 40.1% reduction
Negligible	Minor Negative	Moderate Negative	Major Negative

3.1.38. All of the windows for 1-3 Frognal Lane and Ashley Court pass with there being limited

impact. With 11-17 Palace Court however there are some concerning reductions, especially on the ground and first floors. To be clear, all of the other windows apart from the ones mentioned below generally pass the BRE guidance.

3.1.39. Ten windows for 11-17 Palace Court fail the BRE test as shown above. These are all under the 27% retained value for VSC and have percentage losses of:

31.11%
31.59%
62.38%
27.92%
26.41%
26.28%
26.02%
21.94%
21.91%
23.64%

3.1.40. With 11-17 Palace Court, the first three of the percentage losses above all relate to a single living room on the ground floor and combined contribute to a significant changing of daylight quality. The percentage losses will mean that all of the actual VSC scores for this room will fall into single figures and therefore cause a harmful impact on daylight. This assertion is agreed with in the supporting Daylight and Sunlight report paragraph 3.13 which states:

It is only where VSC values fall in single figures that it becomes difficult to achieve good interior lighting conditions without the need to provide supplementary artificial lighting for longer periods during the day

3.1.41. As per the BRE guidance above, two windows, including the main window will experience one moderately negative impact, one window a major negative impact and another will experience a minor negative impact all for one room and creates unacceptable living standards for the occupants of this residential unit.

3.1.42. The kitchen adjacent will also have two out of the four windows being significantly impact with loss of 26.28% and 26.41% and the bedroom on ground floor will also have a loss of 27.92%. Again all of these significant losses push the VSC scores into single figures for these windows creating poor lighting conditions. The culminative impact of the level of loss, number of windows affected and the different types of rooms affected means that the development, in terms of VSC for the ground floor rooms at 11-17 Palace Court will create unacceptable living standards for the occupants of this residential unit.

3.1.43. For the first floor of 11-17 Palace Court, three out of the seven windows measured fail the BRE analysis for VSC with two bedroom and a kitchen windows failing. As stated above the number of windows impact across multiple rooms is concerning in this instance and will significantly alter how the unit benefits from daylight.

3.1.44. With 250 Palace Court, the first floor windows are significantly impacted with loss of 21.91% and 24.97% respectively. Whilst the relative losses are smaller, these windows benefit the living and kitchen rooms meaning two out of the three habitable rooms of the unit will fail BRE guidance.

3.1.45. For the no sky line assessment (daylight distribution) this mirrors the concerns outlined in the VSC data. Again the ground windows of 11-17 Palace Court are most impacted with loss of 49.06% for the bedroom and 28.15% for the kitchen. Again these are very large reductions and show the extent of impact for these windows.

- 3.1.46. This is continued for the same windows at 250 Palace Court which have proposed losses of 43.95%, 45.09% and 43.58% and so all three habitable rooms on this floor now fail the no skyline with significant reductions.
- 3.1.47. The results appear to suggest that there is no impact to ASPH's which is accepted.
- 3.1.48. Overall, the development significantly impacts multiple windows on the ground and first floor in two different areas of Palace Court for both VSC and No Sky Line. This will result in a harmful impact to the living conditions of occupants of these flats. Whilst it is considered the impacts of daylight on neighbouring residents can be balanced against the public benefits of the scheme, in this case, the development provides two additional units but only by creating substandard living conditions for at least two existing flats. The balance is therefore significantly against recommending permission be granted and will be listed as a reason for refusal.
- 3.1.49. The location of the site means that any impact in terms of outlook for properties on Frogmal Lane would not be adverse. The site is 'sandwiched' in between two larger apartment blocks and therefore there would be little loss or adverse impact. To the rear, the increase in height to some degree is accepted but the loss of outlook or enclosure appears minimal due to the existing level change and the relationship of the rear windows. Overall this is acceptable.
- 3.1.50. In terms of noise, air source heat pumps are not proposed so a noise assessment has not been submitted.
- 3.1.51. Overall the proposal complies with A1 of the 2017 Camden Local Plan and Amenity CPG

Quality of accommodation

- 3.1.52. CPG Housing & CPG Design highlights the importance of high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. Both the units technically meet the space standards for 3 bed 6 person and 5 bed 10 person. The level of amenity space is large considering the space but overall comply with national standards.
- 3.1.53. Because of the way the units have been designed, the limited space due to the existing garages and that the units have been located within two garages the quality of accommodation is impacted. The design has partly addressed comments in the previous reports however issues still remain and will be discussed below.
- 3.1.54. In terms of outlook, the units are dual aspect on every floor apart from the basement level. However, the basement level contains the largest shared habitable space for both units which are set, at the closest, 1.3m and 1.5m respectively to a 1.8m high privacy screen. Having the largest living spaced in the basement so close to the privacy screen significantly reduces the level of outlook occupants would have within these units. This issue was mentioned during pre-application meetings and has not been addressed meaning this remains an unsuitable relationship and does not provided a good standard of accommodation.
- 3.1.55. In general the layout seems quite unordered and not ideal for new build properties. For example the first room you walk into is the only (and very small) kitchen and dining room which appears cramped especially for the size of units being providing for. This is linked to the position of the car park spaces in relation to the new residential units.
- 3.1.56. In terms of privacy the terraces and windows are set away from neighbouring windows sufficiently.
- 3.1.57. Overall the proposal fails to comply with policy D1 of the Local Plan or provide good standard

of accommodation due to issues in relation to outlook and internal layout and is listed as a reason for refusal.

Affordable Housing

- 3.1.58. Local Plan Policy H4 seeks to maximize the provision of affordable housing. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes starting at 2% for one home and increasing by 2% of for each home added to capacity. Capacity for one additional home is defined within the Local Plan as the creation of 100m² of additional residential floor space (GIA). In assessing capacity, additional residential floor space is rounded to the nearest 100m² (GIA). Where developments have capacity for fewer than 10 additional dwellings (or 1000sqm), the Council will accept a payment in-lieu of affordable housing. Policy H4 accepts that a payment-in-lieu is often the most appropriate means to secure this provision in schemes of under 10 units and no longer requires off-site provision to be explored for schemes of this scale.
- 3.1.59. The Council's current adopted multiplier for calculating a payment-in-lieu within market residential schemes (as stated within CPG Housing) is £5,000 per sqm.
- 3.1.60. The current application proposes the uplift of 465 sqm in GIA of residential floorspace, which would trigger an affordable housing contribution in line with Policy H4.
- 3.1.61. The sliding target in this instance would require a provision equal to 10% of the total C3 floorspace (as the capacity of the site is for 5 homes – rounded to the nearest home per 100sqm). The payment-in-lieu, based on the above multiplier, would be £232,500 (10% of 465 sqm £5000).
- 3.1.62. In the event of an approval this would be secured via legal agreement. In the absence of this, the application will be refused on this basis but could be overcome through a legal agreement.

Basement considerations

- 3.1.63. Policy A5 (Basements) requires proposals that include basement development to demonstrate that it would not cause harm to neighbouring properties, structural conditions, character of the area, architectural character of the building and significance of heritage assets. A Basement Impact Assessment, assessing its impact on drainage, flooding and structural stability is required to be submitted. There are also certain dimensional requirements for basements to ensure their impact is minimised.
- 3.1.64. Policy A5 contains the following criteria for basement development:

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. avoid the loss of garden space or trees of townscape or amenity value.

Exceptions to f. to k. above may be made on large comprehensively planned sites.

3.1.65. In response to points (f) to (m) the basement will not be more than one storey, not built under an existing basement, not exceed 50% of the area of the garden, less than 1.5x the footprint of the building, In response to point (k) measuring the plans the depth of the garages is 6.3m and the total increase in depth proposed by the development is 4.5m; 2.5m to the front and 2.0m to the rear. This means that the building extends in depth more than 50% of the garage and therefore fails this point. The basement passes both point (i) and (m). This demonstrates that the basement fails to comply with points (k) of policy A5 of the 2017 Local Plan. However, the nature of the site as a redevelopment plot means that point K would not logically apply and so this is acceptable in this instance.

3.1.66. In addition Policy A5 also requires the submission to demonstrate certain details in relation to the basement development. This includes:

The Council will require applicants 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;
- q. do not harm the amenity of neighbours;
- r. provide satisfactory landscaping, including adequate soil depth;
- s. do not harm the appearance or setting of the property or the established character of the surrounding area;
- t. protect important archaeological remains; and
- u. do not prejudice the ability of the garden to support trees where they are part of the character of the area.

3.1.67. A Basement Impact Assessment (BIA) was originally submitted and there have several subsequent updates that Campbell Reith have assessed. Following their final audit, whilst there were several issues which have been covered including the hydrology, appropriate mitigation measures there are still outstanding elements and significant concerns.

- 3.1.68. Outline structural calculations have been not been provided and the updated Ground Movement Assessment contains several inaccuracies, errors and/or omissions which require further consideration.
- 3.1.69. Overall, it cannot be confirmed the BIA complies with the requirements of the policy A5, CPG: Basements and principles for audit, specifically:
- 3.1.70. The methodologies and assumptions are not clearly stated and are not appropriate to the scale of proposals and nature of site
- 3.1.71. The conclusions have not been arrived at based on all necessary and reasonable evidence and sufficient attention has not been paid to the risk assessment
- 3.1.72. Conclusions within the BIA are not sufficiently robust, and not accompanied by sufficiently detailed amelioration/mitigation measures
- 3.1.73. These points remain crucial in ensuring that the excavation has no harmful impact on local ground and hydrology conditions as well as stability of neighbouring properties. This proposal does not provide any information in relation to this and, in the absence of this information to demonstrate otherwise, the excavation is likely to harm local conditions and amenity and thus is contrary to policy A5 of the 2017 Local Plan.

Trees and landscaping

- 3.1.74. Policy A3 aims to protect and enhance sites of nature conservation and biodiversity. The Council will do this through protect and designate conservation sites, assess developments against the ability to improve biodiversity and its impact upon and secure management plans where appropriate. This policy also includes the protect of trees and the Council will seek to resist the loss of trees and vegetation of significant amenity, historic, ecological or cultural value but also promote incorporating trees within any proposal. There is also an expectation, where developments are near trees, the relevant documents should be provided. Policies SD1, SD2, BGI1 and BGI2 from the Redington Frogna! Neighbourhood Plan also protects against the loss of trees in this area.
- 3.1.75. No trees are proposed for the removal in order to facilitate development and therefore 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. Full tree protection and landscaping details have not been included with the submission, however in the event of an approval these can be secured by condition. Bird and bat boxes will also be secured via condition in the event of an approval.
- 3.1.76. Therefore the proposal complies with policy A3 of the 2017 Camden Local Plan and Policy 18 of SD1, SD2, BGI1 and BGI2 of the Redington Frogna! Neighbourhood Plan 2021

Energy and sustainability

- 3.1.77. Policy CC1 (Climate Change Mitigation) requires all development stop minimise the effects of climate change and encourage all development to meet the highest feasible environmental standards that are financially viable during construction and occupation. This will be done through promoting zero carbon development, reach London Plan targets and support and encourage energy efficiency improvements to existing buildings
- 3.1.78. Policy CC2 requires all new development to be resilient to climate change by protecting existing green spaces and promoting new green infrastructure, not increasing surface water run off and promoting Sustainable Urban Drainage systems, incorporating

green and blue roofs where possible and attempting to reduce the impact of urban and dwelling overheating by applying the cooling hierarchy.

3.1.79. The scheme has not included any details of energy efficiency or renewable energy sources for the residential units. The scheme is below 5 residential units and 500sqm which means that performance against carbon targets is not required however a sustainability statement should still be provided to demonstrate how the units are measured against Part L of the building regulations. The Design and Access Statement shows potential locations of PV panels and Air Source Heat Pump and in the event of an approval, further details would be sought via condition as well as a more detailed sustainability statement demonstrating compliance.

3.1.80. In terms of flooding, the Local Lead Flood Authority (LLFA) were consulted even though this is a minor application. Despite being surrounded by previously flooded streets the site itself is not in a local flood risk zone or a previously flooded street or at risk of groundwater flooding. As such no specific comments are required. The Surface Water Maps do not indicate a flood risk at or near the site. However there is an elevated risk of sewer flooding in the area so any waste water connections should include a non-return valve.

3.1.81. Overall the proposal complies with policies CC1, CC2 and CC3 of the 2017 Local Plan.

Transport

1.1.1. It is proposed that the 4 central garages be demolished and replaced with a part 1 part 2 part 3 storey plus basement building comprising 2 houses – a 4 bedroom dwelling and a 5 bedroom dwelling, plus 2 re-provided garages on either side of the houses (4 total). These remaining garages are outside the applicant's land ownership and are held on long term leases. The applicant states that the retained garages will not belong to the residents of the new houses.

1.1.2. In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For residential units with 2 or more bedrooms the requirement is for 2 spaces per unit. Whilst not shown explicitly on the plans, the Design & Access Statement states that 4 cycle parking spaces will be provided for each house in a store in the front garden. The future provision of cycle stores capable of accommodating at least 2 cycles each per house would be secured by condition in the event of an approval.

1.1.3. The proposed loss of the garages and front forecourt car parking is supported by Policy T2 of the Camden Local Plan. In the event of approval both new units will be secured as parking permit (car) free, in accordance with Policy T2, by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. No off-street parking is proposed for the new houses, which is again in line with Policy T2.

1.1.4. Given that one of the existing crossovers serving the garages will become redundant and as the proposed development could lead to damage to the adjacent footway and remaining crossovers as a result of excavation and construction, in the event of an approval, it will be necessary to secure a highways contribution as part of the Section 106 Agreement. This will cover the cost of removing the redundant crossover, reinstating the footway and repaving the footway and remaining crossovers adjacent to the site on Frogal Lane. The contribution will be £27,777.03 in the event of approval and secured by s016 agreement.

- 1.1.5. Given the level of excavation and construction proposed in this predominantly residential area, the council would have secured a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 by means of the Section 106 Agreement.
- 1.1.6. Given the proximity of the proposed basements to the public highway (footway), it would have been necessary to secure an Approval in Principle and associated review contribution of £576.80 (current cost for this category of AIP) by means of the Section 106 Agreement. This will help ensure that the structural stability of the public highway is maintained throughout the excavation and construction process. In the absence of an approval the transport obligations including car free development, highways contribution, CMP and impact bond and Approval in Principle cannot be agreed as part of a s106 agreement and therefore will be listed as reasons from refusal.

Contaminated Land

- 1.1.7. The site currently comprises of a row of domestic garages used for car parking and general storage, No contaminative land uses were identified on site prior to the construction of the garages in c.1932.
- 1.1.8. A potential moderate risk to future residents was identified from contaminants associated with the current domestic garages and from background elevation concentrations of lead
- 1.1.9. The desk study is considered to be satisfactory. A site investigation was recommended to determine the actual level of risk to the proposed end users along with an asbestos survey of the garages. The proposal also includes a basement and as such the report recommend a radon risk assessment was undertaken. As such in the event of approval a contamination risk assessment would be secured via condition.

2. RECOMMENDATION

2.1. Refuse Planning Permission for the following reasons:

- 2.1.1. 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 Froggnal Neighbourhood Plan 2021 and policy D3 of the London Plan 2021.
- 2.1.2. 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 Froggnal Neighbourhood Plan 2021.
- 2.1.3. 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.
- 2.1.4. 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.

2.1.5. 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.

Section 106 reasons to be overcome through a legal agreement are as follows:

2.1.6. 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

2.1.7. 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.

2.1.8. 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.

2.1.9. 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.

2.1.10. 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.

