

Application ref: 2024/4872/PRE
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Michael Green
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Dear Sir/Madam

Pre-application Medium Development Pre-application Advice Issued

Address:

Land west of Ashley Court (Frognal Garages)
Frognal Lane
London
NW3 7DX

Proposal: Follow up from 2023/4179/PRE - Demolition of existing garages and the erection of 7 x dwellinghouses (Class C3) with excavation of basement, associated amenity space, three new garage spaces, front and rear landscaping and associated works.

Site constraints

- Article 4 Direction Basement Development
- Redington Frognal Neighbourhood Plan
- Underground development constraint – Slope Stability
- Underground development constraint – subterranean ground water flow
- Underground development constraint – hydrological constraints

Relevant planning history

2024/1122/P - 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. **Refused 15/10/2024**

The reasons for refusal are listed below:

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

Relevant policies and guidance

National Planning Policy Framework (NPPF) 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

Redington Frognal Neighbourhood Plan 2021

SD4 Redington Frognal Character
BGI2 Tree Planting and Preservation
UD1 Underground Development
UD2 Development Impacts

Camden Planning Guidance

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

Site and surroundings

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

ASSESSMENT

The principal planning considerations are the following:

- Land use
- Design and Heritage issues
- Basement
- Neighbouring amenity
- Standard of Accommodation
- Transport
- Site Contamination
- Trees and Landscaping
- Sustainability
- Addendum Pack
- Heads of Terms

1. PRINCIPLE OF DEVELOPMENT

Loss of existing garage

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.

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.

Following on from the previous pre—application and application, the scheme includes the retention of just two garage spaces as well as external parking space as well. Overall the retention of three and loss of five is acceptable however the site would significantly benefit from full redevelopment or even just losing more garages to provide space for development.

Provision of a new residential accommodation

Housing is the priority land use of the Local Plan. In policy terms the proposal would comply with policies G1 and H1 of the 2017 Local Plan providing new residential. Issues of trees, amenity, and standard of accommodation, efficiency, sustainability and transport need to be overcome and are attended to in the sections below.

Moreover in the Redington Frogna! Neighbourhood Plan (2021) this site is highlighted in the potential redevelopment sites section. 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.

This shows that the garages have been highlighted as a site with development opportunity by the neighbourhood forum as well and therefore accept 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. How the remaining parking spaces can be incorporated into the development should be shown at the next pre-app meeting.

The previous application raised concerns over the lack of optimisation of the site capacity and the fact that the provision of larger units and overall floor area held the development potential back providing substandard elements in terms of design, quality of accommodation and amenity. Now the development proposes seven units which is a large increase from the two previously proposed. The move to increase the amount of units on site is a positive, but the provision of seven homes appears to have gone too far the other way. This attempt to provide so many homes is positive from a pure housing numbers perspective, but creates further problems (as discussed below) and appears too much to fit on this small site which is only partly available for development. As per the London Plan, a design-led approach should be used to find the right balance and density for the site.

It is fully appreciated that getting development on site is difficult given its size and constraints however the concern is that still there is too much floor area which contributes to the undermining of quality and acceptable units. This largely arises from the basement accommodation. These details will be discussed in relevant sections below but the Council asserts that the site could probably provide four to six units on site with the ground floor units going into the basement and purely basement units being removed. The basement could also there be reduced in footprint which would then mean less excavation and less cost and help daylight scores with a less deep subterranean floorplate. For the next meeting having options which test this would be useful and is recommended.

Affordable Housing

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 floorspace (GIA). In assessing capacity, additional residential floorspace 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.

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.

The current application proposes the uplift of 441 sqm in GIA of residential floorspace, which would trigger an affordable housing contribution in line with Policy H4. The site capacity means a payment in lieu would be acceptable. The sliding target in this instance would require a provision equal to 8% of the total C3 floorspace.

The payment-in-lieu, based on the above multiplier, would be £176,500.00 (8% of 441 sqm £5000).

This is purely a rough estimate based on the information provided, and is subject to change at full planning stage as the design of the scheme evolves.

There is also a viability question which has been raised in both the previous application and at pre-app stage. Consultation with BPS has taken place to assess whether or not the current figures provided in the viability letter from the original application reflect accurately the value of the site and the profit generated from the scheme. Their comments are provided below:

The report from DS2 covers all of the elements that would be expected. The estimated value of the garages and parking spaces seems quite high although parking values are quite high locally but there does not seem to be a reflection of the fact the forecourt spaces block access to the garages themselves. I would have expected the FVA to provide evidence of the rents achieved on these spaces noting from Google maps they are in use.

There is limited sales evidence and this seems a low order value for this location and we would need to look closely at relevant evidence to establish whether the location on a busy junction has the impact suggested.

It is expected that this advice is carried forward into any amended viability document if affordable housing payment is not possible. This can be discussed further in upcoming pre-application meetings and if required, a viability audit can be organised before the submission (which is recommended).

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

The previous application raised concerns over the lack of optimisation of the site capacity and the fact that the provision of larger units hindered this. The current proposal includes 3 x 1 bedroom units, 3 x 2 bedroom units and 1 x 3 bedroom units. The unit mix, in principle appears acceptable however as raised in relevant sections, considering the constraints of the site and current quality of accommodation, the Council recommends revisiting this and looking at how the overall floor area can be reduced to help alleviate these concerns.

2. DESIGN ISSUES

Policy D1 of the Camden Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area and comprises details and materials that are of a high quality and complement the local character.

The previous pre-app design response:

- Development does not fully optimise the site's capacity for housing;
- Two large units should be subdivided into smaller units to meet housing needs;
- Retaining four garages limits flexibility and capacity for future growth;
- Building form lacks coherence, especially in the arrangement of terraces and fenestration;
- Concerns over the impact on neighbouring privacy;
- Limited quality of accommodation in the basement areas; and
- The basement Impact Assessment lacks clarity.

Development expectations

- Adherence to Camden Local plan policies D1 and D2, and Redington Frogna! Neighbourhood Plan policies SD 4;
- Fulfil the garage site development expectations in the Redington Frogna! Neighbourhood Plan that requires "any impacts on amenity being satisfactorily addressed";

- Ensure the local community is happy with designs that could involve public engagement sessions on-site;
- Ensuring the delivery of high-quality homes; and
- Ensuring that design development encompasses contextual and area analysis work.

Design observations

Building Form and Massing

- While the overall height and massing are generally acceptable, the rear elevation's complexity and lack of coherence need to be addressed.
- The current design (although an early iteration) shows no plant like ASHPs – these should be considered at the outset so they can be integrated.
- The building form should be simplified, and the relationship between the building and the surrounding context should be more clearly defined.

Unit Layout and Design

- The current unit layouts, particularly the large unit 7, require further design development to ensure efficient use of space.
- Basement units should be redesigned to provide double-aspect layouts with adequate daylight and ventilation.
- Would be great to see the previous design development options for a terraced housing typology. It would better integrate with the existing urban fabric, utilise site potential, and simplify the layouts. We understand that due to site constraints, this typology might not be feasible but we would like to see the evidence base.

Fenestration

- Clearer articulation of the façade and window placement in relation to adjacent properties is needed to establish a strong relationship with neighbouring properties.

Landscape and External Spaces

- Landscaping at the front of the property should reinforce the pattern of front garden spaces around the site.
- The use of foliage as privacy screens should ideally be removed as it may require significant maintenance and may not be effective in all seasons.
- Access arrangements and cycle and refuse storage needs to be more carefully designed to make sure it is practical.

Community Engagement

- To address community concerns and potentially reduce objections, consider organising public consultation events to gather feedback on the revised design.

The proposal has potential, but it requires further development to ensure it meets high design standards, respects the local context, and avoids adverse impacts on neighbouring properties.

It is clear that the need for floorspace is driving very large (and policy non-compliant) basements which further reduce the development potential on site. Whilst basement issues and standards of accommodation are covered in different sections it is clear from a design perspective that these are excessive and not necessarily needed.

3. BASEMENT

Policy A5 of the Camden Local Plan sets out relevant guidance when assessing basement development, as well as relevant guidance within CPG Basements (2021).

The proposed basement excavation can be assessed against the guidance contained within policy A5, as follows:

- f) not comprise of more than one storey; - **complies.**
- g) not be built under an existing basement; - **complies.**
- h) not exceed 50% of each garden within the property; **appears to not comply – excavation under front garden/hard standing appears to extend more than 50% in area. This criteria can be applied flexibly given the site is being redeveloped as a whole and the land is not gardens of a host building however nonetheless it still indicates something of this scale is excessive and therefore should be reduced**
- i) be less than 1.5 times the footprint of the host building in area; - **complies.**
- j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation; - **complies.**
- k) not extend into or underneath the garden further than 50% of the depth of the garden; - **does not comply – as above.**
- l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; – **complies.**
- m) avoid the loss of garden space or trees of townscape or amenity value. – **there are two trees to the public highway in front of the garages. A Tree Report has been submitted as part of the previous application and has been already assessed.**

The basement has slightly changed with the inclusion of a light/stairwell to the front. Officers still feel the basement should be reduced in size which will help in addressing basement issues and not affect viability on site.

Within the previous application a BIA was submitted and after many iterations and a full assessment by Campbell Reith this was still deemed not suitable for approval. The full comments are outlined in the final audit but also below:

We've reviewed the revised submission but still cannot confirm that the proposals meet the requirements of CPG Basements. The main points are as follows:

No structural information or input from a structural engineer.

One of the queries raised as part of the D1 audit asked for outline structural calculations however these were not provided. The Scope of Engineering Services is very clear about the level of structural engineer's input required from an early stage for a BIA. Considering the level of interest from the local residents and the history of subsidence of the neighbouring buildings, this structural information will be an even more important element of the basement development and is therefore required.

Ground Movement Assessment

The amendments made to the GMA are still not considered to present a robust and accurate assessment of ground movements arising from the development or the associated damage category expected for the neighbouring structures. The structural input mentioned above should be used to feed into this assessment and the walls assessed in the current GMA are not considered to represent a realistic scenario for the neighbouring buildings. It is noted that there is a high level of public interest in this development and that the neighbouring buildings have been impacted by subsidence in the past.

It is also recommended that UD1 and UD2 policies of the Redington Frognaal Neighbourhood Plan are assessed when proposing basement development. These policies provide further information and requirements in relation to basement development in the area including impact on trees. There are also requirements in terms of construction operations, timings and general construction management.

4. NEIGHBOURING AMENITY

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight, and overshadowing; artificial lighting levels; noise and vibration; odour, fumes, and dust; and impacts of the construction phase, including the use of Construction Management Plans.

Overlooking and loss of privacy

The scheme has improved since the previous application and most of the terraces are set further away from the windows at Palace Court. However the first floor terrace close to the windows of Ashley Court is separated by a privacy screen. Again, ideally these should be dealt with design measures rather than this ad-hoc manner. The same is to be said of the second floor terrace.

There was discussion about removing the privacy screen on basement level so this needs to be tested and demonstrated that the impact is not adverse.

Daylight/Sunlight

The previous application was refused on the daylight/sunlight results and the overall impact on neighbours as a consequence of the development.

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

The applicant confirmed that the daylight/sunlight results would be similar to the previous application but that the increase in housing would outweigh the harm. This is noted and the Council appreciates that it would be difficult to have no impact, however considering the site capacity outlined by the Council above, and that seven units is difficult to provide on site, the daylight/sunlight results would still need to be improved as much as practicable. Removal of screening elements to terraces may help with this (see above).

Outlook and Enclosure

The location of the site means that any impact for properties on Frognal 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.

There should not be any additional noise increase, however if Air Source Heat Pumps (ASHPs) are being proposed then appropriate noise enclosure/noise assessments should support the application in line with Policy A4. Note also the point in the design section regarding any plant or enclosures being designed into the scheme at the outset.

5. STANDARD OF ACCOMMODATION

CPG Housing & CPG Design highlights the importance of high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. All units technically meet the space standards however there are no internal layouts making it hard to know what sort of spaces these create. The Council can only comment on so much if these are not provided.

Outlook and enclosure

One of the reasons for refusal was lack of outlook on the basement levels which had a small distance between the window and privacy screen and poor levels of outlook. The new pre-app scheme seeks to address this by providing three separate units on this basement level however this results in all units having a poor level of outlook.



You can see that all units have very little distance between the windows and the border effectively keeping the same arrangement which was refused. Concern is raised for all basement units but especially to unit 02 which appears very substandard and of poor quality.

There was some discussion over the possibility of removing the privacy screens covering the boundary and some site sections or large axonometric drawings showing the proposed building with neighbours should be provided to demonstrate further the relationship.

Daylights/sunlight

All above ground units appear to have an acceptable level of daylight/sunlight into them however, again there are questions over the basement units and how much these will receive. It is appreciated this is an early stage but will need to be tested.

Amenity space

All units have amenity space which is welcomed and a positive as part of the scheme. As stated in previous sections however efforts should be made to make these spaces function properly without the need for privacy screens or other ad hoc elements. This is especially in relation to the balconies to the east of the site.

In terms of waste storage and collection, the following capacities should be incorporated into the residential elements:

Waste collection in Camden

- 8.10 The Council currently offers waste collection of the following minimum volumes per dwelling with three bedrooms or less, per week:
- 120 litres of bin, box or sack volume for general waste or 'refuse'
 - 140 litres of mixed dry recycling
 - 23 litres of food waste

The waste and bike storage seem acceptable and appropriately placed. See the waste section in CPG Design for further information.

6. TRANSPORT

The application site is located on the south side of Frognal Lane, to the east of the junction with Finchley Road. The site is not located within a conservation area, but is located opposite and to the west of the Redington Frognal Conservation Area. The Grade II listed St Andrew's United Reform Church is located to the north west of the site.

The application site comprises 8 single storey garages plus front forecourt parking areas.

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 seven units. The remaining two 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.

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 should be secured by condition in respect of any future planning application. The cycle storage needs to be carefully considered – the current layout restricts access to the properties through a narrow gate and is orientated in a way that would make bike access into the storage almost impossible. These points should be considered as the design evolves.

The proposed loss of the garages and front forecourt car parking is supported by Policy T2 of the Camden Local Plan. In accordance with Policy T2, both new houses should be secured as on-street Residents parking permit (car) free 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.

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, 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 Frognal Lane. The level of the highways contribution will be confirmed at the application stage.

Given the scale of the scheme and proximity to Finchley Road Underground Station, a PCE contribution may be requested as there are a number of transport schemes being developed in the area which are likely to be impacted by the development including prioritising step free access at Finchley Road Underground Station.

Given the level of excavation and construction proposed in this predominantly residential area, it will be necessary to secure 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. This will help ensure that the proposed development is carried out without unduly impacting neighbouring amenity, or the safe and efficient operation of the local highway network, in line with Policy A1 of the Camden Local Plan.

Given the proximity of the proposed basements to the public highway (footway), it will be necessary to secure an Approval in Principle and associated review contribution of £576.80 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.

7. SITE CONTAMINATION

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.

A potential moderate risk to future residents was identified from contaminants associated with the current domestic garages and from background elevation concentrations of lead.

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.

8. TREES AND LANDSCAPING

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 protection 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 Frognal Neighbourhood Plan also protects against the loss of trees in this area.

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 should be included within a new submission. Bird and bat boxes will also be secured via condition in the event of an approval.

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. In England, biodiversity net gain (BNG) is becoming mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#).

Developers must deliver a biodiversity net gain of 10%. This means a development will result in more or better quality natural habitat than there was before development. It is recommended you provide a baseline score as early as possible as this may then be able to be agreed prior to submission.

9. SUSTAINABILITY

All new development should comply with the Local Plan policies for sustainability and climate change. Further guidance is available in the CPG Energy Efficiency and Adaptation 2021. A Sustainability Statement will be required to demonstrate how the development in its entirety (construction and operation) would reduce carbon dioxide emissions through following the steps in the energy hierarchy.

Applicants are expected to submit sustainability proposals either within a dedicated section of the DAS or in a separate statement - the detail of which to be commensurate with the scale of the development.

Energy/CC1:

- In the CPG Energy Efficiency and Adaptation 2021 it is noted residential developments of (5-9 units, should provide an energy statement and follow GLA Guidance on Preparing Energy Assessments. Developments of five or more dwellings and/or more than 500sqm of any gross internal floorspace to achieve 20% reduction in carbon dioxide emissions from on-site renewable energy generation. That said other material considerations, including the council's declaration of a climate emergency, more current expectations on building performance, and the emerging draft plan, are being given increasing weight in decisions so we would expect this target to be significantly exceeded.

From the pack and subsequent meeting, there are little sustainability details and no references to air source heat pumps, pv panels or any other energy source, or methods of efficiency. Measures to avoid the need for active cooling should be explored, including passive/natural ventilation and shading because active cooling is strongly discouraged by the Council. The Council expect the design to incorporate sustainable measures as part of the pre-app design and there seems to be fairly little consideration in terms of these issues especially considering the size of the basement. The Council would urge the design to incorporate as much sustainable/renewable technology as possible and demonstrate the proposed rating alongside any future iterations of the design so this can be assessed alongside the design of the building.

10. ADDENDUM PACK

Following the pre-application meeting in December a further addendum pack was submitted to the Council which look to partially address discussions in the meeting and concerns outlined above. The most notable changes were:

- Merging of lower ground floor units to create 3B4P
- Unit 07 split into two units
- Reduction in internal basement space and increase the size of front lightwells
- The cycle stores and bin stores have been altered
- Internal layouts shown on plans.

Further images of the site and axo images were also provided which are helpful in looking at the site's ground levels and the proposed units' relationship with neighbours. These are helpful for officers and would recommend providing more of these as the design progresses.

The merging of the basement units and the splitting of the unit 07 means that there are still seven units being proposed which still seems difficult to fit on this site when two garages still have to be retained. The reduction of internal basement floorspace is a positive move and the Council would recommend developing this further. The front garden, cycle and bin stores have also been looked at further which is positive.

There still remains concerns around the design and scale of the scheme and its overall impact on amenity which is highlighted in the report however the Council recognises that the design is being developed positively since the pre-application meeting.

11. HEADS OF TERMS

As discussed in the meeting, below is a preliminary list of heads of terms for the legal agreement:

- Affordable housing payment-in-lieu (PIL) of £176,500.00 (subject to viability)
- New residential units to be secured as car-free

- Basement construction plan
- Approval in principle contribution of £576.00
- Pedestrian, Cycling and Environmental Contribution – to be determined at application stage
- Construction Management Plan and implementation support contribution of £4,194.00 and construction impact bond of £8,000.00
- Sustainability and Energy Plan

CONCLUSION

New residential development is acceptable in principle and the inclusion of more homes is welcomed. However, there are still issues in relation to design, standard of accommodation (especially for the basement units) as well as impact on amenity that need to be addressed. Removing basement accommodation or incorporating carefully into duplex units may help to overcome some of these issues. Further information has been provided in terms of viability and basement information that should feed into the new scheme.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable, nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

If you have any queries about the above letter or the attached document, please do not hesitate to contact **Ewan Campbell**

Thank you for using Camden's pre-application advice service.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.