

Application ref: 2024/5812/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 2024/4872/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 2021
- 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**

These reasons are outlined in the planning officer report and in the previous pre-application report.

Relevant policies and guidance

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' (site reference RF4).

ASSESSMENT

Considering the site history and pre-app history, issues of land use, site contamination and trees and landscaping are covered in previous reports. This is a follow up report so will cover the issues discussed. These are listed below:

- Design and Heritage issues
- Basement
- Neighbouring amenity
- Standard of Accommodation
- Transport
- Sustainability
- Heads of Terms

1. 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. Policy SD4 of the Redington Frognal Neighbourhood Plan also highlights the importance of the area's character and ensuring new buildings are designed to a high quality. The first two subsections have been highlighted previously but are important in framing the comments for this follow up pre-app as well.

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 Frognal 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

- Overall height and massing is generally acceptable, the rear elevation has been rationalised better.
- The current design does now incorporate plant on the roof but it is still unclear how visible these are – further drawings and CGIs need to be provided to this clear (include a wider range of views including from the north and west).
- The building’s form and overall relationship with the adjacent buildings seems appropriate. make

Unit Layout and Design

- The current unit layouts, appear better organised in the updated proposal. The amended pack has gone some in way to further addressing concerns raised about the internal layout which still needs some work.
- Having the only amenity space accessed from the bedroom is not ideal (unit 06).
- There could be further improvements to internal door positions and partitions which could improve the standard of accommodation without making significant changes to overall layout.
- The use of foliage is still proposed as privacy screens and should ideally be removed as it may require significant maintenance and may not be effective in all seasons.

Fenestration

- Clearer articulation of the façade and window placement in relation to adjacent properties has improved the architectural character.
- The use of the proposed brick as well as other features like, lintels, punched brick features and altering brick courses means the development has more architectural richness.
- This is a positive start and should be developed further on all elevations to create high quality design.

Landscape and External Spaces

- Landscaping at the front of the property should reinforce the pattern of front garden spaces around the site and access arrangements and cycle and refuse storage need to be more carefully designed to make sure it is practical.
- Currently there is significant concern that the front landscaping and spaces will appear packed together and of poor quality. There is so much that is being

proposed to the front; external entrance bridges, bins, bike storage and lightwells. This creates a very cluttered entrance point which is highly visible and will therefore have the maximum impact.

- There is a concern that this will harm any work gone into creating a well-designed building and needs to be adequately addressed. In the meeting it was discussed that reducing the amount of proposed units could alleviate some of the pressure and requirements for the small front area. One option would be to create duplex units on the ground and basement level and reduce the size of the basement. However, this may not have a significant impact on the requirements for the front area to provide cycle and bin storage, but it is worth exploring.
- This was raised at length in the meeting and an amended drawing has been submitted to try and address the issues raised. On the left below is the original ground floor design and on the right is the amended design



- The two drawings show very little difference, if any, and therefore has not addressed the concerns raised. The small increase of planting next to the cycle parking does not successfully address this. Looking at incorporating some of the space internally or reducing the number of units on site will help with this.

Community Engagement

- It is appreciated that the formal submission is intended to be relatively quick after the pre-app process however the Council would urge the developer to engage with the community given the attention of the previous application.
- Speaking to the neighbourhood forum about how you've addressed concerns around the previous application could be a good starting point.

The proposal has improved since the previous design iteration however further design development is needed and a significant amount of work is needed to amend the front elevation/landscaping.

Moreover, more detail and information would be beneficial to officers, more sectional drawings through the building and surrounding spaces, particularly picking up on land level changes and separation distances, more views of the CGI's from north, west, and south, more information on the detailed design elements, and greater level of information on the materiality making it easier to assess the scheme as a whole

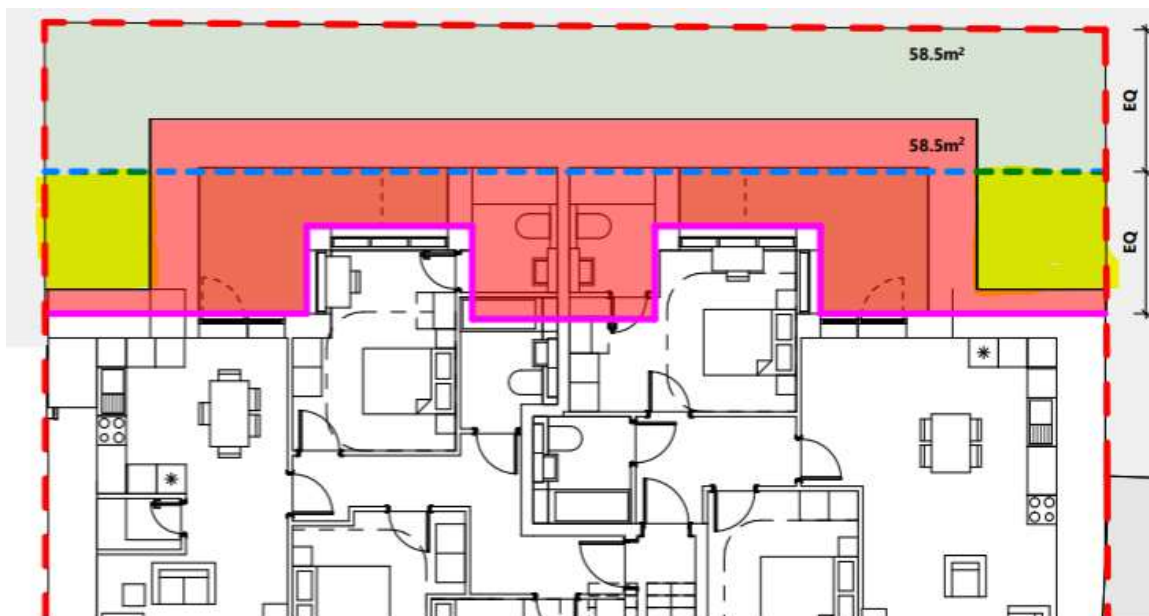
2. BASEMENT

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.**
- 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 been amended to include a larger lightwell to the front which provides more amenity space and better light into the basement. The pack recognises this exceeds point h of policy A5 with the graphic below:



With the blue line indicating the 50% of the garden, the small increase is considered acceptable.

Within the pre-app it was discussed about excavating further the yellow highlighted sections to create storage space. This goes some way of improving the quality of accommodation it is only minor and can probably be subsumed into the existing floorplate; the lightwells and excavation should be more focused on getting light into the flats but also improving the front landscaping. Is there an option to reduce the depth of the lightwells and increase their width? This could provide a solution and officers would recommend looking into this.

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 have been submitted in previous reports but for completeness are outlined in the final audit but also below:

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. Any submission should directly address these points.

3. NEIGHBOURING AMENITY

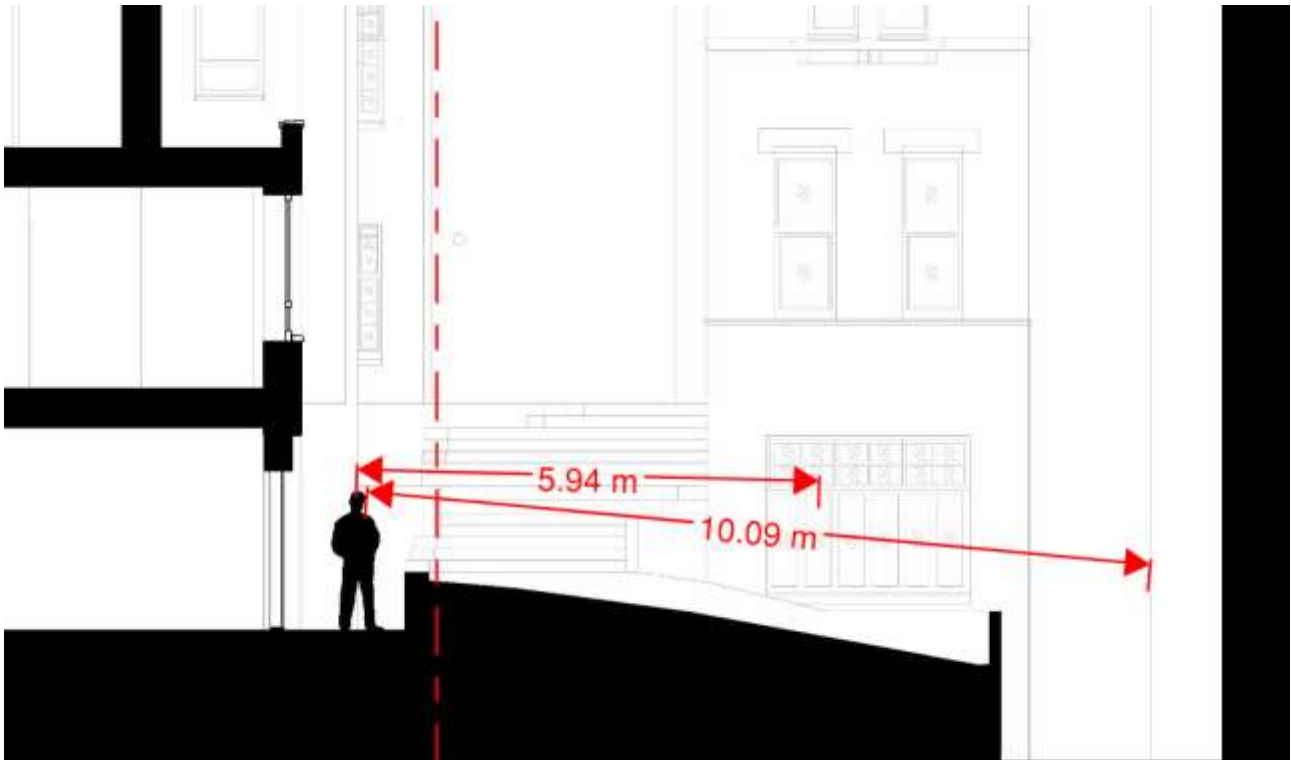
Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight, and overshadowing; artificial lighting levels; noise and vibration; odour, fumes, and dust; and impacts of the construction phase, 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. The first floor terrace to the east is now partly shielded with a hit-and-miss brick detail which the Council welcomes. The other terrace should design features also.

However one issue which has been raised previously, and was one of the reasons for refusal in the original application, is the impact of overlooking and relationship between the rear of the site and Palace Court. Previously this had been because of the location and proximity of amenity terraces; they were 7.0m and 10.4m away from Palace Court respectively.

The terraces have been moved but the privacy screen at basement level has also been removed which appears to make the relationship worse. The Council has asked for various sections, CGIs and axo graphics to determine the nature of the relationship. One section has been provided which is below:



Due to the level change the proposed rear terrace sits above the rear of the properties which increases the impact on privacy and the perception of overlooking. Also the distances have got closer which further compounds the issue. The Council, at this moment, does not support this relationship and will need to be amended somehow. However, more detailed sections and drawings describing the relationship, and the uses of nearby rooms served by the windows, may help to alleviate some concerns.

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.

Preliminary results have now been submitted for the new scheme and are assessed below:

1-3 Frognal Lane and Ashley Court

Whilst none of the windows failed the BRE test for VSC previously the new scheme incurs a lower impact for windows at these addresses.

For daylight analysis and 1-3 Frognal Lane the difference is very small and not noticeable. For Ashley Court the window which was previously just below the threshold of a noticeable impact however now it is above it

11-17 Palace Court

Palace Court was where the majority of the harmful impact was located with multiple windows failing the BRE guidance for VSC. There is a minor improvement compared with the refused application but ultimately the change is small and some windows experiencing a worse score. It is appreciated the balance has changed in relation to the number of units on site however the Council expects there to be an increased difference and any new application will have to consider this.

For the daylight analysis, one window has been reduced below a 'noticeable impact' but other than the results are all very similar

250 Palace Court

The windows for this property have actually got significantly worse which is concerning. Previously only 2 windows failed VSC now it's 7. It is appreciated that some of actual score differences are low but still represents a large difference from the refused scheme.

For daylight analysis the difference is very small and not noticeable.

Overall the daylight/sunlight impact appears worse when looking at the number of windows that fail BRE guidance. There is the consideration of more proposed housing and other improvements to the scheme, but nonetheless, the Council heavily recommends design amendments to take this into consideration.

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. The points already discussed about separation distances and privacy still stand, so these impacts should be clearly articulated and mitigated wherever possible.

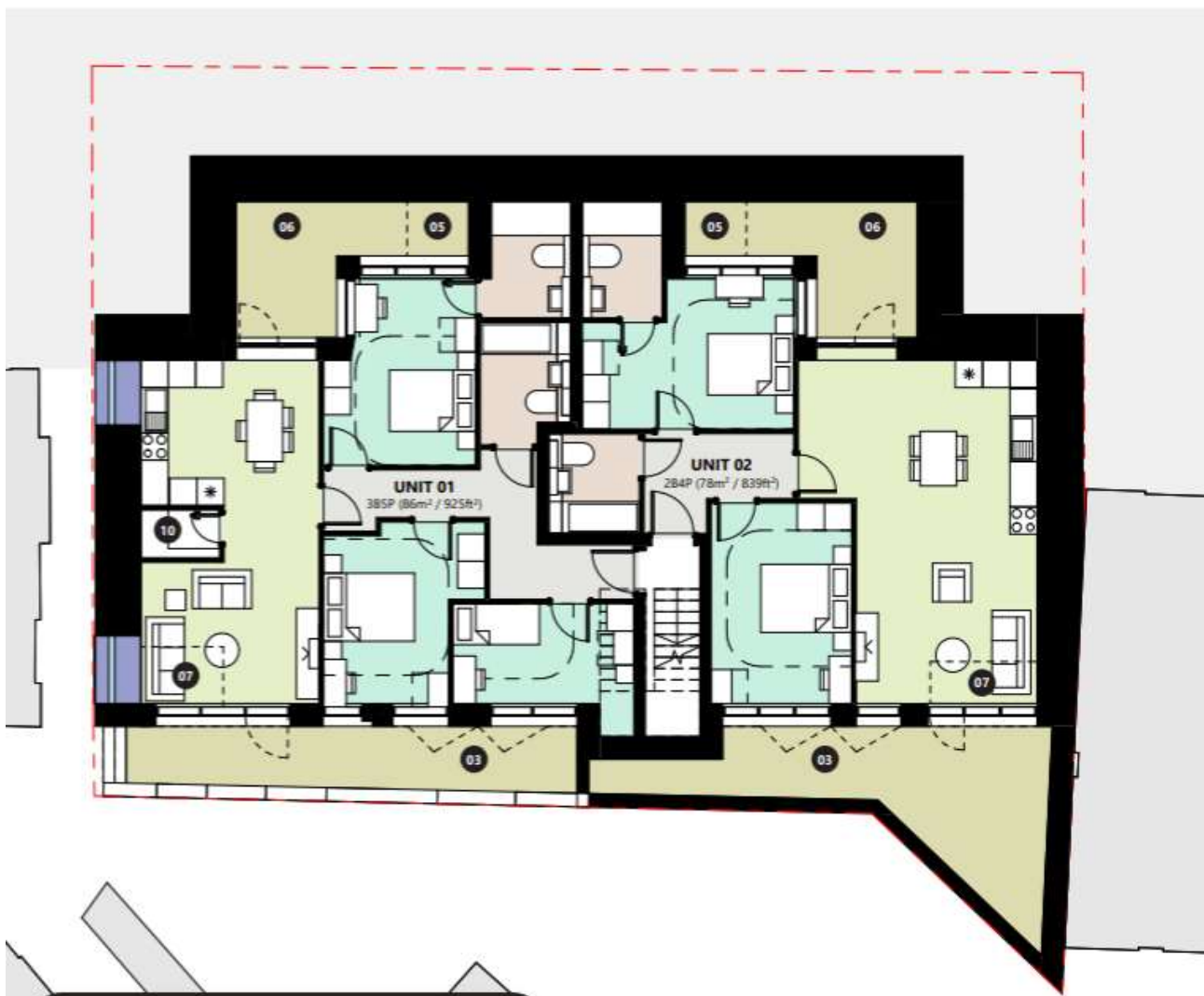
There should not be any additional noise increase, however if Air Source Heat Pumps (ASHPs) are being proposed then appropriate noise enclosure/noise assessments should support the application in line with Policy A4. Note also the point in the design section regarding any plant or enclosures being designed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

4. 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 and comments were made in terms improving the internal layout. This process should be continued.

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 now providing two separate units on this basement level. The change is now that there is a lightwell to the front and the screen to the rear has been removed.



It is clear this is an improvement and the Council could see this providing an acceptable of outlook however to the rear the units still have very little distance between the windows and the border effectively keeping the same arrangement which was refused. Providing a smaller basement which contains the lower level of a duplex unit would mean that this would not be the main source of outlook for occupiers and could help alleviate pressures currently facing this level.

Daylights/sunlight

All units from the daylight/sunlight analysis appear acceptable however officers would stress that the design should meet the Spatial Daylight Autonomy targets as much as possible. These are provided below:

- 100 lux for bedrooms
- 150 lux for living rooms
- 200 lux for living/kitchen/diners, kitchens, and studios.

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 and the rear amenity space on the basement level.

5. TRANSPORT

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

It is proposed that the 6 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. Due to the amount of units proposed the development needs to provide 13 long stay cycle spaces and 2 short stay cycle spaces. The proposal also includes policy compliant waste storage involving two 1100L bins and one 240L bin for food waste.

The issues of design in relation to these requirements are outlined in the relevant section above however it is important to note here the impact that multiple large bins right on the pavement will have on pedestrians. From a transport perspective this does not appear to be an ideal solution; having large bins right on the pavement can reduce the pedestrian experience but also, if not put back correctly, cause accessibility issues and overall clutter. The design should be amended to ensure the solution is best suited to the site.

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.

Contributions in relation to transport and highway orientated impacts will also be secured including:

- Highways contribution to amend existing crossovers
- A PCE contribution may be requested in relation to the scheme and proximity to Finchley Underground Station
- A Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000
- an Approval in Principle and associated review contribution of £576.8.

6. 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, the detail has been developed since the previous meeting and a supporting note has been submitted. Whilst the full details should be submitted as per Camden Guidance, the preliminary results appear positive with a 64% reduction against Part L and a 57% at Be Green stage with the introduction of Air Source Heat Pumps. New build properties should be achieving 20% at Be Lean Stage as well and this will be an expectation moving forward. One way of partly addressing this, is to look at the air permeability score which appear low for new build properties.

It is not clear whether active cooling is proposed however, it will not be supported within any full application. Measures should be in place to mitigate any concern of overheating including the reduction of the amount of glazing. 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 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.

7. 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
- Employment and Training contribution package

CONCLUSION

New residential development is acceptable in principle and the inclusion of more homes is welcomed. There are still issues in relation to design, standard of accommodation 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**

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