

Delegated Report		Analysis sheet		Expiry Date:	26/02/2014
		N/A		Consultation Expiry Date:	26/12/2013
Officer			Application Number(s)		
Jenna Litherland			2013/7355/P		
Application Address			Drawing Numbers		
38 Heath Drive London NW3 7SD			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a part 3, 4 and 5 storey building as well as basement level comprising 21 residential units (3x 1 bed, 13x 2 bed and 5x 3 bed), basement swimming pool area as well as associated landscaping and formation of refuse recycling storage area adjacent to Heath Drive and conversion of existing garage to bike storage following demolition of existing dwelling house.					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	05	No. of responses	07	No. of objections	07
			No. electronic	07		
Summary of consultation responses:	<p>A press notice was placed in the Ham and High on 05/12/2013 (expired 26/12/2013) and a site notice was displayed from 28/11/2013 until 19/12/2013.</p> <p>7 Objections have been received.</p> <p>Objections are on the following grounds:</p> <p><u>Process</u></p> <ul style="list-style-type: none"> The site notices were found in the gutter outside No. 32 Heath Drive; <p><u>Design</u></p> <ul style="list-style-type: none"> The existing building is appropriate in terms of scale and intensity, the proposed building is not; Inappropriate bulk and massing that is out of scale and character with the locality and surrounding properties; Excessive plot coverage is harmful in terms of design and environmental implications. There is very little green space proposed; Loss of trees is unacceptable; Loss of green space; Does not respect local character and context; Materials are not of an appropriate quality; Overdevelopment; <p><u>Amenity</u></p> <ul style="list-style-type: none"> Loss of light to 272 Finchley Road; Loss of Outlook to 272 Finchley Road; Overshadowing to 272 Finchley Road; Overlooking and loss of privacy to 272 Finchley Road; Insufficient amenity space for future occupiers; Pollution and noise from construction; <p><u>Transport</u></p> <ul style="list-style-type: none"> Provision of private parking will increase pressure of the road network and is not sustainable; Will create traffic chaos; <p><u>Basement</u></p> <ul style="list-style-type: none"> No basement impact assessment has been provided therefore the danger of excavation to the neighbouring properties cannot be assessed; The site is within 10 metres of the underground river Westbourne. A hydrological survey would be required to assess the effect of the 					

	development on ground waterflow.
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Redington/Frogna! CAAC: Object

Loss of a positive contributor to the CA (DP25.6 & 25.7) with its setting, an important green corner (CS14.11).

Excessive site take-up. Architecture proposed tries to replicate the early 20th Century arts and crafts style in a clumsy and out of scale block which does not relate to the neighbouring properties.

The Heath and Hampstead Society: Object

1. Demolition of existing house -No 38 is listed in the Conservation Area Statement for the Redington/Frogna! CA as making a positive contribution to the CA. It is, in effect, locally listed, in terms of the criteria set out for the recent establishment of a Local List. It is a decent Georgian-style 2 story house, with some attic development, of about 1910, and is typical of the domestic-scaled houses along Heath Drive, given a design lead by the 5 Quennell-designed houses in the road. It is important to the character of the road, in that it is located on the corner of Finchley Road, and is therefore the first house seen.

Its demolition is unacceptable, both in the context of its contribution to the character of Heath Drive, and as we see it, as a test case for the newly-established protection of Locally Listed buildings.

2. Overdevelopment - The replacement of one house by a block containing 21 flats, on this small site, must be considered overdevelopment. The site layout is tightly packed, with a basement extending over the whole site footprint, little open space, and the height of the building, at 5 floors, 3 floors higher than the existing house.

No garden space is designed; the addition of the basement swimming pool is no substitute for amenity space suitable for all residents.

The 3 flats at basement level are lit and ventilated only via very narrow light wells; conditions would be Dickensian, and quite unacceptable in the 21st century.

No attention is given in its layout or design to the site's very noisy and polluted location on Finchley Road, one of NW3' most heavily-trafficked highways.

Several good trees would be destroyed.

Emphasis is placed by the applicant on the character of site's corner location. They prefer to see it as part of Finchley Road, rather than Heath Drive, and invite comparison with the 1920/1930's mansion blocks nearby.

This is not how it is described in the Conservation Area Statement. We believe it should remain part of the low-density, domestic-scaled family-oriented "garden suburb" epitomised by Heath Drive.

3. Architectural design - This is described as being derived from the existing architecture of the house and of the street. It is nothing of the sort. It is an ungainly lumpish nondescript design, with some details linking it to the 1910 period, but otherwise of little merit. The high quality of design called for in Camden design Policy DP24 is not satisfied.

CAAC/Local groups comments:

<p>Statutory Consultees:</p>	<p>TFL: No objections subject to the following being secured:</p> <ul style="list-style-type: none"> • swept path analysis of service vehicles entering and exiting the site. All service vehicles should be able to enter and exit the site in forward gear safely; • Cycle parking (26 spaces) shall be provided in a secure and covered location; • A Servicing Management Plan and Construction Management Plan; • No skips of materials shall be kept on the footway or carriageway of Finchley Road; • Environmental Improvements Contribution. <p>Thames Water: Comment</p> <p><u>Waste comments:</u> The existing wastewater infrastructure would not be able to accommodate the needs of this application. As such, all surface water should be disposed of using SUDs and rain water harvesting. Non-return valves should be used to protect the property from sewerage network surcharge.</p> <p>There are public sewer crossings on or close to the development. Approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.</p> <p>Conditions should be imposed in relation to emptying the swimming pool into the public sewer to risk of flooding or surcharging.</p> <p><u>Water comments:</u> No objection subject to informative relating to water pressure and water metering if the swimming pool has a capacity of over 10 cubic metres.</p>
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Site Description

38 Heath Drive is located on the corner of Heath Drive and Finchley Road. The application property is a substantial single family dwelling of two storeys with a third floor of accommodation within the roof. The building utilises the prevailing red brick, as well as architectural features such as a hipped clay tiled roof, tall chimney stacks, dormer windows and neo Georgian detailing. The dwelling is a large individual dwelling on a substantial plot with mature vegetation and trees.

The site is located within the Redington/Froggnal Conservation Area (sub area 5) and is identified as making a positive contribution to its character and appearance.

Relevant History

There is no relevant planning history at the application site.

264-270 Finchley Road – adjacent to the application site.

2013/7184/P: Erection of five storey building comprising 13 apartments (2 x 1 bed, 8 x 2 bed & 3 x 3 bed), following demolition of existing four terraced houses. **Currently under consideration.**

Relevant policies

LDF Core Strategy and Development Policies 2010

LDF Core Strategy

- CS1 Distribution of growth
- CS3 Other highly assessable areas
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS10 Supporting community facilities and services
- CS11 Promoting Sustainable and efficient travel
- CS13 Tackling climate change through promoting higher environmental standards
- CS14 Promoting high Quality Places and Conserving Our Heritage
- CS15 Protecting and Improving our Parks and Open Spaces & encouraging Biodiversity
- CS16 Improving Camden's health and well-being
- CS18 Dealing with waste and encouraging recycling
- CS19 Delivering and monitoring the Core Strategy

LDF Development Policies

- DP2 Making full use of Camden's capacity for housing
- DP3 Contributions to the supply of affordable housing
- DP4 Minimising the loss of affordable housing
- DP5 Homes of different sizes
- DP6 Lifetimes Homes and Wheelchair Housing
- DP15 Community and Leisure Uses
- DP16 The transport implications of development
- DP17 Walking, Cycling and public transport
- DP18 Parking standards and limiting the availability of car parking
- DP19 Managing the impact of parking
- DP20 Movement of Goods and Materials
- DP21 Development Connecting to the Highway Network
- DP22 Promoting Sustainable Design and Construction
- DP23 Water
- DP24 Securing High Quality Design
- DP25 Conserving Camden's Heritage
- DP26 Managing the impact of development on occupiers and neighbours
- DP27 Basements and Lightwells
- DP28 Noise and Vibration
- DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities
- DP32 Air quality and Camden's Clear Zone

Updated Camden Planning Guidance 2011 (updated 2013)

- CPG1 – Design*
- CGP2 – Housing*
- CPG3 – Sustainability*
- CPG4 - Basements*
- CPG6 - Amenity*
- CPG7 – Transport*
- CPG8 – Planning Obligations*

Assessment

Planning permission is sought for the erection of a part 3, 4 and 5 storey building as well as basement level to create comprising 21 residential units (3x 1 bed, 13x 2 bed and 5x 3 bed), following demolition of the existing single family dwelling.

The proposed building has two main elements: that facing on the Finchley Road and that facing on the Heath Drive. The part of the building facing on to Finchley Road has been designed using a mansion block approach with three main storeys up to parapet level and a further two storeys of accommodation within a steeply pitched double mansard roof. To Heath Drive the scale is reduced with two main storeys and a further two storeys within a double hipped roof. The development is of red brick with neo-Georgian styling.

The existing garage would be converted for cycle parking and a bin store would be erected between the garage and the Heath Drive boundary. The proposal includes the excavation of the lower ground floor. The perimeter trees at the site would remain however the rest of the site would be re-landscaped.

The principal considerations material to the determination of this application are summarised as follows:

- Land use (housing);
- Quality of residential;
- Design and Conservation(demolition and rebuild);
- Trees and biodiversity;
- Neighbour amenity;
- Refuse and recycling;
- Transport;
- Basement;
- Sustainability;
- S106 contributions;
- CIL.

Land use - housing

Housing is a priority land use of the LDF and the principle of providing additional residential units would be considered acceptable, provided all other aspects of the proposal are also acceptable. You proposed to create 21 residential units comprises 3 x 1 beds (14%), 13 x 2 beds (62%), 5 x 3 beds (23%).

Mix

Policy DP5 seeks to provide a range of unit sizes to meet demand across the borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table. Two bed market units have 'very high' demand in the borough and the Council aims that 40% of market units in new development should be 2 bed units. Following this the greatest demand for market units are 3 and 4 bed units. There is lower demand for 1 bed units.

The proposal includes 62% 2 bed units, 23% 3 bed units and 14% 1 bed units. Although, 62% 2 beds is higher than the Council's aim the mix accords with the hierarchy for demand across the borough. Considering this and layout constraints this is considered acceptable.

Residential Density

Policy CS1 of the LDF Core Strategy seeks to focus growth in the most accessible parts of the borough. In order to make the most efficient use of land higher density development is encouraged in those locations which are well served by public transport and there is an expectation that densities will be towards the higher end of the density ranges set out in the London Plan.

The proposal would create 65 habitable rooms (equating to 408 habitable rooms per hectare). This density fully accords with the density matrix (table 3.2)1 of the London Plan 2011 for a site located within an urban area with an excellent Public Transport Accessibility Level (PTAL) of 5, which expects 200-700 habitable rooms per hectare.

Affordable Housing

Policy DP3 expects all developments with a capacity to provide 10 units or more to make a contribution to affordable housing. DP3 introduces a sliding scale for developments between 10 units and 50 units. The current proposal comprises 21 units with a total floor area of 2,591 sqm GEA. As such, the proposal created sufficient space to provide 25 homes. Therefore, in accordance with DP3 and CPG2 25% of the units on site should be affordable. Core Strategy policy CS6 targets 60% of affordable housing to be for social rent and 40% to be intermediate provision, and the promotion of mixed and inclusive communities. Policy DP3 also recognises factors relating to the individual circumstances of a site taking account of site costs and constraints, the availability of public subsidy, financial viability and other scheme requirements that will affect the scale, nature and location of affordable housing.

In line with the requirements of the policy, the provision of affordable housing will be expected on site, but where this cannot be practically achieved on the site we may accept off site affordable housing or exceptionally a payment in lieu.

Where a proposal does not meet the affordable housing target a submission of a financial viability appraisal will be required to justify the proportion proposed.

The proposal includes no on site affordable housing. The application is accompanied by a financial viability appraisal which seeks to justify a payment in lieu of £300,000 which is equivalent to a 17% contribution.

The applicant considered that on-site affordable units would not be appropriate as the service charge for the units is estimated to be up to £7,500 per unit which would be unaffordable for social/affordable rented and shared ownership tenants. This cost is high as it would partly cover the concierge serving and maintenance of the swimming pool. Other matters raised include the exceptional costs of the scheme and the high values of the units.

The applicant does not explore the opportunity of having units with a separate entrance or restricting access to the pool facility. This could substantially reduce the service charge and make affordable units on site a possibility. The applicant has not approached any Registered Providers to inquire whether they would be willing to take space within the development. As such, it is considered that the applicant has not fully explored the possibility of providing affordable units on site.

The viability report confirms that the applicant does not have access to any other sites in Camden that could provide affordable housing.

The appraisal is based on the Greater London Authority's Development Control Toolkit Model, which is most widely recognised model used for appraising housing developments in London.

In order to confidently assess the approach, evidence and conclusions of the appraisal it was necessary to instruct an independent financial assessor to robustly scrutinise and review the appraisal. In this regard BPS Surveyors were instructed, who produced a report in response. BPS undertook an in-depth review of the assessment which was supplemented by additional evidence and sensitivity information from the applicant at the request of BPS. As such it is considered that the BPS Report is a comprehensive and astutely detailed assessment of the appraisal.

BPS are in broad agreement with the approach taken to model viability, and consider the costs and values applied in the appraisal to be broadly reasonable. The proposed sales value rates are based on sales evidence. The sales value for the 1 bed, 2 bed and 3 bed flats all appears reasonable. However, they advise that it is possible that the units which face away from Finchley Road may have an enhanced value. On the whole BPS considers that the proposed offer of £300,000 maximises delivery of affordable housing consistent with the viability of the proposed scheme.

However, as stated above the Council is not satisfied that options of providing the affordable housing provision on site has been fully considered as such, the application should be refused on the bases of affordable housing not being provided on site.

Deferred Affordable Housing Contribution

Although the BPS Report is satisfied that 17% is the maximum reasonable offer to create a financially viable development, it also acknowledges that the units which face the rear of the site may have a higher value. As such, if permission were to be granted this should be on the basis that the scheme's viability be re-appraised at a later stage.

In the event that the viability improves to such an extent that the development could bear the costs of more affordable housing and yet still yield a sufficient profit the applicant to bring it forward, the applicant would make a greater contribution to affordable provision in the borough, in the form of a financial sum. This measure would be secured by S106 legal agreement should permission be granted.

Lifetime Homes and Wheelchair Housing

Development Policy DP6 requires all housing development to meet lifetime homes standards and for 10% of homes to meet wheelchair accessible standards, or be easily adapted to meet them. The design and access statement and supplementary Lifetime Homes checklist, accompanying the application, appropriately demonstrates that those standards would be achieved in accordance with policy DP6.

The application has not demonstrated that 10% of the units would be easily adaptable to meet wheelchair accessible standards. In this case it is considered that 2 units should meet wheelchair standards. In order to achieve this units require amongst other things: minimum door widths of 800mm; entrances halls with 1500 x 1800mm manoeuvring space; space to store and charge an electric wheelchair; 1500 x 1800mm turning circle in the kitchen; 1200x1200 clear space provided to one side of the bed; 1500 1500mm square manoeuvring space in the bathroom, and a clear ceiling track hoist route (suitably constructed and with a ready power supply) between the bathroom and main bedroom. As this has not been provided that application should be refused on this basis.

Quality of residential

Development Plan policy DP26 requires residential developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes, amenity space and an internal living environment which affords acceptable levels of sunlight, daylight, privacy and outlook.

With regards to dwelling and room sizes, all 21 flats would comfortably exceed the residential space standards set out in the London Plan SPG (Housing).

Furthermore, all units would have acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and an internal living environment which affords acceptable levels of sunlight, daylight and privacy. 18 of the units would be dual aspect and 3 would be single aspect. The 3 single aspect units would be 1 bedroom units. It is welcomed that the majority of the units are dual aspect.

Outlook

The proposal includes 3 units which are located at lower ground floor level only. Whilst these units would receive acceptable levels of daylight their outlook would be very poor, a lightwell wall at a distance of 1.4 metres away. Outlook from all windows serving the units would be the same, as such, the units would have no windows with an acceptable outlook. This is likely to result in severe harm the amenity of future occupiers. The application should be refused on this basis.

During the course of the application the applicant submitted amended plan which addressed the above issue by creating 2 duplex units at lower ground and ground floor level to the front of the building. The rooms at lower ground floor level would still have poor outlook, however as these flats will also have rooms at ground floor level with good outlook this would be considered acceptable. The proposed basement level swimming pool would also be removed and a sunken rear garden created. This would ensure lower ground floor units to the rear of the building would also have good outlook. However, the removal of the swimming pool would impact on the viability of the proposal and potentially the level of affordable units that could be provided. A revised viability appraisal has not been submitted with the proposed amendments and as there is not sufficient time in the application process to request and full assess this, the proposal amendment have not been accepted or

considered as part of this application.

Outdoor amenity space

All the flats would have access to communal external amenity space in the garden. Only the flats at basement level would have any private outdoor amenity space in the form of lightwell/patios. This is considered acceptable.

Daylight and Sunlight

An independent daylight and sunlight assessment, based on the guidance and methods contained in the Building Research Establishment (BRE) report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (October 2011), accompanies the application. This report assesses sunlight and daylight to all the proposed flats. All windows have been assessed in terms of Vertical Sky Component (VSC) and all rooms have been assessed in terms of Average Daylight Factor (ADF).

Some of the windows especially those at lower ground floor level do not meet the standard for VSC levels set out in the BRE guidelines. However, all rooms within the development would receive adequate ADF values. ADF is the test which is most commonly used for assessing proposed accommodation. Considering this the proposed daylight levels to the proposed units are considered acceptable.

In terms of sunlight the report demonstrates that all but one of the south facing windows within the development's lower three residential floors will comply with the BRE guide levels for annual sunlighting. This is considered acceptable.

Privacy

There are no windows in the proposed development which would overlook other windows within the development. The building is set towards the rear of the site create sufficient defeasible space from Finchley Road.

Noise

Policy DP28 relates to the protection of existing and future amenity with regard to noise disturbance, and acknowledges that background noise levels in Camden are high in many areas. Accordingly the applicant commissioned an independent Acoustic Report in accordance with the NPPF.

The Noise Impact Assessment has identified that the key noise sources impacting upon the development is from road traffic using Finchley Road. The assessment identifies that in order to ensure that decent internal noise levels area acoustic glazing would be required on the Finchley Road elevations. This is considered to be appropriate mitigation and if permission were to be granted a noise condition would be required to ensure Camden's internal noise levels are met for the future residents.

Design and Conservation

Demolition of the existing building

38 Heath Drive is located within the Redington/Froggnal Conservation Area (sub area 5) and is identified as making a positive contribution to its character and appearance.

Policy DP25 outlines a clear presumption in favour of buildings that make a positive contribution to the character and appearance of a conservation area. Their loss will only be acceptable where "*exceptional circumstances are shown that outweigh the case for retention.*" Furthermore, any replacement building must preserve and enhance the character and appearance of the conservation area to an appreciably greater extent.

Paragraph 134 of the NPPF is relevant and states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"

Much of the character of the Redington/Frongal Conservation Area is attributable to the work of Charles Quennell and George Hart, who were responsible for as many as 100 houses in the northern part of the conservation area. However, other influences are also apparent, with a mix of neo-Georgian, Arts and Crafts and Free Style houses. In general terms the area “...forms a well-preserved example of a prosperous late 19th century and Edwardian residential suburb. The houses are predominantly large detached and semi-detached and display a variety of formal and free architectural styles typical of the last years of the 19th and early years of the 20th centuries. On the whole these are built in red brick with clay tiled roofs, occasional areas of tile hanging and render and many of them have white painted small paned windows.”

The Redington/Frongal Conservation Area Statement describes Heath Drive as being developed from the 1890s onwards, with plots sold off individually or in pairs. The north west side of the road is described as more varied in quality and character, whilst the south east side has a reasonable degree of consistency derived from its group of Quennell houses. However, from map evidence it seems clear that the statement is incorrect, and that the Quennell houses are on the north west side of the road, appearing on the 1914 OS map. By contrast the south east side of Heath Drive remained undeveloped for much longer with No.38 in place by the 1935 map. Thus it is likely that the building dates from the 1920s or early 1930s. Nonetheless, the Conservation Area Statement is clear that “*Whilst the north-western side (should read south east) of the road is more varied in scale and style, the use of similar elements and materials results in buildings that contribute to the setting of the Quennell houses and the character of the road.*” The heritage statement submitted with the application also acknowledges that the building shares similarities with the adjoining buildings at nos. 35, 36 and 37 which thus have value as a group.

38 Heath Drive is a substantial single family dwelling of two storeys with a third floor of accommodation within the roof. Although the building is later than the Quennell properties on Heath Drive it is a large individual dwelling on a substantial plot and clearly reflects local character. The building utilises the prevailing red brick, as well as architectural features such as a hipped clay tiled roof, tall chimney stacks, dormer windows and neo Georgian detailing. Thus whilst it may not be attributable to Quennell himself, and later than many of the buildings within the conservation area, it is demonstrably contextual in terms of its grain, scale, form and appearance, having aesthetic and historical value in its own right.

It could be argued that the building has a rather unusual relationship with the surrounding townscape, being aligned with the neighbouring properties on Finchley Road and somewhat divorced from the remainder of the conservation area as a result. However, its character corresponds with that of the conservation area and the residential hinterland beyond. It is notable that the very attractive mansion blocks on the opposite side of Heath Drive, which are more consistent with other buildings along Finchley Road, are not included within the Redington/Frongal conservation area presumably due to their differing scale, typology and detailed design. Furthermore, the late addition of the site to the conservation area reinforces the significance of the building and its relevance to character and appearance – this was the only site on this portion of Finchley Road that was included following the 2003 review which was clearly intended to afford the building additional protection.

The NPPF states that harm should be weighed against public benefit. The scheme would provide public benefit including a contribution toward to boroughs housing stock which is a priority land use in the borough, albeit without an appropriate contribution towards affordable housing. The proposed building would also perform well in terms of sustainability. However, additions to housing stock and improvements in sustainability can be achieved elsewhere in the borough or not at the expense of the loss of the existing building. These benefits are not considered to outweigh the loss of this building which makes a positive contribution to the character and appearance of the Redington/Frongal Conservation Area.

Replacement building

The proposed building takes a mansion block approach onto Finchley Road, with three main storeys up to parapet level and a further two storeys of accommodation within a steeply pitched double mansard roof. To Heath Drive the scale is reduced with two main storeys and a further two storeys within a double hipped roof. The development is of red brick with neo-Georgian styling.

It is appreciated that that the perimeter trees would be retained and protected providing a level of screening, however, the proposed building would appear more assertive in its context due to its height, bulk, scale and design. This is considered to fundamentally alter the character of site and would detract from the character and

appearance of the conservation area.

The applicant has argued that the site appears underdeveloped and highlights the larger buildings and mansion blocks on Finchley Road - the buildings on the other three corners of the main intersection between Finchley Road, Heath Drive and Cannon Hill are of 4-5 storeys. Whilst many traditional buildings expertly address their corner location this site exhibits a different approach, offering relief within the built environment and allowing the openness of the corner, the mature trees and its verdant character to predominate. Whereas built form can often act as a gateway, in this instance the open character of the site is of significance, signalling a change in character, scale and grain as one moves northwards and eastwards away from Finchley Road and into the residential hinterland beyond. Furthermore, the layout and disposition of solid to void on the site is historic (perhaps as much as 90 years old) and it is not considered that the site requires intervention to solve its perceived 'weak' townscape character or address its generous ratio of green space to built form, as suggested in the submission.

The proposed building is designed on a grandiose scale that ignores the context of the conservation area in favour of that of Finchley Road. When considering the Heath Drive elevation the building aligns with the ridge height of no.36 and takes no account of the falling gradient towards Finchley Road or the existing stepped relationship between nos. 36 and 37 – the existing ridge height of no.38 is a little higher than no.37 but its eaves steps accordingly. The width of the building is also significantly larger than the existing building and fails to relate to the scale and grain of the other buildings along the southeast side of Heath Drive, a grouping and relationship which the applicant themselves acknowledges. Furthermore, the application of neo Georgian detailing to a building of this scale results in a rather fussy elevation, particularly when combined with the double row of dormers that is not characteristic of other buildings within the conservation area.

Conclusion

To summaries, the existing building is considered to be of historic and aesthetic value to the conservation area and its loss would cause harm to its character and appearance. There are no clear public benefits that would outweigh this harm. Furthermore, the proposed building is of excessive scale and bulk, with a design that fails to relate sufficiently sympathetically to the context of the Redington/Froggnal Conservation Area.

Trees and biodiversity

The proposal would result in the loss of the following trees on the site:

- a cherry tree (16), a fruit tree (T17), a bay (T18), and a fruit and holly bush (G2) all of which are located in the rear part of the garden close to the boundary with No. 37 Heath Drive;
- 2 Magnolia Tree (T14 and G1) which is in the central part of the garden within the footprint of the proposed building.

These trees are not considered to be good quality specimens and provided limited amenity value. As such, their removal is considered acceptable.

The site comprises a number of mature trees around the boundary of the site which offer significant amenity value and contribute to the character and appearance of the conservation area. These trees provide an important break in the built environment and are to be retained and protected during construction. It is considered that the built structure and basement would not impact on the trees route protection zones. However, if this application were to be approved full details on landscaping and tree protection during construction would be required by condition.

The proposal results in the loss of a significant a soft landscaping through the footprint of the proposed building and the introduction of hard landscaping over the basement swimming pool. This is a concern with regard to loss of biodiversity and also in terms of sustainability. Full landscaping details as well as details of SUDS would be secured by condition if the application were to be approved. This is discussed in greater details in the sustainability section of the report.

Neighbour amenity

Core Strategy policy CS5 and Development Policy DP26 seek to ensure that the existing sensitive residential

amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, daylight and sunlight, noise and air quality.

The closest residential properties are:

- 264-270 Finchley Road which adjoin the site to the south east - a terrace of 3 storey houses,
- New property behind 270 Finchley Road to the east – a two storey property around a courtyard;
- 37 Heath Drive which adjoin the site to the north east – a detached two storey single family dwelling;
- 1-12 Albemarle Mansions to the north west of the site across Heath Drive – a four storey plus lower ground floor and roof accommodation mansion block;
- 35-45 Avenue Mansions to the west of the site across Finchley Road- a four storey red brick mansion blocks, plus basement level accommodation; and
- 25-34 Avenue Mansions to the south west of the site across Finchley Road -a four storey red brick mansion blocks, plus basement level accommodation.

Privacy and Overlooking

There is a minimum separation distance of over 30 metres between the proposed building and 1-12 Albemarle Mansions, 25-34 Avenue Mansions and 35-45 Avenue Mansions. This is sufficient distance to ensure that the proposal would have no impact on neighbour amenity in terms of privacy or overlooking.

264-270 Finchley Road – The proposed building would have windows on the side elevation which face towards 270 Finchley Road. At ground and first floor level these windows are proposed as clear glazed. The windows on this elevation at second floor level and above would be obscurely glazed. There are no windows on the existing side elevation of 270 Finchley Road as such there is no concern in relation to overlooking to this property. However, it is considered that the upper floor windows should be conditioned to remain obscurely glazed in order to prevent overlooking into the gardens of No. 264-270 Finchley Road.

New property behind 270 Finchley Road – The windows on the rear elevation of the proposed building would provide views toward the new property behind 270 Finchley Road. However, there would be a distance of over 18 metres between these windows and any windows at the property behind 270 Finchley Road. In accordance with guidance in CPG6-Amenity, 18 metres is considered to be sufficient distance to ensure that overlooking and loss of privacy would not be an issues.

37 Heath Drive – The proposed building would have windows on the side elevation which face towards 37 Heath Drive and could potentially result in harmful overlooking as these windows are located approximately 10 metres from windows on the rear elevation of No. 37 Heath Drive. In order to overcome this all the windows on this elevation are proposed as obscurely glazed. This is considered necessary to ensure the privacy of the occupiers of No. 37, therefore, if this application was to be approved a condition would be required to ensure the windows on this elevation remain obscurely glazed.

Daylight and Sunlight

An independent daylight and sunlight assessment, based on the guidance and methods contained in the Building Research Establishment (BRE) report “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (October 2011), accompanies the application. This guidance outlines the sequential tests including the Vertical Sky Component (VSC), the Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH). For the purposes of all tests, only the neighbouring residential habitable rooms are protected by planning policy and are therefore relevant. Furthermore, only the habitable windows that face within 90 degrees due south of the proposal are applicable for testing with regard to direct sunlight. The results of these tests will be examined in the following paragraphs.

The VSC is the most commonly applied test, and should it fail then it would be necessary to undertake an ADF test. The VSC is a measurement that represents the amount of available daylight from the sky received at the outside face of any window being tested. The BRE has determined that a VSC figure can be reduced by up to 27% (0.8 of its former value) before the daylight loss is materially noticeable. The following residential properties were tested.

- 264-270 Finchley Road – all windows passed the VSC test;

- New property behind 270 Finchley Road – all windows passed the VSC test;
- 37 Heath Drive - all windows passed the VSC test;
- 1-12 Albemarle Mansions - all windows passed the VSC test;
- 35-45 Avenue Mansions - all windows passed the VSC test; and
- 25-34 Avenue Mansions - all windows passed the VSC test.

These VSC results demonstrate that the development would not materially harm any neighbouring daylight, and therefore the next sequence of testing for ADF are not required.

Sunlight - With regards to sunlight good Annual Probable Sunlight Hours (APSH) levels are considered 25% for summer and 5% for winter. The results of the sunlight assessment for the neighbouring properties demonstrate that all 21 of the south facing windows assessed will comply with the BRE guide levels for annual and winter sunlighting.

Outlook and Enclosure

The acceptable levels of privacy and daylight/sunlight that would be maintained, consequently means that these neighbours would also retain good levels of outlook. For example, the part of the building closest to 37 Heath Drive which has windows facing toward the application site has been sensitively considered to be no higher than 2 storeys with a pitched roof so that the rear of 37 Heath Drive would still maintain good outlook to the south. Most of the additional height and bulk will be on adjacent to no. 270 Finchley Road which has no windows facing the application site. Therefore, there would be no sense of enclosure from No. 270.

Furthermore, the retention of the Trees on the boundary with Heath Drive and Finchley Road ensure the verdant outlook of the Mansions blocks on Finchley Road is maintained.

Air Quality

Protecting air quality in Camden is a key consideration especially along busy TfL roads. In accordance with policy DP32 the applicant has commissioned an independent Air quality Assessment in accordance with NPPF. The assessment concludes that the development will not give rise to a negative impact on air quality however air pollution emissions will be generated during the construction phase. However, providing mitigations measures are implemented air quality impacts during the construction phase are considered to be acceptable. Mitigations measures will be secured through the CMP which would be secured via a S106 legal agreement if the application were to be approved.

Refuse and recycling

All new developments are required to provide adequate facilities for recycling and the storage and disposal of waste in accordance with Core Strategy policy CS18 and Development Policy DP26.

A dedicated refuse and recycling store is shown on the site plan between the bike store and the front boundary. The position, location and size of the refuse and recycling store is considered adequate. The details design of the store has not been submitted with the application. If the application were to be approved full details would be required by condition to ensure the bin store would not harm the character and appearance of the host property and conservation area.

Transport

Car parking - Considering the site has a Public Transport Accessibility Level of (PTAL) of 5 (very good), and is located within a Controlled Parking Zone which is considered to suffer from parking stress, the development would be secured as car free through a s106 legal agreement in accordance with policy DP18 if the application were to be approved.

The site current has vehicular access from gates and a cross over on to Heath Drive. In order to ensure that the forecourt is not used for parking in the future it would be necessary to secure the removal of cross over. A financial contribution to cover this would be secured via S106 agreement should the application be approved.

Cycle parking - In accordance with policy DP17 and Appendix 2 of the Camden Development Policies, 27 cycle spaces are required. The ground floor plan shows that the existing garage would be converted for cycle parking. This Transport Officer has confirmed that the garage is of a suitable size, however full details of the cycle parking would need to be secured by conditions should the application be approved. Sheffield or josta style cycling stands are considered appropriate.

Construction management - Given the significant demolition and construction works located within a Conservation Area, close to neighbouring residential properties and a TfL road a Construction Management Plan is considered necessary and would be secured via S106 agreement should the application be approved.

Servicing – Given the location of the site which partly faces Finchley Road which forms part of the TLRN network a Servicing Management Statement would be required. This would be secured via S106 should the application be granted.

Environmental Improvements - A financial contribution would be required for additional pedestrian, cycle and environmental improvements in the wider area in order to help mitigate the impact of the increased trips to and from this site as a result of the development. This would be secured through a S106 agreement should the application be approved. This could be used towards cycle improvement schemes or other public realm improvements in the local area.

Highways Contribution - In order to cover the Council's cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment a financial contribution should be required to repave the footway adjacent to the site in accordance with policy DP16 and DP21. This would be secured through a S106 agreement if permission were to be granted.

Basement excavation

Policy DP27 and planning guidance CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

The proposal involves excavation to create a lower ground floor level and partial basement comprising a swimming pool. The proposed basement would extend under part of the dwelling and the rear part of the garden. It would be set away from the rear and side boundary of the site by a minimum distance of 1 metre.

The basement would have a maximum width of 26.9 metres and a length of 29.7 metres. The total area would be approximately 637 sqm. The main part of the basement would have a maximum depth of 2.4 metres below ground level and the swimming pool structure would have a maximum depth of 5.8 metres.

The application is accompanied by a Basement Impact Assessment (BIA). In accordance with CPG4 BIA's must be prepared by suitably qualified engineers. The BIA has been prepared by a chartered Civil Engineer who is a Member of the Institution of Civil Engineers but not a Chartered Geologist "CGeol". As such the Engineer has the relevant qualifications to undertake Surface flow and flooding and Land stability sections of the BIA but not the Subterranean (groundwater) flow section.

Without the appropriate qualifications the findings of Subterranean flow cannot be substantiated. Therefore, the proposal cannot be supported by the Council.

The BIA is based solely on desk based studies, there has been no on site investigations such as boreholes. The desk based study suggests the site is underlain by London Clay with a thickness of approximately 60 metres.

The report goes through the screening exercise recommended in CPG4 in respect of ground flow, land stability and surface flooding.

Subterranean flow - In respect of Subterranean flow the BIA does not answer 'Yes' to any of the Screening

question suggesting that the it is not necessary to take the report forward to Scoping stage However, the responses are contested by Officers.

Question 2 asks whether the site is within 100m of a watercourse. The response is that it is not within 100m of any water course. However, the report goes on to say that it is likely that a tributary of the River Westbourne has been incorporated into the sewer system along Heath Drive. This is an assumption and needs to be fully investigated to ensure the proposal would not result in adverse harm. As such, it is considered necessary to take the BIA forward to the Scoping and Site Investigations Stage in this respect.

Questions 4 and 5 relate to whether the proposed development would increase the proportion of hard surfaced area and result in greater run off. The BIA responds that there would be no change. However, the combined footprint of the new building and basement would substantially increase the area of hard surface at the site. As such, it is considered that the BIA should be taken forward to the scoping state in this respect as well.

Considering that the site conditions have not been fully investigated, and potential concerns fully explored, coupled with the fact the BIA has not been prepared by a appropriately qualified Geologist the BIA does not satisfactorily demonstrate that the proposed would cause damage to the Groundwater environment.

Land stability - In respect of Land Stability the BIA does answers 'Yes' to Questions 6 which asks whether any trees that would be removed as part of the works or any works proposed in root protection zones of any retained trees. Three Magnolia trees would be felled and there are some works with root protection zones. As such, the BIA should be taken forward to a scoping Stage.

Question 7 asks if there is any history of seasonal shrink swell subsidence in the local area. The report responds that London Clay is shrinkable but they are not aware of any evidence of damage to subsidence either on the subject property or an adjacent property. This is should be fully investigated in the scoping and site investigations sections of the report. However, unfortunately it is not.

Questions 8 refers to nearby watercourses. The response refers to the tributary of the former River Westbourne however this is not investigated any further in the report. This should be fully investigated including undertaking on site borehole investigations.

Question 9 inquires whether the site is in an area of previously worked ground. The response refers to information which suggests that it is an area of previously worked ground and other information which suggests to the contrary. This needs to be clarified.

Question 13 refers to differential depths of foundations at the application site to the neighbouring properties created as a result of the development. The proposal would result in differential depths. The BIA provides some information in regard to this including that a contiguous piled wall would be installed around the perimeter of the basement which would act as a retaining structure however, it is not considered that this has been fully investigated.

It is considered that the existing ground conditions and potential impact on land stability has not been sufficiently explored in order to ensure there would be no impact as a result of the development on land stability at the site and neighbouring properties.

Surface flow and flooding – In the response to question 2 and 3 the report acknowledges that there would be an increase in hard landscaping and building coverage, however the impact this will have on surface flow and flooding has not been considered. This is of particular concern given the comments made by Thames Water that the existing waste water infrastructure would not be able to accommodate the needs of this proposal and that all surface water should be disposed of using SUDs. No details of SUDs have been provided as part of this proposal. As such, it is considered that this should be investigated further before the Council can be confident that the proposal would not have an adverse impact on surface water flow or flooding.

It is considered that the information within the BIA does not suitably demonstrate that the proposal will maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area. The application should be refused for this reason.

Sustainability

Pursuant to Core Strategy policy CS13 and Development Policies DP22 and DP23 all developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

This requires developments to make the fullest contribution to tackling climate change in the following hierarchy: firstly by minimising carbon dioxide emissions, adopting sustainable design and construction measures (be lean), secondly prioritising decentralised energy (be clean) and thirdly incorporating renewable technologies (be green). The Energy Strategy submitted broadly follows the energy hierarchy.

In accordance with the London Plan and CPG3- Sustainability development should make a 40% improvement of the current 2010 Building Regulations with regard to carbon dioxide reduction targets.

Be lean: A range of passive design features and energy demand reduction measures are proposed to reduce the carbon emissions of the development. These include well insulated building fabric with low U values.

These measures would reduce CO2 emissions per annum, or 25.7% beyond what would be expected for a 2010 Building Regulations compliant scheme.

Be clean: The applicant has looked at the possibility of provided combined heat and power (CHP) however this is not suitable in this instance as the heating load of the building is not enough for the CHP system to run efficiently nor is the demand sufficient. The applicant has also looked at the option of connecting to a decentralised energy network, however, the site is not in close proximity to an existing nor a potential district heating network. As such, the be clean strategy for the site includes utilising low energy efficiency lighting such as LED lighting and highly efficient heating and hot water systems and natural ventilation rather than mechanical ventilation.

Combined be lean and be clean measures would reduce the CO2 emissions per annum, or 31.7% beyond what would be expected for a 2010 Building Regulations compliant scheme.

Be Green: The Energy Strategy appropriately assessed all the renewable technologies and justified why each of those would or would not be appropriate for the development. This led to the conclusion that 36 PVs could be installed on the roof of the building which would provide 11,502.6 kWh of electricity.

Combined be lean, be clean and be green measures would reduce the CO2 emissions per annum, or 32.% beyond what would be expected for a 2010 Building Regulations compliant scheme. There is a shortfall between what would be achieved and the 40% target set out in the London Plan. The applicant has not demonstrated that they have explored options to bring the CO2 reduction up to 40% beyond what is expected in the 2010 Building Regulations.

If this application were to be approved it would be subject the a S106 agreement to secure that reasonable endeavours are made to bring the CO2 reduction up to 40% beyond what is expected in the 2010 Building Regulations.

A Code for Sustainable Homes pre-assessment has been provided, which confirms that a rating of 'level 4' would be achieved. This is welcomed. CPG3 also requires that 50% of the un-weighted credits should be achieved in the categories of Energy, Water and Materials. 65% of the credits would be achieved in the Energy category, 67% in water and 50% in materials. This is welcomed.

With regards to water conservation, the Code for Sustainable Homes system envisages that there would be communal rain water harvesting. However details of this or other sustainable urban drainage solutions have not been detailed in the submission. This is of concern as Thames Water has advised that the existing wastewater infrastructure would not be able to accommodate the needs of this application. The Council's Sustainability Officer has also expressed concern in this respect. As such, all surface water should be disposed of using SUDs and rain water harvesting. Non-return valves should be used to protect the property from sewerage network surcharge. This would be secure by condition if the application were to be approved.

Other Planning Obligations

Open space

Policies CS15 and DP31 seek to secure the provision of adequate open space to meet local needs. CPG6 states that 9sqm of outside amenity space per bedspace as a reasonable contribution. For a site of this nature, the current unit mix would generate an open space requirement of 396sqm. As a payment in lieu (including all capital costs, maintenance and design/admin) the Council would expect £30,998 as financial contributions for the absence of the provision of open space for the 21 residential units. This would be secured via a S106 agreement should permission be granted.

Community facilities

Schemes which create additional demand for community facilities should make an appropriate contribution towards community (including healthcare) infrastructure either on site or in the immediate area in accordance with Policies CS10 and DP15. For a development of this nature, providing 21 new units, is considered to place a substantial demand on existing facilities in the area. Based on local guidance the Council would seek £980 per bedroom and £53,120 for the whole development. This would be secured via a S106 agreement should permission be granted.

Education contribution

A scheme of this nature, comprising 13 x 2-bed dwellings and 5 x 3-bed dwellings would attract a requirement for £60,379 [13 (2-beds) x £2213 = £28,769 + 5 (3-beds) x £6322 = £ 31,610 = £ 60,379] as a contribution towards provision of education facilities in the borough, for which there is a pressing need in the locality. This is in accordance with the calculations in CPG8. This would be secured via a S106 agreement should permission be granted.

CIL

This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £129,550 (£50 x 2591 sqm). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

Conclusion

The proposed demolition would result in the loss of a building which makes a positive contribution to the Redington/Frogna Conservation Area to the detriment of the character and appearance of the Redington/Frogna Conservation Area.

The proposed building, by reason of its height, mass, bulk and site coverage, fails to relate to the context of the Redington/Frogna Conservation Area, to the detriment of the character and appearance of the Redington/Frogna Conservation Area.

The proposed residential units at basement level, by reason of their poor outlook would result in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to their occupants.

The Basement Impact Assessments fails to demonstrate that the proposed development would maintain the structural stability of the host and neighbouring properties and would not adversely impact upon the local water environment and drainage.

The proposed development, by reason of the layout of the residential units, fails to meet the requirement to provide 10% wheelchair accessible units. The scheme therefore fails to provide independence and quality of life for wheelchair users.

The proposed development, in the absence of a legal agreement to secure an appropriate proportion of on site affordable housing or an Affordable Housing Deferred Contribution would fail to make a contribution towards

the supply of additional affordable housing within the Borough.

Recommendation: Refuse Planning permission