

Address:	Village Close Garages Belsize Lane London NW3 5AS		7
Application Number:	2014/3604/P	Officer: Seonaid Carr	
Ward:	Belsize		
Date Received:	29/05/2014		
Proposal: Demolition of existing garages and redevelopment of the site to provide a part three part four storey building comprising of 7 units (3 x 2 bed and 4 x 3 bed) and basement level for provision of parking, associated access and landscaping.			
Drawing Numbers: 080-01, 010-SU, 010-00 Rev P3, 010-01 Rev P3, 010-02 Rev P3, 010-03 Rev P3, 040-01 Rev P3, 040-02 Rev P3, 040-03 Rev P3, 040-04 Rev P3, Basement Impact Assessment by CGL dated February 2013, Arboricultural Impact Assessment Report by Landmark Trees dated 27th February 2013, Daylight and Sunlight Report by eb7 dated May 2013, Environmental Noise Survey by Hann Tucker Associated dated May 2013 and Sustainability Report and Energy Statement by eb7 dated May 2013.			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to Section 106 legal agreement.			
Applicant:		Agent:	
Belsize Garages Project Limited C/O Agent		Savills Lansdowne House 57 Berkeley Square London W1J 6ER	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Garages associated with neighbouring Dwelling Houses		688m ²
Proposed	C3 Dwelling House		1,524m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Proposed	Flat/Maisonette		3	4						

Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	18 Garages	0
Proposed	15	0

OFFICERS' REPORT

Reason for Referral to Committee:

This application is reported to the Development Control Committee as it involves the creation of more than 5 residential units [Clause 3(ii)] and involves the making of a Section 106 planning obligation for matters which the Director does not have delegated authority [Clause vi].

1. SITE

- 1.1 The site is located on the southern side of Belsize Lane, opposite Belsize Court Garages and near the junction with Belsize Place. To the west of the site is Belsize Village which comprises largely mid 19th Century 3 to 4 storey terraced properties, which are commercial at ground floor with residential above, these properties are located within the Belsize Park Conservation Area. To the east of the site, which is outside the conservation area, the character changes from an urban setting to suburban feel. The scale of development drops significantly and is of a lesser density. This area is characterised by semi-detached or groups of small scale domestic dwellings built in the mid 20th Century. Overall the area is predominantly residential with more commercial units found to the west within Belsize Village.
- 1.2 At street level the front boundary treatment reinforces the character and appearance of each distinct area. To the site and immediately opposite are high brick boundary walls. To the west, properties abut the pavement with shopfronts. To the east there are more generous front gardens with low boundary walls.
- 1.3 The site is not located within a conservation area, however it borders Belsize Park Conservation Area to the south, west and north.

2. THE PROPOSAL

- 2.1 Planning permission is sought for redevelopment of the site to provide a part three part four storey building comprising of 7 units (3 x 2 bed and 4 x 3 bed) and basement level for provision of parking, associated access and landscaping.
- 2.2 The proposed development, has the same contemporary design appearance as the previously refused scheme (see section 3 below), however the design have been amended. The difference between the current proposal and the refused scheme are as follows:
 - The front section of the top floor has been reduced by 0.5m;
 - The top floor of the development has been set back 0.5m from the buildings main front elevation;

- The design of the top floor has been revised to create a slimmer surround to the doors at this level;
- More consideration has been given to the materials of the proposed development and more detail has been provided on the type, texture and colour of the materials, the two end blocks would have a reddish brick and the inner three blocks yellow brick;
- The basement excavation has been increased by 1m to 2.15m to accommodate the overall reduction in height; and

- 2.3 As with the previous proposal, the building would read as five modulated elements, at the western side the building is built in line with the street frontage following this the four modules to the east would be set back from the front boundary of the site by 2.4m, 3.4m, 4.4m and 6.7m respectively. In its entirety the building would occupy the full width of the site.
- 2.4 In terms of height the ground to second floors would measure between 10.1m and 10.7m, the third floor would be set back from the front elevation at various depth between 2.2m to 5.4m terminating at a height of 12.5m, the height of 12.5m would be for a depth of between 2.6m to 3.7m to the rear the roof would rise up to 12.8m. The set back at the third floor level would accommodate terraces for the units.
- 2.5 The fenestration to the front elevation would be consistent with windows aligning both horizontally and vertically; at third floor level would be sliding doors with metal panelling leading onto the terraces. To the rear elevation the fenestration would also take a consistent approach and includes balconies at all levels.
- 2.6 The proposed basement level would provide car parking, cycle and refuse stores. It would be accessed via a ramp leading into the garage door located to the left side of the building (when viewed from the front elevation), this access arrangement is the same as the previous application. The basement would have a floorspace of 619.9sqm, there are no lightwells, the only external manifestation of the basement is the garage door. The majority of the basement would be 3.5m below natural ground level, at the point of the internal lift it would be 5.15m below natural ground level but this would only be for approximately 7.5sqm.
- 2.7 The building would be bound by a 2m high brick boundary wall with a centrally located gate to provide pedestrian access to the site. The proposed boundary wall would be constructed within perforated brickwork with the entrance gate being perforated decorative metal.
- 2.8 With regard to materials, the building would be constructed in brick with bronze finish balustrading to the first floor level windows. The second floor level window would be bound by glass balustrading. The third floor would be clad in a bronze effect metal with sliding doors and bronze effect metal mesh screens set into the front elevation of the third floor.
- 2.9 In addition to the design changes the applicant has submitted a new viability appraisal. The affordable housing appraisal has been revised to take into account changing costs, a reduced profit for the developer and includes further evidence to

support the use of an Alternative Use Value, which was a matter contested previously.

3. RELEVANT HISTORY

- 3.1 2013/4093/P – Planning permission was refused by Development Control Committee on 3rd April 2014 for demolition of existing garages and redevelopment of the site to provide a part three part four storey building comprising of 7 units and basement level for provision of parking, associated access and landscaping.
- 3.2 The application was refused on grounds of design. It was considered that the height, bulk, mass and detailed design of the proposal would result in a detrimental impact on the street scene, the character and appearance of the local area and adjoining conservation area. The application was also refused as it was considered the applicant had failed to adequately demonstrate that the proposed development would deliver the maximum reasonable amount of affordable housing.
- 3.4 This application has since been appealed to the Planning Inspectorate and will be decided at a Hearing in October 2014.
- 3.3 It is important to note there has been no material change to policy or circumstances onsite since the refusal of the above application. The current application seeks to address the two concerns raised previously, other aspects of the scheme remain the same since the Council has indicated as part of its earlier discussion that it considers them to comply with planning policy.

4. CONSULTATIONS

Conservation Area Advisory Committee

4.1 Belsize Conservation Area Advisory Committee

Objection on the following grounds:

- Appears to be overdevelopment;
- The appearance from the street is unresolved, looks like a stepped terrace of houses but behind are flats.

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	38
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

- 4.2 No letters of representation have been received to date.

5. **POLICIES**

5.1 **National Planning Policy Framework 2012**

5.2 **The London Plan 2011**

5.3 **LDF Core Strategy and Development Policies 2010**

LDF Core Strategy

CS1 Distribution of growth

CS4 Areas of more limited change

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 out 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

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

5.4 **Supplementary Planning Guidance**

Camden Planning Guidance (2011 (as amended 2013))

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG4 Basements and lightwells
CPG7 Transport
CPG8 Planning obligations

Belsize Conservation Area Statement (2003)
Fitzjohn's and Netherhall Conservation Area Statement (2001)

6. ASSESSMENT

6.1 As with the previous application, the principal considerations material to the determination of this application are summarised as follows:

- Land Use;
- Conservation and design;
- Impact of proposed basement;
- Mix and quality of proposed housing;
- Affordable housing;
- Impact on neighbour amenity;
- Transport;
- Trees;
- Sustainable design and construction;
- Waste; and
- Planning obligations.

Land Use

- 6.2 Members are reminded that the proposed land uses are the same as those in the previously refused application where no objection was raised on land use grounds.
- 6.3 The existing site is comprised of 18 garages which are owned by local residents, the garages were originally developed for the Village Close Housing Scheme. It is considered that the garages are an ancillary use associated with the neighbouring residential units. The Council does not have a specific policy that would seek to protect the loss of the existing garages; as such no objection is raised to their removal.
- 6.4 The proposed development would be wholly residential at ground to third floors with a basement car park providing 15 spaces. The 15 spaces are to be used solely by the existing owners of the garages and shall not be used by the new occupiers of the residential units, this element of the proposal will be discussed further below within the transport section.
- 6.5 In respect of the proposed land use, Policy CS6 seeks to maximise the supply of additional homes within the borough and DP2 states that the Council aims to maximise the supply of housing as it is the priority land use within the Local Development Framework. The site is located within a predominantly residential area and is considered a good location for new residential accommodation. The proposed development seeks to make more efficient use of the land than at present, re-providing the existing car parking in a more efficient manner and

providing alongside this much needed new housing. As such there is no objection to the proposed residential accommodation subject to all other material considerations being acceptable.

Conservation and design

- 6.6 Policies CS14 and DP24 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings. Furthermore Policy DP25 seeks to preserve and enhance the character and appearance of Conservation Areas.
- 6.7 General guidance on design is clear that Camden is committed to excellence in design and requires all schemes to improve the quality of buildings, landscaping and public spaces and the Council will not approve design which is inappropriate to its context or fails to improve the character of an area.
- 6.8 Paragraph 2.9 of CPG1 places particular emphasis on context and the fact that new development should 'positively enhance the character, history... and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area.'
- 6.9 As noted within the history section above, the previous application was refused on grounds of design. The height and scale of the development were raised as concerns, as was the type of brick to be used.

The revised proposal, has reduced the height of the front portion of the third floor level, thereby reducing the visual impact of this upper level, furthermore the metal surrounding the doors at third floor level has been reduced to aid in the top floor appearing more lightweight. Whilst the proposed changes between the refused scheme and this proposal represent relatively minor changes individually, cumulatively they are considered to have a sufficiently material impact on the visual impact of the development.

- 6.10 Lowering the height of the development and setting the top floor back reduces the impact of the development on the streetscene, it is of a scale which is clearly subordinate to the existing adjoining buildings. Officers consider the scale and height to be appropriate in the context of buildings in the surrounding area.
- 6.11 The development responds to the position of the site and groups of building either side of the site by stepping the front facades and modulating the top floors from the pavement edge as it moves eastward. The approach of positioning building A (western most building) directly at pavement edge and continuing the building edge to form the brick boundary of the site responds to the group of mid19th Century terraces located in the village centre to the east of the site and the predominance of high boundary walls in the area. The remaining building elements are progressively set back from the street edge softening the development's relationship with its residential neighbours and establishing a verdant setting. Building E (eastern most building) by contrast to building A is set back over 6m from pavement edge and is a storey lower to address the diminutive group of cottages to the east.

- 6.12 The accommodation is set well back from the perimeter of the buildings providing recessive top floors consistent with the scale and roofscape in the area. The roof storey follows the stepping of the main facades to ensure the development reads as a series of vertical elements respecting the established rhythm of the area.
- 6.13 The overall composition of the façades is familiar to the surrounding Victorian buildings. It incorporates repeating windows with varying detail to address the vertical hierarchy common in traditional architecture as found in the area. The form, siting and composition of the building was not raised as a concern as part of the previous application and no objection is raised here.
- 6.14 Concern was raised previously with regard to the bricks illustrated to be used as part of the previous application. As part of the current application further details of the proposed bricks have been provided. The use of a red brick to the outer elements of the proposal would ensure the development integrates with the neighbouring building, the use of yellow bricks to the inner element would relate well to the character of the neighbouring conservation area where yellow bricks are readily used. Brick is the preferred material in this location and it is considered the proposed bricks are appropriate in both texture and colour. The third floor is designed as a subservient roof storey in metal and glass. The success of the development is considered to depend on the appropriate use of high quality materials, detailed design and finished appearance. Conditions will secure the submission of detailed drawings and materials to ensure that this quality is achieved.
- 6.15 In light of the above, it is considered that the revised scheme is a high quality development which responds to local context. It seeks to pick up some traditional design features and materials, but is very much a contemporary building which will make a positive contribution to the built form of the area.

Impact of proposed basement

- 6.16 Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes for basements 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.
- 6.17 A Basement Impact Assessment (BIA) has been submitted in the form of a Desk Study & Basement Impact Assessment Report prepared by Card Geotechnics Limited (CGL). The report has been undertaken by appropriately qualified professionals.
- 6.18 The applicant has submitted the same BIA as the previous application. Given the boreholes that were dug for the BIA went to a depth of 6.45m and 20m, there is no objection with using the same report as the previous application. The previous basement involved excavating between 2.5m to 4m beneath natural ground level and the revised scheme would excavate between 3.5m to 5.15m.

6.19 No objection was raised with the previous application on the grounds of the impact of the proposed basement. Although the basement would be going 1-2.15m deeper underground, given the extent of the site investigations that were undertaken the impact of the revised basement is still considered acceptable. The assessment below is the largely the same as that of the previous application given the same BIA has been submitted.

Groundwater flow

6.20 Going through figure 1 of CPG4, at the screening stage it was unknown if the basement would extend beneath the water table (question 1b) and if more surface water than present would be discharged to the ground (question 5). It was also noted that the site is within 100m of a watercourse, well or potential spring line(question 2). As such these matters were taken forward to the scoping stage and given the unknown answers a site investigation was undertaken.

6.21 In response to question 1b, it is noted that based on nearby information, there is unlikely to be groundwater within the relatively impermeable London Clay. In respect of question 5, the report notes that it is assumed the existing drainage routes will be maintained, the cohesive ground conditions are unlikely to be conducive to the use of infiltration based drainage. With regard to question 2, a former watercourse and pond was identified to the north of the site, however the BIA states it is unlikely to affect ground or groundwater conditions at the site.

6.22 At the screening stage it was identified that without a specific ground investigation the ability to analyse and quantify groundwater movements resulting from the basement construction is subject to significant uncertainty. As such a site investigation was undertaken, two boreholes were drilled to a depth of 20m(BH1) and 6.45m(BH2) between 7th January 2013 and 8th January 2013. The investigations identified that the ground is formed of Made Ground for a depth of 0.2m under the existing concrete, beneath this is weathered London Clay for a depth of up to 8.2m with London Clay for the remaining depth that was surveyed.

6.23 It is noted within the BIA that there is the potential for perched water within the shallow made ground, however this will be of a limited volume and flow rate and underlain by impermeable clay. Localised sump pumping will be used to control groundwater ingress during construction, should it be encountered. CGL have confirmed that the increased basement depth would not have an impact on the movement of shallow groundwater in the area.

Slope stability

6.24 In response to figure 2 of CPG4, the report has answered yes to London Clay being the shallowest stratum on site. At the screening stage the history of the shrink/swell subsidence was not known, the development is within 5m of a highway or pedestrian right of way and the basement would be constructed in close proximity to existing residential properties. The preceding points will be taken forward to the scoping stage and the impact assessment.

6.25 Having undertaken further investigation, the BIA has outlined a construction sequence to minimise the impact on neighbouring properties. Based on the construction scheme envisaged, ground movements have been analysed to

provide an indication of the potential damage to neighbouring buildings. The movements calculated would indicate that structural damage of neighbouring properties, 25 Belsize Lane and 16 Belsize Garage are not anticipated to exceed Category 1 (very slight) under the Burland Category. It is important to note this is the worst case value. The revision to the scheme would not result in a significant increase in the movement of adjoining buildings or an increase in the Building Damage Category for adjoining properties and infrastructure.

Surface water flow and flooding

- 6.26 With regard to figure 3 of CPG4, at the screening stage the BIA noted that the proposed site drainage was unknown at this time, however, it was likely that existing drainage routes would be maintained. It is noted that Belsize Lane flooded in 1975. As such these points have been carried forward to the scoping stage for further investigation.
- 6.27 With regard to drainage, the proposed development would introduce garden areas to the site which will assist in attenuating surface water and reducing peak run off in relation to the existing situation, given it is currently garages and concrete paving. As such the anticipated level of surface water run off is likely to reduce. It is anticipated that surface water will join the existing drainage infrastructure. A condition will be used to secure details of a sustainable urban drainage system.
- 6.28 The site lies outside an Environment Agency Flood Zone although it is highlighted as a street that flooded in 1975. The proposed ground floor level is raised slightly above the existing ground level as such this would reduce the risk of flooding to habitable areas of the development. The detailed design of the basement will need to incorporate appropriate drainage to alleviate potential basement flooding. It is also important to note that no habitable accommodation is located within the basement area.
- 6.29 In light of the above it is considered that the proposed basement excavation would not cause harm to the built and natural environment and would not result in flooding or ground instability. Furthermore a Construction Management Plan would be secured via a Section 106 legal agreement to ensure the development would not cause undue harm to local amenity. Therefore the development would accord with the objectives of Policy DP27.

Mix and quality of proposed housing

- 6.30 No objection was raised with regards to the previous application on the grounds of unit mix or standard of accommodation. As with the previous application, the development would provide seven new residential units, 3 x 2 bed and 4 x 3 bed, all units would be market housing. DP5 requires 40% of market units to be 2 bed, the development would provide 42% 2 beds as such no objection is raised. 3 bed units are a medium priority. It is considered the proposed mix would be acceptable and in accordance with DP5.
- 6.31 All units would exceed the required space standards as set out in both CPG2 and The London Plan. The space sizes are set out in the table below:

Unit No. and level	No. of Beds and occupancy	Unit Size (sq m)
1 – Ground Floor	2 bed 4 persons	179
2 – Ground Floor	2 bed 3 persons	109
3 – First Floor	3 bed 5 persons	217
4 – First Floor	2 bed 3 persons	152
5 – Second Floor	3 bed 5 persons	216
6 – Second Floor	2 bed 4 persons	147
7 – Third Floor	3 bed 5 persons	225

- 6.32 Due to the footprint of the building, it lends itself to two units per floor with a central core. The ground floor would have an internal head height of 3m, the first and second 2.7m and the fourth floor 2.4m, as such all floors would exceed the required internal head height. The standard of accommodation in respect of floorspace would be very good.
- 6.33 In terms of levels of light received into the proposed units, all rooms would be served by multiple windows, allowing good levels of light to be received by all rooms. All of the living areas would be south facing, thereby maximising the levels of sunlight received into the main habitable areas of each unit. As such it is considered the development would provide a good standard of accommodation in regard to light levels.
- 6.34 With regard to outlook, all units would benefit from good levels of outlook with the main habitable areas served by large windows appropriate for the unit size. In addition all units would appreciate good levels of privacy.
- 6.35 In terms of amenity space, the development would benefit from a communal garden to the rear of the building, measuring 125sqm, this would exceed the 57sqm that is required under the London Plan (7sqm per 2 bed and 9sqm per 3 bed). Balconies would also be provided to units 3 to 7, both of which would be family sized units. As such the development would provide adequate private amenity space on site for future occupiers.
- 6.36 With regard to noise, the application site is located within a predominantly residential area. The proposed residential buildings would not experience undue levels of noise. All rooms would be appropriately stacked, with sleeping areas located to the front of the building and living areas to the rear, to ensure minimal levels of noise are transferred between floors. Although the sleeping rooms would be located adjacent to the road, a number of the rooms would be set back a considerable distance from the road by virtue of the design of the building. The front boundary wall would act as a noise buffer to the ground floor units, at first floor one bedroom would be directly on the road, however, the site is located in a relatively quiet residential area, it is not considered it would cause significant harm to the amenity that would be experienced by future occupiers. Internally the lift would be the only servicing equipment within the building and as this would be located centrally away from sleeping areas it is not considered to cause harm to the levels of noise experienced by future occupiers.
- 6.37 Policy DP6 requires all new homes to comply with Lifetime Homes criteria as far as

practically possible. The applicant has submitted a Lifetime Homes Assessment which addresses the 16 criteria demonstrating how the Lifetime homes will be achieved and this is reflected in the drawings and will be secured via condition.

- 6.38 In light of the above the proposed development would provide a good standard of accommodation for future occupiers and no objection is raised in this regard.

Affordable housing

- 6.39 The proposed residential accommodation would create over 1,000sqm of residential floorspace, this therefore triggers an affordable housing requirement in accordance with DP3.
- 6.40 A financial viability appraisal accompanies the application. The appraisal is based on the Greater London Authority's Development Control Toolkit Model. This appraisal has been updated to take account of the revised proposals. The appraisal has been independently reviewed by BPS.
- 6.41 The previous application was refused for the following reason:
- 'The applicant has failed to demonstrate that the proposed development would deliver the maximum reasonable amount of affordable housing, contrary to policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.'
- 6.42 During the Committee meeting Members expressed concern regarding the methodology used to carry out the viability appraisal and as a result concerned that the proposed affordable housing contribution was not the maximum which could be achieved.
- 6.43 It was established as part of the previous application that a payment in lieu would be acceptable, rather than seeking on-site provision, given the small scale of the development and that it would only result in the need for one affordable housing unit on site, it was not considered practical or financially viable for it to be provided on site. Members did not raise objection to the principle of a payment in lieu.
- 6.44 A full policy compliant payment for this scheme would amount to £523,000, as it did with the previous application. Within the previous application the applicant was proposing a payment of £163,000. Within the current scheme the applicant is proposing a payment of £390,000.
- 6.45 In terms of the changes to the methodology used, these are relatively minor but the independent reviewer BPS considers that the appraisal is robust and the proposed sum is the maximum amount which can be provided.
- 6.46 Members concern with the previous application was the use of an Alternative Use Value (AUV) to calculate the viability. The applicant has again used an AUV for benchmarking purposes. However to support this they have provided a Market Value approach based on a valuation by Colliers. BPS consider this additional

information lends further support to the credibility of the proposed benchmark value and reinforces the conclusion that the approach is appropriate in this particular case.

- 6.47 It is important to note that CPG2 accepts AUV as a method for deriving a benchmark figure for viability purposes where it relates to a valid planning permission or if confirmed by officers as being suitable. Given the advice from BPS, use of AUV is considered appropriate in this case and the alternative proposal is considered by officers as being suitable. The AUV uses the value of having five single dwellings on the site, which would be likely to be considered acceptable in planning policy terms.
- 6.48 There has been an increase in the proposed payment in lieu for the following reasons:
- Sales values have been updated following advice from local agents Goldschmitt & Howland this is supported by recent comparable sales evidence.
 - Build costs have been slightly adjusted due to build cost inflation, these are considered to be at a reasonable level.
 - The developer would take a reduced profit, this has been reduced from 20% to 17% on both the proposed scheme and the AUV, this acts to improve viability by increasing the development surplus (by virtue of the developer making less profit).
 - Car parking values has also been increased so that the overall revenue increases from £400,000 to £600,000.
- 6.49 BPS consider that the applicant could justify a lower level of viability having regard to market acceptable assumptions reflecting their previous position, however BPS consider that the changes the applicant has made have been done so to reflect the concerns of Members during the previous Committee.
- 6.50 BPS have concluded that effectively the current offer reflects a break-even point, however they consider a lower offer could be justified. With that in mind BPS consider the £390,000 is the maximum reasonable offer the scheme can viably support.
- 6.51 Residual values are highly sensitive to change in costs and values and for that reason BPS have recommended the Council seek agreement via a Section 106 for a deferred contribution based on outturn costs and values so any improvements in viability can result in additional affordable housing contributions becoming payable. Such a clause will be secured via a Section 106 legal agreement should planning permission be granted.

Impact on neighbour amenity

- 6.52 In terms of the relationship with neighbouring properties, the top floor has been reduced in height by 0.5m to the front section of the building. Furthermore the front

section has been set a further 0.5m from the front building line of the building. As such the impact on neighbouring residents to the north would be improved and to all other directions would remain the same as the previous application. Given this the applicant has provided the same daylight and sunlight report as the previous application and the assessment below is the same as the previous application.

Daylight and sunlight

- 6.53 The application has been supported by a daylight and sunlight report. The report considers the impact on the following properties which neighbour the site:
- 9 Belsize Court Garages;
 - 2-8 Belsize Lane;
 - 8 Village Close;
 - 16 Village Close;
 - 21 Belsize Avenue and
 - 13-19 Belsize Avenue.
- 6.54 Although No.25 Belsize Lane is a residential property it does not appear to have any site facing windows serving habitable rooms and as such is not assessed within the report.
- 6.55 The report has demonstrated that the following properties would continue to receive daylight and sunlight as recommended by the BRE guidelines as a result of the development:
- 9 Belsize Court Garages;
 - 2-8 Belsize Lane;
 - 8 Village Close;
 - 16 Village Close and
 - 21 Belsize Avenue.
- 6.56 To the south of the site is a block of residential flats, No.15 Belsize Avenue, although the report notes the block as Nos.13-19 Belsize Avenue. This neighbour is located approximately 40m from the nearest rear building line of the proposed development. Between the application site and this neighbouring building are a row of evergreen trees, to present the worse case scenario these have been included within the analysis.
- 6.57 In terms of daylight, the report notes that all windows at ground, first and third floors comply with the BRE guidelines and will not experience a noticeable loss of daylight. On the second floor a number of windows are recessed and overhung by the third floor level. Therefore as existing the windows at second floor level experience low existing levels of daylight. The report notes that seven windows within the second floor level would see a proportional reduction in daylight in excess of the BRE guidelines. However the BRE guidelines suggest that when windows see a loss of light as a result of a self limiting feature (such as an overhang at an upper level) they should be compared to similar windows on the façade that do not have such a feature. All windows which are not overhung would comply with the BRE guidelines, as such the loss of light can be directly attributed to the overhangs. It is also noteworthy that the rooms which these windows serve are served by other windows which do not see a loss. As such the proposed

development would not cause harm to the level of daylight received by these neighbouring properties.

- 6.58 With regard to sunlight, no windows would be within 90 degrees due south and as such a sunlight assessment is not required.
- 6.59 In terms of outlook, the proposed development is not considered to cause harm to the outlook enjoyed by neighbouring residents. The building has been designed so it is sited directly on the street to the western corner and then steps back towards the east. Therefore its appearance from neighbouring residents would not be unduly dominant by virtue of its design.
- 6.60 With regard to privacy of neighbouring residents, there would be balconies located to the south of the proposed building, the closest balcony would be 35.1m from the rear elevation of No.15 Belsize Avenue and over 40m from the rear of No.21 Belsize Avenue as such it would not result in undue overlooking to neighbouring residents. There would be a window located on the side elevation of the building serving the kitchen of Unit 2 at ground floor level, given this would be at ground floor it would not cause harm to the amenity of neighbouring residents. The windows to the front elevation would not cause harm to the privacy of residents opposite given they would be separated by the road.

Transport

- 6.61 It is important to note that no objection was raised on transport grounds with the previous application, there have been no amendments to this element of the proposal and as such the assessment below is the same as the previous officer report.
- 6.62 The northern part of the site has a PTAL of 4 and the southern a PTAL of 3 with moderate to good access to public transport and is located within the CPZ CA-B.
- 6.63 Car parking
As the site exists it contains 18 garages which were built to serve the Village Close Housing Scheme adjacent to the site on the north and south. The proposed development would re-provide 15 car parking within the basement level, these would be retained for the existing owners of the garages, the occupiers of the residential units above would not have access to the car parking. The application separates the car parking area so that the occupiers of the new units would have access to the basement for refuse and cycle storage only. There is a door which would allow access to the car parking area via the platform lift to allow pedestrian access to the car park. A condition will be used to ensure that the door leading into the car parking area would be operated with an electronic fob for use only by owners of the garages and that occupiers of the new residential units shall not have access to the car park area.
- 6.64 The proposals are reducing the overall quantum of car-parking on the site from 18 garages to 15 underground car parking spaces. This reduction is welcomed as it reduces the reliance on private motor vehicles. To ensure residents of the new

units do not have access to the car parking at basement level a Section 106 will be used to secure the development as car free.

6.65 With regard to vehicular access to the car park, a waiting area off the highway has been provided that does not require a vehicle to wait on the public highway to gain access to the maintained basement car-park. A Servicing Management Plan will be secured via a Section 106 to ensure the management of vehicles coming and going from the site would not impact on the adjacent highway.

6.66 Cycle Parking

Camden's Parking Standards for cycles have been superseded by the London Plan 2011 standards. This requires one storage or parking space per 1-2 bed residential unit, and two per 3-bed unit. This would equate to 11 spaces for the seven flats proposed. There is currently a draft amendment of the London Plan which has yet to be adopted, this would require 2 spaces per dwelling given the size of these dwelling equating to 14 spaces.

6.67 The development is proposing 10 cycle spaces within the basement level within a cycle storage room, these would be accessed by a 2m x 2m lift and 4 cycle spaces at ground floor level, set behind the front boundary wall. The details of the cycle storage at ground floor level has not been provided, however this can be secured via condition. The proposed cycle parking would be provided with level access, the spaces within the basement would be secure and as such no objection is raised to the provision of cycle parking.

6.68 Construction Management Plan

Although the site is not located within a Conservation Area it borders the Belsize Conservation Area to the north on the opposite side of the road. The proposals will involve excavation works in order to construct the basement. The Council will require a Construction Management Plan to be submitted and approved prior to works commencing on site. This would be secured by a Section 106 Agreement. The aim of the plan is to minimise disruption to the transport network, pedestrian safety and any disruption from noise, dust and general construction works in accordance with CS5, DP20 and DP26.

6.69 Highways Contribution

The proposal includes works adjacent to the street. The footway and the vehicular crossover adjacent to the site are likely to be damaged as a result of the proposed works. The footway and the vehicular crossover would therefore need to be repaved following completion of the works as supported by DP21. The Council would require a financial contribution to cover the costs of such highway works. This would be secured by a Section 106 Agreement.

Pedestrian, Cycling and Environmental Improvements

6.70 Given the scale of the proposed development, an increased number of walking trips between the site and nearby transport interchanges would be generated as a result of the development. These additional trips would have an impact on the surrounding footways and public transport facilities. Camden would require a financial contribution towards Pedestrian, Cycling and Environmental

Improvements in the local area. Camden's Core Strategy details a number of strategic transport projects which are currently being developed in the borough (pages 170 to 176). It is likely the contributions would be used to support one of these projects.

Trees

- 6.71 No objection was raised with regard to the impact on trees within the previous application, as there has been no change in this respect the applicant has provided the same Arboricultural Impact Assessment as the previous application. The assessment below is the same as that of the previous officer report.
- 6.72 There are several mature trees to the rear on the adjoining site to the south, these have been identified as Leyland Cypress trees and mature Ash and Sycamore. The applicant has provided a tree report to support the application.
- 6.73 The majority of the trees on the adjoining site can be retained and the proposed development would not cause significant harm to these trees or their root distribution due to the level differences on site. A condition will be used to secure details of tree protection during construction.
- 6.74 One ash tree would be felled as a result of the works due to its subdominant canopy status and poor confirmation. No direct replacement would be provided. It is considered this would be acceptable given the surrounding trees would fill the space left by the tree and there would be no adverse visual impact on the area as a result of its loss.

Sustainable design and construction;

- 6.75 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.
- 6.76 The applicant has provided the same Sustainability Report and Energy Statement as the previous application, given no objection was raised to this previously and there has been no change to the approach to sustainability with the current proposal no objection is raised to the submission of the same statement. As per the previous application, the development would incorporate a range of carbon-saving measures in line with the Be lean, Be Clean and Be Green energy hierarchy. These would include the use of PV cells to the roof, high levels of insulation and airtightness, fenestration and control systems to optimise the performance of the building services to suit occupancy patterns.
- 6.77 A Code for Sustainable Homes pre-assessment has been submitted in support of the proposal. The report estimates that the development would meet Code Level 4, in accordance with DP22. It is also noted that there would be an overall reduction of 43% of carbon emissions. To ensure the development delivers these a design and post-construction assessment is to be secured via a S106 legal agreement.

Waste

- 6.78 As with the previous application, the development proposes a refuse storage area located in the basement level with an area at ground floor for bins to be stored whilst awaiting collection. To ensure that this happens and that bins are not left out on the public highway after collection, it is considered necessary to secure a waste management plan by condition.

Planning obligations

- 6.79 Based upon the formulas outlined in CPG6 and CPG8 the following financial contributions will be secured via a Section 106 legal agreement:

- Public open space contribution of £13,180.
- An education contribution of £31,927 is required.
- Affordable housing contribution of £390,000.
- Highways contribution to be confirmed.
- Pedestrian Cycling and Environmental Improvements contribution of £14,000

- 6.80 The Section 106 would also have the following heads of terms:

- Car free;
- Construction Management Plan;
- Servicing Management Plan;
- Sustainability and Energy Plan;
- The car parking within the basement shall be tied to the existing owners of the garages;
- Deferred affordable housing contribution;

Mayoral CIL

- 6.81 Due to the creation of residential units the development would be liable to pay the Mayoral CIL. Within Camden this is charged at a rate of £50 per square metre. As the development would create 1,524sq m it would generate a CIL payment of £76,200.

7. CONCLUSION

- 7.1 The revised proposal is considered to have made sufficient changes to both the design and viability appraisal to have overcome the previous reasons for refusal. The development is considered to be an appropriate land use with a well considered design which takes account of the wider area and its sensitive location adjacent to two conservation areas. The development would not harm the amenity currently enjoyed by neighbouring residents and with a Section 106 legal agreement to secure the points in paragraph 6.80 and 6.81 it is considered any impact of the development would be suitably mitigated.
- 7.2 The development would be appropriate and in accordance with relevant national and regional guidance, Core Strategy and Development policies and Camden

Planning Guidance for the reasons noted above.

7.3 Planning Permission is recommended subject to a S106 Legal Agreement.

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: TBC

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 No development shall take place until detailed drawings and/or samples of materials as appropriate, in respect of the following, have been submitted to and approved in writing by the local planning authority:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.

d) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.

c) Details elevations and section showing typical facing brick arrangement including expansion joints vertical and horizontal banding;

d) Samples and manufacturer's details of new facing materials including brickwork, windows and door frames, glazing, balconies, balustrades, metal panels and any other facing materials shall be submitted to and approved by the local planning authority prior to commencement of the development and implemented in accordance with any such approval.

In addition a sample panel of brickwork no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond, pointing, expansion joints and vertical and horizontal banding, shall be erected on site for inspection for the local planning authority.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the

works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 6 Prior to commencement on the relevant part of the development, details of the cycle parking at ground floor level and basement level shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to the commencement of the relevant part of the development details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of

maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 9 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 10 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the

requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 11 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change and demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 12 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Before the development commences, details of a waste management plan including the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The door located at basement level between the car parking area and the communal hall shall have an electronic key fob with owners of the car parking spaces only having access to keys.

Reason: To control access to the car parking area for owners of the car parking spaces only and not the occupiers of the residential units in the interests of community safety policy CS17 of the London Borough of Camden Local Development Framework Core Strategy.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.


Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a

further grant of planning permission.

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



	<p>Application No: 2014/3604/P</p> <p>Village Close Garages</p> <p>Belsize Lane</p> <p>London NW3 5AS</p>	<p>Scale: 1:1250</p> <p>Date: 8-Aug-14</p>	<p>N</p> 
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2014/3604/P Village Close Garages



Aerial view of site



Proposed front and rear elevations

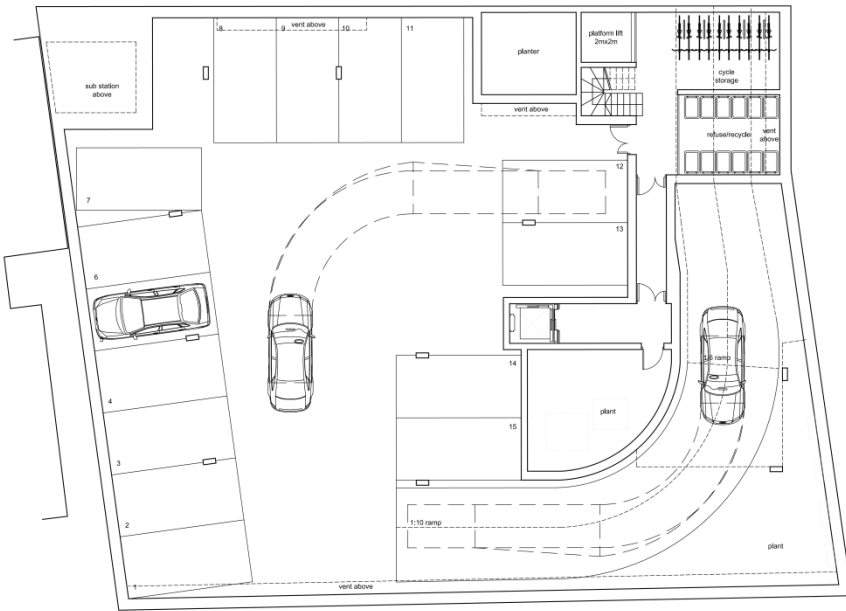


posed north facing elevation (Belsize Lane)

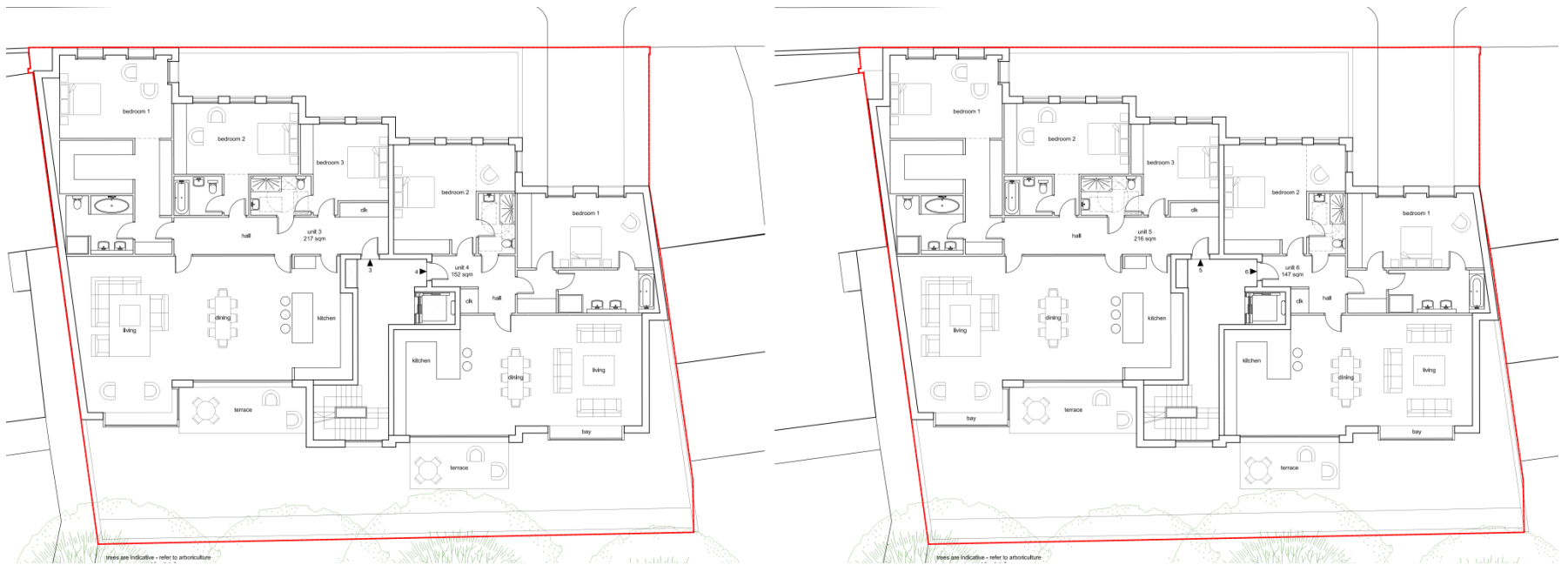


posed rear facing elevation

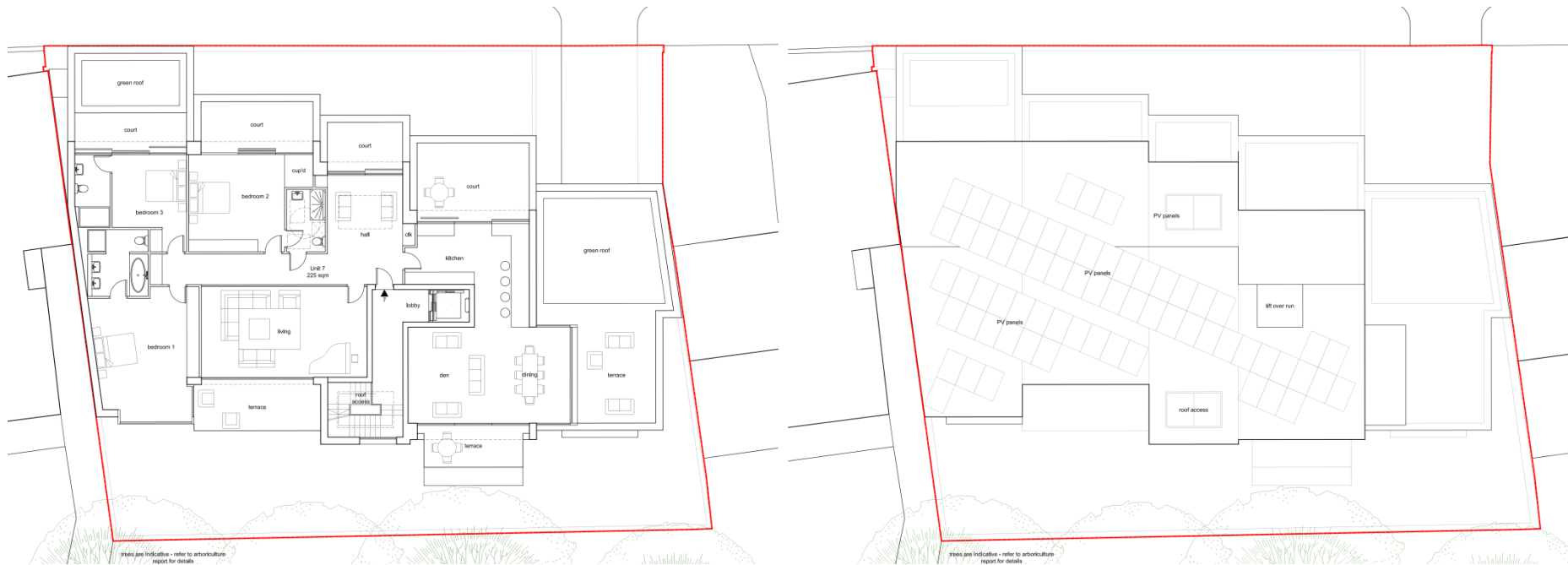
Proposed basement and ground floors



Proposed first and second floor



Proposed third floor and roof plan





Existing view to
Belsize Villages



Entrance to site and neighbouring
property to east



Neighbouring properties to west