

Delegated Report		Analysis sheet	Expiry Date:	03/04/2017
		N/A	Consultation Expiry Date:	13/04/2017
Officer			Application Number(s)	
Tessa Craig			2017/0323/P	
Application Address			Drawing Numbers	
59 Redington Road London NW3 7RP			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Excavation of front forecourt to create underground car parking with hydraulic lift platform				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	00
	No. electronic	00		
Summary of consultation responses:	A site notice was displayed 17/03/2017- 07/04/2017 and a press notice was advertised on 23/03/2017. No responses were received from neighbours.			
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Heath & Hampstead Society object to the application on the following grounds:</p> <ul style="list-style-type: none"> • Loss of front garden harmful to building and conservation area; • Risk of people falling into stacker when lowered; • Ventilation of basement likely to include noisy plant equipment. <p>Redington Froggnal Association object to the application on the following grounds:</p> <ul style="list-style-type: none"> • Increases capacity for carparking and promotes vehicle use; • Impact on subterranean water; • If granted, should include 50% of forecourt returned to garden. 			

Site Description

The application site comprises a detached 2 storey property situated on the south western side of Redington Road, close to its junction with Redington Gardens. The property is occupied as a single family dwellinghouse.

The property is not listed but is located within the Redington/Frognaal Conservation Area and is identified in the Conservation Area Statement as making a positive contribution to the Conservation Area. The site has hydrological, subterranean (groundwater) flow, surface water flow/flooding and slope stability constraints.

Relevant History

2004/0601/P - Planning permission was granted on 23 April 2004 for the excavation of a new swimming pool and the erection of an associated pitched roof single-storey enclosure, with dressing room within the rear garden area and a pergola connecting the main house with the pool. This permission had a 5 year implementation date, which expired on 23 April 2009.

2009/0683/P- Erection of a covered swimming pool and associated single storey enclosure to the rear of the existing dwellinghouse. Granted, 17/07/2009. This permission had a three year implementation period and expired on 17/07/2012.

2015/2820/P- Extension of existing rear bays at ground and first floor, changes to rear fenestration, replacement rear dormer and alterations to front lightwells. Granted, 16/09/2015.

2015/5882/P- The excavation of a new swimming pool and erection of associated pitched roof single-storey enclosure with dressing room within the rear garden area and a pergola connecting the main house with the pool. Granted, 05/05/2017.

2016/4230/P- Variation of condition 3 (approved plans) of planning permission 2015/2820/P granted 16/09/2015 (for extension of existing rear bays at ground and first floor, changes to rear fenestrations, replacement rear dormer and alterations to front lightwells) namely for alterations to fenestration details at front, both side elevations and rear elevation (including revised balustrades) and installation of additional rooflights. Granted, 10/10/2016.

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2015

Camden Local Plan 2016

G1 Delivery and location of growth

A1 Managing the impact of development

A2 Provision and enhancement of open space

A3 Protection, enhancement and management of biodiversity

A4 Noise and vibration

A5 – Basements

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC5 Waste

T1 Prioritising walking, cycling and public transport

T2 Car-free development and limiting the availability of parking

DM1 Delivery and monitoring

Camden Planning Guidance

CPG1: Design (2015)

Chapters:

- 2 - Design excellence;
- 6 - Landscape design and trees

CPG4: Basements and lightwells (2015)

Chapters:

- 2- Basements and lightwells
- 3-Assessing the impact of basement development
- 4- Impacts to neighbours from demolition and construction

CPG6: Amenity (2011)

Chapters:

- 4 - Noise and vibration;
- 5 - Artificial light;
- 6 - Daylight and sunlight; &
- 7 - Overlooking, privacy and outlook

CPG7: Transport (2013)

Chapters:

- 6 - On-site car parking
- 7 - Vehicle access
- 8 - Streets and public spaces

CPG8: Planning Obligations (2015)

Chapters:

- 3- Amenity
- 5- Design
- 10- Transport

Redington/Frogna Conservation Area Statement January 2003

Assessment

1. Proposal

- 1.1. Planning permission is sought for the installation and excavation of a basement level car parking space accessed via the front forecourt via a hydraulic platform. The excavated basement level would provide space for two cars (one on the platform). The excavated area would be 5.2m by 11.435m, 3.365m deep and would have space for a 5m diameter turntable.
- 1.2. The existing site has capacity to accommodate 3 on-site car parking spaces within the driveway/front forecourt. The proposal would retain these car parking spaces. The applicant has included works at the rear of the property in the proposed plans, however these works are already consented (2015/2820/P dated 16/09/2015).

2. Assessment

2.1. The main issues for considerations are:

- Transport
- Design and heritage
- Impact on the neighbouring amenity
- Basement
- Construction Management Plan
- Highways contribution

Transport

2.2. Policy T2 (Parking and car-free development) states that in order to lead to reductions in air pollution and congestion and improve the attractiveness of an area for local walking and cycling the Council will limit the availability of parking within the Borough. Specifically, this policy states that in order to achieve this, the Council will limit on-site parking to spaces designated for disabled people where necessary, and/or essential operational or servicing needs. The policy also states that development of boundary treatments and gardens to provide vehicle crossovers and on-site parking will be resisted.

2.3. Policy 6.13 of the London Plan 2016 which aims to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Furthermore, core planning principle of the National Planning Policy Framework (the Framework) is to promote the fullest possible use of public transport, walking and cycling.

2.4. The existing forecourt can accommodate at least three cars which would be retained with the proposal. The underground basement level would be able to accommodate an additional two car parking spaces (one on the stacker and one next to it). The proposed scheme would total five car parking spaces therefore be contrary to the policy T2 (Parking and car free development) of the Camden Local Plan as it would result in additional car parking on-site and promotes the car ownership, solely by the occupants of the application building. The proposal would therefore be in direct conflict with the Council's aim to promote sustainable transport uses and minimise the use of private motor vehicles.

Design and heritage

2.5. Policy D1 of the Camden Local Plan seeks high quality design respecting local context and character. More specifically, Policy D2 requires development preserve or enhance the

conservation area and preserve garden space contributing to the character and appearance of the conservation area.

2.6. The property already benefits from vehicle crossovers (two) and hardstanding (brickwork) on the forecourt. The proposal would not change this, although a turntable would be added to the forecourt. Given the forecourt is already paved over, there would be no loss in garden space as a result of the proposal. The development is not considered to harm the character of the property or the conservation area.

Impact on the neighbouring amenity

2.7. The proposal would not result in a reduction of sunlight, daylight, outlook or privacy to the neighbouring properties. The proposal is therefore considered to be acceptable in this respect.

Basement impact

2.8. Policy A5 (Basements) states that basements will only be permitted where it is demonstrated there would be no harm to neighbours, structural, ground and water conditions. Policy A5 further states applicants are required to provide a Basement Impact Assessment demonstrating risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight' and no damage to the water environment including drainage and run-off. Camden Planning Guidance 4 (Basements and lightwells) provides specific guidance for the level of information required by the applicant along with the process for Basement Impact Assessment audits. The site is in an area of constraints including hydrological, subterranean (groundwater) flow, surface water flow/flooding and slope stability constraints.

2.9. CPG4 advises the stages required for a BIA are:

- Stage 1 -Screening;
- Stage 2 -Scoping;
- Stage 3 -Site investigation and study;
- Stage 4 -Impact assessment; and
- Stage 5 -Review and decision making

2.10. The applicant submitted "Basement Garage Screening and Scoping – Land Stability prepared by Key GS dated October 2016" detailing slope stability and ground movement. In accordance with Policy A5 and CPG4 the screening and scoping report prepared by Key GS has been externally audited on behalf of Camden Council by Campbell Reith consulting engineers. Campbell Reith advised the BIA submitted by the applicant required further information, particularly to substantiate ground conditions, construction methodology and potential impacts to surrounding structures / highway to close out the land stability assessment. Hydrogeology and hydrology information was also required to reflect the proposal and to determine whether the development would be acceptable.

2.11. The applicant was requested to provide the information to respond to the issues raised by Campbell Reith, however failed to provide any further information and therefore it has not been possible to determine whether the basement excavation would be acceptable in terms of impact on neighbours, structural, ground and water conditions and the proposal is therefore considered unacceptable in this regard.

Construction Management Plan (CMP) and Monitoring Fee

2.12. Policy A1 (Managing the impact of development) advises Construction Management Plans will be used to manage the impact of construction to protect quality of life for neighbours. Due to the amount of excavation required for the basement extension and the sensitive nature of the local streets, a CMP must be secured. Our primary concern is public safety but we also need

to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc.). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. The applicant has provided a draft CMP that is generally acceptable, however the CMP and associated monitoring fee would need to be secured as a Section 106 planning obligation if the development were otherwise acceptable.

- 2.13. A planning obligation is considered to be the most appropriate mechanism for securing compliance with a CMP in this case simply because a considerable extent of the activity during construction could cause conflict with other road users or be detrimental to the amenity of the area and will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed demolition/construction works which should be controlled by a CMP include traffic generation from removal and delivery of materials to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users.
- 2.14. Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and/or highway safety on the nearby roads hence, using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.
- 2.15. Conditions can only lawfully be used to control matters on land within the developer's control. Many of the CMP provisions will relate to off-site requirements, particularly public highway (which is not land within the developers' control). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism. This is in accordance with
- 2.16. Planning Practice Guidance which states that conditions requiring works on land that is not controlled by the applicant often fails the tests of reasonability and enforceability. The CMP requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. It is also directly related to the development and fairly and reasonably related in scale and kind as it relates to managing impacts to neighbours and on the surrounding highways from construction at the site.
- 2.17. The £1,140 CMP Implementation Support Contribution is required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree any amendments during the lifetime of the construction. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer. This is in accordance with paragraph 2.36 of CPG 8 which states:
- 2.18. Separate fees in the form of contributions payable through section 106 agreements may be negotiated where warranted and are considered necessary in planning terms and directly related to development where further costs of technical verification, inspection and on-going supervision are likely to be incurred as a direct result of a particular development. Examples of obligations which may necessitate a contribution for implementation include construction management plans and basement construction plans.
- 2.19. An advice note providing further information on this financial contribution is available on the Council's website at the following hyperlink:

<http://www.camden.gov.uk/ccm/content/environment/planning-and-builtenvironment/two/planning-applications/making-an->

2.20. In requesting this support contribution the Council has had regard to the Oxfordshire County Council case law, however, that case was in relation to seeking monitoring expenses incurred in respect of one off payments made prior to commencement and which required no ongoing monitoring. The support fee requested in this instance relates to specific ongoing monitoring/management costs and so is in accordance with that case.

Highways Contribution

2.21. Policy T3 (Transport Infrastructure) advises the Council will protect existing transport infrastructure. A financial contribution for highway works (repaving the footway) directly adjacent to the site on Redington Road would also be required to be secured via a Section 106 planning obligation if planning permission were granted (£7,523.20). This would allow for any damage caused during construction of the proposed development to be repaired.

2.22. The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which will also combine as an agreement under Section 278 of the Highways Act 1980. CPG8 Planning Obligations states that public highways works on Borough Roads are to be undertaken through a Section 106 or 278 obligation.

2.23. The guidance also states that the Council will secure payment for required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development (paragraph 5.14). The most effective way of both securing sufficient payment and ensuring the works are carried out to the Council's procedures and standards is for a financial contribution to be paid by the developer on commencement of the development and secured by an obligation under Section 106 legal agreement. The exact costs will be quantified on completion of the highways works and if the costs exceed the initial contribution then the developer would be required to pay the difference. The Council's standard procedure is to secure this under the proposed S106 Planning obligation which would also act as an agreement under s278 of the Highways Act 1980. It is not possible to secure a financial contribution for highway works by condition as it relates to land outside the application site and is not under the control of the applicant. The Planning Practice Guidance advises that financial contributions cannot be secured by condition (PPG, Using Planning Conditions paragraph 5 – Appendix 8).

2.24. The contribution is considered to be CIL compliant. It is necessary in planning terms as identified in the development plan to mitigate against the increased impact that will be generated by the development. The contribution has been calculated taking into account the particular characteristics of the development, it is directly related to the development and is fairly and reasonably related in scale and kind to the development.

2.25. It is also directly related to the development and fairly and reasonably related in scale and kind as it will provide for the new residents and mitigate impacts of the development.

3. Recommendation

3.1. Refuse planning permission.