



## **PLANNING SERVICES**

### **TOWN & COUNTRY PLANNING ACT 1990 (as amended)**

#### **HEARING**

#### **STATEMENT OF CASE**

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**APPEAL SITE 28 Redington Road, London, NW3 7RB**

**APPELLANT 28 Redington Road LLP**

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#### **SUBJECT OF APPEAL**

1) Appeal against non-determination of planning application for:

Erection of 4 storey plus basement building (with accommodation at 4th floor level within the roof) to provide 8 flats (1 x 1 bed, 5 x 2 bed, 1 x 3 bed and 1 x 4 bed) including front balcony and rear roof terraces, hard and soft landscaping and 7 basement car parking spaces with car lift, following demolition of the existing building (Class C3).

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**COUNCIL REFERENCE:** 2016/2997/P

**PLANNING INSPECTORATE REFERENCE:** APP/X5210/W/16/3164577

## Summary

The site is identified as making a positive contribution to the character and appearance of the Redington Frogna Conservation Area (CA) in which it is located. The subject property is an attractive residential building dating to the early 1900s and built in the Arts and Crafts style with large decorative brick chimney stacks and pitched tile roofs. The highly attractive attached two storey coach house allows important views of greenery and trees within rear gardens. The submitted Heritage Statement states that the proposed building has limited and essentially neutral contribution to the character and appearance of CA, however it is the Council's opinion that it positively contributes. This is noted within the CA appraisal and confirmed following additional assessment for this application.

The proposed replacement building attempts to provide a mix of too many styles, materials and details seen within the CA. The storey heights and windows are out-of-scale and do not exhibit the design and proportions seen in the neighbouring houses. Along with its huge increase in footprint and associated bulk, height and mass, the proposed development would result in a building out of context and negatively impacting upon the character and appearance of the CA. The rear of the site would be highly compromised due to the loss of garden. The existing gap between numbers 28 and 26 would be compromised due to the additional built form. This would impact on views in, out and through the CA and the loss of views of trees and greenery in the rear gardens would be harmful.

The replacement building taken together with the loss of the existing building would negatively impact upon the character and appearance of the CA and would not preserve or enhance it. The harm to the CA is considered to be less than substantial and the limited public benefits (provision of 8 flats) would not outweigh this harm. The development is therefore contrary to policies CS14, DP24 and DP25 of the Local Development Framework and policies D1 and D2 of the Camden Local Plan Submission Draft 2016 and paragraph 134 and 135 of the NPPF.

The size of the basement is considered to be disproportionately large and the applicant has not demonstrated the proposed basement would not cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability contrary to policy DP27 of the Council's Development Policies and policy A5 of the Camden Local Plan Submission Draft 2016. In addition the development would harm the daylight and sunlight of the occupiers of 30 Redington Road, would result in the loss of on-street parking and the appellant has not demonstrated that the development would not result in harm to existing trees or to highway safety.

## 1.0 SITE AND SURROUNDINGS

- 1.1. The site is located within the Redington Frogmal Conservation Area and is identified as making a positive contribution to its character and appearance. The property falls within sub-area four 'Redington Road and Templewood Avenue' of the conservation area.
- 1.2. The site comprises a large detached attractive residential building with attached coach house on a large plot of land. At some point in the past (c.1950s) the owners of 28 Redington Road purchased the land at the rear of Oak Hill House to provide an enlarged garden. The property is 3 storeys and this includes a part sunken lower ground floor level which due to the topography is more apparent to the southern part of the building than the northern. The property was previously used by the Columban Fathers.
- 1.3. It is constructed of brick (sections of which faced in painted pebble dash render) sitting under large pitched tile roofs. It dates to the early 1900s and is built in the Arts and Crafts style with large decorative brick chimney stacks. No.28 is set back from the pavement, creating a front garden with large trees and vegetation set behind a low rendered brick boundary wall.
- 1.4. Like other properties to the east side of Redington Road, No. 28 sits higher than the pavement due to the topography. Like other properties in the street it also retains a gap between its neighbours which allows views to the rear and trees within rear gardens.
- 1.5. No. 28 sits among and compliments the mixture of Arts and Crafts, Free Classical, Queen Anne, Edwardian and neo-Georgian styles utilising consistent use of materials and detailing, which forms the distinct character and appearance of this area of the CA and is associated with this period of construction and architecture. The surrounding area is predominantly residential in character.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 Planning permission was refused 04/12/1969 for change of use of No. 28 Redington Road, Camden, from a single family residence to use as a Mission Hostel (Planning reference: 7793)

### 3.0 PLANNING POLICY FRAMEWORK

#### **Local Development Framework**

- 3.1 The Council's Local Development Framework (LDF) adopted on 8th November 2010. The LDF comprises Core Strategy and Development Policies documents. These documents have been through an Examination in Public, and the appointed Inspector found the documents to be sound. The relevant LDF policies as they relate to the reason for refusal of the applications are listed below:

#### Core Strategy

- CS1 Distribution of Growth
- CS5 Managing the Impact of Growth and Development
- CS6 Providing quality homes
- 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 and encouraging biodiversity
- CS16 Improving Camden's health and well-being
- CS18 Dealing with our waste and encouraging recycling
- CS19 Delivering and monitoring the Core Strategy

#### Development Policies

- DP2 Making full use of Camden's capacity for housing
- DP5 Homes of different sizes
- DP6 Lifetime homes and wheelchair homes
- 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

DP29 Improving access

- 3.2 The full text of each of the policies has been sent with the questionnaire documents.

### **Camden Local Plan Submission Draft 2016**

- 3.3. The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications will continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report. The Inspector's report on the Local Plan is included in Appendix A

- 3.4. Camden Local Plan Submission Draft 2016 Policies

G1 Delivery and location of growth

H1 Maximising housing supply

H2 Maximising the supply of self-contained housing from mixed-use schemes

H4 Maximising supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

C1 Health and wellbeing

C2 Community facilities

C3 Cultural and leisure facilities

C5 Safety and security

C6 Access for all

E1 Economic development

E2 Employment premises and sites

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

D1 Design

D2 Heritage

D3 Shopfronts

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC4 Air quality

CC5 Waste

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping areas

TC4 Town centres uses

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

DM1 Delivery and monitoring

Supplementary Guidance (CPG)

- 3.5. The following Camden Planning Guidance is relevant.

Camden Planning Guidance 1 Design (As amended 2013 and 2015)

Camden Planning Guidance 2 Housing (As amended 2013 and 2015)

Camden Planning Guidance 3 Sustainability (As amended 2013 and 2015)

Camden Planning Guidance 4 Basement and Lightwells (As amended 2013 and 2015)

Camden Planning Guidance 6 Amenity (2011)

CPG7 Transport (2011)

CPG8 Planning Obligations (As amended 2015)

These Supplementary Planning Documents were adopted following extensive public consultation.

- 3.6. In addition, the guidance contained in the Redington Frogna Conservation Area Statement is relevant to this appeal. This was adopted January 2003.

- 3.7. A copy of the above Camden Planning Guidance documents and the Redington Frogna Conservation Areas Statement were sent with the questionnaire.

- 3.8. The National Planning Policy Framework (NPPF) 2012 is also relevant to the Council's decision and to this appeal. The policies and guidance contained within Camden's LDF 2010 are up to date and fully accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should therefore be given substantial weight in the decision of this appeal. The National Planning Policy Framework was adopted in April 2012 and states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's policies and the NPPF in relation to this appeal.

#### 4.0 SUBMISSIONS

- 4.1 The council confirms that had appeals against non-determination not been made, planning permission for the erection of 4 storey plus basement building (with accommodation at 4th floor level within the roof) to provide 8 flats (1 x 1 bed, 5 x 2 bed, 1 x 3 bed and 1 x 4 bed) including front balcony and rear roof terraces, hard and soft landscaping and 7 basement car parking spaces with car lift, following demolition of the existing building (Class C3) would have been refused for the following reasons.

##### **Reason 1**

- 4.2 The proposed demolition would result in the complete loss of a non-designated heritage asset which has historic, aesthetic, and communal significance and which makes a positive contribution to the Redington Froggnal Conservation Area to the detriment of the character and appearance of this part of the Redington Froggnal Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies; and policies D1 and D2 of the Camden Local Plan Submission Draft 2016.

##### **Reason 2**

- 4.3 The proposed replacement building, by reason of its bulk, scale, mass, height and design, would be detrimental to the character and appearance of the Redington

Frogna Conservation Area and would not enhance the conservation area to an appreciably greater extent than the existing building contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies; and policies D1, D2, and A5 of the Camden Local Plan Submission Draft 2016.

### **Reason 3**

- 4.4 In the absence of sufficient information in the basement impact assessment, the applicant has failed to demonstrate the development will not cause harm to the built and natural environment including the local water environment, ground conditions and the structural stability of neighbouring properties contrary to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies; and policies A5 and CC3 of the Camden Local Plan Submission Draft 2016.

### **Reason 4**

- 4.5 The proposed development, by reason of its height and bulk would result in a loss of daylight and sunlight to 30 Redington Road which would be harmful to the living conditions of its occupiers, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies; and policy A1 of the Camden Local Plan Submission Draft 2016.

### **Reason 5**

- 4.6 In the absence of sufficient information, the applicant has not demonstrated that trees T11 and T12 would not be harmed by the development contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy



and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies; and policies A3 and D2 of the Camden Local Plan Submission Draft 2016.

#### **Reason 6**

- 4.7 In the absence of accurate swept path diagrams, the applicant has failed to demonstrate that the proposed development would not harm highway safety or hinder pedestrian movement contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies; and policy A1 of the Camden Local Plan Submission Draft 2016.

#### **Reason 7**

- 4.8 The proposed development, by reason of the increased size of the crossover, would result in the loss of on-street parking adding to existing parking problems and increasing parking pressure contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies; and policy A1 of the Camden Local Plan Submission Draft 2016.

#### **Reason 8**

- 4.9 The proposed development, in the absence of a legal agreement requiring the development to incorporate sustainability measures to reduce carbon emissions and minimise use of energy, water and resources, would fail to be sustainable in its use of its resources and meet the challenge of climate change, contrary to policy CS13 (Tackling climate change through promoting higher environmental standards) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies; and policies CC1, CC3 and DM1 of the Camden Local Plan Submission Draft 2016.

### **Reason 9**

- 4.10 The proposed development, in the absence of a legal agreement securing an energy efficiency plan including on-site renewable energy facilities, would fail to be sustainable in its use of resources and fail to take sufficient measures to minimise the effects of, and adapt to, climate change, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies; and policies CC1, CC4 and DM1 of the Camden Local Plan Submission Draft 2016.

### **Reason 10**

- 4.11 The proposed development, in the absence of a legal agreement securing a highway contribution for necessary highway works, would fail to secure adequate provision for the safe movement of pedestrians and have an unacceptable impact on the public highway, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies; and policy A1 of the Camden Local Plan Submission Draft 2016.

### **Reason 11**

- 4.12 The proposed development, in the absence of a legal agreement securing a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies; and policies A1 and T4 of the Camden Local Plan Submission Draft 2016.

## **Reason 12**

- 4.13 The proposed development, in the absence of a legal agreement to secure the residential units as 'car-capped' housing, would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden LDF Development Policies; and policies T2 and DM1 of the Camden Local Plan Submission Draft 2016.

## **5.0. THE APPELLANT'S GROUNDS OF APPEAL**

The appellant's grounds of appeal can be summarized as follows:

### **Demolition of the existing building**

- The existing building's contribution to the Conservation Area is limited and essentially neutral, offering a design that is average and pedestrian compared to other properties in the immediate local area;
- Historic alterations to the building means that any limited design integrity that may have existed is now limited even further compared to more complete buildings found locally;
- The existing building makes a more limited contribution to both the significance of the Conservation Area and the character and appearance of the Conservation area;
- Any contribution that the property makes to the conservation area has to do with its residential typology, its massing and its situation within the wider site, rather than its inherent architectural quality;
- Any limited contribution to the Conservation Area will be reproduced (and potentially enhanced) through the provision of a replacement building that responds to the prevailing Arts and Craft style found locally.
- The loss of the existing building on the site will not be harmful to the designated heritage asset because it will be replaced by a new building that offers an equal or greater contribution to the Conservation Area (discussed

further below). The provision of the replacement dwelling following the demolition of the existing can be secured via legal agreement.

- Policy DP25 resists this where this harms the character or appearance of the Conservation Area. Where harm will not arise, such as when a replacement buildings offers an equal or greater contribution to the Conservation Area, then demolition should be acceptable.

### **Replacement with a new residential building**

The proposal offers a more efficient use of the site given the net increase in the number of self-contained dwellings offered.

- The proposed building reflects the Arts and Crafts style that is prevalent in the local area;
- Key aspects of local townscape design such as ridge height, volumetric form, the building's location within its site and its relationship with neighbouring properties reflects prevalent local themes;
- A palette of high quality materials, appropriate design detailing and proportioned windows ensure that the building is a positive and appropriate contribution to the local townscape;
- The new building proposed will offer a greater contribution to the Conservation Area than the existing building.

### **Quality of the Residential Accommodation Provided**

The proposed development offers a high quality of amenity to all proposed residents.

### **Managing Effects Upon Neighbouring Residents**

A full assessment of daylight/sunlight impacts was submitted as part of the application. This confirms that the limited impact upon neighbouring properties is manageable and within the normal expectations of the BRE Guidelines. In terms of potential overlooking and/or privacy, the scheme has been specifically designed to ensure that there is no material change in the relationship between the neighbouring sites when compared to existing.

### **Basement development**

A Basement Impact Assessment was prepared by Mott McDonald and submitted for review. Additional information has been requested and the Appellant is keen to keep discussing this further until the Appeal hearing date. Notwithstanding this, it remains

the Appellant's position that the assessment undertaken confirms that the proposed basement development can be undertaken without harm to neighbouring properties. Any additional information that is required before works commence can be secured through the use of an appropriate S106 obligation, as is normal practice within this LPA. As such, the Appellant is willing to accept an appropriately worded obligation to address this. Additionally, a significant landscaped area is maintained to both the front and rear of the building in addition to the significant rear garden which will also be retained.

### **Highways and Sustainability**

Although it is proposed to provide car parking within a new basement level, the capacity of 7 spaces means that there is no net uplift when compared to the existing capacity at surface level. Additional landscaping to the forecourt area, as submitted to officers during the life of the application, will ensure that the capacity for parking at surface level is limited. Given this, the proposal accords with the LPA's Policy DP16 to not increase car parking as part of new development.

In terms of improving energy efficiency and sustainability, an air source heat pump solution has been proposed that would provide a 53.6% saving in carbon dioxide emissions when measured against the relevant Building Regulations requirements. The development therefore accords with both local and London Plan policies and the Mayor's energy hierarchy of 'Be Lean, Be Clean, Be Green'.

Appropriate details of delivering sustainable development can be secured through appropriately worded conditions if considered necessary.

The Council will address each of the appellants' grounds of appeal individually replicating the format used above.

- 5.1 **The existing building's contribution to the Conservation Area is limited and essentially neutral, offering a design that is average and pedestrian compared to other properties in the immediate local area; The existing building makes a more limited contribution to both the significance of the Conservation Area and the character and appearance of the Conservation area; Any contribution that the property makes to the conservation area has to do with its residential typology, its massing and its situation within the wider site, rather than its inherent architectural quality;**

- 5.2 The Council does not accept the existing building's contribution to the Conservation Area is limited and essentially neutral. The Council also rejects the appellant's assertion that the design of the existing building is average and pedestrian compared to other properties in the immediate local area. The Council agrees with the comments made by Andrew Parish (Architectural Historian and former adviser to English Heritage) who provided an appraisal of the property following consultation on the planning application. The Council agrees with the assessment that the building is an important design with many good features. It is a high quality Arts and Crafts in terms of architecture, materials and construction with an original front door in the late Charles Rennie Mackintosh style, evoking the beginnings of the Art Deco style. The double chimney (at the front) with canted corners is classic Arts and Crafts Elizabethan Revival providing a columnar effect. This large, tall central chimney is an important feature of the design. It is part of a suite of four or more chimneys, including an important chimney at the rear and one at the northern front corner. The attached coach house is highly attractive and due to its sitting opposite the entrance has greater visibility from the street, its curved headed garage door and steep pitched roof contributing to the local vernacular. The building has inherent architectural quality which derives from these features. The form and character of the existing building makes a significant positive contribution to the conservation area.
- 5.3 **Historic alterations to the building means that any limited design integrity that may have existed is now limited even further compared to more complete buildings found locally.**
- 5.4 The side extension to the north of the existing building is considered to have limited impact on the positive contribution the building makes to the conservation area as its visibility is limited in key views. The pebble dash has at some point been painted yellow. Likewise, this is not seen to limit its contribution.
- 5.5 **Any limited contribution to the Conservation Area will be reproduced (and potentially enhanced) through the provision of a replacement building that responds to the prevailing Arts and Craft style found locally. The loss of the existing building on the site will not be harmful to the designated heritage asset because it will be replaced by a new building that offers an equal or greater contribution to the Conservation Area. Policy DP25 resists this where**

**this harms the character or appearance of the Conservation Area. Where harm will not arise, such as when a replacement buildings offers an equal or greater contribution to the Conservation Area, then demolition should be acceptable.**

- 5.6 The Redington Frogna Conservation Area Appraisal identifies 28 Redington Road as being a positive contributor; this appraisal was adopted in February 2000 and is considered to be up to date. Therefore the building is a non-designated heritage asset. The non-designated heritage asset is considered to have high historic, aesthetic, and communal significance. Paragraph 135 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' The scale of the harm and loss of its contribution to the conservation area is considered to be significant, although less than substantial. The proposed replacement building is not considered to preserve or enhance the conservation area.
- 5.7 **The proposal offers a more efficient use of the site given the net increase in the number of self-contained dwellings offered; The proposed building reflects the Arts and Crafts style that is prevalent in the local area; Key aspects of local townscape design such as ridge height, volumetric form, the building's location within its site and its relationship with neighbouring properties reflects prevalent local themes; A palette of high quality materials, appropriate design detailing and proportioned windows ensure that the building is a positive and appropriate contribution to the local townscape; The new building proposed will offer a greater contribution to the Conservation Area than the existing building.**
- 5.8 The proposal would result in an increase in the number of self-contained dwellings however it is noted that no information has been provided which investigates whether the existing building could be retained, enhanced and converted to allow for an increase in residential accommodation. The proposed replacement building has much larger bulk, mass, height and significant change in detailing and design and would be set further forward. The existing appears as two storeys with attic and partially concealed lower ground floor whereas the proposed building appears as a three storey with attic. The proposed development would have a greater height and

width than existing building and would completely change the amount of fenestration and the detailing of the windows. In addition, the roofline is higher and so does not follow the gradual rise in land levels up the hill, there is an extra storey fitted in which is out-of-keeping with houses of this type and style in the area and the storey heights and windows are out-of-scale and do not exhibit the verticality seen in the neighbouring houses. While the proposed building picks up on some detailing, the proportions and scale would be out of character to the local vernacular. For these reasons the proposed development would not preserve or enhance the character and appearance of the conservation area.

**5.9 The proposed development would provide high quality residential accommodation with a high quality of amenity to all proposed residents.**

5.10 The Council accepts that the proposed development would provide an acceptable quality of residential accommodation.

**5.11 A full assessment of daylight/sunlight impacts was submitted as part of the application. This confirms that the limited impact upon neighbouring properties is manageable and within the normal expectations of the BRE Guidelines.**

5.12 The Daylight and Sunlight report prepared by AA projects on behalf of the neighbouring occupiers demonstrates the impact on the daylight and sunlight of the ground floor flat at 30 Redington Road is in excess of BRE guidelines. In particular the daylight and sunlight to a bedroom (R3) would be noticeably reduced.

**5.13 A Basement Impact Assessment has been prepared by Mott McDonald and submitted for review. Additional information has been requested and the Appellant is keen to keep discussing this further until the Appeal hearing date. Notwithstanding this, it remains the Appellant's position that the assessment undertaken confirms that the proposed basement development can be undertaken without harm to neighbouring properties.**

5.14 Policy DP27 Basements and lightwells requires developers to demonstrate by methodologies appropriate to the site that schemes.

- a) maintain the structural stability of the building and neighbouring properties;
- b) avoid adversely affecting drainage and run-off or causing other damage to the water environment;



- c) avoid cumulative impacts upon structural stability or the water environment in the local area.
- 5.15 The Council's independent auditors (Campbell Reith) have confirmed that the applicant's BIA does not address the fundamental requirements of the BIA process: to identify potential impacts in advance of planning consent and indicate how they can be safely mitigated. Additional information was therefore requested from the applicant on 10<sup>th</sup> November 2016 but no further information has been provided. In the absence of this information the proposed development is contrary to policy DP27.
- 5.16 **The proposal accords with the LPA's Policy DP16 to not increase car parking as part of new development. Appropriate details of delivering sustainable development can be secured through appropriately worded conditions if considered necessary.**
- 5.17 The proposal is for 7 parking spaces on the site, in the basement. Any further capacity for vehicles to park on the forecourt would be contrary to DP18 and result in an increase in parking beyond the parking provision agreed of seven vehicles and above the standards stipulated in Appendix 2. Parking Standards of Camden's Development Policy. Officers are still concerned that the forecourt could be used for additional car parking for 1 or more cars. This issue could be addressed by securing the design of the forecourt by condition. The condition would be worded so that the details of the forecourt landscaping are required prior to development to demonstrate no parking on the forecourt would be possible.
- 5.18 The Council consider the sustainability measures, as set out in the 'Energy and Sustainability Statement', should be secured by legal agreement rather than condition. Likewise the reduction in CO2 emissions through the incorporation of renewable energy measures should be secured by legal agreement rather than condition.

## 6.0 THE COUNCIL'S STATEMENT OF CASE

### 6.1. Proposal

- 6.2. The applicant seeks planning permission to erect a four-storey building (with accommodation at 4th floor level within the roof) plus basement following demolition of the existing building. The building would provide 8 flats (1 x 1 bed, 5 x 2 bed, 1 x 3 bed and 1 x 4 bed) with front balcony and rear roof terraces and 7 basement car parking spaces accessed by car lift.
- 6.3. Principle of demolition and impact on the conservation area
- 6.4. The site is located within the Redington Frogna Conservation Area and is identified as making a positive contribution to its character and appearance. Policy DP25 of Camden's LDF 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.
- 6.5. Paragraph 134 of the NPPF is relevant in this case. It states that "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." The loss of a single building in a conservation area of this size is considered to cause 'less than substantial harm'. However, the value of the existing building and the degree of harm that would derive from its loss, as well as an assessment of the benefits of the scheme is a judgement that must be made by the Council taking into account the overall planning balance of the scheme. The Council must however be mindful of the statutory duty to "preserve and enhance" the character and appearance of the conservation area and accord it significant weight in this balanced judgement.
- 6.6. Paragraph 135 of the NPPF is also relevant. It states "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 6.7. Policy D2 of the Camden Local Plan Submission Draft 2016 states the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal

convincingly outweigh that harm. It also states the Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list). The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

- 6.8. The Redginton / Frognal Conservation Area was originally designated in June 1985. It was described in the report to the LBC Planning and Communications committee as “as exceptional example of consistently distinguished Victorian and Edwardian architecture”. The report noted that the area had “already begun to lose some of its interesting buildings and was subject to increasing pressure for unsympathetic change”.
- 6.9. The conservation area (CA) is situated on the slopes to the west of Hampstead as they fall towards Finchley Road and the CA is defined by the relationship of the streets and houses to the contours of the hills.
- 6.10. The property falls within sub-area four ‘Redington Road and Templewood Avenue’ of the conservation area. Redington Road was laid out in 1875 and developed slowly starting from the Frognal (southern) end. The distinct quality of Redington / Frognal is that it largely retains its homogenous late 19<sup>th</sup> / early 20<sup>th</sup> century architectural character (page 26 of Redington / Frognal CAS). The conservation area statement notes that 18-28 are identified as buildings that make a positive contribution to the conservation area and there is a general presumption in favour of retaining such buildings.
- 6.11. It is noted that no information has been provided which states that the existing building cannot be retained, enhanced and converted to allow for an increase in residential accommodation. No structural report or viability statement supports or justifies the loss of the building and its replacement. It is noted that the supporting text for policy D2 states proposals for demolition and reconstruction should be justified in terms of the optimisation of resources and energy use in comparison with the existing building (paragraph 7.51). No such justification has been provided.
- 6.12. No. 28 sits to the east of the CA and the boundary of its garden also forms the boundary of the CA, which sits directly adjacent Hampstead CA. It sits to the east side of Redington Road.

- 6.13. The site includes a large detached attractive residential building, constructed of brick (sections of which faced in painted pebble dash render) sitting under large pitched tile roofs. It dates to the early 1900s and is built in the Arts and Crafts style with large decorative brick chimney stacks; one striking example projects from the front roof slope. The front elevation also hosts a curved deep canopy above the front entrance door which contains the original metal framed glazed door with geometric design (in the Charles Rennie Mackintosh style) and curved fanlight above. A double height bay window sits to the right of the entrance at lower ground floor and ground and to the left of the entrance sits a double height bay from ground to first floor. Many of the windows are original timber single paned; however some have been insensitively replaced with uPVC which disrupts the fine detailing of the Arts and Crafts style.
- 6.14. Visually the building appears as a two storey with attic accommodation; however, there is a part sunken lower ground floor level which due to the typography is slightly more apparent to the southern part of the elevation than the northern. To the southern part of the building sits a highly attractive attached two storey coach house which due to it sitting opposite the entrance off the road is very apparent within the street scene. Its curved headed garage door and steep pitched roof contribute to the local vernacular.
- 6.15. To the northern end of the building sits a later two storey flat roof extension; finished in brick and pebble dash with a large out of proportion and out of keeping window at ground floor.
- 6.16. No.28 is set back from the pavement, creating a front garden set behind a low rendered brick boundary wall. The lower storey height of the coach house and the recent extension to the north compared to the main original dwelling form retains the important gaps and vistas between buildings upon this street and allows views to the rear and significant trees within rear gardens.
- 6.17. It is noted that the building has received alteration since its original construction (as mentioned above). However much of the existing form, architectural language and detailing is retained and any later changes are not considered to diminish its value or contribution to the character and appearance of the CA.
- 6.18. Large trees and vegetation sit to the front of the site, beyond the low brick rendered boundary wall. The CA appraisal emphasizes that such vegetation forms the

dominant features of the street scene in addition to rear gardens and states that the rear gardens make a contribution of their own to the areas verdant quality. It could be argued that this vegetation could screen No. 28 from the street scene and therefore its contribution to the CA is less; however, the large entrance from the street and gaps within the vegetation and the canopy cover at varying times of the year allow for modest views to the building.

- 6.19. The rear of the property also retains its original character and is finished and designed similarly to the front, with a large pitched projecting gable with deep eaves and verges to the left. Within the roof slope sits a large decorative brick chimney stack which is prominent from within the rear garden. Many of the windows are original timber single glazed and broken in to smaller panes with decorative curved frames, reflecting the Arts and Crafts style. A small single storey brick extension has been added to the projecting gable; although it does not maintain the detailing seen on the host building (and its removal would be welcomed), due to its size and location, it is not considered to significantly affect the character and appearance of the rear elevation.
- 6.20. The site retains a large garden to the rear. A small slabbed area sits immediately to the rear of the building and is accessed by three external doors. A handful of steps then lead up a small open grassed area which then allows access on to woodland dominated by large mature trees. This rectangular strip runs to the east which forms the CA boundary (as mentioned above) and would have originally been part of the garden to Oak Hill House.
- 6.21. No. 28, like other properties to the east side of Redington Road sits higher than the pavement due to the topography; enhancing their visibility and prominence within the street scene and views in, out and across the CA (including the rear). The buildings along this section of Redington Road follow similar building lines, plot sizes and built form proportions within those plots creating the urban grain. No. 28 sits among and compliments the mixture of Arts and Crafts, Free Classical, Queen Anne, Edwardian and neo-Georgian styles utilising consistent use of materials and detailing (red brick, clay tiles, roughcast, large prominent decorative chimneys, large eaves and verges, well-proportioned dormer windows and bay windows), which forms the distinct character and appearance of this area of the CA and is associated with this period of construction and architecture. Many nearby buildings were designed by well-known architects including Quennell, Webb, and Mackmurdo among many others.

- 6.22. The proposed site falls within key views within the Conservation Area even when vegetation does create some division from the road and its construction and architectural style, material and detailing contributes and enhances the character and appearance of the Conservation Area with its strong articulation of the prevailing proportions, height, decorative detailing, strong architectural presence, interest and façade detailing such as windows, canopy, brick detailing and chimney stacks.
- 6.23. The CA appraisal identifies No.28 as a positive contributor and states that there is a strong presumption to retain buildings that make a positive contribution to the character of the area (page 26). This appraisal was reviewed in 2000.
- 6.24. The site is within a designated heritage asset, the Conservation Area, and the building has been identified as a non-designated heritage asset; a Positive Contributor.
- 6.25. It is considered that its loss constitutes less than substantial harm of the designated heritage asset: Redington Frogna CA. There are no known public benefits brought forward by the appellants and as such cannot be put forward to outweigh such harm. In line with NPPF paragraph 135, the balanced judgement taken by the council of the loss of the positive contributor is that less than substantial harm is caused and such loss is not outweighed by the replacement building (discussed more below).
- 6.26. It is important to note that the CA appraisal (page 4) makes note of the report for the CAs initial designation in 1985 that the area had ‘already begun to lose some of its interesting buildings and was subject to increasing pressure of unsympathetic change’. This proposal would result in further loss of such interesting buildings and would further add to the incremental erosion of features that contribute to the character and appearance of the CA.
- 6.27. The submitted Heritage Statement states that the proposed building has limited and essentially neutral contribution to the character and appearance of CA (3.5), however it is the Councils opinion that it positively contributes. This is noted within the CA appraisal and confirmed following additional assessment for this application. It is noted that the appellant states that there may be some differences in style and form to other surrounding buildings; that it has no notable architect recorded; that the large tree to the frontage provides some blocking of its visibility in the street and that it has

received some alteration since its construction. However, these points are not seen to limit its positive contribution. It is of architectural and historic quality with noteworthy detailing and of communal and social significance. It appears dominant in key views within the CA and relates to other buildings locally and as such is considered of value. Its loss would constitute less than substantial harm. However, there has been no structural report or viability assessment completed; neither has any public benefits been brought forward which would be considered to outweigh such harm.

6.28. Replacement building

6.29. The proposed replacement building has larger bulk, mass, height and a significant change in detailing and design compared to the existing. In addition, it would be set further forward (1m) from the existing front elevation and massively extends (18m) beyond the existing rear elevation. The replacement building is therefore seen to negatively impact upon the character and appearance of the CA and it is not considered to preserve or enhance it. The existing building remains prominent but not overly dominant and contributes to the character and appearance due to its height and relationship of height, footprint and patina with buildings within its context; the change in and subtle materials and detailing, and it sitting detached and set back from the front, rear and sides. That proposed would raise its height, increase its width and depth and completely change the amount and detailing of the fenestration (compared to the existing building). The proposed building would appear as a three storey with large attic storey; that existing appears as two with attic and partially concealed lower ground floor.

6.30. The proposed roofline would sit higher than the existing and would not follow the gradual rise in land levels up the hill; this is a feature throughout this area of the CA. The additional storeys albeit only one apparent from the front; would be visible via two large front dormers sitting either side of a large brick chimney. The existing large feature chimney (which the proposed development seems to attempt to replicate) is view against an uninterrupted roofscape. The proposed chimney is compromised and gets lost as a feature due to the large dormers and the amount and mix of detailing added to the building in an attempt to ensure it 'blends in' to its context and replicates that existing.

- 6.31. Although many other buildings within this area contain attic accommodation and associated fenestration (dormers); the vernacular is predominantly two storeys plus attic storey; that proposed would see three main storeys with an attic storey. The proposed development is therefore out-of-keeping with houses of this type and style in the area.
- 6.32. The storey heights and windows are out-of-scale and do not exhibit the design and proportions seen in the neighbouring houses. The three storey bay with balcony to the front, balconies and large dormers to the rear and the use and amount of stone balustrade would be out of context and would create a greater prominence of this building against others which retain complementing, sensitively designed, historical materials and details.
- 6.33. The proposed built form expands the width of the site and the existing gap between 28 and 26 is compromised due to the additional built form. This would impact on views in, out and through the CA and the loss of views of trees and greenery in the rear gardens would be harmful. The views of trees and greenery are highly characteristic and contribute to the character and appearance of the CA.
- 6.34. The rear of the site would be highly compromised due to the loss of garden. The proposed building would project into it by almost 19m (when measured from the existing rear elevation). The proposal also would involve digging down in to the garden to create the lower ground floor and a sunken ground floor level with terraces which ultimately produce voids/lightwells. It is important to note that a substantial part of the rear would project into a thin strip of garden (which was originally part of Oak Hill House) and therefore results in the proposal not following the urban grain or built form in existing plot sizes and detracting from the character and appearance of the CA. It is noted the existing building follows the prevailing form along Redington Road sitting sensitively within it.
- 6.35. The proposed building attempts to provide a mix of too many styles, materials and details seen within the CA. Along with its huge increase in footprint and associated bulk, height and mass, the proposed development would result in a building out of context and negatively impacting upon the character and appearance of the Conservation Area.



- 6.36. The planning statement states 'we have sought to reduce the apparent scale of the building form the street through the provision of a bank of landscaping which serves to partially hide the ground floor window on western side of the front elevation'. This suggests that vegetation would be provided to obscure the façade in an attempt to hide the proposed development. This further suggests the proposed building's overall appearance and contribution to the CA is not important, which should not be the case.
- 6.37. The loss of the garden along with associated terraces, lightwells and rooflights would negatively impact upon the character and appearance of the CA.
- 6.38. There is significant concern that the loss of the existing building and its replacement with that proposed would add to the piecemeal loss of similar buildings within the CA and cumulatively these buildings (many positive contributors) create the overall character.
- 6.39. It is noted that no sections have been provided which show the basement car lift (nor one that shows how the car lift works) or a plan to show how it connects with the proposed lower ground floor.
- 6.40. Basement
- 6.41. Policy DP27 Basements and lightwells requires developers to demonstrate by methodologies appropriate to the site that schemes.
- a) maintain the structural stability of the building and neighbouring properties;
  - b) avoid adversely affecting drainage and run-off or causing other damage to the water environment;
  - c) avoid cumulative impacts upon structural stability or the water environment in the local area.

Addressing these issues requires the submission of a variety of information to provide the Council with a basis for determining applications. This information must be contained within a Basement Impact Assessment (BIA) which is specific to the site and particular proposed development. Basement Impact Assessments should be submitted with the other details at planning application stage.

- 6.42. The purpose of a BIA is to enable the Council to 'assess whether any predicted damage to neighbouring properties and the water environment is acceptable or can be satisfactorily ameliorated by the developer' as stated in DP27.3.
- 6.43. In order to provide the Council with greater certainty over the potential impacts of proposed basement development, the Council requires independent verification of Basement Impact Assessments.
- 6.44. The applicant has provided a basement impact assessment (BIA). The BIA has been independently audited by Campbell Reith. The BIA audit (dated September 2016) raised the following issues:
- The basement proposals shown in architect's drawings and described in the BIA are contradictory and clarification is required.
  - The screening exercise identified a number of potential impacts as unknown, however, these were not taken through the scoping and investigation stages. This process should be completed and any potential impacts assessed.
  - A ground investigation was carried out, however, no interpretation has been provided to inform the design of the basement and superstructure. It should be demonstrated that the investigation has correctly identified the groundwater regime.
  - Surface water drainage calculations identify the need for the attenuation of surface water flow from the site. Further information is now required to show how and where this might be accommodated. It is recommended that a CCTV survey to assess the existing lines, their condition and their suitability for the proposed works will be also required.
  - There are numerous properties within the vicinity of No. 28 Redington Road with basements. One of these is No. 26 Redington Road where planning permission has been granted to lower an existing basement level in 2013. Consideration must be given to the localised and cumulative impacts of the basement proposals on groundwater flows.
  - No structural calculations and drawings have been presented within the BIA. The BIA should contain outline information relating to the sequence of construction, the form of the temporary and permanent works, and the stability and nature of retaining walls and slabs so that the feasibility of the proposals is demonstrated. Ground floor sections and details along the site boundaries will also need to be

submitted to demonstrate how stability will be maintained. Proposals should include dewatering and a consideration of its impacts.

- It has not been demonstrated that the ground movements around the excavation will be controlled to avoid imposing damage to the neighbouring properties. Once the form and sequence of construction are determined, a ground movement assessment should be carried out with building damage assessments prepared for all potentially affected structures. The control of the ground movement is also dependent on a monitoring regime which needs to be implemented. Outline proposals should be provided.
- With reference to Dr. M. H. de Freitas' report (p. 8) it is accepted that there are potential slope stability concerns to the proposed development. This does not comply with LBC development policy documentation and as such the developer will be required to demonstrate this to the contrary. The presence of nearby spring lines and near surface water is also to be confirmed.
- An indicative construction programme is required.

6.45. Following the BIA audit the applicant provided some supplementary information. The Council's independent auditors have confirmed that this response does not address the fundamental requirements of the BIA process: to identify potential impacts in advance of planning consent and indicate how they can be safely mitigated. The auditors confirm the BIA process does not require detailed design input, but does require sufficient outline design to assess risk / impacts (as referenced in CPG4, 'Camden geological, hydrogeological and hydrological study Guidance for subterranean development' Appendix G1 and Appendix G3, and policy DP27). Additional information was therefore requested from the applicant on 10<sup>th</sup> November 2016 but no further information has been provided. The BIA Audit and further responses from Campbell Reith are included in appendix B

6.46. Given the above, the applicant has not demonstrated the proposed basement would not cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability contrary to policy DP27 Basements and lightwells. It is noted that the requirement for BIAs and independent verification is also found in Policy A5 of the Camden Local Plan Submission Draft 2016. The inspector's report dated 10<sup>th</sup> May 2017 on the Examination of the Camden Local Plan stated:

- 6.47. *“An independent verification of BIAs is justified given the technical and sensitive nature of the issues involved”. “The cumulative impact of schemes is a key consideration in built-up areas, and accordingly I consider the requirement for a BIA to include details of schemes in the locality is justified”* (paragraph 112).
- 6.48. The Council also has concerns regarding the size of the proposed basement and that it comprises more than 1 storey. Camden Planning Guidance CPG4 recognises that just as overly large extensions above the ground level can dominate a building, contributing to the over-development of a site, an extension below ground can be of an inappropriate scale (paragraph 2.4).
- 6.49. Larger basement developments, such as those of more than one storey in depth or which extend outside of the footprint of the building, can have a greater impact than smaller schemes. Larger basement developments require more extensive excavation resulting in longer construction periods, and greater numbers of vehicle movements to remove the spoil. These extended construction impacts can have a significant impact on adjoining neighbours through disturbance through noise, vibration, dust, and traffic and parking issues. Larger basements also can have a greater impact on the water environment by reducing the area for water to runoff and soak away. Basement development that extends below garden space can also reduce the ability of that garden to support trees and other vegetation leading to poorer quality gardens and a loss in amenity and the character of the area (CPG4, paragraph 2.5).
- 6.50. The size of the basement is also contrary to Camden Local Plan Submission Draft 2016, policy A5. The Inspector’s report on the Local Plan was published on 15 May 2017 and concludes that the plan is ‘sound’ subject to modifications being made to the Plan. While the determination of planning applications continues to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector’s report, subject to any relevant recommended modifications in the Inspector’s report.
- 6.51. Policy A5 states the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:
- f. not comprise of more than one storey;
  - g. not be built under an existing basement;
  - h. not exceed 50% of each garden within the property;

- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m. avoid the loss of garden space or trees of townscape or amenity value.

6.52. The proposed development involves the excavation of 2 floors which at the rear of the site would both be below ground level. The existing property has a lower ground floor level which is partly below ground level at the front of the site and completely below ground level at the rear. The proposed development would excavate at both the front and rear to create a 'lower ground floor' and a 'ground floor' level. However at the rear of the site the 'ground floor' level would be below ground level and would have lightwells. The ceiling of the ground floor would be 1.24m below the existing ground level at the rear of the site and the area above the ground floor would be excavated to provide a terrace for the 'first floor level'. The double storey basement ('lower ground floor' and the 'ground floor' level) would be contrary to policy A5f 'basement development should not comprise of more than one storey'.

6.53. At the rear of the site the basement extends beyond the footprint of the building (the footprint of the 'first floor level' of the building which would appear as the ground floor at the rear) to the side boundary with No. 26 Redington Road and the rear boundary / side boundary of Weeping Ash, Oak Hill Park. This is contrary to policy A5l which states basement development should be set back from neighbouring property boundaries where it extends beyond the footprint of the host building.

6.54. The supporting text to policy A5 provides reasoning for the policy A5f-m (paragraph 6.124):

6.55. *In addition to protecting against flooding, ground instability and damage to neighbouring buildings as set out above, the Council will also seek to control the overall size of basement development to protect the character and amenity of the area, the quality of gardens and vegetation and to minimise the impacts of construction on neighbouring properties. Larger excavations cause greater construction impacts and can have greater risks and complexity in construction.*

- 6.56. The proposed basement would be contrary to A5f and A5l and so the impacts of construction and risks and complexity of construction would both be greater.
- 6.57. It is noted the inspector's report dated 10<sup>th</sup> May 2017 on the Examination of the Camden Local Plan stated:
- 6.58. *Criteria f to m seek to protect local character and minimise the impact of construction on neighbours, and are warranted given the built-up nature of much of the borough and the importance of amenity. I also consider that they are clearly expressed. The Council's evidence shows that basements under homes in predominantly residential areas have the greatest impact, and therefore the application of criteria to smaller scale schemes is justified. There is no firm evidence before me to demonstrate that these requirements, as they apply to smaller-scale schemes, would be unduly onerous or ineffective (Paragraph 110).*
- 6.59. Daylight and sunlight
- 6.60. Policy DP26 'Managing the impact of development on occupiers and neighbours' states the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.
- 6.61. The appellant's daylight and sunlight report (Syntegra) states the slight loss in daylight for the other surfaces is not considered of concern as the proposed VSC levels are either above 27% or more than 0.8 times their former values and will provide adequate levels of daylight. In terms of sunlight, the Syntegra report states that, none of the surfaces at 30 Redington Road facing south east will be adversely impacted by the proposed development. It further clarifies that only the surface S11 will experience a loss in proposed annual probable sunlight hours of 20%. However the proposed APSH will remain close to 20% and it will still provide adequate levels of sunlight.
- 6.62. Neighbouring occupiers have also submitted a daylight and sunlight report (prepared by their consultants 'AA projects') which assesses the impact of the development on 26 and 30 Redington road. Revised calculations have been submitted during the course of this appeal and are included in appendix C. The findings of the AA Daylight and Sunlight report do not accord with the findings of the Syntegra report.

- 6.63. The AA Daylight and Sunlight report states 4 out of the 10 southeast elevation windows (i.e 3 at ground floor level and 1 at first floor level) for 30 Redington Road fail the BRE criteria in terms of Vertical Sky Component (VSC). In terms of daylight distribution or no sky line (NSL), the report states that 1 room at ground floor level and one room (a bathroom) at first floor level would experience reductions in daylight greater than those allowed by the BRE guidance.
- 6.64. Only the 9.1sqm bedroom R3 therefore appears to be of concern in terms of NSL and VSC. The area of this room receiving direct skylight would be reduced from 6.21sqm to 4.49sqm. A reduction of approximately 29% which is above the 20% reduction suggested by BRE to be acceptable. The VSC for this room would be reduced from 16.83% to 11.93%. A percentage reduction (29.1% reduction) significantly higher than the 20% suggested by BRE to be acceptable. The average daylight factor for this room is already below (existing 0.28%) the recommended minimum for a bedroom (1% ADF) and would be reduced to 0.21%.
- 6.65. In terms of sunlight, the BRE states that if a window receives more than 25% of Annual Probable Sunlight Hours (APSH) including at least 5% of APSH in the winter months between 21 September and 21 March, then the room should still receive enough sunlight. Any reduction in sunlight access below this level should be kept to a minimum. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value, then the occupants of the building will notice the loss of sunlight. The AA Daylight and Sunlight report demonstrates there would be a reduction in APSH for 30 Redington Road. Bedroom R3 would be reduced from 24% to 13% APSH which is 0.54 times its former value (46% reduction) and therefore fails the BRE assessment.
- 6.66. There would also be a reduction of sunlight to the kitchen (R4) which is reduced from 25% to 19% APSH which is 0.76 times its former value (24% reduction) and therefore fails the BRE assessment.
- 6.67. The living room would pass the total APSH in terms of summer but would fail in terms of winter. This room has 5 windows but 3 of these face north and are therefore not able to receive sunlight. The remaining 2 windows would be reduced to 0 hours of APSH in winter (from an existing total APSH of 5%).

6.68. It is acknowledged that the affected property (at 30 Redington) is a 3 bedroom ground floor flat and that only 1 of the bedrooms is significantly affected in terms of daylight and that this room currently has poor daylight levels as demonstrated by the existing ADF of 0.28%, however the reduction in sunlight is also of concern. The reduction in sunlight would also affect the lounge diner in winter and to a lesser extent the kitchen. The harm to the amenity of the ground floor flat at 30 Redington Road in terms of daylight and sunlight is considered to be contrary to policy DP26.

6.69. Impact on trees

6.70. Council policies CS15, DP24 and DP25 protect trees. Development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.

6.71. The applicant has carried out trial pit investigations at various points across the site where excavation is proposed within the root protection areas of trees that are proposed to be retained. The trials pits were largely free of significant roots.

6.72. The scheme proposes excavation within the root protection area of T11 and T12. The locations and findings of the trial pits are not considered sufficient to demonstrate that T11 and T12 would not be adversely affected by the proposed excavation within the root protection areas. The appellant has therefore not demonstrated that the proposed development would not damage these trees contrary to policy.

6.73. Highway safety (absence of accurate swept path diagrams)

6.74. Policy DP19 (Managing the impact of parking) states the Council will resist development that would harm highway safety or hinder pedestrian movement.

6.75. The appellant has submitted proposed plans and swept path diagrams with the planning application which show a widened crossover. The appellant has commented during the assessment of the application that the crossover is not to be widened. However the plans clearly show a difference between the existing (drawing ref: JCA-RR-EX-003) and proposed (drawing ref: JCA-RR-PR-002) crossover widths. The swept path plans also show vehicles driving through the parking bay adjacent to the crossover. This is also not an accurate plan as it will not be possible to drive through the bay if a vehicle is parked in the bay.



- 6.76. Paragraph 7.19 of CPG7 states that an area should be provided within the site for all vehicles waiting for a traffic signal, barrier or vehicle lift. This area should be sufficient to accommodate the maximum likely number of queuing vehicles, without any obstruction to pedestrians and vehicles using the public highway. Where a lift is only available to one vehicle or direction of flow, there must be space at each end for leaving vehicles to pass those queuing to enter. The plans and swept path analysis are not representative of what is proposed and therefore the Council cannot accurately assess if the above is possible.
- 6.77. In the absence of this information the applicant has failed demonstrate that the proposed development would not harm highway safety or hinder pedestrian movement contrary to policy DP19.
- 6.78. Loss of on-street parking
- 6.79. Policy DP19 (Managing the impact of parking) states the Council will resist development that would require detrimental amendment to existing or proposed Controlled Parking Zones. Development that would reduce the amount of on-street parking will be resisted where it would cause unacceptable parking pressure, particularly in areas of identified parking stress (paragraph 19.4).
- 6.80. The submitted drawing JCA-RR-PR-002 clearly shows a widened crossover. While it is clear that the width of the opening between the side boundary wall and the front boundary wall which curves around into the site would not be widened, the swept path diagrams and proposed drawings show the pavement terminating in line with the front wall. It would therefore appear that the development proposes to widen the crossover. The existing crossover begins a short distance from the boundary wall. Existing drawing (JCA-RR-EX-003) indicates this distance is approximately 0.8m from the end of the front of the boundary wall.
- 6.81. Widening the crossover would result in a loss of on street parking. As set out in paragraphs 19.4 and 19.9 of the Camden Development Policies document, the council will not approve applications for planning permission (and for highways consent) that would cause unacceptable parking pressure or add to existing parking problems. The CA-H CPZ experiences a parking stress of 1.11, which means there are 111 permits for every 100 parking space.

6.82. The loss of on-street parking associated with the proposed widening of the crossover would therefore be contrary to Policy DP19.

6.83. Sustainability Plan

6.84. The Council requires development to incorporate sustainable design and construction measures (policy DP22). Any new residential development is expected to achieve a 19% reduction in carbon emissions from 2013 building regulations. The applicant has provided an Energy & Sustainability Statement. The sustainability measures including the 19% reduction in CO2 emissions should be secured by legal agreement.

6.85. Promoting a sustainable Camden is an integral element of the Council's planning policies. Core Strategy policy CS13 – 'Tackling climate change through promoting higher environmental standards' sets out a key part of the Council's overall approach to tackling climate change, which includes promoting higher environmental standards in design and construction.

6.86. A planning obligation is considered appropriate as there will be monitoring necessary to confirm that the relevant environmental measures have been implemented successfully and maintained during the life of the development.

6.87. *Compliance with CIL Reg 122*

6.88. The Council considers that securing the sustainability measures (by way of a sustainability plan) through an obligation under a legal agreement under section 106 of the TCPA 1990 complies with regulation 122 in that: the detailed sustainability requirements are necessary to make the proposed development acceptable (with reference to the Council's planning policies) in planning terms; the obligation would secure sustainability measures in respect of the proposed development and so would be directly related to the development; and the obligation would not require the developer to address an existing wider sustainability deficiencies, rather it would be fairly and reasonably related in scale and kind to the proposed development. The Council's firm view is that an obligation under section 106 would secure the detailed requirements (which provides the local planning authority and the appellant with certainty) to an extent which is not satisfactorily achievable by a planning condition.

6.89. Energy Efficiency Plan

- 6.90. The Council requires development to incorporate sustainable design and construction measures (policy DP22). Any new residential development is expected to achieve a 19% reduction in carbon emissions from 2013 building regulations. The Council also expects developments to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. The applicant has provided an Energy & Sustainability Statement.
- 6.91. The s106 Agreement will secure a reduction in carbon energy emissions through the incorporation of various measures in an energy efficiency plan (EEP). A planning obligation is also considered appropriate as there is additional monitoring work necessary to confirm that relevant environmental measures have been implemented successfully and maintained during the life of the development.
- 6.92. The Council's development plan identifies several policies that apply to this obligation, which are: CS13 (Tackling climate change through promoting higher environmental standards); CS16 (Improving Camden's health and well-being); CS19 (Delivering and monitoring the Core Strategy); DP22 (Promoting sustainable design and construction); DP23 (Water) and DP32 (Air quality and Camden's Clear Zone).
- 6.93. Core Strategy Policy CS13 identifies measures to minimise the effects of climate change, including by reducing carbon emissions from the redevelopment, and requires that the effects of construction and occupation of buildings are minimised by ensuring developments use less energy and generate renewable energy on-site. The supporting text to CS13 provides: "Buildings can also generate energy, for example, by using photovoltaic panels to produce electricity, or solar thermal panels, which produce hot water. Once a building and its services have been designed to make sure energy consumption will be as low as possible and the use of energy efficient sources has been considered, the Council will expect developments to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation (which can include sources of site-related decentralised renewable energy) unless it can be demonstrated that such provision is not feasible".
- 6.94. *Compliance with CIL reg 122*
- 6.95. The Council considers that securing an EEP through an obligation under a legal agreement under section 106 of the TCPA 1990 complies with regulation 122 in that: the detailed requirements (as described above) are necessary to make the proposed development acceptable (with reference to the Council's planning policies) in

planning terms; the obligation would secure energy efficiency measures in respect of the proposed development and so would be directly related to the effects of the development; and the obligation is not requiring the developer to address an existing wider energy efficiency deficiency, rather it is fairly and reasonably related in scale and kind to the proposed development. The Council's firm view is that an obligation under section 106 would secure the detailed requirements (which provide the local planning authority and the appellant with certainty) to an extent which is not satisfactorily achievable by a planning condition.

6.96. Highways Contribution

6.97. The Council expects works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected road and footway surfaces following development. The footway directly adjacent to the site could be damaged as a direct result of the proposed works. To allow the proposal to comply with Development Policy DP21, a financial contribution for highway works would be sought. A cost estimate (£4939.52) for highway works has been provided by the Highways Delivery Team and is included in appendix D. The highways contribution is required to be secured by legal agreement.

6.98. *Compliance with CIL reg 122*

6.99. The Highways Contribution is: (i) necessary to mitigate construction damage to the footway following the demolition and construction stage; (ii) directly relates to the construction stage of the proposed development; and (iii) is fairly and reasonably related in scale and kind to development in that it address relevant aspects of construction phase of the development as identified under the Council's development plan for developments of the nature proposed.

6.100. Construction Management Plan

6.101. The Council's 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. In addition, the proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). 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.

- 6.102. Impact on the highway network and immediate environment is likely during construction. Given the size of the proposed development the proposal is likely to represent a detrimental impact on the highway network during its construction period. This likely level of works is considered sufficient to require a Construction Management Plan (CMP) in order to mitigate any adverse impacts.
- 6.103. 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.
- 6.104. Under s72 of the Town and Country Planning Act 1990 planning conditions are used to control matters on land within the developer's 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.
- 6.105. 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 Circular 11/95, where it states at Appendix B (7) as an example of an unacceptable condition, is one requiring loading and unloading and the parking of vehicles not to take place on the highway, as it purports to exercise control in respect of a public highway which is not under the control of the applicant.

*Compliance with CIL reg 122*

- 6.106. The CMP is: (i) necessary to mitigate against the adverse impacts of the construction stage; (ii) directly relates to the construction stage of the proposed development; and (iii) is fairly and reasonably related in scale and kind to development in that it address relevant aspects of construction phase of the development as identified under the

Council's development plan for developments of the nature proposed. Further, the CMP will ensure that the effects of construction are managed in an appropriate manner.

6.107. Car Capped

6.108. The site has a PTAL rating of 1b which indicates that the site has poor access to the public transportation network. The site also lies within a controlled parking zone (CA-S(a) CPZ) which operates between 12:30 and 14:30 Monday-Friday and has low parking stress. However parking stress is just one consideration and the Council's car free policy is about encouraging trips by sustainable modes of transport, encouraging active and healthy lifestyles, and improving air quality.

6.109. The proposal would retain 7 car parking spaces previously associated with the existing residential dwelling. The 7 car parking spaces would be provided at basement level and would be accessed by car lift. This meets our parking standards for low parking provision areas which require a maximum provision of 0.5 spaces per residential dwelling. As the scheme is a new development in an area of high on-street parking stress, the Council would expect it to be car capped (in accordance with policy DP18). A legal agreement under Section 106 ("s106") for car-capped development (with a maximum of 7 on-site car parking spaces) is therefore required to ensure that the development does not create additional parking stress and congestion. This is in accordance with policies CS11 (Promoting sustainable and sufficient travel); CS19 (Delivering and monitoring the Core Strategy); DP18 (Parking standards and availability of car parking); and DP19 (Managing the impact of parking).

6.110. Camden Planning Guidance CPG 7 Transport sets out when existing parking rights can be maintained. It states existing parking rights can normally be retained on development sites, where it can be demonstrated that existing occupiers are to return to the address when it is completed (paragraph 5.19). If a development is to have new occupiers, existing parking rights will not apply, and the Council will apply its car-free / car-capped policies as set out in Development Policies DP18 and DP19 (paragraph 5.20).

6.111. Policy T2(a) of the Camden Local Plan Submission Draft 2016 states the Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are

not entitled to on-street parking permits. The inspector's report (dated 10<sup>th</sup> May 2017) on the Examination of the Camden Local Plan stated:

6.112. *Policy T2 requires all new development in the borough to be car-free. This approach is supported by evidence in the Council's Car Free Report (CD2.10) which identifies high levels of public transport accessibility in Camden, and good access to jobs and services. The Council's viability testing indicates that such development is deliverable. The approach is also in line with Policy 6.13 in the London Plan, which allows boroughs to determine their own standards based on specific circumstances, and to explore car-free housing in locations with high public transport accessibility (Paragraph 145).*

6.113. Significant weight is therefore attached to Policy T2.

6.114. A planning obligation is considered the most appropriate mechanism for securing the development as car capped as it relates to controls that are outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "car capped". The Council's control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council's control is derived from Traffic Management Orders ("TMO"), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The council could not practically pursue an amendment to the TMO in connection with every application where the additional dwelling (or dwellings) ought properly to be designated as car free. Even if it could, such a mechanism would lead to a series of disputes between the council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a "Car Capped" Section 106 Obligation. The TMO sets out that it is the Council's policy not to give parking permits to people who live in premises designated as "Car Capped", and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car Capped".

6.115. Further, use of a Section 106 Agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future

purchasers of the property that it is designated as car capped and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

6.116. *Compliance with CIL reg 122*

6.117. The proposed restriction on the development being secured as “car-capped” meets the requirements of the CIL Regulations in being: (i) necessary to make the development acceptable in planning terms as identified by the relevant development plan policies; (ii) is directly related to the occupation of the residential units being part of the development; and (iii) is fairly and reasonably related in scale and kind to the residential units. This supports key principle 4 of the National Planning Policy Framework: Promoting sustainable transport.

6.118. **Conclusion**

6.119. The subject property is an attractive residential building dating to the early 1900s and built in the Arts and Crafts style with large decorative brick chimney stacks and pitched tile roofs. The highly attractive attached two storey coach house allows important views of greenery and trees within rear gardens. The submitted Heritage Statement states that the proposed building has limited and essentially neutral contribution to the character and appearance of CA, however it is the Councils opinion that it positively contributes. This is noted within the CA appraisal and confirmed following additional assessment for this application.

6.120. The proposed building attempts to provide a mix of too many styles, materials and details seen within the CA. The storey heights and windows are out-of-scale and do not exhibit the design and proportions seen in the neighbouring houses. Along with its huge increase in footprint and associated bulk, height and mass, the proposed development would result in a building out of context and negatively impacting upon the character and appearance of the Redington Frogna Conservation Area. The rear of the site would be highly compromised due to the loss of garden. The existing gap between 28 and 26 would be compromised due to the additional built form. This would impact on views in, out and through the CA and the loss of views of trees and greenery in the rear gardens would be harmful.



- 6.121. The replacement building taken together with the loss of the existing building would negatively impact upon the character and appearance of the CA and would not preserve or enhance it. The harm to the CA is considered to be less than substantial and the limited public benefits (provision of 8 flats) would not outweigh this harm. The development is therefore contrary to policy CS14, DP24 and DP25 of the Local Development Framework and policies D1 and D2 of the Camden Local Plan Submission Draft 2016 and paragraph 134 and 135 of the NPPF.
- 6.122. The size of the basement is considered to be disproportionately large and the applicant has not demonstrated the proposed basement would not cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability contrary to policy DP27 Basements and lightwells and policy A5 of the Camden Local Plan Submission Draft 2016. In addition the development would harm the daylight and sunlight of the occupiers of 30 Redington Road, would result in the loss of on-street parking and has not demonstrated that trees would be harmed or that the development would not harm highway safety.

## 7.0 APPROPRIATE CONDITIONS

### Planning permission

- 7.1 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).

- 7.2 The development shall be carried out in accordance with the following approved plans:

Existing drawings: JCA-RR-EX-: 001; 002; 003; 004a; 004b; 005; 011; 012; 013; 014; 019; 020; 021; 022; 023; 030; 031; (Revision PP4)

Demolition drawings: JCA-RR-DEMO-: 071; 072; 073; 074; 079; 083. JCA-RR-EX-: 080; 081; 082

Proposed drawings: JCA-RR-PR-: 001 PP4; 002 PP4; 003 PP4; 004A PP4; 004b PP4; 004a PP4; 006 PP4; 007 PP4; 008 PP4; 002 PP4A; 005 PP4A; 010 PP4B; 011 PP4B; 012 PP4B; 013 PP4B; 14 PP4B; 14 PP4B; 19 PP4A; 020a PP4; 020b PP4; 021 PP4A; 022 PP4; 023 PP4; 030 PP4; 031 PP4; 032 PP4; 033 PP4A; 034 PP4A; 040 PP4; 041 PP4; 050 PP4; 051 PP4; 052 PP4;

Supporting documents: Daylight and Sunlight Assessment (external) produced by Syntegra dated August 2016; Daylight and Sunlight Assessment (internal) produced by Syntegra dated May 2016; Energy and Sustainability Assessment prepared by Syntegra dated August 2016; Noise Impact Assessment prepared by Syntegra dated November 2015; SUDS calculations prepared by Mott MacDonald dated 22/4/16; Design and Access Statement produced by Jo Cowen Architects dated May 2016; Landscaping Strategy produced by Bowles and Wyer dated 19th April 2016; Heritage Statement prepared by KM Heritage dated May 2016; Planning Statement produced by Savills dated May 2016; Arboricultural Report prepared by Landmark Trees dated 13th May 2016; BIA Assessment prepared by Mott MacDonald dated July 2016; Transport Statement prepared by TTP Consulting dated April 2016; SUDS pro forma prepared by Mott MacDonald dated 22/4/16; Noise Impact Assessment - car lift compliance prepared by Syntegra dated July 2016; Bat Emergence/Re-entry Survey and Bird Scoping Report prepared by Greengage dated July 2016; Reptile Survey Report prepared by Greengage dated October 2016; Letter from Mott MacDonald dated 10th October 2016; Indicative construction timeframes.

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

7.3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), external doors and gates;

b) Manufacturer's specification details of all facing materials including windows and door frames and roof tiles (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) with a sample panel of not less

than 1m by 1m demonstrating, the proposed colour, texture, face-bond and pointing of brickwork.

c) Typical details of new balustrades at a scale of 1:10.

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.

- 7.4 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.

- 7.5 The cycle storage area for 16 cycles hereby approved shall be provided in its entirety prior to the first occupation of any of the new units, and 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.

- 7.6 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: To protect the visual amenity of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7.7 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan March 2015, consolidated with alterations since 2011 and Camden Planning Guidance 2006 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 7.8 No impact piling until a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

- 7.9 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2).

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.

- 7.10 Prior to first occupation, the windows at 1<sup>st</sup> and 2<sup>nd</sup> floor level on the northwest elevation shall be obscure glazed as shown on the plans hereby approved and shall be retained as such.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 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.

- 7.11 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7.12 Before the use commences, the car lift shall be provided with anti-vibration measures in accordance with the 'Noise Impact Assessment - car lift compliance' prepared by Syntegra dated July 2016 hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough

of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7.13 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:
- a) details of front landscaping to demonstrate that no cars can be parked on the hard standing

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 CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 and DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 7.14 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.

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## Appendix A