

## **GONDAR AND AGAMEMNON RESIDENTS ASSOCIATION**

c/o 28 Gondar Gardens, London, NW6 1HG

Conor McDonagh  
Principal Planning Officer  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 8ND

14<sup>th</sup> January 2014

by post and e-mail to [planning@camden.gov.uk](mailto:planning@camden.gov.uk)

Dear Mr McDonagh,

### **PLANNING APPLICATION 2013/7585/P – GONDAR GARDENS RESERVOIR from Gondar and Agamemnon Residents' Association (GARA)**

I am writing on behalf of the Gondar and Agamemnon Residents' Association (GARA) in response to planning application 2013/7585/P.

GARA is a formally constituted organisation, launched in 2001, of over 100 adult members in Gondar Gardens, Agamemnon, Hillfield and Sarre Roads. GARA has an in-depth knowledge of the site, which has developed and deepened over the twelve years' lifespan of the association.

GARA held its Annual General Meeting on 8th January 2014. This planning application was discussed in depth and members passed a resolution that we should respond to it as set out in this letter, which should be read as one of constructive criticism rather than simple support or objection.

#### **A Introduction**

As London Borough of Camden (LBC) is aware from our previous involvement with this site, GARA supports the application of Camden policy CS15 in relation to the protection of this Open Space and Site of Nature Conservation Importance (SNCI). We believe that proper application of this policy would result in the site remaining undisturbed, with open views into and across the site from the street and from neighbouring properties.

GARA objected to the previous applications, 2011/0395/P (the 'first scheme') and 2012/0521/P (the 'second scheme'), for development on this site. We note that for neither application did a Development Control Committee comprised of elected Councillors find these schemes acceptable – for the first scheme this was due to Officers' rejection, and the DCC rejected the second scheme. The Planning Inspectorate considered the second scheme unacceptable.

However, we recognise with deep regret that the Planning Inspectorate considered the loss of Open Space and disruption to the SNCI of the first scheme acceptable due to the mitigation proposed – this is a decision which we consider to have been the result of flawed logic and one to which we remain fundamentally in disagreement.

With further regret, we also acknowledge that the Planning Inspectorate, in considering the second scheme considered the height and bulk of the second scheme to be acceptable, despite the loss of public enjoyment of the Open Space through the loss of view from the street and from the west – again contrary to our reading of CS15. The impact on residents of Sarre Road is of particular concern.

Finally, we recognise, whilst remaining in disagreement with the conclusion, that both the Planning Inspectorate and LBC considered the effect on traffic, parking and other amenities of the second scheme to be acceptable.

GARA therefore understands that LBC Officers will consider the issues of location, scale and transport resolved if this third scheme has no greater impact than the second, and as long as the local environment itself has not changed materially since the previous application.

**This letter, therefore, should be read as one of constructive criticism rather than simple support or objection.**

The key planning issue remaining, and the reason for the Planning Inspectorate's refusal at Inquiry of the second scheme, is design quality. Further, the key long-term environmental impact issue is the arrangement, enhancement, delivery, protection, and future management of the remaining Open Space / SNCI.

We comment on these points below, together with our requests for planning conditions and legal obligations in the event that the Development Control Committee sees fit to grant consent.

Before these points are discussed we wish to record again principal points of objection to the second scheme (GARA letter 17<sup>th</sup> April 2012):

*"The proposed development is contrary to Core Strategy 15 and the protection it affords to Open Space and Sites of Nature Conservation Importance*

- *The NPPF guides against development that compromises Open Space and natural habitat*
- *The applicant has tried and failed to have the site allocated for housing under the LDF: the site was deemed not suitable for housing and is not required to meet housing demand in the Borough*
- *The trip generation calculations are erroneous*
- *There is insufficient on-site parking and hence parking stress, already high, will become intolerable*
- *The cumulative effect of this proposal with recently completed schemes and those under construction is dismissed without assessment*
- *There is no assessment of light pollution*
- *There is significant loss of amenity as the public view of the Open Space, from Gondar Gardens street, is extinguished (the suggested "gap" fails to address this); additionally the cumulative private views of the Open Space are also significantly impaired*
- *Daylight levels in existing dwellings are adversely affected*
- *Overlooking of existing premises from proposed balconies is not addressed*
- *The boundary treatment / design is incomplete*
- *There is no commitment to management of the habitat during the proposed construction period when the noise and air quality impacts will be at their highest and the habitat degradation also at its highest."*

## **B Comments on the Application**

### **Detailed design**

GARA has inspected the design in detail. GARA has had the opportunity to review the design pre-application and notes that some, but not all, of the concerns we have raised with the applicant have been addressed in the submitted design.

The applicant's Planning Statement (para 3.2.8) quotes from the NPPF; 'Paragraph 63 goes even further in support of exceptional design and states that "in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area" '. We are adamant that the support of Paragraph 63 of the NPPF cannot be applied to this application – the design is far from "exceptional".

We note that the height has not reduced (compared to the previous application, 2012/0521/P) but the apparent bulk has been slightly reduced through the more extensive use of mansards. We note an improvement in the arrangement of bays and more care in the selection and deployment of most façade materials, such as some subtle horizontal and vertical brickwork reliefs.

We note, positively, that the car lift has been lowered - the applicant asserts that views over it to the tree belt at the eastern end of the site and long views to Hampstead are visible from pavement level, although this not supported by detailed sections or a Verified Virtual Image.

The applicant has identified to us that the proposed design includes soft landscaping to the front of the development (bushes etc.); and that it will not be possible for children or adults to access the rear Open Space via the basement car park (or by other means), there being secure railings and two doors – one through the locked maintenance and storage locker and one to provide an alarmed emergency fire exit. We would seek confirmation of these positive points through clarification of the submitted designs.

There is considerable resident concern and distaste over the insertion of enclosed glass balconies / 'wintergardens'. These are uncontextual and cumbersome. The enclosed glass balconies face west and will overheat. Overheating is a facet that Regulation Part L requires to be designed out, but here it is designed in. It is highly likely that these enclosed balconies will be used by residents for storage, which will be unsightly and not match the architect's vision. This will have a direct impact on the appearance from the street and from houses opposite. In relation to the submitted design, this is probably the single area of greatest concern for local residents. The glasswork should be redesigned or removed – it appears to us that deploying brickwork from floor to waist height, particularly on the 1<sup>st</sup> floor 'wintergardens', would significantly address this issue and better match the local environment. GARA is happy to engage with the applicant to find an improved solution.

### **Daylight, sunlight and light pollution**

There is no attempt in the Design & Access Statement to consider the light output of the proposed development on either neighbouring properties or habitat. Much of the value of the SNCI lies in it being undisturbed. Much of the amenity of the residents is from neighbouring a dark site. This is not addressed by the applicant and no mitigation is proposed. Should the proposal receive consent we urge the Borough to place a condition on the number, location, design and appearance of external lighting such that the development does not create light pollution.

In the Environmental Statement, section 12, the impact of the development on the existing daylight levels in neighbouring properties is underplayed. Para 12.12 concludes that "the numerical values are not achieved in the case of three windows" yet no mitigation is proposed. The detailed report indicates these windows are in bedrooms of Chase Mansions; it is possible that their Rights of Light are impaired.

There is no reference in the Environmental Non-Technical Summary of the impact of the development on the outlook from or the privacy of neighbouring properties and their outdoor spaces through overlooking from the numerous terraces. Notwithstanding the recent Planning Inspector's report, affected residents including those in Sarre Road and on the western side of Gondar Gardens (e.g. No.9), consider this an unacceptable intrusion on their privacy.

### **Boundary treatment**

Reference is made to a "continuous perimeter fence" (D&A section 4.14) around the boundary of the site to neighbouring properties, but there are no further details of the boundary treatment and no acknowledgement that the responsibility for the fences, including existing end-of-garden fences lies with the applicant.

The application fails to address the impact on security of properties backing onto the reservoir site. Any increased access to the site, during construction or in the long term would adversely affect the security of these properties.

## **Townscape and views**

Para 13.37 of the Environmental Statement considers the impact on views from Sarre Road to be “medium to high” – this is incorrect as the views of anything but sky from the east-facing windows of Sarre Road properties is completely eradicated. Para 13.41 states that there are “no public views across the site towards Hampstead Heath”. This is incorrect – the views from Gondar Gardens (street level) towards Hampstead Heath, and the openness that this provides are an important factor in the local environment.

## **Basement Impact Assessment**

We consider that excavation adjacent to Chase and South Mansions will be within the zone requiring the applicant to secure Party Wall Agreements.

## **Construction Management Statement**

This document appears less detailed than that submitted with the second scheme. There is no mention of suspension of residents’ car parking or of the eastern pavement. There is no western pavement hence the eastern pavement must remain open at all times. We assume therefore that neither parking suspension nor footpath closure is required. It is clear that a full Construction Environmental Management Plan (CEMP) is required before any action on site, including actions of preparation for development such as the relocation of slow-worms and removal of security hoarding and fencing. This is needed to maintain the habitat value of the site and maintain security to neighbouring properties.

The proposed site is considered a high risk for demolition / construction due to the location and proximity of the receptors, the receptors being in this case the residential housing. The writer of the Air Quality Impact Assessment report recommends site specific mitigation measures according to London Councils Best Practice Guidance, which should be implemented as part of the CEMP.

## **C Design, protection and management of the remaining areas of Open Space**

The proposals for the design of the Open Space are sparse – the Landscape drawing comprising just one page. There is no description of “LWT Amenity Area” or why it has been located at the eastern end of the site, whereas access to it will be from the western end – this location would maximise disruption to wildlife and hence is inappropriate. No such construction could be accepted as having been consented by this application with this sparse level of detail.

We note that the applicant commits (Planning Statement 5.1.21, inter alia) to transferring the land to the London Wildlife Trust (LWT).

“5.1.21 An important part of this proposal is securing the long term future of the site. The owners of the site are willing to gift the Private Open Space on the site to a responsible body who can maintain the land as a nature reserve. The owners will also donate a financial sum to ensure the cost of the future maintenance of the land for the benefit of ecological and biodiversity can be secured. Preliminary discussions have been held with the London Wildlife Trust with regard to donating this land in perpetuity. These discussions are ongoing, where details of the financial contributions and facilities required for the long term future of the nature reserve are being progressed.”

Planning Statement 5.13.2 goes on to suggest a commitment to “dedication of land for Nature Reserve in perpetuity...[and].... maintenance and long term management of the Nature Reserve”. Para 7.1.2 appears to commit to this more strongly. The Ecological Action Plan states that the London Wildlife Trust (LWT) “will own” the site. A “Management Trust” is also referred to (para 5.1.23).

GARA welcomes this offer in principle but would require it to be strictly conditioned (should the proposal be granted consent). GARA has a strong commitment to the site, and a strong desire to be involved with the long term management of the site: this is commensurate with the aims and objectives of the Association.

#### **D Draft Planning conditions**

Should the Borough be minded to grant consent, it is necessary for GARA to consider suitable controls on the development. In this eventuality, we would request that items 3, 4, 5, 7, 8, 11, 12, 13, 14 & 15 below be required to be discharged prior to commencement of development.

1. Include a condition requiring monitoring of the slowworm population before, during and for two years after construction, with a condition to reinforce or re-establish the population if it is shown to have suffered, been depleted or been extinguished (cf Environmental Statement 8.97).
2. Include a condition that requires regular ecological surveys across each season for a period of five years to establish the ecological value of the site, including an obligation to conduct measures to increase the SNCI value to Borough Level 1, in order to satisfy Core Strategy 15 (paragraphs g, i, j). The “key” and “additional” recommendations of the Phase 1 Habitat survey and in the Ecological Action Plan should form a minimum threshold for this.
3. Include a condition on the number, location, design and appearance of external lighting such that the development does not create light pollution.
4. Include in legal agreement an obligation denying residents in perpetuity the right to apply for Residents Parking Permits and Visitor permits (cf Planning Statement 5.11.6).
5. Include in legal agreement the provision of a Car Club space within 50m of the access point of the site (cf Planning Statement 5.11.6).
6. Include conditions which limit the noise emission from the plant in the development to 10dB below background (or 15dB for tonal noise).
7. Construction Environmental Management Plan: As a pre-commencement (of any site activity) condition: A robust, regularly monitored, construction management plan including the following parameters:
  - Measurable means of limiting noise, air (including dust) and light pollution and maintenance of security of residents during construction
  - Prevent weekend construction work as this is inappropriate in a purely residential area
  - Include conditions to mitigate the impact of noise and air pollution during construction, and to commit to vehicle cleaning on-site
  - Include a condition limiting the temporary suspension of car parking spaces during construction to those only demonstrably necessary
  - Include habitat management section, to minimise impact upon soil quality, seed bank and slow-worm population
  - Oblige the developer to establish and conduct, with the contractor, frequent, regular Community Liaison Group meetings (e.g. fortnightly) throughout the pre-commencement and construction stages
  - To take baseline condition surveys of all neighbouring properties to the existing reservoir and new building to ascertain whether demolition and construction causes damage to neighbouring property (cf Environmental Statement 11.26).
8. The submission and approval of an Ecological Enhancement Plan (cf Environmental Statement Non-Technical Summary para 6.7).
9. Condition the selection of material and require a 3m by 3m sample panel comprising all street façade materials in true relationship to each other; the developer to be obliged to inform residents of its construction and allowing comment prior to discharge of the condition.
10. Oblige the developer to complete works to the reservoir bowl and the gifted nature reservoir, including boundary treatment, prior to first occupation of any residential property.

11. Provide full details of the boundary of the site and measures to protect the security of surrounding residents and preserving its nature conservation value, particularly ensuring that future residents do not access the SNCI / Open Space.
12. Provide, as a pre-commencement condition, full details of the landscaping on the street frontage (this is dealt with very sparsely in the documentation) and oblige the developer to maintain this planting, and replace it if it fails, for five years after first occupancy.
13. Provide full details of the design of the development, at appropriate scale, for approval prior to commencement of that element of development, to include issue to community for comment.
14. Record the dimensions and construction of the Victorian Reservoir, recently added to the draft list of locally listed buildings, and lodge with the Greater London Industrial Archaeology Society or similar body (as committed to in Environmental Statement para 7.35).
15. In addition, the envelope of the development must be defined, in the consent and not through reference to unscaled application drawings, with dimensions for location, height, breadth and depth at each level in such a way and against such local reference points as to make monitoring and enforcement feasible and practical.
16. Include in legal agreement funds or an obligation to improve the footpath between Gondar Gardens and Sarre Road.

### **E The Open Space offer**

Should the Borough be minded to grant consent, then GARA request the following apply:

The applicant offers (Planning Statement 5.1.21, inter alia) to “gift the Private Open Space on the site to a responsible body who can maintain the land as a nature reserve”, together with “a financial sum to ensure the cost of future maintenance”, and (Planning Statement 5.10.2 “dedication of land for Nature Reserve in perpetuity, maintenance and long term management of the Nature Reserve”.

GARA is concerned due to the lack of detailed proposals and commitment provided currently. For instance, the identity of the responsible body is not clear, though the London Wildlife Trust (LWT) is mentioned – GARA would support LWT as a suitable future owner.

However, GARA welcomes this offer in principle and would require the transfer of land, **with a covenant barring future development in perpetuity**, to be a pre-commencement obligation (pre-commencement of any on-site activity including any act of site clearance bar slow-worm translocation).

The legal agreement should also include the following;

1. The responsible body should be or should create a specific entity constituted to maintain and enhance the site as Open Space and SNCI and be responsible for securing the boundaries and protecting the neighbours’ security. For example, if the body receiving the land is the LWT, then it should be a condition that the land is controlled by a specific entity, with GARA represented with at least one representative; other Trustees might include an expert slow worm body such as the London Essex and Hertfordshire Amphibian and Reptile Trust (LEHART).
2. The entity must be funded so as not to require subsidy from the LWT and the entity should not be allowed to subsidise or contribute financially to the LWT in any way.
3. The boundary of the proposed “gifted” land must be made clear.
4. The absolute transfer of the land must be confirmed.
5. The land transfer should covenant the land to preclude any future development, even development considered ancillary to the Open Space such as storage for maintenance equipment, classrooms, toilets etc.

6. The current owner shall remain responsible for any pollution or contamination discovered on site which is not addressed by remediation during construction.
7. The responsibility for the boundaries (a significant maintenance responsibility) shall be clarified – GARA believes this responsibility currently lies with the applicant.
8. The “financial sum” must be sufficient to cover insurance and other costs of ownership.
9. A role on the Trustee body owning the site and a role on the body responsible for management and operation of the site: GARA has a strong commitment to the site, and a strong desire to be involved with the long term management of the site: this is commensurate with the aims and objectives of the Association.
10. The reversion of the land to GARA or a recognised wildlife charity, or LBC, should the responsible body cease to exist.
11. Rights of access for personnel, maintenance equipment and material must be provided.
12. Residents of the new accommodation shall have no rights of access.
13. Rights of access must be limited to a small proportion of the year, no more than 20 per annum including maintenance trips, with a particular limitation at weekends, and for small groups (e.g. a maximum of one school class size), in order to maintain the undisturbed quality of the site and hence its habitat value.

### **Closing observations**

GARA held its Annual General Meeting on 8<sup>th</sup> January 2014. This planning application was discussed in depth and members passed a resolution that this letter should be written. It must be noted that this letter is not to be read as a specific letter of objection to the application. This letter cannot be read, however, as a letter of support. Instead the letter acknowledges the position in planning of the site, governed by policy and, more significantly, by Planning Inspectors in their reports on the first and second scheme. This acknowledgement is made with regret and not with agreement as to the conclusions.

This letter is written to reaffirm the determination of local residents to ensure that the character of the neighbourhood is properly respected and that the Open Space, including views into and across it, are protected to the greatest degree possible. Therefore, we have commented on the design and proposed conditions and obligations that we wish to see built into any Officer’s report and draft legal agreement (should that Officer’s report recommend the scheme for approval) before the report is put to the Development Control Committee.

As you would expect, we wish to be informed of the date of any such DCC meeting; we would like to receive a copy of the Officer’s Report to the Committee and be given the opportunity to make representation at the Committee meeting.

We look forward to confirmation, prior to any relevant DCC meeting, that our approach of constructive dialogue will be met with a commitment by the applicant and by LBC to address our comments on the design and requests for specific conditions and obligations.

We would be happy to review this letter with you.

Yours sincerely,



**Michael Poulard**  
**BSc CEng MIMechE**  
**for Gondar and Agamemnon Residents’ Association**