

## **SUPPLEMENTARY AGENDA for DCC 28.11.13**

### **Agenda Item 7(3)**

**Address: 29 New End NW3**

**Reference Number: 2012/3089/P**

### **1. The following provides further clarification and in some cases amendments to matters contained in the officers report-**

#### **1.1- affordable housing-**

- para 6.15- regarding affordable housing onsite. This is reworded to clarify an ambiguity regarding the applicant as below (*additions shown underlined*).

The applicants do not propose any affordable housing onsite nor offsite. The scheme as designed has one central entrance from New End and one service core of stairs/lift and cannot accommodate different tenures. ~~However contrary to the applicant's assertions,~~ In testing the viability of the scheme for affordable housing onsite (which is discussed further in para 6.17 below), the applicant had explored alternative options which showed that physically it is considered that the scheme could be adapted to provide a separate area of affordable housing on the eastern side with a separate access from Christchurch Passage and a separate service core to ensure that there is separation in management and service charges between the 2 tenure sectors. Nevertheless a radically different design in terms of external form or size of the scheme on this side would be very difficult given the constraints of the site in townscape and amenity terms.

- para 6.17- the applicants have since confirmed that, as part of their viability review, they had approached Registered Social Landlords regarding onsite housing, who advised they were not interested in single units within the scheme due to the high cost of service charges and maintenance and the high values which would fall outside both Camden's and the GLA's income salary thresholds.

- para 6.19 is reworded as below to remove reference to 'uncertain market conditions'-

Despite the appraisal results, the developer is still willing to proceed with the scheme, presumably on the basis that sales growth is anticipated during the life of a permission. Thus it is recommended ~~in the light of uncertain market conditions~~ that it would be appropriate for the Council to see agreement to a deferred contributions mechanism.....

- a response from BPS (the Councils independent assessors in relation to financial viability) is given in section 2 below regarding questions about an update on their viability review (given it was done a year ago) and the expense of fittings used in assumptions on costs.

## **1.2- trees-**

- para 6.43- regarding the elm- officers consider that the elm has limited visual amenity value and thus it is acceptable to remove this. All references to Dutch elm disease are removed, given the tree is healthy.

- para 6.43- regarding trees onsite- 4 trees will be retained, 11 smaller trees will be removed from the street frontage and rear garden (2 for arboricultural reasons and 9 due to the new building). The draft landscaping plans suggest that 2 trees will be planted at the street entrance along with potentially 6 other smaller ones on the frontage and 18 small trees of different varieties will be planted in the rear garden.

## **1.3- sunlight-**

- para 6.48- regarding sunlight. The following explanation clarifies which rooms comply and which do not. As indicated, an analysis was undertaken of all surrounding buildings that have rooms able to receive sunshine (ie. Christ Church; Christ Church primary school; Christchurch Cottage; flats 1-9 Carnegie House; 7,8,9 New End; 27 New End; Lawn House; 10,11 Hampstead Square). It concluded that almost all relevant windows in these properties comply with BRE recommendations on sunshine. The windows which do not comply are all the east facing windows in the flank wall of Lawn House which have significant losses of annual or winter sunshine as indicated here- basement window (100% loss of annual sunlight), side window to large ground floor south-facing bay (21% annual), 1<sup>st</sup> floor side window secondary to north-facing room (25% winter sun), 2<sup>nd</sup> floor side window (25% winter sun), 2<sup>nd</sup> floor side window secondary to south-facing room (50% winter sun).

- para 6.49- regarding overshadowing- this is reworded as follows to indicate officer's opinion, not applicant's-

No formal analysis has been undertaken of overshadowing of neighbouring open spaces in accordance with BRE recommendations. This would be relevant for the gardens of Lawn House to the west and Carnegie House to the east. However ~~the applicant considers~~ it is considered that no further technical analysis ~~is warranted~~ needs to be undertaken in this case. The new scheme is...

## **2. Note from BPS surveyors regarding their viability review-**

A response from BPS is given here regarding questions about an update on their viability review (given it was done a year ago) and the expense of fittings used in assumptions on costs.

- 1) Viability has changed since we prepared our report. Using House Price Index (HPI) as a basis to enhance unit values we see total gross revenue

has risen by £5,421,000 (14.9%). Profit and marketing costs are linked to GDV and these increase but by a combined £1,246,912 which means the net revenue increase is £4,174,000. Equally over the same period costs have risen and based on BCIS (5 year sample) for flats upper quartile and adjusted by the relevant location factor prices have risen by 3.4%. This adds a total of £834,497 of costs to the scheme. Therefore the net change to the residual value is for it to have increased by £3,340,000 to 4,642,000. When compared to the previously agreed benchmark land value £5,800,000 (which may also be subject to upwards revision) the scheme still shows a net deficit of -£1,158,000. Therefore although viability has significantly improved, there is no change to our conclusions regarding the ability of the scheme to deliver affordable housing

- 2) The scheme has high proposed units sales values per sqm ranging from £5,600 through to £13,764 average at £11,000 per sqm overall. We understand the high allowance for fittings was felt justified by the applicant in that they believed a high specification was needed to achieve this level of values. Ultimately we cannot dictate the quality that a developer chooses to build to even though we believe the figure is relatively high for this price of accommodation. Should the developer choose to reduce the costs without impacting on overall sales values then this would be captured by an outturn review of costs and values.

### **3. Further consultation responses since writing report-**

Following publication of the report on the agenda, more objections (*numbers counted at 8pm on 26.11.13*) have been received regarding the same issues as itemised in the consultation section:

14 individuals- including 5 residents, 3 PCC members and 2 churchwardens of Christ Church, Vicar and PCC of Christ Church, Area Dean of North London, Archdeacon of Hampstead, regarding the following -  
loss of affordable housing, lack of need for luxury flats;  
banal design, overdevelopment in conservation area, impact on setting of listed church (plans misleading in not showing church nave);  
longterm construction nuisance, excavation impact on stability of buildings, notably Christ Church which has shallow foundations and significant heritage status, need for independent structural survey of church before works begin;  
dust nuisance from brick crushing, noise nuisance to church and school activities;  
future occupants' objections to church bells;  
parking congestion.

Christ Church School have reiterated their previous objections regarding dust and noise nuisance from construction, health, safety and congestion issues in Passage, overlooking to school, road congestion, structural stability.

Heathside School have submitted 2 technical reports on noise and air quality to demonstrate that construction of the scheme will harm local amenity

through noise, vibration and dust and that extensive monitoring and mitigation measures are required.

Lawn House have submitted a Tree report concerned at the serious harm caused to root zone of the copper beech tree, and resubmitted a revised Heritage consultant's report which now takes account of the updated May 2013 Heritage Assessment report and its NPPF policies and which continues to criticise the scheme as summarised in para 4.18 of officer report.

#### **4. Further amendments to report-**

Following publication of the report on the agenda, the following amendments are proposed to the report, relating to para 4.1 in consultation section where there is an inaccuracy in summarising English Heritage's response: the first few lines should read as follows (*additions shown underlined*)-

**English Heritage-** previously commented on 31.10.11 regarding withdrawn application: no objection to demolition of existing building which has neutral contribution to conservation area; need for any application to comply with Camden guidance on basements in light of complex geological conditions and need for scheme to demonstrably contribute to conservation area.....

#### **5. Additions to planning decision-**

Following publication of the report on the agenda, the following minor additions are proposed to the draft planning permission:

##### **Drawing numbers-**

'Proposal to provide additional support to southern most buttress' report by TWS 24.9.13.; Non-Technical Summary of BIA Version 1.1 by TWS November 2013.

##### **Informatives-** (2 regarding protected species)

10. Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats) Regulations 1994 which protect bats from intentional or deliberate actions which may kill, injure capture a bat and from actions that intentionally or recklessly damage, destroy or obstruct access to a bat roost (whether bats are present or not) or disturb a bat when occupying a roost. Actions such as demolition and renovation works to a building, and tree felling or significant tree surgery are likely to result in a breach of the above legislation if bats or bat roosts are present. All site operatives must be made aware of the possible presence of protected species during site works. If any protected species are found works should stop immediately and Natural England informed. For further information contact Natural England on 0845 600 3078.

11. Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to

disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests are highly likely to be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey (undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 0845 600 3078.