



GONDAR GARDENS RESERVOIR SITE WEST HAMPSTEAD

ROLFE JUDD PLANNING PLANNING STATEMENT

On behalf of
Linden Wates (West Hampstead) Limited

January 2012

JD/P4513

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1.0 INTRODUCTION

1.1 Summary

- 1.1.1 This planning statement has been prepared by Rolfe Judd Planning, on behalf of the applicants, Linden Wates (West Hampstead) Limited, in support of their planning application for the redevelopment of land known as the Gondar Gardens Reservoir Site (the Site). The site is currently in private ownership, formally owned by Thames Water and houses a decommissioned raised reservoir structure. This proposal aims to provide an alternative long term solution for the site (to that of the previous scheme), by removing the roof and internal arch structures of the reservoir building, replacing and improving the grassland in the reservoir bowl and developing the western edge of the site for a new residential development. This proposal responds to the Council's concerns in response to planning application 2011/0395/P.
- 1.1.2 For the purposes of the planning application, the proposed development (the Proposal) is described as follows:
- Redevelopment of the covered reservoir structure to provide 28 residential units with associated parking, refuse storage and landscaping of the site for Private Open Space, following substantial demolition of the roof and internal structure.*
- 1.1.3 The site is complex. A previous planning application for the redevelopment of the reservoir to provide 16 housing units was refused by the Council in June 2011, this proposal is subject of a planning appeal.
- 1.1.4 The reservoir structure is redundant of its original purpose and is subject to deterioration within its brick fabric, which will eventually cause the collapse of the roof construction. It was agreed by the Council's preferred consultants, Conisbee that the roof of the reservoir is in need of repair and without that repair the roof will deteriorate further. The substantial costs of repair to the roof is economically unviable without a future use for the reservoir structure, therefore it is not realistic to expect the current landowners to spend several hundred thousands of pounds repairing the roof of a building with no end use.
- 1.1.5 This proposal seeks to deliver 28 new homes to this part of Camden and retain and improve the grassland habitat on the site, by replacing the current grasses on the roof of the reservoir within the newly created reservoir bowl on the site. .
- 1.1.6 The owners of the site have as part of this application sought to respond to the various concerns raised by the Council and the local residents relating to the previous application. This proposal has been designed to address those specific concerns and provides an alternative proposal for the site.

- 1.1.7 The site is clearly recognised as being special to surrounding residents and this proposal aims to ensure that the importance of this site is retained for local residents but also secures an acceptable and economically viable long term future for the site. .

1.2 +Planning Statement

- 1.2.1 The purpose of this document is to examine the planning issues/ merits of the current proposal for the site. In particular, this statement identifies and describes the constraints of developing the site and key opportunities presented by the redevelopment proposed.
- 1.2.2 The statement also provides a comprehensive analysis of the relevant planning policy framework, at national, strategic and local levels and details how the development plan has influenced the form and content of the proposal.
- 1.2.3 With this in mind, the planning statement is structured as follows:

Section 1:	Introduction and Summary
Section 2:	The Application Site and Surrounding Area
Section 3:	The Proposal
Section 4	Planning Policy Framework
Section 5	Planning Considerations
Section 6	Scheme Benefits
Section 7	Conclusions

1.3 Environmental Impact Assessment

- 1.3.1 The current application has evolved as a response to the earlier scheme, submitted in February 2011, for which the Council refused planning permission. At that time, the Council issued a Screening Opinion to the effect that they regarded the proposals as “EIA development” under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 1999, as amended (the EIA Regulations).
- 1.3.2 The Council’s Opinion was based, firstly, on the fact that the proposals, being an “urban development project” larger than 0.5 hectares in size, constituted “Schedule 2 development” under the Regulations; and secondly, on the Council’s view that the development would be likely to give rise to significant environmental effects, primarily in relation to ecology. Accordingly, an EIA was carried out and its findings were presented in the form of an Environmental Statement (ES) submitted in support of that application.
- 1.3.3 The current proposals seeks to address the Council’s concerns by moving the residential development towards the front of the site. The previous Screening Opinion does not apply to this current scheme, and a new opinion has not been sought from the Council.

- 1.3.4 Since the size of the site and the nature of the scheme are essentially the same as before, the proposals still qualify as Schedule 2 development. The EIA has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which came into force in August 2011, and a new ES has been prepared. The ES comprises a Main Report a Non-Technical Summary and a series of Technical Annexes.
- 1.3.5 The Technical Annexes present a range of supporting information related to the assessment topics, together with standalone reports required by the planning process. They are as follows:
- Air Quality Impact Assessment
 - Climate Change, including
 - Sustainability Statement
 - Energy strategy
 - Code for Sustainable Homes Strategy
 - Cultural Heritage, including
 - Archaeological Desk-Based Assessment
 - Built Heritage Assessment
 - Ecology, including
 - Extended Phase 1 Habitat Survey
 - Bat Surveys
 - Reptile Survey
 - Breeding Bird Survey
 - Reptile Mitigation Strategy
 - Ecological Action Plan
 - Flood Risk and Drainage Assessment
 - Geo-Environmental Site Assessment Report
 - Noise and Vibration, including
 - PPG24 Environmental Noise Survey
 - BS5228 Noise Impact Assessment
 - BS5228 Vibration Impact Assessment
 - Road Noise Impact Assessment
 - Car Lift Noise Assessment
 - Sunlight and Daylight
 - Townscape and Visual Impact Assessment
 - Transport Statement
- 1.3.6 Other supporting documents comprise
- Design and Access Statement

- Drawings
- Statement of Community Involvement
- Basement Impact Assessment

1.4 Pre- Application Consultation

- 1.4.1 The applicants have entered in a Planning Performance Agreement with the Council and undertaken pre-application meetings with officers to discuss the merits of the scheme prior to submission. The owners of the site over the last two years have also undertaken considerable public consultation including three public exhibitions and meetings with local residents groups, Gondar and Agamemnon Residents Association (GARA) and West Hampstead Amenity and Transport Group (WHAT). With regard to the current proposal, the Applicants organised a public exhibition, held on 7th December 2011. The Applicants also participated in a Camden Council Developer Forum public meeting to discuss the scheme which took place on 14th December 2011..
- 1.4.2 A Statement of Community Involvement has been prepared by Indigo Public Affairs, which sets out the proactive engagement the applicants have completed prior to submitting the application.
- 1.4.3 This statement sets out the merits of the current scheme.

2.0 THE APPLICATION SITE AND SURROUNDING AREA

2.1 Site Description & Location

- 2.1.1 The Gondar Gardens Reservoir Site , formerly known as Shoot-Up Hill Reservoir (the Site) comprises 1.24 hectares (3.07 acres) of land. The front half of the site which faces Gondar Gardens, contains a raised reservoir structure. Two thirds of the reservoir structure is below ground level with a third above, which is covered over with a shallow depth of topsoil and grass. The south and west sides of the reservoir above ground are built up using soil banks and grassed.
- 2.1.2 A detailed description of the reservoir structure was explained by Mr Eric Reed (member of the All Reservoirs Panel) in his inspection of the Reservoir in 1988 as follows:

The Shoot – Up Hill Reservoir was constructed in 1874 and was not considered by successive panel engineers qualified under the terms of the Reservoirs (Safety Provisions) Act 1930 and employed by the Metropolitan Water Board to come within the meaning of that Act. With the enabling of the Reservoirs Act 1975 a re-evaluation of the position under the new legislation has been carried out resulting in the Undertaker on legal advice re-designating the reservoir as a large raised reservoir

The reservoir is a brick structure constructed as a tank and is founded on yellow clay according to old drawings. The internal dimensions into the bays are 92.41 metres long and 53.17 metres wide and the average height to top water level is 5.72 metres. The walls are constructed of lateral brick arches supported by brick counterforts on the inside. From an examination of the old drawings the outer face of the walls is water proofed by a puddle clay wall. This puddle clay wall is in turn supported by earth banks on all sides. On the north, west and east the fill is to the roof level; on the south there is slopping embankment immediately adjacent to the puddle wall. The north side has a puddle sandwich between the brick arches of the reservoir and a similar set of brick arches which indicate the intention to build another reservoir of similar design to the north of the existing. The reservoir is buried in the existing ground virtually over the length of the west side with a very small bank some 20 metres from the wall. On the north side there is a small bank some 10 metres from the wall. A flat plateau at roof level extends some 60 metres beyond from the wall. The greatest height of embankment is in the south east corner reducing rapidly to level fill half way along the south side (going west). Where banks exist they are of slopes roughly one vertical to two horizontal.

The roof is of brick arch construction believed to be two bricks thick with 0.5 metre brick main beams supported on brick columns across the reservoir in a north-south direction and brick secondary beams running along the length of the reservoir in an east-west direction. The floor is 300mm of concrete. The roof is covered with soil and grassed.

- 2.1.3 The inside of the reservoir can hold the equivalent of 144 double decker buses with headroom to spare. English Heritage refer to the structure as “internally impressive but externally neutral to the point of invisibility’ (refer to Annex Cultural Heritage Annex of the ES)
- 2.1.4 The Site is located at the top of a hill. When the reservoir was completed in 1874, this whole area was open farmland. The whole of the site was originally purchased for use as a water utilities site. Historical records identify, as does the investigation detailed above of the structure, that the rear of the site was retained following the construction of the reservoir, with the intention that this land be reserved should a second reservoir be required in this location; however the second reservoir did not come to fruition.
- 2.1.5 The water stored in the reservoir was drinking water. An extract from the historic 1997 report suggests (Pawsey Report 1997), *that due to the changes made to the water supply arrangements serving the reservoir, the overflow capacity, it being restricted downstream, is less than the maximum net rate at which water could enter the reservoir and the means of controlling the maximum water level is no longer adequate.*
- 2.1.6 Thames Water took the decision to build a new reservoir at Dollis Hill, rather than upgrade the Gondar Gardens reservoir. Consequently Gondar Gardens reservoir was subject of a discontinuance notice in 1997. The reservoir was decommissioned from use in 2002 and Thames Water disposed of the Site in 2010.
- 2.1.7 The reservoir site is currently hoarded. The raised reservoir structure is grassed over and there is little evidence of visible brick structure on the majority of the site; however the topography of the site with sloping embankments to a flat roof, which includes vents along the top of the reservoir structure, demonstrates that this is man-made contoured land. To the west of the site is the access point to the reservoir where the brick structure is visible, this is effectively an entrance bunker, which includes a short ladder leading to brick stairs within the reservoir. There is also a vented area and railings on the southern wall of the reservoir which is visible externally.
- 2.1.8 The vent on the southern wall of the reservoir building was part of the works required to discontinue the structure of the reservoir.
- 2.1.9 The grassed area of the Site is mown regularly, as part of a maintenance programme for the reservoir land. The embankment to the east and south has longer grasses and some shrubs. There are also trees intermittent around the perimeter of the site. Some trees on the south eastern boundary benefit from Tree Preservation Orders.
- 2.1.10 Photographs of the Site are included at Appendix 2 of this Statement and within the Design and Access Statement.

2.2 The Reservoir Structure

- 2.2.1 There were several; surveys completed as part of the previous application. From those surveys and appraisals of the reservoir structure it was agreed by all parties that there is water ingress via the reservoir roof and the roof is in need of repair.
- 2.2.2 Whilst there is some disagreement between the parties as to the speed of the failings in the roof as responsible landowners, the current owners of the site must respond to their own professional advisors who undertook invasive technical investigations of the site on several occasions. The risk to public safety is of real concern and a long term solution for the reservoir site needs to be made. The roof of the reservoir has been secured from authorised access with security fencing to the reservoir perimeter which was erected in January 2010 and will remain in place until a resolution to the future of the reservoir structure is agreed.

2.3 Surrounding Area

- 2.3.1 The surrounding area is late C19th and early C20th terraced housing and mansion blocks, common throughout this part of London. The south side of the reservoir was developed for housing during the Victorian period, with the north side of Gondar Gardens developed for housing during the first part of the C20th.
- 2.3.2 During this time Hampstead Cemetery to the north of Gondar Gardens was also established. The housing in the area has a mix of family and purpose built flatted developments. The surrounding streets are predominantly three storey town houses, several of these also converted into flats. Opposite the Site entrance, is the rear access to the garages of the two storey terrace houses which front onto Sarre Road. The nearest shopping facilities are to the east of the site on Mill Lane, with the district centre of West Hampstead within walking distance. Beyond the immediate surrounding streets, Hampstead Cemetery is to the north and further to the north east is Hampstead Heath.
- 2.3.3 The distance from the rear of the nearest properties to the boundary of the Site as a whole (not the reservoir) are considerable and approximate distances are:
- Rear of Gondar Garden properties to Site boundary approximately 35m
 - Rear of Agememnon Road properties to Site boundary approximately 12m
 - Rear of Hillfield Road properties to Site boundary approximately 44m
 - Rear of Sarre Road properties to Site boundary approximately x m
- 2.3.4 The main arterial routes are Mill Lane to the south linking with the main distributor road (Shoot Up Hill (A5)). To the east via Fortune Green is the A41 linking the area to Finchley and the north. The site is within 10 minutes walk of Mill Lane where there are bus stops linking to the wider network. West Hampstead tube station accessing the Northern Line and rail station to Richmond, Stratford and the City are also within walking distance of the Site.

2.4 Relevant Planning History

- 2.4.1 The site was constructed in 1874. Since the decommissioning of the reservoir building in 2002, there is no record on the Council's public access database of any planning decisions relating to this site other than the recent refusal of planning permission for the redevelopment of the reservoir for a 16 unit scheme – which is subject of a current appeal (2011/0395/P).
- 2.4.2 The previous application for 16 units was refused for 16 reasons.

10 reasons for refusal related to the absence of a legal agreement to secure the eco-measures and normal infrastructure contribution of the Authority. The other six can be summarised as:-

(1) Loss of designated Open Space contrary to CS15 of the Camden Core Strategy and policy 3D.14 of the London Plan. (It should be noted that policy 3D.14 of the London Plan has now been superseded by policy 7.18 of the updated London Plan 2011).

(2) Insufficient Affordable Housing.

(3) Insufficient Density of Development.

(4) Failure to provide active street frontage.

(5) Failure to provide a mix of units.

(6) Failure to provide a Basement Impact Assessment

The current scheme seeks to address these previous reasons for refusal.

3.0 THE PROPOSAL

- 3.1 The current owners of the site purchased the site in January 2010. The site is challenging in that the original use of the site as a reservoir for water storage and distribution is no longer required. The structure of the reservoir is deteriorating which means any other potential uses to use the reservoir will be subject to the brick arches/ roof of the reservoir being repaired. Other potential uses of the site are limited, reuse of the reservoir structure for storage or inert waste infill are likely to be considered unacceptable due to the high impact of traffic movements to the area and in any event would still require invasive and expensive works to repair the roof.
- 3.2 Therefore in the unlikely event that the reuse of the redundant reservoir structure for another storage use might be considered acceptable, it would require the repair/replacement of the roof structure and waterproofing, both of which would require the removal of the topsoil and grass roof and would be economically unviable.
- 3.3 The Site is recognised locally as being private open space and including ecological value, however this designation fails to acknowledge the fact that the site contains a considerable built structure, which means that due to matters of health and safety the site can never be accessible to the public nor used to its full potential for the public or in a private capacity if left in its current form. It also means that the liabilities on the current owners to maintain the safety of the site and the building are considerable. In light of recent structural advice it is quite clear that were the site to continue to be left and the reservoir structure to receive no works of remediation to the structure (which would be costly financially), that the current merits of the open space, i.e the grasslands, are likely to be lost. The worst case scenario being as the brick arches deteriorate, inevitably the roof will fail taking the shallow grass and topsoil with it.
- 3.4 This proposal therefore seeks to resolve the conflicting needs for the site with regard to the maintenance of retaining a redundant structure whilst seeking to respect the ecological value the site has. This alternative approach to the previous scheme is considered to be a balanced and creative approach to ensure that the current merits of the site are retained as much as possible whilst also resolving the future of the reservoir structure in a positive and contributory development.
- 3.5 This proposal will provide 28 residential units to the frontage of the site. The scheme proposed will include:
- A mix of residential homes contributing towards a local need for housing.
 - Affordable housing on site
 - Off street parking
 - Code for Sustainable Homes - Level 4

- Lifetime Homes for all the units
- 10% disabled units and disabled access
- Investment in the replacement and long term maintenance for the Private Open Space at the rear of the site
- The retention of the Victorian reservoir perimeter walls and buttresses retaining an historic record of the former use of the site.
- High quality design, providing quality housing/urban living
- Private and shared amenity space within the development
- Dedication of the remaining site as a nature reserve, gifted to a responsible body in perpetuity, with a financial contribution for future maintenance provision
- Potential opportunity for controlled public access/ open days to the nature reserve;

3.6 The redevelopment of the site will also require planning obligations to mitigate the impact of the development which will include, but are not exhaustive of

- Education contribution
- Construction Management Plan
- Highway/ footway repairs

3.7 Additional obligations to be discussed with the LPA will include

- Nature reserve, maintenance and management plan

4.0 PLANNING POLICY FRAMEWORK

4.1 The Development Plan

- 4.1.1 The legal framework for determining planning applications is set out within the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.
- 4.1.2 These state that a local planning authority must have regard to the provisions of the development plan and other relevant material considerations when considering an application for planning permission; and that determination of the application must be in accordance with the development plan unless material considerations indicate otherwise. The Planning and Compulsory Purchase Act 2004 defines the development plan as the spatial development strategy (or SDS) and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- 4.1.3 For the proposed development, the relevant development plan therefore comprises the Mayor of London's Spatial Development Strategy for Greater London (the London Plan), the most recent adopted version dated July 2011
- 4.1.4 Under new provisions brought about by the Planning and Compulsory Purchase Act 2004, UDPs are to be replaced by a portfolio of planning documents called a Local Development Framework (LDF). The LDF will, when adopted, set out the local planning authority's spatial strategy and plan for development.
- 4.1.5 Camden has produced a Core Strategy and Development Policies Documents. Both have been approved by the Secretary of State and were adopted by the Council in November 2010.

4.2 Government Guidance

- 4.2.1 Relevant national guidance for this proposal is summarised below:
- 4.2.2 PPS1 - Delivering Sustainable Development, which sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- 4.2.3 PPS3 Housing - underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 4.2.4 PPS 5 – Planning for the Historic Environment - provides guidance on the Government's overarching aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

- 4.2.5 PPS9 - Biodiversity and Geological Conservation - identifies the importance of biodiversity and geological conservation and sets out the broad aim for planning and development activity, that it has a minimal impact on biodiversity and where possible, enhances the natural environment.
- 4.2.6 PPG13 - Transport sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- 4.2.7 PPG17 – Planning for Open Space, Sport and Recreation - sets out objectives for open space, sport and recreation which are all considered to underpin people's quality of life.
- 4.2.8 PPS 22 – Renewable Energy - recognises that renewable energy development can contribute to the Government's sustainable development strategy

4.3 The London Plan

- 4.3.1 The London Plan is the overall strategic plan for London, and sets out policy guidance on economic, environmental, transport and social framework for the development of London to 2031. It forms part of the development plan for Greater London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by councils and the Mayor. The London Plan adopted in July 2011 covers the following topics relevant to this proposal:

- Sustainable Development
- Living in London
- Transport
- Design
- Leisure and Recreation for People Living in London

- 4.3.2 The Mayors vision and objectives, seeks to ensure that London is:

- A city that meets the challenges of economic and population growth
- An internationally competitive and successful city
- A city of diverse, strong, secure and accessible neighbourhoods
- A city that delights the senses
- A city that becomes a world leader in improving the environment
- A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities

- 4.3.3 Policy 2.18, seeks to protect, promote, expand and manage the extent and quality of and access to London's green space infrastructure. In respect of planning decisions the policy states

"The loss of local protected open spaces must be resisted unless equivalent or better quality provision is

made within the local catchment area” [my underlining] Policy 3.3 seeks to increase housing supply and 3.4 seeks to optimise housing potential. Policy 3.5 seeks quality and design in new housing developments. Policy 5.2 seeks to minimise carbon dioxide emissions and policy 5.3 seeks to deliver sustainable design and construction. Policy 7.18 seeks to protect local open space and address local deficiency and Policy 7.19 seeks a proactive approach to biodiversity and access to nature.

4.4 The Local Development Plan

4.4.1 For the purposes of this proposal the relevant policies to be considered are:

Core Strategy

- CS1 Distribution of Growth
- CS3 Other Highly Accessible Areas
- 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
- CS18 Dealing with our waste and encouraging recycling

Development Policies

- DP2 making full use of Camden’s capacity for housing
- DP3 contributions to the supply of affordable housing
- DP5 Homes of different sizes
- DP6 Lifetime homes and wheelchair housing
- 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
- DP22 Promoting sustainable design and construction
- DP23 Water
- DP24 Securing high quality design
- DP26 Managing the impact of development on occupiers and neighbours
- DP28 Noise and Vibration
- DP29 Improving access
- DP31 Provision of, improvements to, open space and outdoor sport and recreation facilities
- DP32 Air quality and Camden’s clear zone

- 4.4.2 Section 5 of this statement responds to the requirements of the above policies when considering the scheme.

4.5 Site Designations

- 4.5.1 The majority of the Site is identified in the Core Strategy as Private Open Space and is also recognised as a Site of Nature Conservation Importance (Borough II). The front of the site facing Gondar Gardens is not part of either designation. An extract of the Proposals Map is included within the Design and Access Statement identifying the land designations for the Site. The site also includes trees on the east and part of the southern boundary that benefit from Tree Preservation Orders. None of the land is within a Conservation Area and the reservoir building is not listed as a building of special importance either on the national register nor is it identified as a building of local interest.

4.6 Private Open Space and SNCI (Borough II) - Policy Position

- 4.6.1 The above policies which relate to the protection of private open space and ecological valued sites are strategic policies in that these relate to all the public and private open spaces and sites of ecological and nature conservation value across the whole Borough. Whilst the majority of the land falling into these categories maybe *greenfield* or undeveloped land, that is not true for all. The Gondar Gardens site might well have been designated by the Council as being private open space and SNCI status, but it also falls into the category of previously developed land within an urban area.
- 4.6.2 In order to consider the appropriate approach to the application of policy when considering the protection of SNCI and private open space against policies which encourage the redevelopment of previously developed land in urban areas, we must also consider the history of the site, the structural condition of the building and other relevant and helpful assessments that have been made. One such source is the previous Planning Inspectorate assessments that specifically relate to this site.

4.7 The Planning Inspectorate's Consideration of the Site

- 4.7.1 Whilst the Council chose not to specifically act upon the comments of the Planning Inspectorate; the Planning Inspector specifically considered the Gondar Gardens Reservoir Site at the UDP Inquiry in 2005. Extracts from the Inspector's Report in 2005, are helpful in providing an independent steer and logical approach to appraising the Site. The comments of the Inspector demonstrate that he was satisfied that the Site should be considered previously developed land that would be capable of some form of development in the future, subject to habitat /ecology surveys and ensuring the long term protection of the rear of the site beyond the reservoir structure, as follows:
- 4.7.2 Paragraph 11.2.3 '*however it seems to me that, whilst there is no need to be concerned about the structure in the short term, there will come a point when the roof fails, or some other occurrence requires substantial measures to be taken to secure the safety of the site beyond just fencing it and refusing public*

access. The roof could be dropped into the reservoir and some form of ground contouring introduced so that the sides were not dangerously precipitous, or it could be completely filled in to its present roof height. This latter option would involve many lorry loads of fill material. It should also be borne in mind that a strip on the Gondar Gardens frontage is left without notation, implying the possibility of development being allowed. In the background there is always the consideration that there is an urgent need to find more suitable sites for housing development. Therefore, whilst I am clear that the site should be subject to continuing consideration, partly arising from the further survey work on bats, invertebrates and birds, which I have indicated in section 13.12 should be undertaken, which might suggest that some part of the site could be considered for development, but not necessarily on the scale suggested in the Objector's evidence.¹

- 4.7.3 The Inspector also addressed the importance of this site with regard to its nature conservation value, open space and amenity value for the immediate surrounding residents, as follows:
- 4.7.4 Paragraph 13.12.1 *The reservoir is a vaulted structure constructed primarily of brick, and covering about 0.6 ha. It has a depth of 7.5 m. The roof structure has a covering of topsoil, seeded with grass, as a protective covering. In my opinion, the scale and nature of this structure brings the site into the category of previously developed land, although there is the further question of whether it has lost this status by virtue of being the remains of development which has blended into the landscape in the process of time to the extent that it can reasonably be considered as part of the natural surroundings. My view on this is that it is not the remains which are present, but the total structure which is intact, albeit out of use. Further, the 'natural' external appearance is not the result of nature taking over a neglected site so that it has assumed a natural appearance, but is akin to being part of a building or engineering operation, as a form of roof protection, with perhaps aesthetic considerations also in mind. Whilst finishing the structure in this way has resulted in an area of grass which blends with the surrounding grass and scrub, I regard this as an unusual case which must be looked at with the total knowledge of what is on the site, rather than just the superficial view of what the eye sees of the surface. This is a developed site, and should be considered against the planning guidance which relates to previously developed land. As previously developed land, it is the curtilage of the development which the guidance relates to, and therefore the whole of site 179 should be regarded in the same way.*
- 4.7.5 Paragraph 13.12.2 *unfortunately, that is not the end of the matter. Government guidance gives a priority to developing previously developed land before greenfield sites, so there is something of a presumption that such land, particularly within an urban area, will be available for development. However, that does not mean that other considerations might not come into play which indicate a different outcome. In the case of this site, as well as the open space aspect, there is a nature conservation interest to take into account.*

¹ The objector was promoting a dense flat development of over 100 units across the whole site

- 4.7.6 Paragraph 13.12.3 *I deal first with the question of whether the sites should be deleted from the Open Space Schedule. About half of the site comprises a mainly below ground covered reservoir. The reservoir is no longer required for Thames Water purposes, and it has been decommissioned. As I have described above, the roof has been covered with soil and sown with grass, giving a fairly natural appearance as grassland or meadow, although topographically it has something of an artificial appearance. There has been, and remains, no public access, and there are only limited views into it from public viewpoints along a length of about 70 m on the western boundary abutting Gondar Gardens. Nevertheless there are extensive views into the site from the housing all around, and whilst individually these are private views, collectively they amount to a considerable public asset. This site is undoubtedly a green space, which, as I determine below, has a function as an area for nature conservation and biodiversity, no doubt acts as a 'stepping stone' from one habitat to another, and is a 'green lung' providing local amenity.*
- 4.7.7 Paragraph 13.12.4 *Turning to the nature conservation interest, there is no dispute that the area of the site which is to the east the area of the reservoir itself is worthy of designation as a Borough II SNCI. A survey of the whole site shows it to be to be semi-natural neutral grassland dominated by rye grass and false oat grass, with an area in the eastern part of the site is acid grassland, which is of greater interest. Slow worms are present on the site, and two species of bat are recorded as flying over it, but there is disagreement about whether or not they are foraging or commuting beyond the area of boundary trees and scrub and the adjoining gardens. The site is also used for foraging birds. However, the main ecological value, as at present shown by survey, is the slow worm population. There is dispute about whether the reservoir rooftop has any value to the foraging of the slow worm population, it being said on behalf of the landowner that it is not suitable habitat and is exposed to predators. On the other hand, local residents report seeing slow worms at different places around the whole site. Local residents also give a lot of information, from extensive observation, of numerous other sightings of animals and plants which suggest a high ecological importance. But the records that have been submitted, and the sightings recorded do not amount to scientific professional surveys which should underpin designations which have implications for the future of a site such as this. I therefore conclude that there is clear and firm evidence to support the designation of the eastern end of the site as Borough II, and I am satisfied that the part of the site above the reservoir merits inclusion for its supportive role, as a foraging area for a wide range of birds, and the probable greater importance which would be shown if further surveys were conducted. At present the formal survey evidence does not support a Borough I designation, but I would not rule that out if sound evidence is produced subsequently by further survey work, carried out at appropriate times of the year, of bats, invertebrates and birds.*
- 4.7.8 It is evident from the comments of the Inspector that
- Whilst it is accepted that the Site in its current form is an open space which provides amenity with regard to cumulative outlook to nearby properties and has ecological value, the land above the reservoir cannot be sustained nor protected in the medium or long term.

- The site is previously developed land which contains a significant structure that will require mitigation in some form.
- The Inspector accepted subject to ensuring the protection of endangered species and wildlife habitat, part of the site would be capable of redevelopment and makes a suggestion on the potential redevelopment opportunities, very similar to that being proposed as part of this application.

4.7.9 The Inspector's Report (2010) regarding the Core Strategy endorses Policy CS15.

4.7.10 Paragraph 3.79 *Core Strategy Policy CS15 and Development Policies DP31 are underpinned by evidence contained in the Open Space, Sport and Recreation Update Report 2008. This concludes that Camden currently has 20 sq m of open space provision per person, but that this figure would fall to 17 sq m by 2026 if no new open spaces were provided. The assessment is based on publicly accessible open spaces identified in Appendix 1 of the Report. The Core Strategy, at paragraph 15.9, notes that whilst most of the Borough's population has reasonable access to a Metropolitan or district park, a large proportion of residents do not have reasonable access to local and small parks and open spaces*

4.7.11 Paragraph 3.80 *The Policy approach taken by the Council, described in paragraph 15.6 of the Core Strategy, is to protect all designated open spaces regardless of quality, in view of the anticipated growth in population and the limited opportunities to provide additional open spaces. I do not disagree with this overall approach, in view of the deficiencies made clear by the Core Strategy. However, such a broad protective measure should have regard to the outcomes of planning for open space, sport and recreation facilities, as set down in paragraph 1.3 of the Companion Guide to PPG17.*

4.7.12 Paragraph 3.81 *In general, I do not doubt that the provisions of the Core Strategy and Development Policies seek to achieve these outcomes. However, two parcels of land that the plans seek to continue to protect as open spaces require further evaluation in the light of evidence submitted.* The Inspector goes on to assess these sites and suggests the removal of these open space designations from the Proposals Map.

4.7.13 In conclusion at Paragraph 3.85, the Inspector states, *The above sites are the only ones brought to my attention where a reappraisal of the open space designation has been called for. In the absence of any others, I have no evidence to question the general robustness of the Council's assessment of open spaces. However, future assessments should bear in mind the considerations expressed above*

4.7.14 It is quite clear from the above that as the designations from the previous adopted UDP were carried forward to the Core Strategy. The current owners of the site did not have the opportunity to present at the Core Strategy Examination; given at the time of the representations, Thames Water still owned the site. Had that opportunity been available to the current owners, the conclusions of the 2005 Planning Inspector would have been central to the argument with regard to enabling the reservoir building within this site to

be redeveloped. The conclusions of the previous Inspector with regard to the site requiring potential repair or alteration of the reservoir roof in some form in the future has now come to fruition and this is agreed by all parties.

4.8 Overall Assessment of the Development Plan

4.8.1 There are several key considerations which must be addressed when considering the suitability of this site for redevelopment and the development proposed. When assessing the key elements of national, spatial and local plan policy, the proposed redevelopment of the site is consistent with and meets the key objectives of national, strategic and local planning policy, this is discussed in detail in the next section of this report, however in summary the development:-

- Optimises use of previously developed land in a sustainable location
- Provides an economically viable solution to the future of the site with compatible land uses proposed
- Presents a quality development
 - Meets a housing shortfall in the Borough (both market and affordable housing)
 - Adopts sustainable design principles
 - Supports the ecological protection of protected species
 - Potential opportunity to provide greater public access to open space

5.0 PLANNING CONSIDERATIONS

5.1 The Redevelopment of Previously Developed Land designated as Private Open Space and SNCI II

- 5.1.1 The reservoir is a substantial built form, albeit largely covered with soil and grass. The raised reservoir structure rises above natural ground level and is clearly a man made structure. Whilst the reservoir structure is redundant of its former use, the building remains largely intact. It cannot be considered to be the remains of the structure, nor has it blended into the landscape (given the grass and soil banks and roof cover are part of the engineering solution for the protection of the reservoir structure). The Planning Inspector at the UDP Inquiry in 2005 on this issue accepted that the whole site should be considered previously developed land. Nothing has changed in policy or physical terms to alter this conclusion.
- 5.1.2 The structural investigations completed on behalf of the Applicants, have discovered that there is deterioration in the roof of the reservoir. Excessive water penetration is occurring through the roof of the reservoir and this requires significant and costly maintenance. Structural advice is that the roof will deteriorate if the repairs to the roof are not completed. Safety hoarding is erected to the boundary of the reservoir, which unfortunately impacts on the open character of the site, however until the future of the reservoir structure is resolved, the exclusion of unauthorised personnel from the reservoir roof must be securely maintained.
- 5.1.3 The Applicant supports the ecological value on the site and seeks to assist in the improvement of the quality of the SNCI designation. It remains the opinion of the applicant that the roof of the reservoir must be considered separately. The current SNCI Borough II designation for the site includes the top of the reservoir. The Planning Inspector also accepted that the roof of the reservoir provides a supporting role to the rest of the site, which has greater ecological value. The Inspector also accepted that this can only be considered as short term.
- 5.1.4 The grassland above the reservoir is effectively a green roof. Whilst the life of the structure might be prolonged by invasive repair any such repair would be hugely expensive and the cost of repair economically unviable; thus is not something the Council could expect of any reasonable owners of the site.
- 5.1.5 Precisely when the roof will fail is difficult to judge. The Council acknowledges that there is a substantial structure on the site which is a liability which has to be managed by the owner. In such cases it is perfectly legitimate for the owners of the site to consider their options to limit that liability, not just with regard to maintenance of the building and the site, but also with regard to health and safety issues on the site given the possible trespass onto the site. The previous Planning Inspector also accepted that fencing the site and keeping it as private open space is not a long term solution for the future of the site.
- 5.1.6 The owners of the site therefore have only three viable options

- Leave the Site - maintain the hoarding around the reservoir and increase security to the site. This is a short term measure, unsightly and benefits no one
- Demolish the Structure - highly invasive and would require the co-operation of the Council. Demolition of the whole structure (excluding retaining walls) would leave a huge hole in the ground, which will have equal matters of the health and safety to resolve, highly expensive option without an alternative use on the site.
- Redevelop the site - the best option for the site (the applicants are pursuing both the first scheme at appeal and the current application, which are considered to provide two acceptable alternative development options for the site, each with their own distinct planning merits)

5.1.7 Policy CS15 seeks to protect open space and encouraging biodiversity. Whilst this policy provides a strong policy line with regard to the Council's aspirations for the protection of open space, it assumes that all open space within the Borough is *grounded*. Clearly with this site, this is not the case, where part of the POS designation is on the roof of a 6 metre tall building – consequently mitigation measures required to resolve the matter of the redundant structure requires the council to look at the fundamental purpose of Core Strategy policy CS15, Development Policy DP31, and London Plans Policy 7.18. The main purpose of these policies is to maintain and improve the quality of open space provision in the Borough. The proposed development is considered to meet with these policy aspirations.

5.1.8 The Site is in private ownership, consequently there is no public access to the site and few residents of West Hampstead receive any benefit from this land in its current state. Dwellings which immediately overlook the site receive some cumulative benefit in that these residents benefit from long views across the site, principally south towards the City and to the north east towards Hampstead Heath. These views are now somewhat compromised by the need to hoard the reservoir structure. Beyond the houses that back onto the Site or overlook from Sarre Road, there is no real benefit to the surrounding population. The Planning Inspector in 2005 noted that the site was a 'green lung' providing local amenity to open space (this relating to outlook and nature conservation rather than physically accessible space capable of public enjoyment).

5.1.9 The site is identified as Borough II status for Site of Nature Conservation Importance, designation description is as follows:

A covered reservoir, mostly neutral grassland dominated by false oatgrass (Arrhenatherum elatius), with a moderate diversity of common wild flowers. Spiked sedge (Carex spicata), which is uncommon in Camden, is present in reasonable quantity. Typical grassland butterflies, including common blue and meadow brown, are present. The site is the only known location in Camden for slow-worms. There are small areas of woodland, mostly of sycamore (Acer pseudoplatanus) and ash (Fraxinus excelsior), with hawthorn (Crataegus monogyna) and plum (Prunus domestica) below, on the slopes at the eastern and western ends. This provides habitat for common birds. There is no access to the general public

- 5.1.10 What the above designation does not recognise and as discussed is that part of the site is shallow soil on the roof of a built structure, which we know is deteriorating and are advised it will fail.

The Mayor's Biodiversity Strategy

- 5.1.11 At paragraph 2.8 of the Mayor's Biodiversity Strategy it states that *Grassland is by far the most widespread habitat in London, though it varies enormously in quality. Frequently-mown amenity grass in parks and recreation grounds is generally of lesser value for wildlife, although collectively such areas help to sustain populations of common birds such as blackbird and mistle thrush. Aside from these areas, London contains over 11,000 hectares of meadows and pastures. Again, the vast majority of this is in outer London, with only about one tenth in the inner London boroughs*
- 5.1.12 The site contains grassland areas that are not subject of redevelopment and the proposed development will provide new grassland habitat within the basin of the reservoir. The Ecology Action Plan completed by James Blake Associates provides details of the long term future for the wildlife area and suggested long term management of the site for the benefit of the small slow worm population, which would result in significant enhancement of the site in perpetuity for slow worm and other populations.

The Future for the Site

- 5.1.13 Currently the site is being maintained by the owners of the site and responsible mowing regime is in place to ensure the maintenance of the grass roof of the reservoir and also to maintain the habitat for the existing slow worm population on the banks of the site. However there is no statutory requirement for the owners to do this. Whilst there is no requirement this doesn't mean that the current owners will cease the current maintenance regime, however there is no long term security if circumstance change or site ownership changes. .
- 5.1.14 The recent structural survey and advice requires the owners of the site to respond proactively and responsibly to these findings. The initial response to hoard the reservoir perimeter within the site, which includes anti-climb and trespass prevention measures is only an interim measure to protect public safety, it cannot nor is it intended to be a solution to overcoming the structural concerns with the roof of the reservoir and clearly is an unacceptable solution with regard to the outlook onto the site and the impact on the setting of the open space.

Habitats

- 5.1.15 The Wildlife and Countryside Act 1981 and the Habitat Regulations 1994 provide mechanisms to protect species, their habitats and sites occupied by the species. With regard to slow worms, whilst the reptiles are identified as a protected species, the protection extends to ensuring that there is no intention to kill, injure or sell the slow-worms. There are no statutory requirements to maintain a habitat for slow-worms,

which is currently being done on the southern bank of the site. Consequently were the current maintenance regimes in place at the site to cease and the site succumb to ruderal encroachment and scrubland, there is the possibility that the slow-worms would seek more appropriate habitats and move away from the site, as the site becomes unsuitable for their habitat.

- 5.1.16 In the same way with grasslands, the site sustains meadowland species (common butterflies/ birds) etc, because of the mowing regime and maintenance of the site. However should the site not be maintained then very quickly the grassland and meadowland quality of the site will be lost to ruderal encroachment, which will strangle the meadowland species, undermining the SINC II status even further. Whereas the proposal for the site will ensure the long term protection and replacement of the grassland and slow worm habitat.
- 5.1.17 The Council must accept that as a result of the deterioration to the reservoir structure and that there is no financially viable reason to repair or replace the roof, that the roof of the reservoir will need to be removed in the foreseeable future, which will inevitably cause the loss of the green roof and some of the meadowland within the site, unless a redevelopment proposal can be supported.
- 5.1.18 James Blake Associates completed surveys of the site over the summers of 2010 and 2011, copies of these reports are included in the planning submission. The key ecological interest on the site is the south eastern corner of the site. The proposed redevelopment of this site will not impact on this area of land.
- 5.1.19 Extracts from the Ecological Action Plan state
- *The area of greatest ecological importance (diverse grassland areas and banks where slow worms have been recorded) will be retained insitu and unaffected by the proposed development. At the 2005 UDP enquiry, the Planning Inspector's report acknowledged that the site is 'semi-natural grassland dominated by rye grass and false oat grass, with an area in the eastern part of the site is acid grassland, which is*
 - *of greater interest.' It is clear from this report, and from the current Phase 1 Ecology Survey Rev D (James Blake Associates 2010), that the vegetation covering the reservoir roof is of lesser importance for wildlife than the more established grassland, and associated banks, to the east. The reservoir top is shallow-soiled and dominated by coarse grasses. To the east, the grassland is more acidic in nature. Deep-rooting forbs will struggle to establish in the shallow soil on the reservoir top, which will desiccate more quickly in periods of low rainfall*
 - *Post development, over a half of the site to the east of the proposed residences will be retained and managed for wildlife. If the enhancement opportunities, detailed in this report, are carried out, it is considered that there should be a net gain in the value of the site for wildlife, post-development, and potentially a subsequent upgrade in the designation of the site from Borough Grade II to Borough Grade I.*

- *Appropriate long-term management is necessary to conserve the slow worm population and retain/increase the value of the site for wildlife. Leaving the site unmanaged is not an option – without grassland management, the slow worm population, which may already be in decline, will suffer. The London Wildlife Trust will own and manage the Wildlife Area to ensure long-term protection of the habitats.*
- *The reservoir roof is not permanent grassland, and as such it would be irresponsible to enhance this area and encourage slow worms and other species to use it: The reservoir was decommissioned due to leakage and contamination of the drinking water. The structural investigations completed on behalf of Linden-Wates, have discovered that there is deterioration in the roof of the reservoir. Excessive water penetration is occurring through the roof of the reservoir and this requires significant and costly maintenance. Structural advice is that the roof will deteriorate if the repairs to the roof are not completed.*

5.1.20 Section 2 of the Ecological Action Plan sets out the legal duty of public bodies to have regard to the purpose of conserving biodiversity. Conserving also includes restoring and enhancing habitats. At Gondar Gardens, the habitat could easily be at risk of degradation due to an uncertain future and lack of grassland management. The current owners of the site are responsible landowners and have agreed mowing and meadowland maintenance of the site with the Council to maintain the existing ecological value on the site. However the site has an uncertain future and lack of management of the site could result in the biodiversity on the site deteriorating and the ecological value on the site meriting the Borough II status being lost.

Protecting the Future Biodiversity Value of the Site

- 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.
- 5.1.22 It is therefore considered that the proposal supports the aims and objectives of the development plan in that it seeks to ensure the long term protection of a site of Nature Conservation Importance and open space. The scheme will result in the minimal loss of some *private open space*; however on balance for the long term future of the site for ecological and nature conservation importance it is considered to be acceptable and beneficial to the area.

- 5.1.23 The Applicants are willing to support the future of the Site enabling it to become a real community asset accessible to all and not just the immediate residents backing onto the site using it as a visual amenity; by providing a financial lump sum payment. The Management Trust will be encouraged to provide limited controlled access to the proposed nature reserve as part of a managed public access programme. This may include open days and school and community education trips..

5.2 The Appropriate Use of the Frontage of the Reservoir Site for Housing

Delivering Housing in Camden

- 5.2.1 Housing is considered the priority land-use of the Local Development Framework. Housing supply within the Borough is expected through the life of the Core Strategy to provide 850 units per year, exceeding the annual monitoring target of 595 units per year. However the Council expect the demand for additional housing within the Borough to vastly exceed the anticipated supply with household projections predicting 1000 additional households per year²
- 5.2.2 It is established that the reservoir structure/land is previously developed land' Paragraph 6.18 of the Core Strategy states that *'The Council aims to close the gap between housing demand and supply by minimising the net loss of existing homes, and by regarding housing as the top priority when considering the future of unused and underused land and buildings.'* Therefore it is wholly appropriate to consider the suitability of this site for housing.
- 5.2.3 The Council accepts that not all potential housing sites can be identified in the Sites Allocations documents and therefore small sites may come forward through the life of a development plan which have not been identified but are suitable for housing. The frontage of the site is not designated nor protected by Council policy. Therefore it can be presumed positively that the Council will be supportive of the development of the 'white land' subject to it meeting the requirements of the development as a whole.
- 5.2.4 Consequently the redevelopment of the 'white land' on the site for housing is considered acceptable in principle and meets the development plan requirements for provision of land for housing. The minor encroachment into the designation is also considered acceptable, given the designation boundaries appear arbitrary and do not correlate with the built form of the reservoir and as discussed earlier can be out-weighed by the proposed long terms benefits the proposals brings with improvement to the quality of open space ,biodiversity and ecology.

² Core Strategy paragraph 6.17

Type of Housing

- 5.2.5 The residential development proposed includes two town houses and 26 residential apartments. The housing mix is considered to be in accordance with the priority housing mix set out in Table 5.4 of the LDF DMP).

Units	Private	Affordable Rented	Shared Ownership	Total
1 bed	3			3
2 bed	11	4	1	16
3 bed	3	3		6
4 bed	2	1		3
Total	19	8	1	28
Hab Room	64.4%	35.6%		100%
Floorspace GEA	71.14%	28.86%		100%
Floorspace GIA	71.45%	28.55%		100%
Units	67.86%	32.14%		100%

- 5.2.6 An explanation of the layout and style of the proposed town houses is included in the Design and Access Statement.

5.3 Affordable Housing

- 5.3.1 PPS 3 states the Government is committed to providing high quality affordable housing for people who are unable to access or afford market housing.
- 5.3.2 Policy 3A.10 of the London Plan seeks the maximum reasonable amount of affordable housing in schemes, having regard to affordable housing targets for the local borough, the need to encourage rather than restrain residential development and the individual circumstances of the site.
- 5.3.3 The Council are applying a sliding scale to the provision of affordable housing, policies CS6 and DP3. For a scheme of this size this is either based on floorspace or the number of units, whichever is the greater.

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- 5.3.3 The Council are applying a sliding scale to the provision of affordable housing, policies CS6 and DP3. For a scheme of this size this is either based on floorspace or the number of units, whichever is the greater.

The Council also recognises that it is not always appropriate or possible to incorporate affordable housing within smaller market housing schemes.

- 5.3.4 The scheme has been designed to be 'tenure blind' in that there is no distinction between the affordable and private accommodation. The current mix allows for 19 private units and 9 affordable units, set out in the table above.
- 5.3.5 The residential floorspace that is used to calculate the amount of affordable housing is more often the floorspace of the units (for this exercise the GIA) and this is the area used in financial viability appraisals. Within this layout the GIA is 2855sq.m - therefore the affordable target is 814sq.m (28.5%). This scheme provides 815 sq.m affordable housing floorspace (GIA) which is 28.55% and thus meets the sliding scale set out in the policy.
- 5.3.6 The affordable housing block is very efficient with regard to circulation space and access to the flats, this ensures that management costs are kept to a minimum for the social rented tenants. The private block works off a shared core and effectively works as T shape access on each floor - clearly using more floorspace for access corridors to allow access to the front doors that said the actual width, height and design of the circulation space is not considered to be of a better quality than that of the social rented building. The private building has also increased in size as the upper floors have been amended to meet design objectives requested during the pre-application discussions with officers. .
- 5.3.7 Therefore whilst the scheme GIA floorspace meets the policy criteria, the GEA floorspace will be marginally below the sliding scale given the layout differences between the two buildings. The figures for GEA are as follows 3361sq.m - which suggests a target of 33 % of the floorspace for affordable housing. The scheme provides 970sq.m of affordable floorspace GEA or 28.86 % - but it is emphasised that the difference is corridor/ circulation space and not valuable internal residential (sellable) floorspace.
- 5.3.8 With regard to the policy position, we consider the amount of on-site affordable housing can be supported for the following reasons
- The tenure mix is 89% social rent and 11% intermediate for the affordable housing - thus meeting the greater local need
 - The above will be delivered without the benefit of grant funding
 - Design changes requested by the Council to the predominantly private block have increased the overall floor area - which makes the affordable figures look short on area
 - Design changes to the affordable block removing the basement lift at the request of the RP and housing officer and finding storage at ground for both cycle and refuse stores have also contributed to the difference in areas.

- Regarding units - the scheme will deliver 34.4% affordable housing and using habitable rooms it will deliver 35.6 % affordable housing.

5.3.9 On schemes which are less than 3500sq.m the Council acknowledges that it is not always possible to deliver affordable housing on site. This scheme does provide what we consider to be a policy compliant mix and amount and on site.

5.4 Scheme Design

5.4.1 PPS 1 recognises that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development – which is PPS1’s primary objective. It explains that good design should:

- Address the connections between people and places by considering the needs of people to access jobs and services
- Be integrated into the existing urban form and the natural and built environment
- Be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
- Create an environment where everyone can access and benefit from the full range of opportunities available to members of society
- Consider the direct and indirect impacts on the natural environment

5.4.2 The London Plan emphasises the importance of good design in order to make London a better city to live in. Chapter 3 and policy 3.5 is the primary point of reference and sets out a range of criteria that good design should achieve within new housing schemes. Amongst other things, it should maximise the potential of sites; promote high quality inclusive design and create or enhance the public realm; adapt to and mitigate effects of climate change; respond to local context, heritage, character and communities; provide a mix of uses, be accessible and usable; be sustainable, address safety and security.

5.4.3 DP24 of the Development Policies requires all developments to be of the highest standard of design. The Council is committed to design excellence and a key strategic objective of the borough is to promote high quality, sustainable design.

5.4.4 The proposed development will comprise of two buildings fronting Gondar Gardens.

5.4.5 The homes all benefit from private amenity space, including a mix of private gardens, terraces and balconies . . To the front of the development facing Gondar Gardens, front doors will access ground floor

units with a communal entrance for the northern block and flats on the upper floors within the southern block.

- 5.4.6 A Daylight and Sunlight Appraisal has been completed by CHP Surveyors and is included in the planning submission, which demonstrates that the siting of the units will not demonstrably impact on the existing adjoining properties adjacent to the site, and the level of daylight and sunlight to the future residents is acceptable. .

Townscape Appraisal

- 5.4.7 The former use of the site created a gap in the urban form of the area. This gap formed due to the low rise nature of the reservoir structure and the subsequent housing developments which were built abutting the site. This has enabled the surrounding residents to benefit from open views across the site to the south and east. During the pre-application consultation, there was concern from surrounding residents that the redevelopment of the site may impact upon these views.
- 5.4.8 A visual impact analysis have been completed as part of the ES and a townscape and site context analysis has been completed as part of the design process and is referenced in the Design and Access Statement as well as images of how the development will appear within the open views. .All of which conclude that the scale and massing of the proposed development is commensurate and complementary to the existing built form of the area.

Density

- 5.4.9 PPS 1 expects higher densities to form part of the approach to making the most efficient use of land (along with developing brownfield sites).PPS 3 continues this push for higher housing densities, encouraging local planning authorities to develop their own density targets.
- 5.4.10 The density calculation uses only the land within which the housing will be located and excludes the vast majority of the site that will be dedicated to private open space. The London Plan Density matrix provides a range in an urban environment with a PTAL 2/3 of between 45 and 170 units per hectare. The density calculation for the site is as follows:
- 5.4.11 28 units/ 0.2H, which equates to 140 units per hectare and is therefore considered to be within the appropriate range for the site, relating to setting in terms of location, existing building form and massing.

5.5 Open Space

- 5.5.1 Planning Policy Guidance Note 17 (PPG17): Open Space, Sport and Recreation recognises that the provision of open space assists in the regeneration and enhancement of the physical environment and supports the encouragement of a healthy lifestyle. PPS 3 identifies commitment to high quality design in

the provision of new housing developments, and outlines the importance of integrating play and informal recreation in planning for mixed communities.

- 5.5.2 DP31 of the Development Policies document recognises that not all developments are capable of providing play provision and open space as part of redevelopment opportunities.
- 5.5.3 The proposed scheme will provide private amenity space for the residents within the development.
- 5.5.4 In addition to that the vast majority of the site will dedicated for nature conservation
- 5.5.5 Consequently it is considered that the opportunities to protect, replace and improve the conservation value on the site outweighs any concern regarding the minimal loss of the grassed roof to the front of the site.

5.6 Sustainability

- 5.6.1 Planning Policy Statement 22 (PPS 22) Renewable Energy recognises that renewable energy development can contribute to the Government's sustainable development strategy. It seeks new development to incorporate sustainable energy practices into their design and provide renewable energy generation where possible.
- 5.6.2 Policy 5.2 and 5.3 of the London Plan expects development to make the fullest possible contributions to the mitigation and adaption to climate change and to minimise emissions of carbon dioxide (CO₂). Furthermore it sets out an energy hierarchy by which development applications will be assessed. This consist of:
 - Using less energy
 - Supplying energy efficiency; and
 - Using renewable energy
- 5.6.3 Policy 5.3 of the London Plan expects the highest standard of sustainable design and construction using principles such as passive design; energy efficiency and supply; addressing flood and pollution; and flexible use of buildings.
- 5.6.4 CS 13 and DP22 of the LDF documents require climate change to be tackled through promoting higher environmental standards and promoting sustainable design and construction.
- 5.6.5 The Applicants are proposing an innovative design solution for the housing development. An important part of that is to provide a sustainable development. The homes will be designed to Code 4 of the Code for Sustainable Homes.
- 5.6.6 The scheme will include :

- Photo Voltaic
- Dynamic Insulation
- Green and brown roofs
- Covered and secured cycle storage
- Recycling facilities
- Enhanced ecology

5.6.7 A summary of the energy and sustainability strategy is set out below.

- The improved specification detailed in the section 3.1.1 of the Regenco Energy Report ensure a high level of energy efficiency for the development as its energy demand and CO₂ emissions are both reduced by 6% compared to the recommended standards from the Camden Planning Guidance 3.
- Additional offset are however required to meet the objectives for this development and a total of 14.92tCO₂/yr has to be offset by on site renewable technologies in order to achieve the targets London Plan 25% and Camden Council CS13 – 20%.
- Using the baseline energy demands from indicative SAPs, it has been proposed, after discounting other renewable technologies, to use dynamic insulation (DI) and photovoltaic panels (PV) to satisfy the targets above.
- The final renewable solution consists of implementing Dynamic Insulation on the whole development in combination with a 24.25 kWp PV system
- The implementation of enhanced building fabric, dynamic insulation and a 24.25 kWp PV system will ensure all the objectives can be met.

5.6.8 Overall this solution will provide a 42.80% improvement over the Part L2010 TER across the whole site while renewable technologies will reduce the total CO₂ emissions of the site by 20.07%.

Refuse and Recycling

5.6.9 The development will be designed to provide storage, recycling and refuse stores in accordance with the Council's requirements as set out in its Planning Supplementary Planning Guidance. The details of housing layouts, storage, refuse, recycling are set out in the Design and Access Statement. In addition in order to obviate higher service/management charges for the affordable housing, the refuse and recycling (and cycle storage) are located at ground floor to avoid the need for lift access from the northern block.

5.7 Providing Access for All

- 5.7.1 Both PPS1 and PPS3 require development to be safe and accessible. This is carried through to regional policy, where London Plan, policy 3.8 (housing choice) requires new development to be accessible, usable and permeable for all users, as part of achieving high quality design. Policy DP6 of the LDF Development Policies requires all new housing to be built to Lifetime Homes standards and for 10% of new housing (both affordable and private) to be designed to be wheelchair accessible or be easily adaptable for residents in wheelchairs.
- 5.7.2 The Design and Access Statement sets out the intended strategy for ensuring that the future development is accessible to all. However, generally, the proposal will include the following measures:
- Clear, unambiguous and well lit secure entrances for pedestrians
 - The use of ramps/lifts to take account of any changes in levels
 - All lifts will be suitable for wheelchair users
 - Means of escape will incorporate measures for disabled use
 - All units to be Lifetime Home Standards
 - 10% of the residential dwellings (private and affordable units) will be designed to be wheelchair accessible.

5.8 Transport

- 5.8.1 As part of its overall objectives to achieve more sustainable development, PPS 1 encourages development to be located close to areas with good public transport accessibility and local services.
- 5.8.2 Planning Policy Guidance 13 (PPG13): Transport seeks to shape the pattern of development; influence the location, scale, density, design and mix of land uses; help reduce the need to travel; and reduce the length of car journeys. It also seeks to make it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking and cycling. PPG 13 suggests a range of measures to achieve this objective, including accommodating housing within existing urban areas, and intensifying development at locations that are highly accessible by public transport, walking and cycling, managing travel demand, introducing maximum parking standards, promoting central urban sites for intensive development and promoting mixed use and opportunities for linked trips.
- 5.8.3 DP 18 of the Development Policies seeks to ensure that developments provide the minimum parking provision necessary. Parking standards permit a maximum of 1 parking space per unit for dwellings in this area, beyond the West Hampstead growth area.
- 5.8.4 The proposed scheme includes 21 parking space within the basement (this includes 2 disabled parking spaces). Access to the off-street parking is via a two car lift. In addition each residential unit has access

to dedicated cycle storage also within the basement, with the cycle parking for the affordable block located at ground floor..

- 5.8.5 Royal Haskoning has completed a Transport Statement which considers the impact of the proposal on the existing road network and the likely requirements of the proposed development.
- 5.8.6 The proposal provides 1 car parking space per private unit, two disabled spaces and a minimum of 1 cycle space per unit, complying with the Council's parking and cycle standards for a scheme of this size in this location, additional cycle parking spaces are also included to meet Code for Sustainable Homes requirements.
- 5.8.7 In addition the site is within close proximity of bus and rail connections. There are also car clubs established within the area that will encourage future residents to use more sustainable forms of transportation.
- 5.8.8 The Applicant is willing to enter into an Agreement to exclude residents of this development applying to the Council for on- street parking permits and will also support a green travel plan and car club in the area.
- 5.8.9 The Applicant will also provide a construction management plan for the scheme, which includes projected vehicular movements for the proposed development (during construction).

5.9 Basement Impact Assessment

- 5.9.1 A Basement Impact Assessment has been completed, which comprises a BIA Interpretive Assessment and should be read in conjunction with the following reports:
- Geo- Environmental Site Assessment Report
 - Land Stability Report
 - Flood Risk and Drainage Report
 - Construction Vibration Report
 - Archaeological Desk Based Assessment
 - Sunlight and Daylight Assessment
- 5.9.2 The conclusion of the BIA sets out the measures that will be need to be adopted to mitigate the potential impacts of the development. All of which are considered capable of being met.

5.10 Planning Obligations

- 5.10.1 The Council will require planning obligations to mitigate impact on local public services as a result of the proposed development. The Applicant will work with the Council during the life of the application to agree a level of mitigation that meets the criteria of Planning Obligations Circular 05/05 and the CIL Regulations 2010.

5.10.2 It is understood that the planning obligations likely to be sought will include

- Securing the affordable housing contribution on the site in perpetuity
- Education contribution
- Construction Management Plan
- Highway/ footway repairs
- Dedication of land for Nature Reserve in perpetuity
- Maintenance and long term management of the Nature Reserve.

6.0 SUMMARY OF BENEFITS OF THE SCHEME

6.1 Site Concerns and Constraints

6.1.1 The previous section of this report and the supporting documents for the submission demonstrate that this proposal has numerous benefits that will provide long term solution for the site with improvement and enhancements to biodiversity, ecology and quality of open space, whilst also addressing the Council's previous reasons for refusal benefits and addresses the Council's previous reasons for refusal:

- The roof of the reservoir is deteriorating and it is agreed that the roof is in need of significant repair at the very least,.
- The existing structure on the site is redundant of its former use and surplus to requirement. Thames Water disposed of the site as it was no longer suitable to meet standards required for a reservoir. With regard to planning policy no ancillary use of the site for the storage and distribution of water is possible given that the reservoir is decommissioned. Therefore an ancillary use for the site is not possible either, it therefore must be considered what the future of the previously developed site can be.
- Other potential uses for the reservoir structure are most likely to be storage related. For any dry storage this would require the structure to be water tight, requiring the roof of the building to be repaired and due to the structural condition more likely need to be replaced. Given the volume of space within the reservoir there is the potential for significant storage potential, however given the nature of Gondar Gardens, it is unlikely that the number of trips generated with amount of storage space could be reconciled to a level that would be economically viable to cover the cost of making the reservoir capable of use. There is also a clear conflict between vehicular trips generated by such a use and the residential amenity of the surrounding area.
- The site is prone to trespass, vandalism and fly tipping. Significant steps have been taken by the owners of the site to prevent these breaches onto the site.
- The roof of the reservoir is hoarded to ensure no access by the public to the roof of the reservoir. This is of grave concern to the owners of the site, given the dangers of a building structure of this size.
- The existing structure on the site is of such a size and scale that the burden of the maintenance of the site should not be underestimated. Consequently if a realistic economically viable use of the existing structure cannot be found, then the removal of the roof is the only alternative.
- Biodiversity and ecological habitats on the site are important and remain due to the managed mowing regimes on the site. The current owners of the site are responsible landowners and are

committed to maintaining the current level of habitat for the site at present; however without a maintenance regime in place, the biodiversity on the site could be threatened and lost.

- The whole site is previously developed land within an urban and sustainable location. The site is therefore wholly suitable for use to contribute towards the delivery of the Council's short supply in housing, subject to ensuring the key ecological benefits of the site are maintained.
- Ecology and species surveys have been undertaken which identify the key ecological areas of the site, which are to be retained as part of the proposed development and protected during construction. In addition the poorer habitat on the roof of the reservoir will be replaced, providing improved grassland habitat within the basin of the reservoir.
- The gifting of the site beyond the residential development in perpetuity to a responsible body to maintain the open space and habitat will be of greater long term benefit to the wider community.
- The development also provides the opportunity for the private open space to be opened to the public by way of controlled access.

6.2 Proposed Uses

With regard to the frontage development, the proposed development will

- Provide 28 new residential units contributing to the shortfall of housing provision within the Borough
- Sustainable design of the scheme
- Significant sustainability and renewable energy benefits meeting the requirements of Code 4 Sustainable Homes
- Quality housing, exceeding the minimum housing design standards
- Private amenity space for all the residents
- Improvements to the Gondar Gardens frontage filling in the street scene, whilst ensuring views into the reservoir site from Gondar Gardens are also retained
- A mix of residential units including affordable provision on site.
- Creation of an enhanced biodiversity and wildlife habitat area

6.2 The weight given to the Open Space policies within the development plan must be considered alongside the potential planning benefits that this proposal could bring to the area. Whilst there will be a minimal

loss in the area of private open space, we consider that this loss is mitigated by the long term protection of the vast majority of the site, the opportunity for improvements to the quality of the ecology and biodiversity on the. All the above is considered to be of greater benefit to the Borough as a whole, than retaining a temporary grass roof on a structure which at some point in the future will undoubtedly be lost.

7.0 CONCLUSION

7.1 Existing Situation

- 7.1.1 The site is previously developed land, which will require mitigation in the future. The reservoir structure on the site is a liability and a potential health and safety risk to the general public. The future liability of maintaining the built structure will result in either mitigation of the roof of the reservoir or demolition of the structure. In either event the grass roof of the reservoir would be lost.
- 7.1.2 Previous assessment of the site by the Planning inspector accepted that the future of the site could be subject to part of the site being redeveloped, subject to further habitat assessments.
- 7.1.3 James Blake Associates completed ecological and biodiversity surveys throughout the summer of 2010 and 2011, which found that the quality of the grassland on the reservoir roof was poor and that the ageing slow worm population on the site was likely to be in decline, due to only one juvenile slow worm being found.
- 7.1.4 The key ecological area of importance on the site is to the east. The reservoir roof provides at best a supporting role to the biodiversity on the site and is temporary. Unless grassland and meadowland maintenance of the site is provided, the site could easily lose its ecological biodiversity value to ruderal encroachment and scrubland. This would also discourage the slow worms from remaining on the site due to deterioration in habitat.
- 7.1.5 There is no evidence to suggest that the site merits a greater SNCI status. There is no evidence to suggest that redevelopment of the reservoir structure would demonstrably impact negatively on the current level of nature conservation on the site.

7.2 The Proposal

- 7.2.1 The proposed development will deliver a number of direct planning benefits, according with the overall aims of the development plan
- The proposal supports a sensitive redevelopment opportunity, addressing the need to find a suitable use for the site and redundant reservoir structure.
 - The proposal will secure the long term future of the site, enabling an important nature conservation site to be secured and the grassland to be improved in the replacement reservoir bowl..
 - The redevelopment of the reservoir structure will provide 28 residential units, meeting an identified shortfall in housing provision in the borough.

- The Proposal will contribute to the provision of on-site affordable housing, in accordance with development plan policy.
- The Proposal will incorporate measures targeted at improving energy efficiency and the use of energy from renewable sources in order to reduce carbon emissions to neutral. Furthermore, all residential units will be Code for Sustainable Homes Level 4.
- The proposed design, mass and scale of the two buildings facing Gondar Gardens have been designed to complete the street scene, respecting the heights of the adjoining properties whilst ensuring the existing relationship of neighbouring properties and outlook are unaffected.
- The Proposed development will achieve the maximum intensity of development having regard to the local context around the Site, achieving quality design solution and public transport capacity
- The sustainable location of the development enables the proposal to link in with sustainable transport measures.
- The proposal will deliver open space and new areas of landscaping within the development..

7.2.2 The proposed scheme addresses the perceived conflict within the development plan policies. The proposed planning benefits this proposal will bring to the area, exceed the minimal negative loss of an area of what is effectively a grass roof with the least value with regard to ecology and biodiversity on the site. . Consequently it is considered that the scheme proposed meets the aspirations of all levels of strategic policy and local policy delivering new homes via a comprehensive and appropriate scale of development, in addition to securing in perpetuity a nature conservation and slow worm habitat that it is of Borough importance, with a real potential to improve the quality of the biodiversity on the site..

7.2.3 It is therefore considered that the proposed redevelopment of the reservoir site should be supported.

Appendix 1

Site Plan



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This scale is 100mm in length when printed at the size indicated in the title block.



Appendix 2

Housing Schedules

PLANNING APPLICATION GONDAR GARDENS HOUSING SCHEDULE

No	Plot ref	Unit Type	SQM	Unit	
1	H1	House	238	4B	
2	H2	House	224	4B	
3	P1	Duplex	127	2B	
4	P2	Duplex	134	2B	
5	P3	Duplex	132	2B	
6	P4	Apartment	92	2B	
7	P5	Apartment	74	2B	
8	P6	Apartment	50	1B	
	P7	Apartment	0	DEL	
9	P8	Apartment	91	2B	
10	P9	Apartment	50	1B	
11	P10	Apartment	49	1B	
12	P11	Apartment	94	2B	
13	P12	Apartment	74	2B	
14	P13	Duplex	117	3B	
15	P14	Duplex	110	2B	
16	P15	Duplex	120	3B	
17	P16	Duplex	108	3B	
18	P17	Apartment	78	2B	
19	P18	Apartment	78	2B	
Total			2,040	0	71.45%
20	A1	HA	77	2B	
21	A2	HA Wheelchair	166	4B	
22	A3	HA Wheelchair	63	2B	
23	A4	HA	93	3B	
24	A5	HA	90	3B	
25	A6	HA	91	3B	
26	A7	HA	73	2B	
27	A8	HA	76	2B	
28	A9	HA in Private Block	86	2B	
			815	0	28.55%
Total			2,855	0	

Affordable	815	sqm
Percentage	28.55%	(as drawn)
HA needs to be	28.55	%
HA needs to be	814	sqm
Affordable Housing Surplus	1	sqm

HA % on units	32.14%
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SCHEDULE 2

RJ GEA Schedule

Floor

	Private	Affordable	Total
Lower Ground	417	192	609
Ground	484	282	766
First	577	210	787
Second	515	191	706
Third	398	95	493
Total	2,391	970	3,361
	71.14%	28.86%	