

PUBLIC INQUIRY
PLANNING APPEAL

STATEMENT OF
COMMON GROUND

Karawana Limited
&
London Borough of
Camden

PLANNING INSPECTORATE REFERENCES
APP/X5210/A/14/2218243

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1.0 INTRODUCTION

- 1.1 This Statement of Common Ground relates to the proposed redevelopment of the former New End Nurses Homes, 29 New End in the London Borough of Camden.
- 1.2 It sets out the matters which have been agreed to date between the London Borough of Camden ("LBC") and Karawana Ltd ("the Appellant"), together referred to hereafter as "the Parties". It also makes reference to documents which are agreed to be relevant to this case as well as matters that remain in dispute.

The Development and Application Process

Background

- 1.3 There have been a number of attempts to redevelop this site or bring it back into use since it became redundant, and the appeal application is the most recent in a series of previous proposals.

The Application (June 2012)

- 1.4 Following pre-application discussions with Officers, the application was prepared and submitted.
- 1.5 Camden Council validated the Appellant's application for planning permission on 15th June 2012, (LPA reference 2012/3089/P) for the redevelopment of the site that currently accommodates the former New End Nurses' Home at 29 New End, Hampstead. The proposals have evolved in three stages in response to feedback from Camden Officers. The evolution of the scheme and its description are set out below. The initial description of development was as follows:
- 1.6 'Erection of a 7 storey block to provide 17 self contained residential units (Class C3), (comprising 2 x studio, 5 x 2 bedroom, 6 x 3 bedroom, and 4 x 4 bedroom units) with associated roof terraces, plus new vehicular access and basement parking for 17 cars; new pedestrian access, refuse store and substation on front boundary; green roofs; communal open space and landscaping, following demolition of existing nurses' hostel (Sui Generis)

Revision 1 (September 2012) - no re-consultation carried out by LB Camden

- 1.7 As a result of further discussions with Officers, in September 2012 the following changes and further information were submitted:
- Lifetime homes features shown on flat layouts;
 - Revised cycle parking arrangements in basement;
 - Reduction in 3rd floor terrace overlooking Christchurch Passage and proposed obscure glazing for windows on both side elevations;
 - Additional information/clarification on daylight study;
 - Additional comparative studies on front elevation;
 - Additional information for independent engineer's BIA review;
 - Revised plans for relocated on-street parking bays.

Revision 2 (May 2013) – re-consultation with all respondents carried out by LBC

- 1.8 Discussions continued, and in May 2013, further changes and information were submitted. LB Camden re-consulted all those who had responded to the original June 2012 consultation. These revisions included:
- Revised position of western wall at basement, ground and 1st floors to allow retention of adjoining listed wall buttresses;
 - Associated revised BIA, Arup review report, daylight report, heritage report.
- 1.9 A site notice advertising the application was displayed from 22/06/13 to 13/07/13 for three weeks and the application was advertised in the Ham and High newspaper on 05/07/13 to 26/07/13.
- 1.10 Written notification was sent to:
- English Heritage;
 - English Heritage (GLAAS);
 - Hampstead Conservation Area Advisory Committee (CAAC);
 - The Heath and Hampstead Society;
 - Thames Water
 - Environment Agency
 - Camden PCT
 - Cllrs Kirsty Roberts, Chris Knight and Linda Chung
- 1.12 Written notification was sent to 98 neighbours on 20/06/12. On 11/06/13 notification of changes to the scheme was sent to 170 residents, including the respondents to the first consultation round.
- 1.13 During the consultation 438 responses were received to the first consultation along with objections from the Hampstead CAAC, Superintendent of the Heath, Heath & Hampstead Society, Flask Walk Neighbourhood Association and Rudall Crescent Residents Association. Petitions were received from Heathside School, Christchurch School and local residents. 35 responses were received to the second consultation along with an objection from the Heath & Hampstead Society.
- 1.14 Copies of all representations made during the application's determination have been submitted to the Planning Inspectorate.
- 1.15 The application included commitments to Planning obligation obligations on the basis of the following Heads of Terms:
1. Financial Contribution to Affordable Housing of £750,000 and a deferred housing contribution to a cap of £3,933,504;
 2. Local Employment and Training;
 3. Local procurement;
 4. Financial contribution to education facilities of £134,973
 5. Financial contribution to Pedestrian, cycle, environmental and public realm improvements of £12,000

6. Financial contribution to highway works of £54,000
7. Car-capped development.
8. Final Construction Management Plan, including Construction working party
9. Post construction review of CfSH and renewable energy targets

The Officer's Recommendation

- 1.16 The Application was recommended for approval by Camden's Planning Officers, as set out in their report to Committee.

The Planning committee's Decision

- 1.17 That recommendation was overturned at Committee and the application was refused on 16 December 2013.

The Reasons for Refusal

- 1.18 The Decision Notice lists 11 reasons:
1. *The proposed development, by virtue of its design, bulk and massing, would detract from the character of the streetscene and townscape and would fail to preserve and enhance the character and appearance of the Hampstead Conservation Area and the setting of nearby listed buildings, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies SP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Policies.*
 2. *The proposed development, in the absence of any onsite affordable housing and of sufficient justification for this lack of provision in accordance with the Council's targets, and in the absence of a legal agreement to secure affordable housing, would fail to ensure the provision of the required amount of affordable housing for the scheme, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies".*

3. *The proposed development, by virtue of the provision of new car parking in the basement, and in the absence of a legal agreement to secure car-free housing units, would be likely to contribute unacceptably to increased traffic generation, parking stress and congestion in the surrounding area and create an over-dependence of use on motor vehicles, which would fail to promote more sustainable and efficient forms of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*
4. *The proposed development's basement flats, by reason of their location and layout, would fail to provide an adequate level of outlook to the detriment of the amenities of future residential occupiers, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies."*
5. *The proposed development and its associated excavation works would result in the removal of a number of trees on the site which are considered to have a high amenity value in the townscape, which would be detrimental to the character and appearance of the streetscene and conservation area, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies."*
6. *The proposed development, by virtue of its scale and size and the level of excavation associated with its new basement accommodation, and the consequent associated impact of works and traffic throughout the demolition and construction period, would be harmful to the amenities of neighbouring occupiers and the area in general, contrary to policies CS5 (Managing the impact of growth and development) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies".*
7. *The proposed development, in the absence of a legal agreement requiring a post-construction sustainability review, would fail to ensure proper standards of sustainability in the development, contrary to policies CS13 (Tackling climate change), CS16 (Improving Camden's health and well-being) and*

CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Sustainable construction), DP23 (Water) and DP32 (Air quality) of the London Borough of Camden Local Development Framework Development Policies.

8. *The proposed development, in the absence of a legal agreement of securing contributions to educational provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing educational facilities, contrary to policy CS10 (Supporting community facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.*
9. *The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policy CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.*
10. *The proposed development, in the absence of a legal agreement securing contributions to pedestrian, cycling and environmental improvements in the area, would fail to make sufficient provision in a sustainable manner for the increased trips generated by the development thus causing a cumulative detrimental impact on the borough's transport network, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (Transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to highway network) of the London Borough of Camden Local Development Framework Development Policies.*
11. *The proposed development, in the absence of a legal agreement securing a Demolition and Construction Management Plan with associated Construction Working Party, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

- 1.19 It is agreed that reasons for refusal nos. 7 - 11 can be overcome by the Appellants entering into an appropriate planning obligation.

Conservation Area Consent

- 1.20 The application for Conservation Area consent for the demolition of the existing buildings on the site was refused for the following reason:

1. *In the absence of an acceptable replacement scheme, the proposed demolition of the existing building would harm the character and appearance of the conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.*

- 1.21 It is agreed that should the Inspector consider the replacement development to be acceptable, conservation area consent should be granted for the demolition of the existing buildings.

Parties to the Statement of Common Ground

- 1.22 This Statement of Common Ground has been prepared in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 the Planning Inspectorate's Procedural Guidance: Planning appeals – England (3 October 2013) and the Planning Inspectorate Good Practice Advice Note 08 - Statement of Common Ground.
- 1.23 This document's contents are agreed as being points over which there is no dispute between LBC and the Appellant.

Measurements

- 1.24 Unless otherwise stated, all references to areas within this Statement are Gross External Area ("GEA"), as measured using the RICS Code of Measuring Practice 6th Edition.

2.0 PLANNING HISTORY

- 2.1 An agreed schedule of the relevant planning history is summarised below.

March 2001

- 2.2 Planning Permission was refused for erection of a single storey building on tennis court to provide additional nurses' residential accommodation, for reasons of loss of private open space, location and design harming Conservation Area and listed buildings, and loss of privacy to Lawn House.

January 2008

- 2.3 Applications (refs: 2008/0011/P and 2008/0142/C) submitted for Planning Permission and Conservation Area Consent for:

'Demolition of existing hostel and redevelopment to provide a basement plus 8 storey building containing 27 residential units (14 private and 13 affordable), including 20 car parking spaces, ancillary leisure space, associated landscaping and alterations to the on-street parking bays.'

- 2.4 The scheme appeared to have similar height but a greater bulk, width, length and depth than the current application and overall it had 9 storeys including 2 basements, compared to the currently proposed 7 storeys including 1 basement. It also had a more contemporary design in form and appearance with some sloping walls and steel cladding.

- 2.5 These applications were withdrawn in March 2008, following concerns expressed by Council officers relating in particular to the form, massing, materials and detailed design not respecting the site's context.

- 2.6 Pre-application discussions took place between the appellant's consultants and LB Camden during 2008-2011. In addition, the appellants undertook their own public consultations via exhibitions and meetings, for different options including houses and apartments in a variety of configurations and layouts and with 1 or 2 basements.

August 2011

- 2.7 Applications (refs 2011/4317/P and 2011/4322/C) for Planning Permission and Conservation Area Consent were submitted for the:

'Erection of a 7 storey block of 15 self-contained residential units, comprising 2 x 3 bed maisonettes at lower ground and ground floor levels, 2 x studio flats at lower ground floor level, 2 x 3 bed flats at ground floor level, 1 x 5 bed flat at 1st floor level, 2 x 4 bed maisonettes at 1st and 2nd floor level, 1 x 5 bed flat at 2nd floor level, 1 x 3 bed flat and 1 x 5 bed flat at 3rd floor level, 2 x 3 bed flats at 4th floor level and 1 x 4 bed flat at 5th floor, with associated roof terraces, plus new vehicular access and basement parking for 15 cars, new pedestrian access, refuse store and substation on front boundary wall, and hard and soft landscaping, following demolition of existing nurses hostel (Sui Generis).'

- 2.8 Again, the applications were withdrawn in November 2011, following concerns expressed by Council officers, over the demolition of the existing buildings, the design

and bulk of the proposed new block, mix of units, amenity issues, basement excavation impact, and construction works impact.

- 2.9 The appellants then undertook further design development and consultation with officers before submitting the current appeal proposals.

3.0 PLANNING POLICY

3.1 This section sets out principal planning policies and related considerations (such as evidence base documents) which the London Borough of Camden and the Appellant agree should be taken into account in the determination of this Appeal.

3.2 The principal policy considerations are separated into four parts on the following pages:

- I. National Planning Policy Framework ("NPPF") and National Planning Practice Guidance;
- II. The Development Plan;
- III. Adopted Supplementary Planning Guidance ("SPG") and Best Practice Guidance ("BPG"); and,
- IV. Other guidance and emerging guidance.

(I) National Planning Policy Framework

3.3 The Coalition Government published the National Planning Policy Framework (the "NPPF") on 27th March 2012.

3.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

3.5 National Planning Practice Guidance has also recently been published. This is referred to alongside the NPPF below where appropriate.

(II) The Development Plan

3.6 The Development Plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 comprises:

- (a) the Spatial Development Strategy for Greater London – The London Plan Adopted July 2011 as amended 2013 ("the London Plan") ;
- (b) the London Borough of Camden's Core Strategy which was adopted in November 2010
- (c) the London Borough of Camden's Development Policies Document which was adopted in November 2010;
- (d) the London Borough of Camden's Site Allocations Document which was adopted in September 2013 ;

3.7 For the avoidance of doubt, all policies of the London Borough of Camden's Unitary Development Plan ("UDP") have now been replaced by the Local Development Framework policies in the adopted Development Plan Documents set out above.

The London Plan (2011) & Amendments (2013)

3.8 The London Plan was published in July 2011 and amended in 2013 in light of the publication of the NPPF. A schedule of relevant London Plan policies is set out at **Appendix 1**.

London Borough of Camden Local Development Framework Policy Documents

- 3.9 Polices and content of the Core Strategy, the Development Policies Document and the Site Allocations Development Plan Document, relevant to the determination of this appeal, are set out in **Appendix 2**.

(III) Supplementary Planning Guidance

- 3.10 The following emerging and adopted Supplementary Planning Guides and Documents are material considerations in the determination of this Appeal.

London Plan Supplementary Planning Guidance

- 3.11 The following documents are of relevance in this case:

Housing

- *Housing Supplementary Planning Guidance* (16th November 2012) ;

London Borough of Camden's Supplementary Planning Documents

- 3.12 Camden Planning Guidance 2011 are a material consideration to the determination of this Appeal:

- CPG1 Design
- CPG2 Housing
- CPG3 sustainability
- CPG4 Basements & Lightwells
- CPG6 Amenity
- CPG7 Transport
- CPG8 Planning Obligations

(IV) National Planning Policy and Guidance

Community Infrastructure Levy Regulations 2010

- 3.13 Regulation 122 (2) of the CIL regulations limits the use of planning obligations. It states that:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development."*

- 3.14 In order to comply with regulation 122 any obligation that is sought must therefore comply with all of the limbs set out above.

(V) Other Guidance and Emerging Guidance

DCLG: 'Section 106 affordable housing requirements – Review & Appeal (April 2013)

This document contains helpful guidance on the principles the Government expect to be applied in considering 'viability' in relation to affordable housing provision.

RICS Adopted Guidance

- 3.15 On 9th August 2012 the Royal Institute of Chartered Surveyors adopted the Financial Viability in Planning Guidance Note (1st edition GN 94/2012).

Camden's Transport Strategy 2011

Camden's Considerate Contractor Guide

Guidelines for the Environmental Assessment of Road Traffic

4.0 SITE, LOCATION AND BUILT CONTEXT

The Site and Location

The extent of the Appeal Site is indicated on Plan NEN-PL-001B.

- 4.1 The site is located on the north side of New End, on land sloping steeply upwards away from the road, and on the west side of Christchurch Passage, a pedestrian alleyway that connects New End with Christchurch Hill. The site is bounded by Christ Church to the north and by properties facing Elm Row, Hampstead Square and New End to the west.
- 4.2 The site is classified as having a PTAL rating of 3 (moderate). It is located within the Hampstead Archaeological Priority Area and the Hampstead Conservation Area (a designated heritage asset) in the New End/New End Square Area of Sub Area 2.

Existing Buildings on the Site

- 4.3 29 New End is a T-shaped vacant nurses' home dating from the 1950s. It is 5 storeys tall at its front and, due to steeply sloping topography, 4 storeys high at the rear. It has brick faced elevations with numerous small PVC casement windows and a tiled pitched roof and prominent chimney stacks. The ground floor of the principal elevation projects forward from the upper floors onto a raised plinth and landscaped embankment which itself is higher than the road frontage.
- 4.4 The building's main entrance is reached via flights of stairs from the road (New End). There is also an existing basement at the front which is level with the pavement on New End. The existing building is imposing, due to its height and bulk combined with its elevated position in the streetscape, particularly in views from the downhill eastern side. The building is built of a dark brick with orderly rows of windows, with neo-Georgian and Dutch influences.
- 4.5 The building has been vacant since 2005 and contains 75 single bedrooms arranged in a typical cluster flat layout with communal bathrooms and kitchens plus ground floor communal rooms and facilities. The lawful use is therefore 'Sui Generis' hostel. The hostel was originally used in conjunction with New End hospital opposite which was later vacated and sold in 1986 for residential redevelopment.
- 4.6 The site was later sold by the Royal Free Hospital in 2005.

Built Context

- 4.7 The following listed buildings (designated heritage assets) are in close proximity to the site:
- Lawn House (grade II);
 - Nos. 10-14 Elm Row (grade II);
 - Christ Church (grade II);
 - Christ Church Primary School (grade II);
 - Hampstead Parish Workhouse, now known as Kendall's Hall (grade II);
 - Nos. 10, 12 & 14 New End (grade II).

4.8 Buildings in the immediate vicinity include:

- To the west on New End is no.27, the former New End Theatre (now a synagogue);
- Directly opposite is the listed Kendall's Hall;
- To the east on the other side of the alley is Carnegie House (a post-war block of flats of limited architectural merit);
- To the north next to the open space is Christ Church;
- On the west side of the site is Lawn House which has a flank wall with window openings on the party wall boundary and a raised embankment wall with buttresses which extend into the application site.

Trees

- 4.9 The whole site has several trees and shrubs including a mature horse chestnut tree on the frontage next to no.27 to the west. The rear of the site behind the rear wing and adjoining Christchurch Passage is an overgrown garden with derelict tennis court which is designated as Private Open Space (no.157) in the LDF.

5.0 THE PROPOSED DEVELOPMENT

5.1 The description of the subject application is:

‘Erection of a 7 storey block to provide 17 self contained residential units (Class C3), (comprising 2 x studio, 5 x 2 bedroom, 6 x 3 bedroom, and 4 x 4 bedroom units) with associated roof terraces, plus new vehicular access and basement parking for 17 cars; new pedestrian access, refuse store and substation on front boundary; green roofs; communal open space and landscaping, following demolition of existing nurses’ hostel (Sui Generis)’

Submitted Drawings and Supporting Reports and Documentation

5.2 A schedule of the drawings and reports that formed part of the subject planning application is set out in condition 26 in Section 7. These drawings and documents are submitted as part of this Appeal for determination.

Existing development

5.3 The site currently contains a former nurses’ home that enjoys a lawful ‘Sui Generis’ hostel use. The building contains 75 bedrooms sharing communal facilities across 4 and 5 storeys.

Principle of Residential Development

5.4 The NPPF seeks to boost significantly the supply of housing.

5.5 The London Plan prioritises housing delivery. Policies 3.3 and 3.4 seek respectively to increase housing supply, and optimise the potential of sites.

5.6 Housing is considered the priority land use of Core Strategy and the Council’s other Local Development Framework documents. (Core Strategy, para. 1.8). Policies CS1, CS6 sets out that the council will do this by:

5.7 All of the above documents, whilst prioritising housing, also seek to ensure that development is of a sufficient design quality taking into account its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to individual sites

5.8 The site is allocated in the current LDF Site Allocation Development Plan Document (2013), Site 42. The relevant extract from this adopted policy document can be found at Appendix 3. The allocation states:

“Refurbishment or redevelopment of the site for self-contained (C3) housing use, including affordable housing.

Development will be expected to:

- Optimise the potential of the site to provide new housing (including affordable housing);*
- Ensure that the character of this part of the Hampstead Conservation area is preserved and enhanced;*
- Ensure there are no adverse impacts on the setting of the Grade II Listed*

Christ Church to the north, Lawn House to the west and Kendalls Hall to the south;

- *Protect the Christchurch Passage Open Space which lies to the north of the site;*
- *Retain and protect existing trees on the site and on adjoining land;*
- *Reprovide the former nurses hostel floorspace as an alternative form of affordable housing unless hostel accommodation has been satisfactorily provided elsewhere."*

5.9 Under the heading 'Further Information' the site specific allocation notes that:

"As the site is no longer used for nurses' accommodation and [this is] understood to have been relocated, the existing floorspace should be replaced with self contained housing within Class C3, (including an appropriate amount of affordable housing if triggered by policy)".

5.10 The Parties therefore agree that:

- The principle of residential development on the appeal site is accepted
- Nurses' hostel accommodation has been satisfactorily re-provided.
- An appropriate amount of affordable housing should be included if triggered by policy

Basement Development & Conservation/Listing Considerations

5.11 The appeal scheme now demonstrates that there will be no excavation or construction works touching the listed buttresses of the retaining boundary wall of adjoining Lawn House.

Density of Residential Development

5.12 The scheme is agreed to have a density of 304 habitable rooms per hectare (hr/ha) and 70.8 units per hectare (u/ha). (Some larger rooms have been subdivided for the purposes of this estimation in order to provide a more accurate representation of density). This density accords with the ranges given in the London Plan density matrix table, which suggests for areas with this urban setting and public transport accessibility that a density range of 20-450 hr/ha and 45-120 u/ha is appropriate

5.13 Further, as the site is allocated for residential development the Council has assessed the site's capacity to deliver housing. In Camden's most recent Annual Monitoring Report the site's capacity is estimated as being approximately 15 units..

5.14 It is agreed that with regard to unit density therefore, the scheme complies with the relevant parts of the NPPF, London Plan policies 3.3 (Increasing Housing Supply), 3.4 Optimising Housing Potential), Table 3.2 (Sustainable Residential Quality Density Matrix) and 3.5 (Quality and design of housing developments) and policy DP2 (Making full use of Camden's capacity for housing) of the London Borough of Camden Local Development Framework Development Policies, and the requirements of the Site 42 site-specific allocation.

Dwelling Mix

- 5.15 The proposed mix of dwelling sizes accords with the relevant requirements of the NPPF, London Plan policy 3.8 (Housing Choice), and policy DP5 and its Dwelling Size Properties Table, of the London Borough of Camden Local Development Framework Development Policies.

Other Housing Policy and Standards

- 5.16 The Greater London Authority and the London Borough of Camden have various standards and criteria for residential development set out in both policy and guidance, including those set out below:

- Minimum space standards (London Plan Policy 3.5 and Camden Planning Guidance (CPG2 - Housing));
- Lifetime homes requirements (London Plan Policies 3.5 and 3.8, Policy DP6 of Camden's Development Policies DPD, and Camden Planning Guidance CPG 2 –Housing);
- 10% wheelchair standard housing (London Plan Policy 3.8, Policy DP6 of Camden's Development Policies DPD, and Camden Planning Guidance CPG 2 – Housing).

- 5.17 None of these policy requirements formed the basis for the reasons for refusal are therefore the Parties agree that the appeal scheme accords with their requirements.

- 5.18 All the proposed flats exceed Camden Planning Guidance standards on units and room sizes. In accordance with policy DP6, the scheme meets lifetime home standards and in addition 2 flats have been designed as wheelchair accessible units. Some units are duplex over 2 floors and many have access to private courtyard patios, roof terraces or balconies, as well as to the communal landscaped open space at the rear. A refuse store is provided next to the substation and carpark ramp at the front and meets Council standards in location and size.

Daylight & Sunlight

- 5.19 A daylight and sunlight study was submitted as part of the application to analyse the lowest floor flats which represent a worst-case scenario. It was updated to reflect the latest revised plans relating to the buttress retention. The revised study shows that proposed flats and rooms on basement and ground floors (including the two basement level, studio flats which receive light from sunken patios) comply with most recommendations of the BRE Daylight and Sunlight Guide 2011.

- 5.20 In particular it shows that all rooms meet or exceed minimum Average Daylight Factor (ADF) standards for daylight; although 11 out of 18 rooms (ie. those at basement and rear ground floors) do not receive the recommended distribution of daylight (ie. 80% lit area of room), it is possible to see the sky from over half of these rooms (with 6 of them achieving over 70%).

- 5.21 In terms of sunlight, all relevant living rooms receive adequate sunshine both overall and in winter, although one room in a rear flat receives 5% less than the recommended 25% annual amount. It is noted that the 2 studios are primarily north-

facing and therefore cannot be assessed for sunlight, but nevertheless they will have glazed conservatory roofs to maximise such insolation into the open-plan rooms.

Crime Prevention

- 5.22 It is agreed that the proposals have been designed in accordance with 'secured by design' principles.

Neighbour amenity

Daylight and sunlight

- 5.23 A comprehensive daylight and sunlight study was submitted to analyse the impact on all surrounding properties, ie. Christchurch Cottage, Carnegie House, 7-14 New End, Lawn House and 10-11 Hampstead Square.
- 5.24 It is agreed that the appeal proposals are acceptable in this regard.

Privacy

- 5.25 The Appellant has agreed to install opaque or stained glass windows to certain rooms where appropriate; these are identified for specific windows on the 1st/2nd floors facing west on the rear wing. the 1st/2nd/3rd floors facing east on the front wing and the 2nd/3rd/4th floors facing east on the rear wing.
- 5.26 It is agreed that subject to an appropriate condition being attached to any permission, adequate privacy can be maintained.
- 5.27 Such a condition would require relevant windows to be obscured subject to details of the extent and location of such glazing being agreed and implemented prior to occupation. This would allow windows to be inspected by officers on site, once the building shell is complete, in order to assess the precise extent of obscure glazing required (which may mean that some windows do not in reality need to be obscured).
- 5.28 Studies were conducted and submitted to show that the number of windows and extent of glazing has been substantially reduced (by half) when compared to the existing situation in relation to the rear wing. It is agreed therefore

that there would be a reduction in potential overlooking, both actual and perceived.
No access will be possible to the stepped flat roofs facing Lawn House.

- 5.29 There will be no impact on amenities of New End properties opposite due to their distance from the proposals.
- 5.30 It is therefore agreed that subject to the measures set out above, the proposals retain an appropriate level of privacy for neighbours.

Outlook

- 5.31 Overall the proposed building is approximately the same height and length as existing block. Whilst the proposed building is closer than the existing to some neighbouring buildings it is agreed that this will not worsen the outlook for neighbours for the following reasons:
- The rear wing is closer to Christ Church Cottage by 4.5m at 1st to 4th floors and 1m at 5th floor. The increased depth however affects only a bathroom that directly faces the new block. The dwelling's kitchen window faces south away from the new development. Other habitable rooms, further north along its main frontage, also do not directly face the new block.
 - The proposed rear wing also partly faces Carnegie House to the east, however this element of the building will be over 20m away and should not have a noticeable impact on outlook.
 - The proposed front wing is closer to Carnegie House by 1m at 2nd and 3rd floors which will have a minimal impact on outlook from these flats. Conversely the 4th and 5th floors are each set back by approximately 2.5m, thus actually reducing bulk at roof level. Facing west (which involves a 1m increase at lower floors and varied decreases at 4-5th floors) the new building addresses the front garden of Lawn House and not any windows.
 - The proposed rear wing facing west is closer to Lawn House by 2.5m at 2nd floor only. This increased depth will not affect outlook as the 2nd floor is not directly opposite any windows in the flank wall at this level.

- 5.32 Consequently it is agreed that because of its varied bulk, and reduced roof profile to New End compared to the existing building, the proposal will not adversely affect outlook and views from neighbouring properties.

Noise

- 5.33 No external roof plant is proposed as plant will be housed in plant rooms in the basement carpark. Nevertheless, conditions can be imposed requiring details of any future roof plant and air-conditioning units to be submitted for approval and to ensure Council noise levels are adhered to. Construction noise and pollution will be addressed by the proposed CMP and controlled via the Section 106 Agreement.

Light Pollution

- 5.34 5.18.1 It is agreed that there will not be any increase in light pollution to neighbours, as the proposed conservatories are located at lower ground level, enclosed by retaining walls and because the new side elevations overall would contain less glazing

than the existing ones.

6.0 BASEMENT MATTERS

- 6.1 The construction of new basement levels was not a reason for refusal as set out in the DC Committee report.

7.0 HIGHWAY WORKS

- 7.1 In relation to the Highway Works to facilitate the development, a significant amount of highway works are required to be undertaken under the Highway Act considerations, including Traffic Management Orders to re-organise the on-street layout for both parking and highway safety measures. Works are also required to tie the development into the public realm following construction, these works include repaving adjacent to the site and providing a new vehicle crossover to the new basement car park (subject to the appeal decision). It is agreed the cost of these works will be paid by developer and will be secured within a Section 106 agreement. The cost of carrying out these associated highway works has been estimated as £54,000, which will include York Stone paving in keeping with the existing footway materials to match the Conservation Area setting.

8.0 PEDESTRIAN, CYCLING AND ENVIRONMENTAL CONSIDERATIONS

- 8.1 In recognition of the proposed scheme's potential impact on the surrounding transport network, it is agreed that a financial contribution of £12,000 is made in respect of pedestrian, cycling and environmental improvements. The sum is agreed as being appropriate given the scale and kind of development proposed.

8.0 SUSTAINABILITY

- 8.1 It is predicted that the scheme will achieve Code for Sustainable Homes' Level 4 as well as the 50% targets in the 3 sub-categories of energy, water and materials, in accordance with CPG3 recommendations.
- 8.2 The scheme would also achieve appropriate reduction in CO2 emissions compared to a Building Regulation compliant scheme. In addition to energy-efficiency measures renewable energy including photovoltaic panels on a central roof area and a Combined Heat and Power Unit in the basement are proposed; this would be future-proofed to allow its connection with a decentralised energy network via an area-wide district heating system.
- 8.3 These measures, including post-completion certification of Code Level 4, would be secured by condition.
- 8.4 As such the proposals would therefore be in accordance with London Plan Policy 3.5 and LDF policies DP22 and DP23

8.5.0 Archaeology

- 8.51 It is agreed that an archaeological investigation, as suggested by English Heritage, could be undertaken, and can be secured by condition. (see condition x appendix X)

9.0 ECOLOGY AND BIODIVERSITY, TREES AND LANDSCAPING

9.1.0 Landscaping & trees

- 9.1.1 It is agreed that the trees to be retained as per the arboricultural report should be retained.
- 9.1.2 It is also agreed that there is the opportunity to incorporate bird/bat bricks into the design of the building which will be the subject of a condition. The green roofs proposed on the entire main roof are acceptable and the landscaping of the front and rear gardens is acceptable in principle. Both will be subject to conditions on detailed design.
- 9.1.3 The rectangular-shaped designated Private Open Space (35m wide and 20m deep) on the rear tennis court will be retained and the proposed building, despite its rearward projection by a metre, does not encroach upon this. The space will be enhanced by new landscaping and will continue to provide communal amenity space for the occupants.
- 9.1.4 The Ecology report identifies new planting species to support local habitat creation including the incorporation of bird and bat boxes on the site. The recommendations of the two submitted ecology reports would be secured by condition. Details of the acid grassland substrate for the green roofs would also be secured by condition prior to installation.
- 9.1.5 It is therefore agreed that the proposed scheme, subject to condition and a legal agreement, is acceptable in terms of ecological impacts and as such complies with LDF policies CS14, CS15 and DP24 and CPG.

11.0 CONSERVATION AREA CONSENT

- 11.1 It is agreed that should the Inspector consider the replacement development to be acceptable, Conservation Area Consent should be granted for the demolition of the existing building.

12.0 PROPOSED PLANNING CONDITIONS

- 12.1 The Appellant and LBC agree (without prejudice) that, having paid due regard to Circular 11/95 – The Use of Conditions in Planning Permissions, the following conditions would be appropriate should planning permission result from this appeal:

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- a. elevation drawings at a minimum scale of 1:10 of each window type, door type, balcony and balcony balustrade/handrail;
- b. plans and sections at a minimum scale of 1:2 of all typical fenestration and door details (jambs (including stone surrounds), heads (including stone surrounds), cills, frame profiles);
- c. plans, sections and elevations at a minimum scale of 1:2 of all dressing details (including parapet copings), and of junctions;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

3. No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

4. A sample board (and where necessary product information), showing all facing materials including facing brickwork (demonstrating the proposed colour, texture, face-bond and pointing), natural slate, stone dressings, balcony and handrail sections, windows and external doors shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

5. Details of the following privacy measures shall be submitted to and approved in writing by the local planning authority:
 - a. 1.8 metre high screens on the eastern side of the 1st floor side terrace facing Carnegie House and for the eastern sides of the 2nd floor side terrace and 4th floor rear terrace facing Christ Church Cottage.
 - b. measures to prevent the use for amenity purposes of the areas of roof

shown with planters on the approved plans and of the 4th and 5th floor side roof terraces facing Carnegie House.

They shall be installed in accordance with the approved details prior to commencement of use of the roof terraces and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

6. Details of fixed obscure glazing or other privacy measures (as considered appropriate in location and extent for each individual window) shall be submitted to and approved in writing by the local planning authority for the windows facing west and east as marked 'O' on the 'overlooking analysis' plan NEN-SK-05 hereby approved. The approved measures shall be installed prior to occupation of the units and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

7. The development shall not be occupied until full details of hard and soft landscaping and means of enclosure (including external gates and lighting) of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

8. All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with

the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

9. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage. The trees shall be protected in general accordance with the recommendations of the Tree Projects Arboricultural Report hereby approved and shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction".

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

10. Prior to the commencement of any works on site evidence in the form of photographs and an arboricultural report, demonstrating that tree protection measures have been implemented in accordance with the approved details, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

11. Details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority before any excavation works on site are commenced. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

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

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

Framework Development Policies.

13. Before the units are occupied, details of any external roof plant, ventilation and air-conditioning equipment shall be submitted to and approved by the Council.

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

14. Before the development is occupied, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

15. The development shall not be occupied until the whole of the car parking provision (including the 2 disabled bays) shown on the approved drawings is provided. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles of the occupiers and users of the development. The 2 disabled bays shall also only be used by occupiers with a valid Camden issued blue badge.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP18, DP19 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

16. Before the relevant part of the development commences, details of the cycle storage area for 28 cycles in the basement and of 4 additional cycle stands for occupiers and visitors at ground level within the site shall be submitted to and approved by the local planning authority in writing. The approved facilities shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

17. Prior to the commencement of excavation work, a programme of archaeological investigation including the details of the suitably qualified investigating body to

carry out such archaeological works as required shall be submitted to and approved in writing by the local planning authority. The development shall then only take place in accordance with such details as have been approved.

Reason: Important archaeological remains may exist on this site. Accordingly the Council wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

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

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

19. Prior to the first occupation of the building, a plan showing details of the biodiverse roof (including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof) and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The biodiverse roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

20. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local

Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

21. The development (including both excavation and construction) hereby approved shall not commence until further details relating to the basement construction (including further investigations, condition surveys, construction methodology and detailed design, mitigation measures, monitoring methods, etc), as itemised in section 5 of RKD's report dated 27.9.12 (titled 'Assessment of Basement Excavation Justification at 29 New End London NW3 1JD'), have been submitted to and approved by the Council. The development shall thereafter be constructed and monitored in accordance with such approved details and with the various Basement Impact Assessment reports hereby approved.

Reason: To safeguard the structural stability of neighbouring buildings and the water environment of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 of the London Borough of Camden Local Development Framework Development Policies.

22. No development shall commence before a contract has been entered into with the Local Highway Authority to secure the proposed changes to the highway and parking layout, as shown on drawing no.2011-1007-CR-004 (or any other variation subsequently approved by the Council). The new units hereby permitted shall not be occupied until the works that are the subject of that contract have been completed.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP19 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

23. The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved, shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

24. Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

25. Prior to commencement of development, details of a Sustainable Urban Drainage System (SUDS) shall be submitted to and approved in writing by the local planning authority. The system shall be implemented as part of the development and thereafter permanently retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

26. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site plan- NEN-PL-001B;
- Proposed plans- NEN-PL-003B, 090P, 100M, 110L, 120L, 130L, 140K, 150J, 160I, 200E, 210N, 220H, 230G, 240G, 300E, 310G, 320F, 330E, 340E, 350D, 370D, 380D;
- Landscaping plans-1375-11-01 rev 1, 1375-11-02 rev 1;
- On street parking layout- 2011-1007-CR-004;
- Overlooking plan- NEN-SK-05;
- Design and Access Statement (plus addendum regarding NPPF) by KSR May 2012;
- Planning Statement by DP9 June 2012;
- Historic Environment Assessment by KM Heritage May 2012;
- Sustainability Statement revision 1 March 2012;
- Energy Statement (plus addendum regarding NPPF) by Hoare Lea March 2012;
- Code for Sustainable Homes Pre-assessment report by Hoare Lea August 2012;
- Transport Statement (plus addendum regarding NPPF) by TTP Consulting April 2012;
- Construction Traffic Management Plan (plus addendum regarding NPPF) by TTP Consulting April 2012;
- Tree report by Tree Projects March 2012;
- Daylight and sunlight report by GIA April 2012;
- Internal daylight and sunlight assessment by GIA March 2012;
- GIA letter on Lawn House dated 17.9.12;
- Air quality assessment by Arup April 2012;
- Archaeological Desktop assessment by Preconstruct Archaeology (plus addendum regarding NPPF) July 2011;
- Basement Impact Assessment by TWS (May 2012);
- Arup letter review of BIA dated 12.6.12;

- Letter from TWS dated 8.10.12;
- Addendum to BIA by TWS 25.9.12;
- Addendum to BIA by TWS April 2013;
- Arup letter review of BIA dated 3.5.13;
- Internal daylight and sunlight report by GIA April 2013;
- Building Regulations report revision 2 by MLM 24.4.13;
- Opinion on works adjacent to Lawn House by KM Heritage 28.5.13.

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

PROPOSED PLANNING INFORMATIVES

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £223,150 (4463sqm x £50). This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the Additional Information Requirement Form or other changing circumstances.

You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden

Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 8 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 9 You are advised to contact Thames Water regarding their requirements for surface water drainage across this site. Please contact their Developer Services Department to discuss the drainage strategy in more detail prior to construction.
- 10 Structural Engineering - The applicant is advised to contact London Borough of Camden Structures and Bridges Team (Tel. 020 7974 8739) in the preparation of final design and associated method statements, in particular with regard to excavation and construction methods effecting New End and Christchurch Passage as these works would be subject to an Approvals In Principle (AIP). The developer will be required to pay all costs associated with the approvals process

13.0 SECTION 106 AGREEMENT

- 13.1 A financial contribution to enhance educational facilities has been calculated in accordance with CPG formulae, for be £134,973 and is agreed.
- 13.2 Contributions to public open space are not required as the proposed amount of communal open space within the development (780sqm) is double that required for this development according to CPG formulae.
- 13.3 The Planning System – General Principles notes that where it is not possible to include matters that are necessary for a development to proceed in a planning condition, developers may seek to negotiate a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
- 13.4 A draft Unilateral Undertaking or a s106 agreement between the Council and the appellants will be submitted as part of this appeal. It is agreed that if this document is completed that by virtue of the obligations contained within the document Reasons for Refusal 7, 8, 9, 10 and 11 have been adequately addressed. The following elements of that agreement, that address each reason for refusal, are listed below. To do

TOPIC

- a) final Demolition and Construction Management Plan, including noise, vibration and air quality assessment and mitigation measures;
- b) Construction Working Party set up with local community and schools;
- c) car-capped flats;

- d) highway works contribution of £54,000, for repaving footway with York stone, level thresholds with public highway, new crossover, changes to on street parking bays (as shown on drawing no. 2011-1007-CR-004), kerb build-out and drainage, and associated costs of Traffic Management Order; such implementation to be prior to occupation of flats;
- e) Pedestrian, cycle, environmental and public realm improvements contribution of £12,000;
- f) education facilities contribution of £134,973;
- g) offsite affordable housing contribution as the Inspector, based on the evidence presented at the Inquiry, shall determine necessary or appropriate ;
- h) deferred housing contribution as the Inspector, based on the evidence presented at the Inquiry shall consider necessary or appropriate;
- i) post-construction review to show achievement of CfSH targets and implementation of renewable energy facilities.
- i. Local Employment and Training;
- ii. Local procurement;

14.0 AUTHORISED SIGNATORIES

- 14.1 This Statement of Common Ground has been prepared by Montagu Evans, the Appellant's planning agent, in conjunction with the Appellant's other professional advisors.

Authorised Signatory:

Name and Position:

.....
Nicholas Sharpe,
Partner, Montagu Evans LLP

Date:

.....

Authorised Signatory:

Name and Position:

.....

Date:

.....

- 14.2 The contents of this Statement of Common Ground have been agreed by the London Borough of Camden in its capacity as local planning authority and local highway authority.

APPENDIX 1

Relevant London Plan Policies

Schedule of Relevant London Plan Policies

| Policy Number | Subject |
|---------------|---|
| 3.3 | Increasing housing supply |
| 3.4 | Optimising housing potential |
| 3.5 | Quality and design of housing developments |
| 3.6 | Children and young people's play and informal recreation facilities |
| 3.8 | Housing choice |
| 3.9 | Mixed and balanced communities |
| 3.10 | Definition of affordable housing |
| 3.11 | Affordable housing targets |
| 3.12 | Negotiating affordable housing on individual private residential and mixed use schemes |
| 3.13 | Affordable housing thresholds |

- 3.5 Quality and design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 5.2 Minimise Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes

- 7.16 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 8.2 Planning obligations

APPENDIX 2

Relevant Camden Local Development Framework Policies

Schedule of Relevant Camden Local Development Framework Policies

Differs from DCC report – have deleted those not in DCC report and extra ones added

| Policy Number | Core Strategy Policies |
|---|---|
| CS1 | Distribution of growth |
| | |
| CS5 | Managing impact of growth |
| CS6 | Providing quality homes |
| CS11 | Promoting sustainable and efficient travel |
| CS13 | Tackling climate change |
| CS14 | High quality places and conserving heritage |
| CS15 | Parks, open spaces and biodiversity |
| | |
| CS17 | Safer places |
| CS18 | Waste and recycling |
| CS19 | Delivering and monitoring the Core Strategy |
| | |
| DP2 | Making full use of housing capacity |
| DP3 | Affordable housing |
| DP4 | Minimising loss of affordable housing |
| DP5 | Homes of different sizes |
| DP6 | Lifetime homes and wheelchair housing |
| DP9 | Student housing, bedsits and housing with shared |
| | |
| DP16 | Transport implications of development |
| DP17 | Walking, cycling and public transport |
| DP18 | Parking standards |
| DP19 | Impact of parking |
| DP20 | Movement of goods and materials |
| DP21 | Highway network |
| DP22 | Promoting sustainable design and construction |
| DP23 | Water |
| DP24 | High quality design |
| DP25 | Conserving Camden's heritage |
| DP26 | Impact on occupiers and neighbours |
| DP27 | Basements and lightwells |
| DP28 | Noise and vibration |
| DP29 | Improving access |
| DP31 | Open space and outdoor recreation |
| DP32 | Air quality and clear zones |
| | |
| Adopted Site Allocation DPD September 2013 | Site Allocation No. 42 |

APPENDIX 3

Site Specific Allocation

Section 7- Other Localities



Site Details

Area: 1,665 sqm
Ownership: Private
Existing Use: Vacant, former nurses' hostel
Ward: Hampstead Town

Planning Context

Planning Designations

Archaeological Priority Area: Hampstead

Conservation Area: Hampstead

Other Information

Adjacent to Private Open Space: Christchurch Passage Open Space

Within the setting of listed buildings: Christ Church (grade II), Lawn House (grade II) and Kendalls Hall (grade II).

Public transport accessibility level: moderate (3)

Relevant Planning Applications

- | | |
|-----------|--|
| June 2012 | Application submitted (2012/3089/P and 2012/3092/C) Erection of a 7 storey block to provide 17 residential units (Class C3) with associated roof terraces, plus basement parking for 17 cars, new pedestrian access, communal open space and landscaping, following demolition of existing nurses hostel |
| Nov 2011 | Withdrawn applications (2011/4317/P & 2011/4322/C) for demolition and erection of a 7 storey block of 15 self contained residential units (Class C3), with associated roof terraces, plus new vehicular access and basement parking for 15 cars |
| Jan 2008 | Withdrawn Application (2008/0011/P) Demolition of existing hostel and redevelopment to provide a basement plus 8 storey building containing 27 residential units (14 private and 13 affordable) (Class C3), including 20 car parking spaces, ancillary leisure space, associated landscaping. A separate appeal decision on potential extensions to the building highlighted the sensitivities of the location |

Site allocation guidance

Refurbishment or redevelopment of the site for self-contained (C3) housing use, including affordable housing.

Development will be expected to:

- Optimise the potential of the site to provide new housing (including affordable housing)
- Ensure that the character of this part of the Hampstead Conservation area is preserved and enhanced
- Ensure there are no adverse impacts on the setting of the Grade II Listed Christ Church to the north, Lawn House to the west and Kendalls Hall to the south.
-
- Protect the Christchurch Passage Open Space which lies to the north of the site.
- Retain and protect existing trees on the site and on adjoining land
- Reprovide the former nurses hostel floorspace as an alternative form of affordable housing unless hostel accommodation has been satisfactorily provided elsewhere

Site Context

The existing building was formerly used as nurses' accommodation for the Royal Free Hospital (now understood to have been relocated) and is now vacant. The existing building is a large and prominent presence in the conservation area, and is identified as neutral to the character of the conservation area. Redevelopment of the site provides the opportunity to re-use the site for housing use, as well as to enhance the appearance of the site to improve its relationship with the surrounding area.

Main policy considerations

Conversion or redevelopment of the site will be expected to provide new housing including affordable housing (Policy DP9) that is designed to relate well to its historic context (Policy CS14 & DP25). The designated open space (Policy CS15) which forms part of the site should be protected and not be detrimentally affected.

Further Information

As the site is no longer used for nurses' accommodation and understood to have been relocated the existing floorspace should be replaced with self contained housing within Class C3, (including an appropriate amount of affordable housing if triggered by policy).

The existing building is not considered to make a positive contribution to the Conservation Area, but it has some positive attributes, not least its relationship with neighbouring buildings and the high quality of construction. Refurbishment or redevelopment are both therefore appropriate options. Its replacement will only be supported if the new building demonstrates an appreciably high standard of design and architecture that enhances and is sensitive to the area's character and surrounding buildings. Redevelopment should respect the existing relationship with neighbouring buildings.

Any new buildings should also be designed so that the scale and massing is sensitive to neighbours, the adjacent open space, prevailing character and topography of the area and not cause harm to the setting of the listed Christ Church to the north, Lawn House to the west and Kendalls Hall to the south. No inappropriate development should take place on the designated open space which sits to the north of the site, nor intrude or detrimentally affect the open space and opportunities to enhance the qualities of this space should be addressed. Unless otherwise justified and supported by a rigorous assessment existing trees

Section 7- Other Localities

should be retained and protected as part of any scheme (with compensatory replacement as appropriate)

APPENDIX 4

Planning Application Documentation Schedule

Submission Documents

- Site plan- NEN-PL-001B;
- Proposed plans- NEN-PL-003B, 090P, 100M, 110L, 120L, 130L, 140K, 150J, 160I, 200E, 210N, 220H, 230G, 240G, 300E, 310G, 320F, 330E, 340E, 350D, 370D, 380D;
- Landscaping plans-1375-11-01 rev 1, 1375-11-02 rev 1;
- On street parking layout- 2011-1007-CR-004;
- Overlooking plan- NEN-SK-05;
- Design and Access Statement (plus addendum regarding NPPF) by KSR May 2012;
- Planning Statement by DP9 June 2012;
- Historic Environment Assessment by KM Heritage May 2012;
- Sustainability Statement revision 1 March 2012;
- Energy Statement (plus addendum regarding NPPF) by Hoare Lea March 2012;
- Code for Sustainable Homes Pre-assessment report by Hoare Lea August 2012;
- Transport Statement (plus addendum regarding NPPF) by TTP Consulting April 2012;
- Construction Traffic Management Plan (plus addendum regarding NPPF) by TTP Consulting April 2012;
- Tree report by Tree Projects March 2012;
- Daylight and sunlight report by GIA April 2012;
- Internal daylight and sunlight assessment by GIA March 2012;
- GIA letter on Lawn House dated 17.9.12;
- Air quality assessment by Arup April 2012;
- Archaeological Desktop assessment by Preconstruct Archaeology (plus addendum regarding NPPF) July 2011;
- Basement Impact Assessment by TWS (May 2012);
- Arup letter review of BIA dated 12.6.12;
- Letter from TWS dated 8.10.12;
- Addendum to BIA by TWS 25.9.12;
- Addendum to BIA by TWS April 2013;
- Arup letter review of BIA dated 3.5.13;
- Internal daylight and sunlight report by GIA April 2013;
- Building Regulations report revision 2 by MLM 24.4.13;
- Opinion on works adjacent to Lawn House by KM Heritage 28.5.13.

