

**PUBLIC INQUIRY PLANNING APPEAL**

**DRAFT STATEMENT OF  
COMMON GROUND ON  
BEHALF OF KARAWANA LIMITED**

**MAY 2014**

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## **APPENDICES**

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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 15<sup>th</sup> 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 *'Demolition of existing nurses hostel (Sui Generis) and 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 wall, green roofs, communal open space and landscaping.'*

1.7 The Council carried out formal consultation, and the following responses were received: **[INSERT WHEN CONFIRMED]**

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

1.8 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***

1.9 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.

1.10 A site notice advertising the application was displayed from 22/06/13 for three weeks and the application was advertised in the **XXXXX** newspaper on **XXX** to **XXX**.

1.11 Written notification was sent to:

- English Heritage;
- English Heritage (GLAAS);
- Hampstead Conservation Area Advisory Committee (CAAC);
- The Heath and Hampstead Society;
- Flask Walk Neighbourhood Association;
- Rudall Crescent Residents Association.

1.12 Written notification was sent to 98 neighbours on **XXXX** 2012. On **XXX** 2012 notification of changes to the scheme was sent to the **XX** respondents to the first consultation round.

1.13 During the consultation **X** representations were received from various individual addresses.

1.14 Copies of all representations made during the application's determination have been submitted to the Planning Inspectorate.

1.15 **Section 106 Agreement drafted? Or just Heads of Terms?** The application included commitments to Planning obligation obligations on the basis of the following Heads of Terms:

1. Financial Contribution to Affordable Housing;
2. Local Employment and Training;
3. Local procurement;
4. Financial Contribution to Communities Facilities;
5. Financial Contribution to Environmental and public realm improvements;
6. Financial Contribution to Public Open Space;
7. Financial Contribution to Tree replacement;
8. Car-capped development.

#### ***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 (Core Document **XX**)

#### ***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 (**Core Document XX**) 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.

1.20 **Conservation Area Consent**

1.21 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.*

1.22 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**

1.23 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.

1.24 This document's contents are agreed as being points over which there is no dispute between LBC and the Appellant.

**Measurements**

1.25 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. Development proposals should be assessed against the policies of the NPPF.

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

3.6 At paragraph 14 of the NPPF it states:

*"At the heart of the planning system is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan making and decision taking.*

#### **Sustainable development**

3.7 At para. 7 The NPPF notes that;

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and

*innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.*

- **A social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- **An environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

### **Delivering a wide choice of high quality homes**

- 3.8 In relation to housing, at para.47 it sets out the government's intention "To boost significantly the supply of housing" Noting that:

*...local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition to the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*

- *set out their own approach to housing density to reflect local circumstances.*

3.9 At Para 49 it notes that:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered for up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

3.10 In relation to viability and deliverability, the NPPF sets out at para. 173 that:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

3.11 Further commentary on viability and deliverability are contained in footnotes 10 & 11 which set out that;

*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*

3.12 It is agreed that the site subject to viability considerations, the site is deliverable for housing purposes.

*To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.*

3.13 It is agreed that subject to viability considerations, the site is both available and developable for housing purposes.

3.14 The National Planning Practice Guidance (NPPG) contains guidance on viability also. It states:

*'What are the underlying principles for understanding viability in planning?*

**Evidence based judgement:** *assessing viability requires judgements which are informed by the relevant available facts. It requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.*

*Understanding past performance, such as in relation to build rates and the scale of historic planning obligations can be a useful start. Direct engagement with the development sector may be helpful in accessing evidence.*

**Collaboration:** *a collaborative approach involving the local planning authority, business community, developers, landowners and other interested parties will improve understanding of deliverability and viability. Transparency of evidence is encouraged wherever possible. Where communities are preparing a neighbourhood plan (or Neighbourhood Development Order), local planning authorities are encouraged to share evidence to ensure that local viability assumptions are clearly understood.*

**A consistent approach:** *local planning authorities are encouraged to ensure that their evidence base for housing, economic and retail policy is fully supported by a comprehensive and consistent understanding of viability across their areas. The National Planning Policy Framework requires local planning authorities to consider district-wide development costs when Local Plans are formulated, and where possible to plan for infrastructure and prepare development policies in parallel. A masterplan approach can be helpful in creating sustainable locations, identifying cumulative infrastructure requirements of development across the area and assessing the impact on scheme viability.*

*Authorities should seek to align the preparation of their Community Infrastructure Levy Charging Schedules and their Local Plans as far as practical.'*

### **Requiring good design**

- 3.15 The Government attaches great importance to the design of the built environment. It notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 3.16 Para 58 sets out that planning policies and decisions should aim to ensure that development:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surrounding and material, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.*

3.17 Paras 137 and 138 set out that:

*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

*Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

3.18 The National Planning Practice Guidance (NPPG) contains guidance on design also. It states:

*'Planning should promote local character (including landscape setting)*

*Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.*

*The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.*

*When thinking about new development the site's land form should be taken into account. Natural features and local heritage resources can help give shape to a*



*development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process.*

*Local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be used in more contemporary design. However, innovative design should not be discouraged.*

*The opportunity for high quality hard and soft landscape design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of townscape or landscape. Good landscape design can help the natural surveillance of an area, creatively help differentiate public and private space and, where appropriate, enhance security.'*

- 3.19 The NPPG also refers to the impact of development on the historic environment (including designated and non-designated heritage assets). Of particular relevance to the appeal scheme, it states:

*'What is meant by the conservation and enhancement of the historic environment?*

*The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.*

*Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use to as yet undiscovered, undesignated buried remains of archaeological interest.*

*In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.*

*Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage*

*assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.*

*Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.'*

### **Decision-taking**

3.20 In relation to decision-taking, the NPPF notes at paras 186-7 that:

*Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.*

*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.*

### **Planning conditions and obligations**

3.21 Para 204 notes that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

3.22 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

3.23 Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

3.24 It is agreed that the appeal scheme accords with all relevant aspects of all relevant NPPF policies. Weight should be attached to the extent to which the appeal scheme accords with the provisions of the NPPF, including the presumption in favour of sustainable development.

## (II) The Development Plan

- 3.25 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”) (**Core Document XX**);
  - (b) the London Borough of Camden’s Core Strategy which was adopted in November 2010 (**Core Document XX**);
  - (c) the London Borough of Camden’s Development Policies Document which was adopted in November 2010 (**Core Document XX**);
  - (d) the London Borough of Camden’s Site Allocations Document which was adopted in September 2013 (**Core Document XX**);
- 3.26 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 polices in the adopted Development Plan Documents set out above.

### The London Plan (2011) & Amendments (2013)

- 3.27 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

- 3.28 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

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

### London Plan Supplementary Planning Guidance

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

#### Housing

- *Housing Supplementary Planning Guidance* (16<sup>th</sup> November 2012) (**Core Document XX**);

### London Borough of Camden's Supplementary Planning Documents

3.31 Camden Planning Guidance 2011 (**Core Documents XX**) 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

3.32 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."*

3.33 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**

3.34 On 9<sup>th</sup> August 2012 the Royal Institute of Chartered Surveyors adopted the Financial Viability in Planning Guidance Note (1st edition GN 94/2012) (Core document **XX**).

#### 4.0 SITE, LOCATION AND BUILT CONTEXT

##### *The Site and Location*

- 4.1 The extent of the Appeal Site is indicated on Plan NEN-PL-001B (**Core Document XX**).
- 4.2 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.
- 4.3 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.
- 4.4 The Hampstead Conservation Area Statement classifies the building as detracting from the Hampstead Conservation Area. The Appellant concurs with this assessment.

##### *Existing Buildings on the Site*

- 4.5 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. This emphasises the building's height.
- 4.6 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 has an austere appearance, being built of a dark brick with orderly rows of windows, with neo-Georgian and Dutch influences.
- 4.7 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.
- 4.8 The site was later sold by the Royal Free Hospital in 2005.

*Built Context*

4.9 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).

4.10 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.

4.11 This part of Hampstead has evolved over time and the area is characterised by a variety of buildings exhibiting various architectural styles and dating from a range of periods. Typically however, most date from the 18th century to the present day. The prevailing built form in the New End/New End Square section of the Hampstead Conservation Area is of individual buildings, mainly built of red brick with stone or stucco dressings.

*Trees*

4.12 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:

*'Demolition of existing nurses hostel (Sui Generis) and 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 wall, green roofs, communal open space and landscaping.'*

### **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. The total existing Sui Generis floorspace on the site is **XXX**m<sup>2</sup> GIA (**XXX**m<sup>2</sup> GEA).

### **5.1.0 Principle of Residential Development**

- 5.1.1 The NPPF seeks to boost significantly the supply of housing.
- 5.1.2 The London Plan prioritises housing delivery. Policies 3.3 and 3.4 seek respectively to increase housing supply, and optimise the potential of sites.
- 5.1.3 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:
- 5.1.4 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.”*

5.1.5 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)”.*

5.1.6 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

## **5.2.0 The Principle of Replacing the Existing Building**

5.2.1 The existing building is not a designated heritage asset in its own right. Its significance in heritage terms is not acknowledged as it is not deemed to make a positive contribution to the Hampstead Conservation Area. The onus is on the replacement scheme to preserve or enhance the Conservation Area.

5.2.2 As noted above, the Appellant concurs with the assessment made in the Hampstead Conservation Area Audit that concludes that 29 New End makes a negative contribution to the character and appearance of the Conservation Area.

5.2.3 A revised Historic Environment Assessment (dated May 2012) was submitted which assesses the loss of existing building and design of new building and their impact on heritage assets in the light of the NPPF as well as LDF policy and other national guidance.

5.2.4 The Parties agree therefore that in these respects the proposals comply with the requirements of the NPPF, London Plan policy 7.8 (Heritage Assets and Archaeology) and 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.



### **5.3.0 Footprint, Height, Bulk and Mass**

- 5.3.1 The fundamental design principles behind the proposed block reflect the general footprint, height and massing of the existing 5-storey building. The refused proposal replicates approximately the T-shaped plan of the existing building on the site, retaining the open space to the rear with the main front façade slightly further forward than the existing.
- 5.3.2 The design makes use of the sloping topography on the site to accommodate car parking and various ancillary residential functions at below-ground level. Such an approach enables the building to fully address the street, keeping the rear of the building in the centre of the plot and retaining the designated open space at the rear of the site as landscaped garden rather than hardstanding. Consequently the valuable existing townscape gap between the proposed block and the listed Christ Church is retained.
- 5.3.3 The appeal scheme proposes a building comprising seven storeys. However, because of the new basement/lower ground floors and different headroom heights, the overall height of the building would not noticeably exceed the existing building's height. The building takes on a stepped form for its two uppermost storeys to reflect the existing roof profile, with these floors recessed back behind small roof terraces screened by brick parapets.
- 5.3.4 The proposed building seeks to reflect the varied architectural styles in the surrounding area, using a simple, contemporary approach producing a generally symmetrical composition with a scale and proportions echoing the classically derived facades of neighbouring buildings. Overall its form, bulk and height parameters are derived from the existing building rather than the adjoining Carnegie House. Montages submitted as part of the refused planning application (Document **XX**), which compare the existing building and proposed one in eastward views from New End and southward views from Christ Church Passage.

### **5.4.0 Materials**

- 5.4.1 The scheme proposes to clad the elevations in traditional materials: a brick to complement existing brickwork in the area, punctured by simple vertically proportioned window openings, some with masonry surrounds to give architectural emphasis. Subtle interest is also provided by stone copings terminating the façade and by some projecting feature oriel windows on the corners and east side. Vertical-hung slates are proposed for the cladding of the two recessed upper storeys, picking up on the established roofing material of the area, and relieving the solidity of the brick facades of the lower storeys.
- 5.4.2 It is thus agreed that the range of materials, variety of window openings and different setback and projecting elements combine to create a better articulated and domestic

scale in contrast to the existing building's somewhat monolithic and utilitarian facades.

### **5.5.0 Reduced Visual Impact**

5.5.1 The New End façade has been broken up into elements to provide relief and to break up the perceived bulk of the building. As stated above, the upper two storeys of the main façade onto New End are set back and stepped in width to reduce the overall visual impact of the building: although the ground to 3rd floors are slightly wider than the existing block, the top 2 floors are stepped back from the sides so that the upper part of the block appears narrower than existing. These top 2 storeys reflect the same front profile as the existing roof and indeed the new 5th floor setback represents a reduced volume in contrast to the pitched roof here, thus retaining the roof form's subservience in the streetscene and in longer views. This reduced visual impact is reinforced by the relative narrowness of the street, which is likely to only afford partial views of the upper portions of the building from certain angles. Furthermore the front façade is articulated by a set back at third floor level behind two three-storey projections either side of the sheer central bay which is characterised by balconies with metal balustrades.

5.5.2 Montages, included as part the refused submission and included with this appeal, show how the proposed building compares with the existing viewed from the street and how it represents an overall improvement in bulk, massing and height with greater articulation and interest than the existing monolithic block.

5.5.3 Although the principal elements of the proposed front elevation are further forward than the existing building, this new front building line helps to integrate the building better with adjoining ones and the general streetscene. The side wings of the block have also been pushed back level with the existing building corners. This creates the impression of a narrower and more articulated building in oblique views along New End, and lessens its impact in long views towards Christ Church.

### **5.6.0 Landscaping & Boundary Treatments**

5.6.1 The re-landscaped and lower front area opens up the site and creates a much better connection and interaction with the street. The boundary wall on New End is partly pierced by sections of metal railings which allow views through to greenery. The boundary wall along Christchurch Passage is however raised at its front end to allow screening to the flats and gardens of the side wing which are above the alleyway level due to the rise in land levels to the north.

### **5.7.0 Other external views: Impacts & Setting of Listed Buildings**

5.7.1 Christchurch Passage lining the east side of the site affords significant views of the rear of the site and the back of the existing building, particularly because of the rise in

land levels, as well as of listed Lawn House. The increased bulk by infilling on the east side does not significantly alter the massing or views from the Passage.

5.7.2 The overall height of the appeal scheme is below the ridge of the nave of Christ Church.

5.7.3 The eastern flank walls of the whole building parallel with Christchurch Passage will be highly visible from the public realm, including in long views from New End and from Christchurch Hill.

5.7.4 The above-ground width and bulk of the rear wing at its North West corner and western side is the same as existing and thus retains the setting of buildings in Hampstead Square, notably nos. 10, 11 and 12 (Lawn House).

#### **5.8.0 Basement Development & Conservation/Listing Considerations**

5.8.1 Given the footprint of the building and height of the boundary walls bordering both New End and Christchurch Passage, there will be minimal or no views from the public realm of the proposed lightwells serving the lower flats on these sides and thus no objection is raised to the basement in conservation area terms.

5.8.2 The Appellant has demonstrated that no harm will be caused by excavation works to the historic fabric of the grade II listed Lawn House on the adjacent site. In particular, 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. The revised heritage report (Document **XX**) confirms that this redesign will have no impact on the historic interest of Lawn House nor indeed on the post-war buttresses which have no architectural or historic interest in themselves, even though they are technically listed by virtue of their attachment to a listed building. The amended basement makes no difference to the design or bulk of upper levels of the overall block.

5.8.3 In conclusion, the proposed new building not only preserves the character and appearance of the Hampstead Conservation Area but also enhances it, as the new building is agreed generally to be an improvement over the existing one in terms of;

- bulk,
- form,
- massing,
- proportions and;
- detailed design.

5.8.4 It will also not harm the setting of adjoining listed buildings such as Lawn House, Christ Church and Kendalls Hall.

5.8.5 As such, the proposals are considered to comply with the relevant requirements of the NPPF, London Plan policy 3.5 (Quality and design of housing developments) as well as policies CS14 (Promoting high quality places and conserving our heritage) DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

### **5.9.0 Density of Residential Development**

5.9.1 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. It is agreed that the scheme does not represent an overdevelopment of the site.

5.9.2 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 shown to be approximately 15 units. The appeal scheme, in proposing 17 units, is in accordance with this estimate of the site's capacity.

5.9.3 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.

### **5.10.0 Dwelling Mix**

5.10.1 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.

### **5.11.0 Other Housing Policy and Standards**

5.11.1 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).

5.11.2 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.

5.11.3 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.

#### **5.12.0 Daylight & Sunlight**

5.12.1 A daylight and sunlight study (Core Document **XX**) 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.

5.12.2 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%).

5.12.3 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.

5.12.4 Overall the quality of internal amenity to the proposed flats is agreed to be acceptable.

#### **5.13.0 Outlook**

5.13.1 In terms of outlook, it is recognised that the two proposed studio flats at basement level and two larger flats at rear ground level will necessarily have a more limited

outlook than the other flats in the building due to their location in relation to retaining walls. Never the less, this is not an uncommon situation in a relatively central London location such as this. The resultant dwellings will enjoy appropriate levels of amenity and outlook.

- 5.13.2 Some upper level flats will have obscure glazing in their side facing windows to protect neighbour amenity (Neighbour amenity is discussed in **Section XX**). However this will not seriously affect internal outlook or daylight as some of the windows are secondary to main living rooms with north or south facing windows. Some serve bedrooms where one would have a lower expectation of outlook and light, and some only serve kitchens and bathrooms.

#### **5.14.0 Crime Prevention**

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

#### **5.15.0 Neighbour amenity**

##### ***Daylight and sunlight***

- 5.15.1 A comprehensive daylight and sunlight study (Core Document **XX**) 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.

- 5.15.2 It is agreed that the appeal proposals are acceptable in this regard.

#### **5.16.0 Privacy**

- 5.16.1 The Appellant has agreed to install opaque or stained glass windows to certain rooms where appropriate; these are identified on **Drwg No. XX-XXX** for specific windows on the 1st/2nd floors facing west on the rear wing. the 1st/2nd/3<sup>rd</sup> floors facing east on the front wing and the 2nd/3rd/4th floors facing east on the rear wing.

- 5.16.2 It is agreed that subject to an appropriate condition being attached to any permission, adequate privacy can be maintained.

- 5.16.3 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).

- 5.16.4 Studies were conducted and submitted (Core Document **XX**) 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.

5.16.5 There will be no impact on amenities of New End properties opposite due to their distance from the proposals.

5.16.6 It is therefore agreed that subject to the measures set out above, the proposals retain an appropriate level of privacy for neighbours.

#### **5.17.0 Outlook**

5.17.1 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.

5.17.2 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**

5.17.3 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.

#### **5.18.0 Light Pollution**

- 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.

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## **6.0 BASEMENT CONSTRUCTION MATTERS**

6.1 The appeal scheme proposes only one basement floor below street level which would extend across the width of the site though only across the depth of the main block and not the open space behind. The basement would extend across this site set back by 2m from Lawn House on the west side, and would be set back from the road edge by approximately 4m. The basement level storey would be overall 39m long and 34m wide and have approximately 3m headroom; it would range from approx 4.5m below street level at the western side to 2m at its eastern side and would be 11m below the communal garden at rear and Lawn House to the west.

6.2 Policy DP27 states that basements and other underground developments:

- should not cause harm to the built and natural environment and local amenity and
- should not result in flooding or ground instability.

6.3 It further requires that developers should demonstrate by appropriate methodologies that their schemes

- maintain the structural stability of the building and any neighbouring properties,
- avoid adversely affecting drainage and run-off or causing other damage to the water environment, and
- avoid cumulative impacts on structural stability or the water environment in the local area.

6.4 It is agreed that the basement element of the proposals is in accordance with relevant Local Plan policy including DP27 and that;

- The detailed information included with the scheme is sufficient to ensure that the design approach has adopted the necessary measures to mitigate any potential impact of the basement construction on the nearest structures and the local water environment.
- The basement would not have a significant impact on local amenity, the visual amenity or landscaped quality of the site.
- The proposed conditions (XX, appendix X) allow the Council further control.

6.5 Camden Planning Guidance note CPG4 on Basements and Lightwells gives further guidance as to how these issues should be addressed. It was revised in September 2013 to require that in certain situations (such as where conflicting technical evidence has been received) that such technical reports should be independently verified by engineers commissioned by the Council.

### **Basement Impact Assessment (BIA)**

- 6.6 In accordance with policy DP27, a BIA (prepared by Taylor Whalley Spyra – Appeal Document **XX**) was submitted, accompanied by a Hydrogeological Report (prepared by Geotechnical Consulting Group - Appeal Document **XX**). These set out the various measures taken to ensure that the proposed works would not create localised flooding or structural stability issues for the site and surrounding properties and infrastructure.

### **Screening and Site Investigation**

- 6.7 Screening was undertaken in accordance with CPG advice to cover the 3 issues of:
- groundwater flow,
  - surface water flow and flooding and;
  - land stability
- 6.8 Appeal Document **XX**.
- 6.9 This identified key areas where more analysis was required at scoping, site investigation and impact assessment stages.
- 6.10 Site investigations have included 3 boreholes to 20m deep and 6 trial pits on the perimeter to expose existing foundations.

#### **6.1.0 Groundwater Flow**

- 6.1.1 It is agreed that the appointed independent experts concur with the appellant's experts that the development can be realistically carried out without having a detrimental effect on the surrounding area and properties due to increased moisture, instability or settlement.

#### **6.2.0 Surface Flow and Flooding**

- 6.2.1 It is agreed that surface water flows are substantially unaffected by the proposed development. It is agreed that a surface water drainage system (SUDS) could provide appropriate mitigation for any change occurring. It is agreed that the appointed independent experts concur with the appellant's experts that the development can be realistically carried out without having a detrimental effect on the surrounding area and properties by virtue of increased surface water flow, or increased risk of flooding

#### **6.3.0 Land Stability**

- 6.3.1 With regard to any impact on local land stability, it is agreed that the development will not impact detrimentally upon the site and surrounding buildings and infrastructure. It is agreed that:

- Careful design and installation of walls and propping systems will control ground movement so as to ensure that the effect on buildings is minimal and within acceptable limits.
- An assessment has been made of likely damage for all surrounding properties using the Burland scale. It is shown that there are only 2 neighbouring buildings (Christ Church Cottage and Lawn House) sufficiently close to be affected by the works as the impact will be greater at the rear of the site due to the depth of excavation. The amount of settlement will be 'negligible' to 'very slight' for the Cottage and 'very slight' to 'slight' for Lawn House, which is considered acceptable according to CPG4.
- Other surrounding properties are within the 'negligible' or 'none' categories.

6.3.2 It is agreed that:

- a comprehensive monitoring system should be introduced to check the predicted movements are within the expected limits.
- in engineering terms, the ground conditions are well documented and researched and provide a stable base for building foundations.
- Prior to commencement, a full condition survey should be carried out to all relevant buildings as defined within the Party Wall Act where the excavations may be within the influence zone of existing foundations.
- Work should be carried out in accordance with the recommendations of the Construction Method Statement (Appeal Document **XX**)

**6.4.0 Independent Third Party Review – Arup**

6.4.1 Arup engineers undertook an independent review prior to the application's submission. This review confirmed that the BIA demonstrates good practice in terms of approach and is in keeping with the requirements of CPG4.

6.4.2 Subsequent to the BIA and Arup review, the appellant submitted an Addendum on 25th September 2012 to address some minor criticisms and clarifications raised by the Council's consultant RKD (see below). Further monitoring and site visits regarding groundwater levels were undertaken in October/November 2012 and confirmed that standing water levels were generally static.

**6.5.0 LB Camden Expert Reviews (2012 & 2013)**

6.5.1 The Council commissioned independent engineers (RKD) and consultants (CGL) to review the BIA and associated Arup review as well as the various critiques submitted by a local resident, in order to verify the findings and conclude that the scheme would comply with the requirements of CPG4 and policy DP27. Following a complaint by the Heath & Hampstead Society concerning insufficient qualifications of RKD relating to

hydrology, another consultant engineer (CGL) was employed in November to review the groundwater flow issues only.

6.5.2 RKD submitted their final review on 27th September 2013 to take account of both the BIA and the subsequent Addendum provided by the Appellant. It covers both hydrology and land stability issues. RKD raised a very small number of minor criticisms of the presentation and consideration of a couple of issues in the BIA, and more information was subsequently provided to address this to the satisfaction of RKD.

6.5.3 RKD consider that the BIA is adequate in design terms to define a viable concept in respect of drainage and structure. RKD conclude that:

- the BIA has been carried out in accordance with CPG4 procedures and by suitably qualified professionals;
- its conclusions are reliable, robust and accurate and accompanied by sufficient mitigation measures;

6.5.4 and accordingly that the scheme will accord with DP27 criteria, in terms of maintaining structural stability of neighbouring properties, avoiding adverse impact on water environment and avoiding cumulative impacts.

6.5.5 Furthermore RKD conclude that the technical criticisms raised by the local group's consultants do not lead to a conclusion that the BIA is so deficient as to require further information at this stage nor raise any new issues that have been unaccounted for in the BIA. It also considers that their reasonable concerns can be addressed both through detailed design work as already noted above and through the Party Wall Act.

6.5.6 It is thus agreed that the scheme complies with the requirements of both policy and guidance, subject to a condition being imposed to require that such detailed design to be carried out and submitted for the Council's approval in conjunction with their consultants prior to any works starting on site.

6.5.7 It is agreed that this 2 stage process has been accepted for other basement schemes in the borough and is normal practice for such development in most central London boroughs.

6.5.8 Proposed conditions are set out in **Section XX conditions x-x**.

#### **6.6.0 Associated Construction Amenity Impacts**

6.6.1 It is agreed that the various construction works associated with the implementation of the appeal proposals, and the associated traffic, noise and disturbance are an inevitable temporary manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm.

- 6.6.2 It is agreed that in relation to other projects of a similar scale and complexity, or larger, which have been completed or are currently under way within LB Camden and more widely across the Central London boroughs, appropriate mitigation measures have been agreed through the imposition of planning conditions, and planning obligations such that no significant or exceptional harm has arisen.
- 6.6.3 It is agreed that in this case, the CTMP and other relevant conditions and obligations will mitigate amenity concerns such that the proposals accord with the requirements of policies CS5, CS11, DP24, and DP25.

## **7.0 PEDESTRIAN AND CYCLE ACCESS**

7.1.0 Pedestrian and cycle access is provided alongside, but separately from the vehicular and servicing accesses as indicated in submitted plans. These are agreed to be satisfactory.

### **7.2.0 Car and Cycle Parking**

7.2.1 The site is within Hampstead CPZ which currently suffers from parking stress with a parking ratio of 1:10. The area has a Public Transport Accessibility Level (PTAL) rating of 3 (moderate). The site currently has on street parking bays along its entire road frontage and 2 school safety improvements recently installed on the western and eastern corners- a kerb build-out to enable people to cross the road from Christchurch Passage and a school bus parking bay outside 27 New End.

7.2.2 The scheme proposes a basement carpark containing 17 car parking spaces, including 2 for disabled use, a cycle store with two-tier racks for 28 cycles, 2 plant rooms and a new access ramp and vehicular entrance on the eastern corner of the site at the junction of New End and Christchurch Passage. The application was accompanied by a Transport Statement and a draft Construction Management Plan (CMP) – Appeal **Documents XX and XX** respectively.

7.2.3 The carpark and its ramp are acceptable in terms of layout and gradient. The number of 28 cycle spaces accords with TfL standards and the size and arrangement of the store meets design standards. It is agreed Sheffield cycle stands should be provided at ground level within the site to serve both residents and visitors. Details of this and the cycle store would be secured by condition (please see **Section XX**).

7.2.4 These arrangements are agreed to be satisfactory.

### **7.3.0 Car-free Housing**

7.3.1 The site has a PTAL of 3, which Officers confirmed result in a circumstance where it would not be reasonable to insist the development is made car-free.

7.3.2 CPG7 guidance details that the policies relating to car-free development are more easily supported and promoted from PTAL 4 or above. Notwithstanding this, the Appellant is willing to agree to the development being 'car-capped' to mitigate on-street parking impacts. This would be secured via the Section 106 Agreement.

### **7.4.0 Impact on Parking**

7.4.1 It is agreed that the existing hostel, being a lawful use with 'no car-free' restrictions, could generate demand for parking permits which would have a greater impact on on-street parking than the proposed new car park entrance.

- 7.4.2 It is likely that renewed occupation of the building as a 75 bedroom hostel (with unrestricted Sui Generis use) by students, medics or professional people could have high car ownership levels. Even if only 10% of past or future occupants secured parking permits, the additional 7 cars would generate more traffic and parking congestion than the present situation (noting the building has been empty since 2005) and they would be likely to result in regular use of several carspaces, which would have an overall impact on parking conditions not dissimilar to the proposed permanent loss of one bay.
- 7.4.3 Furthermore the proposal to make the development car-free could actually reduce the potential for on street car parking, compared to what has been and is currently possible with the hostel.
- 7.4.4 It is thus agreed, given the site's circumstances, that the proposed entrance and its impact on on-street parking conditions in the area would be acceptable.
- 7.4.5 The scheme could be secured 'car-capped' by way of a legal agreement, thus preventing future residents from being eligible for on-street parking permits and therefore contributing to undue local parking stress and congestion. The level and nature of the parking provision is thus in accordance with LDF Policies DP18 and DP19.

#### **7.5.0 Cycle Parking**

- 7.5.1 Camden's parking standards (Appendix 2 to Development Policies document) require 1 bicycle space per residential unit plus a visitor space per 10 units above a threshold of 20 units. The London Plan standards require an additional 1 cycle space for residential units of 3 bedrooms and above. Overall the requirement is for 59 spaces for residents and 2 spaces for visitors. Details of the provision would be secured by condition. The Parties agree that this level of provision is in accordance with LDF Policy DP17 and DP18 and is therefore acceptable in planning terms.

## **8.0 SUSTAINABILITY AND ENVIRONMENTAL CONSIDERATIONS**

### **8.1.0 Construction**

8.1.1 The impacts of noise, dust and construction traffic movements have been considered within the application documents (Core Documents **XX, XX and XX**).

### **8.2.0 Highway works**

8.2.1 In relation to the new vehicular entrance, it is agreed that the proposed level of vehicular movements to and from the carpark would not significantly affect pedestrian movements at the junction of New End or Christchurch Passage. The Appellant has identified alternative ways of reorganising on street carparking outside the site in order to accommodate the new entrance as well as mitigate the loss of parking during construction. The Council Highways Officers favour the option where the kerb build-out is relocated to the opposite south side of the road along with a continuation of the parking bays here (as shown on drawing no. 2011-1007-CR-004). It is agreed that these changes will be secured via a Section 106 Agreement, in consultation with the Council's Highway Engineers, by consultation through a Traffic Management Order process, and their implementation prior to occupation of units.

8.2.2 In recognition of the proposed scheme's potential impact on the surrounding transport conditions, it is agreed that a financial contribution of £12,000 is made to public realm, walking and cycling improvements. The sum is agreed as being appropriate given the scale and kind of development proposed.

### **8.3.0 Construction Management Plan**

8.3.1 The appellants considered a number of options with Council Officers. Officers agreed that in order to minimise the impacts on the wider surrounding network such as Well Road and a number of school sites, a temporary construction arrangement could be supported that would allow construction traffic (the larger vehicles) to return back towards Heath Road (against the one-way operation). This arrangement is considered the most appropriate and reasonable solution to mitigate the impact of construction traffic on the wider highway network.

8.3.2 Construction for 29 New End is planned through 4 phases over 94 weeks (approximately two years):

- Phase 1 - includes strip out and demolition and is proposed to take 8 weeks and includes 6 HGV movements per week;
- Phase 2 - covers piling and is proposed to take 7 weeks and would include a half day road closure for the crane to be delivered and up to 26 HGV movements per week;
- Phase 3 – Incorporates the basement excavation and is proposed to take 14 weeks and will have 69 HGV movements per week;



- Phase 4 – Construction of main building and is proposed to take 65 weeks, and on average would have 13 HGV movements per week.

8.3.3 The Appellant also identified a number of further mitigation measures within the submitted draft Construction Management Plan (Core Document **XX**). These measures include reduced hours of access to the site, so that construction vehicles will not be permitted before 9.30am and after 3.30pm. These hours have been proposed to avoid impacting on the school run period in the mornings and afternoons. There will be no noisy work on Saturday mornings to avoid disturbing the synagogue next door at 27 New End.

8.3.4 The size of vehicles accessing the site will be limited to three axle, six wheeled vehicles up to 26 tonnes. The majority of heavy construction work would be wherever possible undertaken during school holiday periods, such as Christmas, Easter and summer plus half terms. Further measures relate to reducing the number of heavy vehicle movements.

8.3.5 The CMP shows a wider footway outside the proposed hoarding at the eastern end of the site adjoining Christchurch Passage and Officers consider this acceptable.

8.3.6 The CMP would also include a full noise, vibration and air quality assessment and appropriate mitigation measures to ensure that demolition and construction works comply with national and locally adopted noise and pollution standards.

8.3.7 The appellants agreed with Officers that a Construction Working Party would be set up with the local community and schools to ensure any complaints relating to pollution and traffic during construction are resolved expeditiously.

8.3.8 The final version of the draft CMP will be negotiated and agreed between the Appellant's Transport Planners and Council's Highways Engineers via a planning obligation.

8.3.9 It is agreed that the CMP demonstrates that it is possible to carry out the development in such a way that minimises its impact on local amenity and transport conditions as far as practically possible, given the work involved and the constrained context of the site.

#### **8.4.0 Sustainability**

8.4.1 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.

8.4.2 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.

8.4.3 These measures, including post-completion certification of Code Level 4, would be secured by condition.

8.4.4 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)

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## 9.0 ECOLOGY AND BIODIVERSITY, TREES AND LANDSCAPING

### 9.1.0 *Landscaping & trees*

- 9.1.1 It is agreed that the Arboricultural report (Core Document **XX**), Method Statement (Core Document **XX**) and Tree Protection Plan (Core Document **XX**) are considered acceptable provided the intended tree protection measures are put in place prior to any demolition or development works commence.
- 9.1.2 It is agreed that high quality trees are to be retained and protected, such as the horse chestnut on the street frontage, two maples in the rear garden next to the church, and the copper beech in the adjoining garden of Lawn House. This beech tree's root growth has been limited by the adjoining retaining wall and the setback nature of the proposed basement will only affect part of its root protection zone. Consequently, the impact is considered minimal and the long term health and visual amenity of the tree will not be compromised.
- 9.1.3 It is agreed that a number of trees, either of low quality or of limited visual amenity, would be removed. Trees lost can be mitigated through replacement planting.
- 9.1.4 It is agreed that the elm to be removed has little visual presence within the streetscape and makes a limited contribution to the Conservation Area or setting of buildings, and is thus is not worthy of retention. It is likely to have a short life expectancy due to its susceptibility to Dutch Elm disease.
- 9.1.5 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.
- 9.1.6 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.
- 9.1.7 The removal of a small number of existing trees is identified as having a moderate adverse impact in the context of the local area. The Ecology report (Core Document **XX**) 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.

- 9.1.8 It is therefore agreed that the proposed scheme, subject to condition and a legal agreement, is acceptable in terms of arboricultural and ecological impacts and as such complies with LDF policies CS14, CS15 and DP24 and CPG.

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## 10.0 AFFORDABLE HOUSING & VIABILITY CONSIDERATIONS

NPPF policy is set out above.

### The London Plan

10.1 Policy 3.12 **Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes** , sets out that:

- A *The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:*
- a *current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8, 3.10 and 3.11 and having particular regard to guidance provided by the Mayor through the London Housing Strategy, supplementary guidance and the London Plan Annual Monitoring Report (see paragraph 3.68)*
  - b *affordable housing targets adopted in line with Policy 3.11,*
  - c *the need to encourage rather than restrain residential development (Policy 3.3),*
  - d *the need to promote mixed and balanced communities (Policy 3.9)*
  - e *the size and type of affordable housing needed in particular locations*
  - f *the specific circumstances of individual sites*
  - g *resources available to fund affordable housing, to maximise affordable housing output and the investment criteria set by the Mayor*
  - h *the priority to be accorded to provision of affordable family housing indicated in policies 3.8 and 3.11.*
- B *Negotiations on sites should take account of their individual circumstances including development viability, resources available from registered providers (including public subsidy), the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.*

### Core Strategy Policies

**Policy CS6 – Providing Quality Homes** sets out that:

*“The council will aim to make full use of Camden's capacity for housing by: maximising the supply of additional housing over the entire plan period to*

*meet or exceed a target of 5950 homes from 2007 to 2017 including 4370 additional self-contained homes”*

10.2 The policy goes on to state:

*“The council will aim to secure high-quality affordable housing available to Camden households that are unable to access market housing by:....*

*g) seeking to negotiate a contribution from specific proposals on the basis of: the maximum reasonable amount of affordable housing under the specific circumstances of the site, including the financial viability of the development...”*

10.3 At para 6.57 the core strategy sets out that:

*“in negotiating the range of housing types and sizes on individual sites, including the proportion and range of affordable housing, the council will have regard to the characteristics and constraints of the site and the area, progress towards meeting Camden’s housing supply target, the financial viability of the development, the contribution the development next to the creation of mixed communities, and the council’s other planning objectives”*

#### **Camden Development Policies**

10.4 Camden’s development policies were adopted in November 2010.

**Policy DP3** addresses affordable housing provision;

***“DP3 – contributions to the supply of affordable housing***

*the council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing.... the council will negotiate the development of individual sites and related sites to seek the maximum reasonable amount of affordable housing on the basis of an affordable housing target of 50% of the total addition to housing floorspace....*

*In considering whether an affordable Housing contribution should be sought, whether it can practically be made on the site, and the scale and nature of the contribution that would be appropriate, the council will also take into account:*

*...d) the economics and financial viability of the development including any particular costs associated with it...*

10.5 At Para 3.27, this point is expanded;

*"in negotiating an affordable Housing contribution, the council will consider the full range of costs associated with a development. These may include costs associated with contaminated land, heritage considerations (such as the restoration of a listed building), and environmental considerations (such as physical improvements for the regeneration of an area). Where a proposed development would not meet the councils of affordable housing target, we will expect submission of a financial viability appraisal to justify the proportion of Fordell housing proposed. In appropriate circumstances, the council may also seek an independent verification of the appraisal funded by the developer...."*

10.6 Finally, at paragraph 3.28 it is noted that *"The council recognizes that achieving the affordable housing target on most sites will require public subsidy"*.

#### **LB Camden CPG guidance**

10.7 LB Camden's 'CPG2 Housing' supplementary planning guidance reiterates and provides further detail on the Council's adopted policies.

10.8 It sets out at section 2.30 *"How much affordable housing do we expect?"* that:

*"Our core strategy and development policies give targets and criteria which we use to assess the contribution to affordable housing from each development. These include:...."*

*Seeking to achieve the maximum reasonable amount of affordable housing under the specific circumstances of the site, including the financial viability of the development...."*

10.9 Under the heading *"how will the council consider financial viability?"* at para. 2.59, the guidance sets out, *inter alia*, that *"to maximise overall housing supply we will implement policies flexibly in response to economic uncertainty"*.

10.10 It is thus agreed that policy at all levels:

- Gives priority to the delivery of housing in this location.

- Acknowledges the need to take account of the specific circumstances of the site, and the financial viability of development in assessing the amount of affordable housing the site can reasonably provide

- 10.11 The Appellant does not propose any affordable housing onsite or offsite. The appellant submitted a comprehensive viability study to show that any financial contribution for offsite affordable housing is also unviable.
- 10.12 The study tested 3 scenarios based on 50%, 25% and nil affordable housing provision onsite and also an additional scenario based on a lower specification for the 17 private flats. This showed that all 4 options modelled produced a negative value when compared to the EUV benchmark figure; this includes the all-private scheme even with a lower specification.
- 10.13 The study was reviewed by the Council's own independent surveyors (BPS). This review concluded that the various assumptions made in the study are reasonable and agreed that the various options show a negative value compared to the EUV adopted by the Appellant.
- 10.14 The review also checked the viability results against the 'benchmark' of a student hall or and a hostel restricted to nurses only. The student scenario results in a somewhat higher EUV to the unrestricted scenario and thus a negative residual value, while the nurses' hostel option (with unrealistically low rents for this location) would result in a redevelopment scheme of all private flats being barely profitable.
- 10.15 The following table identifies the viability assumptions on which the parties are in agreement:

<b>APPLICATION SCHEME APPRAISAL INPUTS</b>	
<b>Assumption</b>	<b>Agreed/Not agreed</b>
Unit numbers – all Toolkit options	Agreed
Unit sizes - all Toolkit options	Agreed
Affordable Housing Values, Intermediate and social rented units	Agreed
Affordable Housing: initial equity share and rent on Intermediate units and social rents on rented units.	Agreed
Car Parking space values	Agreed
Affordable Housing – maintenance costs, management costs, void and bad debt assumptions, repairs reserve, letting fees, capitalisation rates	Agreed
Build costs - all Toolkit options	Agreed



Construction Programme	Agreed
Professional Fees- all Toolkit options	Agreed
Internal Overheads - all Toolkit options	Agreed
Finance Interest Rate - all Toolkit options	Agreed
Marketing fees	Agreed
Developer's profit (private units)	Agreed
Developer's profit (affordable units)	Agreed
Value of capitalised Ground Rents – all Toolkit Options	Agreed
Other finance costs – all Toolkit options. Arrangement fees, bank legal and Valuers' fees, commitment fees, exit fees – all Toolkit options	Agreed
Planning obligation costs	Agreed

- 10.16 The Council's independent surveyors therefore confirm that the redevelopment scheme is unable to provide any affordable housing contribution when assessed against the existing benchmark EUV.
- 10.17 It is agreed that it would be appropriate for the appellants to agree to a pre-implementation 'contingent obligation' in accordance with the revised London Plan policy 3.12B.
- 10.18 It is therefore agreed that, on financial viability reasons alone, the scheme cannot provide affordable housing either on or off site and that it would be unreasonable to require such provision, given that the Appellant's viability study has been rigorously tested and endorsed by the Council's own surveyors.
- 10.19 It is agreed that in such circumstances, if the amount of affordable housing which can be provided is 'nil' then this is the appropriate level of provision, as it is the maximum reasonable amount. On this basis the appeal proposal complies with policy with regard to the provision of affordable housing.

**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.

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## 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;

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. Prior to the commencement of any works on site affecting trees, 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. Before the relevant part of the development commences, details of the cycle storage area for 28 cycles in the basement and of 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

### 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 require 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 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 clauses of that agreement, that address each reason for refusal, are listed below.

#### TOPIC

- 13.5 CLAUSE No. – Wording. Thus overcoming Reason for **Refusal X**.

**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.

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**APPENDIX 1**

**Relevant London Plan Policies**

**Schedule of Relevant London Plan Policies**

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

## **APPENDIX 2**

### **Relevant Camden Local Development Framework Policies**

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**Schedule of Relevant Camden Local Development Framework Policies**

<b>Policy Number</b>	<b>Core Strategy Policies</b>
CS1	Distribution of growth
CS4	Areas of more limited change
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
CS16	Health and wellbeing
CS17	Safer places
CS18	Waste and recycling
CS19	Delivering and monitoring the Core Strategy
DP1	Mixed use development
DP2	Making full use of housing capacity
DP3	Affordable housing
DP5	Homes of different sizes
DP6	Lifetime homes and wheelchair housing
DP15	Community and leisure uses
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
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 zone
Adopted Site Allocation DPD September 2013	Site Allocation No. 42

**APPENDIX 3**

**Site Specific Allocation**

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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)<br><br>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.<br><br>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**

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### **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;
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