

**King's College London
Hampstead Residence,
Kidderpore Avenue,
London NW3**

**CLEUD Supporting
Statement**

28 April 2015

Contents

	Executive Summary	1
1.0	Introduction	2
2.0	Basis of Determination & Definitions	4
3.0	Evolution of the Site	6
4.0	The Planning Unit	14
5.0	Rosalind Franklin & Queen Mother's Hall	15
6.0	Lord Cameron, Maynard & Dudin Brown	17
7.0	Bay House, Skeel & Lady Chapman	19
8.0	Kidderpore Hall	23
9.0	The Chapel	27
10.0	Analysis & Conclusions	28

Appendix

Documents submitted in support of this application have been combined into one sequentially-numbered bundle

EXECUTIVE SUMMARY

1. This Statement has been prepared on behalf of Mount Anvil and King's College London. It seeks confirmation of the existing lawful use of land on the northern side of Kidderpore Avenue which is currently known as the King's College Hampstead Residence. The application is supported by a wide range of evidence from a variety of sources.
2. The Site as it stands today is the remnant of a wider complex that was developed by Westfield College on both sides of Kidderpore Avenue. Westfield College left the area in 1992 having disposed of some of its land to King's College London and consolidated teaching at Mile End. The last remaining functional linkage between the Site and other land was severed when planning permission was granted for development of land to the south of Kidderpore Avenue by Barratt and when that development was commenced.
3. The Site is clearly a single planning unit, having regard to the physical and functional connection between the use of the various buildings on the Site and taking into account relevant case law. The primary use of the single planning unit is student accommodation.
4. On the Site there are presently ten buildings and another structure known as the Summerhouse. Many of the buildings are physically inter-connected and all are functionally related.
5. Planning records exist for Rosalind Franklin Hall and Queen Mother's Hall. These confirm that the lawful use of those buildings is student accommodation.
6. Evidence shows that Lord Cameron Hall, Maynard Hall and Dudin Brown were purpose-built as student accommodation and have been used as such over a long period of time, including in recent years.
7. Whilst parts of Bay House, Skeel and Lady Chapman have been hired very occasionally to external parties under licence there have been no planning applications for a change of use. It follows, therefore, that such use was either unauthorised in a planning sense or ancillary to the main use of the planning unit.
8. Kidderpore Hall has not been actively used since 2005 when the Spiro Institute / LJCC vacated the building. The Spiro Institute was originally granted a lease for some (but not all) of the rooms on two of the four floors of Kidderpore Hall. As with other buildings there was no planning application for a change of use in relation to the occupation of this building which was previously used as living accommodation for the college principal and offices.
9. Similarly, the Chapel has not been used for a number of years. A recent CLEUD has confirmed that the lawful use of this building is student accommodation, however.
10. We submit that the Site is a single planning unit, particularly since the commencement of work on the southern site by Barratt, and that the dominant use of the Site is student accommodation. Any other uses that have been carried on have been either unauthorised or ancillary. The lawful use of the Site is, therefore, student accommodation.

1.0 INTRODUCTION

Reason for the Application

- 1.1 This Statement has been prepared on behalf of Mount Anvil and King's College London. It seeks confirmation of the existing lawful use of land on the northern side of Kidderpore Avenue in the London Borough of Camden.
- 1.2 Confirmation is sought because Mount Anvil intends to apply for planning permission for a change of use of the Site in the future. At present, however, there is no absolute documentary evidence as to the use of the whole Site. This is because of the historic nature of the Site – many of the existing buildings pre-date the post-1947 Town and Country Planning system – and as such evidence of the grant of express planning permission for most buildings does not exist.

The Site

- 1.3 The land (and the buildings thereon) for which a Certificate of Lawfulness is sought ('the Site') is outlined with a broken red line on the map at **Page A1**.
- 1.4 The Site for which a CLEUD is sought is roughly rectangular and is orientated south-east to north-west.
- 1.5 The entire length of the south-eastern side of the Site is bounded by Croft Way, a public footpath.
- 1.6 The entire length of the south-western side of the Site is bounded by Kidderpore Avenue, a public highway.
- 1.7 The entire length of the north-western side of the Site is bounded by St Luke's Vicarage and land within the curtilage of that dwelling.
- 1.8 The north-eastern boundary of the Site is bounded by three parcels of land which are currently in use as two separate tennis clubs, separated by a covered reservoir.
- 1.9 The Site extends to approximately 1.22 hectares and there are eleven buildings or structures on the Site. The location of these buildings is illustrated in **Section 3.0**. We should note that many of these buildings or structures are now inter-connected and the extent of each building (ie where one building ends and another begins) may not be readily apparent in all cases. The buildings or structures are named as follows:
- Lord Cameron;
 - Rosalind Franklin;
 - Lady Chapman;
 - Maynard;
 - Dudin Brown;
 - Skeel;
 - Bay House;
 - Kidderpore Hall;
 - Queen Mother's Hall;
 - the Chapel; and
 - the Summerhouse.
- 1.10 For the avoidance of doubt, this application for a CLEUD covers all buildings and structures on the Site as well as all of the land within the red line at **Page A1**.

Sources of Information

- 1.11 In preparing this Statement we have consulted a number of primary and secondary sources to ascertain:

- the planning history of buildings on the Site;
- where there are no planning history records relating to use, evidence of the use of buildings; and
- if buildings have not been used for some time, why this may be the case.

1.12 Sources that we have referred to include:

- the Council's planning records;
- former site managers (who we interviewed in April 2015);
- public libraries and archives;
- records held by the current owner of the Site, King's College London;
- physical evidence found on Site; and
- archives held by Queen Mary University of London, the successor of Westfield College.

2.0 BASIS OF DETERMINATION & DEFINITIONS

- 2.1 In this application we are seeking a Certificate of Lawfulness of Existing Use. Whilst parts of the Site are still in use and the use of other parts has only recently ceased, other parts of not been used for a longer period of time.

Certificate of Lawfulness

- 2.2 In terms of proving the lawfulness of an existing use or development, the courts held in *Gabbittas v Secretary of State for the Environment* [1985] JPL 630 that the relevant test of the evidence on such matters is 'the balance of probability'. It has also been held by the courts that the applicant's own evidence does not need to be corroborated by 'independent' evidence in order to be accepted. If the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate 'on the balance of probability'.¹
- 2.3 This approach is reflected in the *National Planning Practice Guidance* (Paragraph: 006 Reference ID: 17c-006-20140306).

Abandonment

- 2.4 The leading case law on abandonment is *Hughes v Secretary of State for the Environment, Transport and the Regions* (2000).
- 2.5 There are four tests which are to be applied objectively rather than subjectively, ie on the basis of what a reasonable person would conclude:
- 1) the physical condition of the building;
 - 2) the length of time for which the building had not been used for its lawful use;
 - 3) whether the building had been used for any other purposes; and
 - 4) the owner's intentions.

The Planning Unit

- 2.6 The extent / definition of the planning unit is of relevance to this application. The lawful use of a property extends to the whole of the 'planning unit', ie the unit of occupation, unless or until any part of it can be identified as being physically and functionally separate from the whole. Uses which are not physically or functionally separate are often referred to as 'ancillary', as can be uses which are not the dominant land use (in situations where the dominant land use colours the planning use of the Site).
- 2.7 Whilst the identification of the planning unit is often assisted by the coincidence of ownership, occupation and user, such coincidence is not a pre-requisite in the definition of the planning unit; the definition of the proper planning unit is essentially a matter of fact and degree for the decision-maker, and occupation and ownership are not necessarily conclusive.
- 2.8 Considerations relating to the planning unit are subject of extensive and longstanding case law. The main considerations are:
- the decision-maker should consider the premises as a whole (*Bendles Motors Ltd v Bristol Corporation* [1963] 1 WLR 247 (Div Court));
 - that a common sense approach should be adopted when assessing component parts (*East Barnet UDC v British Transport Commission* [1962] 2 QB 484); and
 - if land and buildings are together used for a single dominant or primary purpose, it is that purpose which determines the character of the use of the whole unit, without regard to any ancillary uses to

¹ Moore, V (2010) *A Practical Approach to Planning Law*. Oxford: Oxford. (Paragraph 21.178)

which individual parts of the unit may be put (*Vickers-Armstrong v Central Land Board* (1957) 9 P & CR 33).

- 2.9 Once the planning unit has been established, the character of the primary use which is carried on in the unit colours the character of every part of that unit, notwithstanding that some parts of it may be devoted entirely to some incidental or ancillary use.
- 2.10 There is also a well-established principle that the right to use land for some dominant or primary purpose includes the right to use it for any purpose which is ancillary to that primary or dominant purpose. It therefore follows that the addition of an ancillary use cannot be a material change of use nor can the substitution of one ancillary use for another. But if an ancillary use becomes a primary use, a material change of use may have taken place.

Definitions

- 2.11 In this Statement we discuss a number of different uses. For the avoidance of doubt we note the following:

- **Community Use**

When reference is made to 'community use' we mean the uses explained at paragraph 15.2 of the London Borough of Camden's 2010 *Development Policies* document and to which **Policy DP15** of the London Borough of Camden's 2010 *Development Policies* document, applies.

- **Student Accommodation**

When reference is made to 'student accommodation', 'student housing', 'halls of residence' or similar we mean the use to which **Policy DP9** of the London Borough of Camden's 2010 *Development Policies* document applies.

3.0 EVOLUTION OF THE SITE

- 3.1 In recent years the Site has been used as King's College London's Hampstead Residence student accommodation. It was previously part of a wider presence in Hampstead including land on the southern side of Kidderpore Avenue which extended through to Finchley Road.
- 3.2 Before King's College London acquired the Site, it was part of what is now known as Queen Mary University of London ('QMUL') which was formerly known as Queen Mary and Westfield College. Many of the earlier facilities in Hampstead came into being at the time when Westfield was a stand-alone college.
- 3.3 A useful summary of the evolution of the Site and the land to the south of Kidderpore Avenue has been prepared by Toni Hardy, an archivist at QMUL. This is part of a 598-page document relating to the archive's contents. That document is not provided here in full but it is available online². Relevant extracts are appended, however.

Chronology

- 3.4 The timeline begins on page 226 (extract at **Pages A2-A8**) and reads as follows. Text in light grey relates to buildings which have been removed or which are not on the Site subject of this application; for the most part those buildings were on land to the south of Kidderpore Avenue which is now being redeveloped by Barratt or on the site of 'Westfield'. For ease of reference we have highlighted key dates and the names of buildings of the northern site.

"Initially located at houses in Maresfield Gardens in Hampstead, Westfield College did not move to its permanent site in Kidderpore Avenue until Lady Day, 1891. The following list is a summary of the development of Westfield College on its permanent site along Kidderpore Avenue and Finchley Road:

- **1890: Kidderpore Hall** was purchased. It housed the College Library until 1903. The conservatory situated on the right side of the building was demolished in 1914. It became known as Old House.
- **1891:** New residential wing designed by Robert Falconer MacDonald and completed along with a dining hall and an attic laboratory. In 1927 it was decided to rename the Wing the Constance **Maynard Wing**, after the first Mistress of Westfield College, Constance Maynard.
- **1903:** New purpose built Library and two lecture rooms were completed adjacent to Maynard Wing. It was later known as the **Skeel Library** after Caroline Skeel, Lecturer 1895-1929, and founder of the History Department and the Library.
- **Oct 1905:** The South Wing, a further residential wing was built alongside the Skeel building on land purchased by Mrs Sarah Benedict Brown. This wing provided a further 14 student rooms, accommodation for one member of staff and an additional lecture room. In 1927 it was decided to rename the wing the **Dudin Brown Wing** after Ann Dudin Brown a generous benefactor and one of the founders of Westfield College.
- 1917: No. 13 Kidderpore Avenue, originally known as Kingswear, was purchased and renamed Selincourt Hall following the death of the Principal, Agnes de Selincourt.
- 1921: The erection of a wooden building for the Botanical Laboratory, known as The Hut, was built near the Orchard, opposite Maynard Wing. It was extended in 1923 and in use by the Botany Department until completion of the Orchard Wing in 1935.
- **1921:** The completion of the domestic block containing new kitchens and servant quarters was built on the site formerly occupied by the Conservatory, and known as **The Bay**. The space outside the Dining Hall was enlarged and used as an extra reading room.
- **1927:** Behind the Skeel Building and Dudin Brown Wing, a third residential block was built called the Chapman Wing. This was the third side of the quadrangle of buildings. Chapman Wing was named after **Lady Chapman**, a longstanding member of Council, and contained the Parker Library, 2 lecture rooms and 26 student rooms. The Parker Library was named after Miss Constance Parker, Librarian 1908-1932 and Lecturer until 1936.

² http://www.library.qmul.ac.uk/sites/www.library.qmul.ac.uk/files/users/user22/WFD%20catalogue_0.pdf

- **1929:** The College **Chapel** formally opened 21 Jun 1929 and was dedicated to Miss Anne Richardson, Lecturer and Vice Principal 1887-1925. It remained in use until Westfield College relocated to Mile End due to the merger with Queen Mary College.
- **1935:** The Orchard Wing [later renamed **Lord Cameron**], the fourth residential wing and section of the quadrangle, was built at the bottom of the Orchard, providing 24 student rooms, accommodation for 2 members of staff and a new Botanical Laboratory.
- 1937: Nos. 15 and 17 Kidderpore Avenue were purchased and named Phillpotts Hall and Lodge Hall. Both Halls were demolished in 1962 for new Refectory.
- 1938: Dickers field was purchased for sports.
- 1944-1946: Nos. 19, 21 and 23 Kidderpore Avenue were purchased. No. 19 named Chapman Hall after Lady Chapman and No. 23 named Richardson Hall after Anne Richardson. Possession of No. 21 Kidderpore Avenue occurred in 1953 and named Stocks Hall after Mary Stocks, Principal 1939-1951. In 1967, No. 21 Kidderpore Avenue was converted for the Residence and Building Departments.
- 1945: Nos. 300 and 302 Finchley Road, originally known as The Maples, were purchased and renamed Kidderpore.
- 1947: No. 11 Kidderpore Avenue, originally known as The Grange, was purchased and renamed Maurice Shute Hall after the former owner's son who was killed during the War. It was demolished in 1959 to make way for the new Science building.
- 1947: No. 318 Finchley Road was purchased. In 1976 the French and German Departments moved into Nos. 316-318 Finchley Road.
- 1950: No. 322 Finchley Road was purchased and named Caldecote Hall after Thomas Inskip, Lord Caldecote, Chairman of Council 1921-1945.
- 1954: No. 6 Platts Road was purchased and renamed Fletcher-Moulton Hall in 1956 after Sylvia Fletcher-Moulton, Chairman of Council 1946-1953. It was demolished in 1970 for new Halls of Residence.
- 1958: No. 7 Kidderpore Gardens was purchased and renamed Shute Hall in 1959 following the demolition of the original Shute Hall for the new Science building. It was later used as the College health facilities.
- 1960: No. 326 Finchley Road was purchased and named Ellison Hall after Gerald Ellison, Chairman of Council 1953-1967. In 1976 it was renamed Fletcher Moulton Hall.
- 1961: No. 314 Finchley Road named Eveline Martin Hall after Eveline Martin, Lecturer 1923-1958 and Vice Principal 1936-1944. In 1976 Computer Science moves into Nos. 312-314 Finchley Road.
- Oct 1961: a new Science Building called The Queen's Building was completed, situated on the site of No. 11 Kidderpore Avenue. HM Queen Elizabeth II formally opened the building in May 1962. An extension to the building known as the Zoology Wing was completed in 1967.
- 1961: Nos 328 and 336 Finchley Road became occupied as Halls of Residence. Nos. 328 and 330 were renamed Lodge Hall in 1962 and No. 336 was renamed Phillpotts Hall.
- 1962: No. 330 Finchley Road became occupied as a Hall of Residence to accommodate those formerly in Lodge and Phillpotts Halls. Together with No. 328, this was renamed Lodge Hall in 1962.
- 1962: No. 316 Finchley Road was used as teaching accommodation for Arts and Mathematics Departments. In 1964 it was used for the Classics and Modern Languages Department. In 1976 the French and German Departments moved into Nos. 316-318 Finchley Road.
- Oct 1963: New purpose built refectory was completed on the site formerly occupied by Nos. 15 and 17 Kidderpore Avenue.
- Nov 1963: No. 27 Kidderpore Avenue was renamed Chesney Hall, after Kathleen Chesney, Principal 1951-1962. Converted for Arts teaching in 1967. It was demolished in 1970 for new Halls of Residence. Nos. 304 and 306 Finchley Road were renamed Marion Delf Hall, after Ellen Marion Delf Smith, Lecturer 1906-1948 and founder of Botany Department. No. 332 Finchley Road was renamed Boyd Hall, after Sidney Boyd, member of Council 1940-1962. In 1976 the Catering and Residence Departments moved into Nos. 332-334 Finchley Road.
- 1964: No. 25 Kidderpore Avenue was purchased and used by the English and History Departments.

- 1964: part of the Berridge House site was purchased from the Metropolitan Police.
- **1965:** Orchard II [now known as **Rosalind Franklin**] building completed, completing the quadrangle of residential wings on the original site near Old House.
- 1966: No. 3 Kidderpore Avenue was purchased and initially proposed to be used as the Principal's house.
- 1966: No. 29 Kidderpore Avenue was converted for the Departments of Maths, Chemistry and Physics. It was demolished in 1970 for new Halls of Residence.
- 1968: No. 324 Finchley Road was purchased. In 1970 the Spanish Department moves in.
- 1969: No. 312 Finchley Road was purchased. The English Department moved into the building in 1971. In 1976 Computer Science moves into Nos. 312-314 Finchley Road.
- 1970: The Mathematics Department moves into Nos. 308-310 Finchley Road.
- 1971: Purpose built library situated behind Nos. 19-25 Kidderpore Avenue was completed and called the Caroline Skeel Library.
- 1972: New halls of residence completed and called Kidderpore Hall. It was divided into 4 houses: Temple, Ellison, Stocks and Chesney. Temple and Ellison are named after former Chairmen of Council and Stocks and Chesney after former Principals. A fifth area comprising refectory and common rooms was named Wolfson.
- 1972: No. 334 Finchley Road was purchased. The Catering and Residence Departments moved into Nos. 332-334 Finchley Road in 1976.
- 1977: Lease of Parsifal College, formerly New College, on Finchley Road from the Open University. It was named Carus Wilson Hall, after Eleanor Carus Wilson a member of Council and Vice Chairman 1967-1977, and was used as a hall of residence for postgraduate students.
- **1982: Queen Mother's Hall** of Residence completed on the site between Old House and St Luke's Church.
- No. 338 Finchley Road is the only property along Finchley Road never acquired by the College.
- In 1989 Westfield College merged with Queen Mary College, to form Queen Mary and Westfield College, and sold half of its campus to King's College for occupation from 1992.
- **June 2009:** King's College still occupies many of the buildings that formed the Westfield College campus. These include Old House, Maynard Wing, Dudin Brown Wing, Chapman Wing, Orchard I & II, Kidderpore Hall and the Queen Mother's Hall. The Library stands unused. The Finchley Road houses have either been converted into flats or are derelict. Nos. 23-25 Kidderpore Avenue are derelict and due to be demolished. The College Chapel is due to be demolished with its frontage being incorporated into a new Hostel to be built on what was the College Green (behind Old House and Maynard Wing). The site of the Queen's Building, Refectory and Nos. 13-17 Kidderpore Avenue have been demolished and replaced with residential buildings."

Main Phases of Development

- 3.5 Based on the above and our other research, we have identified a number of phases of change.

Phase 1 – 1890 to 1989

- 3.6 The first phase begins with the purchase of Kidderpore Hall and covers the growth of Westfield College on both sides of Kidderpore Avenue. In 1989 Westfield College merged with Queen Mary College to form Queen Mary and Westfield College and at this time the College-related buildings and land on both sides of Kidderpore Avenue had reached their maximum extent.

Phase 2 – 1989 to 1994

- 3.7 This second phase saw the disposal of part of Queen Mary and Westfield College complex to King's College London which took possession of the site in 1992 following Queen Mary and Westfield College's consolidation in Mile End.

- 3.8 This phase also covers the first stage in the redevelopment of the Westfield College complex. In August 1993 Queen Mary and Westfield College made an application to the London Borough of Camden for the

redevelopment of the part of the site that it did not dispose of. The application (9301019, approved on 11 August 1994) sought permission for:

“Demolition of buildings in educational use comprising the Refectory, Queen’s Buildings 13 Kidderpore Ave and 300 Finchley Road. The construction of new residential buildings ancillary leisure facilities and a doctor’s surgery. Alteration of 302-326 (even numbers) Finchley Road and change of use to residential. Associated access servicing and landscape works and provision of car parking.”

- 3.9 That scheme was subsequently built out as the present-day ‘Westfield’ development on the southern side of Kidderpore Avenue.

Phase 3 – 2013

- 3.10 In February 2013 Barratt West London and King’s College London made an application (2013/0685/P) for land between Kidderpore Avenue and Finchley Road (specifically 328-338 Finchley Road; 2-6 Platt’s Lane; 17A and 19-29 Kidderpore Avenue; and the Former Caroline Skeel Library). The application was approved on 13 September 2013 and the description of development was as follows:

“Redevelopment of the site to create 128 residential units (Class C3) including affordable housing and a community use facility (Class D1), following demolition and conversion / refurbishment of existing buildings used for student accommodation and ancillary offices (sui generis) and construction of new buildings ranging between 3 - 5 storeys in height, together with associated works to create basements, car parking, landscaping and public realm improvements.”

- 3.11 Barratt has commenced this development meaning that the only part of the original Westfield complex that remains is the Site subject of this CLEUD application.

Phase 4 – 2015

- 3.12 The next phase will begin in 2015 when the Hampstead Residence closes as part of KCL’s programme to build modern, purpose-built student accommodation in locations that are better located in relation to its main seats of learning. KCL exchanged contracts in October 2014 to sell the Site to Mount Anvil once it has been decommissioned. Mount Anvil intends to submit a planning application for the Site in 2015.

The Site Today

- 3.13 The buildings which stand on the Site today are as follows.

Table 3.1 – Buildings Currently on the Site

Building (Former Name)	Completion Date	Date Listed (Grade)
1. Kidderpore Hall (Old House)	1843	11 Aug 1950 (II)
2. Maynard Wing	1891	16 Jan 1996 (II)
3. Skeel Library	1903	16 Jan 1996 (II)
4. Dudin Brown	1905	not listed
5. Bay House (The Bay)	1921	not listed
6. Lady Chapman	1927	not listed
7. Chapel	1929	16 Jan 1996 (II)
8. Lord Cameron (Orchard I)	1935	not listed
9. Rosalind Franklin (Orchard II)	1965	not listed
10. Queen Mother’s Hall	1982	not listed

Source – Queen Mary University of London; former names in parentheses

Figure 3.1 – Aerial Photograph of the Site



Source – Mount Anvil

- 3.14 In addition to the buildings described above there is a structure known as 'The Summerhouse' which is a "folly". The Summerhouse was listed at Grade II on 16 January 1996.
- 3.15 Drawings showing the current layout of the buildings (except the Chapel) are at **Pages A9-A47**. As can be seen from those drawings many of the buildings are inter-connected. Indeed when walking through the buildings it would be difficult for someone without a detailed knowledge of the Site to know when they are crossing from one building to the next or, indeed, that some buildings were built many years apart.
- 3.16 Specifically, it is possible to walk through Kidderpore Hall (at basement, ground and first floor levels) into Bay House from which it is possible to walk through to Skeel and Dudin Brown. One can also walk from Bay House through Maynard and into Lady Chapman.
- 3.17 All of the buildings are within one curtilage and each does not have its own entrance from the street. There is one entrance to the Site between Lord Cameron and Dudin Brown. There is an entrance further to the north, known as the Maynard Arch, which gives access to the Bay House TV room on the left, Skeel on the right and, further into the Site, Maynard and Lady Chapman. From the street one can enter Bay House and this is where the Site's reception is. From here one can access Kidderpore Hall and Bay House and, via the upper floor corridors of Bay House, Skeel and Maynard. To the north of Kidderpore Hall is a third opening which gives access to the Chapel and the open space behind Kidderpore Hall. Access to Queen Mother's Hall is via an entrance on the Kidderpore Avenue façade of that building.
- 3.18 Officers are encouraged to visit the Site to appreciate the physical relationships between buildings before determining this application.

Planning History

- 3.19 As noted earlier, much of the Site pre-dates the present-day Town and Country Planning system. It is nevertheless important to note what has and has not been granted planning permission, conservation area consent, and listed building consent.

3.20 The Site's main planning history events are set out in **Table 3.2**.

Table 3.2 – Planning History Summary (excluding works to trees)

Reference	Decision & Date	Building & Development
2014/2538/P	Granted CLEUD 13 June 2014	Chapel & Adjacent Land Commencement of works in connection with use of premises as student accommodation as approved by planning permission granted on appeal (9500757R3) and listed building consent (9570359R3) dated 09/09/1997.
2008/1752/P	Part Granted / Refused 09 May 2008	Chapel & Adjacent Land Details of tree protection pursuant to condition 5 of planning permission (ref. 9500757R3) granted on appeal (ref. T/APP/X5210/A/96/273312/P2) dated 9th September 1997 (for the erection of a 3 storey building to provide 87 new residential student study bedrooms plus ancillary accommodation, together with the retention of existing chapel as a common room).
2008/0139/L	Withdrawn	Whole Site Details of the design of the inset spot lighting to the rear of old house pursuant to condition 2 attached to listed building consent granted on 25 September 2007 (ref 2007/0565/L) for installation of external lighting to various buildings and open spaces across the Kings College London Hampstead Campus.
2007/0562/P & 2007/0565/L	Granted PP & LBC 25 September 2009	Whole Site Installation of external lighting to various buildings and open spaces across the Kings College London Hampstead Campus.
2007/0392/P	Granted PP 21 March 2007	Lord Cameron Replacement of existing single-glazed metal framed windows and doors on all elevations with double-glazed metal framed units.
2006/4062/P & 2006/4063/L	Granted PP & LBC 13 November 2006	Old House / Kidderpore Hall Erection of railings to a single flight of stairs and open lightwell to the front elevation of Old House.
2006/3407/P & 2006/4067/L	Granted PP & LBC 26 October 2006	External Areas Reconfiguration and alterations to steps within the external courtyard of the students' hall of residence, including erection of new handrails and balustrades and laying of new ribbed hazard warning paving.
2006/2427/L	Granted LBC 3 August 2006	Old House / Kidderpore Hall Alterations to doors and windows at ground floor level, educational use (Class D1), including replacement of modern timber, metal and louvred window fanlights with new timber sections and replacement of cementitious render with lime render to basement lightwell wall.

Reference	Decision & Date	Building & Development
PWX0202287	Grant Approval of details 25 June 2002	Chapel & Adjacent Land Application for approval of details of landscaping and foundation design and construction working areas pursuant to conditions 5, 8 and 12 of planning permission ref: 9500757R3 (allowed on appeal) dated 9 September 1997 for erection of student accommodation. As shown on drawing numbers: 97408/08, Plant schedule, 97408/9A, 97408/10 (attached to management plan) 010489/01, 010489/02, 509/011, 509/010 RevA, 509/009, Method statement for foundation construction (dated 16 March 2002, Landscape Management Plan, Letter from Conisbee Struc Eng (dated 13 June 02) "Proposed Sequence of Excavation adjacent Yew Tree (Tree No4)"
PWX0202272	Grant Approval of details 8 July 2002	Chapel & Adjacent Land Approval of details of elevations and materials pursuant to conditions 3 and 4 of planning and listed building permission granted consent on appeal (Refs: 9500757/R3 and 9570359/R3) for student accommodation block. As shown on drawing no(s) 030, 031, 020, Agents Letter of 30th May 2002.
LWX0202273	Grant Approval of Details (Listed Bldg) 8 July 2002	Chapel & Adjacent Land Approval of details of elevations and materials pursuant to conditions 3 and 4 of planning and listed building consent granted on appeal 9th September 1997 (Refs: 9500575/R3 and 9570359/R3) for a student accommodation block.
LWX0202288	Grant Approval of Details (Listed Bldg) 8 July 2002	Chapel & Adjacent Land Approval of details of relocated existing summerhouse (including method statement), pursuant to additional condition 06 of listed building consent granted on appeal on 9th September 1997 (Ref: 9570359/R3 for student accommodation block, As shown on drawing no 009.
T/APP/X5210/A/ 96/273312/P2	Appeal Allowed 9 September 1997	Chapel & Adjacent Land Erection of a 3 storey building to provide 87 new residential student study bedrooms plus ancillary accommodation, together with the retention of existing chapel as a common room.
9500757R3	Refused PP 26 April 1996	Chapel & Adjacent Land The erection of a 3 storey building to provide 87 new residential student study bedrooms plus ancillary accommodation, together with the retention of existing chapel as a common room; as shown on drawing numbers A51P(P)01B-04B, 05A, as revised by 509/S/P/01A, 9538/01, 77398/01, A51P(E)01-02, A51P(P)06-08, A51T(P)09, letters dated 27.10.95, 18.1.96, 29.1.96, 20.2.96, 27 photographs of the summerhouse and method statement ref: LDC/2/DGP.01/1.0/ A98.

Reference	Decision & Date	Building & Development
9570359R3	Refused LBC 26 April 1996	Chapel & Adjacent Land The erection of new hostel accommodation within the curtilage of the listed building, together with the conversion of the former chapel to a common room and the relocation of the former summerhouse; as shown on drawing numbers A51P(P)01B-04B, 05A, as revised by 509/S/P/01A, 27 photographs of the summerhouse and method statement ref: LDC/2/DGP.01/1.0/A98.
9500757R2	Withdrawn 27 February 1996	Assumed to be Chapel & Adjacent Land Redevelopment to provide ninety new residential student study bedrooms plus ancillary accommodation. Retention of existing chapel as assembly hall. (REVISED PLANS SUBMITTED).
9570359R2	Withdrawn 27 February 1996	Assumed to be Chapel & Adjacent Land Conversion of new hostel accommodation within the curtilage of the listed building. (REVISED PLANS SUBMITTED).
9570359	Withdrawn 23 January 1996	Assumed to be Chapel & Adjacent Land Conversion of new hostel accommodation within the curtilage of the listed building. (Plans submitted).
9500757	Withdrawn 18 January 1996	Assumed to be Chapel & Adjacent Land Redevelopment to provide ninety new residential student study bedrooms plus ancillary accommodation. Retention of existing chapel as assembly hall. (Revised plans submitted).
9500934	Granted PP 22 February 1996	Maynard Wing Retention of an external fire escape stair as shown on drawing no(s) 9402/17A, 27, 28, Maynard Hall Of Residence Kings College London Kidderpore Avenue NW3.
32404R1	Granted PP 31 July 1981	Queen Mother's Hall The erection of a three storey building to provide new residential accommodation for students, comprising 24 single study bedrooms and a common room.
CTP/E4/9X/A/HB/827 and CTP/E4/9X/A/17784/R	Granted PP & LBC 2 Dec 1974	Bay House The carrying out of internal works and alterations to the front elevation to replace the existing window by a new window, door and steps at Bay House, Westfield College, Kidderpore Avenue, NW3.
TP/13758/W/909	Granted PP 6 April 1964	Possibly Rosalind Franklin (Drawings not Available) The erection of a four storey residential hall, at Westfield College, Kidderpore Avenue, Hampstead (<i>described as a new building between two existing buildings</i>).
11866/16629	Granted PP 28 November 1960	Site of Rosalind Franklin The erection of a four storey addition to be used as an extension to the existing library on the lower ground and ground floors, with students' living accommodation on the first and second floors at Westfield College, Kidderpore Avenue, Hampstead (<i>note that drawing does not correspond with building that currently exists therefore we assume that this permission was not implemented</i>).

Source – London Borough of Camden

4.0 THE PLANNING UNIT

- 4.1 Before looking at the uses that have been carried on across the Site, we draw on the preceding information to define the planning unit according to the principles discussed in **Section 2.0**.
- 4.2 As we set out in **Section 3.0**, the Site is the remnant of a larger area that was, in the past, part of Westfield College. We also explained various 'phases' of change. In effect, these phases are co-terminus with a number of significant 'chapters' in the planning history of the Westfield College land. The most recent chapter is the implementation of planning permission 2013/0685/P on land to the south of the Kidderpore Avenue following disposal of that land by King's College London. In planning terms, that event severed any remaining relationship – whether functional or in terms of ownership – between the former Westfield land on the southern side of Kidderpore Avenue and the former Westfield land on the northern side of Kidderpore Avenue (ie the Site).
- 4.3 Turning now to the Site it is clear that all parts of the site are **functionally** a single unit. The whole site is known as KCL's Hampstead Residence and the buildings that are currently in use are used for student accommodation and related or ancillary purposes. Whilst some areas are hired to third parties for a variety of uses from time-to-time, this is common not only across the whole of King's College estate but also across many other land uses and premises, particularly where there are large spaces which are not in constant use by the owners and / or occupiers of those spaces. Furthermore, and as will become apparent from the rest of this Statement, such use has not at any time become a lawful dominant use in terms of period of occupation and extent of occupation.
- 4.4 Most of the buildings on the Site are **physically** inter-connected and it is possible to walk between most without going outside. The exceptions are the Chapel and the Queen Mother's Hall which, incidentally, are two of the three buildings on the Site for which documentary evidence of lawful use exists.
- 4.5 The layout of and access to the Site also point to the Site being one planning unit in physical terms. There are no points of access along three of the four sides of the Site. There are five points of access along Kidderpore Avenue (between Lord Cameron and Dudin Brown; via the Maynard Arch to the southern quadrangle; through a door in Bay House which gives access to the Hampstead Residence reception; between Kidderpore Hall and Queen Mother's Hall; and to Queen Mother's Hall via a short path). Many of the buildings do not have a separate access from the street. It is possible to walk between every building without leaving the Site.
- 4.6 The boundary of the Site coincides with a single **ownership** of the site (by King's College London). It also coincides with a single and continuous **occupation** by King's College London and its students.
- 4.7 On the basis of the above, we consider that it is very clear that the Site is one planning unit and that in determining this application the decision-maker should consider the Site as a whole. The lawful use will then be the dominant use which will determine the character of the use of the whole planning unit, without regard to any ancillary uses to which individual parts of the unit may be put.
- 4.8 To ascertain the dominant use of the site we have examined the use of the various buildings on the Site as explained in the following sections of this Statement.

5.0 ROSALIND FRANKLIN & QUEEN MOTHER'S HALL

Introduction

- 5.1 Our review of the Site begins with Rosalind Franklin and the Queen Mother's Hall because these are the only two buildings on the Site which post-date the 1947 Town and Country Planning Act and for which, therefore, one would expect complete records of their permitted use to exist.

Rosalind Franklin

- 5.2 Rosalind Franklin (completed in 1965) is, in some documents, referred to as 'Orchard II', 'Orchard 2' or 'New Orchard'.
- 5.3 Rosalind Franklin was granted planning permission in April 1964 following an application (reference TP/13758/W/909) for:

"The erection of a four storey residential hall, at Westfield College, Kidderpore Avenue, Hampstead."

- 5.4 A copy of the decision notice is at **Pages A48-A49**.
- 5.5 A drawing dated July 1969 is on the Council's records for application CTP/E4/4/A/12986/11371 (provided at **Page A50**). This shows Rosalind Franklin as an existing building and it is marked as 'residential'.
- 5.6 An application drawing from the Queen Mother's Hall planning application (32404R1) dating from 1979 also shows Rosalind Franklin as 'residential'. This is provided at **Page A51**.
- 5.7 Camden's Building Control records include details of the refurbishment of Orchard 2 Hall of Residence in 1993 (**Page A56**).
- 5.8 Other evidence confirms that this building has continued to be used as student accommodation in recent times. Universities UK's 2006 document *Code of Practice for the Management of Student Housing*³ (extract at **Pages A64-A66**) notes that the code applies *inter alia* to KCL's Rosalind Franklin Hall in Hampstead.
- 5.9 The 2011 / 2012 Interstudy *Student Handbook* mentions on page 97 that student accommodation at Hampstead is provided *inter alia* in the Rosalind Franklin Hall. This is a large document and the relevant extract is at **Pages A67-A81**; a full copy can be found on the internet⁴.
- 5.10 The Universities UK online building list (2014) also includes this building, noting the number of rooms and the number of tenants. Again, this is a large document and the relevant extract is at **Pages A82-A83**; a full copy can be found on the internet⁵.

Queen Mother's Hall

- 5.11 This building is referred to variously as the Queen Mother's Hall, Queen Mother Hall, or Queen Mother's House.
- 5.12 A letter in QMUL's archives dated 2 June 1980 from the National Westminster Bank Limited (**Page A84**) confirmed an anonymous donation to enable the College: *"to add at least twenty four study-bedrooms to the Hall, the occupants of which would use the existing common rooms and dining facilities in the Hall..."*.

³ <http://www.bcu.ac.uk/cmsproxyimage?path=/media/docs/accommodation-code-of-practice.pdf>

⁴ <http://67.23.14.182/pdf/Handbooks/BritainandIreland.pdf>

⁵ <http://www.universitiesuk.ac.uk/aboutus/AssociatedOrganisations/Partnerships/ACOP/Providers/Documents/BuildingList.pdf>

- 5.13 As we indicated in **Table 3.2**, the London Borough of Camden's planning records show that the following was granted planning permission on 31 July 1981 under reference 32404R1:

"The erection of a three-storey building to provide new residential accommodation for students, comprising 24 single study bedrooms and a common room."

- 5.14 A copy of the decision notice is at **Page A85-A86** and the approved drawings are at **Pages A52-A54**. It can be seen from the drawings that what was granted planning permission is what is there today.
- 5.15 According to the Council's records, there have been no subsequent applications or permissions for the change of use of this building.
- 5.16 As with Rosalind Franklin, Universities UK's 2006 document *Code of Practice for the Management of Student Housing* (extracts at **Pages A64-A66**) notes that the code applies *inter alia* to KCL's Queen Mother's Hall in Hampstead.
- 5.17 Camden's Building Control records include details of the refurbishment of Queen Mother Hall halls of residence in 2010 (**Page A60**).
- 5.18 The 2011 / 2012 Interstudy *Student Handbook* (already noted) also mentions on page 97 that student accommodation at Hampstead is provided *inter alia* in the Queen Mother's Hall (an extract is at **Pages A67-A81**).
- 5.19 A review on www.universityrooms.com, dated 2014 (**Page A87**), mentions accommodation in the Queen Mother's Hall by name. In addition, the Universities UK online building list (also from 2014) includes this building, noting the number of rooms and tenants. The relevant extract is at **Pages A82-A83** and the full version can be viewed by following the previously-cited weblink.

Summary: Rosalind Franklin and Queen Mother's Hall

- 5.20 It is clear that express planning permission was granted for the construction of Rosalind Franklin and Queen Mother's Hall for use as student accommodation. There have been no subsequent planning applications seeking permission to change the use. Evidence from a variety of different independent sources – including the Council's planning records and student accommodation-related websites and publications – indicates continued use of both of these buildings as student accommodation up to 2014.

6.0 LORD CAMERON, MAYNARD & DUDIN BROWN

6.1 These buildings have been grouped together because they all pre-date the 1947 Town and Country Planning Act. As such, public records (such as those on Camden's planning register) relating to their original construction / use are extremely limited or non-existent.

6.2 We have therefore had to review a variety of sources for evidence of use.

Lord Cameron

6.3 This building is variously referred to as 'Orchard', 'Orchard I', 'Orchard 1' and 'Lord Cameron'.

6.4 A variety of sources confirm that Lord Cameron was constructed and used as a hall of residence, including QMUL's chronology which we reproduced in **Section 3.0** of this Statement. It is noted in *Buildings for Blue Stockings* (**Page A88-A103**) as a "residence" and it is similarly referred to in *Victorian and Edwardian Hampstead* (**Page A104-A112**).

6.5 Site plans from 1969 (**Page A50**) and 1979 (**Page A51**), which have been obtained from Camden's planning records, indicate that it was a residence.

6.6 Camden's building control records note the refurbishment of this building (Orchard 1) and that it was a hall of residence in 1993 (**Page A55**) and replacement of windows in the Lord Cameron Hall of Residence in 2007 / 2008.

6.7 As with other buildings on the Site, Universities UK's 2006 document *Code of Practice for the Management of Student Housing* (extracts at **Pages A64-A66**) notes that the code applies *inter alia* to KCL's Lord Cameron Hall in Hampstead.

6.8 The 2011 / 2012 Interstudy *Student Handbook* (already noted in the previous section) also mentions on page 97 that student accommodation at Hampstead is provided *inter alia* in this building (an extract is at **Pages A67-A81**).

6.9 Reviews of student accommodation on www.thestudentroom.co.uk mention Lord Cameron in 2006, 2008, 2011, 2013 (**Pages A113-A116**).

Maynard

6.10 The Development of Maynard as the first student residence on the Site is described in *Buildings for Blue Stockings* (**Page A88-A103**). Similarly, *Pevsner* notes the purpose of this building (**Page A124-A127**).

6.11 Site plans from 1969 (**Page A50**) and 1979 (**Page A51**), which have been obtained from Camden's planning records, indicate that Maynard was a residence.

6.12 Camden's building control records note the refurbishment of this building and that it was a hall of residence in 1995 / 1996 (**Page A58**).

6.13 Universities UK's 2006 document *Code of Practice for the Management of Student Housing* (extracts at **Pages A64-A66**) notes that the code applies *inter alia* to KCL's Maynard Hall in Hampstead.

6.14 Reviews of student accommodation on www.thestudentroom.co.uk mention Maynard in 2009 and 2013 (**Pages A120-A121**).

Dudin Brown

6.15 Site plans from 1969 (**Page A50**) and 1979 (**Page A51**), which have been obtained from Camden's planning records, indicate that Dudin Brown was a residence.

- 6.16 Camden's building control records note the refurbishment of this building and that it was a hall of residence in 1999 (**Page A59**).
- 6.17 Universities UK's 2006 document *Code of Practice for the Management of Student Housing* (extracts at **Pages A64-A66**) notes that the code applies *inter alia* to KCL's Dudin Brown Hall in Hampstead.
- 6.18 There is a review of student accommodation in Dudin Brown from 2006 on www.thestudentroom.co.uk (**Pages A122-A123**).
- 6.19 The 2011 / 2012 Interstudy *Student Handbook* mentions on page 97 that student accommodation at Hampstead is provided *inter alia* in Dudin Brown (an extract is at **Pages A67-A81**).
- 6.20 As of April 2015, Dudin Brown remains in use as a hall of residence.

Summary: Lord Cameron, Maynard and Dudin Brown

- 6.21 Lord Cameron, Maynard and Dudin Brown were all purpose-built halls of residence. There is evidence from a variety of sources of use as halls of residence throughout their existence.

7.0 BAY HOUSE, SKEEL & LADY CHAPMAN

7.1 We deal with Bay House, Skeel and Lady Chapman together because, setting aside Kidderpore Hall for the time being (see **Section 8.0**), these are the buildings which have been used from time to time by third parties who did not necessarily have a connection with the owner of the Site.

7.2 Before discussing use we note that Bay House is sometimes referred to as 'The Bay' and that the function of the now-listed Skeel Library on northern site was replaced by a new library on the southern site, also named after Caroline Skeel, which opened in 1971.

Bay House

7.3 Bay House is the building that sits between Kidderpore Hall and the old Skeel Library. There is a door which is accessed from Kidderpore Avenue which first of all gives access to the reception desk for the Hampstead Residence. Here there is a concierge / site security function for all of the residences on the Site. After walking past reception, on the right is an access to Bay Hall and almost straight ahead is an access to Bay Lounge. To the left is a set of stairs. Going downstairs one reaches toilets and the basement of Kidderpore Hall. Upstairs is the student accommodation office, and two corridors or rooms which, according to the site managers, were study rooms, ie small rooms where students (some of whom shared a room on the Site) could go for quiet study. Photographs of the building are on **Pages A218-A223**.

7.4 There is no direct access to Bay Hall from the street.

7.5 The site managers told us that when KCL took over the Site in 1992 the rooms on the two upper floors of Bay House were used as administrative offices. This is consistent with the function of this building as shown on the drawings from 1969 and 1979 which are at **Page A50** and **Page A51** respectively.

7.6 The site managers also told us that when KCL took over the Site Bay Hall was the senior common room and Bay Lounge was an associated licenced area. This is consistent with a drawing of the part of the building from 1977 which is at **Page A129**. Before that it was a reading room (according to a photograph from QMUL's archives, dated 1971; **Pages A222-A223**) and before that a dining room as shown on the plan of the site in the late 1940s from the book *Castle Adamant in Hampstead* (**Page A140**).

7.7 In more recent years we understand that use of Bay Hall has been sporadic and occasional. The site managers told us that whilst it was used for student events (discos and so on), usage decreased when the Westfield residential development was completed because of noise complaints. In addition to occasional student events, King's Venues⁶ records indicate that Bay Hall was used from time to time for school productions / plays by St Margaret's School, a local private school. King's records suggest that there was one play a year and that the hall was used for a few days for each play. An email of 30 March 2015 from the Bursar of St Margaret's to Seonaid Carr of the London Borough of Camden (and copied to Mount Anvil) said that: *"For major school productions we hired the Bay Hall about 3 times per year and this would include rehearsal times during the day"* (see **page A144**).

7.8 It is not clear from the email whether the three times per year were three days a year or three separate events per year. Whichever, it is clear that the use of Bay Hall by St Margaret's was very occasional.

7.9 In addition to the use of the hall by St Margaret's, we understand that it was used for occasional exhibitions by the Hampstead School of Art.

⁶ This is a department of KCL which organises bookings of KCL space for externally-organised events including conferences, wedding receptions, photography and filming, banquets and so on – see <http://www.kingsvenues.com/About-Us/About-Us.aspx> for further information.

- 7.10 The terms of booking space at the Hampstead Residence were also supplied by St Margaret's in the aforementioned email. It is clear from these that hiring space did not confer any ownership rights on the party hiring the space as could be the case if a lease was entered into; space was used under licence (section 12 of the 2012 Terms and Conditions which are reproduced at **Pages A145-A149**). It is also clear that those using space had to abide by a series of restrictions / conditions set by KCL.

Skeel

- 7.11 Skeel was purpose-built in 1903 as a library and two lecture rooms in order that the College had the requisite facilities to become a constituent of the University of London. It was replaced by the new Skeel Library, situated behind 19-25 Kidderpore Avenue, in 1971. Since that time the building has not been used for its original purpose.
- 7.12 Skeel is accessible from a door under the Maynard Arch within the Site. It does not have a separate access from the street. Skeel is physically connected with Maynard, Bay House and Dudin Brown.
- 7.13 Apart from ancillary rooms such as toilets and so on, Skeel comprises 'Lower Skeel' which is on the ground floor of the building and which is a single room extending to approximately 105 sq m. Upstairs (on the first floor) is the main library space, sometimes referred to as Upper Skeel. Two further flights of stairs give access to the library balcony.
- 7.14 Above the library space is a further floor known as the 'Crow's Nest' which was most recently four student bedrooms. Use of this space was discontinued for safety reasons because there was no secondary access / egress and the space has remained unused since then.
- 7.15 Skeel is accessed by a door under the Maynard Arch. From the upper floors of Skeel it is possible to walk through to Dudin Brown and to Bay House and Maynard.
- 7.16 As one might imagine, documentary evidence for a building such as this is scant. Our principal source of evidence for the use of Skeel is King's Venues and information supplied by St Margaret's School.

Upper Skeel

- 7.17 According to King's Venues, Hampstead School of English occasionally used Upper Skeel for exams. It was also used for meetings of 'Redfrog', a local group. We understand that such meetings were, at one time, monthly but have taken place less frequently in recent times.
- 7.18 The former site managers told us that Upper Skeel was used on a regular basis for student-related activities. In particular there was a weekly 'Senior Student Meeting' which was attended by about 14 students and a couple of staff. The purpose of the meeting was for senior students, who were representatives of other students who were resident on the Site, to discuss issues with the staff who were in charge of the Hampstead Residence.

Lower Skeel

- 7.19 St Margaret's School noted in its email of 30 March 2015 that it used Lower Skeel from September 2011 to July 2014 during school term time (34 weeks) only between 0845 and 1700 on Mondays to Fridays. The email confirmed that they also used the space out-of-hours about four times per term for school productions and so on. St Margaret's has noted that it can provide copies of invoices and of terms and conditions if needed.
- 7.20 St Margaret's report of their use of Lower Skeel is generally consistent with the records of King's Venues. Lower Skeel was hired under licence, in accordance with KCL's Terms and Conditions.
- 7.21 King's Venues records indicate that Lower Skeel was hired by St Margaret's for a number of purposes such as for PE / sports activities, PTA quiz nights and school production rehearsals.

Lady Chapman

- 7.22 The QMUL chronology says that the Lady Chapman building contained the Parker Library, two lecture rooms and 26 student rooms. The layout of the building remains generally unchanged today. The former Parker Library is still evident because parts of the wooden shelving system are still *in situ*. It is not used as a library any longer, however.
- 7.23 Adjacent to this are the two former lecture rooms which similarly have not been used for their originally-intended use for some time. At present the rooms are used for student recreation (see photographs at **Pages A224-A226**) and were available for hire through King's Venues.
- 7.24 The rooms are closely integrated within the Lady Chapman building; to access them one must use the same door as that to access the student rooms (ie the door under the Chapman Arch) and the rooms are then accessed via stairs and a corridor. There is no separate access to the rooms from outside and no division of the building within.
- 7.25 We understand from King's Venues that the rooms were hired (under licence, as with other King's Venues) to St Margaret's School on a very occasional basis. We also understand from King's Venues that a room was used by a dance group known as 'Jump Up' from time to time.

Summary: Bay House, Skeel and Lady Chapman

- 7.26 Bay Hall and the associated areas were originally administrative and social areas associated with the main use of the Site. This has continued with, for example, Bay Hall being used for student events and Bay Lounge being used as a student common room. Rooms on the two upper floors – originally used for administration – have been converted for use by students who are resident on the Site to study in.
- 7.27 Whilst Bay Hall has been hired by external parties, its use was occasional. Entry to the hall was via other parts of the College's buildings and not direct from the street. Parties used the hall under licence rather than as tenants and had to abide by a detailed list of terms, including in relation to conduct, set by KCL.
- 7.28 In our view, and despite this use by third parties, Bay Hall remained functionally and physically part of the main use of the Site for student accommodation purposes. Occasional use for concerts or art exhibitions did not result in a material change of the use of the premises nor did it colour the use of the planning unit as a whole.
- 7.29 With regard to Skeel, Upper Skeel was used regularly by students living on the Site and at times by third parties such as Redfrog and the Hampstead School of English. We understand that Redfrog was allowed to use the space free of charge and that other users used it under licence.
- 7.30 There was regular use of Lower Skeel by St Margaret's for a number of years for a variety of uses including for PE / sports, for PTA meetings and for rehearsals for school productions etc. The use of the premises was under licence from KCL and there are no records of any change of use application being made. The length of use would not have enabled any occupier to claim that a new use was immune from enforcement action as a consequence of the passage of time.
- 7.31 Use of a standalone planning unit for sport would require planning permission for D2 use as would use as a social club, somewhere where one might expect quiz nights and the like to take place.
- 7.32 Given that no planning application was submitted it must be the case that either the use of Skeel was unauthorised or that it was possible to use it for different purposes because it was ancillary to the main use of the planning unit (and therefore the owner was entitled to use it for a variety of uses as per the principle discussed at **paragraph 2.9** of this Statement).

- 7.33 Given that Skeel (both Lower and Upper) is physically related to other buildings (indeed it is physically connected to three of the other buildings on the Site) and given that express planning permission was not sought (or enforcement action instituted) in relation to the use of Skeel for a variety of different uses that would fall within different use classes, we consider it to be ancillary to the main use of the Site.
- 7.34 Like Skeel, there is also a long-redundant former library space in the Lady Chapman wing along with former lecture rooms. These areas, which are in the basement of the building and accessed via the same door as the student bedrooms above, are physically very closely integrated with the rest of the building and the planning unit. They are currently used for student recreation – one room, for example, has a number of games tables in it. As is evident from the map on **Page A152**, these ancillary uses have been in this building since at least 1981.
- 7.35 Information provided by King's Venues records the occasional use of space in Lady Chapman by St Margaret's school and also by a dance group called 'Jump Up'. For the same reasons given in relation to Skeel we consider that this space is ancillary to the principal use of the Site.

8.0 KIDDERPORE HALL

8.1 Kidderpore Hall is also referred to as 'Old House' in some documentation.

8.2 We deal with Kidderpore Hall separately because it has not been used for some time and, as such, as well as looking at its history of use, we will look at the tests that are used when considering abandonment of use, that is:

- 1) the physical condition of the building;
- 2) the length of time for which the building had not been used for its lawful use;
- 3) whether the building had been used for any other purposes; and
- 4) the owner's intentions.

Chronology

8.3 There is no evidence on the London Borough of Camden's files of any express planning permission for the use of Kidderpore Hall.

8.4 The QMUL chronology set out at **Section 3.0** of this Statement says that Kidderpore Hall was purchased in 1890 and it housed the College's library until 1903.

8.5 *Castle Adamant in Hampstead* explains (**Pages A142-A143**) that the Old House was the residence of a number of principals including Miss Maynard who was principal between 1882 and 1913; Miss de Selincourt who was principal between 1913 and 1917; and Dr Thwaites who was appointed as principal in 1966 and continued in the role until 1983. *Castle Adamant in Hampstead* (**Page A143**) says that Dr Thwaites and his family lived in the two upper floors of Old House.

8.6 A drawing of Kidderpore Hall dated 1953 was found in the basement of Kidderpore Hall in 2015. This shows the layout of the first floor largely as it is today. Some of the rooms are labelled as bedrooms and there are associated facilities such as a kitchen and toilets, suggesting that some of the first floor rooms were used as sleeping accommodation before Dr Thwaites and his family occupied them. Even today the remnants of plumbing and tiling (where a sink would once have been) remain in some rooms of the building (see photograph at **Page A228**, for example, which is of one of the first floor rooms).

8.7 Even during Dr Thwaites' and his family's habitation of Kidderpore Hall it appears that it was not solely used for residential purposes. A drawing from 1969 (LBC application reference CTP/E4/4/A/12986/11371; **Page A50**) shows Kidderpore Hall as an existing building on the Site and labels it and the adjacent Bay House as "*administration*".

8.8 A 1979 drawing from the application for what was to become Queen Mother's Hall (LBC application reference 32404R1; **Page A51**) also labels Kidderpore Hall and Bay House as "*administration*".

8.9 A more detailed drawing, from QMUL's archives and dating from 1981 (**Page A152**), shows Kidderpore Hall as accommodating the Council Room, the Principal, the Secretariat, Finance and Personnel Departments, and the Senior Common Room ('SCR'). In fact it can be noted from the drawing that teaching areas are concentrated to the south of Kidderpore Avenue (where the Barratt development is currently being constructed and where Westfield now stands) and that uses to the north are primarily student accommodation and ancillary uses including games and societies spaces in Lady Chapman (ie the areas in the basement referred to in the previous section).

8.10 In *Victorian and Edwardian Hampstead* (1989; **Pages A104-A112**) it is noted that Kidderpore Hall "*still contains the heart of the college, including the Principal's rooms*".

8.11 That was obviously written before King's College London took over the Site and other land in 1992 when all Queen Mary and Westfield College activities were relocated to Mile End (**Page A153**).

- 8.12 During our interview with the former Hampstead Residence site managers we learned that KCL allowed the Spiro Institute to occupy Kidderpore Hall following KCL's acquisition of the Site in 1992. The former site managers told us that the Spiro Institute used Kidderpore Hall for education, administration and events such as for fundraising.
- 8.13 Following that information we located a lease dated 16 October 1992 between King's College London and The Spiro Institute for the Study of Jewish History and Culture ('the Spiro Institute'). This is reproduced on **Pages A178-A196**. There are a number of points to note in the lease:
- (a) not all of Kidderpore Hall was demised to the Spiro Institute. As set out in the First Schedule to the Lease (**Page A194**) and the drawings on **Page A192** and **Page A193**, a total of thirteen rooms were demised to the Spiro Institute. Those rooms were on the ground and first floors of the building. The common parts, including vertical circulation and horizontal circulation areas, and a number of rooms on the ground and first floors, were not demised to the Spiro Institute. The basement and the second floor of Kidderpore Hall were not demised to the Spiro Institute, either.
 - (b) the lease did not confer any rights under town planning legislation in relation to the use of the premises (Clause (8) on page 12 of the lease which is **Page A190**); and
 - (c) it was incumbent on the tenant, ie the Spiro Institute, to make any necessary application in relation to a change of use of the premises having first sought the consent of the Landlord (Clause (9) on page 12 of the lease which is **Page A190**).
- 8.14 There are no records of any change of use application having been made. This would indicate either that the use was carried on without authorisation or that the use was considered to be ancillary as per the principles discussed in **Section 2.0**.
- 8.15 In addition to only part of the building being demised to the Spiro Institute in the 1992 lease there are various pieces of evidence, for example a 2001 edition of the *AJR Journal* (see **Page A203**), where the Spiro Institute's / LJCC's address is noted as: "*The Old House, c/o King's College, Kidderpore Ave., London, NW3 7SZ*". In other words, it was not a stand-alone entity and it continued to be considered to be part of KCL's site.
- 8.16 In 1998, Pevsner (**Page A124-A127**) noted that the villa of 1840-3 [Kidderpore Hall] was "*now Spiro Institute of Jewish History and Culture*" so clearly the occupation of Kidderpore Hall by the Spiro Institute had continued since the grant of the aforementioned lease.
- 8.17 The Charity Commission's website (**Page A154**) records that the Spiro Institute was registered in 1992 and that it ceased to exist on 7 September 2005.
- 8.18 Wikipedia (**Page A155**) says that the Spiro Institute became the London Jewish Cultural Centre which moved to Ivy House in Golders Green in 2005. The site managers told us that Kidderpore Hall was occupied by Spiro / LJCC until about 2004 and was subsequently vacant, used only for storage (mattresses and furniture and so on) from time to time. On that basis, we concluded that the Spiro Institute vacated the building some time around 2005 and that the building had been vacant since.
- 8.19 At a meeting on 22 April 2015 attended by Mount Anvil, London Borough of Camden Officers and other interested parties including 'Redfrog' (a local group), however, one of the attendees said that Kidderpore Hall had been occupied until 2009. Although we were confident of our own research (as outlined above), we undertook further investigations into this matter and note the following:
- in September 2005 KCL's Director of Facilities and Estates wrote to LJCC (the successor organisation to the Spiro Institute) in relation to LJCC's departure from the Old House. That letter (**Page A213**) outlined that LJCC was expected to vacate the premises between 14 October and 21 October; and

- in April 2015, Redfrog attempted to nominate the Old House as an Asset of Community Value on the basis that it had been used by the Spiro Institute / LJCC. One of the tests is whether the premises have been used in the recent past for community-related purposes. The London Borough of Camden noted in its decision letter (**Page A216**) that it had checked with LJCC and LJCC had not left in 2009 as asserted by Redfrog but, in fact, it had left the building in 2005.

8.20 On the basis of that evidence, and on the basis of the interview with the former site managers and discussions with other current KCL representatives, we are confident that the last active use of Kidderpore Hall (ie other than for the storage of furniture and the like) was in 2005.

8.21 Furthermore, we understand that the Council's conservation officers have been involved with this building for some time and have knowledge of it being vacant for a continued period of time.

8.22 We also refer to a 15 March 2013 article in the *Ham & High* (**Page A160**) where it was noted that Kidderpore Hall had been vacant had been vacant "for a number of years".

Other Documents Found

8.23 In August 2006 an application for listed building consent was approved (2006/2427/L; **Pages A156-A157**). The application sought consent for:

"alterations to doors and windows at ground floor level, educational use (Class D1), including replacement of modern timber, metal and louvred window fanlights with new timber sections and replacement of cementitious render with lime render to basement lightwell wall."

8.24 There was no contemporaneous application for planning permission and, as noted above, there had been no previous applications pertaining to the use of Kidderpore Hall. The listed building application was nothing to do with the use of the building, particularly as it had been vacated by that time. The reference to a Class D1 use in the description for a listed building consent application has no bearing on this application or the history of the use of the site.

8.25 Application 2006/2427/L was accompanied by drawings showing the layout of Kidderpore Hall and the use of some of the rooms (**Pages A158-A159**). The Lower Ground Floor drawing indicates that there was a television room, to staff rooms, a computer room and three unlabelled rooms. The Ground Floor drawing shows a lounge, the 'Council Room', an administration room, a general office and two rooms labelled Room 1 and Room 2. No use is given for those two rooms. The First Floor drawing shows two rooms labelled as offices and a five rooms without assigned purposes. There is also a kitchen and a video room at first floor. The Second Floor / Attic floor drawing shows a series of unlabelled rooms and a bathroom (which still exists today – see photograph on **Page A229**).

8.26 Given that the premises were vacant at the time of 2006/2427/L we assume that this is an old drawing which shows the use of some of the rooms by Spiro or the use before Spiro occupied Kidderpore Hall. In any event, the only uses indicated on the drawing are administrative or may have been related to a variety of uses, including student accommodation (a bathroom, a kitchen and a TV room).

Length of Time that the Building has not been used for its Lawful Use

8.27 It is perhaps easiest to start by saying that the building has not been used since 2005, so for at least 10 years.

8.28 So far as we are aware the lawful use of the building has never been formally established. Our review of its use by Westfield College indicates that it was generally used for administrative purposes ancillary to the main use of the Site, and that it has been used at least in part as sleeping accommodation in the past.

8.29 Whilst the Spiro Institute / LJCC appears to have occupied Old House between 1992 and 2005, permission was not sought for a change of use. In addition, and again according to Camden's planning records, no Certificate of Lawfulness was ever applied for in respect of Kidderpore Hall (ie to demonstrate that the use was immune from enforcement action because of the passage of time as per section 171B of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)).

8.30 In summary the last use of Kidderpore Hall must have been either ancillary to the main use of the Site or unauthorised. In the event the use was unauthorised, there is no way in law to retrospectively establish the lawfulness of that use; a Certificate can only be applied for in respect of an existing or proposed use (sections 191 and 192 of the 1990 Act as amended).

Whether the Building has been Used for any other Purpose

8.31 Since Kidderpore Hall was last used, furniture and similar items have been stored in it in connection with main use of the Site as student accommodation.

Physical Condition of the Building

8.32 The condition of the building is such that at present it cannot be occupied. As this is a listed building the London Borough of Camden contacted Montagu Evans and Mount Anvil about the condition of the building in early 2015. Montagu Evans advised Mount Anvil about responsibilities in relation to listed buildings. In turn, Mount Anvil contacted KCL about this matter as KCL is still the owner of the Site. KCL took action to remedy the situation when it had been brought to its attention.

8.33 Generally the building is very dirty and floor coverings are filthy and rust-stained from the storage of items in the building. Floor coverings on stairs are loose, presenting a hazard to visitors to the building. At the front of the building on the first floor there is a significant area of degradation to an internal wall because of water ingress. There are signs of water ingress elsewhere, including in ground floor rooms.

The Owner's Intentions

8.34 It is clear that the owner does not have any intention of using the building. King's College marketed the site in March / April 2014 and contracts were exchanged with Mount Anvil in October 2014. It is Mount Anvil's intention to create new Class C3 self-contained dwellings in Kidderpore Hall and applications for planning permission and listed building consent will be submitted in 2015. The last time that the building was used as a self-contained dwelling was in 1890 or before (the building was sold to Westfield College in 1890).

Summary: Kidderpore Hall

8.35 Kidderpore Hall has for many years been used for purposes ancillary to the main use of the Site. Following acquisition of the Site by King's, Kidderpore Hall was in part occupied by the Spiro Institute / LJCC. We understand that the Spiro Institute carried on a range of activities in the building. Those activities had not been authorised by an express planning consent, however, and there were no applications seeking to establish the lawfulness of the uses that were carried on by the Spiro Institute / LJCC.

8.36 We are of the view that the use of the building remained ancillary to the main use of the Site and that, even though it was occupied by a third party under a separate lease, it did not constitute a separate planning unit.

8.37 More recently, and as the Council is already aware, the building has not been used for about ten years. The physical condition of the building and the owner's intentions both point to there being no intention of the building being used in future for the previous use. Instead, the purchaser intends to seek planning permission for a new use.

9.0 THE CHAPEL

9.1 The Chapel was formally opened on 21 June 1929 and, according to QMUL's chronology which is reproduced in **Section 3.0**, it remained in use until Westfield College relocated to Mile End due to the merger with Queen Mary College. Relocation occurred in 1992 (**Page A153**).

9.2 In the light of this we consider that when used as a chapel, that use would have been ancillary to the main use of the Site as student accommodation.

9.3 The chapel appears not to have been used for some time, however. The last documented use of the building that we have found is in a 1997 appeal decision for student accommodation on the Site (T/APP/X5210/A/96/273312/P2 and T/APP/X5210/E/96/812989/P2; **Pages A161-A175**). That decision notes at **paragraph 24** that:

"The relationship of the proposed building with the Chapel is much more intimate. The Chapel is simple in form and detail and gives little indication of its ecclesiastical purpose. The portico emphasises the siting on the cross-axis of the path bordering the lawn but perhaps more important is the way the building successfully exploits the change in levels between the formal garden to the rear of the Hall and the lower garden to the north-west. It has not apparently served as a chapel for some time, its last use being as a netball court. There is no objection to its adaptation as a common room; the criticisms are of the inter-relationship between the Chapel and the proposed buildings."

9.4 The former site managers told us that the Chapel was used for a variety of uses – including recreation and discos – for some time after KCL's acquisition of the Site, for perhaps ten years. That would mean that the Chapel has been disused for over ten years.

9.5 This is borne out by the condition of the chapel where the fabric of the building and the condition of the interior indicates a numbers of years' decay (see photograph on **Pages A227**).

CLEUD Application

9.6 In 2014 an application for a certificate of lawfulness was submitted (2014/2538/P). The application sought confirmation of the commencement of works in connection with use of premises as student accommodation as approved by the planning permission granted on appeal.

9.7 It was noted in the Officer's Report that:

"This application for a certificate of lawfulness for an existing development relates to the commencement of works for the development of student accommodation on the site and associated works. Planning permission 9500757R3 and listed building consent 9570359R3, for the erection of new hostel accommodation within the curtilage of listed buildings, together with the conversion of a former chapel to a common room and the relocation of a former summerhouse, was granted on appeal on 09/09/1997."

9.8 The Certificate of Lawfulness was issued on 13 June 2014 (**Page A176-A177**). There have been no subsequent applications or permissions that could render planning permission 9500757R3 and listed building consent 9570359R3 unimplementable.

Summary: The Chapel

9.9 In the light of CLEUD 2014/2538/P, we consider that it is clear that the lawful use of the Chapel is as a student common room which would be ancillary to the principal use of the associated building as student accommodation.

10.0 ANALYSIS & CONCLUSIONS

- 10.1 This application relates to the King's College Hampstead Residence site on Kidderpore Avenue in NW3.
- 10.2 The Site, which is in a single ownership, contains a number of buildings. The buildings are accessed from shared access points on Kidderpore Avenue and are, for the most part, physically interconnected and all are functionally related. Following the grant of planning permission and the implementation of that planning permission for the redevelopment of land to the south of Kidderpore Avenue by Barratt, any remaining functional linkages with other land that once formed part of the wider Westfield complex has been severed. We consider therefore that the Site is a single planning unit.
- 10.3 This application has been made to establish the lawful use of the Site given that many of the buildings pre-date the 1947 Town and Country Planning Act and planning records are therefore generally unavailable.
- 10.4 There are two buildings for which express planning permission for use as student accommodation was granted: Rosalind Franklin and Queen Mother's Hall. There have been no subsequent planning applications seeking permission to change the use of these buildings. Evidence from a variety of different independent sources – including the Council's planning records and student accommodation-related websites and publications – indicates continued use of both of these buildings as student accommodation up to 2014.
- 10.5 There is also evidence that Lord Cameron, Maynard and Dudin Brown – all of which are purpose-built halls of residence – have been used as such throughout their existence, including in recent years. That evidence is appended to this Statement.
- 10.6 A recent CLEUD application has confirmed that the lawful use of the Chapel is a common room associated with student accommodation.
- 10.7 Historically, Bay Hall was a dining room for Westfield College which was, at one time, a wholly residential institution. It appears to have been used, albeit relatively briefly, as a reading room pending the completion of the Caroline Skeel Library on the southern site. After that time it was used as a common room and subsequently it was used occasionally for social event held by students. It was also hired out under licence on a daily basis from time to time, albeit very occasionally in recent years. The upper floors of Bay House were used for administration and as study rooms for students resident on the Site. On the basis of such usage, and given the physical relationship of Bay House with the rest of the buildings on the Site, we consider that its use was ancillary to the principal use of the Site.
- 10.8 Similarly Skeel was hired out under licence. Upper Skeel, a former library which was replaced by the Caroline Skeel Library on the southern site, was occasionally made available to Redfrog, a local group, without charge. In addition to such usage, Upper Skeel continued to be used regularly for meetings between senior students and site management staff.
- 10.9 Lower Skeel was hired out, again under licence, more frequently than Upper Skeel over the past few years; records from King's Venues and details from St Margaret's School indicate that it was hired for a financial consideration on term-time weekdays for about three years and that it was used for sports and other activities such as quiz nights. There are no records of there having been any applications for the change of use of this space.
- 10.10 Similarly, a basement room in Lady Chapman was hired out under licence from time to time. The main external use was as a venue for dance classes. Otherwise, the basement areas of Lady Chapman were used for student recreation / activities, a long-standing use indicated, for example, on a map of the site dating from 1981. Again, there was no planning application for the change of use of the basement area of Lady Chapman to enable it to be used by external parties.

- 10.11 In the case of both Skeel and Lady Chapman, given that there were no planning applications for the use of those buildings then either: the use of those buildings must have been unauthorised in planning terms (and therefore that use cannot be relied upon in applications such as this); or the use must have been ancillary, according to the principles outlined in **paragraph 2.9** of this Statement.
- 10.12 Similar principles can be applied to Kidderpore Hall. A review of its history reveals that before the Spiro Institute occupied part of the building, Kidderpore Hall was used over a period of about 90 years as the College principal's residence and for administration.
- 10.13 Whilst parts of Kidderpore Hall may have been used for a time by the Spiro Institute, there are no records of any planning permission being granted to allow for the use of the building by the Spiro Institute. The use of parts of the building by Spiro, therefore, was either unauthorised or ancillary to the main use of the Site.
- 10.14 After Spiro / LJCC vacated in 2005, Kidderpore Hall stood unused and has been unused ever since.
- 10.15 We are of the opinion, therefore, that when in use Kidderpore Hall was ancillary to the main use of the Site or, otherwise, that the use of Kidderpore Hall by the Spiro Institute / LJCC was unauthorised in planning terms.
- 10.16 In summary, we consider that the lawful use of the Site is as student accommodation and that any areas not used as student bedrooms are ancillary to the principal use of the Site.
- 10.17 We are therefore applying for a CLEUD to confirm that the existing use of the Site is student accommodation.