Address:	Bartrams Convent Hoste Rowland Hill Street London NW3 2AD	3				
Application Number:	2014/6449/P Officer: Charles Thuaire					
Ward:	Hampstead Town					
Date Received:	09/10/2014					
replacement with accommodation for communal facilities facilities, plus bass basement and 10 terraces. <b>Background Pap</b> Existing plans- A2 001, 101B, 102C, Supporting docum Design and Access Visual Impact and Involvement by Ko 19.3.15) by Aecor Construction Man by Camlins; Base Statement (revision ventilation Assess Survey (phase 1) 2015; letters from revised scheme); (sunlight amenity 0031 (tree protect plan) Financial Viability Appraisal by GL H <i>confidential</i> ). Inder Addendum report of BIA (Updated) Morag Ellis QC data	a part 4, 6, 7, 10 storey buil or older people (Class C3), es including restaurant, loun ement level parking for 28 of th floor plant, ground floor of <b>pers, Supporting Documer</b> 213-A-(00)- 001, 101-103, 2 103A-112A, 201A-204A, 30 nents (all dated October 207 as Statement by Tibbalds, D Heritage Statement by Perfe eeble Brown; Transport Ass m; Daylight/sunlight and Ov- agement Plan by Aecom; T ment Impact Assessment b on B dated March 2015) by sment by Max Fordham; Air by White Young Green; Ba JLL dated 16.3.15 (re light email from Ian Thody dated study plan); LL478-200-000 tion plan dated 22.4.15 ( <i>due to</i> pendent Review of Assessing to Independent Review data ref LBH 4303 dated March 2015) ated 1.8.14 and Timothy Co	14 unless otherwise stated)- Planning, buggan Morris and Camlins; Townscape, ther Stewart; Statement of Community bessment and Travel Plan (revision 5 dated ershadowing Assessment by JLL; ree Survey and Arboricultural Statement y Elliot Wood; Sustainability and Energy Max Fordham; Noise, vibration and quality Assessment by Aecom; Ecology rtram's Planning Amendments dated April to school) and 9.4.15 (re light impact from 16.3.15 (re overshadowing); 0994-SA02 03 (tree planting plan dated 13.3.15) and - 0839d/002/P2 (below ground drainage y GL Hearn dated 22.12.14; Development <i>commercial sensitivity these 2 reports are</i> ment of Viability dated 15.2.15 by BPS, ed 24.4.15 by BPS. Independent Review 2015 by LBH Wembley. Legal opinions by				
Applicant:		Agent:				
PegasusLife Fao/ Mr James La Royal Court Church Green Kings Worthy Winchester SO23 7TW	ambert	Tibbalds Planning & Urban Design 19 Maltings Place 169 Tower Bridge Road London SE1 3JB				

# ANALYSIS INFORMATION

Land Use Details:					
	Use Class	Use Description	Floorspace		
Existing	Sui Generi	s student hostel	2671 <i>m</i> ²		
Proposed	C3 dwellin	gs and associated communal facilities	8676m²		

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Hostel	69								
Proposed	Flat	31	29							

Parking Details:						
	Parking Spaces (General)	Parking Spaces (Disabled)				
Existing	0	0				
Proposed	28	28				

# **OFFICERS' REPORT**

This application is being reported to the Committee as it entails a Major development of more than 10 new dwellings or more than 1000 sqm of non-residential floorspace (Clause 3i).

### 1. SITE

- 1.1 The site contains a vacant student hostel built in the 1950's. It has operated as a convent and hostel for students since 1959 and solely as a hostel since the 1970's; it was vacated prior to its sale in December 2013. It comprised 69 bedrooms with a mix of single and double bedrooms plus numerous communal rooms, dining hall, kitchen and chapel. The landuse category is thus considered to be a 'Sui Generis' student hostel.
- 1.2 The building is 5 storeys high (appearing as 4 storeys on the uphill section of the street frontage) with a simple plain design with brick walls, flat roof and small window openings and has a large projecting statue figure attached to its western front elevation. The building is L-shaped and has a projecting chapel wing facing eastwards towards the Royal Free Hospital plus large patio areas around it. It is not listed nor within a conservation area.
- 1.3 The site lies at the bottom corner of Rowland Hill Street as it slopes downhill towards Royal Free Hospital. The road effectively acts as a service road to the Hospital for staff, deliveries and carparking. The site adjoins the Royal Free Hospital tower to the northeast, which is about 12 storeys high in a 1960's concrete design idiom. To the west is a 2-3 storeys plus attic 19<sup>th</sup> C. row of commercial properties on Haverstock Hill; to the southwest is the Rosary primary school which has some low buildings and a prominent 4 storeys plus attic block in redbrick which is locally listed plus a large playground to the south. The townscape is very varied in form, layout and architectural styles.
- 1.4 Further away, to the west of Haverstock Hill is Fitzjohns/Netherhall conservation area and to the north of Rowland Hill St is Hampstead conservation area containing Hampstead Green, a designated public open space, and the Grade 1 listed St Stephen's Church on Pond Street. Opposite the site in Rowland Hill Street is proposed the Pears Institute of Immunology attached to the Hospital, an application for which the DC Committee has been recently minded to grant permission subject to a legal agreement. This scheme will have its servicing yard facing Rowland Hill St. This scheme will obscure current views of the application site across the Green from Rosslyn Hill and the church.

# 2. THE PROPOSAL

# Original

2.1 Demolition of the existing student hostel building (Sui Generis) and replacement with a part 4,5,7,11 storey building plus basement to provide extra-care accommodation for older people (Sui Generis), comprising 60 x 1 and 2 bedroom flats and associated communal

facilities including restaurant, health and well-being facility, treatment rooms, lounge and staff facilities, plus basement level parking for 28 cars, cycle and mobility scooter parking, basement and 9th floor plant, ground floor communal gardens, and 3rd & 6th floor roof terraces.

### Revision

2.2 Redistribution of proposed floors so that the 11 storey tower becomes 10 storeys and the adjoining 5 storey block becomes 6 storeys; revised visual montages and daylight study; cycle stores amended; 39 PV panels installed on top roof and revised sustainability statement; affordable housing viability study submitted and reviewed.

# 3. RELEVANT HISTORY

3.1 2.12 .76- pp granted for erection of a statue of the Madonna on the facade of the building fronting Rowland Hill Street.

# 4. CONSULTATIONS

### **Statutory Consultees**

4.1 <u>Greater London Authority</u> do not object- scheme with a tower over 30m high is referable under category 1c of Schedule to Order 2008; scheme does not raise any strategic planning issues and therefore Mayor does not need to be consulted further.

### **Conservation Area Advisory Committee**

4.2 <u>Hampstead CAAC</u> object- unnecessarily dominant and overdevelopment of constrained site; tower is visible from main road and dominant over Rowland Hill St- tower should be redesigned and redistributed to other blocks; does not fit with Camden's policy for promoting high quality design.

#### **Local Groups**

4.3 <u>Heath and Hampstead Society</u> comment- do not oppose it in principle nor ask for refusal but a number of important issues need resolving-Existing building has C1 hostel use and policy is to protect social rented homes whereas proposed sheltered housing is clearly private commercial development; although sympathetic to homes for older people, there are no assurances regarding ownership status, security of tenancy, rental policies etc or reference to affordable housing policy; scheme thus is contrary to policy DP9.

Density too high; design in breaking up bulk is reasonable but tallest block is too high compared to other buildings and could be redistributed to lower blocks; architecture is boring and featureless and detail is depressingly ordinary- disappointing for such a prominent building visible from many parts of Hampstead and Belsize Park.

Overlooking from roof terraces to school without screening. Very little garden space for residents as older people prefer ground level gardens rather than proposed high level terraces. Taller block will overbear and overshadow Green to north and affect its character along with enclosure provided by new Immunology Institute.

Need evidence that unusual car-stacker is workable and will not cause

congestion in street by cars delivered and returned. Cafe seems designed for dual-use but doubt that much public use is likely given location- better that it is residents only? Need coordination of construction activities with new Immunology Institute opposite.

4.4 <u>South End Green Association</u> object- development will sacrifice significant affordable housing; care for wealthy old people is laudable but not a primary aim or concern of Camden; height is excessive and unpleasant when viewed against anything other than hospital from surrounding conservation areas; when seen against hospital, it clashes with and accentuates that unfortunate view; harms heritage value of Hampstead Green; height needs reducing to existing height; sculpture should be retained or conserved elsewhere.

#### **Adjoining Occupiers**

	Original
Number of Letters Sent	246
Number of responses	07
Received	
Number in Support	01
Number of Objections	06

Plus site notice displayed 26.11.14 and press advert published 27.11.14. No consultation undertaken for revision.

4.5 <u>6 neighbours</u> object (32 Belsize Park Gardens, 4 Ferncroft Avenue, 17 Pond Street, 238 & 243 Haverstock Hill, Cancerkin Centre)-- tower too big, high and overpowering, especially given conservation areas bordering site; should be reduced to existing height; will match that of Royal Free hospital tower and be too crowded and close to each other, whereas it should be at a different level to maintain separation and views; dominant effect on surroundings and poor standard of design which needs rethinking- shame that the agents (originating from wellregarded urban design practise) should be pushed into such a mediocre and harmful offering;

density too high and should have more green space; additional accommodation will have adverse impact on well-populated area;
overbearing impact and overshadowing on Hampstead Green and memorial garden, loss of light to listed buildings in Pond St;
carpark arrangements likely to be impracticable and impact on RH St and access to hospital, in light of experience elsewhere when car lifts break down; increased traffic down street in conjunction with new Institute opposite, both during construction and afterwards; increased traffic movements at junction which will cause traffic jams on Haverstock Hill and harm pedestrian safety due to no ped crossing here; need coordination of construction activities with new Immunology Institute opposite;

- detrimental impact on services provided by breast cancer charity based in Hospital (offices in bridge on Rowland Hill St next to site).

4.6 Support from <u>Rosary RC Primary School</u>- Pegasus have had extensive consultations with the school and agreed to mitigate impact of

demolition and construction by ensuring this takes place during school holidays, thus they would appreciate a decision which would allow this to happen.

# Other bodies

- 4.7 <u>Thames Water</u> do not object but give advice on surface water drainage, piling method statements and water pressure.
- 4.8 <u>Transport for London</u> comment- no objection to proposed carparking, cycle parking, impact on highway and public transport network, but recommends contributions sought to introduce Legible London wayfinding in area; no objection to submitted SMP and Travel Plan.

# 5. POLICIES

Set out below are the LDF policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

# 5.1 LDF Core Strategy and Development Policies

- CS1 Distribution of growth
- CS4 Areas of more limited change
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS11 Promoting sustainable and efficient travel
- CS13 Tackling climate change
- CS14 Promoting high quality places and conserving our heritage
- CS15 Protecting and improving open spaces & biodiversity
- CS16 Improving Camden's health and well-being
- CS17 Making Camden a safer place
- CS18 Dealing with waste
- CS19 Delivering and monitoring the Core Strategy
- DP2 Making full use of Camden's capacity for housing
- DP3 Contributions to supply of affordable housing
- DP5 Housing size mix
- DP6 Lifetime homes and wheelchair homes
- DP7 Sheltered housing and care homes for older people
- DP8 Accommodation for homeless people and vulnerable people
- DP9 Student housing, bedsits and other housing with shared facilities
- DP16 Transport implications of development
- DP17 Walking, cycling and public transport
- DP18 Parking standards and the availability of car parking
- DP19 Managing the impact of parking
- DP20 Movement of goods and materials
- DP21 Development connecting to highway network
- DP22 Sustainable design and construction
- DP23 Water
- DP24 Securing high quality design

- DP26 Managing impact of development on occupiers and neighbours
- DP27 Basements and lightwells
- DP28 Noise and vibration
- DP29 Improving access
- DP31 Provision of and improvements to public open space
- DP32 Air quality

#### Supplementary Planning Policies

5.2 Camden Planning Guidance

#### **Other policies**

 5.3 National Planning Policy Framework (27.3.12) The London Plan (March 2015, consolidated with alterations since 2011)

#### 6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are summarised as follows:
  - Land use issues including use class definition and requirements for affordable housing;
  - bulk, height and design of new building;
  - landscape;
  - sustainability;
  - basement excavation;
  - impact on neighbour amenities and
  - transport conditions.
- 6.2 The applicants (Pegasus Life) have also submitted a planning application for redevelopment of another site in Hampstead (Arthur West House,79 Fitzjohn's Avenue) for similar purposes as specialist retirement flats. The land use issues and policy assessment remain the same for both sites.

#### <u>Proposal</u>

- 6.3 The existing building will be demolished. The new building will comprise a series of 4 blocks interlinked to create a staggered L-shaped profile footprint that encloses a central courtyard. As revised, the blocks are 4, 6, 7 and 10 storeys above lower ground level plus a basement level underneath most of the site. The 7 and 10 storey blocks will face Rowland Hill Street on its northern side. Due to the sloping ground levels, the lower ground level appears visible at ground level on the eastern and southern facades. The street frontage will have a main entrance flanked by a patio, connected to the café, and a servicing yard and carpark entrance plus new tree planting.
- 6.4 The complex will provide 60 self-contained flats as a mixture of 1 and 2 bedroom units as 'extra-care' accommodation for older people (discussed further below), plus a number of associated communal

facilities for their sole use- these include: at basement- car store for 28 cars, cycle store and plant rooms; at lower ground- car lift, wheelchair/mobility scooter store, residents lounge, health and wellbeing facility (with gym, pool and treatment rooms) and courtyard gardens; at ground floor- entrance lobby, staff facilities, café and patio garden (which will be accessible to the public); at 3rd floor- a 'communal room'; at 3<sup>rd</sup> and 6<sup>th</sup> floors- communal roof terraces on flat roofs; at 8<sup>th</sup> floor- open plant room. Flats will be located at 1<sup>st</sup>-9<sup>th</sup> floors (with 4 flats at lower ground floor and 6 at ground), each having a private external balcony. The remaining flat roofs will have biodiverse green roofs and, on the tallest tower, PV panels.

#### **Demolition**

6.5 No objection is raised to the building's demolition. It is not listed or locally listed nor within a conservation area and has limited architectural value in itself or in its contribution to the streetscape. Although the sculpture statue is of some local streetscape interest, it only dates from the 1970's and is not by any famous artist, nor does it make a significant contribution to the wider townscape. It would be difficult to incorporate it onto the façade of the new building, without significant changes to the elevations and window patterns, and would have little relevance or meaningful relationship with the new use and occupants.

### Landuse

### Loss of hostel

- 6.6 The existing building has Sui Generis use as a student hostel with communal facilities, although it was let to students and their families on a short term basis for them to attend language colleges rather than longterm students attending recognised higher education institutions. Policy DP9 is relevant and seeks to resist loss of such student housing unless adequate replacement accommodation is provided that is accessible to the higher education institutions it serves, or the accommodation is no longer required and there is no local demand for such. It is considered that this hostel as temporary accommodation for language students does not fall within the constraints of this policy as it did not serve the needs of any specific HEFCE higher education institutions (HEI), whereas the policy assumes that students would attend such facilities. Evidence has been submitted to show that Camden has one of the highest proportions of students living in student housing in London, and that Camden has experienced a rapid increase in the supply of student accommodation in the last 10 years (both completed schemes and the pipeline of schemes with permission) which amply meets the Mayor's annual targets for such provision. It is concluded that the loss of this particular hostel would not create any shortfall of overall student housing and will comply with the provisions of policy DP9.
- 6.7 Furthermore the policy states that where such a loss is justified, any development must provide an equivalent amount of permanent Class C3 housing including an appropriate amount of affordable housing. It is

considered that this is met by the provision of new much larger blocks of self-contained flats which, as discussed below, the Council is defining as Class C3 housing in this instance.

### Pegasus model

- 6.8 The applicants, PegasusLife, operate a number of bespoke and upmarket housing complexes designed for the elderly and aim to deliver 'high quality supported living and care environments for older people' throughout the country and are seeking to expand this within London. They state that they are responding to a growing need identified in London for specially designed and built housing for older people with a range of care and support services to allow them to live as independently as possible. The Hampstead location has been chosen as there is a target ageing population who currently live in owneroccupied family-sized houses and who have limited opportunities locally to downsize into purpose-built accommodation which is specifically designed for their longterm care needs over time. The Pegasus model is to provide such an opportunity.
- 6.9 The scheme, in common with the proposal at Fitzjohns Avenue, is to provide self-contained units which are all wheelchair-accessible and which are supported by a range of health and wellbeing, catering and service facilities. The communal facilities in this case include a health/wellbeing centre with gym, pool and treatment rooms, overnight visitor accommodation, residents' lounges/library, restaurant/café, laundry facilities, storage for cars and wheelchairs/mobility scooters, and numerous communal gardens and spaces designed to encourage residents to interact and socialise with each other. There would be 24hr staffing and monitoring to ensure adequate care and assistance. Management of the complex would be provided by a separate management company linked to Pegasus and care services provided by a domiciliary care agency. This will provide a baseline of 1.5hrs weekly personal care, but this can be increased over time to become more intensive as and when needed by the individual and will be funded separately by the residents.
- 6.10 The flats will only be available on a restricted basis- residents would have to be over 60 yrs old, would purchase the flats on long leases, and be required to pay a minimum service charge to cover a baseline of care plus access to the communal facilities. The applicants argue that the scheme is a single planning unit with interrelated services and functions associated with the flats and that such care is an integral and essential part of the development, as residents will only move in with the expectation of requiring care and paying for significant service charges for this and the communal facilities. On this basis, they consider that the scheme cannot be regarded as a normal block of Class C3 flats.

#### Use class definition

6.11 Much debate has taken place on the exact use class designation of a Pegasus scheme. The applicant has considered the scheme to be Sui Generis or Class C2. In considering the scheme at pre-application

stage, the Council took the view that this specific complex of retirement flats could be regarded as a Sui Generis use as it contained a mixture of self-contained flats and numerous communal facilities which were an integral part of the whole use and whereby the flats' occupants would receive different levels of care over their lifetime there but not to such a degree that would define the use as Class C2 (residential institution) which includes accommodation for people in need of care. Accordingly the submitted application was described as such and consulted upon the basis of being Sui Generis. Since then, the applicants have provided legal advice which stated that the scheme would not be Class C3 dwellings due to the highly specialised range and integration of services and facilities which form a composite whole, such that it should be regarded as either SG or Class C2, depending on the degree of care provided.

- 6.12 However in response, the Council has sought its own legal opinion from another QC which in contrast identifies that a Pegasus scheme lies within Class C3. This is because it primarily contains self-contained dwellings that have all the facilities for independent living, are sold on long leases and could be occupied without any dependence on communal facilities. Although there could be a high level of care over time to the degree that it could be similar to that provided in a Class C2 nursing home, the baseline of care stated for this application is actually 1.5 hours per week and for some this may not change much over time. Although there are numerous communal facilities, this arrangement is not necessarily any different from examples of luxury blocks of flats found in London's West End, which can have a concierge, meeting room, communal bar, gym and pool complex and associated high service charges, and are still treated as Class C3. Furthermore the legal opinion quotes as an example an appeal decision from March 2014 considered that a retirement home complex including 'assisted living units' (flats occupied by 55+ year olds needing some care) and communal facilities would fall within Class C3. In conclusion it is considered that the accommodation could be defined as falling within Class C3 with communal facilities treated as Sui Generis.
- 6.13 The legal opinion goes on to consider that such a scheme, whether considered as Class C2, C3 or SG, would still be liable to requirements by the Council's affordable housing policies and that these are not solely confined to assessment of Class C3 housing schemes. This issue is considered in more detail below.

#### New housing

6.14 Policy DP2 seeks to maximise supply of additional homes in the borough and resist loss of sites considered suitable for affordable housing or housing for older people. It is considered that this policy is met: the scheme provides a large number of self-contained flats at a higher density than the existing building and it is specifically designed to provide elderly housing, albeit of a specialist nature, in a suitably located site close to other public services and facilities.

- 6.15 Policy DP7 also strongly supports provision of extra-care homes for older people that combine independent living with availability of support and nursing care. Furthermore, with market-led self-contained sheltered housing within C3 use class (such as this scheme), the Council expects a contribution to be made towards affordable housing and a mix of tenures.
- There is an identified growing need for provision for more housing for 6.16 the elderly. Forecasts by the GLA predict that the number of older Londoners will increase at more than double the rate of the total capital's population. In response, the Further Alterations to the London Plan (FALP) sets an indicative requirement benchmark for Camden to provide 100 additional homes per year specifically for older people. The Council is currently developing strategies to meet these needs by providing support and adaptations that enable people to remain in their own homes or to live as independently as possible in more suitable homes and to reduce the need for them to be placed in residential care homes outside the borough. The draft Camden Local Plan goes into detail about new housing for older people and considers that extra-care housing is an effective way to facilitate people maintaining their independence while ensuring their care and support needs are met. It also recognises that there is a growing market for private leasehold housing designated for older people and a limited supply in Camden at present. New housing for older people will need to be available at a range of costs to suit a range of resources.
- 6.17 It is therefore considered that this proposed scheme is supported by policy at regional and local level and that it will contribute to meeting an identified need for specialist extra-care accommodation and in particular leasehold retirement housing and would contribute to meeting annual FALP targets. The site's location and design of the scheme also complies with DP7- it is purpose-built for its occupiers in terms of layout and services provided, it contributes to a mixed community by having several communal spaces and a café open to the public, and it is suitably located being near a major hospital, bus routes, local shops, services and community facilities in Belsize Park and South End Green, as well as public open space in Hampstead Heath.

#### Affordable housing

6.18 The London Plan indicates that boroughs should apply the principles of their affordable housing policies to the range of housing for older people. LDF policy DP3 requires all residential developments of 10 or more dwellings to contribute to affordable housing- para 3.2 states that this requirement also applies to self-contained sheltered housing for older people, as well as to housing with shared facilities that could be lawfully occupied as self-contained dwellings. As noted above, current policy DP7 states that such requirements apply to market-led sheltered housing in Class C3 use, which the Council considers is the case here. It is recognised however that flexibility will be required, having regard to viability and practicality of requiring onsite provision. Furthermore the draft Local Plan states that, when considering market-led proposals for

homes for older people to buy or lease, affordable provision will be sought in accordance with our affordable housing policies.

- 6.19 The Council acknowledges that arrangements for assessing affordability to people of pensionable age will be different from other cases, especially when housing costs include an element of care, and also that this sector will have distinct viability characteristics, particularly where shared facilities and on-site support or care are provided. However, it strongly encourages the providers to include a variety of tenures to suit older people from different backgrounds, or to make off-site affordable provision where on-site provision would not be practical.
- Accordingly, in response to officers' requests, the applicants have 6.20 submitted a viability assessment for such affordable provision for this scheme. This is notwithstanding their initial view that the scheme is not defined as Class C3 and therefore the policies for affordable housing do not apply in the case of Class C2 or Sui Generis housing. It is considered that it would be inappropriate and impracticable to provide onsite affordable housing due to a minimum guantum of floorspace required on site to make the scheme viable as an entity, comprising both flats and numerous communal facilities. Similarly offsite provision elsewhere in the borough is not viable and is not practicable as Pegasus do not own any other sites (apart from the other site in Fitzjohns Avenue/ Prince Arthur Road, subject to another similar proposal) and in any event the surplus that is yielded by both this and the Fitzjohn's proposals would not be sufficient to purchase or deliver affordable housing elsewhere. Officers have thus sought an offsite financial contribution to affordable housing.
- 6.21 The viability study has been reviewed by the Council's surveyors (BPS) and it has been further revised following negotiations with BPS. The viability is based on the existing value of the site as refurbished student housing and the proposed value as selfcontained flats, minus the build costs, developers' profit, additional costs for S106 contributions, Mayor's CIL and 3<sup>rd</sup> party commitments (in this case, the school). The valuation is also affected in this case by the unusual nature of the scheme with its high quality bespoke architectural design and its numerous communal facilities and services.
- 6.22 It is noted that concern has been expressed by the applicant that the cost of providing the shared/care facilities reduces the viability of providing affordable housing. Notwithstanding, the applicant provided a Viability Report which demonstrated that there was a negligible surplus once CIL, s106 charges and developer profit were factored in. The BPS review and addendum, both in redacted form, is attached as an Appendix to this report.
- 6.23 However, as discussed in para 6.72 on CIL below, the requirement for Camden's CIL on this scheme is £3,002,500. The applicants have calculated a lower estimate for CIL based on a commercial charge for the communal facilities and/or exclusion of the car storage area. Nevertheless the CIL requirement would significantly exceed the above

surplus and thus negate the possibility of agreeing a contribution to affordable housing on the basis of the current viability of the scheme.

- 6.24 Officers have been negotiating with the applicants the possibility of paying deferred affordable housing contributions (DAHC) in the case that the actual costs and values change in future so that a surplus becomes available. The DAHC will be calculated in accordance with the mechanism set out in CPG2, but it has been refined to take account of special circumstances here and will be included as a clause in the S106. It will ensure that any potential surplus is prioritised to fund adaptations to existing affordable homes to enable older people to carry on living there, or to the general housing fund with a stipulation that it be used for older people's housing.
- 6.25 The standard payment in lieu calculation is based on £2,650 per sqm of the target on-site contribution. However, Camden officers accept that there is a significant amount of ancillary floorspace in the scheme that doesn't directly generate an income or sales receipt and that the payment-in-lieu figures that are generally used are based on assumption that the Net Internal Area (excluding common areas and exterior walls) is 80% of the Gross External Area, and conversely the Gross External Area is 1.25 x the Net Internal Area (excluding common areas/ exterior walls). On the basis of the low Net:Gross ratio provided by the scheme which incorporates extensive communal floorspace, officers recommend a payment in lieu/ maximum deferred contribution based on the Gross floorspace equivalent of the flats themselves. This would create a target payment in lieu figure of £7,818,825 (4,721sqm x 1.25 x 50% target x £2,650).
- 6.26 As the viability assessment demonstrates that the AH contribution falls below the policy target Council require a Deferred Affordable Housing Contribution (DAHC), triggering a viability re-appraisal postcommencement. Due to the risks for the applicant and complexities involved in raising finance and implementing a relatively new form of housing, officers are considering how the deferred payment should take account of these factors. The recommendations form the outcome of these considerations will be reported to committee. Furthermore, given the complexities of the proposed use and its ancillary communal facilities, the review will require that the actual CIL payment be factored into the affordable housing payment in lieu.
- 6.27 As such, it is considered that the proposed contribution to the provision of affordable housing is acceptable, subject to a legal agreement requiring a DAHC review take place when 80% of flats are sold.

#### Residential density & standards

6.28 The density at approx. 283 units per ha (u/ha) is high, although not excessively so, compared to the London Plan suggested maximum of 260 u/ha for an urban area with high PTAL rating; however it is considered acceptable for this context, given the site's location in a secluded position, next to a very high and bulky hospital tower.

- 6.29 The mix of 60 flats comprises 31 x 1bed, 29 x 2bed, some of which also contain an extra room which can be used as a study or guest bedroom if necessary. The mix of unit sizes is acceptable and contains a high proportion of 2 bedroom flats. All flats are amply sized and comply with CPG minimum standards on space and layout. All flats are lifetime homes compliant and easily adaptable to wheelchair use. All have a balcony providing private amenity space. All flats are oriented to receive some outlook and sunshine so that none are solely north-facing.
- 6.30 Nearly all flats have adequate daylight and sunlight according to BRE standards. The exceptions for daylight relate to a very small number of flats, mostly in a recessed corner facing the Hospital tower, and only affect 3 living rooms (on the lower ground-1<sup>st</sup> floors which are affected by overhanging balconies providing amenity space to flats above), and 10 galley kitchens (on ground-5<sup>th</sup> floors which are linked to living rooms and capable of borrowing light). In terms of sunlight, 57% of living rooms receive the recommended levels of sunshine- this is due to the constrained nature of the site, overshadowing by the adjoining hospital tower and the overhanging balconies which provide compensatory amenity space. These failures are considered acceptable in the light of the overall scheme's significant compliance and in the circumstances of the specific locations of affected rooms and the compensation provided by both private and communal sunlit amenity spaces.
- 6.31 Although the ground floor residents' café will be open to the general public, as part of Pegasus' model of encouraging social interaction between elderly residents and the local community, this public usage is very much an ancillary activity (and is likely to be so, given its secluded location away from the main road frontages) and the cafe is primarily aimed at serving the needs of the residents on site and thus cannot be treated as a separate Class A3 use.

#### Urban design

- 6.32 The scheme involves a series of 4 towers, each interlinked in a staggered footprint, with the highest tower at the central part of the street frontage facing Rowland Hill St and the lowest tower on the southern side facing the school playground. Due to sloping ground levels, the lower ground level becomes street level at the lower eastern part of the site facing the hospital. As originally submitted, the towers were 4, 5, 7 and 11 storeys high. The scheme has since been revised following criticisms made by consultees and officers of the height of the tallest tower, which was considered to dominate the streetscape and to merge with the hospital tower in the backdrop of views from Haverstock Hill across the school and the junction with Rowland Hill St. Accordingly the top floor of the 11 storey tower has been dropped and repositioned onto the 5 storey western tower. Thus the scheme now has 4, 6, 7 and 10 storeys.
- 6.33 Although English Heritage (EH) is not a statutory consultee as the site does not adjoin any heritage assets, the applicant presented their scheme at pre-application stage to EH in 2014, in view of the relative proximity of the Grade 1 listed St Stephens Church. EH replied to the

applicant stating that 'the proposals appeared to be a thoughtful response to their context' and 'they do not believe that the impact of proposals on the historic environment warrants involvement from English Heritage'.

#### Context

6.34 The main hospital building is a concrete framed block of a cruciform shape forming 4 wings rising 12 medical storeys high. Wrapping around this cruciform block and filling in the voids between the wings in the SE and NE corners are similarly styled medical podium blocks rising to 4-6 medical storeys high. To the east of the main hospital, but within the campus, are later buildings of varying heights and forms including an 8 storey block and a 15 storey tower. To the west of the main hospital will be the recently approved Pears Institute building of 5 storeys. Between the wings at the NW corner of the cruciform building is a residential block from 2003, three storevs high at the street frontage but stepping back to 8 storeys next to the hospital, mediating between the heights. The application site is nestled between the wings at the SW corner of the Cruciform building and currently contains a hostel building 4 storeys high. The architectural character and grain of the area is mixed. The domestic buildings are either brick, with red predominating over yellow stocks, or mock-Tudor half-timbered properties. The church has reddish-purple bricks. The area, on the foothills of Hampstead and with the fleet valley on the far side of the hospital, has a softly sloping topography. Rowland Hill Street slopes down from Haverstock Hill, with the site lower by 2m.

# Form and massing

- 6.35 The scheme is formed of four square shaped blocks which are loosely arranged around a south facing courtyard. The form is effective in breaking down the building's mass to read as four smaller buildings, although served efficiently from a single core and corridor. The arrangement also allows the buildings to have good outlook and light, with the ten corners of the form providing a large amount of corner units. Natural light is also provided to the core and corridor.
- 6.36 The building is entered off Rowland Hill Street and will improve the character of this streetscape. The front to the building will be planted and have an external terrace served by a public café adjoining the residential entrance lobby, which replaces the existing high boundary wall. This new landscaping and activity will enhance the vitality and appearance of this otherwise poor utilitarian environment. There is no external carparking or plant which is all contained within the envelope of the building, thus maintaining the attractiveness and visual unity of the scheme.
- 6.37 The four blocks terminate at different heights. The southern block closest to the school is 4 storeys taken from lower ground level. The west block closest to Haverstock Hill is 6 storeys. The two blocks at the rear closest to the hospital building are 7 and 10 storeys. The variation in heights further breaks down the form and allows the building to read

as smaller buildings and with the stepping form to mediate between the height of the hospital and the foreground buildings on Haverstock Hill. Heights have been located in response to views analysis, sunlight studies and amenity of neighbours including the school. The lower elements are closest to the foreground buildings and towards the south and west, where they do not block sun and outlook. The taller elements are to the north and east, away from the foreground buildings and views from Haverstock Hill, and where they will be read in the context of the taller hospital building.

6.38 The 4 and 6 storey blocks are comparable in height to the roof ridges of frontage buildings on Haverstock Hill as well as the ridge of St Stephens church. The rear 7 storey block is the same height as the locally listed Rosary School building, although set much further back from Haverstock Hill. The 10 storey element, which occupies quarter of the plan form, mediates between the Haverstock Hill heights and the Hospital height. This element is 7.5m higher than the Pears building, which occupies a prominent forward position on Hampstead Green and is 3 times the length. It is also 8m lower than the spire of St Stephens and 16.5m lower than the main hospital tower.

#### Detailed design

6.39 The blocks have simple elevations with a regular pattern of vertically proportioned windows with chamfered edges set within the brick walls. The form of building is broken down at a primary level with variation in alignment and height. The approach to the detailed design is calm and restrained, and employs good quality brickwork detailing to give texture, proportion and interest, and subtle moulding of window reveals to provide shadow. This approach allows the clarity of the primary forms to come through, and also recognises that background location of the building. The residential parts of the building are entirely faced in brickwork of a reddish tone with reddish reconstituted stone to the public rooms on the ground and lower ground floors. The lower storeys will have a textured pattern to the brickwork, with a smoother finish at upper levels. There will be deep window reveals which are chamfered at the head on the three lower blocks. The windows of the taller element are chamfered to the side reveal as well as the head to further articulate this larger element. Windows have elegant vertical proportions and are offset to provide interest and informality in the facades. Balconies have been fully absorbed into the refined design and will be lined in the same brickwork. The recessed balconies help erode the mass of the blocks. The taller element has the recessed balconies on both its Haverstock Hill facing corners.

#### Views

6.40 With the Hospital located to the east of the site, public views of the site are effectively only possible from the west side of the compass only. Due to the backland nature of the site, views are mostly from Haverstock Hill via gaps through the frontage buildings and landscape. The applicants have provided a series of verified and other views to show the revised scheme from key viewpoints in both summer and winter situations.

- 6.41 <u>View 1</u>- The proposal can be seen from Haverstock Hill in the gap across the school playground to the south of the main school building. The proposal sits comfortably in the view, replacing the view of the hospital with more contextual scales and materials. The proposal sits slightly lower in the view than the locally listed school building.
- 6.42 <u>View 2</u>- The Haverstock Hill frontage, to the north of the main school block, is interrupted by low two storey houses which are set back from the street. This affords a momentary view of the proposal. If the foreground plot had properties of the same scale as those on Haverstock Hill directly to the north or south, the proposal would be obscured. The proposal for the most part sits in front of the hospital with a limited amount of sky removed. The taller element sits back in this view and officers consider that, in its revised lower form, it results in a comfortable mediation between the foreground character and the hospital. A similar view, taken further back from Ornan Street, shows that the taller element sits to the side of the view in line with the mansion blocks on the north side of Ornan Street. The lower element sits well next to the locally listed school building, with the stepped form of the proposal resulting in blocks which respond well to the context.
- Views 3, 4, 6- These views are across the Green from Rosslyn Hill, with 6.43 the listed church to the north. The mature tree planting in the green results in a change in presence of the proposal throughout the seasons. The recently approved Pears building will also result in a significant change to these views obscuring the Hospital tower behind the Green. In summer the existing trees on the Green will obscure the proposed taller block, but it would be visible in the winter months. The building form addresses the change in scale between the Haverstock Hill buildings and the Hospital. The lower block, appearing as 5 storeys on the road frontage, matches the ridge heights of the Haverstock Hill commercial terrace. The taller 9 storey element sits a good distance from them, sitting closer to the hospital, although reading as lower and subordinate to the hospital and visually separate from the hospital tower. The proposal preserves a sense of sky and space around the listed church and will not harm its setting or character. With the Pears building implemented, the taller building will be partly obscured in View 3 and significantly so in Views 4 and 6. Where it is partially visible, it will sit lower than the Pears building. It is thus considered that the buildings will not harm the character and appearance of the conservation areas across the road.
- 6.44 <u>View 5</u>- from Pond Street, the building will be totally obscured by the main Hospital, the Pears building and mature trees. Although a partial view will be possible in the gap between both Hospital buildings further downhill Pond Street, this is very much a background subordinate element between higher buildings.
- 6.45 <u>View 7</u>- This is taken from the western edge of Hampstead Heath above South End Green carpark. The existing hospital will obscure the

proposal from most parts of the Heath including the key viewing points. In this view, a narrow view of the top 3 or 4 storeys of the tower will be possible in the context of the hospital, the approved Pears building and the church plus other tower blocks in the distance. In this context of a varied skyline of high buildings, this is considered to be an incidental change to the views experienced from the Heath.

#### Conclusion

6.46 This is considered to be a thoughtfully designed proposal which introduces a high quality living environment into a difficult backland site. The architectural form and detailing have struck a good balance between restraint and informality and have addressed scale well. While the proposal does have a 10 storey element, it is of a modest footprint, sensibly located within the backdrop of the more dominant hospital, and is balanced by the three lower elements that form the rest of the composition. Its impact, once the Pears building is implemented, is limited. Where it can be seen in closer views from Haverstock Hill, it will replace views of the concrete Hospital with one of a more contextually sensitive red brick form with domestic window openings. Materials and detail are well considered and of high quality and will be reserved by condition.

### Landscape/trees

- 6.47 The site contains 9 trees and 3 groups of trees/shrubs, which are Grade B or C in condition. The only tree on the frontage is a birch which is protected by a TPO. However all others are within the site and are not readily visible to the public realm nor do they have any amenity or arboricultural value. The scheme proposes to remove all trees, including the TPO birch which is considered to have limited amenity value, and to replace them by a series of trees around the site, including a cherry and a row of 3 birches alongside the entrance. It is considered that these latter new trees are large enough to compensate for the loss of the protected birch tree here. The other proposed replacement trees across the site are considered to be suitable in location, size and species and to create an overall improvement in tree cover compared to the existing situation.
- 6.48 The scheme provides a series of 7 courtyards around the building, all providing different communal spaces with differing functions and landscape design. There will be new hedging, climbers, privacy screens alongside the school, and water features which will all improve biodiversity. In addition, 3 roofs will have green roofs designed to have a variety of species, either sedum or wildflower, which will provide also an attractive outlook for residents to look down upon from their flats or across from the 2 communal roof terraces on 3<sup>rd</sup> and 6<sup>th</sup> floors. The highest tower roof, originally intended to have a sedum roof, will now have PV panels. The landscape proposals are acceptable in principle subject to condition on details.

#### Sustainability

6.49 The submitted sustainability statement shows that the scheme will meet the BREEAM 'Excellent' target and all 3 sub-targets on materials, water and energy. This will be secured through the S106 agreement. The statement originally showed that the scheme would achieve 33% reduction of CO2 emissions by use of an onsite CHP unit in the basement and air source heat pumps on the roof. This was considered insufficient, being below the London Plan target of 35%. The strategy has been updated to reflect the revised scheme which includes installation of PV panels on the entire top roof. The other roofs are not feasible due to overshadowing and the need for green roofs to improve biodiversity and residents' outlook. The revised CO2 emissions reduction is now 35.3%, with 13.7% arising from renewable technology, which is acceptable. Although the renewables do not meet the target for 20%, the applicants have demonstrated that it is not feasible to install any other facilities onsite here. The CHP plant will not create any harm to air guality, providing a condition is placed to approve details of the stack outlet. The site will also be future-proofed so that 75% of the load can easily connect to the Gospel Oak District Heating network.

#### **Basement impact**

- 6.50 The existing site has sloping ground levels so that the south and east sides are lower than the north and west sides as well as uneven yard levels around the building. The proposal involves grading the whole site to one continuous level, lowering the existing ground floor by approx.
  0.6m and introducing a new basement 4m deep under the 3 towers plus central courtyard. The carpark store will form the majority of it, being 16m x 29m (444sqm in area).
- 6.51 The submitted Basement Impact Assessment (BIA) shows that the site lies on London Clay and that the scheme will increase the amount of hard surfaced areas on the site as well as deeper foundations than neighbouring properties. The basement construction will generate ground movements due to a variety of causes such as heave. settlement, underpinning and pile construction; these will result in Category 1 'Very Slight' damage to the adjacent school building. This is acceptable according to the CPG4 guidance and it is recommended that a condition survey and monitoring regime is undertaken to manage risk and potential damage to neighbouring structures. Other properties are sufficiently far away to be not affected, provided a construction method is adopted to limit any ground movements such as from piling rigs. The basement will be excavated in London Clay, which has permeable stone and sand elements within it. It is thus anticipated that groundwater within this will be diverted around the basement to continue flowing southwards. However the presence of these bands is not consistent throughout and it is considered that the impact from the basement will be negligible. It is proposed to reduce peak surface water runoff by up to 50% of the existing rate. The BIA makes various recommendations regarding excavation and construction methodology, drainage and foundation design.
- 6.52 The BIA has been reviewed by Camden's external consultant (LBH) and revised following his initial comments. The revised version has been

reviewed again and LBH confirm that the BIA is acceptable with reasonable assessments and robust conclusions and mitigation measures. LBH conclude that the scheme complies with the criteria of policy DP27 in that the scheme will maintain structural stability of neighbours and avoid adverse impacts on drainage and runoff. They recommend that any permission should be subject to a Basement Construction Plan (BCP) secured by a S106; this should refer to the appointment of a suitable qualified engineer to be responsible for the temporary works design, and the submission of a definitive temporary works design and sequence and a detailed plan for monitoring and risks with contingency planning. A condition will also be imposed requiring details of Sustainable Urban Drainage systems (SUDS) in order to achieve the proposed 50% reduction in surface water rates.

#### Neighbour amenity

- 6.53 A daylight and sunlight study has been submitted, and later updated to make reference to the school, which shows that the scheme will have no harmful impact on the amenities of surrounding properties. The neighbouring upper floor flats at 238-248 Haverstock Hill continue to receive adequate levels of daylight and sunlight according to the British Research Establishment (BRE) recommendations (in their guide Site Layout Planning for Daylight and Sunlight 2011). The study shows that the school retains adequate daylight and sunlight and that only 2 classrooms experience significant reductions to daylight according to the Vertical Sky Component analysis; however these rooms are also lit by skylights so that the reductions as measured by No Sky Line and Average Daylight Factor criteria are actually minimal.
- 6.54 A study has also been undertaken of any potential overshadowing of the existing memorial garden of the Royal Free hospital and of its proposed replacement within the recent Immunology Institute scheme. This shows that there will be only a minimal reduction of total sunlit space from 99% to 98% which is acceptable.
- 6.55 The arrangement of blocks has been designed to recognise privacy sensitivities of the adjoining properties, in particular the primary school. The 2 ground floors are both over 18m away (the minimum distance recommended by CPG to maintain privacy) from the school buildings to the south and west or have adequate screening on the boundaries. At upper levels, the blocks are at least 20m away from the eastern facades of the school and residential flats along Haverstock Hill. The 2 roof terraces are also well over 25m away and, due to their positioning, no views are possible of the school playgrounds.
- 6.56 The roof plant is contained in an open-roofed plant room on the 8<sup>th</sup> floor of the tallest tower and facing Rowland Hill St. It is thus effectively totally screened from public view and does not face any residential or sensitive properties. All other plant is at basement level and with no external manifestation. It is considered that the plant is capable of meeting the Council's standards on noise levels and will not have any impact on residential amenity.

# Transport

6.57 The scheme contains a car stacker store and cycle store at basement level, and a car lift and cycle store at ground floor accessed from a servicing yard at the lower end of Rowland Hill Street. The car stacked is comprised of an inaccessible room in the basement containing machinery to store and retrieve vehicles. Plans have been revised to take account of transport officers' comments regarding cycle parking and lift sizes. The site is within Belsize CPZ which suffers from significant parking stress and which has a high PTAL rating with very good accessibility. Transport officers have assessed the scheme on a bespoke basis due to it not being a typical Class C3 block of selfcontained flats but rather specialist accommodation for the elderly with significant communal and care facilities.

### Trip generation

6.58 The distribution of predicted trips to the various modes of transport indicates that the proposed development would not have a significant impact on the operation of the transport network in the local area. There is some concern that additional motor vehicle trips would only exacerbate existing traffic congestion problems in the local area. However, the trip generation assessment suggests that such impacts would be negligible. The level of additional walking trips associated with the proposal could have an impact on pedestrian comfort levels on pedestrian routes in the vicinity of the site. However, such impacts could be mitigated via minor highway improvement works. It is therefore recommended that a financial contribution be secured via S106 to allow the Council to introduce pedestrian, cycling and environmental improvements in the general vicinity of the site. This would typically involve upgrades to bus stop infrastructure, minor road safety improvements, introduction of Legible London signage and minor improvements on routes to the site for cyclists and pedestrians.

#### Travel plan

6.59 A draft travel plan has been submitted in support of the planning application. This is welcomed as it will help to encourage trips by sustainable modes of transport such as cycling, walking and public transport, rather than by motor vehicles. A financial contribution of £5,902 would need to be secured to cover the costs of monitoring and reviewing the travel plan over a 5 year period.

# Car parking

6.60 The scheme involves a car store which has a mechanical stacker system to store up to 28 cars in a horizontal arrangement; the system is remotely operated so that residents cannot drive themselves their own car into and out of the store but rather an operator would install the car on the carlift which takes it down onto the basement stacker belt. The applicant argues that the Pegasus model is designed to encourage older people to downsize from their existing family sized homes which will have carparking available and who will want to retain their cars in any new accommodation. However experience shows that residents will use their cars infrequently and eventually will give up their car, thus a car storage facility is proposed rather than a traditional carpark. The proposal would represent a parking ratio of 0.47 spaces per residential unit which is slightly lower than the maximum level of carspaces (0.5) allowed by parking standards and also lower than general car ownership levels in Hampstead (55%).

- 6.61 It is considered that an exception can be made to the normal requirement for car-free housing here. Each flat is designed to wheelchair accessible standards and the scheme is proposed to be carcapped but not car-free. CPG7 guidance suggests that car-capped or car-free schemes with wheelchair housing should provide parking spaces for such dwellings. As a significant proportion of residents would be eligible to obtain blue badge parking permits, this would allow them to park on the public highway, which would add to existing levels of parking stress in the CPZ. The applicant has suggested that the best way to minimise impacts on the CPZ would be to provide on-site parking facilities in association with a car-capped agreement. Parking surveys at similar other retirement complexes suggest that cars parked at this application site would be unlikely to be heavily used on a daily basis. Instead the vehicles would likely be used for infrequent longer distance trips to perhaps meet friends and family and these trips. This conclusion is further supported by the proposal for a car stacker, which due to its operation with a time delay between requesting and actually receiving the vehicle, is likely to discourage short distance trips, such as to the local shops and services; instead it is likely that residents would instead choose to walk, cycle or use public transport for such trips. The travel plan for the proposed scheme would ensure that residents would be aware of the sustainable travel options available. It is considered that the scheme should be car-capped and also that more details of the carstacker arrangement via a car parking management plan (CPMP) be submitted; both will be secured by a S106 legal agreement.
- 6.62 The CPMP should include the following-

a) details to describe how the car lift and the car stacker arrangements would operate, including maintenance arrangements.

b) parking at the property is limited to the car parking spaces provided as part of the development.

c) electric vehicle charging points are clearly marked on the basement car park layout plans.

d) the disabled parking bays are reserved for residents, staff and visitors.

e) there is no parking on the hard landscaped areas between Rowland Hill Street and the basement car storage area within the property.

#### Cycle parking

6.63 Plans have been revised to ensure the provision at least meets cycle parking standards for Sui Generis uses, taking account of the fact that fewer residents will be likely to use cycles due to age and infirmity. There is now secure and covered parking for 7 mobility scooters and 59 cycles (including space for visitors and staff) provided at lower ground and basement level plus adequately sized lifts.

#### Servicing

- 6.64 The forecourt adjoining Rowland Hill St will accommodate all servicing activity. A draft servicing management plan (SMP) was submitted which suggested that all servicing activity associated with the proposal including deliveries and refuse and recycling collections would be accommodated within the site. However the swept path diagrams provided indicate that vehicles servicing the site would not be able to enter and exit the site in a forward gear and thus the need for reversing into and out of the site would introduce dangerous situations for other road users and pedestrians on Rowland Hill St which is an important servicing and access route to the Royal Free Hospital site. Such servicing arrangements therefore need to minimise traffic congestion and road safety issues at the vehicular access to the site.
- 6.65 The applicant has since submitted a revised servicing management plan which addresses these concerns. It notes that servicing activity would not be intensive. It states that any large vehicles which would need to reverse into the site would be supervised by on-site management and servicing activity would generally be scheduled to avoid more than 1 vehicle being at the site at any one time. This would help to mitigate potential traffic congestion and road safety issues. A more detailed SMP would need to be secured by a S106 legal agreement.

#### Construction

6.66 The proposal would involve a significant amount of demolition. basement excavation, and construction works. This is likely to generate a large number of construction vehicle movements during the overall construction period. The Council needs to ensure that the development can be implemented without being detrimental to residential amenity or the safe and efficient operation of the highway network in the local area. A draft construction management plan (CMP) has been submitted in support of the planning application. This provides some useful information which suggests that the proposed works could be constructed without being detrimental to the safe and efficient operation of the highway network in the local area. The CMP generally adheres to the guidance provided in CPG6 and a more detailed one should be submitted and secured by a S106. Separate plans are recommended for the demolition and construction phases in order to prioritise approval of the demolition plan (DMP) and allow the demolition works to proceed as soon as possible during the school holidays.

6.67 The DMP/CMP should include the following key elements-- ensure construction vehicle movements are scheduled to avoid peak periods including the school run in the morning and afternoon during term time, and to concentrate noisy demolition and construction works within the school's summer holiday period;

- describe how the cumulative impacts of various developments being constructed concurrently would be mitigated (including the Royal Free

Hospital Pears Institute and A&E Extension);

- provide evidence of consultation on a draft CMP with the local community, including Royal Free Hospital;

- set up a Construction Working Group involving representatives of the local community including the Royal Free Hospital.

### Public realm improvements

- 6.68 The demolition and construction works will damage the highway and footway along Rowland Hill Street which will require resurfacing. Furthermore the pavement immediately adjoining the site is relatively narrow, less than 1.5m wide, and use of this will increase once the development is occupied. It is considered that the pavement should be increased in width and the poor public realm environment here generally enhanced to improve access for pedestrians going between the site and Rosslyn Hill junction. It is noted that this frontage is not public highway but owned by the Hospital, thus it is proposed that highway resurfacing and improvement works be required as part of the proposed landscaping condition.
- 6.69 The Council has been investigating ways of encouraging walking and cycling as the primary modes of transport for trips to and from the site (including short distance trips to and from the nearest public transport interchanges). This can be done by making improvements to walking and cycling routes in the local area such as between the site and the nearest public transport interchanges or local amenities. A number of improvements have been identified which would improve the pedestrian experience on routes to the site. These include:

a) Legible London signage in the local area (also suggested by TfL);
b) Bus stop improvements on Haverstock Hill and Rosslyn Hill (also suggested by TfL);

- c) Road safety improvements on Haverstock Hill and Rosslyn Hill;
- d) Quietway cycle routes in the local area;

e) Road safety and public realm improvements at South End Green (Fleet Road junction with Pond Street).

6.70 A financial contribution of £120,000 is suggested towards such public realm improvements. This will be secured by a S106 agreement.

# Other issues

# Contaminated land

6.71 The site has no historical industrial land use but a ground contamination report found elevated levels of lead in the made ground. The preliminary report indicates the risk to human health is negligible but environmental health officers consider the risk rating to be medium at present. Additionally, the report recommends additional ground gas monitoring to be undertaken. Therefore it is recommended that a standard condition be imposed requiring more information be submitted for medium risk developments.

# Regeneration

6.72 The Council's Economic Development team seeks to secure the following in order to maximise the opportunities to local residents and businesses afforded by the development:

a) The applicant is required to work to a target of 20% local recruitment.
b) The applicant advertises all construction vacancies and work placement opportunities exclusively with the Kings Cross Construction Skills Centre for a period of 1 week before marketing more widely.
c) The applicant provides a specified number (to be agreed) of construction work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's Kings Cross Construction Skills Centre OR a specified number (to be agreed) of work experience placements the care home following the completion of the building.

d) As the build costs of the scheme exceed 3 million, the applicant recruits 1 construction apprentice per £3million of build costs (calculated to be 9 apprentices here), and pays the Council a support fee of £1,500 per apprentice as per clause 8.17 of CPG8. Recruitment of construction apprentices should be conducted through the Council's Kings Cross Construction Skills Centre.

e) If the value of the scheme exceeds £1million, the applicant also signs up to the Camden Local Procurement Code, as per section 8.19 of CPG8.

f) The applicant provides a local employment, skills and local supply plan setting out their plan for delivering the above requirements in advance of commencing on site.

6.73 The applicant is agreeable to these provisions, to be secured by a S106 legal agreement.

Community Infrastructure Levy (CIL)

- 6.74 The scheme is subject to Mayor's CIL which is calculated to be  $\underline{\pounds300,250}$  based on an uplift of 6005sqm floorspace x  $\pounds50$ .
- 6.75 The scheme is also subject to Camden's own CIL, although there has been much debate on exactly how this should be calculated. Officers have concluded that the entire scheme is chargeable, including the communal rooms and car store but excluding the inaccessible basement plant rooms; this results in £3,002,500 based on an uplift of 5079sqm floorspace x £500. The CIL could potentially be lower if the communal facilities were considered to be commercial rather than residential space and/or the car storage (which is not normal parking) area was excluded.
- 6.76 It is proposed to include clauses in the S106 to:
  a) record the CIL estimate;
  b) in the event that the price paid for CIL is less than the estimate, subject to viability, either secure the saving to directly fund any shortfall in the level of S106 contributions, or ensure the saving is reflected in any 'deferred affordable housing contribution' (or its equivalent for older people).

# 7. CONCLUSION

- 7.1 The loss of a student hostel is acceptable here. The proposed new complex of flats for the elderly with associated communal and health facilities and services, as part of a holistic extra-care environment, is supported by regional and local policy and will meet the specific needs of a rapidly growing older community and will meet residential standards. The viability for self-contained flats to contribute towards affordable housing provision has been tested and found impossible due to the negative surplus on this scheme; however any change in circumstances will be covered by a S106 clause on deferred affordable housing contributions.
- 7.2 The demolition of the existing neutral building is acceptable. The replacement scheme, which includes a 10 storey high tower, is considered to be acceptable in urban design terms as the buildings will respond to the townscape context in heights and forms, will not be overly dominant in the few public views to the site, will not harm the character and setting of adjoining heritage assets, and will incorporate high quality elevational designs and materials. The scheme will enhance the local landscape in terms of biodiversity and tree cover. It will meet sustainability and energy reduction objectives.
- 7.3 The new building will not harm neighbour amenities in terms of light, privacy or parking conditions. The construction and transport impacts of the scheme on local amenities and highway conditions are acceptable subject to S106 clauses. The basement excavation will not harm local land stability or hydrological conditions.
- 7.4 Planning permission is recommended subject to a S106 Legal Agreement covering the following clauses:
  - a) public realm improvements contribution of £120,000- see para 6.66;
  - b) travel plan and monitoring fee of £5902;
  - c) car-capped housing;
  - d) carpark management plan see para 6.59;
  - e) servicing management plan;
  - f) demolition and construction management plans- see para 6.64;

g) basement construction plan, to include recommendations of LBH consultants- see para 6.49;

h) post-construction review and implementation of renewable energy facilities;

i) regeneration requirements, including support fee of £1500 x 9 apprentices- see para 6.69 for details;

j) deferred affordable housing contribution, with priority given to housing for older people- see para 6.24;

k) CIL matters in relation to viability- see para 6.73.

# 7.5 LEGAL COMMENTS

7.6 Members are referred to the note from the Legal Division at the start of the Agenda

#### Condition(s) and Reason(s):

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) details including elevations and sections of all windows, external doors and gates, ventilation grilles, balustrades and railings;

b) manufacturer's specification details of all facing materials and samples of those materials (to be provided on site).

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 policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

3 A sample panel (of no less than 3m x 3m) of the facing brickwork, demonstrating the proposed colour, texture, face-bond and pointing, 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 policy DP24 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, satellite dishes or rooftop 'mansafe' rails 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 policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

5 Prior to commencement of development (excluding demolition and site preparation works), full details of hard and soft landscaping, including biodiversity enhancements and a lighting strategy, and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such details shall include details of proposed highway improvement and resurfacing works on Rowland Hill Street. 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, biodiversity 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.

6 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 policy CS14 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.

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.

8 At least 28 days before development commences:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and

(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to

and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with 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.

9 The development shall not be occupied until the whole of the car parking provision 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.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy CS5 and CS11 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.

10 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the curtilage of the building.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 of the London Borough of Camden Local Development Framework Development Policies.

11 The cycle storage areas at basement and lower ground levels hereby approved shall be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

12 Prior to first occupation of the building, 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.

13 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 the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

14 Prior to commencement of development, details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change, demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter 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.

15 Prior to the first occupation of the building, a plan showing details of the green roofs (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 green 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.

16 Notwithstanding the provisions of Class A3 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the proposed ground floor cafe associated with the overall residential use shall not be used as a separate and independent Class A3 food and drink establishment.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion etc, in accordance with 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.

17 Prior to commencement of development (excluding demolition and site preparation works) on site, full details of the combined heat and power unit (CHP) stack and its height relative to the mechanical ventilation air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from roads and the CHP stack to protect internal air quality.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

18 Piling or any other foundation designs using penetrative methods shall not be permitted unless a piling method statement (to be prepared in consultation with Thames Water or the relevant statutory undertaker), detailing the type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works, has been submitted to and approved in writing by the Local Planning Authority. The piling shall be undertaken in accordance with the approved method statement.

Reason: To safeguard existing underground sewerage utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP23 of the London Borough of Camden Local Development Framework Development Policies.

19 The development hereby permitted shall be carried out in accordance with the following approved plans: Existing plans- A213-A-(00)- 001, 101-103, 201-208; Proposed plans- A213-A-(01)- 001, 101B, 102C, 103A-112A, 201A-204A, 301A, 302A; Supporting documents (all dated October 2014 unless otherwise stated)-Planning, Design and Access Statement by Tibbalds, Duggan Morris and Camlins; Townscape, Visual Impact and Heritage Statement by Peter Stewart; Statement of Community Involvement by Keeble Brown; Transport Assessment and Travel Plan (revision 5 dated 19.3.15) by Aecom; Daylight/sunlight and Overshadowing Assessment by JLL: Construction Management Plan by Aecom; Tree Survey and Arboricultural Statement by Camlins; Basement Impact Assessment by Elliot Wood; Sustainability and Energy Statement (revision B dated March 2015) by Max Fordham; Noise, vibration and ventilation Assessment by Max Fordham; Air guality Assessment by Aecom; Ecology Survey (phase 1) by White Young Green; Bartram's Planning Amendments dated April 2015; letters from JLL dated 16.3.15 (re light to school) and 9.4.15 (re light impact from revised scheme); email from Ian Thody dated 16.3.15 (re overshadowing); 0994-SA02 (sunlight amenity study plan); LL478-200-0003 (tree planting plan dated 13.3.15) and -0031 (tree protection plan dated 26.1.15); 213839d/002/P2 (below ground drainage plan).

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk the website or on www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

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

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

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

4 The London Borough of Camden introduced a Community Infrastructure Levy (CIL) on the 1st April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset\_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

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

- 5 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 8 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 9 In relation to condition 5 and the proposed highway improvement works on Rowland Hill Street, you are advised to seek the agreement of the Royal Free Hospital who own this road prior to submission of these details.
- 10 You are advised that all wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If

any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nests.

- 11 You are advised that Thames Water makes the following comments on waste and water matters. They request the incorporation of a non-return valve to avoid the risk of sewerage backflow during storm conditions. They recommend that storm flows are attenuated through on or off site storage. Any proposal to discharge into a public sewer requires approval from Thames Water. You should take account of the minimum water pressure in your design. Further advice in relation to this and the details required under condition 18 can be sought from Thames Water Developer Services on 0800 009 3921.
- 12 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 13 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en.