

CM/DT/PD10193

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28 September 2017

London Borough of Camden  
Planning Department – 2<sup>nd</sup> Floor  
5 Pancras Square  
London  
WC1H 9JE

**FAO Charles Thuaire**

Dear Charles

**LAND ADJACENT TO JACK STRAW'S CASTLE, NORTH END WAY, HAMPSTEAD, LONDON, NW3 7ES  
PLANNING APPLICATION REFERENCE - 2017/2064/P**

We write in response to your email dated 14 July 2017 that outlined the comments received from LB Camden consultees and other matters raised by yourself, in considering the planning application at land adjacent to Jack Straw's Castle (ref. 2017/2064/P).

The applicant, Albany Homes, and project team have carefully considered the comments that have been raised and we summarise our responses below. This letter is accompanied by a number of appendices comprising responses from technical members of the project team.

**Sustainability**

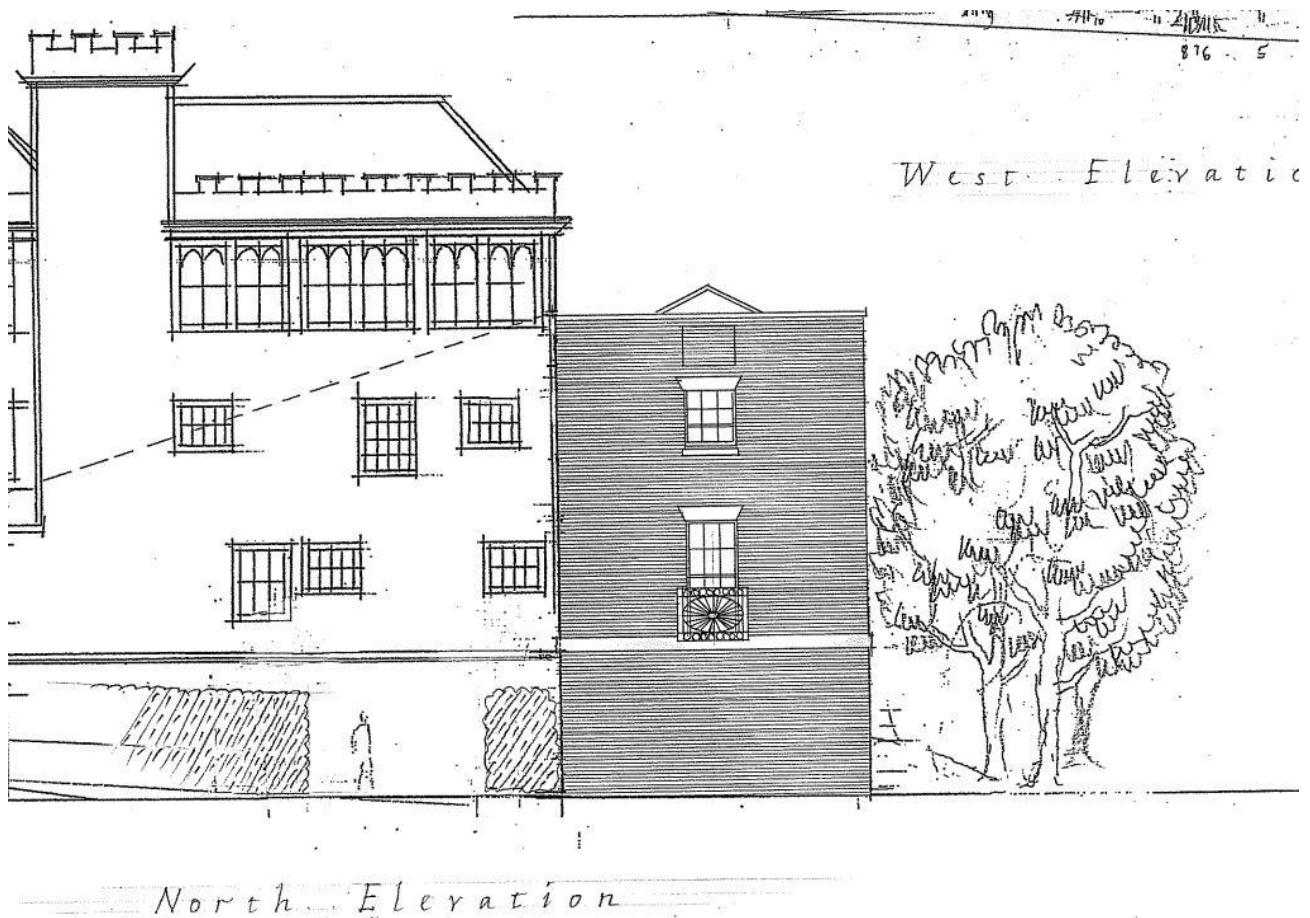
The LB Camden Sustainability Officer set out two actions in relation to energy and sustainability:

- *“Applicant should confirm that overshadowing assessment has been undertaken and modelling of performance adjusted accordingly, taking into account the orientation of the panels.*
- *The proposals do not include a green roof – all new developments should include a green roof where feasible. This provides ecological benefits and run-off reduction benefits.”*

The project's sustainability consultants, XCO2, have reviewed the full consultation response and considered the requests from the Sustainability Officer. Regarding the inclusion of the green roof, they have noted that the proposed development has a pitched roof, and as such, it is not feasible to incorporate a green roof. We understand that Camden agree with this limitation.

XCO2 also noted that the proposed PV panels are on the west facing pitched roof and as such would not be overshadowed by the building to the South as can be seen within the north elevation reproduced in **Figure 1** below.

**Figure 1 – Jack Straw’s Castle North Elevation**



The only risk of overshadowing would potentially come from the trees directly to the west of the development site. However, as can be seen from **Figure 2**, the crowns of each tree are below the level at which the eaves of the proposed building will be. Subsequently, the trees directly to the west of the site will not overshadow the proposed PV panels and XCO2 do not consider this will impact their performance.

We trust the above responses sufficiently address the comments raised by the Sustainability Officer.

**Figure 2 – Tree Diagram showing relationship between buildings and trees (XCO2).**

The eaves of the proposed building are 3 storeys high, the same height as the portion of the building illustrated below

The tree height is considerably lower than the height at which the PV panels of the building will be



### Landscaping and Refuse

The Tree Officer response confirms that the revised plans would not have an impact on trees. However, the Officer did note that there is little soft landscaping proposed and that the perimeter of the car park could be further greened with an increase in the depth of the bed to allow for further planting.

The landscape architects, EnPlan, have considered these comments alongside the project ecologists and prepared an updated *Hard and Soft Landscaping Proposals plan* (ref. 06-681-200-01 Rev J). The revised proposals, which are provided in **Appendix 1** include:

- The addition of proposed planting along the northern elevation of the car park retaining wall;
- An increase in depth of proposed planting along the eastern elevation of the car park wall;
- The addition of a hawthorn hedge between the proposed planting and wall on the eastern elevation;
- The proposed addition of green screens around a new cycle store (discussed below), which is finished with a wildflower green roof.

It is important, we feel, to strike a balance between the provision of soft landscaping for amenity and retaining views of Jack Straw's Castle. The proposed landscaping scheme achieves this balance.

The relocation of the displaced bin stores, associated with the existing flats, was also questioned. The revised *Hard and Soft Landscape Proposals* sets out an indicative area for the storage of those existing bins. This is shown with a yellow dashed line, to the south of the car park, close to the new proposed bin stores and in a similar location as existing.

## Cycle and Car Parking

A new cycle store is proposed within the car park, as shown on the *Hard and Soft Landscaping Plan*. This is in response to the comments made by the Transport Officer whom did not consider that cycle stores within the living rooms of the proposed apartments reflected best practice. The stores are now provided within the car park, with a capacity for six bicycles, in excess of the London Plan's requirements.

The store is fully enclosed, secure, accessible to all, at ground floor level and with step free access to the parking area. The proposed store is a short walk from the front of the properties and is overlooked by both the existing and proposed dwellings, ensuring natural surveillance and security within the car park.

For consistency, the architectural drawing (ref. 1370/3RevH) has also been updated to remove the cycle store from the living room. This is provided at **Appendix 2**.

The Transport Officer also requested the applicant to undertake a parking audit for the existing parking to find out if there is excess capacity, and ensure that there is no negative impact on the public highway through displacement of parking.

Section 4 of the submitted Transport Statement, prepared by WSP sets out that the existing car park has already been surveyed, confirming that it was generally well used, with 10 spaces being used overnight.

The development results in the loss of four bays, all of which are owned by the Applicant (identified as Bays 1, 1a, 2 & 3). Whilst these are currently attached to some of the units within Jack Straw's Castle, this is only by virtue of Assured Shorthold Tenancies (ASTs). The Applicant has therefore agreed to:

- i. remove the rights to these parking bays from the relevant units in ASTs; and
- ii. commit within a Section 106 Legal Agreement that no future ASTs will be entitled to these spaces; and
- iii. insert a clause in subsequent ASTs to restrict the owners of these bays from applying for CPZ permits.

## Access

We welcome your confirmation that the new dwellings meet the relevant standards regarding minimum space and mix, and are acceptable in terms of access. However, you have expressed that there should be a dedicated and safe access for occupants to exit and enter their houses without the hazard of crossing cars using the car park.

The revised *Hard and Soft Landscaping Proposals* has been amended to show a pedestrian route from the front of the building, which leads to the vehicle and pedestrian entrance and exit points. This is delineated from the car parking areas by permeable block paving of a natural colour, rather than the 'bracken' colour proposed for the car parking.

The two different types of block paving will define space which will predominantly be used by pedestrians, thereby improving safety within the car park. The number of vehicular movements within the car park will be very limited.

## Ecology

On 13 July 2017, Tony Wileman of the London Wildlife Trust (LWT) provided an ecological response to the proposed application and proposed a number of conditions to be attached to any grant of planning permission.

The Applicant's ecological consultants, Greengage, has reviewed the proposed conditions and provided their response in a letter, dated 30 August 2017, which is provided at **Appendix 3**.

The first suggested condition proposed the provision of bat survey. Greengage undertook this survey, in August 2017, to determine the presence or likely absence of roosting bats and to observe any foraging or community activity across the wider site. This is provided within the appendices of the letter. We trust that this is sufficient and that the condition does not need to be applied, if you were minded to grant permission.

The survey confirms the likely-absence of roosting bats within Jack Straw's Castle and there is very low levels of commuting activity in the wider area. There is therefore no requirement for mitigation with regard to roosting bats. The Site itself is considered to be of limited value for bats, although the surrounding Heath is known as an important foraging resource and suitable best practice and mitigation recommendations are suggested within the report.

Overall, it is unlikely that there would be significant adverse impact on bats in the local surrounding area and the overall impact from the proposed development is predicted to be negligible.

In response to the other proposed conditions, Greengage have noted:

- The five-stage mitigation hierarchy can now be addressed. All information relating to habitats is provided within the bat survey, compliance with the actions set out in the letter will ensure avoidance of impacts. Mitigation and compensation actions are limited to seasonal clearance of vegetation, no new lighting and alternative planting of vegetation. New benefits include bird and bat boxes and improved pollinator friendly planting.
- The proposed condition regarding site clearance can be dealt with during the construction period.
- The landscaping proposals have been altered since the LWF raised its comments, which provides additional ecological benefits. No cherry trees are proposed to be lost. Given the constrained areas available for planting within the Site, the strategy is considered to provide the greatest gains possible and there will be native species in areas currently comprising hardstanding, resulting in a net gain at site level.

In addition to the above, commentary has been provided on the proposed informative. We trust this response is useful and ensures the removal of these proposed conditions, through the provision of this information.

## Basement Impact

Campbell Reith, the Council's independent basement assessors provided their *Basement Impact Assessment Audit* for the proposed development in July 2017. The report outlined a number of "queries" which the project team were asked to respond on, including the provision of the following information:

- Conceptual site model;
- Outline construction programme;
- Underground utility infrastructure information;
- GMA and damage impact assessment;

- Confirmation of foundation depths and impacts on retaining walls/highway;
- Monitoring structural movements during construction; and
- Outline drainage strategy.

Richard Tant Associates and GEA, the authors and engineers for the submitted BIA have updated their respective documents, and these are provided at **Appendix 4**. The revised Ground Investigation and BIA Report (produced by GEA) comprises the ground movement and building damage assessment (Part 3), the conceptual site model (section 7.1), with the utilities information provided within the appendices.

A preliminary Outline Construction Programme is provided within Appendix 4.

A separate Outline Surface Water Drainage / SUDS Strategy has been produced by Evans Rivers and Coastal which carries out an assessment of the use of SUDS measures, determines the existing surface water drainage regime, develops a strategy for drainage and makes an assessment of the flood risk of the Site. This report is provided at **Appendix 5**.

### **Contaminated Land**

We have noted the proposed conditions which have been suggested by Anona Arthur of LBC Environmental Health in the email from 28 June 2017. Our client is willing to accept a further condition relating to additional sampling and ground investigation, if this is deemed necessary.

### **Impact on POS/MOL/Heath**

In addition to Camden's responses, we note that the City of London commissioned an external planning consultant to prepare representations to the application. The representations state that the site may be partially within Metropolitan Open Land. We find this report particularly disappointing, and, being candid, misleading, as it incorrectly extends our client's site boundary into the MOL.

The application site is not located within MOL.

We have overlaid the correct site boundary above the Camden Planning Policy Map, which is shown in **Figure 3**. This is further south than shown in the City of London representations. We note that Camden's base map is incorrect insofar that it continues to show the former garages attached to Jack Straw's Castle, which were formerly located within the site boundary.

The London Plan policy 7.17 outlines that proposed development must be assessed for any greater impact on 'openness' of MOL. The proposals would not have a spatial impact on the MOL; that is, they are not in the MOL and would therefore not take up any greater footprint on MOL land. They would, however, be perceptible from MOL and therefore have a visual impact (see Court of Appeal judgement in Turner v SSCLG).

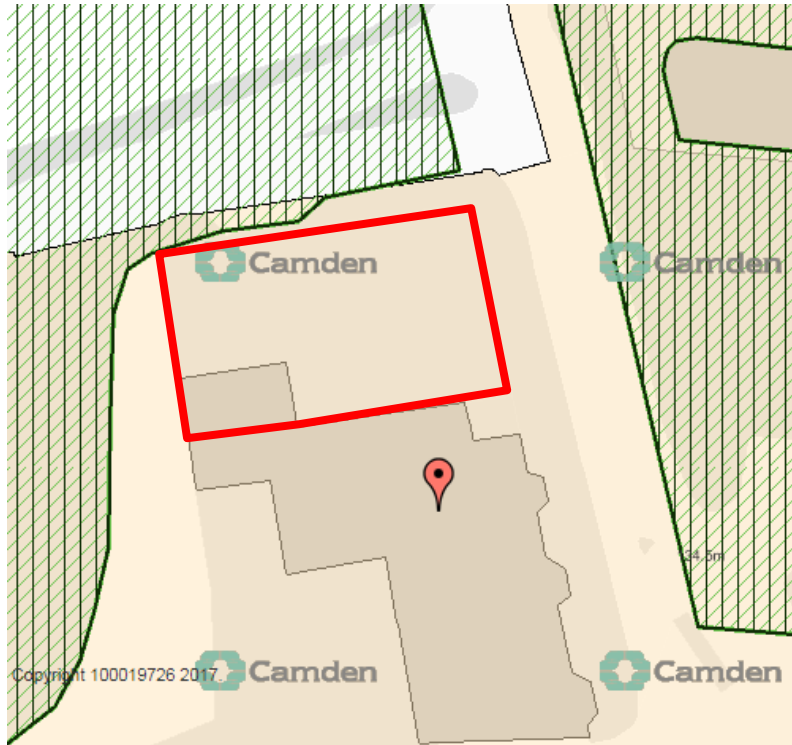
In considering the visual impact to openness we must first consider the layout of the Heath and MOL at this point. To the north this comprises open greensward defined and enclosed from the application site by Heath road and a boundary of trees. To the south, adjacent to the site, is a publically accessible surface level car park.

The existing site comprises a tarmac surface level car park, defined by an existing boundary wall and dense vegetation. The car park is clearly distinguishable from the MOL and an established part of the urban hinterland. It provides no visual amenity to the MOL and recently comprised garages that may also be

reinstated with the extant planning permission. The proposals would form a high quality and contextual backdrop to the car park area, formed as part of the previously developed brownfield land and partially screened by the existing vegetation on the MOL boundary.

The building clearly would not have an adverse impact to the openness of MOL.

**Figure 3 – Relationship of site with adjacent Metropolitan Open Land Designation**



### Design – Outlook

The 14 July email states:

*“The basement rooms appear to have very poor light and outlook; they fail to comply with our CPG2 Housing requirement for such rooms to have glazing equal to 10% of their floor area unobstructed by a 30 degree line; I note that your daylight report shows that they achieve 1.5% ADF (noting that kitchens should achieve 1%) which I find difficult to believe, given the narrowness of the lightwell, small windows and large deep floorplans.”*

These comments have been reviewed by the client’s daylight and sunlight advisors, Point 2 Surveyors, and their response is appended to this letter (see **Appendix 6**).

In summary, it is noted that the guidance set out within CPG2 should be taken as an indication as to whether there would be good amenity within the space, but should not take precedence over quantifiable measurement of the internal light levels.

The submitted Daylight and Sunlight Report, which applies the BRE Guidelines, sets out that both basement rooms will achieve the 1.5% target for a living room. The calculation also takes into account the nature of the

glazing and the internal finishes within the room, something which CPG2 does not do, and is significantly limited in its assessment.

### **Design and Impact on Heritage**

Finally, the 14 July email states that the height, bulk and location of the houses may be acceptable. However, Camden state:

*“...the very formal and urban arrangement of the proposed façades does not suit this setting of either the adjoining listed buildings or character and appearance of the area. The revised design with metal balconies and canopies does not improve this.”*

We disagree. The Heritage Statement accompanying the application submission provides our rationale for the proposed development. The building forms a standalone design, and is not designed to be read as an extension of the existing building, but rather structures within their own identity, complementing the listed building and the wider area. This design response goes to the heart of the judgement made by the Inspector, David Nicholson, for the previous appeal, which considered that it would be wrong to suggest that no further development should take place in the car park, as he could never know what imaginative ideas an architect as skilled as Erith could dream up. To arrive at an acceptable solution for the extension, would require “exceptional skills”.

The architectural design has been devised by Quinlan Terry, whom was a local resident in Hampstead and worked for Raymond Erith and, upon his death in 1973, carried on his practice. The proposal takes reference from Hampstead Conservation Area and, specific to this location adjacent Jack Straw's Castle, draws upon the experience of Mr Terry and his education from Raymond Erith of traditional construction and classical architecture.

Several comparable developments are given to illustrate the suitability of the design to the listed building and the wider conservation area. To this we would also highlight a particularly successful arrangement of buildings located within the Hampstead Conservation Area and fronting the Heath, the Grade II listed No.2 Willow Road, designed by Erno Goldfinger.

The proposal is, we consider, an appropriate design response that preserves the special interest of the listed building and the character and appearance of the conservation area. This opinion is shared by several key stakeholders, including Historic England and the Twentieth Century Society.

### **Summary**

We trust that the above is useful in answering the queries that have been raised by yourself and other consultees during the application process. If you have any further questions, or any other matters arise, please do not hesitate to contact either David Taylor (020 73127404 / [david.taylor@montagu-evans.co.uk](mailto:david.taylor@montagu-evans.co.uk)) or James Huish (020 7312 7484 / [james.huish@montagu-evans.co.uk](mailto:james.huish@montagu-evans.co.uk)) at this office.

Yours Sincerely,



**MONTAGU EVANS LLP**



- Enc. Appendix 1 – Hard and Soft Landscape Proposals (ref. 06-681-200-01 Rev J);  
Appendix 2 - Architectural drawing (ref. 1370/3RevH);  
Appendix 3 – Letter from Greengage, dated 30 August 2017, including Bat Survey Report and Site Plans;  
Appendix 4.1 – Ground Investigation and Basement Impact Assessment Report (GEA);  
Appendix 4.2 – Structural Methodology Report (Richard Tant Associates);  
Appendix 4.3 – Structural Methodology Report Appendices (Richard Tant Associates);  
Appendix 4.4 – Preliminary Outline Construction Programme;  
Appendix 5 – Outline Surface Water Drainage / SUDS Strategy (Evans Rivers and Coastal);  
Appendix 6 – Letter from Point 2 Surveyors, dated 26 July 2017.