

Delegated Report		Analysis sheet		Expiry Date:	30/01/2018
		N/A		Consultation Expiry Date:	15/12/2017
Officer			Application Number(s)		
Jennifer Walsh			2017/6045/P		
Application Address			Drawing Numbers		
Gondar Gardens Reservoir Gondar Gardens London NW6 1QF			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
<p>Partial demolition of the existing reservoir, including the roof and most of the internal structure, and the erection of six 4-6 storey buildings and four 2-3 storey link buildings with common basement levels within the retaining walls of the existing reservoir to include 82 Self-contained extra care apartments (class C2); a 15 bed nursing home (Class C2). Associated communal facilities including reception area, guest suite, lounge, restaurant, café, bar, library, exercise pool, gym, therapy rooms and cinema; Associated support facilities including staff offices, welfare and training spaces, storage, laundry, kitchen, cycle storage, car parking and plant areas and a site-wide biodiversity-led landscaping and planting scheme including external amenity space, drop off area, retention pond and slope stabilization and associated engineering works.</p>					
Recommendation:		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	188	No. of objections	181
			No. electronic	00		

Site notices were displayed from 10/11/2017 – 01/12/2017
A press notice was advertised from 16/11/2017- 07/12/2017

188 responses were received with 7 letters of support.

The issues of individual objection are summarised as follows:

DESIGN, HEIGHT, BULK AND MASS

**Summary of
consultation
responses:**

- This enormous development is totally unsuitable to this site. It would change the character of the whole area;
- This is vastly too big, totally out of keeping with the location;
- The proposals are far too large for the site.
- The proposals are far too intensive.
- The proposals are too bulky and too high for the site.
- Designs are ill conceived.
- The intensity of scale, the burden of the volume of residents, and the homogeneity of the 'target residents' will have a deleterious effect on this very special corner of West Hampstead.
- The design itself is quite awful, boxy, and a classic commercial build not in keeping with it's surroundings.
- The proposals are excessive in terms of bulk and height.
- The materials used in the windows do not suit the area.
- A 6 storey building is not appropriate in this location and harms the wider area.
- This is too large a development for a small quiet residential street destroying much needed open space and one of West Hampstead's few green lungs.
- The proposed development is much too big for the area.
- The proposal is unnecessarily large and ugly and adds nothing to the wider area.
- The sheer size of the development is not sympathetic to the current open space nor surrounding housing.
- The proposal is an excessive mass for the site.
- The proposal is gross overdevelopment of an existing open space.
- The proposal should be to create a nice space for children with a playground rather than destroy a nice, quiet and enjoyable green area.
- The proposal includes an excess of bulk and as a result the view will be destroyed.
- The proposals exceed the existing height of the reservoir walls.
- It would be of excessive bulk and height and represent unnecessary and unwanted over-development.
- The detailed design of the scheme`s materials and window details are inconsistent with the surrounding area.
- This is one of the most prominent sites in the area, and the quality of design falls short of that which should be acceptable.
- The design is poor: there is little common outside garden, and it seems little light will be able to get through to the inner areas.
- The development proposed is far too large. It relies on the permissions granted to previous schemes, neither of which have been approved in combination, but it goes further by proposing six storeys in the centre of the development. This is twice as many storeys as were approved (by the planning inspectorate, at appeal) for the original scheme and will protrude above ground level by at least four storeys, thus overlooking the existing properties on the

south side of Gondar Gardens and having a negative impact on privacy, natural light and the view across London.

- The bulk and height of six storey blocks is unacceptable in what is currently a much loved community asset and Locally Listed Building.
- Half of the development will be underground - dark and dank.
- The proposed plans are completely out of character – in materials and design - with the surrounding neighbourhood, which consists almost entirely of period Victorian/Edwardian properties.
- There is no reason to interpose an unsympathetic scheme of this scale in a residential area that is highly regarded for the aesthetics of its existing terraces and mansion blocks.
- The proposed blocks tower well above the height of already tall mansion blocks, spoiling the lines of sight both to and from the graceful period buildings. The designer's claims that the design 'follows the topography of the site' are not credible; instead the scheme reflects an opportunistic attempt to capture private views that will secure the premium profits targeted for luxury units, at the expense of many public and private landscapes.
- The design shows no engagement with nor respect for the natural or built environment in our area: in materials, bulk, design or impact.
- The houses should be in character with the local buildings in height, shape and colour.
- This would destroy the view of residents on the south side of Gondar Gardens, apart from being wholly out of keeping with the Victorian and Edwardian architecture of the surrounding streets.
- This application is a non-starter based on the scale of the project.
- It will tower above houses and flats which surround it.
- There is little common outside garden space and little light will be able to get into the inner areas.
- The tall and bulky frontage will directly overlook the road.
- The proposal is of excessive bulk and height and represents unnecessary and unwanted over development.
- From the limited information, the sketches and plans and sections indicates that we would be presented with an uninspiring façade at best.
- The internal courtyards and poorly designed.
- Poor internal routing and impossibly laid out storage for mobility scooters in the basement
- Narrow internal corridors in the nursing home sections.
- The proposal seeks to fit in a small village in an enclave that its Victorian designers did not equipt it with the appropriate access infrastructure.
- The "new views" will be claustrophobic modern institutional blocks rather than the sky and green space so vital to see in London.

DAYLIGHT AND SUNLIGHT

- A large building built abutting South Mansions would severely curtail sunlight.
- Significant loss of sunlight and daylight would be felt to Chase Mansions.
- The site itself backs onto residential gardens on 3 sides so the residents will find themselves overlooked by a business with lights and noise all day and night from 6 storey blocks.

- The loss of light and overshadowing of the 6 storey building that will be within 6-10m of a rear fence. This will shadow the ground floor especially in winter months when light is at a premium.
- Loss of light, the feeling of openness and views from properties windows and gardens as well as the invasion of privacy from the height and design of the plans.
- Loss of sunlight and daylight to surrounding properties.

ECOLOGY AND OPEN SPACE

- It will destroy an important open space in the area, destroy the habitat of slow worms and various protected birds and destroy views across the site which is an important local asset.
- It is important that our cities should not become concrete jungles.
- This application contravenes policies on protection of Open Space, it would destroy the habitats of the creatures who live there.
- The reservoir site has an eclectic range of wildlife that is quite unique to the borough of Camden, all of which would be destroyed for a development that offers only a financial reward for the developer.
- When earlier, smaller developments were proposed the planning inspector said in 2005 the views “constitute a considerable public asset” and the inspector in 2013 “the Gondar Gardens reservoir is a “green lung...of high environmental value”. This in an area where such open spaces are a rare and precious commodity which, once built on can never again be so. The impact of the oversized development that Lifecare Residencies are planning to build would put a stop to all that for those who overlook the reservoir, as well as the wider neighbourhood.
- The tranquillity of the site is going to be disrupted.
- It goes against policies on protection of open space, destroy the habitat of protected animals, destroy views, remove a vital green lung in a built-up area.
- The site is the home of wildlife and has environmental interest because of various species that reside there.
- The demolition of the open space which is against policies that protect this area;
- The site should be used as a wildlife sanctuary and peaceful place for people to use and enjoy.
- Green open spaces are essential and the proposed development takes away a very important space.
- The proposed development would destroy an important open space which is protected by Camden's policies because of its habitat of slow worms and red-listed birds.
- There are hardly any Green Spaces left, they should be protected and not over developed.
- It is a quiet area and it is great having this wonderful green space where wildlife can flourish and the views over London are unhindered.
- It will decrease green space which provides natural habitat to animals.
- The building works will lead to the destruction of habitats of protected species.
- There is nothing offered to the local community, an example of such would be creation of a park on part of the space or offering local residents access to some of the communal amenities that would be built.
- The wildlife that inhabits this site would be destroyed to be replaced by a scheme of no real value to the local community.

- It threatens to destroy the habitat of protected slow worms and red-listed birds including starlings and song thrushes.
- It will destroy views across the site acknowledged as a public asset, and remove a vital green lung in a built-up area.
- The application will result in the destruction of a unique urban green space which previous planning decisions have sought to protect.
- Once our few remaining green spaces are put over to development, there is no return.
- In 2013, a Planning Inspector described the reservoir as a “green lung of high environmental value”. Nothing has changed in the last 4 years.
- The reservoir remains a cherished oasis in a heavily built up area.
- The fact that it is supposed to be a protected site is ignored and that's wrong.
- Even though Life Care Residences are proclaiming that they are keeping a significant section for wildlife, it appears to be a steep hill and all the wildlife that live there now, would be gone. It is a stopping off place for migrating birds and for starlings.
- This proposal to develop this piece of land not only removes these Trees but removes a vital green lung in a very built up area.
- It contravenes a policy on protection of Open Spaces destroying the habitat of protected slow worms, red listed birds including startling, song thrushes and migratory birds, etc.
- The proposal takes over Local Green and Open space.
- As a densely populated area, Gondar Gardens needs to maintain any green space that exist.
- The wildlife that inhabits this site would be destroyed to be replaced by a scheme of no real value to the local community.
- Long-term, the change of use will displace flora and fauna from their habitat. In the short-term, it seems inevitable that the promises of ‘considerate contractors’ will prove empty, and the disruptive construction phase will cause irreparable damage.
- The proposed plan to dig up 67% of the site during construction will destroy much of the habitat for the protected species of slow worms and the red and amber listed birds as well as other fauna such as hedgehogs, toads, stag beetles and at the same time destroying interesting and unusual flora.
- The commuting routes of the bats foraging on the site will be interrupted.
- The destruction on the grassland at the eastern end will be replaced by contours in order to let light into the underground section of the development. This will not replace in quantity the grassland that has been lost and these contours will be seeded on fresh topsoil and will take time to grow.
- The Neighbourhood Plan supports green space and this site is designated as Local Green Space.
- Various public inspectors have over the past 15 years drawn attention to the high value of the site as an environmental asset to the local community and the wild life acting as a green lung in an otherwise congested area.
- The loss of habitat is of grave consequences.

Following on from the publication of the Salix Ecology Review a further comment was received:

- In 3.8.3 the net loss post construction of semi neutral grassland is given as 31.6%. This is not true for the loss of grassland available to the slow worms as they cannot use the green and brown roofs. The figures are these:

Construction.	Post Construction
Roof loss 40%.	Restored eastern end 21.6%
Eastern end loss 27%	
Total loss 67%.	Total loss 67% - 21.6% = 45.4%
- Figures taken from LWT figures.
- This is a significant loss of habitat for the slow worms, hedgehogs and other small mammals which will not benefit from the inclusion of green and brown roofs.

AFFORDABLE HOUSING

- There is a huge need for truly affordable housing for people at the bottom of the accommodation ladder, not luxury homes for the rich who are already spoilt for choice.
- The lack of affordable offering is appalling.
- There is no affordable housing at all.
- This is clearly the wrong type of development for this site, allowing a commercial enterprise to create a closed community, and doing nothing at all to provide much needed affordable housing.
- This proposal is contrary to Local Plan policy H4.
- LifeCare will need to provide their residents with a minimum care package of two hours a week. This is care that the residents will have to pay for, even if it is not needed by them. It is understood from LifeCare that the service charge alone is an extortionate £1,000 a month.
- The development does not serve a pressing social need. It is well known that those who really suffer from the current lack of housing in London are younger people and poorer families.

AMENITY

- All of the existing gardens and houses to the surrounding areas will be overlooked.
- The height of the proposal would create a huge amount of overlooking of existing homes in all directions and near total loss of privacy and loss the rights to peaceful enjoyment of the homes under Human Rights Law.
- The development has not attempted to be sensitive to the issues of views and light of the houses and flats along Gondar Gardens and although "right to light and right to a view" are not a given any consideration.

AIR QUALITY

- Air quality must be considered.
- There is no mention of Hillfield Road in the submitted report.

NOISE AND LIGHT POLLUTION

- Noise pollution: item 5.4 in the acoustic survey report speaks of the "provision of dry air coolers located in a dedicated plant zone on the roof of the building." The report goes on to admit these will be "

slightly above the threshold at which BS 4142 suggests an adverse impact is possible. This would in effect mean a constant ambient noise however slight which would ruin the peace we have around here. This is totally unacceptable.

- Air, noise and Light pollution will destroy the quiet and undisturbed space.
- The new buildings will have dry air coolers, located on the roof of the building, creating a mechanical noise in the level above the thresholds, that is simply unacceptable not only because of excessive level but also a mechanical nature.
- The development will completely transform what is currently a tranquil open space enjoyed by all of its neighbours into a large private complex creating noise and light pollution.
- The squat bulk of the units will interfere with precious sources of light during the day, and greatly increase light pollution at night
- With 82 flats for retirees and 15 nursing beds, one can imagine ambulances attending day & night, often with sirens blasting.
- It will create significant levels of light, air and noise pollution in what is currently a peaceful, wild space.
- The assessment of noise generating machinery is incomplete; that which is assessed is 7dB above threshold whereas it must be 10dB below threshold. No mitigation measures are proposed. The proposal fails to meet policy A4.
- The baseline lighting assessment makes a grossly inaccurate conclusion that the site is a "city centre with high levels of night-time activity"

TRANSPORT

- Limited parking has been incorporated into the design and this will severely impact existing residents.
- There are 5 parking spaces (4 for chauffer driven cars) but no attempt to address the inevitable effect on the local roads caused by the travel requirements of possibly around 150 - 200 residents, their visitors, presumably around 50 staff and the frequently visiting services vehicles.
- Deliveries will block the very narrow road.
- There is already not enough parking in the local area and the construction traffic and then servicing / visitor traffic would lead to major problems on the congested roads nearby.
- The preposterous idea that there won't be any effect on our already limited parking spaces demonstrates an ignorance about the vehicles needed to service a "nursing" facility. Guests, staff, medical professionals, equipment deliveries, removals, catering deliveries, laundry, ambulances, taxis, rubbish collection and disabled drivers who would be exempt etc.
- There has been no thought to the amount of traffic post construction that will congest the surrounding residential streets.
- The curve at the top of Gondar Gardens as well as Mill Lane already get blocked from time to time with delivery vans trying to pass each other.
- The already traffic clogged Mill Lane would become an even greater hazard than it already is for pedestrians, cyclists and other road users.

- The chauffeur-driven cars and one visitor space in the basement, would not cover the needs of all the residents many of whom will arrive with 'blue badges' and so be exempt from parking restrictions.
- The planned rubbish collection three days a week, will seriously interfere with the functioning of Gondar Gardens.
- As a retirement development, not just residents will want to park in the surrounding roads but also a significant number of visitors and presumably staff will park in the street.
- Restrictions are only 10am – 12 noon and therefore the impact on the streets surrounding the site will be significant.
- There will be an unmanageable increase in car activity on the narrow road.
- The chauffeured cars will add traffic and pollution into small streets which are not designed for such traffic.
- Three refuse collections are too many – the traffic implications are a big negative.
- It is completely unsuitable for the kind of heavy construction traffic that a development of this size would necessitate.
- The amount of trips which the construction will generate is unthinkable.

PRINCIPLE

- Wrong decision to build a Care home on the steepest Hill in Hampstead.
- There is no precedent for a combined scheme.
- The proposals will create a strange exclusive enclave cut off from the rest of the community.
- As an exclusive self-contained enclave it just wouldn't be part of our community.
- The location (at the top of a steep hill) is physically not appropriate for this type of resident.
- It is based on the assumption that it is a combined scheme of two plans already approved, for the centre and the frontage of the site: this is false, because the two approved plans are "mutually exclusive".
- A ridiculous greedy and excessive proposal which offers zero benefits to the local community and local environment.
- The scheme is greedily large: 82 luxury flats and 15 nursing beds with no affordable housing.
- The occupiers of this new build will not at all add anything to the community by the nature that the property is gated, closed to outsiders, and with minimal movement by residents to the outside.
- This proposal falsely relies on mutually exclusive centre and frontage approvals as precedent for a combined scheme.
- This is not the right site for such a venture.
- Approving this development would be contrary to the Neighbourhood Development Plan for West Hampstead, which envisages that all large-scale development in the area should take place in the corridor of land around the Jubilee Line, Overground and Thameslink stations.
- It will create an exclusive community on the lines of the American gated communities. It is on the brow of steep hill, which will discourage residents from walking down to the local shops, pubs, restaurants and library, or taking part in wider community events.

- The overload on the local infrastructure will not be compensated in anyway by community gains but instead the only people gaining from this greedy development will be the developers.
- There are numerous more suited 'brown field' sites in Greater London where such development could occur to the more obvious benefit of other communities.
- This is clearly the wrong type of development for this site, allowing a commercial enterprise to create a closed community, and doing nothing at all to provide much needed affordable housing.
- It is too large and too dense: in terms of number of flats, beds and height.
- This proposed scheme represents the worst of all worlds for the local neighbourhood and for this protected open space.
- The development is clearly excessively high and expansive and efforts to mitigate its anticipated negative impact are frankly not fit for purpose.
- The reservoir space is very important to local residents, providing a feeling of openness with views across the reservoir both from the street towards Hampstead and from surrounding homes- it is a genuine public asset and any development would constitute a destruction of this asset.
- After years of attempts to build various schemes on the Reservoir site, this is the most extensive, intrusive and inappropriate plan to date.
- The whole principle of the development contravenes Camden's Local Plan and the Neighbourhood Plan.
- While many green spaces are being developed into houses, no buildings will ever be demolished to re-create the green spaces that have such an enormous impact of local communities.
- There is no commitment to opening up this green space, or whatever would remain to any local community.
- The proposal will create an exclusive self contained luxury enclave that isn't part of the community.
- The reservoir can be development without encroaching on the existing green space.
- The plans are inappropriate and incompatible with the area's needs.
- There is no community gain.
- The developer proposes 10 new buildings with a population of perhaps 300 people in addition to a large work force.
- The area is environmentally protected and should not be built on.

OTHER ISSUES:

- A project of this immense size would damage and undermine South Mansions.
- No consideration has been given to subsidence to Chase Mansions.
- The proposal is to establish a small business running 24 hours a day 7 days a week fronting onto a narrow residential street which is unacceptable.
- There is an approved plan for housing on the site already which preserves the majority of the green open space but which is assumed is not seen as making enough profit for the developers.
- This will overwhelm the already overstretched drainage system.
- The pictures from visual cameras generating the pictures from the street, however, no pictures were provided from the rear gardens/garden windows of properties on Hillfield road and Gondar

Gardens – the view will be changed completely due to the height of proposed buildings.

- The proposals set a bad precedent for undesirable basement developments and their associated ground water problems in the area.
- The reservoir is a grand and historic public asset that could support a far more imaginative and socially-purposed scheme.
- The LifeCare Residences development in Battersea took over 4 years to complete and isn't even half the size of this one. How long would a project of this scale take?
- The developers have put in this application in spite of local views. they have had a facade of consultation but this was merely designed to pay lip service to the requirements and in fact they have taken no account of anything anyone has said.
- It will destroy what little clear views we have in the area with huge concrete constructions.
- Previous schemes for the site have at least shown some regard for this need and – in density, design and content – have been more sympathetic.
- There is no support in the community for this development, nor any evidence that the applicants have engaged with the concerns of local residents.
- The development fails to meet the GLA's Guidance to achieve a 35% carbon reduction by fully 10% - this negatively impacts local air quality through increased CO2 and NO2 emissions.
- The Construction Management Plan is wholly inadequate, particularly in the assessment of construction traffic routes and times, and in proposing Saturday morning working.
- The loss of light and views as well as the invasion of privacy from the height and design of the plans.
- The demographic pressure that the development will have on an already extremely densely populated area is worrying.
- Failings of the developer to fully inform immediate residents of the public consultation must be recorded.
- Communication with the local community has been perfunctory and limited to the minimum to meet requirements.
- This is a large scale commercial complex on a residential street.
- The existing sewers are under strain.
- The apartments are unnecessarily large, compared to Government Guidelines for 1, 2 and 3 bed flats.

Designing Out Crime officer has commented on the application as follows:

- Further information should be provided on the specification of all doors and windows, lighting and fire routes.
- They have recommended that the developers maintain contact with the designing out crime officer during the project so that specific details regarding police preferred security products can be discussed and fitted to this building.

Transport for London have provided comments on the application as follows:

- The proposal also includes the provision of a pick-up and drop-off area next to the reception which is welcomed. This has the capacity to serve 3 vehicles at the same time. However, it is unclear if this

area will be able to serve residents with mobility issues when the area is at its maximum capacity. TfL requests this is demonstrated through swept paths.

- 6 Long stay cycle parking spaces are to be provided for staff. Additionally the transport statement says a total of 14 spaces are proposed for staff and visitors, indicating 8 additional spaces will be provided for visitors. This should be confirmed and provided as short-stay spaces.
- TfL welcomes the submission of a Transport Statement. Although, the site surveyed for the trip generation exercise is in Hounslow, which is disappointing. Additionally, trip generation has not been split by public transport mode, which isn't good practice. However, due to nature of the proposal, TfL accepts that the proposed development won't have adverse effects on the transport network.
- The submitted Servicing and Management Plan indicates all servicing and delivering will take place from the designated off-street pick-up and drop-off area proposed with deliveries made to residents being collected at reception and then distributed accordingly. The expected delivery and servicing activities should be coordinated and managed with resident's visiting and typical activity hours to avoid overcrowding of the pick-up and drop-off area.
- The development is proposed to only provide car-parking for the 4 vehicles of the proposed chauffeured fleet and an additional space for overnight visitors. This is acceptable as no parking spaces are designated for residents. Additionally, TfL requests residents are exempt from parking permits in the area, except for Blue Badge holders, to maximise the benefits of this proposal.

Thames Water have commented on the application as follows:

- With regard to sewerage infrastructure capacity, they do not object to the above planning application.
- They advise an informative in relation to Groundwater discharge is added to any permission.
- Thames Water recommends the installation of a properly maintained fat trap on all catering establishments.
- Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.
- As the proposal includes a swimming pool, Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.
- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. If the council was minded to approve any application, a condition should be added to secure an Impact study of the existing water supply has been submitted to the LPA.

Greater London Authority have reviewed the application as a Strategic planning application stage 1 referral and have recommended that:

“Camden Council be advised that the application does not comply with the London Plan, and draft London plan for reasons set out in paragraph 61 of this report; but that the possible remedies set out in that paragraph could address these deficiencies.”

Strategic issues for the application are considered to be:

- Principle of development
- Affordable housing
- Urban Design
- Inclusive Access and
- Issues relating to climate change, drainage and transport also need to be addressed.

**CAAC/Local groups
comments:**

5.2 Gondar and Agamemnon Residents Association (GARA) object to the application on the following grounds:

- GARA made detailed representations to, and stood at, the UDP Inquiry 2005 which confirmed the status of the site as Private Open Space and as a Site of Nature Conservation Importance Borough Level 2. These statuses have been maintained in the Local Plan (LP) and Neighbourhood Plan (LP) despite requests from the previous owners of the site to redesignate the site.
- The proposed development is contrary to Local Plan Policies A1, A2, A3, A4, CC4, D1 and D2, T2, T4, H4, H6 and H8.
- The proposal is contrary to policies 2, 4, 16, 17 of the Fortune Green and West Hampstead neighbourhood plan.
- The proposal is contrary to the Draft London Plan 2017 in regards to policies H5, H6, and H15
- The statement that the relevant use class is C2 is tenuous.
- The proposal contravenes the Neighbourhood Plan in particular the description of site C2.
- The Documentation is poorly co-ordinated, inconsistent and in several places inadequate.
- The Transport assessment erroneously claims a PTAL rating of 3 for part of the site and uses a reference site with a PTAL of 6, whereas the actual rating is 1b.
- The visual impact assessment is incomplete as no views from neighbouring properties are included.
- The current owner has neglected the grassland.
- The baseline lighting assessment states that the site is “city centre with high levels of night-time activity”.
- No assessment is made on the impact of artificial lighting on either the SINC or neighbouring amenity.
- The impact on neighbouring properties daylight and sunlight is severe.
- The sustainable drainage report is based on an erroneous assumption about the impermeable proportion of the site.
- The CMP is wholly inadequate.
- Persephone Gardens is a wholly inappropriate name for a residential development for the elderly, as Persephone in Greek Mythology was married to Hades, the gatekeeper of the underworld.
- The applicant has failed to engage meaningfully with local residents.
- The loss of the SINC and open space.
- Combining previous schemes would have significantly worse environmental impacts than the sum of theirs and non of the mitigations.
- No affordable housing.
- The scale height and design of the development would have adverse impact on the surrounding areas.
- The footprint is significantly larger than the previous applications which were approved at appeal.
- The proposed development would result in increased car use and associated parking pressure in the area.
- GARA has collected over 1.600 signatures on a petition against this development, which they will submit to the Planning Committee should the application be considered there.

GARA have also submitted further comments to the GLA Stage 1 report published on 18th December:

- The GLA report makes its assessment of transport issues and housing density base on the applicants erroneous and misleading PTAL value. The actual PTAL for the site is 1b.
- The report is generally welcomed but the transport issues and housing density assessment are based incorrect data from the applicant.

London Essex and Hertfordshire Amphibian and Reptile Trust object to the proposals on the following grounds:

- The presence of slowworm *Anguis fragilis* on the site is, to the best of our knowledge, unique in the London Borough of Camden and therefore that the site represents a significant contribution to the Borough's biodiversity. The application would substantially reduce the available open space and therefore the habitat used by slowworms on the site, jeopardising their future.
- Although a thorough programme of mitigation may compensate in some cases for the statutory legal provision accorded to slowworms under The Wildlife and Countryside Act 1981 (as amended), the reduction in habitat from the proposed housing and consequently increased risk of arson, predation by domestic cats and possible disturbance and collection all suggest that the future of the slowworm population could not be guaranteed. The loss of this unique population would have a negative impact on the Borough of Camden's biodiversity.

Natural England have commented on the application as follows:

- Statutory nature conservation sites – No Objection
- Protected species – they have not assessed this application and associated documents for impacts on protected species.
- The proposed development is on or adjacent to a Local site and the Local Authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Hillfield and Aldred Roads Residents' Association

- LCR (*Life Care Residents – the developer*) cannot combine the previous two mutually exclusive proposals.
- No planning permission was granted for 2015/0555/P.
- Each of the previous schemes had included a £6.8m affordable housing contribution the new scheme which is double the size of the other two schemes combined can't afford any affordable housing contribution.
- No one from the Hillfield Road group received a flyer for the most recent public consultation event in June.
- AR Urbanism refused to lend a model on the scheme to show at the Big Lunch last June. If LCR had really wanted to engage with the neighbours this would have been a great opportunity, but they declined.
- There are no visualisations from the gardens in Hillfield Road.
- Do not consider that one car club being able to replace 11 cars. Recent experience of developments in the area – West Hampstead Square where there is constant illegal parking on the site and Regal

Homes and others on Iverson Road, again all supposedly car free but where significant extra demand on parking has been generated.

- That there is plenty of spare parking capacity will come as news to the residents of Hillfield (and Gondar Gardens and all the surrounding streets) contrary to their Transport Statement. Once the clock hits 12 there is a steady flow of cars that come up to park on Hillfield Road.
- The parking pressure is at its worse at 11pm – the average parking figure is of little use as a measure.
- The scheme proposes floor to ceiling windows.
- This application makes the previous mistakes of those which were dismissed by the Planning Inspector on detailed design.
- These are permanently covered by curtains or blinds.
- Previous applications were more detailed in their modelling than this one, so it is difficult to tell if LCR have modelled rainfall events of this magnitude, not to mention with 40% climate change increase.
- Strongly recommend that Camden request that LCR model rainfall events of these two magnitudes to check if the proposed development will not get flooded.
- They are shocked and a little exhausted to now be facing a fifth scheme. And one that is nearly twice as big at the other two combined.

Fordwych Road Residents Association strongly object to the application on the following grounds:

- The site is an asset of community value to local residents and should be preserved.
- The proposal is too high density.
- It would destroy the habitat of slow worms, starlings and song thrushes which are protected under the Wildlife and Countryside Act.
- It is a vital green lung in this built up area. There are no views from homes surrounding the site.
- Surrounding homes may lose light, due to shadows from the 6 storey development, which is out of scale to the surrounding buildings.
- They require more details on the materials proposed.
- No affordable housing if offered.
- The additional catering and nursing facilities are too much and will generate unacceptable levels of traffic, parking and servicing – 24 hours a day.
- One parking space for 82 visitors is not enough.
- Many will arrive with 'blue badges' so will be exempt from parking restrictions.
- LifeCare should be encouraged to use the same Veolia collection system as the other residents as this would be much more efficient and reduce the carbon footprint.
- The proposal includes an underground car park which may disrupt the water table and the course of underground rivers in the area.

Fortune Green and West Hampstead Neighbourhood Development Forum object to the proposal on the following grounds:

- The site is referenced on pages 35/36 of the Neighbourhood Plan.
- Reference is also made to Policy 2 and Policy 16 of the Neighbourhood Plan.
- There is no precedent for a development of this scale.
- The scheme is constructed as a single building giving it an overwhelming impact due to mass, bulk and density, out of context with the surrounding buildings.

- The height and depth of the frontage building is contrary to Policy 2.
- The rear parts of the development have a very modern and irregular design which does not reflect the consistency of the adjacent mansion blocks and their careful detailing.
- Local facilities are already overstretched.
- Housing development is running ahead of the local plan.
- The scheme provides no affordable housing, contrary to NDP policy 1.
- The development would cause the permanent loss of open space with high environmental value and significant biodiversity contrary to NDP Policy 16 and destroys views across the area contrary to policy 2.
- This is an excessively large scheme in a congested residential area. Two visits to the similar Battersea site, suggest that vehicle movements will be much higher than those suggested by the applicant.
- The visits to the Battersea site confirmed that staff do use cars to arrive on that site and we can assume that will occur on this site.

West Hampstead Amenity and Transport (WHAT) amenity group object to the proposal on the following grounds:

- The developer has opted to use a loophole in the law to avoid an obligation to provide affordable housing and thus maintain the exclusivity of this gated development.
- The developer proposes to charge purchasers for 2 hours of "nursing care" per week (whether or not it is used) to escape this obligation. 2 hours of nursing care equates to 17minutes per day, and we would suggest that this negligible amount would be of minimal value to a person needing regular nursing care, and would not be taken up by most residents.
- The site is reached via a steep hill, and it is likely that many elderly occupants of the flats would be unable to leave the property except by car. Therefore, the applicant's claim that 40% residents will not travel by car lacks credibility.
- The application fails to protect the open space and biodiversity of the reservoir site, without offering any corresponding benefits to local residents.
- The density and height of the development is excessive.

Sarre Road Residents Association (SaRRA) object to the proposal on the following grounds:

- SaRRA support the objection submitted by GARA
- The proximity of Sarre Road houses backing onto Gondar Gardens opposite the reservoir have not been sufficiently emphasised in the Design and Access Statement.
- Whilst the distance from the Frontage to the backs of Sarre Road houses is recorded as 30m which is shorter than any other distance from the edge of the site, this distance is not shown on the diagram (pg 20). The fact that the land slopes steeply downwards towards the Sarre Road houses is amply verified by the contour lines in figure 2.04. This means the proposed frontage will dominate.
- Construction noise is of particular concern. The noise levels predicted in previous planning applications were highest at the rear facades of houses on Sarre Road. The absence of this information is of serious concern.

Historic England GLAAS have objected to the scheme on the following grounds:

- The NPPF Section 12 and the London Plan emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- The site does not lie within an archaeological priority area but will involve large scale demolition of the locally listed 1870s covered reservoir which forms part of London's industrial heritage.
- The extent of the demolition proposed for the locally designated structure under the current application is very disappointing.
- The small isolated elements of preserved structure will be devoid of any context and the ability to understand the scale of the historic structure will be lost.
- Whilst it is desirable to find a new beneficial use for this asset, it is felt that the current proposals will result in substantial harm to a locally listed structure and a lost opportunity to engage in creative place making which draws upon its significance, in line with the London plan.
- The development of the reservoir should seek to preserve a greater amount of the structure, as in previously approved scheme.
- Imaginative design and interpretation could allow the preserved space to be understood as part of a once larger structure.

Site Description

The site is located in West Hampstead and was formally known as Shoot-Up Hill Reservoir. The reservoir was built for the Grand Junction Water Works in 1874 and comprises a vaulted brickwork structure supported on brick piers and perimeter walls, mostly buried in the ground or contained within a grassed embankment. The reservoir was decommissioned in 2002.

The site frontage is bounded immediately to the North and South by three storey deep Mansion blocks with deep rear extensions. To the North, where Gondar Gardens turns east, the street is largely comprised of early 20th century three storey red brick terraced houses and mansion blocks with decorative two storey bays and short front gardens.

The dwellings on Agamemnon, which also back onto the site, are a combination of two storey and two storey with attic accommodation, in brick, of an era to match the dwellings on Gondar Gardens. To the south along Hillfield the dwellings are also two storey brick of a similar era. Throughout the area the local properties are divided into flats, whilst others are in use as dwellinghouses. In general, the terraced dwellings are not uniform and have a variety of richness in their detailing.

The site faces the street to the West. The opposite side of the road is characterised by single storey garages at the rear of the properties along Sarre Road. Further to the south at 1 Gondar Gardens two storey contemporary dwellings in brick have been constructed.

The site is subject to a number of designations including Local Green Space (as allocated within the Fortune Green and West Hampstead Neighbourhood Plan 2015), being a Locally Listed Structure, Private Open space and a Site of Importance for Nature Conservation (SINC) Borough Grade II. Along the eastern edge of the site, and around the south-east corner, there is a belt of trees which were made the subject of a Tree Preservation Order in 2003.

Relevant History

The site has been the subject of three previous planning applications, each the subject of refusal and subsequent appeals. The previous appeals were brought by the previous owner of the site and were the subject of two Public Inquiries and a Hearing. They are referred to throughout this report as the 'Reservoir Scheme' (Appeal/Inquiry), the 'Frontage Scheme' (Appeal/Inquiry) and the 'Second Frontage Scheme' (Appeal/Hearing). The chronology is summarised below:

The Reservoir Scheme

In June 2011 an application (2011/0395/P) was refused for *“Redevelopment of the covered reservoir structure to provide 16 x 4-bedroom residential units (Class C3) with associated parking, refuse storage and landscaping, following substantial demolition of the roof and internal structure (application is accompanied by an Environmental Impact Assessment).”* This scheme is hereinafter referred to as the 'Reservoir Scheme'.

The primary reasons for refusal were:

1. The proposed development, by virtue of the development on designated Open Space, would result in the loss of land protected because of its local amenity, habitat and biodiversity importance.
2. The proposed development, without the provision of sufficient affordable housing either on-site or off-site, secured by a S.106 Legal Agreement, would fail to maximise the contribution of the site to the supply of affordable housing in the borough.
3. The proposed development, by reason of the low number of residential units per hectare, would fail to maximise the contribution of the site to providing additional homes in the borough.
4. The proposed development, by virtue of its failure to provide an active street frontage, its disconnection from the local streetscene and the surrounding community, results in an inward-looking enclave which fails to contribute to community safety and security or to promote social cohesion.

5. The proposed development, by virtue of its failure to provide a mix of large and small homes, would fail to contribute to the creation of mixed and inclusive communities.
6. The applicant has failed to demonstrate, by way of a Basement Impact Assessment, that the works of demolition and construction would not result in an unacceptable impact on the structural stability of adjacent properties.

Further reasons related to the failure to secure appropriate mitigation measures by way of s106 legal agreement, relating to the following concerns:

7. Provision of on-site renewable resources including the provision of a CHP plant.
8. Environmental sustainability measures including compliance with Level 5 of the Code for Sustainable Homes and a contribution to off-site allowable solutions
9. Car-capped housing
10. Demolition and Construction Management Plan
11. Measures to support local labour and procurement
12. Highways works
13. Education Contribution
14. Provisions for the long term maintenance, protection and management of the retained area of Open Space
15. Provision of a compensatory off-site area of habitat
16. Contributions towards community facilities

The Council's decision was contested at a Public Inquiry, which sat for six days on 22-24 May, 27, 28 September and 1 October 2012 (Appeal Ref: APP/X5210/A/11/2167190). Before the appeal, the Council withdrew objections to the scheme expressed in refusal reasons 6, 8, 9, 10, 11, 12, 13, 14 and 16 as they were resolved by a s106 legal agreement agreed by the Council and the appellant. The Council's objection as expressed in reason 7, relating to basement works and policy DP27, was also withdrawn following the submission of an acceptable Basement Impact Assessment.

The Inspectorate resolved to allow the appeal on 1 November 2012.

The Frontage Scheme

In May 2012 an application (2012/0521/P) was refused for '*Redevelopment of the reservoir street frontage to provide 28 residential units (Class C3 use) in two blocks from lower ground to third floors with basement parking, following substantial demolition of the roof and internal structure of the reservoir and its subsequent re-landscaping (application is accompanied by an Environmental Impact Assessment)*'. This scheme is hereinafter referred to as the '*Frontage Scheme*'.

The substantive reasons for refusal were:

1. The proposed development, by virtue of the development on designated Open Space, would result in the loss of land protected because of its local amenity, habitat and biodiversity importance and would be detrimental to the open nature of the site as viewed from the public realm.
2. The proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider area.

Further reasons related to the failure to secure appropriate mitigation measures by way of s106 legal agreement:

3. On-site affordable housing.
4. Car-capped housing
5. Education contribution
6. Provisions for the long term maintenance, protection and management of the retained area of Open Space

7. Community facilities contribution
8. Construction Management Plan
9. Ecology and Habitat Plan, including measures to secure the transfer of the retained protected land to a third party in perpetuity with a financial contribution towards long term management and maintenance.
10. Local labour and procurement.
11. Highways works
12. Contributions towards pedestrian and environmental improvements in the area.
13. Sustainability measures and Code for Sustainable Homes.
14. Wheelchair accessible affordable housing

The Council's decision was contested at a Public Inquiry, which sat for three days on 9-11 April 2013 (Appeal Ref: APP/X5210/A/12/2188091). Before the appeal, the Council withdrew objections to the scheme as expressed in refusal reasons 3-14, as these had been overcome by entering into an appropriate s106 agreement.

The Inspectorate resolved to dismiss the appeal on 3 June 2013. However only the 'detailed design' reason was upheld, therefore the development on designated Open Space and the height, scale, massing and location of the buildings was fully accepted by the Inspectorate.

The Second Frontage Scheme

In March 2014 an application (2013/7585/P) was refused for '*Redevelopment of reservoir street frontage to provide 28 residential units in 2 blocks from lower ground to 3rd floors with basement parking, following substantial demolition of roof and internal structure of reservoir and subsequent re-landscaping.*' This scheme is hereinafter referred to as the 'Second Frontage Scheme'.

The substantive reason for refusal was:

1. The proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

Further reasons related to the failure to secure appropriate mitigation measures by way of s106 legal agreement:

2. On-site Affordable Housing in addition to a contribution in lieu;
3. Car Capped housing
4. Educational contribution
5. Public Open Space contribution
6. Community Facilities contribution
7. A demolition and construction management plan
8. Ecology and Habitat Plan, including measures to secure the transfer of the retained protected land to a third party in perpetuity with a financial contribution towards long term management and maintenance.
9. Local Labour and procurement
10. Highway works
11. Contributions towards pedestrian and environmental improvements in the area
12. Sustainability measures and code for sustainable homes
13. Wheelchair accessible affordable housing.

The Council's decision was challenged at a Hearing on 23rd June 2015 (Appeal Ref APP/X5210/W/14/2218052). The appeal was recovered for the Secretary of State's determination on 8 September 2015, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and

Country Planning Act 1990, because the proposal involves residential development of over 10 dwellings in an area where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority: or where a neighbourhood plan has been made.

The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. The Secretary of State agreed with the Inspector's conclusions and agreed with his recommendation. The neighbourhood plan passed referendum in July 2015 and was formally adopted by the Council on 16th September 2015.

Relevant policies

National Planning Policy Framework 2012

Local Plan 2017

G1 Delivery and location of growth
H1 Maximising housing supply
H4 Maximising supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
H8 Housing for older people, homeless people and vulnerable people
C1 Health and wellbeing
C5 Safety and Security
C6 Access for all
E1 Economic development
A1 Managing the impact of development
A2 Open Space
A3 Biodiversity
A4 Noise and Vibration
A5 Basements
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air Quality
CC5 Waste
T1 Prioritising walking, cycling and public Transport
T2 Parking and car free development
T3 Transport infrastructure
T4 Sustainable movement of goods and materials
DM1 Delivery and monitoring

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 1 Housing
Policy 2 Design and Character
Policy 3 Safeguarding and enhancing Conservation Areas and Heritage assets
Policy 5 Public Transport
Policy 7 Sustainable Transport
Policy 8 Cycling
Policy 9 Pavements and Pedestrians
Policy 16 Local Green Space
Policy 17 Green/Open Space
Policy 18 Trees

Camden Planning Guidance

London Plan 2016

Draft London Plan 2017

Assessment

1 Principle of demolition

- 1.1 Whilst the principle of the demolition of the reservoir structure was established in previous decisions, the previous decisions related to a substantive amount of the perimeter walls being retained and utilised within the scheme as well as being picked up through the detailed design of the proposal, especially in the reservoir scheme.
- 1.2 In their listing appraisal (Nov 2009) English Heritage stated that the reservoir is not of listable standard, being “representative rather than exceptional, without any above ground features of interest and without any other water industry buildings to lend group value”. Since the reservoir application, the site is now designated as a ‘Non designated heritage asset’ as it is included within Camden’s Local List 2015. The Greater London Archaeological Advisory Service (GLAAS) has commented on the application and states that the extent of demolition proposed for the locally designated structure under the current application is very disappointing. Officers agree that the small isolated elements of preserved structure will be devoid of any context and the ability to understand the scale of the historic structure will be lost.
- 1.3 The Heritage Statement submitted in support of the application (prepared by Montagu Evans (October 2017) states that the proposed development comprises ‘part demolition of the reservoir structure’. Officers consider that the proposal includes substantial demolition of the whole of the reservoir as the current proposal seeks only to retain the reservoir retaining walls to the north, west and south and three external visible points of reference to the reservoir structure will be retained in the form of 6 arches. Three arches and bays are proposed to form the exercise pool and spa, and three arches are to be retained in the restaurant and lounge rooms and to enclose an adjacent external courtyard. The heritage statement also refers to a separate location of retaining, proposing to enclose an external courtyard to the north east of the site, however, this is not shown on the proposed Demolition Plan (A_PL_D_010 Rev P00).
- 1.4 Paragraph 135 of the National Planning Policy Framework states “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”
- 1.5 The consented reservoir scheme is a material consideration, and whilst the loss of the non-designated heritage assets of the reservoir is regrettable in this instance, it is considered that due to the structure having limited visual impact, being subterranean, there is no objection to the principle of demolition of the structure.

2. Proposed Land Use: Development on Open Space

- 2.1 With the exception of a 60m long strip of frontage along Gondar Gardens (narrowing from 21m deep in the north to 13m in the south) the site is designated as Open Space, as identified on the Local Plan 2017 Policies Map. It is also a designated Site of Importance for Nature Conservation of Borough importance II and identified as such in the Local Plan. The majority of the site (excluding the roof and the reservoir itself) is also designated as an area of Local Green Space, as identified in the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 2.2 Camden’s Local Plan Policy A2 accepts that open space is critical to sustainability and wellbeing. Policy A2 states that the Council will “*protect all designated public and private open spaces as shown on the Policies Map and in the accompanying schedule unless equivalent or better provision of open space in terms of quality and quantity is provided within the local catchment area.*” It also goes on to state that the Council will “*resist development which would be detrimental to the setting of designated open spaces.*” Policy A3 of the Local Plan seeks to protect and enhance sites of nature conservation and biodiversity. The policy states that the council will “*grant permission for development unless it would directly or indirectly result in the*

loss or harm to a designated nature conservation site or adversely affect the status or population of priority habitats and species.” The policy goes on to state the Council will “d. assess developments against their ability to realise benefits for biodiversity through layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed.” The Council will protect designated nature conservation sites from inappropriate and harmful development, proportionate to the weight afforded by these designations. On larger schemes where development is considered to place a significant additional demand on natural greenspace, the Council will seek the provision of new natural greenspace within the site.

- 2.3 The site is also designated as a Local Green Space. As documented within the supporting text of Policy A2 “*The NPPF introduced the concept of a Local Green Spaces designation. This is green space where development is ruled out other than in very special circumstances. A Local Green Space should be within reasonably close proximity to the community it serves, be demonstrably special to a local community and hold particular local significance, be local in character and not form an extensive tract of land.*” The importance of the site in terms of the designation as Local Green Space also shows the space is demonstrably special to the local community in line with paragraph 77 of the National Planning Policy Framework.
- 2.4 The London Plan 2016 policy 7.18 and the draft London Plan 2017 Policy G4 seeks to protect open space and makes clear that the loss of open space must be resisted unless equivalent or between quality provisions is made within the area.
- 2.5 The application site contributes significantly to the visual amenity of the area and it makes a strong contribution to the street scene, this is demonstrated through its designations. This lowland neutral grassland, including areas of species rich neutral grassland, is synonymous with lowland meadows and therefore is a priority habitat in Camden’s Local Biodiversity Action Plan. With the correct management the site has the potential for significant ecological improvement.
- 2.6 The principal of the redevelopment of the former reservoir footprint on the designated open space has been established by the first appeal on the site. The second and third appeals have also established development along the ‘frontage’ of the site fronting Gondar Gardens and the Neighbourhood Plan 2015 acknowledges to some degree, under site designation C2, that the wings and the rear part of the site are outside the extant permission boundaries for development on this site. However, this application seeks a hybrid proposal for one which encompasses development on both the frontage and the reservoir footprint. It also proposes to re-landscape the majority of the rear of open space to the rear of the site to allow light into the lower levels of the development.
- 2.7 The high value of the open space which the site offers has also been previously discussed by Inspectors. The Inspector in the Reservoir appeal is very specific about the ‘Natural external appearance’ of the site and states the ‘*preference for redevelopment has to be tempered if the site concerned is of high environmental value*’ (Andrew Pykett, November 2012). The Inspector went on to discuss the value of the site as an open space and states that such value ‘*can be derived from both the ecological value of a site within its own terms, and/or from the contribution which it might make to amenity in the broadest sense – including residential amenity*’ (paragraph 16).’ Referring back to the UDP inquiry which first designated the site as private open space in 2004/5, the Inspector states ‘*In this context my colleague referred to the extensive views into the site from the surrounding houses. Although taken individually these are private views, they amount collectively to a considerable public asset and a ‘green lung’ providing local amenity*’ (para 16).
- 2.8 Due to the unique nature of the site, and its relatively elevated location in comparison with dwellings which surround the site, the site offers a much appreciated public asset to this area of West Hampstead. This is further documented and appreciated within the Fortune Green and West Hampstead Neighbourhood Plan which states “*Due to the significant amount of open space*

the site provides, views across the site should be protected from significant damage or loss; of particular significance is the view to the east to Hampstead” (Policy C2).

- 2.9 When discussing the first reservoir application, the Inspector concluded that the scheme which he was assessing, projecting 1.5m above the existing level of the reservoir roof, would not be considered to constitute the protection of the open space. He stated “*Its presence would however be alleviated by the ingenious design of the scheme and the limited extent by which it would project above ground level.*” The proposal for this application seeks development of four large blocks within the existing footprint of the reservoir rising 4 storeys (with a plant room) above the existing banked reservoir walls which would sit at a height of approx. 13.5m from the existing reservoir roof. The proposal includes the loss of existing open space to accommodate the vehicle drop off area to the site, with 4 parking bays as well as the main visitor and resident entrance.
- 2.10 The proposal also includes substantial landscaping including the addition of a ‘retention pond’ to the rear part of the site which has not been included within any previous proposal. This is primarily to allow light into the lower level units of the scheme.
- 2.11 The proposals are contrary to the Local Plan, the Neighbourhood Plan, the London Plan and the National Planning Policy Framework as they would be detrimental to the setting of the designated open space and do not seek to protect nor enhance the designated Open space. The harm to the designated open space is therefore unacceptable and the application should be refused on this basis.

Proposed Land Use – Impact on protected Species

- 2.12 The application was supported by the submission of an Ecological Appraisal, a Bat Activity Survey, A Breeding Bird survey, a Reptile Survey, a Reptile Mitigation Strategy, Ecological 10 year Management Plan and a Landscape and Ecological Mitigation Review. The Council had all of these reports independently assessed by a consultant who worked in conjunction with the Council’s Biodiversity Officer. The results of all of these reports demonstrate that the site includes a relatively large area of species-rich semi-improved grassland which supports protected species including bats, breeding birds and slow worms. A number of plant species recorded during the Phase One Habitat survey are characteristic of unimproved conditions including bird’s-foot-trefoil and meadow vetchling. Some species of bird likely to be breeding on site as well as the slow worm are also Species of Principle Importance.
- 2.13 The presence of slow worms on the site has long been acknowledged in the planning history for this site. The results of the reptile survey produced in support of the application (James Blake Associates, 2016) show that the site supports a good and possibly an exceptional population of slow worms as defined by the Froglife survey assessment criteria for key reptile sites (Froglife 1999). An ‘exceptional’ population of slow worms is a record of more than 20 individuals seen by one person in one day under refugia placed at a density of up to 10 per hectare. Although the density of refugia was greater than this, the site can be considered to be a Key Reptile Site as defined by Froglife, particularly as the species is locally rare. However, the report simply classifies the population as being ‘good’. The impact of the development on Slow- worms has not been assessed within the submitted reptile report. There are very few records of slow worm elsewhere in the borough (1 record in Hampstead Heath in 2013) and therefore they are considered locally rare.
- 2.14 As stated, the proposed development will result in the loss of a significant area of semi-improved grassland. In the absence of mitigation, the development also has the potential to have a negative impact on protected species and Species of Principle Importance, particularly birds, bats and slow worms. Comprehensive mitigation measures are recommended in the various documents submitted in support of the planning application.
- 2.15 Nevertheless, as outlined in the Salix review there remains the risk that the status of some species, particularly slow worms, will still decline as the long term success of mitigation is difficult

to predict. There will also be a number of residual impacts which will not be mitigated including: loss of a significant area of Borough II Site of Importance for Nature Conservation; an increase in lighting and noise levels will affect commuting and foraging bats as well as breeding birds both during and post-construction; and the loss of a large area of species-rich semi-improved neutral grassland. Although not legally protected and not a priority habitat, this grassland does have significant value for wildlife including foraging bats, birds and invertebrates.

- 2.16 The proposal seeks to significantly regrade and re-landscape the existing rear part of the site. 1:3 grade slopes will be created and seeded with a grassland mix which the applicant states is suitable for the site and the SINC designation. The rear part of the current site is understood to be made up of the excavated material necessary for the construction of the reservoir hence its elevated position above the houses along Agamemnon and Hillfield Road. Through the proposals removing the existing soil and habitats in this area, the proposals will be a significant loss of Borough II SINC, open space and local green space. There is a proposed loss of 67% of grassland habitat on site during construction. Whilst 21.6% will be restored, this shall lead to a permanent loss of 45.4% of the grassland habitat on the site.
- 2.17 The applicant has stated that a further 13.8% will be created in the form of green roofs, however, the Council do not consider this to represent a contiguous habitat. Camden planning policy requires all developments to incorporate or investigate the possibility of incorporating the use of Green Roofs across all sites, and therefore this provision of wildlife habitat on green roofs on the site is considered to be an enhancement of the proposal rather than mitigation against the harm caused by the development.
- 2.18 As such the application includes proposals to re-landscape a significant area of SINC, open space and local green space and whilst they state that the proposals seek to improve the quality of semi-natural habitat by altering the existing conservation management regime, the extent of habitat to be lost through this proposal is substantial. The area of neutral grassland lost will not be sufficiently compensated for by the provision of green/brown roofs. The loss of protected habitat area is therefore unacceptable in terms of Local Plan policy, Neighbourhood Plan policy, London Plan policies and is contrary to the NPPF and the application should be refused on this basis.
- 2.19 Whilst the principle of some form of development being situated within the reservoir walls has been considered acceptable and is a material consideration, the current proposal for the redevelopment and re-landscaping of designated open space, Local Green Space, and a SINC, is strongly resisted by policies A2 and A3 of the Camden Local Plan, policies 16 and 17 of the Neighbourhood Plan and the London Plan policies 7.18 and 7.19 and National Planning Policy Framework chapter 11. The Council has long argued (ref: UDP inquiry of 2005 and three appeals) that the open space provides significant amenity and nature conservation value of the site and any development should respect the character and visual benefit which the site offers. Policy A2 does not support derogation from the fundamental principle of protecting areas of open space, either public or private. The Council's stated view has consistently been that the opportunities to provide any development on this site should not negatively impact the open space nor result in the net loss of open space. This application reduces the amount of open space resulting in a loss of SINC designated land. The application does not seek to improve access to the site as access would only be available to the residents. The application is therefore refused on this basis.

3. Housing – Proposed Use Older Persons Housing, Need, and Use Class

- 3.1 The development seeks approval for a 15 bed care home and 82 self-contained 'extra care' apartments. Within the submitted information, the applicant states that the care home and the self-contained 'extra care units' fall within a C2 use class. Policy H1 of the Camden Local Plan 2017 is the overarching policy and indicates that the Council will seek a diverse range of housing products in the market and affordable sectors to provide a range of homes accessible across a range of household incomes, and housing types suitable for different groups including older people. Local Plan policy H1 aims to maximise the supply of housing throughout the Local Plan

period 2016/17 – 2030/31. In order to achieve and exceed the target of 16,800 net additional homes the Council has identified a number of allocated sites for housing delivery, is currently implementing the Council’s Community Investment Programme and recognises the contribution that the windfall sites make towards this aim. According to the latest published Authority Monitoring Report 2015/16 the Council expects to meet and exceed its five year housing land supply as a number of major housing schemes such as King’s Cross Central are currently under construction. The number of homes we expect will be delivered in the future changes constantly but officers accept the contribution this scheme will make to the Borough’s housing supply.

3.2 Policy H8 of the Local Plan 2017 relates to all housing designated for occupation by older people. Examples of types of housing designated for older people, homeless people or vulnerable people include sheltered housing, care homes, small supported living schemes, hostels occupied by people with a shared support need and extra-care homes as proposed within this scheme. The definition within Policy H8 explanatory text states *“extra-care homes – also independent living in self-contained homes, but designed to enable provision of higher intensity care as occupiers’ needs increase, with on-site care usually available. On-site facilities may also provide support for older people in the wider community. Shared lounges and other social and leisure facilities are sometimes provided. Care home accommodation may also be included on-site (extra-care homes are usually within Use Class C3, but this may vary depending on the level of self-containment of the homes and the level of care provided);”*

3.3 The policy states that *“we will support development of a variety of housing aimed at meeting the specific needs of older people and vulnerable people to live as independently as possible.”* Under clause b) the policy supports this type of housing provided it *“will be suitable for the intended occupiers in terms of the standard of facilities, the levels of independence and the provision of support and/or care.”* Whilst this is picked up in detail in the Access Section (Section 8) Officers have serious concerns about the convoluted routes which are proposed as part of this application. Concerns are raised in relation to the internal routes which are proposed to units within the scheme from the reception area as well as the lack of external step free access provided within the scheme. The only step free access afforded to the external courtyard spaces is through the buildings themselves, which is not convenient nor inclusive. Contrary to Policy H8, the level of independence is compromised by the amount of lifts and corridors which occupiers would need to navigate in order to reach their own apartment, especially occupiers who rely on mobility assistance or have dementia.

3.4 Clause c) of Policy H8 seeks to secure proposals which are *“accessible to public transport, shops, services, community facilities and social networks appropriate to the needs of the intended occupiers”*. It could be considered that Gondar Gardens offers a suitable location to support development of a care home due to its location to shops, services, community facilities and social networks appropriate to the needs of the intended occupiers. It has the potential to contribute to a mixed and inclusive community as promoted by clause d) of Policy H8. The planning submission stated that other examples of the LCR model include facilities in Dorchester and Nursling (Southampton) and more recently at Battersea Place. Officers have looked at these other examples and are concerned about the ‘high-end’ nature of this scheme and how this could undermine the mixed, inclusive and sustainable community which the policy seeks to develop.

3.5 The 82 Self-contained extra Care units are proposed with the following mix:

Unit Size	Number	Habitable Rooms
1 Bed	7	14
2 Bed	62	186
3 Bed	13	52
Total	82	252

- 3.6 Under Policy H7, the Council will aim to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities. It is considered that the current mix is heavily weighted in favour of 2 and 3 bed homes. The proposal is for older people's housing and Officers accept that people who want to downsize to a retirement community still need to accommodate valued possessions or provide for visitors to stay. However, Officers also consider this proposed mix to be an indication that this is intended to be a primarily a high-end scheme aimed at households able to command substantial capital sums. Although the mix may reflect the Dwelling Size Priorities (Table 1 at 3.189 of the Local Plan), the distinct lack of 1 bed units does not represent an inclusive mix for this housing type.
- 3.7 The applicant in support of the proposed use in this location has commissioned a Care Needs Assessment. The London Plan sets an indicative benchmark for Camden to provide 100 additional homes per year specifically for older people, based on an estimated potential demand from 2.5% of households aged 65-74 and 15% of households aged 75 and over. The London Plan's indicative benchmarks suggest that only 15% of new provision in Camden should be for affordable rent and the remainder should be for private sale and intermediate sale. The London Plan also suggests that there could be potential need across London for 400 – 500 additional care home places per year. The likely need for homes for older people in Camden has also been assessed using the Housing LIN Older People Resource Pack 2012. This modelling distinguishes between different support needs, but also suggests an aggregate need for 100 additional homes per year of which two-thirds should be homes to buy or lease.
- 3.8 Extra-care housing is an effective way to facilitate people maintaining their independence while ensuring their care and support needs are met. The Council has brought forward four extra-care schemes across the borough (over 130 places), one in association with a new care home. We are also developing a further 38 extra-care places on a site near Chalk Farm incorporating a resource centre to support older people in the wider community. New places will be tailored particularly for high needs groups such as people living with dementia. It is noted that both the London Plan and Camden welcome and accept that there is a need to provide additional Homes for Older people, yet as with any scheme, the suitability for housing development, should be balanced against other material planning considerations.
- 3.9 The applicant states within their submitted Planning Statement that the scheme will be '*an exemplar in terms of the standard of facilities, the levels of independence that are enabled, and the provision of support and care*'. However, Officers have concern about the brief which has been developed through this proposal, and how it sits against planning policy, as outlined within this report.
- 3.10 This proposal seeks approval for a gated community which is inward focused and provides little benefit to the existing mixed and inclusive community of the neighbouring environment. However, Officers welcome the statement that is noted within the submitted Planning Statement which states "*It is also proposed that the nursing home and its associated facilities be made available to the local population.*" Yet no further details as to this commitment are divulged. Due to the site being enclosed on 3 sides Officers do accept that this is a significant site constraint in relation to the proposal. The design element of the inward focused community being proposed is discussed further within the section 4 of this report which covers access and the design of the proposal. In relation to section e. of Policy H8, this is referred to in detail in section 2.0 Development on Open Space and Section 9 which discusses Amenity. Whilst it is noted that the facilities provided on the site could reduce some of the impact on the wider area in terms of services, this also highlights the inward facing proposal in that residents would not use local amenities nor contribute to the wider area. Therefore, the proposal of 82 self-contained 'extra care' units and their impact on identified need are not considered to outweigh many other principal planning considerations in this instance.

Housing – Affordable housing and viability

- 3.11 Officers have assessed the planning submission and consider the application's nil offer of affordable housing to be based upon the assumptions that there shouldn't be a requirement; There hasn't been a contribution from C2 use class elsewhere; Affordable provision could not be integrated into the scheme; and no financial contribution would be viable.
- 3.12 As noted within the GLA's stage one report paragraph 23, "*Policy H15 of the draft London Plan and the Mayor's Housing SPG (Paragraph 3.7.4) both make a clear distinction between C2 and C3 uses in respect of specialist older persons housing.*" Draft policy H15 states that sheltered accommodation and extra care accommodation should be considered as C3 housing. Whilst it is accepted that the nursing home offer of the 15 beds within this proposal is considered to constitute a C2 use class, the extra care accommodation, which are private apartments with their own front door should be considered as C3 housing. Self-contained is helpfully defined in the Local Plan, para 3.6 "*Self-contained houses and flats are defined as homes where all the rooms, including the kitchen, bathroom and toilet, are behind a door that only one household can use*" (2011 Census Glossary of Terms).
- 3.13 Whilst the applicant states the proposal to be a C2 housing due to the level of care being provided on site, both Officers and the Applicants consider the units to be 'self-contained' with their own individual front doors. When seeking affordable housing, the Local Plan and the Mayor's housing SPG March 2016 both specifically relate to the requirement of Affordable housing for self-contained units. The Council have recently regarded our own applications for extra care units as C3, however, we have classed two similar proposals as Sui Generis.
- 3.14 As discussed, the applicant note that the proposal should be considered as a C2 Use Class. However, as advised to the applicant at pre application stage, the Council in line with Policy H4 will seek to secure affordable housing provision when assessing proposals for housing for older people in connection with the self-contained homes within the proposed development, whether or not the C3 Use Class applies. Policy H8 states "*in the case of any market-led development aimed at older people, homeless people or vulnerable people, particularly where the development contains self-contained homes, the Council will expect the development to make a contribution to the supply of affordable housing in accordance with Policy H4*". Policy H15 of the draft London Plan as well as the London Plan Policy 3.12 seeks the maximum reasonable amount of affordable housing and Policy H6 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG established a minimum pan-London threshold level of 35% affordable housing (without grant) with a strategic target of 50%, whilst also taking account of Camden's Local Plan as discussed in paragraph 3.16. In the Stage One response from the GLA, it states the "*In accordance with Policy H15 of the draft London Plan, specialist older persons housing comprising extra care or sheltered accommodation (Use Class C3) must deliver affordable housing in accordance with Policies H5 and H6*" (paragraph 27.)
- 3.15 Where market housing is proposed for older people or vulnerable people, the Council will apply Policy H4 as far as possible to seek an equivalent amount of affordable provision for older people or for general needs. The London Plan indicates that boroughs should apply the principles of their affordable housing policies to the range of housing for older people, including those in Use Class C2. Consequently, when considering market-led proposals for homes for older people to buy or lease, Officers will seek affordable provision in accordance with the principles set out in Policy H4 - Maximising the supply of affordable housing. Officers acknowledge that such forms of housing are likely to have distinctive financial viability characteristics, particularly if an element of care is involved, and will take a flexible approach to the scale and nature of provision and whether the affordable provision should be made on site. The Council acknowledges that arrangements for assessing affordability to people of pensionable age will be different from assessing affordability to people of working age, especially when housing costs include an element of care. However, Officers will strongly encourage the providers to include a variety of tenures to suit older people from different backgrounds, including homes for intermediate sale. Where on-site provision would

not be practical, we will seek off-site affordable provision for older people or for general needs, or exceptionally a payment-in-lieu.

- 3.16 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100 sqm GIA or more. An affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings, which this application falls within. In line with Policy H4 Clause b. targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home;
- 3.17 In line with Policy H4 the council would seek to secure 50% of the floorspace to be affordable. Based on similar schemes in the Borough (including Bartrams 2014/6449/P and Fitzjohns 2014/7851/P as referred to by the applicants within their submission) Officers would likely start from the GIA of the self- contained units and calculate a requirement based on these figures. As discussed in paragraph 2.16, and in line with policy H4 and H8, there is potential for the non-self-contained care home element to be excluded from such calculations. Due to the level of care envisaged, officers accept that it might not be feasible to devise an affordable model that could operate in tandem with that part of the scheme, and consider that a requirement should not be applied in this instance.
- 3.18 Policy H4 Clause h) states “*for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site*”. Within the viability report it states “*it would be necessary to deal with any affordable housing contribution via an off-site payment as the scheme has been specifically designed to integrate high quality housing for people of pensionable age with exemplary level of communal facilities and on-site services for residents*” (Page 7). Within the supporting text of Policy H4 the Council acknowledge that such forms of housing for older people are likely to have distinctive financial viability characteristics, particularly if an element of care is involved, and we will take a flexible approach to the scale and nature of provision and whether the affordable provision should be made on site.
- 3.19 In this instance, the applicant has not satisfactorily demonstrated to Officers that affordable housing could not be accommodated on the site as part of the development. Officers do consider that an affordable provision can be secured on the site itself. The site has one street frontage, which in previous schemes has been utilised to provide a certain amount of affordable housing on site, deemed to be a viable proposal by the developers. The proposal includes residential units fronting Gondar Gardens and through minor design amendments, an element of this frontage, could have its own separate entrance and entity to that of the remaining rear part of the site, and successfully incorporate an element of affordable housing on site. H4 clause (i) indicates where on-site provision is not practical or off-site provision would enable a better contribution, the Council may accept a provision of affordable housing offsite in the same area. In line with Policy H4, the Council will only accept a payment-in-lieu “*where on-site and off-site options have been thoroughly explored and it is demonstrated to the Council’s satisfaction that no appropriate site is available*” (paragraph 3.117).
- 3.20 No appreciation of the policy requirement in relation to providing an onsite contribution or offsite proposal has been considered within the submission or within the viability appraisal. The planning statement dismisses the need for affordable housing stating that they are not “*aware of the Council having collected an affordable housing contribution from a Class C2 assisted living scheme to date*” (paragraph 6.9.28 Planning Policy Statement). The Council is aware of two broadly similar schemes which have been decided in the Borough. Affordable housing policies have been robustly applied in both cases. In these instances, viability evidence was submitted and independently assessed. The Council accepted that the schemes could not viably make a contribution at the time of determination, but the two schemes’ Section 106 legal agreements both seek a viability review at completion and each case could trigger a deferred contingent contribution to affordable housing if viability has improved sufficiently. It is disappointing that this

policy has not been investigated further within this planning application, despite Pre application discussions with Officers and the GLA making the position clear.

- 3.21 Policy H4 states that the Council will negotiate the development of individual sites to seek the maximum reasonable amount of affordable housing and in doing so will take into account the economics and financial viability of the development including any particular costs associated with it. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.
- 3.22 The application proposes no affordable housing. The applicants have submitted a Financial Viability Assessment Report in support of the development. Produced by Rapleys and dated 27th July 2017 it is stated to “*consider, in an open book format, the financial viability of the proposed scheme and the level of affordable housing and financial Section 106 contributions that can be supported*” (page 1). The report also goes on to state that “*In preparing this viability report we have considered the Council’s affordable housing policies in the Camden Local Plan, adopted in July 2013*” (page 1). For clarity, it is noted that the Camden Local Plan was adopted in 2017.
- 3.23 In order to assess whether an affordable housing contribution would be viable, Rapleys have estimated the payment in lieu that would be required for the scheme as £13,342,750. They have used the methodology adopted for the previous planning application 2014/6449/P (Pegasus Life Scheme at the former Bartrams Convent Hostel on Rowland Hill Street). Whilst Officers do not consider that the case for a payment in lieu has been adequately demonstrated, we do think that the methodology calculating the payment is broadly acceptable.
- 3.24 The formula which they are proposing is as follows:

**Offsite payment = Gross External Area (GEA) x £2,650 per sqm x 50%
(Council’s Target AH provision)**

- 3.25 Within their viability report they have quoted the figure of 8,058sqm of floorspace. This figure as demonstrated within the viability report within Appendix 1 is the figure of the Sqm net internal areas of all 97 units proposed. This includes 353sqm NIA for the nursing home accommodation. Whilst discussed later on in this report, there has been no discussion with the Council in relation to floorspace figures during or prior to this submission. Officers do not necessarily consider that the proposed payment in lieu figure should include the nursing home bedrooms in this instance due to the amount of care and additional requirements which such a use demands.
- 3.26 The Viability Assessment produced by Rapley’s has been submitted in an attempt to justify the lack of affordable housing on site and in the form of a payment in lieu. The Viability Assessment has been independently assessed by a viability expert (BPS Chartered Surveyors) for the Council. They produced a report dated 11th January 2018 which concluded that the applicant has not sufficiently demonstrated that the proposed scheme maximises affordable housing delivery. The applicant’s report concludes that no contribution towards affordable housing is viable, BPS do not accept that the applicant has demonstrated that the scheme could not viably contribute.
- 3.27 The Applicant’s proposal assume a benchmark land value based on the extant consent (the Second Frontage Scheme for 28 units) adopting an alternative use approach and proposes a land value of £4.61m. No existing use value has been provided. The applicant’s appraisal prepared by Rapleys shows a residual value of the proposed scheme of £1.95m, indicating an apparent deficit of £2.76m when compared to their proposed benchmark land value. BPS are happy with the approach which has been adopted in relation to calculating the figures.
- 3.28 The pricing schedule provided in support of the viability appraisal does not specify different pricing for individual units, by rather a £/sq ft. Whilst it is noted as being on the lower side of what is being achieved elsewhere, BPS are happy with the evidence provided in this instance.
- 3.29 In relation to sales values, they are lower than the values assumed in the benchmark scheme, despite the advice contained within the Applicant’s sales and market research by Savills which

confirms that the new product in their view would generate a premium over prevailing market values due to the high quality facilities and exclusivity of the development. There is a lack of comparable or evidence to support the value assumptions and BPS have concluded that they are unable to agree that these are reasonable.

3.30 The Cost Consultant for BPS has reviewed the cost plan for the Alternative Use Value (AUV) scheme and has increased the build cost allowance to £15,661,000. BPS consider the build cost for the AUV scheme is too low, mainly because the costs of demolition/ preparing the site are underestimated. BPS note that Rapleys use a higher figure for the application scheme.

3.31 BPS estimate a benchmark/AUV value to be around half of the Rapleys assessment.

3.32 The viability report has also been assessed by GLA officers within their Stage One report. In line with BPS, GLA Officers consider that the assessment of market values under the extant scheme is correct but has been understated in the proposed scheme and that build costs assessed for the extant scheme include elements that are understated notably demolition and enabling works and residential fit out costs; both the GLA and BPS consider that the sales values are understated and Interest rates for the developments should both be 7%.

3.33 The business model at Gondar Gardens will follow that of Battersea Place (which is a similar scheme and developed and maintained by the current owner and developer of the application site), which involves a secondary income stream in the form of deferred management fees. The applicant has been asked for additional information on this point and have chosen not to submit any information as requested by BPS. BPS consider that the viability submission does not disclose fundamental income streams which appear likely to be generated from the scheme.

3.34 The applicant's advisers were asked to provide:

- An assessment of anticipated income from deferred management fees
- Service charge income
- Income generated by service fees
- Anticipated costs of management
- Anticipated costs of providing services

3.35 Rapley's subsequently declined to provide the above. They confirmed that they had consulted a barrister to ascertain whether they were legally obliged to disclose this information and declined on the basis of the advice received.

3.36 As noted in BPS's report, it is clear that the Council will always seek all the information in support of viability states and within the Local Plan adopted July 2017 paragraph 3.64 where it states "*The Council supports transparency in decision making, and will seek the maximum reasonable disclosure of information in viability appraisals, having regard to any elements that are commercially sensitive.*"

3.37 The Applicant has stated that this is a deferred payment of service charge and core services fees relating to the care of residents and maintenance facilities over and above the fees agreed at the beginning of the contract, and that LCR Ltd will not make any additional profit or value from this income. Given the proposed value of the units BPS consider this point requires detailed justification. Due to this information not being submitted, BPS cannot conclude the net cash flow would not generate a potential surplus over and above costs.

3.38 BPS did however, look on Companies House at the accounts for Battersea Place, which was being quoted as being the only real comparable site in terms of the business model. This information shows that for a similar scheme of 128 apartments, the freehold investment value (i.e net present value of future estimated cash flows) is in excess of £40,000,000. While this cannot be used to deduce the equivalent freehold investment value at Gondar Gardens, it suggests that

the figure omitted from the viability assessment is likely to be substantial and highly relevant to scheme viability.

- 3.39 The build cost estimate provided by the Applicant prepared by Quantem Consulting has been assessed by our Cost Consultant Geoffrey Barnett Associates (GBA). They have concluded that even allowing for the high specification of the scheme the proposed costs far exceed reasonable expectations. GBA propose costs should be reduced from £53,800,000 to £43,721,000 a figure included within BPS's amended viability, resulting in a cost saving of £10,079,000.
- 3.40 Due to there being no provision of affordable housing on the site nor in the form of a Payment in lieu, the proposal fails to meet the Council's policy requirements in terms of quantum, tenure, unit mix and quality of accommodation. The applicant has attempted to justify the insufficient quantum of affordable housing through a viability assessment which has been subject to an independent review by viability consultants BPS. Officers consider that Rapleys report overestimate the AUV for the extant scheme and therefore the benchmark value is too high; they have overestimated the build costs for the application scheme; have understated values; and have not included vital information in relation to the anticipated income from the deferred management fees.
- 3.41 The lack of feasibility to show why an element of affordable housing cannot be accommodated on the scheme, following on the same lines from the previous schemes for the site, is also disappointing. Further information is required for a proper analysis, however, both BPS and the GLA consider that the scheme can, as an absolute minimum, viably provide the full, Camden Local Plan policy compliant payment in lieu contribution. Therefore, Officers consider that the proposal has failed to demonstrate that the maximum reasonable amount of affordable housing has been achieved and the application should be refused on these grounds.

Policy requirement – application to self-contained apartments and the appropriateness of the 50% target

- 3.42 Local Plan para 3.83 confirms that the Council will consider Policy H4 when assessing proposals for housing for older people and vulnerable people. The GLA have indicated that affordable housing should be sought in relation to the self-contained parts, but not the non-self-contained nursing care bedrooms.
- 3.43 This is consistent with the sentence in Policy H8: "*In the case of any market-led development aimed at older people, homeless people or vulnerable people, particularly where the development contains self-contained homes, the Council will expect the development to make a contribution to the supply of affordable housing in accordance with Policy H4.*" The focus on self-contained homes reflects that complexity of viability and affordability considerations where occupiers no longer have an independent home and high levels of care are required.
- 3.44 In relation to this application, the independent viability advisor has not accepted that no initial contribution to affordable housing would be viable. In such a case and as noted in previous paragraphs, in accordance with Policy H4 clause (i) and paragraph 3.117, it is necessary to consider on-site and off-site options before a payment in lieu can be considered.
- 3.45 No contribution towards Affordable Housing has been offered, nor were conversations held with the Council to discuss figures or approaches prior to submission. Reference is made to two precedents in terms of development of market housing for older people. These schemes are 2014/6449/P – Former Bartram's Convent and 2014/7851/P – Former Arthur West House.
- 3.46 The submitted Financial Viability Assessment Report includes an accommodation schedule in Appendix 1 (providing NIA for each apartment and nursing care bedroom) and a full area schedule of GIA as part of Appendix 4 (the cost plan – see Appendix E). These indicate that total GEA is 15,674 sq m and GIA is 14,088 sq m (which is consistent with the application form).

- 3.47 The NIA of the residential element is given as 8,056 sq m NIA total, of which 353 sq m is nursing care bedrooms, and the remaining 7,703 sq m is in self-contained apartments. The NIA to GIA ratio is 8,056/ 14,088 (including nursing care beds) or 57.2%. The NIA to GEA ratio is 8,056/ 15,674 or 51.4%. Considering the self-contained apartments only, the ratio NIA to GIA ratio is 7,703/ 14,088 or 54.7%, The NIA to GEA ratio is 7,703/ 15,674 or 49.1%.
- 3.48 In the case of the Bartram's and Arthur West, Officers accepted that the developments contained a considerable amount of ancillary floorspace that didn't directly generate an income or sales receipt, and therefore the affordable housing requirement should be based only on the self-contained residential element of the scheme.
- 3.49 Given the low ratio of net to gross floor area and the high proportion of ancillary space at the application site, the approach adopted for Bartram's and Arthur West would seem appropriate.
- 3.50 Taking the same approach, the NIA of the self-contained residential element for the application site is 7,703 sq m, therefore the **target for on-site provision of affordable housing would be 3,851.5 sq m NIA** (7,703 x 50%).
- 3.51 In the event that an off-site provision of affordable housing was considered to be appropriate, Local Plan para 3.114 gives the following guidance: "*Where a development omits affordable housing it will be possible to deliver additional market housing on-site, and the Council will expect to achieve a significantly enhanced affordable housing contribution off-site (in terms of quantity and/ or quality), having regard to the net additional market floorspace across all sites.*"
- 3.52 If no onsite provision could be provided, the Council would seek an offsite provision and the target would be to achieve 50% affordable housing across both sites, thus off-site affordable housing would need to match on-site provision. The **target for off-site affordable housing provision would be 7,703 sq m NIA**.
- 3.53 If this option had been fully explored and if the Council accepted the option of exploring a payment-in-lieu, the starting point would be the standard payment in lieu formula in CPG8. The formula takes the target for on-site provision in terms of Gross External Area (GEA) and multiplies by £2,650 per sq m. However, this payment in lieu figure is based on assumption that the Net Internal Area (NIA) (which excludes common areas and exterior walls) is generally equivalent to 80% of the GEA, and conversely the GEA is 1.25 x the NIA (excluding common areas/ exterior walls).
- 3.54 As indicated above, for the application site, the GEA includes a considerable amount of ancillary floorspace that doesn't directly generate an income or sales receipt (NIA is only 49.1% of GEA). It would therefore be more appropriate to take the NIA of the self-contained residential element of the scheme, and apply the standard 1.25 multiplier to calculate an equivalent GEA (ie NIA of flats x 1.25).
- 3.55 On this basis the Council consider that the *payment in lieu figure for Gondar Gardens* excluding the nursing care bedrooms would be:
- the on-site NIA target (7,703 sq m x 50% = 3,851.5 sq m) x 1.25 to convert to the equivalent GEA (= 4814.375 sq m) x £2,650 psm to convert to a payment in lieu = **£12,758,093.75**
- 3.56 In the absence of any form of contribution to affordable housing – onsite, offsite, or a payment – the scheme fails to provide the maximum amount of affordable housing and should be refused.

4 Design, Conservation and Heritage

- 4.1 The NPPF (paragraphs 17, 56 and 57), the London Plan (Policies 7.1 to 7.8) and Camden's Local Plan (policies D1 and D2) place great emphasis on conserving heritage assets in a manner appropriate to their significance, and emphasise the importance of good design. CPG1

seeks “excellence in design” in Camden. Policies at all levels require buildings, streets and spaces to respond in a manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and the general character of the location.

- 4.2 Camden’s Local Plan policy D1 states that the Council will seek to secure high quality design in development. The Council require development to meet the requirements of Policy D1 a – o. Section f requires that development “*integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage.*”
- 4.3 The importance of high quality design, is also highlighted within the Fortune Green and West Hampstead Neighbourhood Plan. Policy 2: Design and Character states that “*all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.*”
- 4.4 The application site was developed as a covered reservoir in 1874, sited to take advantage of its relatively elevated location. Although the reservoir is now redundant, approximately 40% of the site is occupied by the 92m x 53m vaulted brick structure which lies mainly below ground. The grass covered reservoir roof has an approximate height of 80m AOD, about 1.5m higher than the ground level on Gondar Gardens to the west, 3m higher than Gondar Gardens to the north, 6.5m above Agamemnon Road to the east and 12m higher than Hillfield Road to the south where the land falls away more markedly. The raised spoil area to the east and the enclosing embankments that slope down to the site boundaries, as well as the reservoir structure are covered by grassland.
- 4.5 The site is unusual in that its history and appearance has resulted in it being defined as both previously developed land and as protected open space. The reservoir is Locally Listed as a natural feature or landscape asset for its historical and social significance (Ref418). The list description states that “Its site has been cherished as a “green lung” by the people of the area, as well as for the views it allows right across to Hampstead Parish Church and beyond”. It is also designated as a SINC, private open space and Local Green Space.
- 4.6 The planning history to the site has established that it is of high environmental value in both ecological terms and its contribution to amenity. The site is enclosed on its north, east and south boundaries by later nineteenth and early twentieth century residential development on Gondar Gardens, Agamemnon Road and Hillfield Road respectively. These houses back on to the site, their rear gardens adjoining the site boundaries. Although the extensive views into the site from these surrounding houses are private views taken individually, they amount collectively to a considerable public asset and a ‘green lung’ providing local amenity (appeal decision APP/X5210/A/11/2167190). That decision records that, although previously developed land, the subterranean construction of the reservoir ensures that there is no interruption to visibility, and the existence of the open space permits extensive views, and an area of dark that complements the cityscape beyond at night.
- 4.7 The embankment on the western boundary of the site falls to the high point on Gondar Gardens with frontage formed of a fenced boundary and tall shrubs. The ad hoc nature of residential expansion in the early twentieth century created the unusual townscape condition of the north-south oriented section of Gondar Gardens. This section of the street was established as an access road serving the reservoir and later residential development, on Sarre Road to the west and Hillfield Road to the south, backed onto the route. As a result, this section of Gondar Gardens has only limited residential street frontage. This is confined to the south-west side where there has been small scale residential infill development to the rear gardens of Sarre Road properties and to the three storey Edwardian mansion blocks that lie directly adjacent to the north western and southwestern corners of the site; Chase Mansions and St Elmo Mansions to the north and South Mansions to the south. The two to the north of the site are part of a group

of 12 mansion blocks on Gondar Gardens that are locally listed (Ref602) for their architectural and townscape significance.

Assessment of the proposed development – Layout

- 4.8 The proposal is formed of six pavilions arranged in a 3 by 2 grid and with each set of three connected in the east west direction by link buildings set at two storeys lower than the pavilions. The height of the proposed buildings is three storeys above the street and surrounding grade level with a set-back fourth floor but the central and eastern blocks have further storeys below grade level so the overall height ranges from 4 to 6 storeys across the site. The area of the proposed building is largely contained within the confines of the existing reservoir structure although it extends further to the west to adjoin Gondar Gardens. Of the 112 vaulted brick bays of the existing reservoir structure six would be retained as part of the proposed new building in two groups of three.
- 4.9 There are six vertical circulation cores, one to each block, all linked internally on L-01. Although linked internally, each block also has its own direct access point or 'front door' on what is described as a 'pedestrian street' - the central spine that runs east-west through the development. The metaphor of the 'pedestrian street' is not an accurate description of this feature of the proposed development. It takes the form of a series of three courtyards on levels 0, L-01 and L-02, linked by steps so does not provide access externally to the mobility impaired.
- 4.10 There are two principle entry points to the development. First via a gated pedestrian access placed centrally on Gondar Gardens between the two proposed pavilion blocks that lie adjacent to the street. Second via the 'main' entrance which is also vehicular entrance that leads to a drop off and parking court with entrance to a car lift and the main reception, to the south of the site, close to South Mansions. The pedestrian entry point to the whole development lacks any clear definition or obvious signifier as an entrance. It is set back from the street frontage and of a muted and inconspicuous design with a large gate filling the gap between the two building blocks. It leads to the upper level (L0) courtyard that is enclosed by the entrance to a general reception area on its south side and the nursing home reception to the north.
- 4.11 As described, each of the six blocks has an entrance on the adjacent courtyard. Therefore, although the two westernmost blocks adjoin Gondar Gardens, their entrances are located off the internal courtyard and tucked behind vertical circulation cores so are not visible from the street. This raises two sets of concerns.
- 4.12 First, it means the development does not take full advantage of the opportunity to redefine and enhance the street frontage to Gondar Gardens. Instead of addressing the street with prominent and centrally placed entrances, as is typical of the mansion block typology, the street frontage has no entrances so provides overlooking of the street but no active frontage. The plans include a small 'attempt' to address this frontage through having a lower boundary wall with railings and a 'patio' door opening up onto a small courtyard which can only be served by the residents themselves. The full height window and the door would either open up from a bedroom or a kitchen and would be set behind proposed landscaping which would run the whole length of the built form along Gondar Gardens, thereby increasing the perception of defensive planting. The doors in this location and the slight reduction in the height of the proposed boundary walls with railings, do not address the street and do not positively interface with the street nor the Streetscape in which it is located.
- 4.13 Second, the lack of well-defined entrances to help visitors or passers-by understand movement between the development and Gondar Gardens, is linked to a general concern about legibility and ease of circulation around the development as a whole, particularly for visitors and those with visual or mobility impairments as well as occupiers with dementia. The development is linked internally only on one level which is below the entry level and via circuitous corridors. The way that you move through the development is not clear because the entrance on Gondar

Gardens is not clearly defined, and once beyond the street frontage there is further confusion as the outdoor spaces would read as a series of landscape amenity areas rather than principal circulation route and the internal links are not easily legible. In this way, the proposed development would undermine the coherence of the public realm and streetscape so is in conflict with London Plan policy 7.6 and Local Plan Policy D1. This element of design is also considered further within the Access Section of this report.

Assessment of the proposed development – Scale and Height

- 4.14 Previous appeal decisions have established that the acceptability or otherwise of development of the site depends on its effect on its openness – that some part of the site might be suitable for development subject to it maintaining the open character of the site for which it has been designated private open space. A projection of 1.5m above the existing level of the reservoir roof, given the distance it was in-set from the site boundaries, was not considered to interrupt visibility or adversely affect the open character of the site because of its modest projection, ‘exceptional design’ and green roofed design.
- 4.15 The proposed height of the development is three storeys above the street and surrounding grade level with a set-back fourth floor. The highest point of proposed development stands at 92.8m AOD while the existing reservoir roof is at approximately 80m AOD. The highest points relate to the six large footprint apartment blocks, connected by the lower link buildings that rise to approximately 86m.
- 4.16 The visual impact assessment demonstrates that, beyond the appropriately scaled frontage buildings on Gondar Gardens, the proposed development has a high degree of visual containment from trees and buildings on surrounding streets. There is very limited visibility of the proposal from public viewpoints, although it should be noted that the proposal is obscured in some views by trees in full leaf and worst-case scenario winter views have not been provided.
- 4.17 However, from the windows of a large number of adjoining properties on Gondar Gardens, Agamemnon Road and Hillfield Road, there would clearly be a substantial effect on the living conditions of a large number of occupiers in terms of outlook. The development as a whole would appear as a continuous wall of development of up to 12m in height that would block the extensive views across the site. The extent and large scale of the proposed development would be in complete contrast to the existing open character of the site. The importance of such a view was appreciated by the Inspector on the first reservoir appeal where he appreciated that the openness of the site was a “considerable public asset”, and through this application, such a public asset would be completely lost. The extensive glazing to all elevations of the proposed development, and to a greater degree to the outward facing elevations, would also result in considerable night-time light spillage. The site would no longer provide a valuable area of dark at night. The height and scale of the proposed development would therefore have a severe adverse effect on the open character and appearance of the site contrary to policies G1, D1, D2 and A1 of the Camden Local Plan 2017.

Assessment of proposed development - Architectural Expression, Materials and Details

- 4.18 The architecture of the proposed development should achieve three main objectives:
- a contextually sensitive response to infilling the gap in the streetscape on Gondar Gardens with buildings that relate well in scale, proportions and rhythm to the neighbouring locally listed Victorian mansion blocks;
 - to the rear of the Gondar Gardens frontage, the architecture should be low-key in character and as visually unobtrusive as possible;
 - a domestic style of architecture that enhances the residential character of the surrounding neighbourhood.

- 4.19 On the first point, the proposed frontage blocks on Gondar Gardens are partially successful. The height of the main façade and proportions and rhythm of the projecting bays closely correspond with those features of neighbouring buildings but achieved in a distinctly contemporary aesthetic. The use of a single facing material, a light buff brick, gives this elevation a slightly monotonous uniformity so that the projecting elements do not punctuate and allow rhythm to be read in quite the same way as they do when a contrasting material is used as in the historic precedents. Also the projections of the bays are not as deep and therefore the windows do not wrap around to the sides of the bay as they do in the historic canted bays. It is a missed opportunity to add another dimension to the way in which life within the building can be glimpsed from the street and improve outlook, prospect and natural light to occupants. However, overall the townscape benefit of infilling this gap in the frontage outweighs certain limitations of the design.
- 4.20 On the second point, there is little attempt to disguise the scale of the development architecturally. The buildings are expressed as a series of orthogonal blocks formed of a frame of buff brick piers and planes that slide across the site from west to east and infilled with dark grey bricks and metal cladding. Windows are large infill panels in a brick clad frame rather than expressed as punched openings as is characteristic of the architecture of the surrounding area. There is limited use of vegetated walls or angled green roofs to the buildings which may help to retain an appearance of 'greenness' to the site in views in from adjoining properties.
- 4.21 The concern that the architectural character of the proposed development is corporate and institutional rather than domestic was discussed at pre-application stage and the proposal has not developed this aspect of the design further. In this sense, the architecture fails to reflect the residential character of the surrounding neighbourhood and to promote or reinforce local distinctiveness. In addition, although it could be considered subjective and a matter of personal choice, its fitness for purpose could be questioned in that it fails its future occupants by not providing residential accommodation with the aesthetic and cognitive qualities of a home. The retention of some of the vaulted brick bays of the existing reservoir structure is welcome and in the CGIs, these would appear to be the most successful elements of the proposal in establishing a distinct character and sense of place to the development. The fact that the reservoir is locally listed was respected by the approved appeal reservoir scheme and there is no doubt that the inspector considered the retention on display of large quantities of historic fabric as a key factor in allowing the scheme (these elements "*would make a significant contribution to the appearance and character of the site to its residents*"; "*the retention of important parts of the structure would ensure that residents and visitors alike would appreciate the origin of the scheme*"). However, nearly all of the columns and arcades that were to be retained in the approved scheme would be lost in the new proposal. The reservoir's attractive outer walls are all but entirely enclosed by new walls – of the 44 existing bays, just nine would survive. Rather than being a recognisable former reservoir that can be comprehended as such by future generations, the sunken volume simply becomes a heavily infilled hole, with a further basement dug out of it and almost no clues surviving as to its origin. Of the entire brick-vaulted structure, just three small sections of wall would remain exposed (one of them indoors), along with eight pillars inside the private dining room. Fragments of four other pillars appear to survive attached to a wall inside the swimming pool. Otherwise, every trace of the locally listed structure is demolished or built over. This compares unfavourably with the approved scheme, in which the reservoir walls remain exposed throughout, and around 40 of the brick pillars survive.
- 4.22 While the 2012 approved scheme was modern in its design, it took its cues from its surroundings, with arched windows and entrances that echoed the historic arches that survived around it. It retained a great deal of historic fabric and was polite, both in its scale and in being largely below ground, taking the original void created by the reservoir and sitting within it, allowing it to remain entirely legible. Bricks from the original structure were to be reused in elements of the proposal. No such care or subtlety is employed in the current scheme. The materials employed are ubiquitous, low-quality developer standards – buff bricks (01 and 02), reconstituted stone (04) and dark grey metalwork (05, 06, 07, 08, 09 and 15) – with no compromise made to either the locally listed host structure or to the surrounding 19th-century

houses. From being an interesting development of small houses, the design is now banal, generic and site-non-specific, as well as being bulky and overscaled.

- 4.23 It is considered that the development would undermine the coherence of the public realm and streetscape by not taking full advantage of the opportunity to redefine and enhance the street frontage to Gondar Gardens and not succeed in establishing a clear identifiable entrance and identity to the development on Gondar Gardens. Based on the boundary wall and defensive planting proposed along Gondar Gardens as well as the high gates proposed on the boundaries of the site and the subsequent failure to provide an active street frontage, the proposed development would be disconnected from the local streetscene and the surrounding community, resulting in an inward-looking enclave which would fail to contribute to community safety and security and to promote social cohesion.
- 4.24 The height, scale and bulk of the proposed rear part of the development (within the existing reservoir demise) would have a severe adverse effect on the open character and appearance of the site to the detriment of a large number of adjoining occupiers therefore being contrary to planning policy.
- 4.25 The architectural character of the proposed development fails to reflect the residential character of the surrounding neighbourhood and to promote or reinforce local distinctiveness.
- 4.26 The proposal is therefore considered to be contrary to policies D1 and D2 of the Camden Local Plan, Policy 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan, the London Plan and the NPPF.

Landscaping and Trees

- 4.27 The site is not located within a conservation area. As such no trees on site are afforded legal protection by default. There is a tree preservation order (TPO) on a group of trees which runs along part of the eastern perimeter of the site (TPO ref. C378 2003), adjacent to the rear gardens of the west side of Agamemnon Road. The scheme involves the proposed removal of 13 category. C tree survey entries from across the site. These are seven individual trees, three individual shrubs, two small shrub groups and one tree group.
- 4.28 No category B trees are required to be removed. No trees from the TPO group are proposed to be removed in order to facilitate development, however T38 from within this group is proposed to be removed irrespective of development due to its poor condition.
- 4.29 The trees proposed to be removed are located on the western and south-western perimeters. G5, a group of trees adjacent to the existing entrance, is proposed to be removed. G5 is likely to be self-sown which has resulted in the trees within it growing in an unsustainable position due to their close proximity to structures and each other. G5 is located on the Gondar Gardens frontage of the site and is made up of a large number of trees which have been grouped together by the surveyor as the trees form one cohesive group both aesthetically and aerodynamically, which is in line with BS5837:2012 - "Trees in relation to design, demolition and construction". While there is a high number of trees in G5 they are young, small and of low quality, growing in close proximity to one another resulting in what is more hedgerow-like than individual trees.
- 4.30 Established shrubs and low quality trees along the same frontage, S4, T7, S8, T9, S10, T12 are also likely to be self-sown and considered to be low quality and note to be noteworthy examples of their species. While is acknowledged that collectively these shrubs and trees do contribute to the streetscape to some degree, it is not considered reasonable to insist on their retention in this instance. T13, T15 and T17 are also category C trees proposed for removal. These 3 low quality trees are visible from the public realm to some degree and are not considered to be noteworthy examples of their species.

- 4.31 Various degrees of pruning of off-site trees which overhang the application site is proposed. This is considered to be minor in nature and not detrimental to the health of the trees involved.
- 4.32 The construction of a drive way is proposed within the root protection area (RPA) of T14 to the south of the site, an off-site tree to be retained. A no dig solution is proposed to ensure T14 is not adversely affected. This is considered to be acceptable in this instance and the details provided are acceptable. It is noted that there is no excavation being proposed within the Root protection areas of any trees that are proposed to be retained.
- 4.33 New trees and shrubs are proposed in various positions along the northern, eastern and southern boundaries, the grassland slope and on the roof garden to mitigate the loss of canopy cover provided by the trees that are proposed to be removed. Semi-mature trees are proposed which will provide some degree of instant impact and help to retain the privacy of those in neighbouring properties. Sixty trees in total throughout the site are proposed to be planted resulting in a net gain in tree numbers on site. A broad range of native species are proposed which are welcomed.
- 4.34 1009sqm of green roof is proposed and 694sqm of brown roof is proposed which is an accepted area. A broad range of native plants are proposed which have been approved by the London Wildlife Trust. A minimum substrate depth of 80mm is proposed which will vary across the roofs to a maximum of 250mm to provide different conditions which will further enhance biodiversity by allowing different plants to thrive. However, this element of the proposal is not considered to significant justification for the loss of the SINC as discussed in paragraph 2.17.
- 4.35 The landscaping within the proposed courtyards is considered to be of high quality design, giving a more formal character than the “wild” areas of the site. Hedging and small trees in pots are proposed along the Gondar Gardens frontage. Small trees are proposed to be rooted in tree pots which is not considered to be sustainable and therefore, small trees should be rooted in tree pits to ensure growth.
- 4.36 A large area of the existing SINC is to be ‘re-profiled’ to create a new south facing bank. A retention pond is also proposed within the design to ‘provide addition habitat typologies and handling surface water as part of the SuDS Drainage Strategy’ (Landscape Report dated July 2017). The Landscape report describes the works necessary to “facilitate the removal of the covered reservoir, enable construction of the building block and post construction, and to allow more light into apartments within the building, we will be partially re-grading the site” (paragraph 2.4.4). Officers consider this to be a substantial loss of the existing Borough Grade II Level SINC and consider that the developers are not respecting the existing designations on the site and are simply ‘re-landscaping’ the land. The applicants are not considered to be respecting the land nor going over and above what Officers would expect as part of any planning application in the form of landscaping existing space and providing an area of amenity space for residents. The proposals fail to take into account the existing designations and ecological benefits of this space and the loss of the SINC in this location is not considered acceptable.
- 4.37 Overall it is considered that despite the efforts to mitigate the substantial removal of large areas of green space designated as a SINC, Local Green Space and Open Space by planting living roofs, the creating of a balance pool and some additional tree planting, the development would significantly harm the existing grade II SINC, visual character and thus amenity value of the site. This loss of amenity, contrary to A1, forms the basis of a reason for refusal #1.

Density

- 4.38 Within Local Plan Policy G1 Delivery and location of growth, the policy identifies that the “*Council wants to encourage high quality developments with high densities to make the most efficient use of Camden’s land and buildings*” (paragraph 2.8). However, whilst the supporting text expects the density of housing development to take account of the density ranges set out in the London Plan’s Sustainability Residential Quality density Matrix (Table 3.2) it also states that

development must take into account “*all aspects of local character including heritage assets, protected views and open spaces*” (paragraph 2.9).

- 4.39 Officers consider that there are fundamental concerns with the design approach on this application and therefore do not consider that the density of housing overcome these concerns and there are many issues which need to be addressed over and above the prescript density of the site. The site as discussed, is unique in its form and designations and therefore it is considered that the density matrix should be considered as a guide rather than a prescriptive tool. Whilst regard has been had towards the Boroughs housing need for Extra Care accommodation as well as the site constraints, in line with the supporting text of Policy H1 flexibility should be applied in this instance.
- 4.40 The site has a PTAL rating of between 1b and 3. The GLA consider the site to be ‘urban’ and therefore appropriate for densities between 200-450 habitable rooms per hectare or up to 170 units per hectare. Officers consider that the proposed density of 267 habitable rooms per hectare to be on the high level and do not consider this to be an acceptable measure in this instance. In this instance due to the site being an area of unlit open space unique to the ‘urban’ area which it falls within, the proposal should fall below the relevant density range due to the unjustified context and form of the proposed development.
- 4.41 A local community group have also objected to the designation of the site as a PTAL 3 rating. They consider the site to be classified as 1b in line with the 2011 (Year Base) and the 2021 (Forecast). However, as discussed above, in this instance due to the unique site constraints and designations, it is considered that there are substantial design issues which need to be overcome. Therefore, whilst the matrix could be referred to as a guide, the site constraints and the previous planning history on the site dictate the development opportunities over and above the matrix in this instance.

Camden Design Review Panel

- 4.42 A meeting of the Camden Design Review Panel in March 2017 reviewed an earlier version of the proposal that differs substantially from the application. The relevance of the views expressed in the report of the panel meeting are therefore limited with respect to the current application.

The panel:

- Recommended a fundamental rethink of the proposals to improve the quality of the residential accommodation provided;
- Expressed concern above all about the size of the brief and the nature of the site stating that the brief is too ambitious for the site;
- Considered that the ‘land-locked’ nature of the site was likely to feel claustrophobic and is therefore inappropriate for an institution as it would not create a pleasant atmosphere for everyday living;
- The DRP asked to see other options explored.

- 4.43 The applicant submitted a substantially altered application without further pre-application consultation and without taking the proposals back to the DRP for a follow up review. It is not possible to conclude to what extent the DRP would have judged the revised scheme to have addressed the fundamental concerns raised.

5.0 Basement

- 5.1 The Councils Basement policy (A5 - adopted June 2017) includes a number of stipulations for proposed basement development within the Borough. These include upper limits to the acceptable proportions of proposed basement extensions in comparison to the original dwelling (paras.(f) – (m)), but also the express requirement for applicants to demonstrate that the excavations/works proposed would not result in harm to:

- a. neighbouring properties;
- b. the structural, ground, or water conditions of the area;
- c. the character and amenity of the area;
- d. the architectural character of the building; and
- e. the significance of heritage assets

- 5.2 Parts (n) – (u) of this policy continue to expand upon this requirement and together, set the parameters for the assessment of proposed basement development. These parameters are expanded upon with CPG4 (Basements). The Council will only permit basement development where it has been satisfactorily demonstrated that the works would accord with these criterion.
- 5.3 The existing reservoir has many of the characteristics of a basement. It is fully subterranean with side walls supported by internal buttressing to prevent inward bowing and currently has limited openings to the sky. The proposal includes two levels of basement below the existing slab level of the reservoir. The second, lower level of part basement will include the excavation of a further 1.4m of soil over the eastern portion, remote from any neighbouring assets and below the existing reservoir floor slab level.
- 5.4 The existing reservoir retaining walls will be retained on three sides, (north, west and south), and partly incorporated into the scheme, with the basement and lower basement being constructed within the footprint of the existing reservoir. Localised underpinning of the existing masonry foundations will be required. Due to the limited area occupied by the lower basement level, there will be a significant upfilling across the western extent of the reservoir footprint to raise the existing level to the formation level of the first basement level. Slope re-profiling will be undertaken at the eastern end of the site to facilitate a revised landscaped area. The existing ground level will be lowered to be consistent with street level at the western end of the site.
- 5.5 In accordance with the requirements of policy A5, the applicants have submitted a Basement Impact Assessment report which review the impacts of the proposed basement structure and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability. A well-known firm of consultants using individuals who possess suitable qualifications in line with CPG requirements produced the submitted BIA. Due to the complexities of development constraints for the site, these documents have undergone a full audit from the Council's third party auditors – Campbell Reith (CR). The submitted Basement Impact Assessment has been prepared by Waterman Structures Ltd with supporting documents prepared by RSK Environmental Ltd and RSK Land and Development Engineering Ltd.
- 5.6 Campbell Reith have assessed the information and issued their final audit of the applicants submitted BIA and conclude that *"The BIA is considered to meet the requirements of the relevant LBC Policies"*. Within the audit report itself, CR's findings can be summarised as follows:
- Site investigations were undertaken by RSK in December 2009 and March 2017.
 - The investigation in March 2017 comprised two cable percussive boreholes advanced to depths of 50.00m bgl, a further cable percussion further cable percussion borehole advanced to depth of 15.00m bgl and six drive-in sampler boreholes advanced to depths of up to 7.00m bgl across the site. The ground conditions comprise Made Ground to depths of between 3.20 and 10.50m bgl. The Made Ground generally comprised reworked London Clay, but with occasional layers of brick rubble particularly over the reservoir structure. The underlying London Clay was encountered beneath the Made Ground, and was proved to the terminal depth in each location of between 7.00m bgl (72.80m AOD) and 50.00mbgl.
 - This confirmed the underlying ground conditions to comprise a significant depth of Made Ground (up to 10.50mbgl) overlying London Clay. Groundwater was monitored between 4.28m and 7.37m bgl. The data was presented in an interpretative report in accordance with LBC Guidance.

- The BIA includes the majority of the information required from a desk study in line with LBC guidance.
- The proposed development will not impact the wider hydrogeological environment;
- The site is within a Critical Drainage Area (Group 3-010) but not within a designated Flood Risk Zone. The Flood Risk Assessment confirms the site is at very low risk to medium risk of flooding from all sources. Appropriate mitigation is identified and should be implemented.
- Indicative temporary and permanent works structural drawings, proposed slope stability measures and geotechnical parameters for retaining wall design are provided. An outline construction programme has been presented.
- A ground movement assessment (GMA) predicts damage to neighbours to be confined to Category 0 (Negligible), in accordance with the Burland Scale. The assessment is considered appropriate. The proposed development is not considered to adversely impact land stability.

5.7 It is noted that SUDS has been incorporated into the design, however, Officers have also consulted the Lead Local Flood Authority/SuDS service team for a response and they have issued some concerns regarding the SUDS element of the scheme. This is further discussed in Section 6. Campbell Reith considered the applicant had provided sufficient to demonstrate the intent and feasibility to mitigate hydrological impacts and therefore, purely in relation to the basement, the SUDS scheme has been considered acceptable.

5.8 In light of the above the proposed basement would be of a scale and proportion that would remain in accordance with criterion (f) – (m) of Basement policy A5.

6 Sustainability

- 6.1 The applicants have submitted a Sustainability Statement which includes the detail to show how the development will implement the sustainable design principles as stated in Local Plan Policy CC2. This policy seeks to promote zero carbon development and requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy. Policy CC1 requires all developments to achieve a 20% reduction in CO₂ emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through the energy statement.
- 6.2 The Sustainability statement has been reviewed by the Council's Sustainability Officer. The Applicants also submitted a Briefing Note which was dated 21st December 2017, in response to the concerns which the GLA had raised within their Stage 1 report. This has also been assessed. The Pre-Assessment 'BREAM 2014 Multi-residential' shows the scheme targeting BREEAM Excellent 72% with potential to achieve 78% score.
- 6.3 Within the residential element there is a shortfall of 4.2% against the required 35% CO₂ (total savings). There is also a shortfall of 20% against the 20% CO₂ (by Stage) savings through renewables. Further justification is also required in terms of other specifics of the application including the glazing proposals, approach to the thermal bridging, the building fabric uvalues and justification of the sample representation of the flats chosen.
- 6.4 On site CHP has been proposed. It is considered that the Heat load could be reasonable for CHP given the care/nursing home application yet no industrial/commercial loads are available to take heat over the summer. Therefore, concern is raised that the system is likely to be run at lower than optimal efficiency for 50% of the year. It is considered that the heat load running hours are arguably borderline and therefore, Officers consider that this would be unsuitable or require further demonstration. It is considered that the applicants should undertake a detailed CHP technical and financial feasibility study, and provide the results. Such a study should also consider potential local off site heat customers. If, after carrying out this analysis the applicant decides that CHP is not appropriate for this development, Officers would expect the required CO₂ savings to be achieved by alternative means.

- 6.5 High-level renewable energy feasibility assessment have been undertaken in support of the application, with some site-specific consideration but limited or no quantification per technology. Given that proposals are significantly non-compliant for renewables CO2 reduction target, and CHP may not be viable for operation in practice, Officers require further action. This should include detailed feasibility studies for the most promising technologies including Solar Thermal, Solar PV, Ground Source Heat Pumps and Air Source Heat pumps if the CHP is removed.
- 6.6 The Pre- Assessment 'BREEAM 2014 Multi-Residential' has been submitted in support of the application and is considered acceptable in this instance, subject to a legal agreement securing a Post Construction Review.
- 6.7 All development should demonstrate that measures to adapt to climate change have been implemented and that overheating risk has been managed. There is limited information about the Cooling Hierarchy and further information is required.
- 6.8 Limited information regarding Water efficiency and SuDs has been included within the Sustainability Statement. SuDs is also discussed in detail within this report, however, the Applicant should commit to the usual target of 105 (+5 external) litres/person/day consumption and details of grey and/or rainwater harvesting systems proposed should be included to help achieve the required rates to help achieve a policy compliant scheme.
- 6.9 It is considered that further information and revisions are required before the proposals can be considered to be policy compliant and acceptable. Such measures would need to be secured by S106 legal agreement. The failure to provide sufficient justification for the use of the necessary on-site renewable energy measures including CHP would be contrary to the Council's aims of making all new development highly sustainable, and forms the basis of a reason for refusal.

SuDS

- 6.10 As a Lead Local Flood Authority Officers have consulted our SuDs Service Team to assess the application. Camden's Strategic Flood Risk Assessment includes information as to the suitability of SuDS in the borough and in line with Policy CC3, this should be used alongside other local information held by Camden and the Environment Agency. Having assessed the submitted information, Officers have concerns with the proposal.
- 6.11 The submitted information only considers the runoff from the building and no consideration has been made to the rest of the site. Various sources of flow are shown entering the surface water system, most of which have not been included in the design. There are fundamental flaws with many parts of the design and when Officers work out the attenuation volume from the stated proposed dimensions, the volume is much smaller than they have stated it will be. The design needs to account for the whole site, which is especially true in this case as various sources of flow from across the wider site are shown as having a potential impact, but the applicants have made no attempt to allow for this.
- 6.12 The developer has not yet received notification from Thames Water with regard to a permissible discharge rate. The design has been based on previous (no longer valid) correspondence which indicated a maximum flow of 5 l/s would be acceptable, however it is necessary for Thames Water to confirm the current capacity, which may impact on the proposed drainage design.
- 6.13 No consideration of the proposed balancing/retention pond, which is a prime landscaping proposal for the site has been incorporated into the design of the SuDS system. The use of this pond would be higher up the SuDS hierarchy than underground attenuation, but it needs to be considered as part of the overall design (especially as it connects to the rest of the system).
- 6.14 The design of the site shows a planned perimeter land drainage channel surrounding the proposed building (at two levels below ground), stating that this is to capture groundwater

ingress which will then drain into their proposed surface water network. The developer has made no attempt to quantify the likely groundwater ingress, or supplied any information as to how they will prevent ingress. The attenuation is not designed to cope with groundwater ingress. This calls into question the whole design of the system.

- 6.15 Land drainage does not seem to be sufficiently addressed in the proposal. The presence of a balancing pond so close to the building, and the proposed groundwater channel indicate that there are significant drainage issues in the area of the building, and these are not being sufficiently considered in the design. All of the flows across the entire site will need to be considered.
- 6.16 The 5 l/s discharge rate previously stated by Thames Water was for a combined foul and surface water flow from the site. The SuDS report makes no mention of peak foul flows or their proposed discharge method.
- 6.17 The developer was advised that storage needed to be provided to allow for a 1 in 100 year storm with a 20% climate change allowance, but that it should be increased to 40% climate change to allow for exceedance events to be accommodated. This follows on from previous advice given by the Council outside of the pre application process. However, this advice is subsequently out of date and therefore the 20% the developers were previously advised to include for climate change is insufficient for a building with a proposed lifespan of 100 years. The 40% climate change is more appropriate, however this should not be linked to exceedance events, for which no information has been provided.
- 6.18 No information has been provided on drainage during construction nor with regard to a maintenance plan/regime.
- 6.19 Due to these findings there are considerable issues with the overall strategy, as well as the finer details, and Officers are not satisfied that the proposal will prevent increased flood risk, particularly within the site boundary. The proposals are therefore contrary to policies CC1, CC2 and CC3 of the Camden Local Plan 2017, the London Plan and the NPPF.

Air Quality

- 6.20 Improving local air quality, mitigating the impact of development on air quality and reducing exposure to poor air quality in the borough is vital in safeguarding public health and the environment. The focus of Policy CC4 is to mitigate the impact of development on air quality and ensure exposure to poor air quality is reduced in the borough.
- 6.21 In support of the application, the applicants have submitted an Air Quality Assessment dated 03/07/2017. It should be noted however, that the document refers to the previous Core Strategy and a draft version of Local Plan policy CC4 is cited. The applicant has also not submitted an Air Quality Planning Checklist.
- 6.22 The applicant has undertaken a suitable assessment for emissions, although there are some flaws or missing information that need addressing. Surrounding sensitive receptors have been modelled and traffic data used was from applicant's transport consultants and the 2016 Emissions Factor Toolkit v7.0 was used.
- 6.23 The results generally show small increases in annual mean NO₂ at sensitive receptor locations. This includes 7 of the 8 receptors in locations already exceeding the annual mean AQ objectives. It also includes increases for receptors currently within <5% of the AQO. However, within the limitations of the modelling, no new exceedances are modelled. The report concludes that operational-phase mitigation measures are not required. The application fails to demonstrate that committed developments in the environs have been identified in order for cumulative impacts to be included within the modelling. The applicant also needs to undertake a

suitable Air Quality Neutral Assessment, demonstrating neutrality against the suitable benchmarks for post-implementation building emissions and transport emissions.

- 6.24 In relation to the impact on occupants, the submitted information shows the entirety of the site is thought to meet air quality objectives for annual mean NO₂. This is supported by further data within the AQA. The development is bringing large numbers of sensitive receptors into the area but the area does not have poor air quality.
- 6.25 In relation to Construction related impacts, it is considered that the proposal would present a medium risk in relation to Dust and therefore, scheme specific measures from the AQA should be secured via the Construction Management Plan and dust monitoring secured via condition if the application were to be considered acceptable.

7 Transport

Car parking

- 7.1 The site is located within the Fortune Green: West (CA-P (c)) controlled parking zone, with a PTAL rating of 1-3 meaning it has poor to good access across the site. The hours of the CPZ are 10.00-12.00. While the PTAL rating is not as high as most sites across the borough Officers feel that the site does benefit from being well connected to local public transport with a variety of options no more than a 15 minute walk away.
- 7.2 The nearest bus connection to the proposed site is 230 metres away or a 2-3 minute walk (based on an average walking speed of 4.5kmh), West Hampstead Thames Link is 1km away or 12-13 minutes walk and West Hampstead Tube (Jubilee Line) 1.2km away or 14-15 minutes walk. Camden Borough also currently has the largest car club network in London, with over 250 car club parking bays. The closest one to this site is 200 metres away on Mill Lane. The car club network therefore provides a real alternative to private car ownership for people who need to use a car occasionally.
- 7.3 In Camden's Local Plan T2 requires developments to be car free unless retaining or repurposing existing car parking for an existing occupier. As this land is currently undeveloped there is no existing or retainable parking and Officers would only consider the introduction of new onsite parking for disabled users and operation purposes only and only where justified.
- 7.4 A total of 4 car pool car parking spaces and 1 visitor space are proposed at the basement level which would be accessed via a car lift. One disabled bay and two pick up and drop off bays are proposed at street level of the development. While the single disabled parking on-site would be acceptable, private pool car parking and visitor parking is not considered as essential or operation parking and is not acceptable. In Camden's Local Plan, Policy T2 states *"All new residential developments in the borough should be car-free. Parking will only be considered for new non-residential developments where it can be demonstrated that the parking provided is essential to the use or operation of the development."*
- 7.5 The Transport assessment outlines that their residents will have a reliance on motor vehicles and that a provision is needed for them. However as outlined above there is a variety of public transport options to residents and even public car club bays for those who have occasional use of a car or van. Officers therefore find this proposal contrary to Camden's Local Plan T2.
- 7.6 If the application were to be approved, the application were to be subject to a car free agreement and this would be secured through a legal agreement. For car free developments, the Council will:

- not issue on-street parking permits;
- use planning obligations to ensure that any future occupants are aware they are not entitled to on-street parking permits; and
- not grant planning permission for development that incorporates car parking spaces, other than spaces designated for people with disabilities, and a limited number of spaces for car capped housing in accordance with Council's Parking Standards.

Travel Plan

- 7.7 The aims of a Travel Plan is to promote the use of sustainable modes of transport through a range of soft measures, as well as highlighting the benefits of travelling by modes other than the private car. Transport for London do not have specific thresholds for a care home, or extra care accommodation, but in this case Officers consider that in relation to the proposed information and the amount of staff proposed to be employed on the site, the use of the building is comparable to that of a hospital (C2). TfL's threshold for C2 is over 50 staff the Council should request a Strategic Level Travel Plan. As this site will have 80 full time staff on site it is justified to request this in this instance. Camden would require a Strategic Level Travel Plan that covers the whole site including residences from the 82 Self-contained care homes, the 15 bed nursing home, and all staff and visitors coming and going for the site.
- 7.8 Camden's Local Plan Policy A1 Managing the impact of development and Camden Planning Guidance requires planning applications that will have an impact on the public highway to instigate mitigation measures such as Travel Plans. In this instance there is a large amount of concern from residents about the impact of this development on the Controlled Parking Zone and Officers feel that a Travel Plan in addition to a Car Free site would allow this site to operate without impacting local residents too severely. The travel plan would need to be secured by a Section 106 planning obligation.
- 7.9 A financial contribution of £6,244 would need to be secured to cover the costs of monitoring and reviewing the travel plan over a 5 year period. This would also need to be secured by a Section 106 planning obligation.
- 7.10 Transport for London encourages developers to use the TRICS database (formerly TRAVL) for trip generation predictions. If the application were to be deemed acceptable, officers would require the applicant to undertake a TRICS after study and provide TfL and Camden with the results on completion of the development. TfL would then be able to update the TRICS database with the trip generation results for the various use categories associated with this development. This would be secured via by Section 106 agreement as part of the Travel Plan review and monitoring process.

Cycle Parking

- 7.11 The London Plan provides guidance on minimum cycle parking standards and these are outlined in Table 6.3 of the London Plan. For care homes / self-contained accommodation the developer must supply at a minimum 1 space per 5 staff for long stay parking and 1 space per 20 bedrooms.
- 7.12 With 80 full time staff based on site, 82 self-contained extra care apartments and 15 bed nursing home This would equate to the following requirement to meet London Plan Standards:
- 16 long stay spaces for staff
 - 5 short stay spaces for visitors.
- 7.13 A total of 14 cycle parking spaces, i.e. seven cycle stands, are proposed be provided as part of this development, within a cycle compound in the courtyard at ground floor level. As outlined in the applicant's Transport Assessment this would be 12 long stay spaces for staff and 2 short stay for visitors. This therefore does not meet requirements for The London Plan's minimum

standards or Camden's Local Plan Policy T1 that states the following: *"The Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning"*

- 7.14 The submitted Transport assessment fails to properly assess the requirement for cycle parking as its assessment is based on total number of staff on site at any one time and not totally staff that will be employed at the site. The number of cycle parking provision provided needs to be based on London Plan standards of all staff, not as outlined in the submitted Transport Assessment for "maximum number of staff on site at any one time".
- 7.15 The design of the cycle parking is unclear and no details have been provided. An area has been outlined in the Design and Access Statement, however this provides Officers with little more information than its location.
- 7.16 The visitor and staff parking have been put in the same location under what appears to be one cycle compound, this arrangement would be unlikely to meet our design standards as the access requirements for long stay and short stay are distinctly different. Short Stay needs to be accessible to all visitors attending the site, while long stay parking needs to be fully secured (to ensure safety of the bike) usually within the confines of the building. Whilst limited details have been provided, by combining the long and short stay parking it is considered the proposals do not make the parking fully secure for staff cycles and Officers therefore find the designs contrary to Camden Planning Guidance 7: Transport.

Servicing and Refuse Collection

- 7.17 Off street service bays are proposed to be provided with space for up to 3 small to medium sized vehicles at a time, with the capacity for transit vans and supermarket delivery vehicles only. This location is proposed on the forecourt with the entrance off Gondar Gardens on the south side of the site. Swept path assessments have been included in the draft Service Management Plan, which demonstrates that all vehicles will have sufficient space to be able to turn around on site allowing all vehicles to enter and egress the site in a forward gear.
- 7.18 Infrequent deliveries for larger materials, like moving vans, are to be expected for these types of residential dwelling. However, Officers would expect normal frequencies of smaller scale deliveries to be 1 delivery per day per 8 dwellings for residential units, but with this being a retirement community and a part nursing home, Officers have assumed this to be slightly higher due to residents being at home for longer parts of the day.
- 7.19 In this case with 97 units we would expect 12-13 plus an additional 3 a day for the additional utilisation of the site. The Council would therefore expect deliveries no more than 2 at any one time with 15-16 a day over a normal week day from 8am – 8pm. There will however be a higher level of waste collection than usual residential units with up to 3 a week expected. Due to the larger nature of refuse vehicles, they would not be able to access the court on site without having to reverse in or out of the entrance. However due to the overall low frequencies Officers have considered the proposals and feel that this is acceptable and would not seek a Service Management Plan for a site of this nature, as do not expect the servicing to have a major impact on the public highways.

Management of Construction Impacts on the Public Highway in the local area

- 7.20 The site's location presents significant challenges to the construction, due to the narrowness of Gondar Gardens for construction traffic and the close proximity of local residents as well as the site only having one street frontage. The proposal would involve a large amount of demolition, excavation and construction works. This will generate a significant number of construction vehicle movements during the overall construction period. The proposed works could have a

significant impact on the operation of the public highway in the local area if not managed effectively, however in the draft CMP submitted as part of this application the developer would be able to utilise the existing 7 metre cross over on to the site which would allow a significant amount of the development to happen all on site.

7.21 The Council's primary concern is public safety and Officers also need to ensure that construction traffic does not create (or add to existing) traffic congestion or impact on the road safety or amenity of other highway users. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality).

7.22 Preliminary details have been submitted in support of the planning application, in the form of a draft Construction Management Plan. This provides useful information to describe the proposed works and what they will encompass, these works will have to be planned carefully as Officers will not be able to allow Gondar Gardens to be block for any significant amount of time, due to servicing and access needs of local residents. A more detailed CMP will need to be prepared once a Principal Contractor has been appointed. This should consider the following points:

- Construction vehicle routes to and from the site will need to make the most efficient use of the highway network. Such routes will require discussion with the Highways Management Team.
- The proposed works are likely to generate a number of workers on the site at any given time. Officers will expect the Principal Contractor to prepare travel planning guidance for all workers.
- Various highways licences may need to be obtained from the Council prior to works commencing on site (e.g. temporary parking bay suspensions, scaffolding licence, hoarding licence, crane licence etc).
- Traffic congestion is already a significant problem in this part of the Borough, particularly during morning and afternoon/evening peak periods where most accidents happen with vulnerable road users. Due to concerns of interactions with HGVs and vulnerable road users, Camden Council requires developers to only arrange trips to the site for Monday to Friday 09:30 – 14:30 and Saturday 08:00 till 13:00.
- Details will be required to describe how pedestrian and cyclist safety will be maintained, including any proposed alternative routes (if necessary), and any Banksman arrangements.
- The site will need to be registered with the Considerate Constructors Scheme. We will also expect the proposed works to be undertaken in accordance with the best practice guidelines in TfL's Standard for Construction Logistics and Cyclist Safety (CLOCS) scheme.

7.23 The Council has a CMP pro-forma which should be used once a Principal Contractor has been appointed. The CMP, in the form of the pro-forma, would need to be approved by the Council prior to any demolition or construction works commencing on site.

7.24 The Council needs to ensure the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. Therefore, if planning permission is granted a CMP should be secured as a Section 106 planning obligation. This would provide a mechanism to manage/mitigate the impacts which the proposed development would have on the local area.

7.25 As part of Camden Councils standard assessment of development, Officers assess them on three levels of Low, Medium and High impact. This will allow the Council to gain a better idea of the amount of input officers are likely to need to contribute to the final assessment and the required contribution towards officer time. In this instance Officers assess this development as High and the CMP Implementation Support Contribution of £22,816 would also need to be secured as a Section 106 planning obligation if planning permission is granted.

Highway and Public Realm Improvements directly adjacent to the site

7.26 In Camden's Local Plan, under policy A1 Managing the impact of development, it states that *'Development requiring works to the highway following development will be secured through*

planning obligation with the Council to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces.'

- 7.27 There are no major alterations to the public highways as part of this proposal, except for the removal of the existing cross over on the frontage of the site on Gondar Gardens and the installation of a new cross over further south. This will require some alteration to the Controlled Parking Zone, however the existing cross over to be removed is 7 metres and the proposed is only 5, the rearrangement of parking will be possible without the loss of the number of bay available to residents. The cost of this alteration will be included in the highways contribution.
- 7.28 Officers would therefore need to secure a financial contribution for highway works as a section 106 planning obligation if planning permission is granted. This would allow the proposal to comply with Camden's Local Plan Policy A1.

8.0 Access and Layout

- 8.1 The Council expects development to provide high quality housing that provides secure, well-lit accommodation with well-designed layouts and rooms in accordance with guidance provided by Policy H6 (housing choice and mix) and CPG2 (Housing). Extra care accommodation must meet the Mayor's Housing Standards, including accessibility requirements in line with London Plan policies 3.8 and 7.2. The Applicants have submitted an Access Statement prepared by ARUPs dated 13th November 2017.
- 8.2 The London Plan 2016 sets out Nationally Described Space Standards which all new dwellings must meet. Table 1 of the space standards sets out the minimum gross internal floor areas (GIA) expected for various dwelling sizes. The size of the proposed units have been assessed against these standards and all comply. Twelve of the units will be fully wheelchair adaptable which is welcomed.
- 8.3 The Council's Building Control Officer has assessed the Access Report and raises a number of concerns with the layout. The principle objection to the scheme is the proposed external steps through the middle of the site providing the only external access through the garden levels. The alternative access is internal lift access following a long convoluted route which involves many doors and this is not considered to be equitable access contrary to Local Plan D1, London Plan 7.2 and M4(3) of Building Regulations.
- 8.4 Officers are also concerned with the internal layout of the units. Assessing this application on the form of it being an Extra Care development with predominantly elderly residents occupying the site, some of whom may have health issues or mobility issues, the layout of the development is very poor and not inclusive for all. Within the Access Statement it refers to the development "being designed around the requirements of the intended end user, who will be retired individuals or couples in their later years (ages 70 or over). It is understood by Officers that all access is to be controlled via the main reception area which would be accessed off Gondar Gardens on the boundary with South Mansions. When looking at one example, albeit the furthest apartment to the reception (apartment A_03_05) a considerable convoluted route is required to be taken. Such a route would involve the residents coming in at ground level, taking Lift D down one level to -01, then navigating over 100m (approx.) of corridor with 8 doors to Lift E in the north east corner and then up the lift to their apartment on Level three. The use of lifts is heavily relied upon within this development due to the lack of connection between the main reception and the blocks of development. This is the case with almost all floors due to them only being linked at the lower three levels.
- 8.5 Within the Access Report, the Consultants refer to a number of items which have not been fully developed and therefore cannot be assessed by Officers. Kitchen and space layouts need to be proved at this stage so it is confirmed that they have enough space. The Fire Strategy still needs to be developed which is a concern to Officers.

8.6 It is considered that the internal layout of the communal areas across the development is poor. Policy D1 states that “*Buildings and spaces should also allow people to easily navigate their way around an area – a quality known as legibility*” (paragraph 7.12). The internal layout of the development is therefore considered contrary to Local Plan policy D1 as it fails to provide an inclusive and accessible development for all and this is noted as a subsequent reason for refusal.

9 Amenity

Daylight and Sunlight

- 9.1 The applicant has provided a daylight/sunlight study demonstrating the impact on neighbouring amenity and summarising the level of daylight/sunlight amenity for occupants. The assessment has been confirmed as prepared in accordance with 2011 BRE guidelines. Whilst the submitted Daylight and Sunlight report is dated June 2017, and refers to the Council’s Planning Policy of the Local Development Framework 2010 and not the Local Plan 2017, it is considered that they have referred to Camden Planning Guidance 6 and the recommendations set out in the Building Research Establishment (BRE) report ‘Site layout planning for daylight and sunlight: A guide to good practice.’
- 9.2 Due to the site being undeveloped the proposal involves creating a terrace of properties fronting Gondar Gardens and development to the rear. The proposals are set in off the boundary with the Mansion blocks by 1.3m to the north and 6.3m to the south. The Report also makes reference to the extant permission (2013/7585/P) where daylight and sunlight impacts were not considered to be detrimental. Whilst this proposal extends much deeper and higher into the rear of the site, the frontage element of the scheme is considered to follow similar principles. It should be noted, as highlighted in the report, that the results from this report and the Consented Report under the previous permission do not match and the report explains that this is probably due to the two reports using a different software.
- 9.3 The report concludes that the likely reductions in daylight and/or sunlight to Chase Mansions and South Mansions are similar the previously consented scheme and the retained ADF values also continue to be above that recommended by the BRE guidelines and as specified in Camden Planning Guidance 6.
- 9.4 The report also concludes that the overshadowing assessments show the existing surrounding gardens will retain good levels of sunlight within the BRE guidelines recommendations. In addition, the main proposed amenity spaces will also enjoy good levels of sunlight above the BRE guidelines.
- 9.5 9 Gondar Gardens which is opposite the application site has also been considered within this report. The figures show that the overall effect on the unit is likely to be negligible and the effects are within the aims of the BRE guidelines. Any sunlight received to the main unit windows are considered to be unaffected by the proposal.
- 9.6 In relation to the development itself, the report states that ‘Detailed ADF assessments have been undertaken to the proposed habitable rooms on levels -02, -01 and 00. The report confirms that the ADF results to the proposed flats and nursing home show that all habitable rooms will enjoy good levels of daylight with an ADF above that recommended by the BRE guidelines (with an ADF above 1% for bedrooms and 1.5% for any living rooms). The NSL results also show that the vast majority of rooms will enjoy good levels of daylight distribution. Those rooms that receive lower daylight distribution are bedrooms which are considered less important i.e. all living rooms will enjoy good levels of daylight distribution.
- 9.7 In relation to Sunlight, the report states that the majority of living rooms will meet the BRE guidelines test. However there are some that don’t and these are orientated towards the east or west or the northern side of the development. Overall the ADF levels, whilst very close to the

standards of Bedrooms 1%; Living Rooms 1.5%; and Kitchens 2%, are considered to be achieved in all habitable rooms.

- 9.8 A lot of residents have noted that they are concerned about the levels of overshadowing which will occur in their gardens following the proposal. Officers are also concerned in relation to the overshadowing which will occur to the open space to the rear of the site. This has not been included nor assessed within the application.
- 9.9 In line with BRE Guidelines, overshadowing has been mapped for the three dates of the year including 21st March (Spring Equinox); 21st June (Summer Solstice); and 21st December (Winter Solstice). The report concludes that the transient images show that on the Spring Equinox, the impact to the surrounding properties should be minimal with each rear garden to the north of the site clearly retaining at least 2 hours of sunlight to at least 50% of its area. We therefore consider the impacts are negligible and within the BRE guidelines. However, as stated above no consideration has been made to the Open Space to the rear of the proposal. Having assessed the modelling which has been submitted as part of the report, it is considered that the open space would retain a suitable amount of sunlight in line with the BRE guidance.
- 9.10 Taking the room uses and their proximity to the boundary into account, as well as the proposed overshadowing, it is considered that the proposals are acceptable in terms of their impact on daylight and sunlight to neighbouring properties and the scheme itself.

Outlook

- 9.11 The neighbouring Mansion blocks have habitable rooms located at ground floor level facing onto the site. It is evident, similar to that of the previous extant permission that the two windows nearest the street on the side elevation of the Mansions may experience a noticeable reduction in outlook, however views from the windows are currently restricted to the west by vegetation within the application site and views would be retained to the east across the rear of the site. The proximity of the windows to the site would mean that even a change to the existing open link fence would result in potentially reduced outlook and daylight.
- 9.12 This proposal includes a large amount of development on the rear part of the site as well as the frontage. Therefore, the amount of development on this area of open space is considered by officers to be substantial. The views across the site have been discussed within section 2 of this report. The views across the site were considered to be a public benefit by the previous Inspector for the Reservoir scheme and it is considered that the sheer bulk and mass of the scheme would have a detrimental impact on the Outlook which is enjoyed by not only residents in the two Mansion blocks, but also in relation to the properties which surround the site on Gondar Gardens, Hillfield Road and Agamemnon Road. This is therefore considered to be a reason for refusal for the application in line with reason number 1.

Overlooking and Privacy

- 9.13 Policy A1 -Manages the impact of development and aims to ensure the potential impact of development on the privacy and outlook of neighbouring properties and their occupiers is fully considered. The Council will seek to protect the quality of life of occupiers and neighbours. Due to the site only having one street frontage and due to the proposed use of the development, Officers have significant concern in relation to the convoluted design of the proposal in terms of the internal layout and inclusive access. Whilst this is also addressed in Section 8, concerns are raised in relation to overlooking which would occur within the proposed development itself.
- 9.14 The proposal includes the creation of 6 blocks, each with their own individual lift cores. Due to the use of the development, all access is controlled through one main reception on the Ground floor, south west corner. The main reception area leads to an internal courtyard at ground floor level or to internal cores of Lift B and Lift D.

9.15 The design incorporates a 'street' through the middle of the development which has a series of steps leading down to the lowest level of Level -02. Internal courtyards are proposed at all levels and these are open to all residents. Whilst level access is only incorporated internally within the blocks themselves, Officers do feel that these spaces will be utilised by residents throughout the day. Concern is therefore raised to habitable accommodation fronting these spaces. A number of specific locations have been identified by Officers. These include:

- At level -02 the proposed courtyard directly meets with the bedroom window of unit A_-02_03 and Unit A_-02_04;
- At level -01 Unit A_01_06 has a proposed bedroom which window overlooks and fronts the proposed Restaurant and Private Dining Terrace;
- At the same level, the Unit A_-01_01 bedroom window fronts the shared courtyard with no proposed planting or separation being considered;
- At ground floor level, unit A_00_17 has double doors which opens onto a labelled 'private garden' however, there is no formal demarcation shown on the plans and this space is also the only entrance into the proposed nursing home accommodation;
- At first floor level, concern is raised by officers as to the separation distance of the two blocks which run in parallel through the site. At the closest point, the two blocks are separated by a distance of 6.9m. Windows are proposed on this elevation and therefore, it is proposed to have direct overlooking between two bedrooms in units A_01_11 and A_01_20. To ensure privacy, as stated in Camden Planning Guidance 'Amenity' Draft: November 2017 states that it is good practice to provide a minimum distance of 18m between the windows of habitable rooms, an approach supported in the London Plan Housing SPG.
- Overlooking also occurs between balconies and habitable rooms at the same level, between units A_01_16 and A_01_09. A balcony in this instance is located 13m away from a window serving a bedroom. This distance is of particular concern, as the window within A_01_16 is the only window which serves this bedroom and therefore, mitigation measures would be limited. These concerns are raised in the same location at level 02 as well;
- A distance of 13m is also proposed between balconies serving apartments A_02_02 and A_02_04. The proposed balconies would result in direct overlooking contrary to policy A1.

9.16 Officers consider it regrettable that such issues are arising within this design at this stage. The proposals are overly large for the site with issues such as this being a symptom of the overdevelopment. The detailed design is poorly executed and therefore, the result is contrary to Policy A1 of the Local Plan and the application should be refused on this grounds.

Artificial Light

9.17 National Planning Policy Framework (NPPF) advocates the use of good design, planning policies and decisions in order to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (paragraph 125). National Planning Practice Guidance (NPPG) provides detail on the factors that should be considered when assessing whether a development proposal might have implications for light pollution. These include (specific to this application) considering whether proposals may materially alter light levels outside the development; have significant impact on a protected site or species; and have potentially high impact on wildlife. It is considered that the existing site is an intrinsically dark landscape for central London. The site is an undeveloped area of open space and this is reflected by its ecological value and dark nature of the site. The proposal is for 6 x 6 storey buildings with a large amount of habitable rooms and therefore a number of windows are proposed on all elevations of the buildings. This is considered to amount to a substantial impact on the site and the neighbouring properties. The glow from the habitable accommodation is considered to harm the site itself, contrary to policy A1 and the NPPF. The application is therefore refused on this basis.

Acoustic Impact

9.18 As previously mentioned in this section Policy A1 seeks to protect the quality of life of occupiers and neighbours. Policy A4 seeks to ensure that noise and vibration is controlled and managed.

The applicants have submitted an Acoustic Noise report (Ref: 1616174) to demonstrate whether the proposed development can ensure the amenity of future residents and preserve the amenity of existing, neighbouring residents in line with national and local planning policy, plus relevant acoustic design guidance.

- 9.19 In relation to Noise Impact from Existing Sources (Internal Areas), the survey results included in the Acoustic Report indicate that the façades of the development will be exposed to day and night-time average noise that falls within Camden's LOAEL (Lowest Observable Adverse Effect Level) to SOAEL (Significant Observable Adverse Effect Level) Amber category. This suggests that the noise is observed to have an adverse effect level, but may be considered acceptable subject to mitigation measures. The external building envelope will therefore require a sufficient level of sound insulation against external incident environmental noise. Subject to adequate mitigation measures, habitable rooms within the proposed development may comply with the adopted internal target noise levels. However, as no mitigation measures are proposed or included within the noise report, it is unclear whether conditions could secure the mitigation measures. This is considered to be a reason for refusal.
- 9.20 An environmental noise survey was undertaken to determine a noise emission criteria for the proposed building services/mechanical plant operation. Again, a lack of detailed information was provided to ensure a thorough assessment. Although the design, layout and specifications for building services plant are still being developed, noise predictions based on minimum distances between source and receiver have been undertaken.
- 9.21 The results of the report suggest an adverse impact is possible, but it should be noted that due to the fact that the design is still being developed, no mitigation measures were assumed in the calculation. Appropriate mitigation (e.g. screening, enclosure, directivity) will therefore need to be incorporated into the final design and specification of these systems shall ensure that noise levels are in line with the proposed building services plant noise limits included in the acoustic report, Table 5.1 page 15.
- 9.22 Subject to adequate mitigation measures, external noise levels at nearby new and existing sensitive receptors may comply with the adopted target noise levels. However, as this information has not been provided, Officers cannot ensure that the proposals would meet Camden's standards and therefore, the proposal should be refused on this basis.
- 9.23 The proposals include the provision of a car lift serving the basement car park. The Acoustic Report does not include calculations detailing the predicted noise levels from the operation of the lift. A noise assessment of the proposed plant room and lift operation will be required once the design is finalised. As the lift will be operational 24 hours and the proposed development will be located in a relatively quiet urban area, more information on the potential noise impacts due to operational noise of the lift is required. However, as no information is provided on this aspect of the development, Officers cannot ensure that the development is likely to generate unacceptable noise and vibration impacts.
- 9.24 Finally many objections have been received in respect of the impact of two years of construction on local amenity. As part of any permission the details of construction and demolition management plans would be required under S106 legal agreement. These would set out, among other topics, measures to minimise dust and noise pollution from site, control of construction traffic including the potential need for wheel-washing, banksmen to ensure safe operation on the local high way network, and potentially a contractor telephone line as a contact point for local residents. Overall it is considered that due to the lack of information, the impact on amenity of neighbours, is considered to be substantial and therefore contrary to policies A1 and A4.

Conclusion

- 10 The applicants have failed to take into consideration the previous appeal decisions and the site constraints. There is a severe lack of policy compliance and the impact of development is

considered to harm the character and appearance of the wider area. The proposals would result in the re-development of a large proportion of a site which is identified and protected for its open space amenity, biodiversity and ecology value, with a SINC designation qualifying this value. The scheme is exceptionally large with a poorly executed layout. The green space character of the site would be significantly eroded and a large area of neutral grassland would be lost. Previous appeal decisions have demonstrated it is possible to develop the site without significant loss or harm to the protected land. The Council has long argued the nature conservation and open space considerations attached to the designated space and this has been supported in previous applications for housing on this site.

- 10.1 On balance the Council acknowledge the contribution to the housing numbers which this proposal could deliver towards the Councils housing supply. However, when balanced against the issues of the scheme which have been raised in this report, it is considered that the public benefits of the scheme (82 self-contained units and approx. 80 employment opportunities) do not overcome the serious harm and concerns which this development proposes when assessed against planning policy.
- 10.2 The development itself would be an overly large, dominant, inward looking, corporate development, with limited visual or physical links to the wider community and townscape in which it would be located. It would fail to provide nor contribute any affordable housing, with an unsound justification for this failure. The scheme would be an overly dominant exclusive development which is entirely uncharacteristic of the area and contrary to the Council's planning policies.

Recommendation: Refuse permission.

