

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/X5210/W/18/3198746**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Daniel Perfect
Company/Group Name	LifeCare Residences
Address	LifeCare Residences Ltd Ground Floor, Sherwood House, Forest Road KEW TW9 3BY
Email	dominic.ologhlen@struttandparker.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name	Mr Dominic O'Loghlen
Company/Group Name	Strutt & Parker
Address	Strutt & Parker 5 Aldermanbury Square LONDON EC2V 7HR
Phone number	02073184772
Email	dominic.ologhlen@struttandparker.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	London Borough of Camden
LPA reference number	2017/6045/P

Date of the application

07/11/2017

Did the LPA validate and register your application?

Yes  No

Did the LPA issue a decision?

Yes  No

Date of LPA's decision

30/01/2018

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes  No

Does the appeal relate to an existing property?

Yes  No

Address

Gondar Gardens Reservoir  
Gondar Gardens  
LONDON  
NW6 1QF

Is the appeal site within a Green Belt?

Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes  No

Please describe the health and safety issues

The reservoir was decommissioned in 2002 and it is advisable that safety footwear and clothing is worn when attending site.

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes  No

If YES, please state below the revised wording

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.

Please attach a copy of the LPA's agreement to the change.

see '[Appeal Documents](#)' section

Area (in hectares) of the whole appeal site [e.g. 1234.56]

1.24 hectare(s)

Does the proposal include demolition of non-listed buildings within a conservation area?

Yes  No

#### F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.

- 2. Refused permission to vary or remove a condition(s).
- 3. Refused prior approval of permitted development rights.
- 4. Granted planning permission for the development subject to conditions to which you object.
- 5. Refused approval of the matters reserved under an outline planning permission.
- 6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
- 8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
- 9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

## G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

- 1. Written Representations
- 2. Hearing
- 3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

An inquiry is necessary for several reasons:

(1) There are 16 reasons for refusal. There is no prospect of being able to do justice to 16 separate issues in the course of a 1 or 2-day hearing. The Appellant intends to call expert evidence to deal with all outstanding issues. This is likely to take at least 3 weeks, allowing for examination in chief and cross-examination. The inquiry process is best suited to deal with the volume of evidence that will be required to deal with 16 outstanding issues.

(2) Some of the expert evidence will be highly technical in nature. In particular, the Appellant will need to call experts in the fields of (i) biodiversity; (ii) drainage; and (iii) noise. The Council and some third parties have expressed detailed concerns about these issues which, if outstanding, can only be tested properly by cross-examination.

(3) Another highly technical issue has arisen in relation to affordable housing and the viability of the proposal. In particular, the experts appointed to date by the Appellant and the Council to advise on this issue disagree on how an aspect of the Appellant's business model known as "deferred membership monies" should be approached when assessing viability. This issue is not straightforward. The difference of opinion between experts can, again, only be properly tested by cross-examination.

(4) The site has a substantial planning history, including 3 previous appeal decisions (2 allowed; 1 dismissed) relating to proposals for development on the site. The implications of this planning history for the current proposal are best explored in the course of an inquiry, assisted by expert planning witnesses.

(5) It is anticipated that there will be a significant level of public interest in the appeal. The inquiry process is best suited to allowing third parties a fair opportunity to ask questions of the Appellant and to test its case (and vice versa).

(a) How many witnesses do you intend to call?

12

(b) How long do they need to give their evidence?

The Appellant estimates that it will call witnesses to deal with these issues (time estimate for examination-in-chief stated in brackets): planning history, planning policy and planning balance (1.5 hours); biodiversity and ecology (1 hour); affordable housing (1 hour); viability (1 hour); impact on townscape, local character and appearance (1 hour); architecture/design (1 hour); accessibility (0.5 hours); lighting (20 minutes); cycle parking (20 mins); drainage and sustainability (1 hour); noise and vibration (0.5 hours); any outstanding s. 106 matters (1 hour). This results in approximately 10 hours for examination-in-chief. The cross-examination of any witnesses called by other parties would, of course, be in addition to this.

(c) How long do you estimate the inquiry will last?

20 day(s)

## H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes  No

(b) Have you made a costs application with this appeal? Yes  No

## I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**

CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**

CERTIFICATE C and D

**If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.**

## I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

## J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

## K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No

## L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

Mr Dominic O'Loughlen

**Date**

22/03/2018 16:33:14

**Name**

Mr Dominic O'Loughlen

**On behalf of**

Mr Daniel Perfect

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

**M. NOW SEND**

**Send a copy to the LPA**

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	DESCRIPTION OF DEVELOPMENT
<b>Document Description:</b>	A copy of the LPA's agreement to the change.
<b>File name:</b>	Validation Email - Memo Style.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	SoC.docx
<b>File name:</b>	Statement of Case.pdf
<b>File name:</b>	Statement of Common Ground - Final.pdf
<b>File name:</b>	LIST OF APPENDICES from Statement of Case.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A separate list of appendices to accompany your full statement of case
<b>File name:</b>	SoC.docx
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	Planning Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	Decision Notice (2).pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	PL_E_010 - Site Location Plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	A_PL_D_010.pdf
<b>File name:</b>	A_PL_E_010-021.pdf
<b>File name:</b>	A_PL_P_098-104_Plans.pdf
<b>File name:</b>	A_PL_P_200-206_Sections.pdf
<b>File name:</b>	A_PL_P_300-303_Elevations.pdf
<b>File name:</b>	Access Statement.PDF
<b>File name:</b>	PL_E_010 - Site Location Plan.pdf
<b>File name:</b>	PL_E_011 - Site Plan - Existing.pdf
<b>File name:</b>	A_PL_P_010.pdf

**File name:** Proposed Landscape Section (S-00-001).PDF  
**File name:** Proposed Landscape Section (S-00-002).PDF  
**File name:** Proposed Landscape General Arrangement.PDF  
**File name:** Proposed Site Habitats Plan.PDF  
**File name:** Tree Removal Plan D Number PL01.PDF  
**File name:** Tree Removal Plan (2 of 2) D Number PL01.PDF  
**File name:** Phase 1 Habitat Survey.PDF  
**File name:** Reptiles Survey Report.PDF  
**File name:** Reptile Mitigation Strategy - October 2017.pdf  
**File name:** Landscape and Ecological Mitigation Review by London Wildlife.PDF  
**File name:** Bat Activity Survey Report.PDF  
**File name:** Breeding Bird Survey.PDF  
**File name:** Ecology Executive Summary.PDF  
**File name:** London Wildlife Trust Proposed 10 Year Management Plan.pdf  
**File name:** Acoustic Planning Report.pdf  
**File name:** Baseline Lighting Assessment.pdf  
**File name:** BREEAM Pre Assessment Report.pdf  
**File name:** Construction Management Proforma Part 1.pdf  
**File name:** Construction Management Proforma Part 2.pdf  
**File name:** Construction Management Proforma Part 3.pdf  
**File name:** Construction Management Proforma Part 4.pdf  
**File name:** Construction Management Proforma Part 5.pdf  
**File name:** SUDS Report.pdf  
**File name:** Headline Planning Need Assessment Updated July 2017.pdf  
**File name:** Energy Statement.pdf  
**File name:** External Lighting Assessment.pdf  
**File name:** Statement of Community Involvement Addendum.pdf  
**File name:** Statement of Community Involvement.pdf  
**File name:** Air Quality Assessment.pdf  
**File name:** Arboricultural Report.pdf  
**File name:** AVR Methodology Statement.pdf  
**File name:** Basement Impact Assessment Report.pdf  
**File name:** Basement Impact Assessment Appendix F.pdf  
**File name:** Basement Impact Assessment Appendix E.pdf  
**File name:** Basement Impact Assessment Appendix C.pdf  
**File name:** Basement Impact Assessment Appendix A.pdf  
**File name:** Basement Impact Assessment Appendix D.pdf  
**File name:** Flood Risk Assessment.pdf  
**File name:** Planning Policy Statement.pdf  
**File name:** Servicing and Management Plan.pdf  
**File name:** Sustainability Statement.PDF  
**File name:** Townscape Study Part 1.pdf  
**File name:** Townscape Study Part 2.pdf  
**File name:** Technical Note - 14 November Prepared by Cudd Bentley.pdf  
**File name:** Financial Viability Assessment.pdf  
**File name:** Travel Plan.pdf  
**File name:** Transport Plan.pdf  
**File name:** Section 106 Heads of Terms, Life Care Residences.pdf  
**File name:** Design & Access Statement\_Part1.pdf  
**File name:** Design & Access Statement\_Part2.pdf  
**File name:** Design & Access Statement\_Part3.pdf  
**File name:** Design & Access Statement\_Part4.pdf  
**File name:** Design & Access Statement\_Part5.pdf  
**File name:** Design & Access Statement\_Part6.pdf  
**File name:** Design & Access Statement\_Part7.pdf  
**File name:** Design & Access Statement\_Part8.pdf  
**File name:** Design & Access Statement\_Part9.pdf  
**File name:** Landscape Report.pdf

<b>File name:</b>	Basesment Impact Assessment Appendix B - Part 1.pdf
<b>File name:</b>	Basesment Impact Assessment Appendix B - Part 3.pdf
<b>File name:</b>	Basesment Impact Assessment Appendix B - Part 2.pdf
<b>File name:</b>	Day and Sunlight Report - Part 1.pdf
<b>File name:</b>	Day and Sunlight Report - Part 2.pdf
<b>File name:</b>	AVR Report.pdf
<b>File name:</b>	Heritage Statement FINAL_Part3.pdf
<b>File name:</b>	Heritage Statement FINAL_Part2.pdf
<b>File name:</b>	Heritage Statement FINAL_Part1.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	Application List Submitted.pdf
<b>Completed by</b>	MR DOMINIC O'LOGHLEN
<b>Date</b>	22/03/2018 16:33:14