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By email

Dear Mr O'Loughlen,

Re: Gondar Gardens Reservoir, Gondar Gardens, London, NW6 1QF

Thank you for the meeting held on the 22/06/2018 at the Council's offices to discuss proposed development at the above site. This meeting was held to discuss the resubmission of planning application 2013/7585/P which was allowed at appeal (APP/X5210/A/14/2218052) on the 16/12/2015. This application permitted the following proposed works:

'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'.

1. Attendees

1.1. The following attendees were present at the meeting:

- John Diver (Senior Planning Officer)
- Richard Limbrick (Planning Solutions Manager)
- Dominic O'Loughlen (Strutt & Parker)
- Adrian Kearley (Strutt & Parker)
- David Phillips (Strutt & Parker)
- Daniel Perfect (LifeCare Residents)

2. Meeting points for discussion

2.1. The following made up the chief points for discussion during the meeting:

- Changes to policy context since previous decision
- Environmental Impact Assessment requirements
- Status of previous decision and weight in formal resubmission
- Implications of policy changes for resubmitted scheme
- Review of planning obligations
- Other comments
- Review of local area requirements for submissions

3. Discussions / advice

Changes to policy context since previous decision

3.1. During the meeting, we discussed submission of an application that would duplicate the development allowed at appeal. Although this determination was refused by the LPA on the 07 March 2014 the development was subsequently allowed at appeal by the inspector on the 16 December 2015. Since the issuing of the previous decision, there have been several significant changes to local and national policy, and legislation, which will have a material impact upon the assessment of the case. The key changes can be summarised as follows:

- New Environmental Impact Assessment regulations (2017)
- Withdrawal of Code for Sustainable Home
- Updates to Building Regulations Approved Documents (e.g. Parts M & L) and introduction of the Building Regulations optional requirements
- Introduction of Camden CIL (2015)
- New London Plan (2016)
- New Camden Local Plan (2017) superseding the former Core Strategies and Development Policies documents
- Replacement or update to supporting SPDs (Camden CPGs)
- New Mayor's Housing SPG (2016)
- New Neighbourhood Plan adopted (2015)

Expected:

- New London Plan (2019/2020)
- New NPPF (2018/2019)

3.2. Any formal resubmission of the frontage scheme would have to be assessed against the current adopted development plan, including all of the above.

Environmental Impact Assessment requirements

3.3. Both the first frontage application (ref.2012/0521/P) as well as the 2013 resubmission (ref. 2013/7585/P) were both previously supported by Environmental Impact Assessments, required at the time by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('EIA regulations'). As outlined above, in 2017 the 'EIA regulations' were updated/replaced in order to transpose the 2014 European Environmental Impact Assessment Directive into UK Law. The 2017 regulations included a number of amendments, including changes to Column 2 (applicable thresholds and criteria) for Schedule 2 development.

3.4. Both previous scheme submissions had fallen under the criteria for Schedule 2 development as set out under 10(b) (Urban Development projects) of Schedule 2 and the relevant thresholds outlined in column two. The changes made to the regulation in 2017 included increases to these thresholds, meaning that the development would no longer fall within the criteria. Given that the site is not a 'sensitive area' (as defined by the 2017 EIA regulations), any formal resubmission would consequently not need to be supported by an EIA.

3.5. Notwithstanding the above, it should be noted that local policy requirements would still require a full assessment of the proposed development, including matters such as impact to the site's ecological value, land contamination, flood risk and transport.

Status of previous decision and weight in formal resubmission

3.6. During the meeting, the weight of the former decision (ref. 2013/7585/P dated 16/12/2015) in the assessment of a resubmitted scheme was discussed. We advised that the extant consent

would be a material consideration in the assessment of any subsequent application, and the potential for you to implement this permission in line with the approved scheme is accepted. Nevertheless, we also advised that any new application must be assessed against the policies of the development plan, and that where there have been significant changes to policy, the scheme would need to take account of those. Although the previous inspectors decision would therefore be afforded weight in the assessment, primacy must be given to the development plan and any areas where policy requirements have changed will be reconsidered in line with current policy. The most pertinent alterations in policy context and the implication for the current extant scheme are outlined below.

Implications of policy changes for resubmitted scheme

Affordable housing

- 3.7. One of the most significant changes to policy brought in with the Local Plan is that of the expected contribution toward affordable housing. When refusing the previous application, the Council did not include a substantive reason for refusal relating to the affordable housing offer of the scheme (R4R 2 related to a lack of legal agreement only). In fact, in their report to committee members, the case officer advised that the previous scheme was in compliance with former of policy DP3 (Contributions to the supply of affordable housing). This was based upon an onsite contribution equivalent to 33% of total floorspace (GEA), or 10 out of 28 units being secured as affordable, with a minor shortfall in onsite provision secured via a payment in lieu. Of this provision, an 80/20 split between social rented and intermediate products was secured.
- 3.8. Whereas former policy DP3 had included a sliding scale based on capacity for schemes of less than 50 dwellings, Local Plan policy H4 (Maximising the supply of affordable housing) has updated this approach. This policy now states that the Council will seek an affordable housing target of 50% of additional floor area (GIA) for developments with capacity for 25 or more additional dwellings. This is expected to be provided on site in all circumstances unless special circumstances are demonstrated, with a guideline mix of 60% social-affordable rented housing and 40% intermediate housing. With regard to the intermediate housing product secured, it should also be noted that the Council's strong preference would be for this to be secured as intermediate rent rather shared ownership as outlined in para.3.104 of the Local Plan.
- 3.9. Given the significant shortfall of the previously accepted offer against the new policy requirements, the scheme would need to be updated to include an improved affordable housing offer before it would be supported by officers. During the meeting it was noted that if an additional four units are provided onsite as intermediate affordable, with the tenure split aligning more closely with the target outlined above, it may be possible to revise the offer without the need for external alterations or significant internal layout changes. This may include the potential for intermediate rent units to be arranged around an existing core, taking into account the relevant housing mix to prioritise 1-bed and 2-bed homes for intermediate affordable. If this is not feasible, there is also more scope to allow any intermediate units to be pepper-potted, avoiding the need for additional cores.
- 3.10. Since the previous decision, the Council has included 'Affordable Housing Statement' within the Local Area Requirements list for major applications. This would need to outline to proposed offer in full. Should the resubmitted scheme fail to meet policy requirements for affordable housing, where justification is given on the grounds of viability, an Affordable Housing Financial Viability Assessment would then be required for validation. Further details of approved RP who can deliver intermediate rent products can be found [here](#). A copy of the Council's Intermediate Housing Strategy document can be found [here](#).

Car and cycle parking

- 3.11. Another key policy change since the former decision has been in relation to the provision of onsite vehicular and cycle parking requirements. The former scheme included a basement below the full extent of the development footprint which provided for no.19 vehicular parking spaces, accessed via two car lifts. Two areas for cycle storage (one secure, one adjacent to car parking) were also proposed at basement level.
- 3.12. Local Plan policy T2 (Parking and car-free development) now takes a far more stringent approach to the provision of onsite parking, stating that the Council will limit on-site parking to spaces designated for disabled people where necessary, and/or designated for essential operational / servicing needs only. Consideration is no longer paid to the PTAL rating of the site in this regard and this requirement is applied uniformly to all sites across the Borough. It was therefore advised that the scheme would need to be revised to omit basement parking, unless for specified wheelchair units, in order to be supported by officers.
- 3.13. Updates made to the London Plan and upheld by Local Plan policy T1 (Prioritising walking, cycling and public transport) have increased the expected provision of cycle parking for residential developments. At the time of the previous decision, 1 space was required for each 1 or 2-bed unit and 2 spaces for each 3+bed unit. As 2 cycle parking spaces are now required for all new dwellings of 2 or more bedrooms, the resulting requirement has increased (see Table 6.3 of the London plan). Policy T1 seeks this provision to be secure, accessible and designed in accordance with the relevant chapter of the Transport CPG (2018). The changes to basement car parking would likely provide an opportunity for improved cycle storage facilities, so it is recommended you develop these details prior to a formal resubmission.

Accessible Design

- 3.14. As outlined in para.3.1, another pertinent change since the previous decision is the withdrawal of Code for Sustainable Homes and the introduction of extended optional building control requirements in relation to accessible design. Local Plan policy H6 (Housing choice and mix) now stipulates that the Council will require housing developments to be designed so that: (c) 90% of new homes are accessible and adaptable in accordance with Building Regulation M4(2); and (d) 10% of new homes are suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3). Although comment was not provided at this stage as to whether or not the approved scheme would meet these new requirement, full justification of the above would be expected alongside any formal resubmission in the form of an accessibility statement.

Energy and Sustainability

- 3.15. Similar to the above, changes since the previous decision have meant that the policy requirements for any new application in terms of energy and sustainability credentials have been bolstered. Policy CC1 (Climate change mitigation) now requires all major developments to demonstrate how the London Plan targets for CO₂ have been met in developments, following the steps in the energy hierarchy and optimising resource efficiency. Monitoring equipment is also now required by this policy in order to ensure the effectiveness of renewable and low carbon technologies. As part of an updated Energy Statement, it will therefore be necessary to demonstrate the residential development is “zero carbon”, as defined in the Mayor’s Housing SPG. As the former Sustainability/Energy statements are now out of date, they would need to be updated prior to any formal resubmission.

SuDS and Air Quality

3.16. Again, while it is noted that both SuDS and Air Quality Assessments were submitted and assessed under the previous scheme, changes to policy have meant that level of required mitigation has since been increased. With regard to SuDS, all major development must now be shown to follow the drainage hierarchy and achieve a 'greenfield' run-off rate to be supported. This should include completion of Camden's drainage pro forma and should demonstrate that the development can constrain runoff volumes for a 1 in 100 year, 6 hour rainfall event, where feasible. It is likely that the previous SuDS Strategy may need updating to accord with current requirements. With regard to Air Quality, it would appear as though the former AQA identified the resulting impacts caused by construction and outlined a raft of mitigation measures (mainly to be secured via the CMP). As the development would involve significant earth works, a detailed AQA would be required for resubmission. This should include dispersion modelling in accordance with the [London Councils Air Quality and Planning Guidance](#). The previously submitted AQA is therefore likely to require updating prior to resubmission.

Basement Impacts

3.17. Furthermore, the Council's basement policy (A5) has also been updated under the Local Plan and includes additional stipulations for the design of basement structures as well as the resulting impacts from excavation/construction. As the development would represent a comprehensive redevelopment of the site, and taking account of the extant permission, specifications regarding the acceptable scale of basements outlined in criteria (f)-(m) of policy A5 would not apply and the scale of the basement would not be objectionable. It should however be noted that criterion (n) of policy A5 has introduced a requirement to demonstrate that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight'. As the previously approved BIA predicted that damage may, in the worst instance, reach category 2 (slight) the approved BIA document will likely need to be updated in line with the new policy requirements. Should the BIA require significant alterations a new BIA audit may be required upon formal submission. As the BIA pro forma is expected at submission stage, please ensure that a completed copy is sent alongside any formal application, a copy of which can be found [here](#).

Changes to Planning Obligations

3.18. Further to the aforementioned policy changes, it should also be noted that the Council's adopted charging rates / calculation for certain obligations have been amended since the date of the last decision. As a result, the previous calculations for the following expected obligations may be subject to change under a resubmitted scheme dependant on the final proposal:

- Camden CIL – introduced in 2015 (replacing requirement for education / community facilities contributions)
- Public open space contribution (see policy A2 criteria (l)-(m) & Public Open Spaces CPG 2018)
- Local employment and training support for construction phase (see policy E2 and Employment and Business CPG 2018)
- ~~Local Community facilities contribution~~
- ~~Education contribution (see above)~~

3.19. Finally, it should also be noted that as part of the phased replacement of adopted SPDs, the Interim Housing CGP (2018) is due to be replaced at the beginning of 2019. As this document includes the relevant payment-in-lieu figures per sqm, the current adopted multiplier may be subject to change. The Council has commissioned further research in this regard and will be looking to begin consultation on the replacement Housing CPG towards the end of 2018.

Other comments

- 3.20. Under the previous approval, the London Wildlife Trust had been a key partner in the delivery and management of the gifted open space retained to the rear of the site. Given that some years have passed since the previous decision, and that the role of this group in the long-term viability of the open space was key in the justifications given, it is recommended that any resubmitted scheme is accompanied by evidence of recent consultations with the Trust to confirm their continuing support. As LWT was a key delivery partner, secured by legal agreement under the previous permission, the Council would want to ensure that any resubmitted scheme was still supported by such an organisation.

Local area requirements for submission

- 3.21. Further to the above, the local area requirements for the submission of applications have been amended so that the following additional/updated deliverables will be required for resubmission, some of which may be included within other documents such as your Planning Statement or your Design and Access Statement:

- Accessibility Statement
- Affordable Housing Statement
- Affordable Housing Financial Viability Assessment (if necessary)
- Air quality Assessment (updated)
- Basement Impact Assessment (updated)
- Biodiversity survey and report (updated)
- CIL form
- Construction Management Plan (Draft)
- Crime Impact Assessment
- Daylight/Sunlight Assessment
- Drainage Report
- Employment and Training Strategy
- Energy Statement (updated)
- Flood Risk Assessment (updated where necessary)
- Health Impact Assessment
- Landscaping scheme
- Planning obligations (draft heads of terms)
- Sustainability Statement (updated)
- Sustainable Drainage System (SuDS) Strategy (updated)
- Transport Assessment (incl. Travel Plan)
- Tree survey
- Waste storage and collection plan

- 3.22. This above list is not exhaustive and does not include the relevant plans and supporting statements which were already approved and require no alterations (subject to other comments above).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact me direct.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

John Diver

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