



PLANNING SERVICES

TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS) (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

RULE 6 STATEMENT OF CASE of the London Borough of Camden

APPEAL SITE

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

APPELLANT

Life Care Residences

SUBJECT OF APPEAL

Appeal Statement in Support of the Council's decision to refuse planning permission (ref: 2017/6045/P) on 30th of January 2018 for:

“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”.

COUNCIL REFERENCE: 2017/6045/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/18/3198746

CONTENTS PAGE

Section	Page
1. Site and Surroundings	3
2. The Proposal the Subject of this Appeal	4
3. Relevant Planning History	4
4. Planning Policy Framework	7
5. Reasons for refusal	9
6. The Council's Case	9
7. Conclusion	23
8. Conditions	25
9. Appendices	35

1. SITE AND SURROUNDINGS

- 1.1. 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.
- 1.2. 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.
- 1.3. 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.
- 1.4. The dwellings on Agamemnon Road, 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 Road 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.
- 1.5. 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.
- 1.6. 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), Private Open Space, a Site of Importance for Nature Conservation (SINC) Borough Grade II as well as being Locally Listed. The site also adjoins a number of locally listed mansion blocks to its Western end. 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.

2. THE PROPOSAL THE SUBJECT OF THIS APPEAL

- 2.1. The appeal proposal seeks to substantially demolish the existing reservoir structure and to erect a development of broadly rectilinear footprint, projecting approximately 106m into the site from its Western boundary with a width of approximately 60m and an overall area of approximately 0.62 hectares. The proposed development would feature six 4-6 storey blocks (labelled as blocks A-E) and four 2-3 storey 'link' buildings, all with common basements. The six blocks would be arranged in a 3 by 2 grid, connected in the east west direction by the link buildings. A terrace of stepped outdoor amenity areas would run through the centre of the blocks, terminating adjacent to the proposed retention pond at a level two floors below ground floor. 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. To the Eastern end of the site, beyond the proposed blocks, the area of open space would be substantially regraded to provide a water retention pond, and relandscaped.
- 2.2. The development would provide 82 self-contained extra care apartments, a 15 bed nursing home as well as incidental communal and ancillary support facilities. The proposal is outlined in detail in the officer report (Appendix 1).

3. RELEVANT PLANNING HISTORY

- 3.1. As outlined in full in the officer's report the site has been the subject of three previous planning applications, each the subject of refusal and subsequent appeals. The previous appeals were made 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:

3.2. 2011/0395/P - The Reservoir Scheme

'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 application was refused by the Council in June 2011 with 16 reasons for refusal given. Ten of the reasons for refusal were resolved by either a s.106 legal agreement or submission of a suitable Impact Assessment. This decision was contested at a Public Inquiry (Appeal Ref: APP/X5210/A/11/2167190). The Inspectorate resolved to allow the appeal on 1 November 2012. This permission was not implemented and has since expired.

3.3. 2012/0521/P - The Frontage Scheme

'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 application was refused by the Council in May 2012 with 14 reasons for refusal given. This decision was contested at a Public Inquiry (Appeal Ref: APP/X5210/A/12/2188091). Eleven of the reasons for refusal were subsequently withdrawn when an appropriate s.106 agreement was entered into. The Inspectorate resolved to refuse the appeal on 3 June 2013, on the basis of the second reason for refusal, that *"the proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider area"*. The first reason for refusal (that *"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"*) was not upheld.

3.4. 2013/7585/P - The Second Frontage Scheme

'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 application was refused by the Council in March 2014 with 13 reasons for refusal given. This decision was challenged at a Hearing on 23rd June 2015 (Appeal Ref APP/X5210/W/14/2218052). Through the course of the appeal, reasons for refusal 2- 13 were subsequently withdrawn when an appropriate s.106 agreement was entered into. The appeal was recovered for the Secretary of State's determination on 8 September 2015, as 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. 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. To date, this permission has not been implemented, with all pre-commencement obligations and conditions remaining outstanding.

3.5. The Council has previously entered into pre-application discussions relating to the site with various owners/prospective developers. For the 2011 reservoir scheme, the Council had entered into a Planning Performance Agreement which included various meetings. More recently, pre-application advice was issued in both 2016 and 2017 relating to the proposed redevelopment of the site to provide a nursing home and 'extra-care' apartments.

3.6. The officer's reports, decision notices, appeal decisions and site plans for the above applications are outlined in appendices 1-4. The Council will refer to the planning history of the site where relevant, including any relevant pre-application discussions.

4. PLANNING POLICY FRAMEWORK

4.1. In determining the planning application the Council had regard to the relevant legislation, government guidance, statutory development plans, supplementary planning guidance and the particular circumstances of the case.

National Planning Policy Framework (NPPF)

4.2. The NPPF was published on 27th March 2012. It provides a national planning policy framework against which all planning applications and decisions must be made. It sets out a presumption in favour of sustainable development as a golden thread running through the decision making process. The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications.

4.3. A Draft NPPF (2017) has been published and is currently being consulted upon, and a new NPPF is anticipated shortly. When a new NPPF is issued, as is highly likely before the date of the inquiry, the Council's proof of evidence will respond to the new NPPF. The Council will seek to agree with the Appellant in the Statement of Common Ground which policies in the new NPPF are relevant to the appeal.

Development Plan

4.4. The development plan for this application consists of the Camden Local Plan (2017) and the London Plan (2016), along with the Fortune Green and West Hampstead Neighbourhood Plan (2015).

4.5. The proposal fails to comply with a number of planning policies which are referred to in the reasons for refusal and officers report as well as national policy and guidance set out in the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG). The LPA will present evidence as to the relevance of these policies in relation to the proposed development.

4.6. In its evidence, the LPA will draw on national, regional and local planning policy documents, including the emerging draft NPPF and draft London Plan. This may include other policies, guidance, documents, and reports that may be considered appropriate during preparation of the Proofs of Evidence.

Other Material Planning Considerations

Supplementary Planning Documents (SPDs)

4.7. The Camden Local Plan 2017 is supported by the Council's SPDs, which include Camden Planning Guidance (CPGs). The Council is currently reviewing and updating its CPGs to support the delivery of the Camden Local Plan following its adoption. The currently adopted CPGs relevant to this appeal are:

- Amenity CPG (March 2018)
- Biodiversity CPG (March 2018)
- Planning for Health and Wellbeing CPG (March 2018)
- Public Open Space CPG (March 2018)
- CPG1 Design (July 2015; updated March 2018)
- CPG2 Housing (July 2015; updated March 2018)
- Interim Housing CPG (March 2018)
- CPG3 Sustainability (July 2015; updated March 2018)
- CPG7 Transport (September 2011):
- CPG8 Planning Obligations (July 2015; updated March 2018)

4.9 As the Council is currently undertaking a full review of their guidance documents, the above list of SPDs may be liable to change prior to the inquiry date.

Supplementary Planning Guidance (SPG) to the London Plan 2016

4.8. The Mayor's SPGs give further detail on certain policies found in the London Plan. Below is a list of the key relevant documents. Other relevant SPG may be referred to or issued by the Mayor:

- Housing (2016)
- Accessible London (2014)
- Character and Context (2014)
- Sustainable Design and Construction (2014)
- Affordable Housing and Viability (2017)

5. REASONS FOR REFUSAL

- 5.1. The Council determined the planning application under delegated powers and, on 30 January 2018, refused to planning permission for 16 reasons. The original decision notice and officer's report is attached as Appendix 1.
- 5.2. As per the informative on the original decision notice, the Council considers that it would be possible to overcome reasons for refusal 12-16 by entering into a suitably worded section 106 legal agreement. The Council aims to work with the Appellant to agree a legal agreement to be concluded before the forthcoming public inquiry is closed. It may also be possible to overcome some of the other reasons of refusal through minor amendments or additional information (including reasons 8, 9, 10 and 11). The Council will continue to engage proactively with the Appellant to narrow the issues of conflict with the appeal scheme and this will be set out in a Statement of Common Ground.

6. THE COUNCIL'S CASE

- 6.1. The proposal raises 16 issues of concern which are discussed in turn below. The Council's case is also set out briefly within the officer's delegated report (Appendix 1) which details the proposal, site and surroundings, the site history, consultation responses and an assessment of the proposal.
- 6.2. As stated in para 5.2 (above), it would be possible to overcome some of the reasons for refusal by entering into a Section 106 legal agreement. Justification for why these matters must be secured via legal agreement is included below. The LPA will continue to work with the appellant where possible to overcome or narrow the reasons for refusal, and this will be set out in a Statement of Common Ground.

Development on designated Open Space and Local Green Space (Reason for Refusal 1)

'The proposed development, by virtue of the development on designated Open Space and designated Local Green Space, would result in the loss of, and harm to, land protected because of its local amenity, habitat and biodiversity importance, contrary to policy A2 (Open Space) of the London Borough of Camden Local Plan 2017; Policy 7.18 of The London Plan 2016

and Policies 16 and 17 of the Fortune Green and West Hampstead Neighbourhood Plan 2015'

- 6.3. During the course of the appeal the Council will demonstrate that the appeal proposal would result in significant harm to the designated Open Space and Local Green Space by virtue of its scale and the extent of the development area. The evidence will outline why those policies listed within this reason for refusal are applicable to the appeal assessment and will clarify the site's designation within the Development Plan.
- 6.4. Officers continue to accept that previous appeal decisions for the site have established the acceptability, in principle, of the demolition of the reservoir structure roof, the development of the 'frontage' of the site as well as some modest reservoir infill development subject to other material considerations such as quality of design and level of impact to the open space. This has already been stated in sections 1 and 2 of the main officer's report. Notwithstanding the above, during the course of the appeal the Council will establish how the previous schemes were each of a substantially lesser scale; were significantly more sympathetic in their relationship to the areas open space; retained a greater extent of the open space; and each formed a far lesser impact upon its value and openness. The Council will seek to show that, conversely, the appeal proposal would lead to a greater loss of designated open / local green space than previous consents, would be detrimental to the setting and openness of the retained areas of designated space and would fail to protect or enhance its value, contrary to local, regional and national planning requirements. The evidence will also demonstrate that the scale and bulk of the appeal scheme would result in a detrimental loss of residential amenity to adjoining properties by virtue of a visual overbearing impact upon sensitive spaces as well as a loss of outlook, further evidencing the inappropriate scale proposed.

Biodiversity and Ecology (Reason for Refusal 2)

'The proposed development, by virtue of re-landscaping and redeveloping the Site of Nature Conservation, would result in the loss of the protected land and would harm the biodiversity and ecology of the site, contrary to policies A2 (Open Space) and A3 (Biodiversity) of the London Borough of Camden Local Plan 2017, Policy 7.18 of The London Plan 2016 and Policies 16 and 17 of the Fortune Green and West Hampstead Neighbourhood Plan 2015'.

- 6.5. During the course of the appeal, the evidence will demonstrate that the proposal would result in the loss of or harm to the majority of the area of the site with Borough II SINC designation through a combination of the buildings' footprint and the regrading and landscaping works proposed. The

Council will illustrate how the existing site remains of considerable importance for local biodiversity predominantly, but not exclusively, with regard to its value for protected species and Species of Principle Importance (particularly birds, bats and slow worms). During the appeal, the Council will to highlight how the SINC has the potential to offer an even greater ecological contribution through proper management and improved access, which should be considered as the benchmark ecological potential of the site. The Council will also demonstrate the significance of the site from an ecological perspective, in light of local context, its extent, and the limited availability of similar areas retained for wildlife within the region, evidencing national and other published guidance from ecology bodies. The Council will also compare the resulting impacts upon biodiversity of the appeal scheme against the previously allowed schemes, revealing that the resulting impacts would be far greater in this instance.

- 6.6. With regard to the submitted reporting outlining ecological mitigation measures, the Council will maintain that it is not satisfied that these measures would result in a net-gain in terms of ecological value, but in fact would fail to prevent a decline in valuable habitats and protected species on the site, contrary to policy requirements.

Affordable Housing (Reason 3)

'The proposed development, without the provision of affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017, policy 3.12 of the London Plan 2016 and Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan 2015'

Affordable housing requirement

- 6.7. The Council will demonstrate that the appeal proposal, by reasons of its nil offer, fails to maximise the contribution of the site to the supply of affordable housing in the Borough. Whilst the Council and Mayor continues to consider that the proposed self-contained residential units should be deemed as falling within Use Class C3 it will be demonstrated that, even if this element of the scheme were found to remain with Use Class C2, local and regional policy requirements in relation to affordable provision would be triggered regardless.
- 6.8. The scheme fails to deliver an appropriate mix of affordable on-site units in line with policy requirements. Policy H4 of the Local Plan seeks to maximise the supply of affordable housing, in line with aiming to exceed the Borough wide strategic target of 5,300 affordable homes from 2016/17-2030/2031. Policy H4 also aims for an appropriate mix of affordable housing types to

meet the needs of households unable to access market housing. The adopted policy has a sliding scale target that requires an additional 2% affordable housing per capacity for each additional home. Capacity for one additional home is defined within the Local Plan as an additional residential floorspace of 100sqm (GIA). In assessing capacity, additional residential floorspace is rounded to the nearest 100sqm (GIA). The affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings. In line with the NPPF, the Council's strong preference for larger proposals is for affordable housing to be provided on-site alongside market housing because this helps to create mixed and inclusive communities and ensure that the delivery of the affordable housing is secured to the same timescale as the market housing.

6.9. The Financial Viability Appraisal Report submitted alongside the application includes a full areas schedule as part of appendix 4 (the cost plan) which indicate a total GIA figure for the development at 14,088sqm. Due to the nature of the development, the NIA for the self-contained housing (only) is given as 7,703sqm (capacity for 77 dwellings). Given the relatively low ratio of net to gross floor areas and the high proportion of ancillary spaces proposed, officers accept an approach whereby the NIA for self-contained units forms the baseline for the requirement. As the NIA figure would still maintain a capacity far exceeding the 25 additional dwellings policy threshold, the policy requirement for onsite affordable housing provision would remain at 3,851.5sqm (7,703 x 50%). The appeal proposal would not include any onsite affordable offer despite local and regional policy requirements and during the appeal the Council will show that the appellant has not fully explored the option of providing onsite affordable housing and has failed to demonstrate that such provision could not be practically accommodated as part of the development.

Offsite provision

6.10. The Council maintains its position and will show that on the evidence currently provided onsite provision would be practical and should be provided.

6.11. The Council will also show that notwithstanding the above, policy H4 (i) states that where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution (in terms quantity and/or quality), the Council may accept provision of affordable housing offsite in the same area, or exceptionally a payment-in-lieu. In considering whether off-site provision is appropriate, the Council will consider the criteria set out in Policy H4. In the instance that additional justification is provided through the course of the appeal which comprehensively

demonstrates that such provision would not be possible, the Council would seek offsite provision.

6.12. As outlined in para.3.116 of the Local Plan, where off-site provision is accepted, the Council will seek development of the affordable housing on an alternative site nearby, secured by a planning obligation. Alternative sites must be in the borough, and will initially be sought in the same ward as the development. Based upon a policy requirement for 50% affordable provision, the target for offsite affordable housing provision in this instance would remain 7,703sqm (NIA). The Council will confirm that were it demonstrated that onsite provision was not appropriate for the development, off site provision within the local area at the above quantum would be reasonable and required. As the appellants have submitted no evidence of an exploration of the potential for off-site provision, during the appeal the Council will maintain that in the absence of such the scheme remains contrary to adopted policy requirements.

Financial contribution in-lieu of provision

6.13. Exceptionally, 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 for affordable housing, the Council may accept a payment in lieu of provision secured by a planning obligation. Payments-in-lieu are derived by calculating the affordable housing floorspace required and converting this to a payment using a 'cost' per sqm in line with the methodologies outlined in the Local Plan and adopted guidance. Paragraphs 3.53-3.55 of the officer's report outlines calculations for the relevant financial contribution should the appellant successfully demonstrate that neither onsite or offsite provision would be feasible as part of the scheme. This figure is stated within the report to equal £12,758,093.57. This figure has not been contested within the appellant's submissions.

6.14. The appeal proposal is supported by a Financial Viability Report produced by Rapleys date 27th July 2017. This report outlines that the scheme would offer a residual value of £1.85m, indicating an apparent deficit of £2.76m when compared to the proposed benchmark land value. The submit report consequently concludes that it would not be viable for the appeal scheme to contribute any payment in-lieu of on or offsite affordable housing provision.

6.15. The viability information submitted as part of the appeal proposal has been independently assessed by a viability expert (BPS Chartered Surveyors) for the Council. They produced a report dated 11 January 2018, which concludes that the Appellant have not sufficiently demonstrated that

the appeal proposal could not viably contribute. During the appeal the Council will seek to demonstrate that the Rapleys report has not presented a fair reflection of the economics of the appeal proposal by, inter alia, overestimating the AUV for the extant scheme and therefore setting benchmark value too high; overestimating the build costs for the appeal scheme; understating sales values for new product; and refusing to disclose vital information in relation to the anticipated income from the deferred management fee upon request.

- 6.16. With particular reference to the matter of deferred management fees and the resulting uncertainty with regards to its implications upon the wider economics of the appeal proposal it will be noted that, both during the application as well as following the receipt of the appeal, requests for the disclosure of further details to inform an open book and transparent review were refused by the appellants.
- 6.17. Based on the above considerations, the Council will contend that the information presented is not sufficient to accept that the appeal scheme could not viably contribute towards the supply of affordable housing.

Impacts arising from an inwards-facing development (Reason 4)

'The proposed development, by virtue of its failure to provide an active street frontage, 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, contrary to policies D1 (Design) and C5 (Safety and Security) of the London Borough of Camden Local Plan 2017'

- 6.18. The Council will demonstrate that the appeal proposal, by way of its design, layout, enclosure and access arrangements, would not take full advantage of the opportunity to redefine and enhance the street frontage to Gondar Gardens. It will be shown that the scheme would not provide an active street frontage to Gondar Gardens and, via its gated access, would represent a defensive, inward looking form of development which would be detrimental to the streetscene. In turn, this would fail to increase perceptions of safety and reduce the opportunities for crime. The Council will show how 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 succeeding in establishing a clearly identifiable entrance and identity to the development on Gondar Gardens. This would create the strong impression

of a private gated enclave, severed from the wider area and undermining the promotion of mixed and balanced communities.

- 6.19. The entry point to the whole development lacks any clear definition or obvious signifier as an entrance and the scheme would feature poor legibility. It is set back from the street frontage and of a muted and inconspicuous design. 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 principle entry point to the development is via a gated pedestrian access placed centrally on Gondar Gardens between the two proposed pavilion blocks that lie adjacent to the street. It is set back from the street frontage and of a muted and inconspicuous design. 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. The lack of well-defined entrances makes it difficult for visitors or passers-by to understand movement between the proposed development and Gondar Gardens, raising further concerns in relation to legibility. The proposed development would undermine the coherence of the public realm and streetscape.

Inappropriate design and resulting visual impacts (Reason 5)

'The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the streetscene, the open space, the outlook of surrounding properties, and the character and appearance of the wider area while failing to preserve or enhance the character and appearance of the local area, contrary to policies G1 (Delivery and location of growth), D1 (Design), D2 (Heritage) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015'

- 6.20. During the course of the appeal, the Council will demonstrate how the rear parts of the development, by virtue of their height, scale and mass, would have a severe adverse effect on the open character, appearance and setting of the area, and the locally listed site, to the detriment of a large number of adjoining occupiers. Due to the heights proposed, the scheme would result in a significantly visually overbearing impact upon the protected space as well as these cumulative views. With reference to relevant planning history and case law, the Council will demonstrate that impacts caused upon the combined private views afforded to the site represents clear harm to the character of the area and would result in an overbearing development with an undue perception of overlooking for occupiers of neighbouring properties. The Council will highlight that, in

certain instances, the submitted views schedule has not included worse case scenarios in assessing impacts upon local public views and that these visual impacts have thus been understated. The Council will illustrate how the density of the development is beyond that which is deemed reasonable for this site in line with local and regional planning policy and guidance – further evidencing why the overall scale of development is inappropriate for this site.

6.21. With reference to detailed design, the Council will maintain that the scheme fails to represent high quality, contextual architecture which would reflect the unique character of the site and promote or reinforce local distinctiveness. Conversely the evidence will show that the corporate and institutional appearance of the development would appear generic and would fail to reflect its intended domestic use, or the residential character of the area. The evidence will show that this in turn would cause harm to the character and appearance of the local area, streetscene and adjacent locally listed mansion blocks. The Council will reiterate how the previously allowed reservoir scheme had been considered to represent an ‘ingenious’ design which included only a minor projection above existing round level and strongly referenced the retained reservoir structure, local architectural detailing and created distinctiveness. The Council will maintain that the acceptability of any development within the reservoir structure site would only be suitable subject to an exemplary design using careful consideration of the characteristics of the site, features of local distinctiveness and the wider context in order to achieve a high quality development that integrates into its surroundings. The Council will show these traits are not found to be applicable to the appeal proposal, and that the appeal scheme represents a significantly lower standard of design than the previously allowed reservoir scheme. The Council will demonstrate that the appeal proposal does not achieve sufficiently high quality design that mitigates the impact of the additional height and massing, which is otherwise considered to be excessive in relation to the surrounding context. The Council will therefore maintain that the appeal scheme would remain contrary to local and regional policy requirements in terms of its design and resulting visual impacts.

Inclusive Design (Reason 6)

‘The proposed development, by virtue of its failure to deliver an inclusive design for all, both internally and externally throughout the scheme would be contrary to policies D1 (Design), C1 (Health and wellbeing) and, C6

(Access for all) of the London Borough of Camden Local Plan 2017, and Policies 3.8 and 7.2 of the London Plan 2016'

6.22. In the consideration of the relevant accessibility standards, by referencing relevant planning history, legislation and case law, the Council will seek to demonstrate how the proposed self-contained housing would need to offer high standards of accessibility in order to comply with planning policy and legislative/regulatory requirements. Local Plan policy H6 aims to provide mixed, inclusive and sustainable communities by seeking a range of housing types suitable for households and individuals with different needs (including different sizes and accessibility requirements). It states that the Council will seek high quality accessible homes in all housing development, including 90% of new-build homes to be accessible and adaptable in accordance with Building Regulation M4(2) and 10% to be suitable for occupation by a wheelchair users (or easily adapted) in accordance with M4(3). The Council will demonstrate that the Appellant has not met this policy criteria based upon the proposed scheme. The Council will consequently demonstrate that the design of the appeal proposal is fundamentally incapable of meeting the needs of its target demographic.

6.23. The Council will also seek to demonstrate how, through its lengthy and convoluted step-free access routes through to external amenity areas and to residents' homes, the scheme would fail to represent inclusive design and would be inappropriate for the needs of the intended occupants. This is particularly the case for elderly residents. The Council will refute the assertion that such lengthy and convoluted would encourage residents to maintain their level of fitness and will instead demonstrate that such provision would significantly undermine the legibility of the development, both for residents as well as for visitors, as well the equability of the scheme and its principal external amenity areas.

Overlooking (Reason 7)

'The proposed development, due to its height, massing, positioning of windows and balconies/terraces and proximity and relationship between the proposed blocks, would result in an unacceptable amount of overlooking to and from the proposed units, contrary to policies A1 (Managing the Impact of development) and D1 (Design) of the London Borough of Camden Local Plan 2017'.

6.24. By referencing relevant planning history and case law, the Council will demonstrate how the proposed self-contained housing and nursing care uses should afford future occupiers high standards of amenity, including the right to privacy. The Council will demonstrate that the appeal proposal

would result in substandard living accommodation for its prospective occupiers. This is due to a number of units failing to provide adequate privacy to sensitive habitable rooms. Within the appeal scheme, there would be an unacceptably detrimental impact on the living conditions of the prospective occupiers caused by mutual overlooking between a number of the proposed units. This will result in both intrusion and the sense of intrusion for occupiers. Camden Planning Guidance 6 – Amenity (CPG6) states in para 7.4, that to ensure privacy there should be a minimum distance of 18m between the windows of habitable rooms of different units that face each other. The minimum requirement is the distance between the closest points on each building and includes balconies. Numerous examples of overlooking to units from communal terraces are also present. This guidance is not met by the appeal proposal, which is not acceptable given this is a new build development. The Council contends that given the appeal proposal is a new build scheme, it should be possible to design windows and balconies so that they maintain the minimum separation distances and where this is not possible ensure sufficient design features are incorporated to prevent direct overlooking. The Council will demonstrate how, by virtue of the scale, height and position of facing windows and balconies, occupiers of surrounding properties would be impacted upon by a reduced ability for the enjoyment of their homes and gardens by the perception of overlooking created by the development, further evidencing the inappropriate design, scale and density proposed.

Impacts resulting from artificial light spill (Reason 8)

'The proposed development, due to its scale, design, and siting, would result in an unacceptable impact from artificial lighting onto the existing site protected because of its local amenity, habitat and biodiversity importance, contrary to policies A1 (Managing the Impact of development), A3 (Biodiversity) and D1 (Design) of the London Borough of Camden Local Plan 2017'

- 6.25. As outlined in the officers report, both National planning guidance and legislation advocates the use of good design in order to limit the impact of artificial light pollution for local amenity, intrinsically dark landscapes and for purposes of nature conservation. The appeal site is recognised as a significant local asset for reasons including, inter alia, its function as a 'green lung' and valuable area of dark at night for a range of fauna as well as its function for local amenity.
- 6.26. By evidencing best practice guidance in relation to the appropriate lighting design for sites with ecological value the Council will maintain that the appeal proposal has not evidenced, to officers satisfaction, that the development would not result in detrimental artificial light spill towards the

retained areas of open space and neighbouring properties. This, it will be presented, would consequently inhibit the ecological value of the site and suitability for protected species as well as fundamentally undermining the character of the locally listed site to the detriment of local amenity. Officers will discuss how both the extensive glazing to all elevations, though to a greater degree to the outward facing elevations, as well as external lighting solutions, would result in considerable night-time light spillage. The site would no longer provide a valuable area of dark at night for protected species to the detriment of local ecology.

6.27. With regard to this reason, officers have approached the appellants and have requested further information in relation to lighting strategy and design for the appeal scheme with specific focus on ecological impacts. Officers will continue to work proactively with the appellants to overcome or narrow this reason for refusal. Further details will be provided in a Statement of Common Ground.

Cycle Parking (Reason 9)

'The proposed development, by reason of the type of cycle parking and its layout and location, would discourage the ownership and use of cycles as a sustainable form of transport, contrary to Policy T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017'.

6.28. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport. To promote cycling the Council seeks accessible, convenient and secure cycle parking facilities. Users of a development should be encouraged to use cycles to travel to and from a site. The relevant number of cycle parking spaces required in accordance with the London Plan as well as how the design, layout and separation between short and long stay will be discussed in line with the requirements of policy and guidance.

6.29. The Council will demonstrate that the appeal proposal would discourage the ownership and use of cycles through a shortfall in provision and inappropriate layout and design, contrary to the London Plan, Local Plan and the guidance within CPG7 (Transport) section 9 (cycling facilities). The cycle parking would be inadequate in terms of spaces provided and the lack of separation between short and long stay spaces. As no full details were provided alongside the application, in light of the above, the Council will

show how officers would not be satisfied that such details could be reasonable secured by condition.

- 6.30. With regard to this reason, officers have approached the appellants and have requested details of cycle parking provision in line with policy requirements. As it was indicated that such details might be forthcoming, officers will continue to proactively work with the appellants to overcome or narrow this reason for refusal prior to the inquiry if possible. Further details will be provided in a Statement of Common Ground.

Sustainable Design and Construction (Reason 10)

'The proposed development, in the absence of details regarding the feasibility of providing a CHP unit on the site, opportunities to reduce water consumption, drainage calculations and details relating to SuDs, along with the failure to reach CO2 reduction targets, and due to the absence of a legal agreement to secure any of the above, would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate Change mitigation) and CC3 (Water and Flooding) of London Borough of Camden Local Plan 2017 and Policies 5.2, 5.12 and 5.13 of the London Plan 2016'

- 6.31. Local Plan Policy CC2 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. Policy CC3 states that where an assessment of flood risk is required as part of a scheme, developments should consider surface water flooding in detail and groundwater flooding where applicable. This information is expected at application stage and to have following the drainage hierarchy outline in para.8.57 of the Local Plan.

- 6.32. As outlined in section 6 of the officer's report, submitted reports relating to matters of Sustainability, Energy and Sustainable Urban Drainage Systems (SuDS) for the appeal scheme were each reviewed and found to contain shortfalls or lacking justification when assessed against local and regional policy requirements. With particular focus upon matters of CO₂ reduction shortfalls, justification for CHP systems, feasibility of alternative renewable sources, and SuDS (site-wide) analysis, the Council will illustrate that the appeal scheme would fail to represent a sustainable form of development, failing against local and regional requirements. Officers will present how the submission of further details relating to the above, as well as further matters such as cooling hierarchy assessment, PV cells, green roofs, future-proofing for decentralised energy connections, water efficiency, energy monitoring and Air Quality assessment would need to be

agreed, or at least further justified at application stage in order provide assurances in terms of the overall sustainability of the development. These details, it will be presented, could not be reasonable secured by condition given the significant remaining areas of concern and the potential requirements for financial contributions towards carbon offsetting.

- 6.33. Prior to the submission of the Statement of Case, officers have approached the appellants to discuss the possibility of submitting updated reporting and further information to address officers concerns. Should such information be forthcoming officers will continue to work with the appellant to address the issues outstanding in relation to this reason for refusal.

Acoustic Impact (Reason 11)

'In the absence of a sufficiently comprehensive Noise and Vibration Impact Report outlining the proposed mitigation for the mechanical ventilation and for the car lift, the applicant has failed to demonstrate that the development would provide a suitable standard of development which would not cause harm to the amenity of future occupiers nor neighbouring properties in respect of noise and vibration levels, contrary to policies A1 (Managing the impact of development), A4 (Noise and Vibration) and CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017'

- 6.34. Local Plan 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 and remains in accordance with the Council's adopted noise thresholds. Submitted alongside the application was an Acoustic Noise report (ref.1616174) which has discussed the resulting impacts of the developments upon the residential amenities of future and surrounding occupiers. Whilst officers note that this report has gone some way in addressing concerns in terms of potential disturbances from noise, various crucial pieces of information necessary in order to establish the potential impacts and relevant mitigation measures were not included. Officers will show how due to a lack of necessary information, particularly in relation to anticipated noise attenuation measures for the building's external envelope as well as for the proposed car lift, officers cannot be confident that measures could be secured which might appropriately attenuate sources of noise. With specific reference to the proposed car lift, this equipment is proposed to be in operation 24hr a day and would be located in an area of very low existing background noise levels. Submitted details have not specified basic information such as for example: location of lift plant equipment; source measurements of the operation of a similar lift (in the absence of manufacturers data); predictions of noise levels from the lift operation and noise breakout from the plant room at the nearest sensitive receptor; any assessment of the noise impact in line with BS4142; or any

discussion regarding relevant mitigation measures. As the car lift would remain in very close proximity to a number of sensitive habitable rooms above, this lack of detail is of concern with regard to the amenities of the future occupiers to these units and other nearby properties. Given the significant gap in information provided, the Council will outline how it could not be confident that adequate mitigation would be possible to properly attenuate source of noise, meaning that securing details of condition would not be possible at this stage.

- 6.35. Officers accept that were further information with regard to the above submitted for review, this reason may be overcome and as such has engaged with the appellant. Should the additional details requested be forthcoming and found appropriate by officers, this reasons may be withdrawn.

Section 106 Reasons for Refusal (nos. 12-16)

- 6.36. The reasons for refusal referenced within the heading above are based on the failure of the Appellant to enter into a legal agreement. As stated within the informative of the decision notice, these matters could be overcome by entering into an appropriate legal agreement. The Council is willing to engage in this process with the Appellant and will endeavour to, so that the matters in dispute relating to the appeal are refined.
- 6.37. The Council will provide evidence as part of the appeal to demonstrate that the requirements are justified against relevant planning policy and meet any relevant tests. This includes the tests laid out in Section 106 and the Community Infrastructure Levy (CIL) Regulations 2010, in particular Regulation 122(2), as well as national guidance and the National Planning Policy Framework (particularly paragraphs 203-206).
- 6.38. The Council will demonstrate that the proposed development would be unacceptable unless the appellant agrees to undertake planning

obligations to mitigate the impacts of the development. A draft list of heads of terms, seeking to overcome reasons for refusal 12 to 16 is set out below:

- Construction Management Plan and monitoring fee
- Highways / pedestrian and environmental improvements contribution
- Car-free Development
- Travel plan and monitoring fee
- Energy Efficiency and Renewable Energy Plan

6.39. The Council will continue to work with the Appellant as part of agreeing a statement of common ground to agree a list of conditions that are able to take into account the numerous discussions which are anticipated between the parties over the coming months. The Council would seek to be able to reduce the number of conditions required for a scheme of this size and nature via this dialogue, and if agreement is reached, it is anticipated this will be provided as an appendix to the statement of common ground. Any remaining conditions where agreement could not be reached would then be included within the Council's full proof of evidence. A working list of draft conditions is outlined in section 8.

7. CONCLUSION

7.1. The appeal proposal underachieves against a large number of national, regional and local policies (and guidance). Each of the reasons for refusal are considered to be sufficient to justify the refusal of the appeal proposal in their own right, and together result in an appeal scheme that would not represent sustainable development as defined within paragraph 7 of the NPPF.

7.2. The merits of the appeal proposal are recognised and include that the development would create a number of additional homes, which is a priority of the development plan. It would also lead to the creation of a new 15 bed nursing home facility. However, the benefits of the scheme would not outweigh the harm caused through the loss of and harm to designated open and green spaces; the loss of and harm to land protected for its ecological value, and the resulting impacts upon local biodiversity; the failure to maximise affordable housing; inappropriate design proposals; standard of living accommodation for prospective occupiers; living conditions of neighbouring occupiers; provision of inadequate cycle parking; energy efficiency and sustainability of the development; and failing to integrate into

the local community and streetscene, promote social cohesion, reduce opportunities for crime or to promote community safety.

7.3. Regard has been had to the development plan, as required under Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004, and other material considerations. Paragraph 14 of the NPPF has a presumption in favour of sustainable development and the benefits of the scheme have been weighed against the economic, social and environmental dimensions as specified in para 7 of the NPPF. The appeal proposal does not accord with the development plan (for the reasons addressed within the Council's case) and there are no other material planning considerations that indicate that planning permission should be granted.

7.4. The Inspector will respectfully be invited to dismiss the appeal against the refusal of planning permission 2016/1117/P. However, should the Inspector be minded to allow the appeal, the Council will request that suggested conditions are applied. The council will seek to agree these with the appellant as part of the statement of common ground.

8. DRAFT LIST OF CONDITIONS

8.1 Without prejudice to the Council's case, if the Inspector is minded to allow the appeal the Council respectfully requests that conditions be attached to any permission given. A draft list of conditions is provided below, however further submissions will be made on this matter in the Statement of Common Ground as the council will seek to agree conditions with the appellant as far as possible

1	<p>Three years from the date of this permission</p> <p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>PL_E_010; PL_E_011; PL_E_012; PL_E_013; PL_E_020; PL_E_021; A_PL_D_010; A_PL_P_010; A_PL_P_098; A_PL_P_099; A_PL_P_100 Rev P01; A_PL_P_101; A_PL_P_102; A_PL_P_103; A_PL_P_104; A_PL_P_200; A_PL_P_201; A_PL_P_202; A_PL_P_203; A_PL_P_204; A_PL_P_205; A_PL_P_206; A_PL_P_300; A_PL_P_301; A_PL_P_302; A_PL_P_303 Rev P01; -S-00-001 PL01 Proposed Section Elevation; -S-00 002 Proposed Section Elevation PL01; -P-XX-100 PL01 Landscape General Arrangement; -P-0-002 Proposed Site Habitats Plan PL01; -P-00-010 Tree Removal Plan Sheet 1 of 2 PL01; -P-00-011 Tree Removal Plan Sheet 2 of 2 PL01; Access Statement 13 November 2017; Phase 1 Habitat Survey August 2016 Rev.G; Reptile Survey September 2016; Reptile Mitigation Strategy October 2017; Landscape and Ecological Mitigation Review July 2017; Bat Activity Survey Rev A December 2016; Breeding Bird Survey August 2016; Ecology Executive Summary June 2017; London Wildlife Trust Proposed 10 Year Management Plan 2019-2028; Salix Ecology Planning Application Review December 2017; Acoustic Planning Report 19th October 2017; Baseline Lighting Assessment July 2017; BREEAM Pre-assessment Report Ver 6 18/10/2017; Construction Management Plan Proforma v2.1 July 2017; SUDS Report 29th June 2017; Headline planning need assessment Updated July 2017; Energy Statement Ver 6 18/10/2017; External Lighting Assessment revision P02 18/10/2017; Statement of Community Involvement July 2017; Statement of Community Involvement Addendum October 2017; Air Quality Assessment July 2017; Arboricultural Report 170202-PD-11a May 2017; AVR/VVM Methodology Statement; AVR./VVM Report; Basement Impact Assessment Report July 2017; Basement Impact Assessment Appendix A- F; Basement Impact Assessment Audit revision D1 January 2018; Daylight and Sunlight Report V3 June 2017; Design and Access Statement October 2017; Flood Risk Assessment 371487R1(03)-FRA October 2017; Heritage Statement October 2017; Planning Policy Statement October 2017; Servicing and Management Plan July 2017; Sustainability Statement Ver 5 18/10/2017; Townscape Study October 2017; Technical Note - 14th November Prepared by Cudd Bentley; Financial Viability Assessment Report for LCR Developments Ltd 27 July 2017; Travel Plan October 2017; Transport Statement October 2017.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning</p>

3	<p>Detailed drawings/samples</p> <p>Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> a) Typical details including sections at 1:10 of all window types (including jambs, head and cill), b) Typical details including sections at 1:10 of ventilation grills and louvres; c) Typical details including sections at 1:10 of external doors and balustrades; d) Typical details including sections at 1:10 of gates, railings and fences; e) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site). The facing brickwork must include a 1m x 1m panel demonstrating the proposed colour, texture, face-bond and pointing. <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.</p>
4	<p>Basement engineer</p> <p>The basement works hereby approved, including excavation, shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.</p> <p>Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017</p>
5	<p>Basement to be in line with BIA</p> <p>The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment (BIA Report July 2017 including Appendix A- F; Basement Impact Assessment Audit revision D1 January 2018) hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.</p> <p>Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, A1 and A5 of the London Borough of Camden Local Plan 2017</p>

6	<p>Drainage and SUDS</p> <p>Prior to commencement of development details of a drainage strategy shall be submitted to and approved in writing by the local planning authority. Details shall include:</p> <ul style="list-style-type: none"> a) sustainable urban drainage and system based on a 1:100 year event with 30% provision for climate change demonstrating greenfield levels of runoff b) Impact studies of the existing water supply and discharge infrastructure c) Swimming pool maintenance scheme, including times of emptying and flow rates into public sewer d) Fat traps for all communal catering elements; and e) Petrol and oil interceptors in all car parking areas <p>The system shall be implemented as part of the development and thereafter retained and maintained.</p> <p>Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017</p>
7	<p>Designing out crime</p> <p>The development shall be constructed and operated thereafter to 'Secured by Design Standards'. A certificate of accreditation to Secured by Design Standards shall be submitted to the local planning authority for approval in writing prior to the residential occupation of the development.</p> <p>Reason: To ensure that the development maintains and enhances community safety in accordance with the requirements of policies D1, A1 and C5 of the London Borough of Camden Local Plan 2017</p>
8	<p>Land contamination</p> <p>A) No demolition or development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> i) A site investigation scheme, based on previous findings to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; ii) The site investigation results and the detailed risk assessment resulting from i); iii) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>The development shall thereafter be implemented in accordance with the details and measures approved.</p> <p>B) Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation</p>

	<p>criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>C) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.</p> <p>Reason: Development must not commence before this condition is discharged to safeguard future users or occupiers of this site and the wider environment from irreversible risks associated with the contaminants which are present by ensuring that the contaminated land is properly treated and made safe before development. Depending on the outcome of any ground investigation and subsequent risk assessment, it may be necessary for remediation to be carried out. If this is the case, it will be necessary to demonstrate that any work has been carried out effectively and the environmental risks have been satisfactorily managed in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017</p>
9	<p>Air quality monitoring</p> <p>No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA’s Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Camden Local Plan 2017 policies G1, C1 and A1</p>
10	<p>Mechanical ventilation</p> <p>Prior to commencement of development (excluding demolition and site preparation works), full details of the mechanical ventilation system, including air inlet locations and details of NOx filters, shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from Gondar Gardens and the boiler stack and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Camden Local Plan 2017 policies G1, C1 and A1</p>
11	<p>Green roof</p> <p>Prior to commencement of above ground works (excluding demolition and site preparation works), full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include</p> <ol style="list-style-type: none"> i. a detailed scheme of maintenance

	<p>ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used and showing a variation of substrate depth with peaks and troughs</p> <p>iii. full details of planting species and density</p> <p>The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.</p> <p>Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017</p>
12	<p>Landscape Ecological Management Plan</p> <p>No development shall commence until details of a suitable methodology for the protection of the protected habitats of the site have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter undertaken in accordance with the approved details. The submitted details will demonstrate the following:</p> <ul style="list-style-type: none"> a) The protection of areas of scrub and grassland shown in the landscape drawings from future development b) Future management of these areas for nature conservation, especially slow worms c) Monitoring of incorporated nature conservation areas as detailed in the Ecological 10 year management plan (London Wildlife Trust, 2017) d) The implementation of the Ecological 10 year Management Plan (London Wildlife Trust, 2017) <p>Reason: Development must not commence before this condition is discharged to safeguard the protected habitats within the SNIC and prevent irrevocable damage to habitats and wildlife, in accordance with the requirements of the London Plan (2016) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017</p>
13	<p>Construction Ecological Management Plan</p> <p>No development shall take place until a method statement for a precautionary working approach to demolition and construction has been submitted to and approved in writing by the local planning authority. This shall include:</p> <ul style="list-style-type: none"> a) detailed proposals for vegetation clearance demonstrating that all removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nestbuilding birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest b) Precautionary approaches to mitigate the impact on slow worms, bats, birds, badgers and hedgehogs, including impact of lighting during works. <p>All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the local planning authority</p>

	<p>Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (2016) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.</p>
14	<p>Lighting Strategy</p> <p>The development hereby permitted shall not be occupied and there shall be no use of artificial lighting until full details of a lighting strategy, to include information about potential light spill on to buildings, trees and lines of vegetation to minimise impact on protected species, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.</p> <p>Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (2016) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.</p>
15	<p>Bird and Bat Boxes</p> <p>Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.</p> <p>Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (2016) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.</p>
16	<p>Kitchen extract</p> <p>Prior to the first use any communal cooking facility use, full details of a scheme for ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers' recommendations.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, CC1, TC1 and TC2 of the London Borough of Camden Local Plan 2017</p>
17	<p>Cycle storage:</p> <p>Prior to commencement of development (excluding demolition and site preparation works), full details of the 16 secure long stay and 5 short stay cycle parking spaces shall be submitted to and approved by the local planning authority. The approved facilities shall thereafter be provided in their entirety prior to the first occupation of any part of the development and permanently retained thereafter.</p>

	Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.
18	<p>Waste Management Strategy</p> <p>Prior to the commencement of development (excluding demolition and site preparation works), details of waste storage and removal shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of the neighbouring premises and the area generally in accordance with the requirements of policies A1, A4 and CC5 of the London Borough of Camden Local Plan 2017</p>
19	<p>Building Regulations Part M4</p> <p>No above ground works shall commence until details demonstrating that at least fifteen per cent of the residential units hereby permitted could be constructed to comply with Part M4(3) of the Building Regulations. Any communal areas and accesses serving the M4(3) compliant Wheelchair User Dwellings should also comply with Part M4(3). Evidence that all other residential units, communal areas and accesses hereby permitted could be constructed to comply with Part M4(2) of the Building Regulations shall also be submitted. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied and retained as such in perpetuity.</p> <p>Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017</p>
20	<p>Car lift acoustic report</p> <p>The car lift shall not be used until it has been provided with acoustic isolation, sound attenuation and, where appropriate, anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.</p> <p>Reason: To safeguard the amenities of the residential premises and the area generally in accordance with the requirements of policy G1, A1, A4, D1 and CC1 of the London Borough of Camden Local Plan 2017.</p>
21	<p>Tree Protection</p> <p>Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.</p>

	<p>Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.</p>
22	<p>Landscaping</p> <p>No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.</p> <p>Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5 and D1 of the London Borough of Camden Local Plan 2017.</p>
23	<p>Landscaping implementation</p> <p>All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.</p> <p>Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5 and D1 of the London Borough of Camden Local Plan 2017.</p>
24	<p>Restricted uses permitted</p> <p>Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the nursing home (C2) shall only be used as an older persons nursing home and for no other purposes whatsoever.</p> <p>Reason: In the interests of the amenity of neighbouring occupiers and to prevent conflicting uses on site in accordance with policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017</p>
25	<p>Noise from plant</p> <p>Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).</p>

	<p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017</p>
26	<p>Vibration mounts for plant</p> <p>Prior to use, plant equipment and any associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.</p> <p>Reason: To safeguard the amenities of adjoining premises and the area generally in accordance with the requirements of policy G1, A1, A4, D1 and CC1 of the London Borough of Camden Local Plan 2017.</p>
27	<p>Kitchen extract clocks</p> <p>Prior to the commencement of the use of the kitchen extract equipment, automatic time clocks shall be fitted to the equipment/machinery hereby approved, to ensure that the plant/equipment does not operate between 23:00hrs and 07:00 hrs. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, D1, A1, TC1, TC2 and A4 of the London Borough of Camden Local Plan 2017</p>
28	<p>Servicing hours</p> <p>All servicing shall take place in accordance with the approved serving management plan, and shall not take place outside of the following times: 08:00-20:00 Monday-Saturday, and 09:00-20:00 Sundays and bank holidays.</p> <p>Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017</p>
29	<p>Non-road mobile machinery</p> <p>All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle – with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.</p> <p>Reason: To ensure that air quality is not adversely affected by the development and to safeguard the amenities of the adjoining premises and the area generally, in accordance with the requirements of Camden Local Plan 2017 policies G1, C1 and A1.</p>
30	<p>Water saving devices</p>

	<p>The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. Each C2 unit shall not be occupied until the Building Regulation optional requirement has been complied with.</p> <p>Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017</p>
31	<p>No front additions</p> <p>No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.</p>
32	<p>Management Plan</p> <p>No part of the development hereby permitted shall be occupied until a Use and Servicing management plan shall be submitted to and approved in writing by the local planning authority. The submitted details will include the following:</p> <p><i>a) Details and hours of servicing;</i> <i>b) Care provision and operational management for the nursing home; and</i> <i>c) Care provision for the extra care units</i></p> <p>The use hereby permitted shall thereafter be operated in accordance with the approved details</p> <p>Reason: To ensure that appropriate uses are secured on site and to ensure compatibility between uses, safeguarding the amenity of neighbouring and future occupiers in accordance with policies G1, A1, D1 and H8 of the London Borough of Camden Local Plan 2017</p>

LIST OF APPENDICES:

Appendix 1 –

Proposed Site Plan, Delegated Report and Decision Notice for 2017/6045/P
(The Appeal Scheme)

Appendix 2 –

Proposed Site Plan, Decision Notice, Appeal Decision and Delegated Report
for 2011/0395/P *(The Reservoir Scheme)*

Appendix 3 –

Proposed GF Plan, Decision Notice, Appeal Decision and Committee Report
and for 2012/0521/P *(The Frontage Scheme)*

Appendix 4 –

Proposed Site Plan and Front Elevation, Decision Notice, Appeal Decision and
Committee Report for 2013/7585/P *(The Frontage Scheme #2)*