

Application ref: 2021/4073/P  
Contact: Tony Young  
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Date: 18 November 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

LUC  
250 Waterloo Road  
London  
SE1 8RD

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Councils Own Permission Under Regulation 3 Granted**

Address:  
**Branch Hill Allotment**  
**Branch Hill**  
**London**  
**NW3 7LS**

**Proposal:**

Remediation works across site to address elevated concentration of contaminants in soil, involving raising levels by approximately 500mm in depth in conjunction with the installation of capping barrier below new imported soil and network of internal paths, removal and re-siting of existing shed and compost bins, and felling of some trees within the site.

Drawing Nos: (11358-LD-PLN-)010 rev B, 030 rev B, 050 rev E, 110 rev B, 610 rev A, 615 rev B, 710 rev B; Outline Hard Landscape Specification (ref. 11358-LD-SPE-801 rev E) dated 13/07/2021; Design and Access Statement (ref. 11358-LD-REP-001) dated August 2021; Remediation Options Appraisal (ref. LP2167/ROA/Draft) dated 20/08/2020; Remediation Method Statement (ref. LP2167/RMS) dated 11/11/2021; Arboricultural Impact Assessment (ref. 210820-1.3-BHAHL-AIA-LF) dated 20/08/2021; Preliminary Ecological Appraisal and Bat Roost Assessment (ref. 4531-1 version 1.0) dated 27/07/2021.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s) overleaf:

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: (11358-LD-PLN-)010 rev B, 030 rev B, 050 rev E, 110 rev B, 610 rev A, 615 rev B, 710 rev B; Outline Hard Landscape Specification (ref. 11358-LD-SPE-801 rev E) dated 13/07/2021; Design and Access Statement (ref. 11358-LD-REP-001) dated August 2021; Remediation Options Appraisal (ref. LP2167/ROA/Draft) dated 20/08/2020; Remediation Method Statement (ref. LP2167/RMS) dated 11/11/2021; Arboricultural Impact Assessment (ref. 210820-1.3-BHAHL-AIA-LF) dated 20/08/2021; Preliminary Ecological Appraisal and Bat Roost Assessment (ref. 4531-1 version 1.0) dated 27/07/2021.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Following the completion of the remediation, and prior to the first use of the land to grow food or edible planting (i.e. root and leaf vegetables, fruits, etc.), a verification report should be submitted to, and approved in writing, by the local planning authority demonstrating that the remediation as outlined in the approved Remediation Method Statement (ref. LP2167/RMS) dated 11/11/2021 has been completed and the site is safe to grow food plants. This report shall include (but may not be limited to): details of the remediation works carried out; results and certification of any verification sampling, testing or monitoring including the analysis of any imported soil and waste management documentation. All works must be carried out in compliance with Land Contamination Risk Management (LCRM) 2020 and by a competent person.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies G1, D1, A1 and DM1 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the Arboricultural Method Statement by Treework Environmental Practice (ref. 210820-1.3-BHAHL-AIA-LF) dated 20/08/2021. 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 BS5837:2012 and with the approved protection details. The development shall be monitored in accordance with the method statement.

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 Camden Local Plan 2017.

## Informative(s):

### 1 Reasons for granting planning permission:

Branch Hill Allotment is an active allotment garden site located in a residential area bounded by Branch Hill and Frognal Rise to the east, Oak Hill Way to the south, Heysham Lane to the west and Spedan Close to the north.

The site has been subjected to a number of phases of intrusive geoenvironmental site investigation by third parties and LEAP Environmental. Lead, benzo[a]pyrene and asbestos were concluded to be present at levels representing a risk to allotment users, but not at sufficient levels to determine the site as contaminated under Part 2A of the Environmental Protection Act. As such, the decision was taken by the land owner, London Borough of Camden, to undertake voluntary remediation in order to allow for the continued future use of the site as allotment gardens.

A remediation options appraisal concluded clean cover systems (Option 2B) to be the most practical remedial solution. This forms the basis of the current application proposals and comprises raising levels by approximately 500mm in depth of clean cover soils across the full area of all 28 plots, installation of capping barrier and gabion walls, new network of internal paths, removal and re-siting of existing shed and compost bins, and felling of some trees within the site. The proposed works are estimated as requiring a 3 month period to complete.

The supporting documents set-out the requirements for the imported material, as well as, validation of the membrane installation and the application of clean cover system to be undertaken by an Independent Environmental Consultant. No objections were raised in principle by an Environmental Health Officer to the proposed remediation subject to a condition being attached to any approval requiring a Verification Report be submitted and approved by the Council, prior to the first use of the land. The report should demonstrate that the remediation as outlined in the approved Remediation Method Statement (ref. LP2167/RMS) dated 11/11/2021 has been successfully completed and that the site is safe to grow food plants. As such, a condition would be attached to any approval to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised.

The trees identified as requiring removal in order to facilitate development are all small, young trees, categorised as being low or poor quality in accordance with BS5837:2012. As such, a Council Tree Officer raised no objection to their proposed removal given their low amenity value and lack of significance to the character and appearance of the conservation area. It is noted that while no replacement trees are proposed as part of the application, plot holders will be able to replace trees when the allotments are safe to be used upon completion.

The Tree Officer also confirmed that the impact of the scheme on the trees to be retained is at an acceptable level provided that the tree protection measures

and working practices are adopted as set out in the submitted Arboricultural Method Statement (ref. 210820-1.3-BHAHL-AIA-LF) dated 20/08/2021 and in accordance with BS5837:2012. A condition would be attached to any approval to ensure this is the case.

A Nature Conservation Officer raised no issue with the proposal and confirmed their continued involvement as the project progresses in order to assist in applying the principles of the recommendations contained within the supporting Preliminary Ecological Appraisal and Bat Roost Assessment (ref. 4531-1 version 1.0) dated 27/07/2021.

Overall therefore, notwithstanding that the proposals involve the closure and reconfiguration of the allotment over a 3 month period, in terms of the proposed design, scale, location and materials used, it is considered that the proposal would respond positively and sympathetically to the existing character and appearance of the allotment, and would preserve the wider Hampstead Conservation and Neighbourhood Areas.

Although there would be some temporary amenity impact from the works, the proposed works are intended to protect the amenity of local residents and allotment holders by securing safe, continued use of the allotment gardens for current and future users, promoting health and wellbeing and decontamination of land.

While it is acknowledged that there would be some increase in traffic and vehicular movement near to the site as part of the proposals, it is noted that the site characteristics allow for all vehicles to deliver and unload the imported soil (and associated equipment) within the site boundary itself, with vehicles turning into the allotment site from Frognal Rise. Though some green waste may require a limited amount of offsite disposal, no soil would require removal or offsite disposal as part of the proposal, thereby minimising vehicle movement to and from the site.

It is recognised that there would be some inconvenience caused to local residents, for instance, as a result of the necessary closure of pedestrian access to the allotment and their use for the safety of residents and allotment users during the 3 month period while the proposed works are carried out. Some noise would also result during times when mechanical plant is in operation which may impact adversely to some degree on the amenity of the nearest residential occupiers. In order to minimise noise impacts, therefore, an informative would be attached to any approval reminding the applicant that noise from demolition and construction works is subject to control under the Control of Pollution Act 1974 and works must only be carried out during specified hours.

Overall therefore, and on balance, the proposal would promote a safer clean environment and allow for continued allotment use which would promote health and wellbeing. The temporary disruption from the works would not lead to undue harm to the amenity of residential occupiers as a result of any noise generated and increased traffic activity and vehicular movement associated with the proposed works, especially when balanced against the positive outcomes.

The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Hampstead Conservation Area.

As such, the proposed development is in general accordance with policies A1, A2, A3, C1, CC1, CC3, D1, D2, DM1 and G1 of the Camden Local Plan 2017, policies DH1 (Design), DH2 (Conservation area and listed buildings), NE1 (Local Green Spaces), NE2 (Trees) and NE4 (Supporting biodiversity) of the Hampstead Neighbourhood Plan 2018, the London Plan 2021, and the National Planning Policy Framework 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope  
Chief Planning Officer