

Planning Statement

Gondar Gardens Reservoir Site,

Gondar Gardens West Hampstead W6

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 landscaping



On behalf of
Linden Wates (West Hampstead) Ltd

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Introduction

1.1. Summary

- 1.1.1 This planning statement has been prepared by Rolfe Judd Planning, on behalf of the applicants, Linden Wates (West Hampstead) Limited, in support of their planning application for the redevelopment of land known as the Gondar Gardens Reservoir Site (the Site). The site is currently in private ownership, formally owned by Thames Water and houses a decommissioned raised reservoir structure. This proposal aims to provide an alternative long term solution for the site (to that of the consented reservoir 16 unit scheme), by removing the roof and internal arch structures of the reservoir building, replacing and improving the grassland in the reservoir bowl and developing the western edge of the site for a new residential development. This proposal responds to the Council's concerns in response to planning application 2012/0521/P dated 20 January 2012 and the Planning Inspectors concerns set out in the decision letter dated 3 June 2013 (ref: APP/X5210/A/2188091).
- 1.1.2 For the purposes of the planning application, the proposed development (the Proposal) is described as follows:
- 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. This application is subject to an Environmental Impact Assessment..*
- 1.1.3 The site is complex. A previous planning application for the redevelopment of the reservoir to provide 16 housing units was refused by the Council in June 2011, but was subsequently allowed at appeal. In November 2012.
- 1.1.4 The frontage scheme has been developed to deliver an alternative solution to the reservoir scheme, responding to the concerns of the Council in relation to the reservoir scheme. In summary the strategy is to deliver a frontage development with on site affordable housing and retain a greater amount of open space.. The 28 unit frontage scheme (2012/0521/P) was supported by officers, however was refused at Planning Committee. The Application was subsequently considered at Inquiry, where the principle scheme content was supported by the Inspector. However the Inspector raised specific detailed design concerns and dismissed the appeal on these grounds alone.
- 1.1.5 This application has been developed to deliver a scheme that can be supported locally. The proposal responds to the design criticisms of the previous application in a positive manner and has been resolved via a thorough and iterative design led process. It seeks to deliver 28 new homes to this part of Camden and retain and improve the grassland habitat on the site, by replacing the current grasses on the roof of the reservoir within a newly created reservoir bowl on the site. .

- 1.1.6 The site is clearly recognised as being special to surrounding residents and this proposal aims to ensure that the importance of this site is retained for local residents but also secures an acceptable and economically viable long term future for the site.

1.2. Planning Statement

- 1.2.1 The purpose of this document is to examine the planning issues/ merits of the current proposal for the site. In particular, this statement identifies and describes the constraints of developing the site and key opportunities presented by the redevelopment proposed. It also assesses the Inspectors decision relating to the previous 28 unit scheme.

- 1.2.2 The statement also provides a comprehensive analysis of the relevant planning policy framework, at national, strategic and local levels and details how the development plan has influenced the form and content of the proposal.

- 1.2.3 With this in mind, the planning statement is structured as follows:

- Section 1: Introduction and Summary
- Section 2: The Application Site and Surrounding Area
- Section 3: The Proposal
- Section 4 Planning Policy Framework
- Section 5 Planning Considerations
- Section 6 Scheme Benefits
- Section 7 Conclusions

1.3. Environmental Impact Assessment

- 1.3.1 The current application has evolved as a response to the earlier frontage scheme, submitted in January 2012, for which the Council refused planning permission. The Council issued a Screening Opinion in 2011 in relation to the 16 unit reservoir scheme to the effect that they regarded the proposals as “EIA development” under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 1999, as amended (the EIA Regulations).

- 1.3.2 The Council’s Opinion was based, firstly, on the fact that the proposals, being an “urban development project” larger than 0.5 hectares in size, constituted “Schedule 2 development” under the Regulations; and secondly, on the Council’s view that the development would be likely to give rise to significant environmental effects, primarily in relation to ecology. Accordingly, an EIA was carried out for the reservoir scheme (2011) and subsequently for the frontage scheme (2012) , the findings of which were presented in the form of an Environmental Statement (ES) submitted in support of that application.

- 1.3.1 The current proposals seeks to address the concerns of the 2012 frontage scheme. It locates the development towards the front of the site. The previous Screening Opinion for the reservoir scheme does

not apply to this current scheme, and a new opinion has not been sought from the Council with regards to this Application.

1.3.4 Since the size of the site and the nature of the scheme are essentially the same as before, the proposals still qualify as Schedule 2 development. The EIA has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which came into force in August 2011, and a new ES has been prepared. The ES comprises a Main Report a Non-Technical Summary and a series of Technical Annexes.

1.3.5 The Technical Annexes present a range of supporting information related to the assessment topics, together with standalone reports required by the planning process. They are as follows:

- Air Quality;
- Climate Change;
- Cultural Heritage;
- Ecology;
- Flood Risk and Drainage;
- Ground Contamination;
- Sunlight and daylight;
- Noise and Vibration;
- Townscape and Views; and
- Transport.

1.3.6 Three topics – Environmental Wind, Socio-Economics and Waste - were excluded from (i.e. scoped out of) the assessment for the following reasons:

- Environmental Wind - Because no tall buildings are proposed.
- Socio-Economics - Because the development will not displace employment or any other socially or economically productive use of the land, whilst its modest scale will be insufficient to have any meaningful impact on social infrastructure, housing demand or deprivation.

- Waste - Because the scale of the development is insufficient to have a significant impact on the waste management regime. The main waste arisings will occur during demolition, and will be managed in accordance with a Construction Management Strategy to be agreed with the Council.

1.3.8 Other supporting documents comprise:

- Design and Access Statement
- RJA Drawings (demolition, plan, sections and elevations)
- Statement of Community Involvement
- Basement Impact Assessment

1.4. Pre- Application Consultation

1.4.1 In response to the Inspectors decision and specific comments in June 2013, the Applicants have undertaken the following pre-application consultation:

- Pre-Application meeting with officers on 29th August 2013
- Further submissions to the Council in September 2013 prior to the Council's DRM on 18th September 2013
- Public exhibition held on Tuesday 15th October 2013
- Meeting with representatives of GARA on Monday 4th November 2013

1.4.2 A Statement of Community Involvement has been prepared by Remarkable Group, which sets out the engagement the applicants have completed prior to submitting this application and the response to the current scheme.

1.0 The Application Site and Location

1.1 The Application Site

2.1.1 The Gondar Gardens Reservoir Site (the 'Application Site'), formerly known as Shoot-Up Hill Reservoir, comprises 1.24 hectares (3.07 acres) of land. The western section of the site, which fronts onto Gondar Gardens, contains a raised Victorian reservoir structure. Two thirds of the reservoir structure is contained below ground level, with the top third above. The top third of the reservoir structure is covered over with a shallow depth of topsoil and grass, with the southern and western sides of the reservoir consisting of (man-made) grassed banks. It is understood that the soil removed during the excavation of the reservoir was retained on-site and used to form the grassed banks and to level off the land immediately to the east of the reservoir structure.

2.1.2 The All Reservoir Panel Report 1988 described the reservoir as follows:

"The Shoot – Up Hill Reservoir was constructed in 1874. The reservoir is a brick structure constructed as a tank and is founded on yellow clay. The internal dimensions into the bays are 92.41 metres long and 53.17 metres wide; the internal height being 6 metres. The walls are constructed of lateral brick arches supported by brick counterforts on the inside. The reservoir is buried in the existing ground virtually over the length of the west side with a very small bank some 20 metres from the wall. On the north side there is a small bank some 10 metres from the wall. The roof is of brick arch construction believed to be two bricks thick with 0.5 metre brick main beams supported on brick columns across the reservoir in a north-south direction and brick secondary beams running along the length of the reservoir in an east-west direction. The floor is 300mm of concrete. The roof is covered with soil and grassed."

2.1.3 When the reservoir was originally completed (in 1874), the land surrounding the Application Site was largely open farmland. The whole of the Site was originally purchased for use as a water utilities site. Historical records indicate that the rear of the site was retained (following the construction of the existing reservoir) and reserved for the construction of a second reservoir – should this be required at some point in the future. However, a second reservoir was never constructed at the site.

2.1.4 Thames Water records demonstrate that the reservoir was used to store potable drinking water. However, Thames Water took the decision to build a new reservoir at Dollis Hill, rather than upgrade the Gondar Gardens reservoir. Consequently, the reservoir was subject of a discontinuance notice in 1997. The reservoir was subsequently decommissioned in 2002 and Thames Water sold the Site to the Applicant in January 2010. The Site continues to be secure with no public access or rights of access into or across the land. Security fencing and hoardings have also been erected around the perimeter of the site to prevent unauthorised access.

- 2.1.5 The reservoir was considered for listing in 2009, but was not added to the national list, being a typical example of one of thirty such structures in London. Within their Advice Report (dated 16 November 2009), English Heritage referred to the reservoir structure as “*internally impressive but externally neutral to the point of invisibility*” (please refer to Cultural Heritage Annex of the ES (SCG 18)).
- 2.1.6 The raised reservoir structure is grassed over and there is little evidence of visible brick structure on the majority of the site; however the topography of the site with sloping embankments to a flat roof, which includes vents along the top of the reservoir structure, demonstrates that this is man-made contoured land. To the west of the site is the raised entrance bunker which provides access to the reservoir, and houses a short ladder leading to brick stairs within the reservoir. There is a vented area and railings along the southern wall of the reservoir which is externally visible along the southern boundary of the site. The vent was installed as part of the works to decommission the reservoir.
- 2.1.7 The grassed area of the Site is mown regularly, as part of a maintenance programme for the reservoir land, which has supported the slow worm population on the site. The embankment to the east and south has longer grasses and some shrubs. There are also trees intermittent around the perimeter of the site. Some trees on the south and eastern boundaries benefit from Tree Preservation Orders.

1.2 The Reservoir Structure

- 2.2.1 A series of structural surveys have been undertaken at the site and formed part of the evidence at the previous Reservoir Scheme Appeal held in 2012. Based on those surveys and appraisals, it was agreed between all parties that there is water ingress through the reservoir roof and that the roof is in need of repair.
- 2.2.2 Upon the receipt of this structural advice, and in order to comply with their Public Liability Insurance, the Applicant chose to hoard the roof of the reservoir to control access within the site and to prevent unauthorised access directly onto the reservoir roof. The owners of the site are required to keep the hoarding in place until a resolution for the future **of the reservoir site is agreed and implemented.**

1.3 The Surrounding Area

- 1.3.1 The surrounding area is largely made up of late Victorian/Edwardian terraced housing and mansion blocks, which are common throughout this part of London. The southern side of the reservoir was developed for housing during the Victorian period, with the northern side of Gondar Gardens developed for housing during the first part of the C20th.
- 1.3.2 During this time Hampstead Cemetery to the north of Gondar Gardens was also established. The housing in the area has a mix of family and purpose built flatted developments. The surrounding streets are predominantly three storey town houses, several of these also converted into flats. Directly opposite the Site’s entrance (onto Gondar Gardens), is the rear access to the garages and garden fences serving the

residential properties which front onto Sarre Road. A thorough townscape analysis is included within the Design and Access Statement.

- 1.3.3 The nearest shopping facilities are to the east of the site on Mill Lane, with the district centre of West Hampstead within walking distance. Beyond the immediate surrounding streets, Hampstead Cemetery is to the north and further to the north east is Hampstead Heath.
- 1.3.4 The main highway routes include Mill Lane to the south (linking to Shoot Up Hill – the A5) and the A41 (to the east) accessed via Fortune Green and providing a road link to Finchley and the north. It is pertinent to note that when considering the previous Reservoir Scheme Appeal, the appointed Inspector noted that there are good rail and underground links from a number of stations to the south and south-east of the appeal site (including West Hampstead Underground and Overground stations), together with bus routes on Mill Lane, Shoot-up Hill and Fortune Green Road. Collectively these provide good access to central London.

1.4 Planning History

- 1.4.1 In June 2011 a planning application (2011/0395/P) was refused by the Council for “Redevelopment of the covered reservoir structure to provide 16 x 4-bedroom residential units (Class C3) with associated parking, refuse storage and landscaping, following substantial demolition of the roof and internal structure (application is accompanied by an Environmental Impact Assessment).”
- 1.4.2 A Public Inquiry was held, which sat for six days on 22-24 May, 27, 28 September and 1 October 2012 (Appeal Ref: APP/X5210/A/11/2167190). The Inspectorate resolved to allow the appeal on 1 November 2012.
- 1.4.3 In January 2012 an application (2012/0521/P) and was received by Camden Council for a 28 unit scheme located at the front of the site. This application was supported by officers but refused by the Planning Committee on 23rd May 2012.
- 1.4.4 A public Inquiry was held for 3 days starting 9th April 2013. (Appeal Ref: APP/X5210/A/12/2188091). The Inspector resolved to dismiss the appeal on 3rd June 2013.
- 1.4.5 Relevant extracts from the Inspectors Decision are referred to in the Planning Statement and a copy of the decision letter is attached at appendix 2. The Inspector was specific in the reason to dismiss the Appeal as follows:

25. The development has been designed to minimise the impact on the POS and SNCI and I have concluded that the benefits of the scheme outweigh any small harm in this regard. While many other aspects of the scheme are acceptable including the siting and size of the proposed buildings, the scheme

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fails on the detailed design as outlined above [paragraphs 18-20]. For this reason, it would be contrary to National and Local Plan policy and the appeal is dismissed (ref APP/X5210/A/12/2188091)

2.0 The Proposal

- 3.1 The Applicant purchased the site in January 2010. The site is challenging in that the original use of the site as a reservoir for water storage and distribution is no longer required. The structure of the reservoir is deteriorating which means any other potential uses to use the reservoir will be subject to the brick arches/ roof of the reservoir being repaired. Other potential uses of the site are limited, reuse of the reservoir structure for storage or inert waste infill are likely to be considered unacceptable due to the high impact of traffic movements to the area and in any event would still require invasive and expensive works to repair the roof.
- 3.2 Therefore in the unlikely event that the reuse of the redundant reservoir structure for another storage use might be considered acceptable, it would require the repair/replacement of the roof structure and waterproofing, both of which would require the removal of the topsoil and grass roof and would be economically unviable.
- 3.3 The Site is recognised locally as being private open space and including ecological value, however this designation fails to acknowledge the fact that the site contains a considerable built structure, which means that due to matters of health and safety the site can never be accessible to the public nor used to its full potential for the public or in a private capacity if left in its current form. It also means that the liabilities on the current owners to maintain the safety of the site and the building are considerable. In light of recent structural advice it is quite clear that were the site to continue to be left and the reservoir structure to receive no works of remediation to the structure (which would be costly financially), that the current merits of the open space, i.e the grasslands, are likely to be lost. The worst case scenario being as the brick arches deteriorate, inevitably the roof will fail taking the shallow grass and topsoil with it.
- 3.4 This proposal therefore seeks to resolve the conflicting needs for the site with regard to the maintenance of retaining a redundant structure whilst seeking to respect the ecological value the site has. This alternative approach to the permitted 16 unit reservoir scheme is considered to be a balanced and creative approach to ensure that the current merits of the site are retained as much as possible whilst also resolving the future of the reservoir structure in a positive and contributory development.
- 3.5 This proposal will provide 28 residential units to the frontage of the site. The scheme proposed will include:
- A mix of residential homes contributing towards a local need for housing.
 - Quality design solution responding to the previous criticisms
 - Affordable housing on site
 - Off street parking

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- Code for Sustainable Homes - Level 4
- Lifetime Homes for all the units
- 10% disabled units and disabled access
- Investment in the replacement and long term maintenance for the Private Open Space at the rear of the site
- The retention of the Victorian reservoir perimeter walls and buttresses retaining an historic record of the former use of the site.
- High quality design, providing quality housing/urban living
- Private and shared amenity space within the development
- Dedication of the remaining site as a nature reserve, gifted to a responsible body in perpetuity, with a financial contribution for future maintenance provision
- Potential opportunity for controlled public access/ open days to the nature reserve;

3.6 The redevelopment of the site will also require planning obligations to mitigate the impact of the development which will include, but are not exhaustive of

- Education contribution
- Construction Management Plan
- Highway/ footway repairs
- Nature reserve, maintenance and management plan

3.0 Relevant Planning Policy Framework

3.1 The Development Plan

- 3.1.1 Section.38(6) of the Planning and Compulsory Purchase Act 2004 states that "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*"
- 3.1.2 The Planning and Compulsory Purchase Act 2004 defines the development plan as the spatial development strategy (or SDS) and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area. The London Borough of Camden has produced a Core Strategy and Development Policies Document. Both documents were subject to an Examination in Public in May-June 2010 (with the Inspector's report published on 13th September 2010) and formerly adopted by the Council in November 2010.
- 3.1.3 Consequently, the development plan for the purposes of this Application comprises those policies set out within the London Plan, the most recent adopted version of which was published in July 2011, and Camden's Core Strategy and Development Policy documents (both adopted in November 2010).

3.2 Government Guidance - The National Planning Policy Framework (March 2012)

- 3.2.1 The Government published the National Planning Policy Framework (NPPF) in March 2012. The NPPF replaces the majority of Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) and sets out the Government's economic, environmental and social planning policies for England. Annex 1 (Implementation) to NPPF makes it clear that the policies contained within the Framework apply from the date of publication and hence the document constitutes a material consideration for the purposes of this Appeal. Paragraph 11 of the NPPF also reminds us that 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the PCPA 2004).
- 3.2.2 The NPPF states that the "*purpose of the planning system is to contribute to the achievement of sustainable development*". Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 8 makes it clear that these 3 elements should not be seen in isolation, rather they are mutually dependent. To achieve sustainable development, the NPPF states that "*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*". Paragraph 10 stresses that "*Plans and decisions need to take local circumstances into account, so that they respond to different opportunities for achieving sustainable development in different areas*".

3.2.3 The NPPF introduces an unequivocal “*presumption in favour of sustainable development*” which should be seen as “*a golden thread running through both plan making and decision taking*”. Paragraph 14 of the NPPF makes it clear that this ‘presumption in favour’ should be applied as follows:

*For **plan-making**, local planning authorities should “positively seek opportunities to meet the development needs of their area” and include sufficient flexibility to adapt to rapid change.*

*For **decision-taking**, local planning authorities should “approve development proposals which accord with the development plan without delay”; and where the development plan is absent, silent or relevant policies are out-of-date, grant planning permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, as a whole; or*
- *specific policies in the NPPF indicate development should be restricted.*

3.2.4 All of these policies should apply unless the ‘adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole’.

3.2.5 Paragraph 17 outlines the twelve core land-use planning principles which should underpin both plan-making and decision-taking. Those planning principles considered to be of direct relevance to this Application are listed below:

- *Planning should not “simply be about scrutiny, but instead be creative exercise in finding ways to enhance and improve the places in which people live their lives”;*
- *Planning should “proactively drive and support sustainable economic development to deliver the homes, business...and thriving local places that the country needs. Every effort should be made objectively to identify and then meet housing, business and other development needs of an area, and respond positively to wider opportunities for growth”;*
- *Planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”;*
- *Planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban areas”;*
- *Planning should “support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy)”;*

- Planning should “*contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework*”;
- Planning should “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”;
- Planning should “*actively manage growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”.

3.2.3 The NPPF places significant weight on the delivery of a wide choice of high quality homes and makes it clear that local planning authorities should “*boost significantly the supply of housing*” (Paragraph 47). Paragraph 49 goes on to state that “*Housing applications should be considered in the context of the presumption in favour of sustainable development*”.

3.2.4 Paragraph 50 states that where the need for affordable housing has been identified, policies should be set for “*meeting this need on-site, unless an off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities*”.

3.2.5 Paragraph 51 places a strong emphasis on bringing vacant/redundant sites and buildings back into use to increase housing supply. In particular, it advises local planning authorities should “*normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate*”.

3.2.6 The NPPF also attaches great importance to achieving good design within the built environment. Under the Core Planning Principles which underpin plan-making and decision-taking, the NPPF states that planning should “*be a creative exercise in finding ways to enhance and improve the places in which people live their lives*” and should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings*” (Paragraph 17).

3.2.7 Paragraph 56 states that “*Good Design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. Paragraph 60 emphasises that “*Planning policies and decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote and reinforce local distinctiveness*”. Paragraph 61 also makes it clear that “*planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*”.

- 3.2.8 Paragraph 63 goes even further in support of exceptional design and states that *“in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”*.
- 3.2.9 Paragraph 74 states that existing open space should not be built on unless *“an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements”* or *“the loss resulting for the proposed development would be replaced by equivalent or better provision in terms of quantity and quality”*.
- 3.2.10 In reference to the natural environment, the NPPF makes it clear (in Paragraph 109) that the planning system should contribute to and enhance the natural and local environment by:
- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
 - *recognising the wider benefits of the ecosystem services;*
 - *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures;*
 - *Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land stability;*
 - *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*
- 3.2.11 Paragraph 111 states that *“planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value”*. There is no explicit definition within the NPPF to assist in identification of land which may be considered to be of ‘high environmental value’. However, the NPPF is intended to provide the Government’s national planning policies for England as a whole, and as such, it is reasonable that any judgement of ‘high’ environmental value should also be considered in the national context.
- 3.2.12 Paragraph 113 advises local planning authorities to *“set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”*.

3.2.13 To minimise the impact of development upon biodiversity and geodiversity, paragraph 117 advises that planning polices should “*identify and map components of the local ecological networks*” and “*promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species*”. Paragraph 118 goes onto state that local planning authorities should aim to “*conserve and enhance*” biodiversity when determining planning applications by seeking mitigation (or as a last resort, compensation); permitting development proposals where “*the primary objective is to conserve or enhance biodiversity*”; and encouraging the incorporation of biodiversity in and around developments.

3.3 The London Plan

3.3.1 The London Plan (July 2011) provides the relevant strategic planning policy framework for London. A list of those policies contained with the London Plan (July 2011) considered to be relevant to this Application are set out below:

- Strategic Policy 3.3 Increasing housing supply
- Strategic Policy 3.4 Optimising housing potential
- Strategic Policy 3.5 Quality and design of housing developments
- Strategic Policy 3.8 Housing choice
- Strategic Policy 3.9 Mixed and balanced communities
- Strategic Policy 3.10 Definition of affordable housing
- Strategic Policy 3.11 Affordable housing targets
- Strategic Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Strategic Policy 3.13 Affordable housing thresholds
- Strategic Policy 6.5 Funding Crossrail and other Strategically Important Transport Infrastructure
- Strategic Policy 7.1 Building London’s neighbourhoods and communities
- Strategic Policy 7.2 An inclusive environment
- Strategic Policy 7.3 Designing out crime
- Strategic Policy 7.4 Local character

- Strategic Policy 7.5 Public realm
- Strategic Policy 7.6 Architecture
- Strategic Policy 7.18 Protecting local open space and addressing local deficiency
- Strategic Policy 7.19 Biodiversity and access to nature
- Strategic Policy 8.2 Planning obligations

3.3.2 In addition to the above, policies and objectives contained within the Mayor's Biodiversity Strategy (July 2002) and the Housing Supplementary Planning Guidance (November 2012) are also considered to be relevant.

3.4 The Local Development Plan

3.4.1 Those policies contained within Camden Core Strategy 2010-2025 (November 2010) and Camden Development Policies 2010-2025 (November 2010) considered to be relevant to this Application are listed below.

Core Strategy Policies

- CS1 (Distribution of growth)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS10 (Supporting community facilities and services)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)
- CS16 (Improving Camden's health and well-being)

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- CS17 (Making Camden a safer place)
- CS18 (Dealing with our waste and encouraging recycling)
- CS19 (Delivering and monitoring the Core Strategy)

Development Policies

- DP2 (Making full use of Camden's capacity for housing)
- DP3 (Contributions to the supply of affordable housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair homes)
- DP15 (Community and leisure uses)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)
- DP28 (Noise and vibration)
- DP29 (Improving access)

- DP31 (Provision of, and improvements to, open space, sport and recreation)
- DP32 (Air quality and Camden's Clear Zone)

Camden Planning Guidance (adopted) 2011

- CPG1: Design (2011);
- CPG2: Housing (2011);
- CPG3: Sustainability (2011);
- CPG4: Basements (2011).

Camden Planning Guidance (draft) 2011

- CPG8: S106 Obligations

3.5 Site Designations

- 3.5.1 The majority of the Site is designated within the Camden Core Strategy as 'Private Open Space' and as a Site of Nature Conservation Importance (Borough II), referred to within Camden as a SNCI. The western portion of the site, fronting onto Gondar Gardens, is not included within either site designation and has been left as 'white land'. This area of white land (approximately 1,025sq.m in size) contains that part of the site where the reservoir structure is most visibly apparent and relates to the neighbouring built form and established building lines.
- 3.5.2 The site is not located within a Conservation Area and the reservoir building is not listed as a building of special importance on the national register. The reservoir was considered by English Heritage in November 2009 who recommended against the listing of the structure on the basis that 'it lacked sufficient interest'. Notwithstanding this, it is noted that the reservoir structure was described within the Inspector's decision (in reference to the Reservoir Scheme Appeal) as a non-designated heritage asset for the purposes of paragraph 135 of the NPPF.
- 3.5.3 It is noted that the Council are seeking to include the Site within the Draft Local List, currently subject of public consultation until 20th December 2013. Representations will be made on behalf of the Applicant during the consultation to respond to the proposed inclusion of this site, however it is considered that the site is not appropriate for inclusion on the list, given the redevelopment of the reservoir structure on the site benefits from planning permission and the site is considered suitable for redevelopment.

5 Consideration of the Application

5.1 The Redevelopment of Previously Developed Land designated as Private Open Space and SNCI II

- 5.1.1 The reservoir is a substantial built form, albeit largely covered with soil and grass. The raised reservoir structure rises above natural ground level and is clearly a man made structure. Whilst the reservoir structure is redundant of its former use, the building remains largely intact. It cannot be considered to be the remains of the structure, nor has it blended into the landscape (given the grass and soil banks and roof cover are part of the engineering solution for the protection of the reservoir structure). The Planning Inspector at the UDP Inquiry in 2005 on this issue accepted that the whole site should be considered previously developed land. Nothing has changed in policy or physical terms to alter this conclusion.
- 5.1.2 The structural investigations completed on behalf of the Applicants, have discovered that there is deterioration in the roof of the reservoir. Excessive water penetration is occurring through the roof of the reservoir and this requires significant and costly maintenance. Structural advice is that the roof will deteriorate if the repairs to the roof are not completed. Safety hoarding is erected to the boundary of the reservoir, which unfortunately impacts on the open character of the site, however until the future of the reservoir structure is resolved, the exclusion of unauthorised personnel from the reservoir roof must be securely maintained.
- 5.1.3 The Applicant supports the ecological value on the site and seeks to assist in the improvement of the quality of the SNCI designation. It remains the opinion of the applicant that the roof of the reservoir must be considered separately. The current SNCI Borough II designation for the site includes the top of the reservoir. The Planning Inspector also accepted that the roof of the reservoir provides a supporting role to the rest of the site, which has greater ecological value. The Inspector also accepted that this can only be considered as short term.
- 5.1.4 The grassland above the reservoir is effectively a green roof. Whilst the life of the structure might be prolonged by invasive repair any such repair would be hugely expensive and the cost of repair economically unviable; thus is not something the Council could expect of any reasonable owners of the site.
- 5.1.5 The Council acknowledges that there is a substantial structure on the site which has to be managed by the owner. In such cases it is perfectly legitimate for the owners of the site to consider their options to limit that liability, not just with regard to maintenance of the building and the site, but also with regard to health and safety issues on the site given the possible trespass onto the site. The previous Planning Inspector also accepted that fencing the site and keeping it as private open space is not a long term solution for the future of the site.

5.1.6 The owners of the site therefore have only three viable options

- Leave the Site - maintain the hoarding around the reservoir and increase security to the site. This is a short term measure, unsightly and benefits no one
- Demolish the Structure - highly invasive and would require the co-operation of the Council. Demolition of the whole structure (excluding retaining walls) would leave a huge hole in the ground, which will have equal matters of the health and safety to resolve, highly expensive option without an alternative use on the site.
- Redevelop the site - the best option for the site (the applicants actively investigating the opportunity to implement the 16 unit scheme as well as seeking a frontage solution for the site. Both are considered to provide two acceptable alternative development options for the site, each with their own distinct planning merits)

5.1.7 Policy CS15 seeks to protect open space and encouraging biodiversity. Whilst this policy provides a strong policy line with regard to the Council's aspirations for the protection of open space, it assumes that all open space within the Borough is *grounded*. Clearly with this site, this is not the case, where part of the POS designation is on the roof of a 6 metre tall building – consequently mitigation measures required to resolve the matter of the redundant structure requires the council to look at the fundamental purpose of Core Strategy policy CS15, Development Policy DP31, and London Plans Policy 7.18. The main purpose of these policies is to maintain and improve the quality of open space provision in the Borough. The proposed development is considered to meet with these policy aspirations.

5.1.8 The Site is in private ownership, consequently there is no public access to the site and few residents of West Hampstead receive any benefit from this land in its current state. Dwellings which immediately overlook the site receive some cumulative benefit in that these residents benefit from long views across the site, principally south towards the City and to the north east towards Hampstead Heath. These views are now somewhat compromised by the need to hoard the reservoir structure. Beyond the houses that back onto the Site or overlook from Sarre Road, there is no real benefit to the surrounding population. The Planning Inspector in 2005 noted that the site was a 'green lung' providing local amenity to open space (this relating to outlook and nature conservation rather than physically accessible space capable of public enjoyment).

5.1.9 The site is identified as Borough II status for Site of Nature Conservation Importance, designation description is as follows:

A covered reservoir, mostly neutral grassland dominated by false oatgrass (Arrhenatherum elatius), with a moderate diversity of common wild flowers. Spiked sedge (Carex spicata), which is uncommon in Camden, is present in reasonable quantity. Typical grassland butterflies, including common blue

and meadow brown, are present. The site is the only known location in Camden for slow-worms. There are small areas of woodland, mostly of sycamore (Acer pseudoplatanus) and ash (Fraxinus excelsior), with hawthorn (Crataegus monogyna) and plum (Prunus domestica) below, on the slopes at the eastern and western ends. This provides habitat for common birds. There is no access to the general public

5.1.10 What the above designation does not recognise and as discussed is that part of the site is shallow soil on the roof of a built structure, which we know is deteriorating and are advised it will fail.

The Mayor's Biodiversity Strategy

5.1.11 At paragraph 2.8 of the Mayor's Biodiversity Strategy it states that *Grassland is by far the most widespread habitat in London, though it varies enormously in quality. Frequently-mown amenity grass in parks and recreation grounds is generally of lesser value for wildlife, although collectively such areas help to sustain populations of common birds such as blackbird and mistle thrush. Aside from these areas, London contains over 11,000 hectares of meadows and pastures. Again, the vast majority of this is in outer London, with only about one tenth in the inner London boroughs.*

5.1.12 The site contains grassland areas that are not subject of redevelopment and the proposed development will provide new grassland habitat within the basin of the reservoir. The Ecology Action Plan completed by James Blake Associates provides details of the long term future for the wildlife area and suggested long term management of the site for the benefit of the small slow worm population, which would result in significant enhancement of the site in perpetuity for slow worm and other populations.

The Future for the Site

5.1.13 Currently the site is being maintained by the owners of the site and responsible mowing regime is in place to ensure the maintenance of the grass roof of the reservoir and also to maintain the habitat for the existing slow worm population on the banks of the site. However there is no statutory requirement for the owners to do this. Whilst there is no requirement this doesn't mean that the current owners will cease the current maintenance regime, however there is no long term security if circumstance change or site ownership changes. .

5.1.14 The recent structural survey and advice requires the owners of the site to respond proactively and responsibly to these findings. The initial response to hoard the reservoir perimeter within the site, which includes anti-climb and trespass prevention measures is only an interim measure to protect public safety, it cannot nor is it intended to be a solution to overcoming the structural concerns with the roof of the reservoir and clearly is an unacceptable solution with regard to the outlook onto the site and the impact on the setting of the open space.

Habitats

- 5.1.5 The Wildlife and Countryside Act 1981 and the Habitat Regulations 1994 provide mechanisms to protect species, their habitats and sites occupied by the species. With regard to slow worms, whilst the reptiles are identified as a protected species, the protection extends to ensuring that there is no intention to kill, injure or sell the slow-worms. There are no statutory requirements to maintain a habitat for slow-worms, which is currently being done on the southern bank of the site. Consequently were the current maintenance regimes in place at the site to cease and the site succumb to ruderal encroachment and scrubland, there is the possibility that the slow-worms would seek more appropriate habitats and move away from the site, as the site becomes unsuitable for their habitat.
- 5.1.16 In the same way with grasslands, the site sustains meadowland species (common butterflies/ birds) etc, because of the mowing regime and maintenance of the site. However should the site not be maintained then very quickly the grassland and meadowland quality of the site will be lost to ruderal encroachment, which will strangle the meadowland species, undermining the SINC II status even further. Whereas the proposal for the site will ensure the long term protection and replacement of the grassland and slow worm habitat.
- 5.1.17 The Council must accept that as a result of the deterioration to the reservoir structure and that there is no financially viable reason to repair or replace the roof, that the roof of the reservoir will need to be removed in the foreseeable future, which will inevitably cause the loss of the green roof and some of the meadowland within the site, unless a redevelopment proposal can be supported.
- 5.1.18 James Blake Associates completed further surveys of the site in Summer 2013, copies of these reports are included in the planning submission. The key ecological interest on the site is the south eastern corner of the site. The proposed redevelopment of this site will not impact on this area of land.
- 5.1.19 Extracts from the Ecological Action Plan state
- *The area of greatest ecological importance (diverse grassland areas and banks where slow worms have been recorded) will be retained insitu and unaffected by the proposed development. At the 2005 UDP enquiry, the Planning Inspector's report acknowledged that the site is 'semi-natural grassland dominated by rye grass and false oat grass, with an area in the eastern part of the site is acid grassland, which is*
 - *of greater interest.' It is clear from this report, and from the current Phase 1 Ecology Survey Rev D (James Blake Associates 2010), that the vegetation covering the reservoir roof is of lesser importance for wildlife than the more established grassland, and associated banks, to the east. The reservoir top is shallow-soiled and dominated by coarse grasses. To the east, the grassland is more acidic in nature. Deep-rooting forbs will struggle to establish in the shallow soil on the reservoir top, which will desiccate more quickly in periods of low rainfall*

- *Post development, over a half of the site to the east of the proposed residences will be retained and managed for wildlife. If the enhancement opportunities, detailed in this report, are carried out, it is considered that there should be a net gain in the value of the site for wildlife, post-development, and potentially a subsequent upgrade in the designation of the site from Borough Grade II to Borough Grade I.*
- *Appropriate long-term management is necessary to conserve the slow worm population and retain/increase the value of the site for wildlife. Leaving the site unmanaged is not an option – without grassland management, the slow worm population, which may already be in decline, will suffer. The London Wildlife Trust will own and manage the Wildlife Area to ensure long-term protection of the habitats.*
- *The reservoir roof is not permanent grassland, and as such it would be irresponsible to enhance this area and encourage slow worms and other species to use it: The reservoir was decommissioned due to leakage and contamination of the drinking water. The structural investigations completed on behalf of Linden-Wates, have discovered that there is deterioration in the roof of the reservoir. Excessive water penetration is occurring through the roof of the reservoir and this requires significant and costly maintenance. Structural advice is that the roof will deteriorate if the repairs to the roof are not completed.*

5.1.20 Section 2 of the Ecological Action Plan sets out the legal duty of public bodies to have regard to the purpose of conserving biodiversity. Conserving also includes restoring and enhancing habitats. At Gondar Gardens, the habitat could easily be at risk of degradation due to an uncertain future and lack of grassland management. The current owners of the site are responsible landowners and have agreed mowing and meadowland maintenance of the site with the Council to maintain the existing ecological value on the site. However the site has an uncertain future and lack of management of the site could result in the biodiversity on the site deteriorating and the ecological value on the site meriting the Borough II status being lost.

Protecting the Future Biodiversity Value of the Site

5.1.21 An important part of this proposal is securing the long term future of the site. The owners of the site are willing to gift the Private Open Space on the site to a responsible body who can maintain the land as a nature reserve. The owners will also donate a financial sum to ensure the cost of the future maintenance of the land for the benefit of ecological and biodiversity can be secured. Preliminary discussions have been held with the London Wildlife Trust with regard to donating this land in perpetuity. These discussions are ongoing, where details of the financial contributions and facilities required for the long term future of the nature reserve are being progressed.

5.1.22 It is therefore considered that the proposal supports the aims and objectives of the development plan in that it seeks to ensure the long term protection of a site of Nature Conservation Importance and

open space. The scheme will result in the minimal loss of some *private open space*; however on balance for the long term future of the site for ecological and nature conservation importance it is considered to be acceptable and beneficial to the area.

5.1.23 The Applicants are willing to support the future of the Site enabling it to become a real community asset accessible to all and not just the immediate residents backing onto the site using it as a visual amenity; by providing a financial lump sum payment. The Management Trust will be encouraged to provide limited controlled access to the proposed nature reserve as part of a managed public access programme. This may include open days and school and community education trips..

5.2 The Inspectors Comments

5.2.1 We refer to the Planning Inspectors comments paragraphs 7- 13 for the previous frontage scheme

6. The development would be located along the front of Gondar Gardens infilling the gap between the existing buildings. While a small proportion of the designated POS would be lost, over 98%, located at the rear of properties along Gondar Gardens, Agamemnon Road, and Hillfield Road, would be retained. In addition, the majority of the SNCI (around 93%) would also be retained and through a legal agreement, the area would be passed on to the London Wildlife trust (or equivalent body) to manage, improving its ecological interest and introducing some public access.

7. In reaching a conclusion on this matter I have taken into account a recent planning permission where development was accepted on a significant part of the POS/SNCI and this poses a realistic fall back position to the appeal scheme. I have also considered the effect on protected species, and although there would be some disturbance to the SNCI, particularly during deconstruction of the reservoir, I am satisfied that the mitigation set out in the Reptile Mitigation Method Statement would ensure they would not be adversely affected. Therefore, in this case, the benefits to biodiversity through the future management of the SNCI, and access to the public (albeit limited, in the interests of nature conservation), together with the realistic fall back position (where a scheme with a greater loss of SNCI and POS could be built) would outweigh any small loss of designated POS/SNCI arising from the appeal scheme.

8. There would be sufficient POS/SNCI retained to ensure that its appreciation by the significant number of residents who back directly onto the site, the future occupiers of the appeal development and the public visiting the SNCI would continue and I consider it would remain a public asset. It would, therefore, still be of benefit to the community and there would be no harm in this respect. The retention of most of the POS/SNCI would ensure that the benefits it creates as a 'green lung' amid dense development and its high environmental value would not be diminished.

9. The scheme would protect the POS and enhance the SNCI in accordance with the aims of Core Strategy (CS) policy CS15 and the London Plan (LP) policy 7.18. It would improve access to the

SNCI in accordance with LP policy 7.19. These policies are constant with the aim of the National Planning Policy Framework (the Framework) to protect land of high environmental value.

10. However, the policy justification for CS15 goes further, recognising that development adjacent to POS should not cause harm to its appearance or setting, or public enjoyment. Policy 7.4 of the London Plan also indicates that development should improve an areas visual or physical connection with natural features.

11. The part of the site to be built on is open land and from Gondar Gardens it offers pleasing views over the appeal site and beyond to Hampstead. Despite the appeal scheme proposing a gap between the two new blocks, the public views from Gondar Gardens would be largely lost, reducing the appreciation of the site.

12. Although separated from the site by the road, the occupiers of properties on Sarre Road, which backs onto the opposite side of Gondar Gardens, have views towards the open appeal site. The loss of views and their infilling with new development would not affect their living conditions in terms of light or outlook as it would be too far away, but it would reduce enjoyment of their property.

The land to be built on also provides the open setting for, and physical connection for the public to, the POS/SINC and this would be largely lost. There would be some harm arising from the conflict with LP policy 7.4 and CS15 policy justification in this respect.

13. However, the aforementioned recent planning permission for the appeal site accepted development which, although of a much lower scale, would obstruct views of the POS and the land beyond from the public realm. The loss of views from the public realm could take place if the permission is implemented. In addition, while Camden is meeting its housing targets, account has been taken of the considerable benefits of the appeal scheme in contributing towards overall housing numbers (including affordable housing units) in London for which the London Plan indicates that there is a desperate and pressing need. It would enable the reservoir structure (which is likely to deteriorate over time) to be safely demolished and it would add value to the biodiversity at the site. In these circumstances, the loss of views over the site for both the public and the residents of Sarre Road, and any loss to the setting or connection to the POS/SNCI would be outweighed by the significant benefits of the scheme

5.2.2 The proposal is consistent with the scheme the Inspector consider and found acceptable with regards to open space and protection of habitat. It is therefore considered that the planning application can be supported with regards to the principle of the redevelopment of the site and the mitigation proposed to protect and enhance the ecological importance of the Site.

5.3 The Appropriate Use of the Frontage of the Reservoir Site for Housing

- 5.3.1 Housing is considered the priority land-use of the Local Development Framework. Housing supply within the Borough is expected through the life of the Core Strategy to provide 850 units per year, exceeding the annual monitoring target of 595 units per year. However the Council expect the demand for additional housing within the Borough to vastly exceed the anticipated supply with household projections predicting 1000 additional households per year¹
- 5.3.2 It is established that the reservoir structure/land is previously developed land' Paragraph 6.18 of the Core Strategy states that '*The Council aims to close the gap between housing demand and supply by minimising the net loss of existing homes, and by regarding housing as the top priority when considering the future of unused and underused land and buildings*'. Therefore it is wholly appropriate to consider the suitability of this site for housing.
- 5.3.3 The Council accepts that not all potential housing sites can be identified in the Sites Allocations documents and therefore small sites may come forward through the life of a development plan which have not been identified but are suitable for housing. The frontage of the site is not designated nor protected by Council policy. Therefore it can be presumed positively that the Council will be supportive of the development of the 'white land' subject to it meeting the requirements of the development as a whole.
- 5.3.4 Consequently the redevelopment of the 'white land' on the site for housing is considered acceptable in principle and meets the development plan requirements for provision of land for housing. The minor encroachment into the designation is also considered acceptable, given the designation boundaries appear arbitrary and do not correlate with the built form of the reservoir and as discussed earlier can be out-weighed by the proposed long terms benefits the proposals brings with improvement to the quality of open space ,biodiversity and ecology.

Type of Housing

- 5.3.5 The residential development proposed includes two town houses and 26 residential apartments. The housing mix is considered to be in accordance with the priority housing mix set out in Table 5.4 of the LDF DMP).

¹ Core Strategy paragraph 6.17

Units	Private	Affordable Rented	Shared Ownership	Total
1 bed	3			3
2 bed	10	4	2	16
3 bed	3	3		6
4 bed	2	1		3
Total	18	8	2	28
Hab Room	62.3%	37.6%		100%
Units	62.28%	35.7%		100%

5.3.6 An explanation of the layout and style of the proposed town houses is included in the Design and Access Statement.

5.4 Affordable Housing

5.4.1 Policy 3A.10 of the London Plan seeks the maximum reasonable amount of affordable housing in schemes, having regard to affordable housing targets for the local borough, the need to encourage rather than restrain residential development and the individual circumstances of the site.

5.4.2 The Council are applying a sliding scale to the provision of affordable housing, policies CS6 and DP3. For a scheme of this size this is either based on floorspace or the number of units, whichever is the greater. The Council also recognises that it is not always appropriate or possible to incorporate affordable housing within smaller market housing schemes.

5.4.3 The scheme has been designed to be 'tenure blind' in that there is no distinction between the affordable and private accommodation. The current mix allows for 19 private units and 9 affordable units, set out in the table above.

5.4.4 The residential floorspace that is used to calculate the amount of affordable housing is more often the floorspace of the units (for this exercise the GIA) and this is the area used in financial viability appraisals. Within this layout the GIA is 2816sq.m - therefore the affordable target is 803sq.m (28.1%). This scheme provides 917 sq.m affordable housing floorspace (GIA) which is 32.57% and thus exceeds the sliding scale set out in the policy for on –site affordable housing.

- 5.4.5 The affordable housing block is very efficient with regard to circulation space and access to the flats, this ensures that management costs are kept to a minimum for the social rented tenants. The private block works off a shared core and effectively works as T shape access on each floor - clearly using more floorspace for access corridors to allow access to the front doors that said the actual width, height and design of the circulation space is not considered to be of a better quality than that of the social rented building. The private building has also increased in size as the upper floors have been amended to meet design objectives requested during the pre-application discussions with officers. .
- 5.4.6 Therefore whilst the scheme GIA floorspace meets the policy criteria, the GEA floorspace will be marginally below the sliding scale given the layout differences between the two buildings. The figures for GEA are as follows 3,355sq.m - which suggests a target of 33 % of the floorspace for affordable housing. The scheme provides 1,060sq.m of affordable floorspace GEA or 31.59 % - but it is emphasised that the difference is corridor/ circulation space and not valuable internal residential (sellable) floorspace.
- 5.4.7 With regard to the policy position, we consider the amount of on-site affordable housing can be supported for the following reasons
- The tenure mix is 80% social rent and 20% intermediate for the affordable housing - thus meeting the greater local need
 - The affordable housing will be delivered without the benefit of grant funding
 - Design changes to the affordable block removing the basement lift at the request of the RP and housing officer and finding storage at ground for both cycle and refuse stores have also contributed to the difference in areas.
 - Regarding units - the scheme will deliver 35.7% affordable housing using units and using habitable rooms it will deliver 37.6 % affordable housing.
- 5.4.8 On schemes which are less than 3500sq.m the Council acknowledges that it is not always possible to deliver affordable housing on site. This scheme therefore does provide what we consider to be a policy compliant mix and amount and will be delivered in a tenure blind development on site.

Density

- 5.4.9 The density calculation uses only the land within which the housing will be located and excludes the vast majority of the site that will be dedicated to private open space. The London Plan Density matrix provides a range in an urban environment with a PTAL 2/3 of between 45 and 170 units per hectare. The density calculation for the site is as follows:

- 5.4.10 28 units/ 0.2H, which equates to 140 units per hectare and is therefore considered to be within the appropriate range for the site, relating to setting in terms of location, existing building form and massing.

5.5 Scheme Design

- 5.5.1 The previous frontage scheme failed for specific detailed design reasons only. The siting, height and massing of the two blocks were supported by the Inspector.. The Planning Inspector's comments relevant to the detailed design of the scheme are set out below:

18. However, my main concern with the appeal scheme is the detailed design. The proposed design seeks to repeat the proportions of houses and bay windows seen in the area, through a series of brick projections. However, the varying size of the projections, the large expanses of brickwork (seen particularly on the two large projections), the combination of geometric shapes and the four storey sections with a flat roof, only serve to distinguish all elements of its design from those in the surrounding area. There is no visible connection to the intricate shapes, decorative detailing (including red brick and white mouldings) or the strong vertical emphasis seen in the surrounding houses which combine to determine the character of West Hampstead.

19. There are examples of new development of contrasting design in the area. However, they are generally smaller developments, which exert little influence over the area. By contrast, the appeal scheme would stretch some 70 metres along Gondar Gardens, filling most of this section of the road along one side. It would impose a long development of a very different character, thereby significantly harming the distinct and attractive character of this part of West Hampstead and its contribution to the wider area.

20. It is appreciated that the design was as a result of an iterative process with the Council, but it is the appeal submission before me that is for consideration and dealings with the Council have not influenced my decision. The building would be there for many years to come, negatively influencing the character and appearance of the area. The harm from the detailed design would not, therefore, be overcome by the significant benefits of the scheme. It would conflict with LP policy 7.6, CS policy CS14 and Camden Development Policies DP24 which seek to protect local character. These policies are consistent with paragraphs 58 and 60 of the Framework which aim to ensure that development responds to local character including the promotion of local distinctiveness.

- 5.5.2 The conclusion of the Inspector's decision states

25. The development has been designed to minimise the impact on the POS and SNCI and I have concluded that the benefits of the scheme outweigh any small harm in this regard. While many other aspects of the scheme are acceptable including the siting and size of the proposed buildings, the

scheme fails on the detailed design as outlined above. For this reason, it would be contrary to National and Local Plan policy and the appeal is dismissed.

- 5.5.3 The London Plan emphasises the importance of good design in order to make London a better city to live in. Chapter 3 and policy 3.5 is the primary point of reference and sets out a range of criteria that good design should achieve within new housing schemes. Amongst other things, it should maximise the potential of sites; promote high quality inclusive design and create or enhance the public realm; adapt to and mitigate effects of climate change; respond to local context, heritage, character and communities; provide a mix of uses, be accessible and usable; be sustainable, address safety and security.
- 5.5.4 DP24 of the Development Policies requires all developments to be of the highest standard of design. The Council is committed to design excellence and a key strategic objective of the borough is to promote high quality, sustainable design.
- 5.5.5 The proposed development will comprise of two buildings fronting Gondar Gardens.
- 5.5.6 The homes all benefit from private amenity space, including a mix of private gardens, terraces and balconies. . . To the front of the development facing Gondar Gardens, front doors will access ground floor units with a communal entrance for the northern block and flats on the upper floors within the southern block.
- 5.5.7 A Daylight and Sunlight Appraisal has been completed by CHP Surveyors and is included in the planning submission, which demonstrates that the siting of the units will not demonstrably impact on the existing adjoining properties adjacent to the site, and the level of daylight and sunlight to the future residents meets the requirements of the BRE Guidelines. .

5.6 Townscape Appraisal

- 5.6.1 The former use of the site created a gap in the urban form of the area. This gap formed due to the low rise nature of the reservoir structure and the subsequent housing developments which were built abutting the site. This has enabled the surrounding residents to benefit from open views across the site to the south and east. A visual impact analysis have been completed as part of the ES and a townscape and site context analysis has been completed as part of the design process and is referenced in the Design and Access Statement as well as images of how the development will appear within the open views. .All of which conclude that the scale and massing of the proposed development is commensurate and complementary to the existing built form of the area.
- 5.6.2 The main criticism of the Inspector was the need for the development to respond to local character including the promotion of local distinctiveness. Rolfe Judd Architecture have undertaken a comprehensive design review of the scheme. The analysis of the design development is set out in

the Design and Access Statement. In summary the key changes to the detailed design of the scheme, which responds to the specific concerns of the Council and Inspector include:

- The varying sizes of brick projections have now been changed to uniform plots in the foreground.
- The larger brickwork projections that caused concern have now been reduced in order to create a uniform foreground notional plot width.
- A more regular, rhythmic and articulated facade creates a contextually appropriate composition. The front and back planes are now more considered and the four storey red brick flat roof backdrop has been significantly reduced to elements that define the main entrances of the apartment blocks.
- A pitched roof runs along 75% of the fourth floor making the overall building appear smaller and lighter on the upper storey.
- White precast concrete surrounds frame a contemporary interpretation of bay window. Structural silicone glazed bays allow the projected amenity space to have 180 degree views. The light weight materials reference the render and brick bands whilst maintaining a lightweight appearance.
- - White rendered reveals around windows define openings more clearly. Aluminium PPC coated windows with opening lights picked out in a darker grey create a strong contrast and provide additional decorative detailing.
- - The introduction of the glazed bays provides vertical emphasis as does the more regular rhythm of the brick projections. The foreground brickwork makes reference to the horizontal eaves line whilst the backdrop plane rises vertically behind the projections to create the sense of grandeur synonymous with a mansion block at the main entrances. The siting of the development entrance at the brow of the hill is considered to add to the sense of hierarchy

5.6.3 The scheme now responds to context more obviously whilst still maintaining its own identity as new addition to the street. The development is not born out of the same requirements as a Victorian or Edwardian Mansion House, however it has been articulated and designed in such a manner that it clearly responds and respects local character. The scheme can be considered to promote local distinctiveness, achieved through detailed references and contrasting form. It is considered that the new proposal is a modern day version of a West Hampstead Mansion.

5.7 Open Space

- 5.7.1 DP31 of the Development Policies document recognises that not all developments are capable of providing play provision and open space as part of redevelopment opportunities.
- 5.7.2 The proposed scheme will provide private amenity space for the residents within the development. In addition to that the vast majority of the site will be dedicated for nature conservation. Consequently it is considered that the opportunities to protect, replace and improve the conservation value on the site outweighs any concern regarding the minimal loss of the grassed roof to the front of the site, which was supported by the Inspector.

5.8 Sustainability

- 5.8.1 Policy 5.2 and 5.3 of the London Plan expects development to make the fullest possible contributions to the mitigation and adaptation to climate change and to minimise emissions of carbon dioxide (CO₂). Furthermore it sets out an energy hierarchy by which development applications will be assessed. This consists of:
- Using less energy
 - Supplying energy efficiently; and
 - Using renewable energy
- 5.8.2 Policy 5.3 of the London Plan expects the highest standard of sustainable design and construction using principles such as passive design; energy efficiency and supply; addressing flood and pollution; and flexible use of buildings. CS 13 and DP22 of the LDF documents require climate change to be tackled through promoting higher environmental standards and promoting sustainable design and construction.
- 5.8.3 The Applicants are proposing an innovative design solution for the housing development. An important part of that is to provide a sustainable development. The homes will be designed to Code 4 of the Code for Sustainable Homes.
- 5.8.4 The scheme will include :
- Photo Voltaic
 - Enhanced Building Fabric
 - Green and brown roofs
 - Covered and secured cycle storage
 - Recycling facilities
 - Enhanced ecology

5.8.5 A summary of the energy and sustainability strategy is set out below and discussed in detail in the CarbonPlan Energy Strategy Climate Change suite of documents.

- A 26.81% reduction in regulated CO2 emissions over the Part L compliant baseline (TER) from fabric specifications, energy efficiency measures and the implementation of Low & Zero Carbon technologies (LZC).
- A 20.14% reduction in regulated CO2 emissions from Low & Zero Carbon technologies (LZC)
- A 15.79% reduction in all site CO2 emissions from the Part L compliance baseline (TER) from enhanced building fabric specifications, energy efficient services and Low & Zero Carbon technologies (LZC). This includes both regulated CO2 emissions (measured for Part L) and the unregulated CO2 emissions (attributed to cooking & appliances as calculated by SAP)
- An 11.25% reduction in all site CO2 emissions from Low & Zero Carbon technologies (LZC) compared to the proposed total dwelling emission rates (regulated & unregulated). The implementation of enhanced building fabric, dynamic insulation and a 24.25 kWp PV system will ensure all the objectives can be met.

5.9 Refuse and Recycling

5.9.1 The development will be designed to provide storage, recycling and refuse stores in accordance with the Council's requirements as set out in its Planning Supplementary Planning Guidance. The details of housing layouts, storage, refuse, recycling are set out in the Design and Access Statement. In addition in order to obviate higher service/management charges for the affordable housing, the refuse and recycling (and cycle storage) are located at ground floor to avoid the need for lift access from the northern block.

5.10 Providing Access for All

5.10.1 London Plan, policy 3.8 (housing choice) requires new development to be accessible, usable and permeable for all users, as part of achieving high quality design. Policy DP6 of the LDF Development Policies requires all new housing to be built to Lifetime Homes standards and for 10% of new housing (both affordable and private) to be designed to be wheelchair accessible or be easily adaptable for residents in wheelchairs.

5.10.2 The Design and Access Statement sets out the intended strategy for ensuring that the future development is accessible to all. However, generally, the proposal will include the following measures:

- Clear, unambiguous and well lit secure entrances for pedestrians
- The use of ramps/lifts to take account of any changes in levels
- All lifts will be suitable for wheelchair users
- Means of escape will incorporate measures for disabled use

- All units to be Lifetime Home Standards
- 10% of the residential dwellings (private and affordable units) will be designed to be wheelchair accessible.

5.11 Transport

- 5.11.1 DP 18 of the Development Policies seeks to ensure that developments provide the minimum parking provision necessary. Parking standards permit a maximum of 1 parking space per unit for dwellings in this area, beyond the West Hampstead growth area.
- 5.11.2 The proposed scheme includes 19 parking space within the basement (this includes 2 disabled parking spaces). Access to the off-street parking is via a two car lift. In addition each residential unit has access to dedicated cycle storage also within the basement, with the cycle parking for the affordable block located at ground floor..
- 5.11.3 ITransport has completed a Transport Statement which considers the impact of the proposal on the existing road network and the likely requirements of the proposed development.
- 5.11.4 The proposal provides 0.68 spaces per dwelling across the development. 18 of the spaces will be allocated to the private units with one visitor space. The layout of the basement parking enables a minimum of two of the spaces to be disabled access spaces. A minimum of 1 cycle space per unit will also be provided for each unit, complying with the Council's parking and cycle standards for a scheme of this size in this location, additional cycle parking spaces are also included to meet Code for Sustainable Homes requirements.
- 5.11.5 In addition the site is within close proximity of bus and rail connections. There are also car clubs established within the area that will encourage future residents to use more sustainable forms of transportation.
- 5.11.6 The Applicant is willing to enter into an Agreement to exclude residents of this development applying to the Council for on- street parking permits and will also support a green travel plan and car club in the area.
- 5.11.7 The Applicant will also provide a construction management plan for the scheme, which includes projected vehicular movements for the proposed development (during construction).

5.12 Basement Impact Assessment

- 5.12.1 A Basement Impact Assessment has been completed, which comprises a BIA Interpretive Assessment and should be read in conjunction with the following reports:

5.12.2 The conclusion of the BIA sets out the measures that will be need to be adopted to mitigate the potential impacts of the development. All of which are considered capable of being met.

5.13 Planning Obligations

5.13.1 The Council will require planning obligations to mitigate impact on local public services as a result of the proposed development. The Applicant will work with the Council during the life of the application to agree a level of mitigation that meets the tests of CIL Regulations 2010.

5.1.3.2 It is understood that the planning obligations likely to be sought will include

- Securing the affordable housing n on the site in perpetuity
- Education contribution
- Construction Management Plan
- Highway/ footway repairs
- Dedication of land for Nature Reserve in perpetuity
- Maintenance and long term management of the Nature Reserve.
- Securing sustainable development and carbon savings

6 Summary of Benefits of the Scheme

6.1 Site Concerns and Constraints

6.1.1 The previous section of this report and the supporting documents for the submission demonstrate that this proposal has numerous benefits that will provide long term solution for the site with improvement and enhancements to biodiversity, ecology and quality of open space, whilst also addressing the Council's previous reasons for refusal and the specific detailed design approach of the Planning Inspector.

- The roof of the reservoir is deteriorating and it is agreed that the roof is in need of significant repair at the very least,.
- The existing structure on the site is redundant of its former use and surplus to requirement. Thames Water disposed of the site as it was no longer suitable to meet standards required for a reservoir. With regard to planning policy no ancillary use of the site for the storage and distribution of water is possible given that the reservoir is decommissioned. Therefore an ancillary use for the site is not possible either, it therefore must be considered what the future of the previously developed site can be.
- Other potential uses for the reservoir structure are most likely to be storage related. For any dry storage this would require the structure to be water tight, requiring the roof of the building to be repaired and due to the structural condition more likely need to be replaced. Given the volume of space within the reservoir there is the potential for significant storage potential, however given the nature of Gondar Gardens, it is unlikely that the number of trips generated with amount of storage space could be reconciled to a level that would be economically viable to cover the cost of making the reservoir capable of use. There is also a clear conflict between vehicular trips generated by such a use and the residential amenity of the surrounding area.
- The site is prone to trespass, vandalism and fly tipping. Significant steps have been taken by the owners of the site to prevent these breaches onto the site.
- The roof of the reservoir is hoarded to ensure no access by the public to the roof of the reservoir. This is of grave concern to the owners of the site, given the dangers of a building structure of this size.
- The existing structure on the site is of such a size and scale that the burden of the maintenance of the site should not be underestimated. Consequently if a realistic economically viable use of the existing structure cannot be found, then the removal of the roof is the only alternative.

- Biodiversity and ecological habitats on the site are important and remain due to the managed mowing regimes on the site. The current owners of the site are responsible landowners and are committed to maintaining the current level of habitat for the site at present; however without a maintenance regime in place, the biodiversity on the site could be threatened and lost.
- The whole site is previously developed land within an urban and sustainable location. The site is therefore wholly suitable for use to contribute towards the delivery of the Council's short supply in housing, subject to ensuring the key ecological benefits of the site are maintained.
- Ecology and species surveys have been undertaken which identify the key ecological areas of the site, which are to be retained as part of the proposed development and protected during construction. In addition the poorer habitat on the roof of the reservoir will be replaced, providing improved grassland habitat within the basin of the reservoir.
- The gifting of the site beyond the residential development in perpetuity to a responsible body to maintain the open space and habitat will be of greater long term benefit to the wider community.
- The development also provides the opportunity for the private open space to be opened to the public by way of controlled access.

6.2 Proposed Uses

6.2.1 With regard to the frontage development, the proposed development will

- Provide 28 new residential units contributing to the shortfall of housing provision within the Borough
- Sustainable design of the scheme. Significant sustainability and renewable energy benefits meeting the requirements of Code 4 Sustainable Homes
- Quality housing, exceeding the minimum housing design standards
- Private amenity space for all the residents
- Improvements to the Gondar Gardens frontage filling in the street scene, whilst ensuring views into the reservoir site from Gondar Gardens are also retained
- A mix of residential units including affordable housing provision on the site within a tenure blind scheme.
- Creation of an enhanced biodiversity and wildlife habitat area

Planning Statement

- 6.2.2 The key requirement of this application was to respond positively to the detailed design criticisms of the previous frontage scheme, whilst ensuring the integrity of the development is retained and all matters considered acceptable are able to retained in the scheme evolution.
- 6.2.3 The planning Inspector raised key concerns, principally these fell short of meeting the requirements of paragraph 59 and 60 of the NPPF – which encourages local distinctiveness.
- 6.2.4 The Architects have positively responded to these concerns and integrated greater definition into the façade details and treatments, both with regards to detail and materials to create a symmetry and architectural language that reflects a contemporary development drawing on the Edwardian influences of the locality.

7 Conclusion

7.1.1 The proposed development will deliver a number of direct planning benefits, according with the overall aims of the development plan

- The proposal supports a sensitive redevelopment opportunity, addressing the need to find a suitable use for the site and redundant reservoir structure.
- The proposal will secure the long term future of the site, enabling an important nature conservation site to be secured and the grassland to be improved in the replacement reservoir bowl..
- The redevelopment of the reservoir structure will provide 28 residential units, meeting an identified shortfall in housing provision in the borough.
- The Proposal will contribute to the provision of on-site affordable housing, in accordance with development plan policy.
- The Proposal will incorporate measures targeted at improving energy efficiency and the use of energy from renewable sources in order to reduce carbon emissions. Furthermore, all residential units will be Code for Sustainable Homes Level 4.
- The detailed design of the scheme has been developed to respond positively to the previous concerns raised, creating a more tangible architectural relationship with the existing townscape of the area. The scheme completes the street scene, respecting the heights of the adjoining properties whilst ensuring the existing relationship of neighbouring properties and outlook are unaffected.
- The Proposed development will achieve a development density having regard to the local context around the Site, achieving a quality design solution and public transport capacity
- The sustainable location of the development enables the proposal to link in with sustainable transport measures.
- The proposal will deliver open space and new areas of landscaping within the development.

7.1.2 Consequently it is considered that the scheme proposed meets the aspirations of all levels of strategic policy and local policy delivering new homes via a comprehensive and appropriate scale of development, in addition to securing in perpetuity a nature conservation and slow worm habitat that it is of Borough importance, with a real potential to improve the quality of the biodiversity on the site..

7.1.3 It is therefore considered that the proposed redevelopment of the reservoir site should be supported.