

Delegated Report		Analysis sheet	Expiry Date:	21/06/2011
		N/A	Consultation Expiry Date:	28/03/2011
Officer			Application Number(s)	
Gavin Sexton			2011/0395/P	
Application Address			Drawing Numbers	
Gondar Gardens Reservoir Gondar Gardens London			Refer to draft decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
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).				
Recommendation(s):		Refuse permission.		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	247	No. of responses No. electronic	95 50	No. of objections	95
Summary of consultation responses:	<p>A site notice was displayed from 09/03/11 to 30/03/11 and the application was advertised in the Ham & High on 17/03/11.</p> <p>A petition of approximately 1200 signatures was submitted under the following text: <i>"We ... support the preservation of the entire Gondar Gardens reservoir site as undisturbed Open Space and a Site of Nature Conservation Interest. We object to development of the site for housing or other uses."</i></p> <p>Responses were received from 95 residents, the issues raised are summarised as follows:</p> <p>ECOLOGY</p> <ul style="list-style-type: none"> • Is a designated open space and SNCI and should be protected. • No evidence that housing of this type is needed in borough - all development produce pollution - planning should not be swayed by apparent green development. • Applicant has not carried out a bird survey. • Impact on green lung. • Impact on wildlife and slow worms. • Area feels like small piece of countryside due to undisturbed space and ecology. • Even if bank is preserved impact is likely to be significant on slow worm population. • One of few undisturbed sites in Camden. • No reason why structure cannot be retained - if it collapses then it will still retain ecological value. • Development would fragment site and plans to boost ecology are without foundation - it is not possible to swap ecosystems or substitute species from one area to another. • Local green space is a feature of area which keeps it alive. • This is unusual and magical place due to presence of priceless local amenity. • Area provides valuable habitat for small creatures: foxes hedgehogs, woodpeckers etc. • Need wildlife areas free from public and dog access. • Plans to boost local ecology seem to be without foundation. • Gradual Collapse of reservoir would add to further ecological niches. • Any development on the land devalues its habitat status. • Saddened by removal of trees as precursor to development. • Proposals for allowing public to access open space are inadequate – more imagination is needed in terms of providing general access to SNCI. • Site is used as stepping stone by migrating birds. • Suggestions for retention of wildlife area are vague and non-specific. • Removal of roof would destroy 2/3rds of the ecology value of the site. • Natural decay of reservoir is not a threat to locals or visitors. <p>HOUSING</p> <ul style="list-style-type: none"> • Not convinced by arguments as to why site is not suitable for affordable housing. • Affordable housing off-site subsidy is nowhere near enough. • Non-protected sites should be prioritised for housing. • Affordable housing cannot be used as a justification for development on site. • There is already enough family sized housing in the area. 					

- Housing is not the only suitable use for the land.

AMENITY OF EXISTING RESIDENTS AND FUTURE OCCUPIERS

- Loss of privacy for properties overlooking site.
- Limited access to light for occupiers.
- Impact on night-time lighting.
- Many private views over the site amount to a public amenity.
- View from our window is of green space.
- Noise from car lift.
- Noise from construction and resulting development and the lift.
- Light and noise pollution to rear of Hillfield road properties.
- Proximity of works to Chase Mansions in terms of noise etc.
- One of the main attractions for house purchase was quiet to rear.
- Pleasant view of Hampstead hill and church now lost.
- Flats will raise crowding and lower value of local properties.
- No assessment of impact of light pollution.
- Don't want to overlook a building site for 2 years.
- Extreme disruption to daily lives from construction.
- Who would want to live in dark expensive house?
- Submission estimates of local tree cover overestimate level of privacy afforded by greenery.
- Lack of separate disabled lift - having to share car lift in event of fire is not safe.
- Object to height of proposed development - will look directly into rear windows of Hillfield Road.
- Residents will have to bring their own refuse to front store.

SURFACE WATER FLOW/SUBSIDENCE

- Subsidence to Sarre Road properties.
- There is runoff from hidden stream to Mill Lane – has this been investigated?
- Run off during heavy rain.
- Suds details missing – Hillfield Road has experienced flooding.
- Concerned about impact on local water table and garden flooding.
- Danger of subsidence by altering flow of underground river.
- Foundations in Sarre Road are very shallow.
- Subsidence at Chase mansions since 1990s and want to avoid a re-occurrence

IMPACT ON LOCAL COMMUNITY/INFRASTRUCTURE

- Additional burden would need overhaul of local infrastructure such as sewage system.
- Already not enough school places locally.
- Area needs developing but it should be community area.
- Reservoir should be retained for local community who should be given opportunity to buy the land and convert to a park.
- Impact on security of rear of existing properties - currently you can see trespassers but new development would make this difficult.
- Proposal is a gated community. Unlike anything locally within the Greek streets.

DESIGN

- Proposals exceed existing ground level.
- New building is a monstrosity looks like something from Legoland.
- Tall buildings spoil the local area.
- Local development at Berridge Mews, Hillfield Road houses onto Mill Lane and Sagar are all awful.
- Look and style of development not in keeping with local Victoria/Edwardian homes - looks like a modern industrial park.
- Proposed play area would be out of keeping with area.

TRANSPORT

- Why not make it car-free and provide several car club spaces.
- Heavy vehicles going up Gondar Gardens would vibrate and be serious

accident risk.

- Overspill parking likely.
- Local traffic congestion not appropriately considered.
- Loss of parking bays would exacerbate problems.
- Poorly designed entrance will require removal of on-street parking.
- Local roads are just a big car park and cut-through.
- Increased traffic congestion in Gondar Gardens and impact on on-street parking
- Errors in Transport Statement (including use of irrelevant equivalent developments for trip generation figures) undermine confidence in application.
- Local roads not designed to withstand heavy construction equipment needed for development.
- Traffic impact based on incorrect figures (PTAL etc).
- Poor design of access for vehicles refuse etc.
- Access to site for emergency vehicles is most inadequate.
- Hillfield Road already acts as a rat run.

DEVELOPER COMMITMENT

- Subversive action by developer in respect of hoarding and removal of hedging.
- All trees on frontage have already been cut down.
- Not convinced that development commitment to public safety is genuine - some panels of hoarding blew down and were not replaced for months.
- Two years ago Thames Water used machines to cut grass which they said were $\frac{3}{4}$ to 1.25 tonnes in weight.
- May return later to claim degradation of rest of site and seek to develop it too.
- Proposals by applicant to limit development on site by covenant is probably cynical and legally flawed.
- L/W have not consulted with GARA about putting up fencing on site.
- Insufficient assurances that remaining land would be enhanced and correctly managed.
- Proposals include use of conventional concrete – sustainability claims are greenwash.

OTHER

- This could be a valuable education space for local schools.
- Development offers little or no benefit to immediate area.
- West Hampstead losing its village feel.
- Noise and security risk and would ruin community spirit in West Hampstead.
- Negative impact on life in the area.
- No guarantee that site would not be filled with squatters.
- Site provides key opportunity for conservation.
- Great opportunity to build on basis of Big Society - with local residents making a difference.
- Why couldn't site be used by local schools?
- Nearby development at Fortune Green Road still 50% empty.
- Local residents should be listened to in respect of this development.

Thames Water

Standard request for incorporation of non-return valve and appropriate measures to ensure storm flow surface water runoff is minimised.

Environment Agency

Object and recommend that the application be refused on grounds that the submitted flood risk assessment does not demonstrate sufficient mitigation for the level of flood risk arising from the development. In particular the Environmental Statement identified that the Flood Risk Assessment failed to take account of

- the impacts of climate change,
- the effect of a range of flooding events on people and property and
- a demonstration that runoff could be minimised to 8.7l/s.

The Environment Agency have subsequently considered the additional information provided and have advised that this is sufficient to overcome their surface water objection.

Gondar and Agamemnon Resident Association (GARA)::

- Contrary to CS15 and private open space.
- Site not allocated for housing under site-allocation table and is not suitable for housing.
- Concern that site is being deliberately blighted.
- Potential for collapse is irrelevant.
- Application incomplete if AODs not defined and Environmental Statement not formally scoped.
- Eco survey is incomplete - no bird survey.
- Impact on slow worms would be harmful - no management and ongoing mitigation measures proposed for protection of species.
- Environmental Statement has not sought to address impact on Open Space and associated amenity.
- Trip generation in Transport Assessment is based on PTAL 3 not PTAL 1 which is more accurate and comparable site type.
- Would like to see response of emergency services to dealing with emergency at far end of site.
- Visibility splay is inaccurate.
- Images are not Verified Virtual Views.
- No step free access provided for pedestrians.
- No noise assessment of CHP plant and vehicle lifts.
- Light pollution from site.
- Environmental Statement does not refer to construction traffic impact on Sarre Road and.
- Cumulative impact of scheme in light of recent consents is missing.
- Concern that Linden Wates are seeking to influence the manner in which a decision is made on the application.

Hillfield and Aldred Roads Residents Association (HARRA)

- Poor consultation by Linden Wates - coinciding with summer holidays.
- Owners behaviour in respect of existing ecology on site (tree cutting, hoarding) belies eco-approach of proposals.
- Surface water runoff calculations appear to be incorrect for 6-hour storm leading to flooding of houses on site.
- Inaccuracies in parking assessment in Transport Statement.
- Remainder of Greek streets should have been surveyed by Transport Statement.
- Critical parking will become unbearable.
- Expectation of 1 car per household on site not sufficient/typical of area.
- Car clubs don't appear to have reduced car numbers.
- Development will result in loss of value to neighbours due to loss of open view

Local groups/Other comments:

across reservoir.

- Developers approach to providing community benefits from the retained open space are vague and should be more creative.
- Amenity of occupiers will be poor.
- Walkway has a touch of prison about it.

Site Description

The site is located in West Hampstead and was formally known as Shoot-Up Hill Reservoir. The reservoir was built for the Grand Junction Water Works in 1874 and comprises a vaulted brickwork structure supported on brick piers and perimeter walls, mostly buried in the ground or contained within a grassed embankment.

The reservoir was decommissioned in 2002 and subsequently acquired by the developers Linden Wates in 2010. They have applied for permission to demolish the reservoir and convert the site to housing. Part of the justification for this is that the existing reservoir is deteriorating and now represents a hazard. The roof has been fenced off to prevent access.

Relevant History

No relevant planning history.

Relevant policies

National Planning Policy Statements

- PPS9 : Biodiversity and geological conservation
- PPS25: Flooding

London Plan (Consolidated with Alterations since 2004)

- 3A.3 Maximising the potential of sites
- 3A.11 Affordable housing
- 3D.8 Realising the value of open space and green infrastructure
- 3D.14 Biodiversity and nature conservation

London Plan (Consultation draft replacement plan 2009)

- Policy 3.4 Optimising housing potential
- Policy 3.13 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 7.19 Biodiversity and access to nature
- Policy 3.10 Mixed and balanced communities

LDF Core Strategy and Development Policies 2011

- CS1 (Distribution of growth)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- 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)
- CS17 (Making Camden a safer place)
- CS18 (Dealing with our waste and encouraging recycling)
- CS19 (Delivering and monitoring the Core Strategy)
- 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) 2006

Camden Planning Guidance (adopted) 2011

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

Camden Planning Guidance (draft) 2011

- CPG 8: S106 Obligations

Assessment

Background: Environmental Impact Assessment

An EIA screening opinion was provided following submission of the application which stated that an Environmental Impact Assessment was required to accompany the application. The Council's conclusion was that "The Council considers that sufficient information has been provided to decide that, having regard to the characteristics of the development, the acknowledged environmental sensitivities of the location, the absorption capacity of the natural environment in the area and the characteristics of the potential impact indicate that the proposals would be likely to result in significant effects to the environment. ". The applicant did not appeal this decision and provided a set of revised submission documents packaged as an Environmental Statement.

Few substantive alterations were made to the original submission in repackaging the form as an ES, although a Non-Technical Summary was provided as required. The scope of the documents provided was considered to meet the requirements of the EIA regulations in terms of submission and the case was therefore duly registered as valid.

Background: Revisions to the application

During the lifetime of the application the following additional documents/revisions were received:

- Further structural assessment report by Dudley Walker with supporting statement by Malcolm Reuby;
- CHP (boiler room) noise assessment;
- Further information on the transport accessibility of the site and visibility splay diagrams;
- Calculations in respect of SUDs provision on site;
- Sunlight plots of the site on 21st March;
- Clarification of the disabled access arrangements to individual units; and
- A bird survey.

Assessment

The applicant proposes the substantial demolition of the existing covered brick-arch reservoir and its replacement with 16 units of market housing. This assessment considers the following primary issues:

1. Principle of demolition
2. Proposed land use
3. Housing
4. Design
5. Amenity
6. Transport impact of development
7. Landscaping
8. Sustainability
9. Community safety and social cohesion

10. Community and Regeneration
11. Basement and demolition proposals
12. Contamination/air quality
13. Other matters

1. Principle of Demolition

The applicant proposes to remove the brick-arch roof and the majority of the internal brick arches in order to provide a relatively clear site of 4878sqm, bound by the retained reservoir walls to the East, South and North. Following the recent Save Our Heritage ruling applicants the proposed works would fall within the definition of development. As the scale and nature of the proposed demolition is deemed to require an EIA the demolition is no longer permitted development and requires express planning permission.

The site is not in a conservation area, however under the recent Save Our Heritage ruling applicants are required to provide details of proposed demolition activity where this forms part of in their applications. In this instance no details have been provided in this respect, although the demolition of the reservoir roof has always formed a fundamental part of the proposals. However the submission does not take account of structural issues which would potentially arise from the removal of the reservoir roof. It is considered that this information would be required in order to fully assess the potential implications of the demolition and its absence constitutes a reason for refusal. The activity of demolition is considered in greater detail in the section entitled 'basement proposals'.

The covered brick arch structure itself is visually relatively benign due to its low aspect and the established grassland that covers it. The form and construction of the structure is not common but also not unknown in London. In their listing appraisal (Nov 2009) English Heritage stated that the reservoir is not of listable standard, being *"representative rather than exceptional, without any above ground features of interest and without any other water industry buildings to lend group value"*. Despite having some engineering heritage interest the structure has very limited visual impact and therefore there is no objection to the principle of demolition of the roof and internal arches.

2. Proposed Land Use: Development on Open space

The assessment of proposed land use is split into several sections:

1. Background and principle
2. Impact on protected species
3. Ecological succession
4. Justification
5. Conclusion.

Proposed land use: background and principle

With the exception of a 60m long strip of frontage along Gondar Gardens (narrowing from 21m deep in the north to 13m in the south) the site is designated as Private Open Space, as identified in LDF map 1. It is also a designated Site of Nature Conservation Importance (SNCI) of Borough importance II and identified as such in Map 8 of the LDF. Policy CS15 'Protecting and improving our parks and open spaces and encouraging biodiversity' sets out that the Council will *"protect open spaces designated in the open space schedule"*. Furthermore *"the Council will protect and improve sites of nature conservation and biodiversity, in particular habitats and biodiversity identified in the Camden and London Biodiversity Plans in the borough"*.

PPS 9 seeks to conserve, enhance and restore the diversity of England's wildlife by sustaining, and where possible improving, the quality and extent of natural habitat, enhancing biodiversity in green spaces and among developments. PPS9 also encourages development proposals to provide opportunities for building-in beneficial biodiversity features as part of good design. When considering proposals, local planning authorities should maximize such opportunities in and around developments, using planning obligations where appropriate.

The London Plan policy (3D.14) *Biodiversity and nature conservation* which links to policies and proposals on approaches to strategic planning in the Mayor's Biodiversity Strategy. Policy 3D.14 sets out *"The planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development."*

The Mayor's Biodiversity Strategy July 2002 aims to ensure no net loss of important wildlife habitat. The target of **no net loss** applies particularly to the network of important habitat identified through the procedures adopted

by the Mayor to which this SNCI would apply. Crucially it is important that the whole of this network of SNCI's is subject to planning protection, as this is the only way to protect it from piecemeal erosion and to provide the potential for the network to be enhanced. In it the Mayor wants to see a net increase in habitat through enhancement and habitat creation.

London Plan Policy 3D.14 states *'Boroughs should use the procedures adopted by the Mayor in his Biodiversity Strategy to identify sites of Borough or Local Importance for Nature Conservation and should accord them a level of protection commensurate with their borough or local significance'*. This has been carried forward into the consultation draft replacement London Plan. The London Plan (and draft) has a Performance measure for the protection of biodiversity habitat of **'No net loss** of designated Sites of Importance for Nature Conservation'.

The potential effects of a development, on habitats or species listed as priorities by Local Biodiversity Partnerships, are capable of being a material consideration in the making of planning decisions. Both London and Camden have a Biodiversity Action Plan, and there a number of relevant habitats and species action plans. Furthermore it is a target in Camden's statutory Annual Monitoring Report that there is no net loss in areas of biodiversity importance. It is also a Local target of **no net loss** in area of biodiversity in priority habitats identified in the Camden Biodiversity Action Plan. Grasslands and Heath are priority habitats in Camden's Biodiversity Action Plan. Camden's current Biodiversity Action Plan has a target *'To ensure no loss of existing areas of acid grassland, lowland meadows and heath'*.

This lowland neutral grassland, including areas of species rich neutral grassland, is synonymous with lowland meadows and therefore is a priority habitat in Camden's Local BAP. With the correct management the site has the potential to be significantly improved ecologically. The application includes proposals to improve the quality of semi-natural habitat by altering the existing conservation management regime, although the extent of habitat will be reduced by the proposal. The area of neutral grassland lost will not be sufficiently compensated for by the provision of a green roof. The loss of protected open space and habitat area is therefore unacceptable in terms of LDF policy CS15 and London Plan policy 3D.14 and the application should be refused on this basis.

Proposed land use: Impact on protected species

The applicant has submitted habitat, reptile and bat surveys. A bird survey was also submitted during the course of the application.

The bird survey provides a snapshot of activity on site. The submitted survey comprised 6 dawn surveys over 4 months from March to June 2011. Without a winter survey it is likely to be inadequate to characterise the usage of the site. The report also does not make reference to the survey method so it is unclear whether best practice has been adhered to. The survey does encompass the bird breeding season and so is probably an accurate record of birds using the area to forage and breed during this period. The list of species provided is broadly what officers would have expected to see for this type of site (short or tussocky grassland with mature tree lined borders). According to the survey, priority species such as Starlings do use the site extensively and a reduction in area or suitable habitat may have an impact on numbers utilising the site if the development were to go ahead. House sparrows appear to be using the borders and surrounding gardens so would be affected less so. Swifts flying overhead may be utilising insects from the site, but it is not scientifically robust to state that the loss of this habitat will significantly affect them. Although not entirely comprehensive it is considered that the bird surveys are sufficiently detailed to be acceptable.

The reptile and bat surveys carried out employed acceptable methodologies to characterise the habitats and species and their usage. The site has protected species found on site. These are the slow worm (a legless lizard) protected under Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure these animals. In the Natural England (formerly English Nature) publication IN151 - Reptiles: guidelines for developers, it states mitigation and compensation is normally required when development is permitted on reptile habitat. The development must ensure that sufficient quality, quantity and connectivity of habitat are provided to accommodate the reptile population, on site, with no net loss of local reptile conservation status. Moreover Natural England state that there should be no net loss of sites, and in fact there will be an expectation that compensation will be provided in the form of an enhanced habitat (in terms of quality or area) compared with that to be lost. In addition slow worms are a UK and London Biodiversity Action Plan priority species and as such the presence of such species is a material consideration in determining a planning application. It is therefore appropriate for the Council to ensure that protected species are not adversely affected by development.

The developer states that there will be no net loss of local reptile conservation status. However, there will be reduced area of enhanced habitat. This position ignores the potential of existing habitat which once built on will be lost. Amphibian and Reptile Conservation (an expert group) indicated that the area set aside for slow worm

habitat is likely to be able to maintain a low population with adequate conservation management in place. This is in conjunction with the area provided by back gardens. Slow-worms do not move long distances. Home ranges are probably only several hundred square metres. The proposals have the potential to impact on the habitat of the slow-worms. However the protection measures proposed in the Reptile Mitigation Measures document are sufficiently comprehensive to ensure that the protected species would be protected, subject to conditions that the measures be put in place prior to any activity on site and those measures would be reviewed, monitored and reported to the Council by an independent expert from time to time for the duration of the work.

Proposed land use: Ecological succession

Without active ecological management the nature of the site will change. It is likely to scrub over through the process of ecological succession through scrub to woodland. The central area of neutral grassland may remain as grassland due to the thin depth of substrate preventing establishment of trees. This change in biotope (biological community) in Camden's urban setting would probably not preclude the site remaining as an SNCI although the attributes would change. This will have implications for slow worms for although they have quite diverse habitat requirements, in general they require dense vegetation, especially grasses coupled with sunny areas to allow thermoregulation and, preferably, loose soil into which to burrow. Without management the slow worm habitat would develop to sub-optimal conditions.

There is a compounding factor in that eventually the roof area may collapse, if not properly attended to. This could lead to new, albeit different, habitat opportunities. Positive gains could be achieved by the implementation of a long term conservation management regime, although a conservation management regime is currently in place. This must be weighed against a loss of a semi-natural area.

In the event that the issue of development on open space were to be overcome, an area of off-site habitat to compensate for the area lost as a result of the development would be required in order to avoid the piecemeal erosion of the habitat area protected by the network of SNCIs. The failure to secure such off-site provision would be contrary to policy CS15 and London Plan policy 3D.14 and forms the basis for a reason for refusal. The form, nature and extent this off-site provision would need to be agreed with officers and would need to be in addition to the identified improvements to the on-site retained Open Space.

Proposed land use: justification

The covered reservoir built structure covers an area of 4878sqm within a total site area of 1.24 hectares. The development proposes dual car lift access under a low covered structure via the Gondar Gardens frontage. An additional low building set back from the street behind a formally landscaped private garden area would provide storage areas for refuse and recycling. Overall the proposals include re-development of the street frontage area of approx 1015sqm. In total approx 5893sqm or 47% of the site would be significantly re-developed.

The applicant asserts that the site is previously developed land in imminent state of collapse with liability consequences for the owners and a departure should be made from the protection afforded by the Council's LDF open space policy CS15 in respect of the site to enable the provision of much-needed housing.

The applicants have submitted structural assessment documents to support the premise that the reservoir structure is in a state of accelerated collapse. The first assessment by Dudley Walker (December 2010) was used as the basis for the recent hoarding of the West, South and North boundaries in order to stop any access to the site. The structural assessments comprise two reports:

- an initial Structural assessment by Dudley Walker (December 2010); and
- Further Investigations into Structural Condition, same author, dated May 2011.
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The first DW report concluded (sec 6.0) that *"it is my belief that the reservoir contains a defect brought about as a result of its loading condition, exacerbated by its environmental exposure, that is exponentially progressive and will that will cause the collapse of the roof structure in due course.... But I am unable to predict when it is likely to occur."*

The applicant agreed to fund the Council's engagement of Conisbee Structural Engineers to provide an independent assessment of the methodology, findings and conclusions of the original submission and to report their own conclusions. Structural engineers from Conisbee conducted an accompanied visual site survey within the reservoir in April 2011. In respect of the first Dudley Walker report Conisbee concluded (section 6.0 of Conisbee report) that the *"reservoir structure is in very good condition with no evidence of significant damage*

or deterioration despite the water penetration through the roof. The brick structure is not stressed and is comfortably adequate to support the loads it does... If left in its current condition the structure is likely to slowly deteriorate but, based on what has happened to date, it could take a very long time to reach a point where we might be concerned about its stability. Long term stability can be provided by renewing the protective waterproof layer over the roof."

Subsequently the applicant engaged DW to undertake a further assessment of the structure which resulted in the second DW report. This time the assessment involved analysis of samples taken from the structure. The report stated (7.0 para 8) that *"As the mortar is further weakened through cement loss it will become more porous and deterioration can only accelerate to effect further weakening of the roof structure"*. The impact on the mortar formed much of the basis for the conclusion (sec 8.0) that *"The recent laboratory testing on samples removed from the reservoir now provides independent and undisputed results, which supports my concerns reported previously that deterioration of the structure is advanced and that future deterioration will proceed at an exponential rate. I believe that it is clear from the further evidence and above discussions that remedial work requires to be undertaken now if further deterioration of the structure is to be avoided."* This view was further corroborated by Malcolm Reuby, Structural engineer.

Camden engaged Consibee to review the further findings and again their conclusions did not endorse the recommendations of the DW report. Consibee concluded that *"The onset of inundation and the rate of deterioration have not been clearly established and in fact the new information provided suggests that inundation may well have been a feature of this reservoir for a long time. ... the type of mortar used and the relative merits of different mortars is not the principal issue. The main function of a mortar in a compressive masonry structure is to take up tolerance in the masonry units and hold them in place. Although the mortar strength does contribute, it is much more important that the mortar is present. Our original inspection found that no evidence of significant loss of mortar even from areas displaying inundation. ... The stresses in the existing brick structure are not high and a more sophisticated analysis taking account of the secondary brick arches under the barrel is likely to find it is considerably better than the simple analysis undertaken suggests. "*

Consibee concluded that the view expressed in their first report remains valid and *"the condition of the structure is related to its shape and there is no evidence of significant distortion or displacement. There is no evidence of significant loss of mortar at the joints. Consequently it is currently in good condition and cannot be considered unsafe."*

Consibee agreed that *"excessive water penetration will lead to deterioration and that maintenance is required to keep the structure in sound condition."*

The applicant has stated (planning statement paras 5.1.4-5) that repair of the structure would be hugely expensive, economically unviable and is a liability to the owner. However the public safety liabilities of the current owner are not material planning considerations in considering the development proposals and in any event the owner did not engage Dudley Walker to assess the stability of the structure until 10 months after they purchased the site in Jan 2010 (ref first DW report para 1.0). It would therefore seem reasonable to assume that the owner was prepared to accept any potential liabilities at the point of purchase.

In conclusion the assertion that the roof of the structure is in imminent state of collapse is not supported by third party experts. It remains the case that further analysis, monitoring and investigation would be necessary to establish an agreed conclusion. The conflicting findings demonstrate that the short term future of the structure is inconclusive, or at least contested, and therefore cannot form a definitive justification for the need to imminently re-develop the site. The uncertainty arising from these conflicting views means that the submitted justification for the demolition of the structure and re-development of the land does not outweigh the principle of the loss of open space and no departure from policy is justified.

Proposed Land use: Conclusion

The re-development of designated open space is strongly resisted by policy CS15 and London Plan policy 3D.14. The Council has long argued (ref: UDP inquiry of 2005) that the open space provides significant amenity and nature conservation value and these considerations outweigh any stated *need* for the open space to be designated as a housing site. Policy CS15 does not support derogation from the fundamental principle of protecting areas of open space, either public or private. The Council's stated view has consistently been that the opportunities to provide greater public access to nature conservation and public open space do not outweigh the impact of the net loss of open space. The application is therefore refused on this basis.

In conclusion there are two distinct biodiversity elements to this planning application:

1. The impact on the habitat other than protected species habitat. The impact is unacceptable in principle on

grounds of impact on biodiversity, net loss of area of the SNCI, reduction in local biodiversity action plan habitat and limited provision of compensatory habitat. The proposals are refused on this basis and forms part of reason for refusal #1.

2. The impact on the protected species. It is considered that, subject to condition, sufficient safeguards, could be put in place to protect the viability of the slow worm population.

In the event that officers had been minded to recommend approval for the development conditions and a legal agreement would have been required to secure the following:

- To offset the area of land lost as reptile habitat the applicant could fund a survey of reptiles in nearby Hampstead Cemetery to establish if there is a population of slow worms nearby.
- Implementation of the proposals in the Ecological Action Plan. In this respect it would be preferable that bird boxes are integrated or embedded into the structure/façade rather than free hanging as this prolongs their longevity. It is preferable that bat bricks and swift nesting bricks, house sparrow terraces and starling boxes are installed as these are London biodiversity action plan priorities. There are many sources of these types of box and details of the provision should be discussed with the Council's Nature conservation officer.
- All survey data, including green roof area and planting schemes, should be made available to Greenspace Information for Greater London (GIGL), the London Environmental Records Centre. A contribution could be made to facilitate the continuance of species and habitat recording in Camden.
- The Reptile Mitigation Method Statement safeguards to protect the slow worms shall be put in place prior to commencement of development and monitored by an appropriately qualified expert.

3. Housing : overview

The development proposes 16 four-bedroom houses, of largely identical design and layout. They would be constructed within the bounds of the brick retaining walls of the reservoir in two terraces of 8 dwellings each, constructed on a 6m grid, compatible with the retained buttresses which occur at 6m intervals. Due to the sunken nature of the retained reservoir basin the dwellings would project approx 1,5m above the existing roof level.

Each property would provide garage and living room space at -2 level, a primary living area at -1 and bedrooms on the top floor. Private outdoor amenity space would be provide at the rear of each dwelling in addition to a greenhouse Key drivers for the design rationale are set out as: utilisation of the existing structure to retain the open character of the site and protection of the views from neighbouring windows overlooking the site.

Housing: Density and mix of units

Policy DP2 seeks to maximise the supply of additional homes in the borough and expects the maximum appropriate contribution to the supply of housing on sites that are underused or vacant. London plan Policy 3A.3 'Maximising the potential of sites' states that "*boroughs should ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Boroughs should adopt the residential density ranges set out in Table 3A.2 and which are compatible with sustainable residential quality*". The supporting text goes on to state (para 2.10) "*In the interests of mixed and inclusive communities, the Council seeks a range of dwelling sizes, and does not favour concentrations of very large homes. Therefore, when using the London Plan density matrix, the Council will refer primarily to dwelling densities, measured in **units per hectare.***"

In assessing the appropriate density of the site the setting must first be established. Referring to para 3.23 of London Plan supporting policy 3A.3 the site can best be described as 'urban' in terms of the prevalent built form (terraced houses, mansion blocks, mix of uses, buildings of two to four storeys). However the site it is not within 800m walking distance of a District centre and the low PTAL rating for the site reflects the site's relatively poorly connected location. Therefore while 'suburban' does not reflect the dominant local built form it may better reflect the sites public transport connectivity. The units provided in this case are large – comprising at least 6 habitable rooms/unit and therefore it is considered therefore that the density of built development within the footprint of the redeveloped site should accord with the minimum of 35-55 units per hectare. The proposals for 16 units on a reservoir footprint of 0.4ha equates to 40 units/hectare. However the redevelopment of the site includes significant alternations to the street frontage along Gondar Gardens to provide supporting functions ancillary to the 16 new units. The overall redeveloped space, serving the residential function, totals approx 5900sqm. Use of this figure gives an overall residential density of 27 units hectare (5900/16). This is significantly below the lowest unit density of any site identified in the matrix, representing an underuse of the capacity of the developed part of the site and is therefore not acceptable. The application is refused on this basis.

The units proposed are all market tenure properties, each generously sized with 4 bedrooms. Policy DP5 sets out that *"the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes"* by seeking to *"ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table"* and by expecting *"a mix of large and small homes in all residential developments."* The proposals include no variation in dwelling size.

The applicant has stated (5.2.6 of the planning statement) that the key elements which restrict the potential to provide a greater mix of dwelling sizes include the difficulties of pedestrian access, subdivision of the space horizontally would cause awkward shaped small units, the courtyard level is specifically allocated for parking, utility and secondary living accommodation and is inappropriate for self-contained flats, flattened development would be an inefficient use of space (due to need for additional stair cores) and uneconomical to provide, the cost of service charges would be disproportionate to the value of a flat. It concludes that *"Given the constraints on the site, it is not possible to subdivide the floorspace further without impacting on the quality of the housing being proposed, to the detriment of future residential occupiers."*

No evidence has been provided that a more flexible approach to considering alternative layouts with split level accommodation in the form of maisonettes could not be supported on the site. The daylight/sunlight report asserts that all habitable rooms would meet the BRE standard and therefore there is potential for the inclusion of the courtyard level rooms as primary living space within split level accommodation.

The dwelling size priorities table accompanying policy DP5 identifies 2-bedroom units as the highest priority for market housing, with an aim of 40% of new units to meet this size. Para 5 supporting the policy states that *"the Council acknowledges that it will not be appropriate for every development to meet the aims set out in the Priorities Table. However, we consider that **each** development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall"*.

No evidence of specific local demand for larger housing or extenuating economic or viability arguments have been put forward to support the proposals. The mix of units proposed does not meet the Council's published dwelling size priorities nor the policy requirement to provide a range of units sizes in order to support mixed and balanced communities. The application is therefore refused on this basis.

The proposed re-development of the open space seeks to deliver a low number of large dwellings. If the fundamental objection to the loss of open space were overcome the Council would expect the capacity of the site to contribute to maximising the supply of new homes, appropriate to the site. The low density proposals and concentration of large houses, is contrary to policies CS1, DP2, DP5 and London plan policy 3A.3 and is refused on this basis.

Housing: Affordable housing

The application comprises a change from 0m² to 5136m² GEA of housing floorspace on the site. Under policy DP3 this would trigger the need for 50% affordable housing (AH) contribution on the sliding scale. The applicant originally submitted an Affordable Housing Report which calculated the AH requirement as 1976sqm, being 36.6% of the total 3656sqm. This was based on Net Internal Area calculation of the total floorspace provided. However policy DP3 and supporting CPG are clear that the AH figure should be derived from Gross External Areas. The figures used by the applicant have been calculated on the basis of omitting the car parking space from the courtyard level of each house. This omission is not justified in the documentation. However the room could easily be used converted to use as a habitable room, the guidance does not make room for such an omission and the floorspace should be included in the calculations. On this basis the development should provide for 2550sqm GEA of AH (being 50% of 5100sqm), or eight dwellings within the proposed scheme.

The scheme includes no on-site affordable housing but instead proposes that a financial contribution be made to support off-site provision, in the first instance. Supporting this approach the applicant has put forward the following argument (letter from Andy Leahy dated 2 June 2011) in respect of the provision of off-site AH:

- a. The scheme is set within the existing reservoir and it is therefore physically impossible to separate out areas for management by different property managers.
- b. The estimated management service charge would be £231 (roughly 4x times the upper limits which would be acceptable to an RSL), not including maintenance of the CHP.
- c. The build costs on site are extremely high due to the intention to keep the reservoir walls in situ and to deal with the landscape areas outside of the reservoir envelope. Costs of ensuring long term drainage of the structure, maintenance of access lifts and the dwelling build costs themselves would require public subsidies to make them acceptable to an RSL.

The development approach, of building within the four reservoir walls, has placed many constraints on the development. In respect of (a) above it is considered however that the site could be segmented into two halves along tenure lines. To accommodate this, the design and layout would likely have to move away from the rigid symmetrical approach of providing 16 largely identical dwellings. Options could be explored in respect of the level of car parking appropriate for non-market tenures which could lead to alternative access arrangements. No evidence of an exploration of these approaches has been put forward by the applicant.

Arguments (b) and (c) amount to the same consideration in respect of costs to be borne by future occupants. Officers accept that the approach to the scheme would be accompanied by a service charge. Certain elements of the charge arise from the specific nature of the development, such as the high annual maintenance cost of the drainage scheme, the green roofs, cleaning the walkway glazing etc. It is accepted that the charge as identified would be excessive for an RSL, however a more considered and fundamental approach to the scheme comprising separation of tenure would likely lead to considerable savings in respect of the service charges levied on affordable units.

In the event that a tenure split on site could be agreed with affordable provision on site, then discussions could be held on the need to minimise the future burden of service charges. The establishment of a service charge trust fund to accompany a reduced on-site AH contribution would be an example of an alternative and creative approach to maximising the capacity of the site to provide AH. A fundamental outcome of the design approach would be high service charge but officers consider that the arguments supporting the unsuitability of the development to support affordable housing are not sufficiently convincing to avoid on-site provision of AH.

The applicant originally identified an off-site location which would have had some merit for off-site provision of AH. The site is no longer available. The applicant has subsequently identified (letter from Andy Leahy dated 2 June 2011) a second off-site location at Oak Grove. The letter states that the site has extant permission for 9 units. This is incorrect as the S106 for the scheme which was authorised by Committee to be approved was never signed and the application was withdrawn. The applicant has provided calculations in respect of the quantum of off-site AH which would be needed to meet the terms of policy DP3, in the event that the principle of off-site AH were acceptable. The calculations are based on the erroneous sliding scale figure of 1976m² (NIA), quoted above, which equate to a Net:Gross ratio of 71.7% for Gondar Gardens. This figure seems very low for a new-build development of single family dwellings.

The applicant identifies the capacity of an amended Oak Grove scheme as capable of housing 15 units to provide 970m² NIA of affordable floorspace. No details of that amended scheme have been provided for examination by officers. It is considered that the Oak Grove site provides limited capacity for further provision above the 9 units of the withdrawn scheme.

The applicant then proposes a further 688m² of affordable housing at an unidentified site. This figure equates to the balance of the 1976m² which the applicant asserts would be required to meet off-site policy. As set out above this figure is incorrectly based in NIA, instead of GEA, and on the low Net:Gross ratio achieved by the development proposals. A financial sum is then attributed to support the 688sqm, but this is unsubstantiated other than a statement which says "*the Gondar Gardens scheme can afford to make a further payment of*" the sum in question.

At no point during the assessment has any viability information come forward from the applicant to support any of their arguments in respect of AH.

The development would fail to provide any on-site affordable housing and officers do not accept the justification provided for this failure and the application is therefore refused on this basis. Furthermore the arguments in respect of the extent, nature and type of off-site affordable housing are flawed and are unacceptable.

Housing: Lifetime Homes

DP6 requires all the dwellings to be designed to Lifetime Homes Standards and 10% of new dwellings to comply with Wheelchair Housing Standards.

Concerns were raised by the access officer about a number of issues to do with accessibility. The applicant has responded with details of how a typical unit could be converted to wheelchair living. The submission considers that all units can be considered wheelchair housing once a lift is installed and that all houses would be lifetime homes compliant. Level access is provided throughout the development including bin stores, terraces and gardens. The exception to this is the entrance to each dwelling from the walkway. Primary access for wheelchair units and wheelchair users will be at the courtyard level ('-2'), which provides easier transfer from the vehicles at that level. The lift would be shared by both vehicles and pedestrians/wheelchair users and would provide access to the front door of each property for the latter users via the walkway. However each dwelling has three steps up to reach the main internal floor level. The presumption is that the main entrance to

premises should be wheelchair accessible to avoid the need for a 'disabled entrance'. The applicant has indicated that it would be possible to introduce a ramp on the walkway local to each doorway to compensate for this level shift and provide wheelchair access. Such a remedy would likely be acceptable, subject to receipt of further details. However in the event of an opportunity to revisit this issue an alternative solution would be preferable.

It is considered that the proposals have the capacity to provide Lifetime homes compliant dwellings, albeit full details have not been provided. In the event that an acceptable scheme were to come forward the provision of final details of level access to all dwellings would be secured by condition.

Housing: Education contributions

A scheme of this nature, comprising 16 x 4-bed dwellings, would attract a requirement for £16324 times 16 = 261,184 (ref CPG 2006) as a contribution towards provision of education facilities in the borough, for which there is a pressing need in the locality. The absence of a S106 to secure such a contribution would be contrary to policy DP30 and would therefore form a reason for refusal.

Housing: Open space contribution

The application proposes 1535m², for the inhabitants, in the form of private rear 'garden' amenity space (44m² x 14 and larger end units at 85 x 2), an internal glazed greenhouse at first floor which would serve the same function as a conservatory, communal amenity space at courtyard level of 402m² plus 345sqm of formally landscaped areas at the street frontage.

The application proposes that the management and monitoring of the open space to the side and rear of the site would be passed to an expert third party, possibly a wildlife trust body or similar. Although precise details have not been discussed the new arrangement would potentially provide some open access for members of the public, at discrete and controlled periods annually. It is acknowledged that there is a balance to be struck between increasing public access for green space amenity benefits and the need to protect the slow worms and other important elements of ecology on the site. It is therefore considered that the area of retained wildlife open space outside of the reservoir and frontage would not provide a specific open space resource for residents and therefore it does not contribute towards the open space on site.

Policies CS15 and DP31 and CPG (2006, supported by CPG 8 under consultation) set out that the Council would expect 9m² of outside amenity space per bedspace. The development proposal is for 16 four bedroom dwellings, totalling 84 bedspaces, which equates to 9x84sqm of open space = 756sqm. The provision of c.1500sqm of open space on site means that there would be no need for a contribution to off-site open space.

4. Design

The design approach appears to have been led by two key aims :

1. retention of the existing reservoir walls and
2. maintaining the views across the application site.

The height of the perimeter fence along the northern boundary was a key reference point. Due to the camber on the site, the roof of the proposed houses projects approximately 1.5m above the current existing reservoir roof. This equates to a single storey along the western boundary on Gondar Gardens and sits in line with the boundary fence along the northern boundary.

The development comprises two rows of three storey terrace houses, rising from courtyard level (-2) to ground floor ('0'). The mews facades (at courtyard level) would provide an indication of the arch roofed structural form through the articulation of the projecting bays at level -1. To the rear of the dwellings the rear gardens would be flanked by three storey arches returning to support the retaining wall.

The applicant has stated that all of the proposed materials have been put forward following consultation of the BRE Green Guide as the scheme aims to sit comfortably in the immediate context of the structure and the 'green' surroundings. The palette of materials consists of:

- Anodised metal cladding panels to the projecting mews pop-out windows.
- Staggered treated timber cladding onto highly insulated blockwork walls.
- Light colour proprietary render to both front and rear elevations of the houses.
- Timber framed windows with aluminium cills and copings
- Retained and cleaned existing brickwork.
- Glazed lantern and garden room/greenhouse.
- Natural block paving to hard landscaped areas of the mews.

- Lightweight steel walkway and inserted timber deck with glass balustrades and stainless steel handrails.

The proposal for the dwellings is on the whole considered to be imaginative and high quality in its use of materials and design approach. However, the use of render, which has the potential to be quite jarring and conspicuous in the natural landscape, is not considered to be a preferential material. Brick is considered to be more appropriate to the context. However this is not considered to be sufficient reason for refusal and the overall design is therefore considered to be acceptable.

The retained visual indicators of the reservoir structure are to be found in the shape of the front projecting bay windows on the houses, the entrance arches which frame the walkway to the West and the brick walls at the East boundary of the residential element. All other visual cues would be visible only within the rear gardens in the form of the retained buttress arches. There is some concern about the ability of the design to retain these vaults. The arches that run parallel to the houses would be unloaded with the potential to become unstable. A condition would be sought in respect of the structural methodology for retaining these features, which form a key part of the design approach. In the event that the issue of development on open space were overcome details and a sample panel would be sought of all facing materials.

The street view of the development from Gondar Gardens is considered differently in terms of its design. The single storey flanks to the two terraces are underplayed and the two pavilion structures housing the bin store and the car lift seek to provide a timber backdrop to the newly landscaped garden along Gondar Gardens. The clean refined metal and glass canopy that defines the entrance to the development is also modest in size. These frontage pavilions would be the main visible manifestation of the scheme and a high quality of design would be necessary.

The re-development on the frontage using low-rise buildings set back from the established building line along Gondar Gardens would not be characteristic of the wider area which is predominantly three storey terraced housing. Furthermore the use of unoccupied ancillary functional buildings to front the street and form the public face of the development would contribute little to the perception of activity on the street scene. Text supporting policy DP24 (para 24.17) says "*Buildings should be visually interesting at street level, with entrances and windows used to create active frontages, which allow overlooking of public areas, provide a sense of vitality and contribute to making Camden a safer place*". This role of the street frontage is supported by policy CS17. The text goes on to say "*Ground floors should be occupied by active uses and should not turn their back on streets and other public spaces.*" It is considered that the refuse store and car-lift would be visual manifestations of typical back-of-development functions and would contribute little to support the role of an active street scene. This is unacceptable in terms of policy DP24 and is refused on this basis.

It is considered that the constraints of the proposal restrict the capacity for further expansion of the dwellings and as part of any approved application permitted development rights would be removed from the scheme.

5. Amenity: Residents and occupiers

The applicant has provided a daylight/sunlight study demonstrating the impact on neighbouring amenity and summarising the level of daylight/sunlight amenity for occupants.

The new dwellings would project approx 1.5-1.6m above the existing roof height of the reservoir and due to their distance from the three neighbouring properties of South Mansions, Chase Mansions and 9 Gondar Gardens the proposals do not bisect a 25degree line drawn from the centre of the lowest window of these properties. Therefore the proposals would have no impact on daylight to the nearest neighbouring properties.

The nearest properties to the proposals are the Mansions either side of the frontage. Chase Mansions have no habitable room windows on the immediate flank elevation but has some on the projecting rear wing, at a distance of approx 16m from the nearest new habitable room windows in the development. South Mansions has a limited number of windows at ground floor level, approx 17m from the nearest new windows. These distances combined with the sunken nature of the development means that the development would not introduce significant opportunities for overlooking of neighbouring windows, resulting in no significant harm to the privacy of neighbours. The proposals accord with policy DP26 in this respect.

Amenity: Acoustic impact

The applicants have submitted three acoustic impact assessments and a commentary on objections to the noise generated on site. The original submission included a CHP noise assessment which identifies the nearest sensitive receptor to the plant as being the closest new dwelling on site at 8m distance. The Council's environmental health team have commented that the Council's noise conditions would be met by the CHP

boiler plant, even in respect of this short distance. A further report on the noise during construction identified mitigation measures in order to minimise noise impact on neighbours. These measures would be secured in Construction and Demolition management plans, by way of S106 were the proposal acceptable in all other respects. These considerations are assessed further in the Transport section.

A number of objections have been raised about potential noise disturbance from the car lifts which would be available for use 24 hours a day. It is likely that the car lifts would be hydraulic, resulting in very quiet operation. Any associated plant equipment could likely be housed either at a low level within the reservoir or in a suitably enclosed space. A noise condition would accompany any permission which would require the operation of all plant equipment on site to operate at -10dB levels to ensure that night-time quieter conditions are preserved. A further condition would require an expertly prepared acoustic report verifying that the location, specification and impact of any installed plant on site would meet the Council's noise requirements.

A further noise report was received in respect of the impact of additional vehicle trips arising from the completed development. The report found that no appreciable increase in road traffic is likely to arise from the development. These conclusions are considered to be acceptable.

A further theme common to objection is that of light pollution. The Institute of Lighting Engineers defines light pollution as arising from light glare or trespass into neighbouring/offsite windows. As set out above in section landscaping the character of the site would be significantly altered by the proposals. At present the site is unlit at night and there are no visual impediments on the site to views of distant lights across its length or breadth. The introduction of a lit forecourt area comprising vehicle lift and associated pavilion buildings would completely alter the empty night-time appearance of the site. The proposed dwellings with windows on both front and rear aspects would introduce limited residential lightspill and a night-time foreground distraction on the site. This would be an integral part of the alteration to the character of the site which likely reads as a dark void in the otherwise artificially lit city. Communal lighting along the walkways would also be perceptible from the street on Gondar Gardens, but would not be in close proximity to adjoining neighbours.

Overall the ambient lighting characteristics of the site would be completely altered by the introduction of new residential uses to the site. However this localised lighting is not likely to introduce glare or light trespass to the windows of neighbouring properties and would not constitute light pollution. A condition would be added to any permission seeking details of the lighting strategy and design for the site, as poorly designed public lighting on site would have potentially negative implications for local wildlife in the retained open space.

Finally many objections have been received in respect of the impact of two years of construction on local amenity. As part of any permission the details of construction and demolition management plans would be required under S106 legal agreement. These would set out, among other topics, measures to minimise dust and noise pollution from site, control of construction traffic including the potential need for wheel-washing, banksmen to ensure safe operation on the local high way network and potentially a contractor telephone line as a contact point for local residents.

Overall the impact on amenity of neighbours, subject to conditions to mitigate certain issues, is acceptable and meets the terms of policy DP26.

Amenity: occupiers

With regards to the proposed units, the London Housing Design Guide recommends minimum levels of daylight depending on the room use by reference to the Average Daylight Factor (ADF). Section 5.5 makes reference to "The Code for Sustainable Homes" and the minimum ADF recommended being 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. These reflect what is set out in BS8206 Part 2 which is referred to in the BRE Guidelines. These figures are met for all habitable rooms in the development. The applicant has not undertaken a daylight distribution study of the proposed dwellings but the BRE advises that if a significant proportion of the working plane does not lie below the No Sky Line then the daylight distribution would be acceptable. The results provided in the daylight study demonstrate that this is the case. It should be noted that the Design and Access Statement identifies the open plan living space in the middle floor of each property as a living/kitchen area, with the kitchen work surfaces located within the centre of the room. Although the ADF test for this level identifies this as providing a single living room function, with associated BRE requirement of 1.5% ADF the majority of the dwellings would reach the 2% requirement which would apply for a kitchen.

The submitted daylight/sunlight report indicates that the amenity spaces attached to the dwellings would not pass the BRE sunlight test. Additional sunlighting maps of the built development have been submitted which show that on 21st March only 10% of the central communal courtyard would be in permanent shadow. Furthermore the plots show that the rear upper floor winter gardens would also pass the minimum BRE guidelines. However the plots appear to show that the vast majority of private rear gardens at courtyard level

would receive almost no sun at all on the 21st March. No actual figures are provided to clarify this. While this would not be particularly unusual within central London where basements are commonly used for external space this is a brownfield development within an inner London *suburban* setting and the low level of outdoor sunlight amenity is considered to be a regrettable side effect of the constraints placed by the rigid design premise of retaining the reservoir walls. The lack of sunlight in rear gardens would be mitigated to an extent by the provision of glazed indoor winter gardens and external shared amenity space that do benefit from acceptable levels of sunlight/daylight.

Overall, while it is regrettable that a bespoke high-end private housing development cannot deliver a high quality of day and sunlighting amenity for its occupants, it is considered that the expected levels of sunlight and daylight amenity is not sufficiently poor to merit a reason for refusal, as all rooms meet (but in almost no cases does they exceed) the BRE recommendations.

6. Transport: overview

The applicants have submitted a Transport Statement (TS) and a Construction Management Strategy (CMS) in support of the application. The site is rectangular in shape can only be accessed from Gondar Gardens on its western side as it is enclosed by the backs of existing residential gardens on its three remaining sides.

The 16 housing units would be arranged in two rows of 8, facing each other across a central mews or courtyard which would comprise a shared surface at sub-basement level to provide vehicle access to the garages integral to each dwelling (one space per unit). Development Policy DP18 states that *"The Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport."*

The Council's car parking standards are set out in Appendix 2 of Camden Development Policies. This sets a maximum of one space per unit in areas that are not classified as being low parking provision areas, i.e. Central London, town centres or other areas that are located within Controlled Parking Zones that are easily accessible by public transport. The site is located within Controlled Parking Zone CA-P, which operates between 10am and midday Monday-Friday. The TS stated that the site has a PTAL score of 1b, which indicates that it has a very low level of accessibility by public transport. However following comments on the accuracy of some of the information in the TS a re-appraisal has determined that the access point to the site has a PTAL of 2, while the centre of the site maintains 1b. While PTAL is a relatively blunt tool and the distances used in the calculations are rigidly applied, with occasional apparent discrepancies in making judgements about site accessibility by public transport, it does provide a consistent methodology for measuring relative levels of accessibility at different sites. The provision of on-site parking within the development is therefore considered justifiable in the context of its poor connectivity subject to a maximum provision of one space per unit, as proposed.

Two car lifts will be utilised to lower/raise vehicles to/from the sub-basement mews area. This level of lift provision is considered acceptable, in that if one lift is out of service the other will be available for use. The lifts measure 6m by 2.5m and are capable of accommodating standard size transit vans. A separate pedestrian access will be provided to the north of the vehicular access. Pedestrian access to the walkway in the site is via steps and therefore the vehicle lifts would be used to raise/lower less mobile residents to the front door at -1 level. The visibility around the lifts is good and it is expected that there would be no significant conflict between pedestrians and vehicles and this approach is acceptable.

In order for the development to have an acceptably low impact on local parking conditions the applicant would be required to accept all of the proposed residential units being designated as car capped, i.e. the future occupants will be unable to obtain on-street parking permits from the Council. This arrangement would be secured by means of a Section 106 Agreement. The failure to secure such an agreement would likely lead to unacceptable pressures on local parking and is a reason for refusal.

Whilst the proposed development is considered to lead to only a small increase in traffic on the surrounding highway network, the trip generation figures given in the original TS were not accepted. Further details were received in respect of other London sites of comparable PTAL ratings based upon sites in the TRAVL database. Officers still have concerns about the relevance of some of these sites, with one of the 4 sites being affordable housing with very low car ownership levels while another site comprises mostly flats. Notwithstanding this the number of anticipated car trips is low and the general findings of the TS are therefore acceptable in terms of the impact from on-site trip generation. The Road Noise Assessment has been revised to match the revised figures (see **amenity: acoustic impact**).

The nearest existing car club bays are located on Mill Lane, to the south of the site, and Aldred Road, to the east of the site. At both sites, the car club vehicles are operated by Streetcar. The TS states that the applicant will *"explore the feasibility of providing residents with free membership to a car club"*. In the event that permission were granted for the scheme it is considered that a contribution to support a new local car club space would be welcome but not a requirement.

Transport: Access and visibility splays

The existing vehicular access to the site on Gondar Gardens will be widened to 5.5m, which is sufficient for two vehicles to pass. A number of objections have focused on the poor quality of access to the site and in response the applicant has provided an amended visibility splay diagram with accompanying explanatory text.

The design of the vehicular access has been carefully considered with regard to the provision of appropriate visibility splays, with reference made to Manual for Streets 1 and 2. Based upon surveyed 85th percentile speeds, the visibility to the north has been calculated as being 22m and to the south as 23m, measured from a distance of 2.4m back from the outer edge of the on-street parking bays. Section 10.7 of Manual for Streets 2 states that *"At urban junctions where visibility is limited by buildings and parked cars, drivers of vehicles on the minor arm tend to nose out carefully until they can see oncoming traffic, and vice-versa"*. The applicant has provided revised visibility splays which are based on the Manual for Streets 2. Highways officers agree with the submitted interpretation of visibility and the proposed level of visibility is considered acceptable.

Residents parking bays are located on both sides of Gondar Gardens in the vicinity of the site. Whilst the loss of 15m of parking would suggest 3 bays, this is spread out over 3 sections and in practice only 2 bays would be lost. A parking beat survey was conducted on Gondar Gardens on behalf of the applicants on Tuesday 16 October 2010, the results of which indicate that, as would be expected, the maximum parking demand occurs during the overnight period. The survey found that whilst demand for parking spaces is greatest along the northern section of Gondar Gardens, the southern section has a number of free spaces throughout the day and night. In the immediate vicinity of the site, the survey found that 19 out of the 21 spaces available were occupied overnight (90%). The TS states that sufficient free capacity exists elsewhere on the street for the loss of parking spaces to be accommodated without undue effect on parking conditions. This point is accepted. The applicant would be required to make a Section 106 contribution towards the cost of providing the site access crossover on Gondar Gardens and altering the existing single yellow lines, parking bay markings and associated Traffic Management Orders. The absence of such an agreement is a reason for refusal.

A number of swept-path movement diagrams have been provided to illustrate the movements of vehicles entering and leaving the private garages at courtyard level. The applicant has stated (DAS section 4.08) that the courtyard level would be akin to a shared surface, *"the level of traffic movement will be very slow, therefore we consider that it would work well as a shared surface, supplementing the extent of amenity space within the development"*. This approach is acceptable in the context of the limited number of private vehicles which may park on the site.

Transport: Servicing

It is proposed that the site be serviced on-street from Gondar Gardens. Given the size of the development and the topography of the site, which prevents larger vehicles from accessing the sub-basement mews area, this arrangement is accepted. The TS notes that some off-street servicing could take place from within the site.

It is proposed that refuse collection take place from Gondar Gardens, from the refuse store located to the north of the vehicular access. It is proposed that a dropped kerb be provided to facilitate the movement of large bins between the refuse store and the carriageway. The applicant will be required to make a Section 106 contribution towards the cost of providing the dropped kerb and altering the existing parking bay markings and associated Traffic Management Orders.

Given the difference in levels across the site, fire brigade access has been considered in the site layout, with a new hydrant to be located close to the pedestrian access on Gondar Gardens and two dry risers to be located within the site.

The applicant has indicated that they are prepared to make a contribution towards re-paving the footway adjacent to the site on Gondar Gardens. This should be secured by means of the Section 106 Agreement.

It is considered that, given the size of the development, the high costs involved in construction and the scale of the various contributions that would be required in order to make the proposals acceptable, it would not be appropriate to seek further contributions to improvements to the wider pedestrian environment/public realm or public transport in this instance.

Transport: Construction and Demolition Management Plan

The submitted Construction Management Strategy will form the basis of a future Construction Management Plan, the provision of which should be secured by means of the Section 106 Agreement. This would also need to cover the full extent of the demolition which is expected to take 5 months. It is expected that there will be 2-5 large vehicle trips to the site per day during the demolition and main construction phase. Banksmen will supervise deliveries entering and exiting the site. The entire construction process is anticipated to take 18 months to complete. The CMP/DMP would be required to identify details of mitigation measures to cover on-site dust, pollution, noise and vibration.

The absence of such an agreement would likely lead to a detrimental impact on local pedestrian and cyclist safety and the smooth running of the local transport network and is a reason for refusal.

Transport: cycle parking

Each dwelling has an allocated internal space at courtyard level to accommodate a bicycle, in accordance with policy DP18.

Transport: cumulative impact

In respect of assessing the cumulative pressures placed on the local car parking network by other recent developments it is considered that the examples cited in objections (the gym and Tesco Express store on Fortune Green Road) are sufficiently removed from the site to be unlikely to have a significant impact on parking conditions on this section of Gondar Gardens.

Transport: Conclusion

Overall the proposals are acceptable on transport terms, subject to a S106 to secure a contribution to cover highways works, car-capped development, a Construction and Demolition Management Plan. Failure to secure these measures by way of S106 is the basis for refusal.

7. Landscaping : overview

The proposals set out that 'the landscaping on the site will complement and integrate the architecture of the buildings and are an art form in their own right'. There are various areas of landscaping, each of different character.

The most prominent aspect of the proposals is the entrance area. A line of Purple Plums along the frontage of the site was recently removed, although these trees were not subject to LA jurisdiction. The Landscape Plan shows new planting along the frontage including 7 No. new Cherry trees to replace the trees and other vegetation lost. The entrance area at grade on Gondar Gardens would also provide formal planting and an area of seating, apparently for public access. Trees on the eastern and south eastern boundaries of the site are covered by a Group TPO (Refer C378-G1). In excess of 1/3rd of the eastern end of the site is retained as existing vegetation, including the TPO trees, to be maintained as a wildlife area which ensures that the existing character of this portion of the site is maintained.

Green Walls are also proposed for the refuse pavilion to soften its visual impact. An area of formal planting is proposed, within a gated area with low metal railing along the front boundary of the site. This would maintain the openness of the immediate frontage and along with the trees and vegetation allow the site to continue to contribute to the character of the street scene.

The private dwellings would be partially planted with green/brown roofs. This would represent a partial mitigation of the impact of the lost grassland on the site. No details are provided of the split between green and brown roof areas. In the event of an acceptable scheme being found various details would be sought by condition, prior to commencement of development including:

- details of hard and soft landscaping and means of enclosure of all unbuilt, open areas
- full details in respect of the green and brown roof in the areas indicated on the roof plan
- a method statement for the protection of trees implicated in the development and the implementation of such measures have been inspected and approved on site by a Council Tree Officer

The site presents significant challenges to planting regimes within the retained reservoir form. Much of the courtyard level amenity space would be in partial shade due to the finished levels. Within the communal green spaces at courtyard level the planting scheme would be small shade tolerant ornamental plants. It seems unlikely that grass would be successful within such a shady environment.

Overall the landscaping proposals are acceptable, within the context of the constraints of the site.

Landscaping: Impact

In general the applicants have sought to minimise the visual impact of the development by setting the new buildings into the existing structure of the reservoir. A Visual Landscape Assessment has been carried out which examines the impact of the development on the character of the site and townscape and the impact on views.

In assessing the impact on site character it summarises the site character (para 5.2.1) as '*previously developed land.... essentially open in appearance*' although (5.2.2) '*the sensitivity of the site is considered to be low as it enjoys a substantial degree of visual containment*'. While officers consider that from the street the land has clearly been formed by human intervention this does not degrade the amenity benefit of the green space. The VIA assessment appears to overlooks the fact that the site is currently a green space, with no significant visual built form above ground. The character could be more accurately summarised as 'open, unbuilt and green'. The VIA states that '*the development will represent a partial but high degree of change to its character, due to the introduction of the new dwellings. These are likely to be relatively prominent in ground level views from Gondar Gardens and in views from the upper storeys of the surrounding properties*'. Officers concur with this observation. However despite this observation the report concludes that "*This effect is not considered to be significant, since the surrounding townscape is of no more than medium sensitivity, the visual influence of the development will be limited and the overall openness of the site will largely be maintained*".

In examining the impact on Townscape Character the VIA further concludes that '*The development will displace the green character of a substantial proportion of the site, although the impact of the new dwellings will be mitigated in part by the proposed landscaping and green roofs. In addition, the low profile of the development will retain the perceived openness of the site and will ensure that its visual impact will be extremely limited. The overall effect on townscape character is therefore considered to be minor and not significant*'. These conclusions are not considered to be correct. The new built form along the street elevation would completely alter the visual perception of the site as an open unbuilt space and essential green character of the site would be significantly altered by the removal of the reservoir roof and the insertion of built form within it.

In assessing the impact on views the report does not set out clearly what the views are, however it can be derived from the text that they are views *into* and *across* the site from 1. the street and 2 neighbouring properties. The report concludes that the impact on views is likely to be low in all cases, however conversely the report also states that "*Users of Gondar Gardens, will experience clear views of the front of the development*" and furthermore "*most residents with properties that overlook the reservoir site are likely to experience views of the development, especially in winter (when screening by vegetation is reduced)*". The contrast with the surrounding green space provided by the rendered upper floors of the dwellings is likely to make them particularly noticeable in views from upper floor windows.

In essence the open unbuilt (i.e. clear sky) appearance of the site as viewed from lower level neighbouring windows is unlikely to change significantly and officers agree with the VIA statement in respect of those particular views : "*since most of the development will be set below existing ground level it will not intrude into the wider views across the site.*" However this is only part of the visual character of the site which omits its essential green nature as viewed from the upper floor rear windows and the street, which would be irrevocably lost to visible built form altered across much of the designated open space.

Overall it is considered that despite the efforts to preserve some local views and mitigate the removal of large areas of green space by planting living roofs, the development would significantly harm the visual character and thus amenity value of the site. This loss of amenity, contrary to CS15, forms the basis of a reason for refusal #1.

8. Sustainability

The applicant expects the development to reach level 5 of the Code for Sustainable Homes and this feature is presented as a key constituent of the overall 'low impact' approach to the re-development of the site. In general the aim to reach Code 5 is laudable and is welcomed in terms of the Council's energy reduction and sustainability aims, as set out in policies CS13, and policies DP22, DP23 and DP32. A detailed report on the sustainability credentials of the scheme has been submitted.

The report identifies several key areas as follows:

- All dwellings will have Zero emissions as measured using SAP 2010.
- The proposals would result in achieving 91% improvement on 2010 Part L of the Building Regs with the

remaining 9% achieved through off-site 'allowable solutions'.

- All dwellings will have rainwater harvesting installed and will achieve a water consumption level of less than 80 litres per person per day .
- On-site PV panels would generate 12% of the sites electricity requirements.
- The level of surface water discharges will be reduced post development to be no more than at current.
- The overall levels of ecological value will be increased and all ecological features on the site will be protected.

Specifically the proposals set out that the onsite reductions in CO2 emissions would be achieved by utilising levels of insulation far beyond that required to achieve compliance with Part L of the Building Regulations. This would be combined with a dual mechanical and passive ventilation system that recovers heat from exhaust air to heat the dwellings. The space heating requirements would be less than 39kWh/m2/year for mid terraced homes and 46kWh/m2/year for the four end of terrace homes as required for Carbon Compliance.

A site wide Combined Heat and Power (CHP) plant will provide all heating and hot water and a small Photovoltaic array will be connected to each dwelling. This combination of technologies will achieve the newly proposed On-Site Carbon Compliance standard of 11kgCO2/m2/yr.

In order to achieve Code Level 5 the proposals would further measures not achievable on site ('allowable solutions'). Allowable solutions can take a number of forms with the most obvious being the installation of renewable energy technologies on a building near the proposed site. Whilst an actual site for the off-site provision has not yet been identified or agreed, the applicant states that they have explored the potential of possible school sites within the locality. If that were not possible then alternatives could potentially include:

- PV Array on a local public building in Camden
- Other alternative Renewable Energy system within Camden
- Energy Efficiency measures on local homes
- Payment to Local "Green Fund"

Such measures would need to be secured by S106 legal agreement. The failure to secure the necessary on-site renewable energy measures including CHP, Level 5 of the CfSH and the necessary allowable solution measures in order to achieve Level 5 would be contrary to the Council's aims of making all new development highly sustainable, and forms the basis of two reasons for refusal (one in respect of CfSH and the other in respect of renewable energy measures).

9. Community safety and social cohesion

At present residents have set out that the presence of trespassers on the reservoir is easily identified and remedied with a call to the police. Several residents have raised the prospect of reduced security along the rear boundary fences with adjoining properties, due to the increased presence of residents on site and a blurring of the distinction between who may and may not be present.

The applicant has discussed the proposals with the MET Crime Prevention Design Adviser and various recommendations have been followed through. These recommendations have focussed on securing the site against unwanted entry and intruders. The design of the development is aimed at limiting the opportunity for non-residents to enter the site, which would be controlled by key access.

In Policy CS17 the Council seeks to ensure that development fosters sustainable communities which meet the needs of existing and future residents, their children and other users; contribute to a high quality of life; and provide opportunity and choice. To achieve this, development should, among other things, enhance the environment and promote social cohesion. More specific to the proposals appeal the explanatory text in para 17.5 states: "*The Council wants to ensure that Camden's spaces and places can be used by all members of the community. People will make more use of high quality, safe streets and places and this will, in turn, increase perceptions of safety and reduce the opportunities for crime. Development which restricts movement into or through a scheme, such as 'gated' developments will not be permitted*". This approach is supported by policy CS6 which aims "to minimise social polarisation and create mixed and inclusive communities across Camden by: j) seeking a diverse range of housing products in the market and affordable sectors ..." and "k) seeking a range of self-contained homes of different sizes to meet the Council's identified dwelling-size priorities" and

The proposals have emerged from the premise of making a low-impact on views from the street. However this has resulted in an inward looking, self-contained development with limited links to the surrounding communities. The inclusion of a buffer zone of refuse store and car lift pavilion, behind railings in a formally

landscaped forecourt with undefined and dubious public accessibility, serves to further disconnect the development both visually and socially from the surrounding communities and street scene. The function of the pavilion buildings would not encourage occupants of the new development to linger at street level and would not present an active frontage to the street. This would be further compounded by the low density nature of the development which would house limited numbers of occupants.

The LDF and associated guidance create a normal presumption against the creation of gated areas, which are perceived as dividing communities and reinforcing negative perceptions of an area. The development has been conceived to be low impact locally but this is accompanied by a failure to connect with the local community. It is considered that proposal would fail both to promote social cohesion contrary to policies CS6 and CS17 and the application is refused on this basis. It may be necessary to ensure that the adjoining open space is maintained behind a secure boundary, at least in part to minimise potential harm to the wildlife on the site. The issue of controlled access to the maintained open space forms a separate consideration from the gating of the residential development itself. See community and regeneration below for more discussion.

10. Community and regeneration

The applicant proposes to retain approx 6750sq.m of private open space beyond the perimeter of the reservoir structure and to dedicate it for nature conservation. The submitted Ecological Action Plan recommends that a Habitat Management Group be set up to oversee and guide management of the Wildlife Area. The planning statement sets out that the land *"could then be potentially opened up to the public under a controlled management scheme which will enable greater public access to open space within West Hampstead."* Details of this arrangement have not been discussed with officers.

It is relevant to note that only two mentions have been made in the 94 letters of objection to the site to suggest that accessibility to the open space should be improved for local residents, schools etc. The vast majority of residents who responded mentioned the green, unbuilt, 'unspoilt', ecological and wildlife biodiversity character of the site. The expressed local desire for the future of the site does not include increased accessibility but instead seeks the retention of the open green space for purposes of general visual amenity and environmental/wildlife reasons.

Policy CS15 sets out designated open spaces would be protected. In the event that the redevelopment of the reservoir basin were to be acceptable and the nature conservation and biodiversity values of the adjoining land were to be improved, the wildlife site may have some capacity for controlled public access. Full details of all improvements to the natural value of the site would need to agree in detail as part of any permission, with the terms of ownership, maintenance, access, monitoring and enhancement agreed and secured by way of legal agreement. Although policy DP31 anticipates that new or improved open space would be secured for public access the capacity of the site to facilitate controlled public access would need to be assessed further in the context of the improvements, retained site area, and the recommendations of a partner or management body with the relevant wildlife expertise. It is therefore considered that there may be potential for public access to the retained open space but the level of access would require further exploration and agreement. A financial contribution towards the satisfactory maintenance and control of the site would also be required. Failure to secure such terms by way of S106 legal agreement would likely lead to the neglect and deterioration of the open space and constitutes a reason for refusal.

LDF policy DP15 seeks to secure support for existing community facilities from new developments. Adopted CPG (2006) states that the Council may ask for contributions to local community facilities for developments including 10 or more residential units where the development is likely to result in increased demand. The consultation version of the new CPG retains this threshold and includes a formula which identifies a contribution towards local community facilities of £980 per bedroom. The consultation CPG sets out the rationale for this payment. There is a need for investment in community facilities in the local area and the Council would therefore expect a contribution towards local community facilities to be secured as part of a s106 legal agreement. The contribution recommended (assuming 16 units, each of four bedrooms) is $16 \times 4 \times £980 = £62,720$.

In this location the priority use for any funds secured would likely be as a contribution to the rebuilding and extension of the Fortune Green Play Centre to enable it to accommodate the Sington Nursery, which is at present accommodated temporarily in Broomsleigh Hall in Mill Lane. The relocation of the nursery would assist in freeing up Broomsleigh Hall for community use to meet the needs of residents in West Hampstead ward. The failure to secure such a contribution would be likely to place unacceptable strain on local community facilities and is contrary to policies CS5, CS10, CS19 and DP15 and is refused on this basis.

Community and regeneration : Employment and local procurement

LDF core strategy CS8 (promoting a successful economy) para 8.25 states that large schemes which will have a significant job creation potential will be expected to provide local employment and procurement opportunities. This development qualifies as a large scheme and hence employment and local procurement obligations would be sought by way of S106 legal agreement. No financial contribution required, but the Council would expect

- An agreement to work with the Kings Cross Construction Skills Centre, the Council's construction skills centre in York Way, to support the recruitment of Camden residents to jobs created during the construction of the development and to work towards a target that 15% of jobs are filled by Camden residents
- An agreement to provide three construction industry apprenticeships to Camden residents recruited via the Kings Cross Construction Skills Centre, each apprentice to be employed for at least 52 weeks and paid at the National Minimum Wage or above (3 apprenticeships based on target of 1 apprentice per £3 million construction costs and my estimate that 5,120 sqm new build equates to a minimum of 10 million+ construction costs)
- An agreement to work with the Council's local procurement team to provide opportunities for Camden-based businesses to tender for the supply of goods and services during the construction of the development

The failure to secure such measures to support local enterprise development, employment and training schemes for Camden residents would be contrary to policy CS8 and is refused on this basis.

11. Basement and demolition proposals

The existing reservoir has many of the characteristics of a basement. It is fully subterranean with side walls supported by internal buttressing to prevent inward bowing and currently has limited openings to the sky. The work that is proposed would sit entirely within the existing structure; however it would involve considerable demolition and alterations to the structural fabric of the reservoir. The removal of structural fabric would approach within 8m of Chase Mansions to the North and 10m of South Mansions. The unloading of the roof could have significant implications for the stability of the retained structure.

No details have been provided in respect of a Basement Impact Assessment and no assessment of the potential impact of the demolition and structural work on nearest properties has been provided, contrary to the requirements of policy DP27. Concerns have been raised by local residents about the impact of construction on subsidence of nearby properties. It is considered that the absence of information providing any assessment of the potential impact of these significant structural works is contrary to policy DP27 and the application is refused on this basis.

Basement proposals: Surface water attenuation/SUDs

The applicant submitted a Flood Risk Assessment which made recommendations about further work to be carried out in respect of SUDs but with no specific details of a proposed SUDs scheme. The FRA did set out that the site would need to maintain the existing runoff rate of 8.7l/s, despite the significant increase in hardstanding on the site. This approach is necessary to meet the terms of target level 5 of the Code for Sustainable Homes. In addition LDF policy DP23 seeks to minimise the impact of new development on the water infrastructure and to make efforts to minimise future flood risk.

However the Environment Agency have objected to the proposals on grounds and recommend that the application be refused on grounds that the submitted flood risk assessment does not demonstrate the sufficient mitigation for the level of flood risk arising from the development. In particular ES identified that the Flood Risk Assessment failed to take account of:

- the impacts of climate change,
- the effect of a range of flooding events on people and property and
- a demonstration that runoff could be minimised to 8.7l/s.
-

A detailed objection from HARRA also identified possible shortfall in the scale of the proposed surface water runoff holding tank. The Environment Agency has indicated that sufficient information has been provided to overcome their objection, however they have not yet formally withdrawn their objection.

In response the applicant has provided a revised surface water attenuation statement supported by further calculations in respect of the surface water runoff rates and holding capacity of the site. The total surface water storage area on site has been calculated as a combination of green/brown roof storage, individual rainwater harvesting systems attached to each dwelling and the addition of a suitably sized sump to hold water in the short term during peak rainstorm events. The calculations in respect of the total area of storage by green and brown roofs (RSK drawing Drainage Area Plan) appears to be highly optimistic, not least by including areas of roof structure which are not indicated as incorporating living roofs. The solar panels would share the roof space

with the brown roof designation, which suggests a potential conflict in terms of ensuring optimal rainwater holding capacity. Notwithstanding these discrepancies the sump would be oversized to compensate for deficiencies elsewhere and overall it is considered that final details of the SUDs could be secured by condition. The calculations design for a 1/100 storm water event with 30% further contingency for climate change. Although the remaining issue of impact of flooding on people and property was not specifically answered it seems likely that the mitigation measures on site would ensure that the development would not have a detrimental impact on the off-site sewerage or drainage infrastructure.

12. Land Contamination/Air quality

The site made the transition from greenfield to reservoir with limited intervening uses. The use of the site as a store for potable water means that there is unlikely to be any significant contaminant risk on site. No further details would be sought by condition.

It is acknowledged that Camden falls within an Air Quality Management Area and therefore all large scale applications should be assessed for their impact on Air Quality. In particular this development proposes the installation of a small scale CHP plant, which brings with it Air Quality implications. The applicant has submitted an Air Quality Assessment (AQA) report as part of the ES. The AQA did not model the impact of increased transport arising from the development, considering it would be relatively minimal in comparison to the existing local transport conditions. The report therefore focuses on the proposed new gas-fuelled CHP. The CHP would be located at the East boundary of the reservoir, furthest from the road. The AQA concluded that the impact of the increased NOx emissions arising from the CHP flue would be imperceptible or slight, when compared to the background NOx figures at local receptor sites.

The AQA further sets out that the dust emissions during the demolition and construction phases would be effectively controlled by dust control measures on site. As part of any acceptable proposals for the specific dust emission control and mitigation measures would be required as part of a Construction and Demolition Management plan, to be secured by way of S106 legal agreement. The absence of such mitigation measures would result in potential harm to local amenity, air quality and health, contrary to policies CS5, CS13, CS16, DP26 and DP32 and constitutes a reason for refusal.

13. Other matters: Refuse and recycling

The dwellings are generously proportioned internally and would contain ample space for local storage of waste and recycling. In addition a communal area would be provided for refuse and recycling close to the street frontage, in a dedicated building. This would sufficiently sized to meet the storage requirements for the development and is acceptable. It would be within 15m of the street for ease of collection by public waste contractors.

Conclusion

As first view the proposals for a new housing development which packages forward thinking sustainability credentials, high quality design and limited visual impact in a market-led scheme are laudable. However a closer assessment identifies constraints, assumptions and development characteristics which undermine the acceptability of the scheme.

Most significantly the proposals would result in the re-development of a large proportion of a site identified and protected for its open space amenity, biodiversity and ecology value with a SNCI designation qualifying this value. The green space character of the site would be significantly eroded and a large area of neutral grassland would be lost.

The Council has long argued that the nature conservation and open space considerations attached to the designated space outweigh the potential of the open space to be designated as a housing location. Policy CS15 does not support derogation from the fundamental principle of protecting areas of open space, either public or private. The applicant has argued that the reservoir is in a state of accelerated collapse, which brings with it a requirement to re-appraise the future of the site. This need for a review is consistent with the Inspector's view (in considering the UDP Inquiry of 2005) that "the future of the site should be subject to continuing consideration" (Camden Replacement UDP Inspector's Report para 11.2.3). However the Inspector did not follow this with a presumption that the site should be re-developed. In any event third party expert opinions on the merits of the applicant's structural assessment find little common ground in terms of outcome and recommendations. The issue of the reservoir's imminent state of collapse would require considerable further investigation and assessment.

Finally the council considers that the justification accompanying the development proposals that "*the opportunities to provide greater public access to nature conservation and public open space outweigh any perceived loss of grassed roof designated as private open space*" do not outweigh the primacy of the impact of

the net loss of open space.

The development itself would be an inward looking, low density, self-contained residential scheme with limited visual or physical links to the wider community and townscape in which it would be located. It would fail to provide affordable housing on site, with an unsound justification for this failure. The extent of off-site provision proposed in-lieu of affordable units on site also falls far short of an acceptable offer. The scheme would be an exclusive development which is entirely uncharacteristic of the area and contrary to the Council's policies which seek to minimise social polarisation and create mixed and balanced communities. The failure to provide affordable housing on-site would exacerbate this polarisation.

Should the scheme go to appeal and the Inspector indicate that the evidence relating to the site as a whole justified that some portion of the open space should be redeveloped, then the council would seek a higher density of development, with an appropriate mix of unit sizes and tenures, including affordable housing, in a scheme that integrates comfortably with the surrounding neighbourhood in social and townscape terms and which balances the needs of the retained open space in design and environmental terms.

Recommendation: Refuse permission.

