

# West End Lane, West Hampstead

in the London Borough of Camden

planning application no. 2011/6129/P

## Strategic planning application stage II referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

## The proposal

Full planning permission for a residential led mixed-use development including 198 residential units, retail space (A1-A5), office (B1) and community space (D1). The proposal also includes vehicle parking, a new public square and improvements to West End Lane.

## The applicant

The applicant is **Ballymore and Network Rail**, and the architect is **John Thompson & Partners**.

## Strategic issues

The strategic issues including the **principle of residential development on a constrained site, noise and vibration; air quality, housing, affordable housing, design and access, heritage and townscape, climate change and transport matters have been broadly addressed.**

## The Council's decision

In this instance Camden Council has resolved to grant permission.

## Recommendation

That Camden Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

## Context

1 On 20 December 2011, the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application is referable under Category 1A1, 1B.1c and 1C.1c) of the Schedule to the Order 2008:

*“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*

#### 1B.1c

*“Development which includes the erection of a building or buildings outside central London and with a total floor space of 15,000 square metres.*

#### 1C.1c

*“Development which comprises or includes the erection of a building of one or more of the following descriptions— (c) the building is more than 30 metres high and is outside the City of London”*

2 On 25 January 2012, acting under delegated authority, Sir Edward Lister, Deputy Mayor and Chief of Staff considered planning report PDU/2832/01, and subsequently advised Camden Council that the application did not comply with the London Plan, for the reasons set out in paragraph 108 of the above-mentioned report; but that the possible remedies set out in paragraph 110 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 1 March 2012, Camden Council decided that it was minded to grant planning permission and on 14 March 2012 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Camden Council under Article 6 to refuse the application or issue a direction to Camden Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 27 March 2012 to notify the Council of his decision and to issue any direction.

## **Update**

4 At the consultation stage Camden Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 108 of the above-mentioned report; but that the possible remedies set out in paragraph 110 of that report could address these deficiencies:

- **Principle of development** (non compliant): Further testing is required regarding the noise, vibration and air quality conditions created across the site, in particular at the western apex which is proposed to accommodate affordable housing.
- **Affordable housing, mix, tenure and density** (non compliant): The findings (of the independent review of viability) will inform further discussion regarding these policy areas.
- **Urban design** (non compliant): the design team should consider verifying the views from the south and provide commentary on any potential heritage impacts. The layout of block G needs further work.
- **Noise and vibration** (non compliant): the noise impact is a concern and mitigation and design measures need to be secured. The suitability of the site for residential, particularly and the western apex is being considered in further detail.
- **Air quality** (non compliant): the air quality information is being further considered by the GLA.
- **Transport** (non compliant): a contribution to fund enhancements at West Hampstead station may be required. Clarification of the trip generation methodology and number of

## Summary of amendments

5 Since the Deputy Mayor’s consultation response, the following series of amendments have been submitted. The updated housing mix is set out below and as reported in the Council’s planning report:

- The overall number of units has reduced from 203 to 198.
- The entrance to block G has been redesigned.
- One parking space serving the B1 floorspace has been deleted.
- The access road has been widened from 3.7m to 4m along with some expansion of the space set aside for servicing vehicles.
- The amended housing mix is shown below in table 1.

Table 1 bedroom size mix

	1-beds	2-bed	3-bed	4-bed	Total
Social rent	1	8	20	4	33
Intermediate	10	10	0	0	20
Market	50	87	8	0	145
Total	61	105	28	4	198

## Conditions added

6 The following condition and informative was added as described in the Camden Council meeting minutes:

*“Notwithstanding the approved plans, prior to the occupation of any of the units a scheme shall be submitted to, and approved in writing by, the Local Planning Authority indicating the position of parking spaces to be set aside for car club bays. The parking spaces shall thereafter only be used for the parking of car club vehicles unless the Local Planning Authority gives written consent for any variation.*”

*Reason: To ensure the development provides adequate car club facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 of the London Borough of Camden Local Development Framework Development Policies.*

*Informative: Pursuant to condition 20 above, the applicant is advised that the Council is seeking additional car-club spaces to the two already proposed on the approved drawings.”*

7 The following sections set out the response to the Deputy Mayor’s comments made at the consultation stage.

## Principle of development

8 At the consultation stage the Deputy Mayor raised the matter of noise, vibration and air quality impacts and that these needed further consideration in terms of the principle of residential led development on a site surrounded by significant rail and road infrastructure.

9 Since then the GLA has commissioned independent advice on these technical matters which is summarised below:

### Noise and vibration

10 The GLA's consultants have raised a number of matters regarding the noise and vibration assessment including the lack of consideration beyond PPS24 including the requirements of the London Plan and Camden's local policy requirements. A number of areas of clarification are sought however the details of this can be controlled by suitable planning conditions regarding noise and vibration standards for future occupants.

11 Camden Council reports on the matter as follows:

*"The site is adjoined by railway lines to the north and the south and a main road to the east, all of which are significant sources of noise. The developer has provided an assessment of noise and vibration levels as part of the application, as well as details of proposed mitigation measures. This identifies the noisiest part of the site as being along its northern edge due to rail freight traffic along the Overground line. Almost all of the site is identified as being within Noise Exposure Category (NEC) C for the purposes of PPS24, with a narrow strip within NEC D along its northern edge. NEC C land is identified as being where development is possible subject to appropriate mitigation measures being incorporated into the design whilst residential development is usually not appropriate on NEC D sites. The proposal would avoid placing residential units in the NEC D part of the site. A range of noise mitigation measures are proposed, including a 'whole house ventilation system' ensuring air is circulated without the need to open windows, high performance glazing, sprung foundations to reduce vibration and acoustic screening immediately along the railway lines. It is considered that subject to conditions requiring detailed specification of the noise mitigation measures, acceptable internal noise standards could be achieved in accordance with Camden's guidance and policy DP28"*

12 Detailed draft condition 6 of the draft decision notice sets out the following:

*"Before development commences, a scheme of mitigation against noise and vibration with the development, including details of acoustic screening and sprung foundations, shall be submitted to, and approved in writing by, the local planning authority. The scheme of mitigation shall include details of how noise and vibration levels within each unit shall comply with the relevant standards. The development shall thereafter not be carried out other than in complete compliance with the approved scheme and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.*

*Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies."*

13 The GLA's consultants conclude that for planning permission to be granted detailed conditions should secure further consideration of the impact to ensure suitable internal living conditions.

14 In terms of the design approach the GLA reported previously that the layout to most of the blocks was well considered and recognised the need for multi-aspect living arrangements to ensure units do not have a single aspect to particularly noise sensitive conditions. As previously reported

15 Officers are satisfied the design approach and condition set out above will ensure suitable living conditions can be achieved on this constrained site.

#### Air quality

16 The GLA's air quality consultants have reported as follows:

*"The proposed development is within an Air Quality Management Area and the granting of planning permission needs to be considered in this context. The assessment identifies that annual mean concentrations of NO<sub>2</sub> are predicted to exceed the Air Quality Objective at existing residential receptors. Annual and daily mean PM<sub>10</sub> concentrations are predicted to meet the Air Quality Objectives [AQOs]. The assessment identifies that the development has the potential to introduce new residents to areas of poor air quality.*

*It is considered unlikely that there would be any adverse dust effects during the construction period, assuming the mitigation measures contained in the assessment, which although they do not follow the London BPG, do contain measures held in the guidance relating to a site of this size. However, no information relating to construction traffic or the travel plans for the workers attending the site, have been provided. Effects associated with construction traffic have therefore not been considered in the assessment but are unlikely to have an effect on the long-term air quality or the ability of the local authority to meet the AQOs.*

*During the operational phase of the proposed development, it would seem that road traffic is unlikely to significantly affect local air quality, as the impact of operational traffic on both existing and proposed residential receptors is considered to be negligible or slightly beneficial. However, there appears to be no consideration of the potential for background NO<sub>x</sub> and NO<sub>2</sub> concentrations to remain at 2010 levels in the assessment. This could mean that the NO<sub>2</sub> concentrations at the new receptors are closer to the annual mean NO<sub>2</sub> Air Quality Objective or exceeds it, when the development is operational. Whilst this is the case the existing receptor locations, which already exceed the annual mean AQO for NO<sub>2</sub>, are predicted to continue to experience exceedences with the development in place. To mitigate this the Travel Plan will be developed for the site to further reduce emissions associated with road traffic.*

*The emissions from the proposed CHP plant have been considered at identified receptor location and on a 1km by 1km grid. However no assessment of the effects of emissions from the CHP Plant for residential receptors at height has been undertaken. In addition there is no reference as to how the stack height of 26m was reached. This may affect the pollutant dispersion from the stack in particular the location of the maximum ground level concentration and the effect of the emissions from the stack at receptors at height. No mitigation measures for the CHP Plant have been proposed. Only 3 years of meteorological data have been considered in the assessment, whereas five years should have been used.*

*Whilst this is the case the emissions from the proposed CHP for the site have been considered cumulatively with the road traffic emissions from the site. Only at the location on the modelled grid of maximum ground level concentrations are cumulative effects considered to be slightly adverse. This location is close to the new proposed residential part of the development."*

17 London Plan policy 7.14 sets out that development proposals should be at least air quality neutral and not lead to further deterioration of existing poor air quality.

18 The concept of air quality neutral developments is referenced in the Air Quality Assessment, although it is not demonstrated that the development is considered as meeting the requirements of an air quality neutral development. The 2011 London Plan Glossary defines air quality neutral as being where best available techniques have been applied to minimise pollutant emissions. The Early Minor Alterations to the London Plan (February 2012) deletes this definition.

19 Mitigation measures have been included for road traffic and road traffic from the development is not predicted to lead to a further deterioration of air quality. However, the emissions from the CHP and road traffic together are predicted to result in slight adverse effects at the location of maximum ground level concentrations, which is located close to the residential part of the new development. Predicted effects at the actual modelled receptor locations (both existing and proposed) however were negligible.

20 The applicant has carried out a further air quality assessment in response to the concerns raised by the GLA. The details of this will be reported verbally to the Mayor. In relation to air quality impacts of construction the proposed Section 106 agreement includes specific measures to monitor and control PM10 and NOX emissions.

## **Affordable housing**

21 The housing offer is set out in table 1 above and has been the subject of continued discussion with the Council and the applicant.

22 The Council reports as follows:

*“Following an independent assessment on behalf of the Council of the viability report provided by the developer, the amount of affordable housing has been increased to 32% of the residential floorspace. Furthermore, an additional 4 family sized social rented units would be created at the expense of intermediate units, amending the split between the types of tenure to 70/30. A total of 24 family sized affordable units would be provided, addressing an acute need within the Borough. Although Camden’s planning policy stipulates that a 60/40 tenure mix is preferred, given the capacity of the site to provide family sized affordable social rented units, which is less likely to be possible on smaller sites, it is considered that these should be given the priority in this scheme. It should also be noted that social rented units are more expensive for the developer to provide than intermediate ones. This was considered by Camden’s independent surveyors to be the maximum level of affordable housing that could reasonably be provided. In summary it is considered that the level of affordable housing proposed is reasonable and would be in accordance with policy DP3.”*

23 In terms of review mechanism the Council reports as follows:

*“On the current scheme, it is proposed to incentivise the early commencement of development in order to secure funding for the Overground station upgrade and to provide the social rented units, the majority of which would be constructed first. Therefore, the s.106 agreement will require an updated viability assessment if the construction of the development is not underway within 18 months. Furthermore, if all of the blocks have not reached practical completion within 30 months of the implementation date, the viability of the remainder to be constructed would be reappraised, with an increase in value triggering an off site contribution to affordable housing. This is considered a reasonable alternative to the usual reappraisal mechanism given the desirability of the early commencement of development.”*

24 GLA officers are broadly satisfied with the approach adopted in this instance. The housing mix is broadly acceptable and provides a mix of family units. The tenure split in this instance is 70/30 social rent/intermediate. The social rented product is delivered without grant on the basis of traditional social rent product. In this instance officers are satisfied that the overall delivery is reasonable so as not to constrain overall supply. The offer is broadly consistent with the objectives of policy 3.12 of the London Plan.

## Urban design and access

25 The Deputy Mayor raised a number of detailed design comments at the consultation stage including layout of block G, view 12 in the townscape assessment, and other impacts on historic assets. In addition the number of lifts in block C, D and E needed further consideration. The applicant has amended the layout of block G to improve access arrangements so that the entrance point is more visible from the street to improve legibility. The applicant has not however responded to the other matters raised at the consultation stage regarding lift access arrangements (providing more than one lift per core) and verification of view 12. Furthermore the applicant has not commented on the matters raised regarding heritage impacts.

26 The Council's report notes the following regarding height and massing

*"Height and Massing: The development of the height and massing on the site has resulted from the location of the site in an area of intensification, the sites high public transport accessibility, the unique and constrained condition of the site and also the desire to limit the impact of the proposed blocks on neighbouring properties. As stated in the Design and Access Statement, early public consultation exercises demonstrated a local preference that the built form be broken up with gaps between the buildings and the buildings on the West End Lane frontage should be of an equivalent scale to the existing West End Lane frontage.*

*The proposal steps up in height from West End Lane with a 5 storey building up to the tallest block (Block D) at 12 storeys and stepping down to 6 storeys at the western end of the site. This disposition of height across the site is considered to provide the optimum arrangement in terms of preserving the historical context of the building frontage onto West End Lane, reducing the potential impact on adjoining properties and providing usable open space.*

*The visual impact of this arrangement on the surrounding area is shown in a series of verified views around the site. View 1 shows the view from the entrance to the play space on Iverson Road. In this view the built form steps down towards the western end of the site, down towards the playground. View 2 is shown as looking along Medley Rd towards the site. Blocks F and G are partially visible behind the group of trees at the end of the road. In View 3 between the commercial units at 166 and 190 Iverson Rd Blocks E and D are visible, however the gap between the buildings maintains views the sky beyond. View 4 at the entrance to Rowntree Close shows a view through to Block B. View 5 shows part of Block B visible from the entrance to the courtyard of Hampstead West commercial development. Views 6 and 7 from the Thameslink Railway Station and from adjacent to the Travers Perkins building on West End Lane shows the tree line at the eastern end of Iverson Rd screening views to the site during the summer and autumn months. The winter version of View 6 shows the buildings visible in winter and spring. In View 8 looking across West End Lane on the eastern side close to the junction with Iverson Rd shows there is no significant view of the site. Views 12 and 13 show Block D visible northwards along Hilltop Rd but not otherwise visible from the public domain south of Sherriff Road.*

*Views 9,10 and 11 look towards the site from the junction of West End Lane with Blackburn Rd, from the entrance to West Hampstead tube station and from close to the junction of West End Lane with Broadhurst Gardens. These views, along with the winter views for view points 6 and 7, are where the buildings are most prominent. However, as in all of the views, it is considered that the proposed built form adds a visually attractive addition to the townscape in West Hampstead in a way that is contextually appropriate and fits comfortably with the site and its surroundings. This has been done by the attention given to the modulation of building height across the site (rising from West End Lane to a high point and then dropping down to the western end), the modelling of the individual blocks with projecting balcony frames on south eastern corners, double height groupings of elements, set back top storeys and use of colours and details that draw from familiar local architecture."*

27 GLA officers are broadly satisfied that the impacts described in the townscape analysis are acceptable and that the proposals and analysis described above is acceptable. The proximity of the site and the nature of views from the conservation area would preserve its character and appearance in both instances.

### *Density*

28 As set out in the Mayor's response to the consultation the density of the development required further clarification. The Council confirms the density at 604 habitable rooms per hectare, which is within the guidance in the London Plan of 200-700 habitable rooms per hectare on sites with public transport accessibility level of between 2 and 4. The approach is broadly consistent with the London Plan objective to optimise site capacity.

### **Transport for London's comments**

29 At Stage 1, TfL raised a number of issues including trip generation, London underground infrastructure protection matters and requested that a contribution along with the safeguarding of land to facilitate the West Hampstead station enhancement project be secured. A travel plan including a delivery and servicing plan (DSP) and a construction logistics plan (CLP) were also required to ensure compliance with London Plan transport policies.

30 A total of 15 car parking spaces have been proposed and all of them will be allocated for blue badges. In addition, 2 disabled visitor spaces will be provided which is all welcomed in recognition of the excellent accessibility of the site. Electric vehicle charging points will be installed in line with London Plan standards and as such, this level of parking provision is accepted as being in line with London Plan policy 6.13.

31 A total of 233 cycle spaces are proposed for all land uses. A further 16 Sheffield stands for use by visitors are to be provided at ground level. The level and allocation of cycle parking is considered acceptable and in line with London Plan Policy 6.9.

32 The development falls within the London Underground Limited Zone of Influence. Necessary conditions to protect the integrity of the underground network have been secured to the application in question, which is welcomed.

33 At Stage 1 the applicant was made aware of TfL's high level existing scheme to provide a step free access solution at the West Hampstead Overground station, independent of the West End Lane development. As part of the Camden Council Core Strategy and its Site Specific Allocations draft DPD, this site is expected to facilitate the upgrade, including the extension and step free access solution, of the Overground station. The area is designated in the London Plan as a site for intensification and as a strategic interchange in the Mayor's Transport Strategy. Recognising this policy status and the challenges caused by the levels for an interchange, TfL has subsequently redesigned the step free access scheme in order to facilitate an integrated future station expansion with the development's new public square at West End Lane through the proposed end retail unit. This unit will be leased by the applicant on a short term basis and will be released to TfL upon notification for scheme implementation.

34 In order to facilitate this two stages solution has been designed. This consists of the delivery of the lifts in the first phase, accessible from the station wings, and the extension in possible form of either a new side ticket hall or a slab approach, in the second phase. Both phases will provide a wider pavement width on West End Lane.

35 A contribution of £900,000 payable to TfL through the s106 agreement has been secured towards implementing the first phase of this step free access project. Discussion around the trigger point for payment is however ongoing with the developer and should be resolved as soon as possible. Camden Council and TfL are in agreement that this should be upon commencement of

36 In line with London Plan Policy 6.3 a full travel and delivery and servicing plan alongside in house real time information has been secured as part of the s106 agreement. In addition, a construction logistics plan has been secured by condition, all of these are welcomed.

37 In summary a number of issues have been resolved, however the trigger point is subject to further discussion and the application is considered to be in line with the transport policies set out within the London Plan.

## **Section 106 agreement**

38 The following has been set out in the heads of terms and the draft section 106:

- **Affordable housing (32% by floorspace).**
- Community facilities contribution.
- **Highway works contribution: £30,598.24.**
- Implementation of **Energy Strategy and sustainability measures.**
- Residential and business **travel plans.**
- **Car-capped residential/commercial.**
- **Service management plan.**
- **Construction management plan.**
- **Local employment** and procurement.
- **Training and employment** contribution: **£10,000.**
- **Public transport** contribution: **£900,000.**
- **Community facilities** contribution: **£355,740.**
- **Education** contribution: **£234,572.**
- **Letting of employment space strategy.**
- Securing of **car club** bays and use of parking spaces.
- **Management plan for site**, including access to and maintenance of open space and key fob access system.

## **Response to consultation** (extracts from the Council's officer report)

39 The Council consulted locally on the application including 501 letters of notification sent to occupiers of properties locally. The proposals were also advertised in local press and through site notice.

40 The Council received 112 responses (4 in support 103 objecting) these are summarised below. The Council also received representations from a number amenity societies and local Councillors which are also summarised below as extracted from the officer report:

## **Assembly Member Brian Coleman**

41 Brian Coleman, London Assembly Member for Barnet and Camden, objects on the following grounds:

- The proposal would be an overdevelopment of the site and detrimental to the amenities of local residents, contrary to policy CS5 of the Core Strategy.
- At odds with the context and character of the area, contrary to policy CS14.
- The buildings would be overbearing on West End Lane and the surrounding area, obscuring sunlight and views.
- 203 units would be unsuitable for this site and would overwhelm the local community in an already densely populated area, causing overcrowding and increasing pressure on local infrastructure.
- Impact on local traffic, including the volume of new traffic that would be created and its impact on parking and road safety.
- The new public open space would be insufficient to justify this type of development or outweigh its impact on local residents.
- The new public square would have the potential to attract crime.
- A smaller scale of development would be more appropriate for this site.

### **Residents groups and associations:**

#### **The Fordwych Residents' Association:**

- There are too many tower blocks that would spoil the view. Most people like West Hampstead as it is less built up than the City of London where they may work.
- West Hampstead has a 'village' feel with high street being the focal point.
- Additional traffic and pressure on public transport.
- West End Green is needed as an open space.
- There would be extra strain on schools, doctor's surgeries and police who are all very busy.

#### **The West Hampstead Local Consultation Group:**

- The Intensification Area was designated to bring 800 new homes. The scheme is too dense as 203 of these homes are proposed on less than a hectare of the area. There is better access to land on the Finchley Road side of West End Lane which is more appropriate for this development.
- Although technical drawings were produced, the structures were patently more dense and obtrusive than shown. The heights of the buildings were obscured by using transparent buildings in diagrams. Further explanatory diagrams were promised but have not been produced.
- The transport plan does not take into account additional residents on Blackburn Road, increased interchange traffic following the rebuilding of the Thameslink station and the Overground upgrade.
- The proposed movement of bus stops is at the expense of residents who have spent a decade getting them moved to their current sites. West End Lane has just been upgraded and claims that there is further opportunity here to improve it are unjustifiable.
- The public square is in reality the area needed to give circulation space for the increasing number of passengers for the Overground station. This is also the delivery space for the shops as there is no access from the rear. The retail building should be removed as it blocks access to land designated for railway development purposes.
- Car capping will mean car owners will use limited on-street spaces. There will be residents who need parking for their small businesses. It was suggested that CPZ

- The statement of community engagement fails to show how little notice has been taken of the workshops and consultation outputs. This application was so hurried that virtually nothing was changed after the DM forum and before formal submission. It is not opening up the area to the local community; it is rather creating a gated community in the centre and a ghetto at its west end.
- The application should be refused and the developers asked to produce explanations of the effect of bulk, height, traffic management and the safety and circulation of people around this site.

### **West Hampstead Amenity and Transport (WHAT)**

- Strongly object to the proposed height of the taller buildings. The development will have a very high profile and will impact not only on those living close to the site but more generally on residents and visitors.
- This site is designated for intensification in the London Plan and is designated in the LDF as a growth area predominately for housing. However these designations do not support anything approaching 12 storeys.
- The height would harm the village feel of West Hampstead, described in the draft Place Shaping document as one of the key attributes of the area.
- The surrounding buildings reach a maximum of five storeys except for one small part which is six storeys. We would accept a height of an absolute maximum of six storeys. A reference in the 2009 draft of the Site Allocations document to the site being suitable for 180 units has been deleted in the latest draft, recognising that this would amount to over development.
- There should be a greater proportion of affordable housing mixed with private housing and not located in what could be a ghetto at the western end. The latest draft of the Site Allocation document suggests that some affordable housing should be at the eastern end.
- The Council should check that there are no safety issues with access to the back of the site e.g. emergency services access.
- There would be an emphasis on housing for the disabled and it is bad practice to have such units in a relatively inaccessible location.
- The proposed square on West End Lane is welcomed. It leaves space for the eventual redevelopment of the station, to which additional S.106 money should be put. The lifts are being funded with disability access funds that would dovetail with the disability focus in the development.

### **The West Hampstead Gardens & Residents Association**

- Crowding over 700 new residents onto a small site and into an already strained community without improvements to public services, infrastructure, parking and traffic management will cause untold damage to the area. Schools, surgeries and utilities (especially water) are overstretched and the impact of so many new residents has not been seriously considered.
- The overall bulk of the buildings, with the height of three of the seven units, being of 10 and 12 storeys, not in keeping with the surrounding buildings. This compromises amenity for residents on either side of the site and blights the environment for everyone who uses West End Lane.

- The scheme does not provide the level of affordable housing indicated in the Council's Core Strategy, nor does it suggest either affordable rents or compensation to local businesses that will lose their present location.
- Safeguarding local shops should be part of the S.106 agreement as the community is losing valued retail services and resources. There should be vigilance about the kind of retail outlets agreed so as to minimise the nuisance and social disorder attracted by late night outlets and takeaways.
- Many felt that the workshop, exhibition and consultation on this application were not carried out in good faith. Graphics were inaccurate, models were incomplete or misleading and photo perspectives appeared to be flawed. This sense of being given selective and partial information was counterproductive as it distorted and stifled the discussion and led to a much less constructive interaction among interested parties.

### **Local Councillors:**

42 The West Hampstead ward Councillors, Cllr John Bryant, Cllr Keith Moffitt and Cllr Gillian Risso-Gill raise the following concerns, based on their views and those of local residents and community associations:

- There is general support for the development of the site which, apart from the independent stores has added little value to the area. The proposed market square and public space has been welcomed.
- The height and density of the proposed development is strongly opposed and would replicate discredited 1960s tower blocks.
- The development is at the upper limit of density, which has been achieved through excessive height which will adversely affect nearby streets through loss of view and privacy. There is scope to meet the density limits of the London Plan without excessive height.
- Although the student accommodation on Blackburn Road will be 9 storeys, these will be set downhill from West End Lane and away from nearby homes. Although the architect for this development has attempted to mitigate the impact of the tallest building in a similar way, the 12 storey height would have an adverse affect over the surrounding area.
- The high density required to provide 203 homes on such a restricted site would not provide an attractive living environment. The site would put a strain on local services. The developers assess only 363 residents based on only one person living in each bedroom, which is unrealistic and misleading
- The developer admits that the scheme will reduce daylight, and increase overshadowing, solar glare and light pollution. It is claimed that only one neighbouring garden and one new unit will be affected. Although all the new and neighbouring properties will have light that will meet BRE standards that is not the same thing as loss of light. It is unclear how these assessments were carried out because residents were not contacted and some are convinced that they will be badly affected.
- Although the area is designated as an area for intensification with 800 new homes anticipated, it seems premature to plan to build 25% on the first site to be developed before the scope of other sites has been considered.

- On Blackburn Road, there is already a development of 91 units for student housing being built, and permission was granted for 14 units on the Builders' Depot site. Neither of these two developments has been included in the "intensification" plan. An application has been submitted for a further 36 units on Iverson Road. So the density of 203 units on this site cannot be justified.
- There is no Master Plan for the Interchange area and it is being left at the mercy of property developers who work in isolation from each other.
- West Hampstead has a significantly higher than average proportion of people in the 20-34 age group than the borough as whole. Much of this demographic are very transient and live in private rented bedsit, HMO or shared larger accommodation of which there is no shortage.
- The Placeshaping document states "the need for more housing that is affordable to local residents, particularly families, has been identified as an issue. This could reduce the transience of parts of the population who cannot presently afford to buy property and help people build long term connections to the area." Although the provision of studio/bedsits and one bedroom flats might be seen to be meeting the needs of this group, the units are more likely to attract outside investors. These units are likely to be unaffordable to local residents and would not address the housing pressures of Camden residents, particularly families, and are likely to exacerbate the churn of temporary residents and undermine the local community. The provision of studios and 1-bed units amounts to 35% of the development.
- The over-occupancy ratings in the applicant's Socio-Economic Report may refer to families with children who are living in studios/1 bed accommodation because larger accommodation is not available to them in the local area.
- The proposed development does not address the need for family housing.
- In considering the need for play space for children, the development assesses only 72 children will live on the site, which suggests that most of the development of 203 units is not designed for family living.
- Is West Hampstead is to be nurtured as an area with a strong sense of community or will it be allowed to become a dormitory for buyers who live elsewhere and have no commitment to the area.
- The provision of Social Housing units is inadequate and fails to address the needs of families in the local area. The location of these units at the far end of the site is less favourable to these occupants in an emergency.
- It is noted that the data presented in the Socio-Economic Report is 10 years out of date being taken from the 2001 Census.
- Many local residents are concerned that some occupants of the development will find ways of circumventing the car cap, and add pressure on the already congested streets. Car clubs are an expensive option for frequent users. Large families in social housing often depend on cars for mobility and they may not feel that living on this site would be acceptable.

- S.106 monies should contribute towards a lift to the platforms at the Jubilee Line station, the lack of which is a significant drawback in the interchange arrangements on West End Lane.
- Although the new retail and commercial units are welcomed, local residents have expressed concern about the shops that are currently on the site. It is recognised that they have been operating on short leases, but one has been operating from the site for over a decade and is well loved. It is hoped that Camden Council would be able to provide support in securing alternative accommodation and that they would have first refusal of the new units.
- It is also hoped that a greater variety in retail businesses will trade on the site and that a restriction will be placed on any further estate agents, hairdressers and charity shops.
- The data provided in the Socio-Economic report regarding Health appears to have been collated without knowledge of the area, which is that there is only one GP surgery in our ward with another 3 on the Ward boundaries. The same applies to dental surgeries. Although the GP surgeries claim to be taking new patients, the reality is that it takes 2 weeks to secure a non urgent appointment. One-mile is a long way to travel to visit a GP surgery. The new residents would put strain on existing services. Perhaps a GP or dental surgery could be offered on site.
- We also contest the data provided about the surplus of school places. It is evident that the developers did not expect many children to be on the site. All local schools have waiting lists for reception classes and there is a severe shortage of places in the North West of the Borough. The suggestion that children could travel across the Borough where there are places is not acceptable. If the developer contends that the school place shortage will have been resolved by the time the development is ready for occupation, then funding of a new school should be included in the S.106 agreement

**Cllr. Risso-Gill:** Raises the following points in addition to the above in a separate letter: points:

- This development would provide each resident with about 12.5sqm of total living space and I would challenge whether this is acceptable in an urban area.
- More one bed social rented units should be provided for existing Council tenants who are under-occupying units elsewhere.

**Cllr. Katz:** At the Development Management Forum, I raised two issues which I would like to reiterate as a formal response to the application:

- Concern that all the social housing proposed for the site was bunched together at the furthest end of the site, creating a feeling almost of a 'ghetto'. We have long enjoyed a vibrant mix of people of all backgrounds living side-by-side throughout the whole borough, and a planning framework which drives the integration of different types of housing. It would be far more preferable to have a tenure-blind, 'pepper potting' approach to mixing affordable and private units in this development
- There would be additional strain on local amenities, particularly school places. The latest data demonstrates that the only wards which have unmet demand for primary school places in the borough are those west of the Finchley Road. At Christmas there were still half a dozen children who did not have a primary school place. There is a clear demand for a new primary school, despite expansion of Emmanuel on Mill Lane. Were permission

## **Residents and adjoining occupiers**

43 The objections from adjoining occupiers can be summarised as follows:

### Density

- Density will bring 500 to 1000 new residents to West Hampstead.
- Too much in an already densely populated area.
- Number of flats too high, adding to general overcrowding and pressure on local services, including schools, doctors, dentists etc.
- Excessive in conjunction with other developments in area.
- Impact on water supply and sewers.
- Development should take place in less densely populated areas.
- A new retail area with yet more chains will change the character of West Hampstead and be detrimental to the community.
- There could be the same number of flats if better use were made of the land.
- Instead of falling prey to the intensification of West Hampstead under the Mayor's plan, more viable growth schemes supporting local shops and open space should be considered, such as exists behind Swiss Cottage library.
- 'Interchange' is another word for traffic congestion, chaos, overcrowding etc.
- The Mayor's strategy does not require the community to be so affected.
- No more people needed in West Hampstead nor buildings to house them.
- It is understood that brownfield sites need to be developed.

### Design and scale

- Most of the buildings in the area are 3 or 4 storeys, 12 is excessive.
- Buildings should be no more than 6 storeys.
- Precedent for other high rise building along West End Lane, creating an urban high rise nightmare.
- Loss of view.
- Buildings not in keeping with area and do not include high quality materials.
- Looks like a generic low cost modern development.
- The public square looks good in the plans but will be unpleasant on rainy days and cold nights.
- Blocks do not pretend to bring forward exciting and attractive new architecture. They are dull and unimaginative buildings.
- Site could be bleak, windswept and empty just like 1960s high rise estates.
- The area should not become a ghastly replica of the harm done to places such as South Croydon Buildings look like office blocks.
- Existing building in West Hampstead are of a human scale.
- Object to West End Lane becoming a New York style high rise avenue.
- No attempt to give an identity to each tower.
- No objection to development on site per se, just to the scale proposed.
- The tallest building should be at the far end of the site.
- Height of buildings has crept up throughout application process.
- References to trees providing a screen are creative.
- The square and green spaces will only attract tramps and bored youths.
- Poor quality developments already approved in the area recently include 59 Maygrove Road and 37-63 Fortune Green Road.

### Transport issues

- There are insufficient on site parking spaces.
- 230 spaces for bicycles but no allowances have been made for the impact of that many extra bicycles on the road. There aren't even any bicycle lanes.
- Platform at all three stations already dangerously busy. Potential for platform closures at peak times.
- Hard to believe that this many people will not require a single car.
- Already a significant number of cars compete for space outside CPZ enforcement hours resulting in double parking and blocked driveways.
- Damage to road infrastructure from heavy vehicles.
- Where will visitors park?
- Congestion bad enough already due to Tesco and Sainsbury's.
- The claim that the development will reduce the amount of traffic is contested.
- Increase in commercial traffic.
- There should be a footbridge link to Medley Road.
- West End Lane congested even at non peak times.
- Retail and other services will need parking.
- The junction opposite is often blocked by service to the building suppliers.
- Camden's utopian carless vision is not practical.
- Without parking, people will park in the residents' parking spaces. Fining them will fill the Council's coffers but current residents should be the priority.
- The breakdown service occupying the site, if forced to re-locate, would entail many more lorry miles to access customers, resulting in more congestion.
- Proposal should contribute to the redevelopment of the Overground station.
- If it goes ahead, the whole traffic light system needs to be redesigned.
- Camden has over sold parking permits already.
- Existing congestion already harms local businesses and puts people off visiting the area.

### Impact on neighbouring properties

- Loss of light to neighbours. For much of the year it will block all natural light direct sunlight, contrary to residents' Right to Light.
- Inconvenience from building work.
- Increased noise levels and noise nuisance to nearby residents.
- Daylight report is commissioned by developer and therefore not impartial.
- Daylight/sunlight assessment inaccurate in its treatment of 7 Medley Road.
- Daylight sunlight report based on an arbitrary date in late March.
- The levels at the site are much higher than on Medley Road.
- Distance between site and properties on opposite side of railway no greater than across an ordinary street.
- Light pollution.
- Tower blocks will enhance noise from train movements.
- Effect on property values.
- Loss of privacy from blocks due to overlooking.
- Already a large block of flats blocking light on Iverson Road.

### Standard of accommodation for future residents

- Overcrowding breeds violence and neuroses.
- Insufficient social housing units.
- The public housing block will be stuck at the far end next to two railway lines in the noisiest part of the site.

- Pocket gardens and the off street square have the potential to become areas for criminal activity hard to police.
- Lack of access for the fire brigade.
- The proposed public plaza is tiny.
- If the open market units are bought for rental purposes, there is likely to be a significantly higher number of people in some units.
- Developments like these may become modern tenements, with all the disadvantages of overcrowding.
- Site not ideal for development. Needs very special attention if it is not to become a sink estate.
- Perfect location for dodgy people to hang out.
- Has sufficient consideration been given to lighting and pedestrian safety?
- Has suitable provision been made for the long term management and maintenance of such a shared site?

#### Other issues

- More eating establishments not needed. There are already enough restaurants, cafes and food stores in area.
- There has been little thought given to place shaping by the planning authority when it comes to the West Hampstead area.
- It is not necessary to add more retail facilities to the area. The existing businesses are already finding it very competitive.
- The space is a rare natural wild haven for wildlife, which will be lost. The manicured gardens and designer trees will not make up for this. The wild area bordering the Overground platform should be particularly protected.
- Loss of local businesses that will not be able to afford new units.
- The responsibility of the Council is to improve an area over time.
- Not enough consultation with other developments in the area. Whole ambience of retail district will change for the worse.
- Development represents developer's greed.
- Would result in an unjust transfer of wealth from local property owners to grasping developers unanswerable to the community.
- There is already a large building site on Blackburn Road. West Hampstead needs a bit of breathing space.
- Planning for the area already seems poor.
- Area already has a very transient population.
- Structural impact on railways (subsidence).
- Further sizeable shift in the already shrinking proportion of small industrial/business/retail to residential use in West Hampstead.
- The developer states that the site is underused, but businesses need varying amounts of space to function fully.
- West Hampstead could become a dormitory suburb, where inhabitants spend all their time and money travelling in and out of work everyday.
- Safety issues from littering of railway tracks.
- The ecological area at the end of the site is just a treeless overgrown tip.
- Irreparable damage to fabric of life and the inter dependence between consumers and services providers in the neighbourhood.
- Developers have not listened to the comments from previous meetings.
- The square at the front of the site is supported, as are wider pavements.
- Area has already suffered months of road works, with new pipes laid.
- Area already suffering from electrical power surges. Local grid cannot cope.

## Support

- Providing 203 flats will mean at least another 203 people will be able to enjoy living in such a wonderful area. Giving these people such an opportunity may require sacrifices on behalf of some: a slightly spoiled view, a few more people on the tube, but these inconveniences are not a licence to stop a development that would bring a great deal of joy to many.
- Social decision making involves give and take. Those against this development are simply selfish.
- Positive aspects of the proposal include zero parking, staggered height to reduce perception of bulk and provision for a farmers market.
- It is hoped that the Peppercorns health food shop can be found a temporary home during construction and a permanent one on completion.
- Although the height of the towers is taller than a number of people would like to see, the site offers the least obtrusive location for such massing and would not detract from the 'village' element of West Hampstead.
- The main benefit is that the scheme offers a gateway to the area that we would be proud of.

## Comment:

- Development of site for housing supported.
- Open space supported, though there doesn't seem to be a large amount.
- Increases in commercial supported only if Network Rail agree to remove their horrible billboards.
- Tall buildings supported as long as design and materials good.
- There should be an assessment that additional retail units in this location will not have a detrimental impact on the original shopping parade.
- The occupants of the existing retail units should be allowed to stay on for as long as possible and be offered first option on the new units with an affordable rent.
- Society benefits for affordable housing. Why not have affordable business rents too?
- There should be a compensation package for to help with relocation and loss of earnings.
- The number of additional pupils seems to have been underestimated.
- Impact on local infrastructure needs to be realistically assessed.
- The site should contain adequate parking. To believe that by restricting parking the number of cars will decrease is a fantasy.
- The Council should insist that any site construction will not block streets at any time. Any road works should be done at night.
- The predominance of 1 and 2 bed flats is silly. There should be a relatively high number of 3 and 4 bed flats.
- The height of the towers is the main concern.
- The new square is supported, but since the new open front to the Thameslink station was completed the need for it has diminished.

## Support from RSL One Housing Group

- Will provide a balanced, sustainable mixed tenure development.
- The commercial 'start up' business units will encourage entrepreneurial growth within the area.
- Courtyard gardens will provide play space and communal activities.
- Secure, covered cycle storage provision will help to promote green travel.
- High proportion of large family units for social/affordable rent.
- Will create high quality dual and triple aspect duplex units with south facing private gardens, balconies and roof terraces.

- Affordable units will be developed to Scheme Development Standards and include a proportion of wheelchair units.
- The affordable housing will be grouped together at the end of the site to provide effective management and maintenance services to residents and help to ensure service charges remain adequately affordable.
- The provision of affordable housing on this site will be highly desirable and address the Council's housing need strategy

#### Comments received by the Mayor of London

44 During the consultation stage the Mayor received a total of six letters from local residents and groups including:

#### **Residents from Rowntree Close, Iverson Road, West End Lane and Medley Street**

- The height, bulk and density of the development is far above the existing historical, mainly Edwardian and Victorian dwellings and contravenes Camden's Core strategy CS14. The structures themselves will blight the environment and tower above the skyline, both for residents and on all approaches to the area. The 12 storey block will be over twice the height of the tallest building in the vicinity and set a dangerous precedent for the future. It will have a chilling impact on the local community.
- The architecture is far from aesthetically pleasing, being bland and gaunt, lacking in a sense of style and innovation, with as much appeal as a row of automatic bollards rising from the ground. As one resident, Stephen Nathan QC said *"It has few saving graces and nil charm."*
- The noise, vibration and air quality in the site has not met satisfactory levels, this being site sandwiched between two busy converging railway lines. With assisted ventilation in the dwellings, opening the windows alone would cancel the noise reduction.
- The tall structures curtail the 'Right to Light' of local residents. The light survey provided by the developers is not an independent survey. Many local minority ethnic residents suffer from inbuilt Vitamin D deficiency and the loss of light will exacerbate this condition, negatively impacting on their health and wellbeing.
- The car-capped scheme has no provision for residents' cars other than for disabled parking. This will create massive congestion on the adjoining roads as large families will need cars because they cannot afford public transport. Further, some professions/trades require the use of a car, e.g. locum doctors. The chaos and gridlock on an already congested narrow stretch of West End Lane, close to three busy transport hubs with a bus stop in the middle, will escalate to impossible levels both during construction and thereafter.
- Already stretched medical facilities in the area will be unable to cope with the new influx and no plan has been provided for a dedicated new doctor's surgery in the area. This does not adequately manage the impact of the development and flies in the face of Camden's own Core Strategy Policy CS5.
- School places are oversubscribed as it is and the anticipated 72 primary schoolchildren in the development, apart from being a gross under-estimation, fails to factor in future children and adequately plan for them.
- The social housing at the western end of the land strip will create a 'ghetto area', breeding tension between households. Further, with no play area for children, these tensions are bound to escalate.
- There is no assurance that the additional demands on water, sewerage and the power grid will be met.

- Some residents on Rowntree Close have had to deal with subsidence on their homes. No mention has been made of the impact of the proposed development on underlying substrata.
- Access to and turning space for waste removal lorries, delivery vans, recycling collection, emergency services and parking space for support services for disabled residents have not been robustly planned for.
- Local independent businesses will be forced to close down whilst the development is taking place, with no assurance as to their long-term survival. Businesses which were built up over years to serve local need will be replaced by those servicing a dormitory community. Local employment too will be permanently lost
- West Hampstead tube and Overground stations and surrounding pavements are already overcrowded during rush hours. There is no certainty that this congestion can be reduced. Platform closures are therefore likely at peak times as train frequency is already at an optimum.

### **West Hampstead Gardens and Residents Association (WHGARA)**

- **Size:** In the development plans presented so far, there are too many blocks crowded onto the site. The size of one of the proposed blocks - at eleven storeys - is far too dense and high a profile, obscuring the sunlight and view at the very centre of West Hampstead. Such a high development would loom over West End Lane blighting the landscape. The overbearing look of the blocks is one of the major drawbacks of the current scheme. We would want the scale and height of the largest building limited to seven storeys (or less). There should also be fewer other blocks, and each of them should be scaled down in size.
- **Volume:** JTP, the architects have indicated that the scheme will comprise 180 -200 new dwellings, including an undisclosed number of 3 and 4 bed family units. This could bring over 600 new residents onto a very small site and into an already densely populated area causing overcrowding and increasing pressure on the existing local infrastructure and amenities. Overdevelopment here would be detrimental to the whole community.
- We would want the impact of this scheme to be limited by scaling down the ambitions of the developers whose interests are not at all the same as those of the local residents.
- **Traffic:** The proposal will increase local traffic substantially, with additional cars and deliveries and the yet-to-be decided parking provision on the site itself. This would seriously worsen traffic on West End Lane, making an already unsafe route more dangerous for all; the narrow roadway and intersection outside the Overground station is already a bottleneck which causes huge delays. West End Lane is too congested now to sustain this kind of large, new development, without major local road changes and improvements for pedestrians.
- If the proposal is to be allowed, there would have to be (and we would want) (1) a no-parking zone on roads adjoining the site, (2) a strict limit on underground parking spaces, (3) a height and weight restriction on delivery vehicles turning off West End Lane into the development as well as (4) the withholding of residents' street - parking permits as set out in Camden policies for new developments. For many local shopkeepers increased parking pressures would be a serious disadvantage, leading to a likely loss of local shops for residents when the shopkeepers give up and go to more amenable locations.
- **Public Space:** The developers have heavily promoted a planned square fronting West End Lane as a major community gain. At 21 x 21 metres it is completely inadequate for community activities. Furthermore, it must be designed and landscaped creatively with proper sensitivity to local needs and to avoid attracting crime, vagrancy and anti-social behaviour.

- If the proposal is permitted, in any form, we would seek a requirement for close consultation between the developers and local residents' groups on the appropriate size, design, lighting and security of the square to prevent potential problems.
- Section 106: It is quite evident that insufficient attention has been given to the current strain on schools, doctors' surgeries, police, green areas and other public services which struggle to sustain existing residents. At least six established small local businesses would be lost during construction of this scheme.
- In the Section 106 agreements we would want to see real and identifiable benefits for the area through the financial contribution by the developer to improve services and resources. This funding should be protected from the Mayor of London Boris Johnson's intention to secure contributions from developers towards the cost of Crossrail after April 2012.

45 The Mayor also received a petition objecting to the scheme signed by approximately 300 people.

46 The Mayor also received correspondence from Glenda Jackson MP on behalf of WHGARA. The correspondence was a copy of letter from WHGARA to Glenda Jackson noting the following concerns:

- The London Plan requirement for 800 homes in this area.
- Targeting West Hampstead for intensification.
- No community stress assessment.
- No join up thinking.

47 The correspondence also included a leaflet noting the following:

- Number and height of towers crowded onto a small site.
- Added pressure on existing infrastructure, transport and parking.
- Negative impact on already constrained services.
- Loss of local small shops.
- Public access and safety on site.

48 Other objections related to the need to retain business fronting West End Lane for as long as possible, relocation package for existing businesses including compensation, temporary accommodation and first refusal on affordable units within the new development. Concern has also been expressed at the way in which the decision was taken by the council.

#### GLA officer comment

49 The matters set out above do not raise any new strategic or local planning issues that have not been considered by the Council or the GLA as part of the planning assessment of this case and in the context of the Development Plan. Where appropriate suitable mitigation measures have been secured through appropriate conditions/section 106 legal agreement.

50 A specific package of measures for existing businesses has not been sought. However, the conditions limit the number of Class A2 units (finance and professional services) and also prevent the amalgamation of the eight retail units, which will assist in attracting and retaining smaller, independent traders. In terms of wider impact on business and employment the Council has required the developer, through the Section 106 agreement, to use reasonable endeavours to ensure that during construction that at least 20% of the workforce are Camden residents and provide opportunities for local procurement of goods and services. This package of measures is reasonable level of mitigation for business impact.

## **Article 7: Direction that the Mayor is to be the local planning authority**

51 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

### **Legal considerations**

52 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

### **Financial considerations**

53 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

54 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

55 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

### **Conclusion**

56 The applicant has responded to the concerns set out in the Mayor's consultation stage comments. The proposal is broadly consistent with the London Plan.

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## West End Lane, West Hampstead

in the London Borough of Camden

planning application no.2011/6129/P

### Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

Full planning permission for a residential led mixed-use development including 203 residential units, 961 sq.m. retail space (A1-A5), 561 sq.m. office (B1) and 283 sq.m. community space (D1). The proposal also includes 21 vehicle parking spaces, a new public square and improvements to West End Lane.

### The applicant

The applicant is **Ballymore and Network Rail**, and the architect is **John Thompson & Partners**.

### Strategic issues

The application raises a number of strategic issues including the **principle of residential development on a constrained site, noise and vibration; air quality, housing, affordable housing, design and access, heritage and townscape, climate change and transport.**

### Recommendation

That Camden Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 108 of this report; but that the possible remedies set out in paragraph 110 of this report could address these deficiencies.

## Context

57 On 20 December 2011, the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 30 January 2012 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

58 The application is referable under Category 1A, 1B.1c and 1C.1c) of the Schedule to the Order 2008:

## 1A

*“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*

## 1B.1c

*“Development which includes the erection of a building or buildings outside central London and with a total floor space of 15,000 square metres.*

## 1C.1c

*“Development which comprises or includes the erection of a building of one or more of the following descriptions— (c) the building is more than 30 metres high and is outside the City of London”*

59 Once Camden Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

60 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

61 The site is approximately 0.99 hectares and is jointly owned by Ballymore Group and Network Rail. The site is accessed off West End Lane (B510) and forms a narrow parcel of land, which is marked to the north by the North London railway line (West Hampstead Overground station) and south by the Chiltern and London Underground line (Jubilee Line). As well as direct access onto West End Lane the site benefits from additional frontage which extends up to the entrance to the Overground station. Part of this land has been safeguarded to provide step free access to platform level. West Hampstead Thameslink station is located approximately 150 metres north of the site. The nearest section of the Strategic Road Network (SRN) is the A5 Kilburn High Road approximately 900 metres to the east of the site and the nearest section of Transport for London Road Network (TLRN) is the A41 Finchley Road approximately 800 metres to the west.

62 The site is directly connected to four bus routes on West End Lane. The public transport accessibility level of this site ranges from 4 to 6a (on a scale of 1 – 6 where 1 is poor and 6 is high). This equates to a good to excellent level of accessibility to public transport. The eastern end of the site has direct access to a major rail hub, which should be improved as part of the development.

63 The site is currently occupied by a range of low density, temporary and permanent commercial buildings and yards used for car hire storage, garages and vehicle repairs, hand car washing and various other storage uses.

## **Details of the proposal**

64 Redevelopment to provide a residential led mixed-use development including commercial and employment uses and a new public square and improvements to West End Lane. The residential component of the scheme comprises 203 units as set out in table 1 below:

Table 2 bedroom size mix by tenure

	Studio	1-bed	2-bed	3-bed	4-bed	Total
Social rent	0	0	8	18	2	28
Intermediate	0	15	8	2	0	25
Market	24	33	88	5	0	150
Total	24	48	104	25	2	203

65 The non-residential uses currently proposed are set out in table 2 below:

Table 3 non residential uses

	sq.m.
Retail space (use classes A1 – A5)	961
Office space (use class B1)	560
Community space (use class D1)	283
Energy centre	82
Vehicle parking spaces	21 spaces

66 The proposals will be arranged fronting West End Lane with a new public square framed by retail and community uses. A series of point blocks will run the length of the site to a smaller residential block at the rear. These will range in height from 5 to 11 storeys. The broad layout is set out below:

Figure 1 block layout



## Case history

67 The application has been subject of a series of pre-application discussions held in September and October 2011. A number of strategic matters were raised including the principle of development in the context of a mix of site constraints (noise, vibration and air quality). Other matters raised included urban design and access, housing and affordable housing, townscape, climate change and transport.

## Strategic planning issues and relevant policies and guidance

68 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG, Housing Strategy; draft Revised Housing Strategy; Interim Housing SPG; draft Housing SPG*
- Affordable housing *London Plan; PPS3; Housing SPG, Housing Strategy; draft Revised Housing Strategy; Interim Housing SPG; draft Housing SPG; Affordable Rent draft SPG; Assembly draft Early Minor Alteration to the London Plan*
- Density *London Plan; PPS3; Housing SPG; Interim Housing SPG; draft Housing SPG*
- Urban design *London Plan; PPS1*
- Mix of uses *London Plan*
- Regeneration *London Plan; the Mayor's Economic Development Strategy*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13*
- Crossrail *London Plan; draft Mayoral Community Infrastructure Levy; Crossrail SPG*
- Parking *London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor's Transport Strategy; PPG13*
- Retail/town centre uses *London Plan; PPG13, PPS4*
- Biodiversity/Geodiversity *London Plan; the Mayor's Biodiversity Strategy; PPS9; draft PPS Planning for a Natural and Healthy Environment; draft London's Foundations (Geodiversity) SPG*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Tall buildings/views *London Plan; RPG3A, Revised View Management Framework SPG; revised draft View Management Framework*
- Historic Environment *London Plan; draft World Heritage Sites SPG; PPS5; Circular 07/09*
- Ambient noise *London Plan; the Mayor's Ambient Noise Strategy; PPG24*
- Air quality *London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor's Air Quality Strategy; PPS23*
- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; Mayor's Climate Change Mitigation Strategy; Mayor's Climate*

69 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2010 Camden Core Strategy, 2010 Camden Development Management Policies DPD, the 2006 Camden Unitary Development Plan and the 2011 London Plan.

70 The following are also relevant material considerations:

- 2009 Draft Site Allocations Development Plan Document.
- The Early Minor Alteration to the London Plan.

## **Principle of development**

71 The site falls in the area known as West Hampstead Interchange. The London Plan identifies West Hampstead Interchange as an Intensification Area (London Plan, Annex 1, Ref 43). The Plan identifies a minimum of 100 new jobs and 800 new homes noting the interchange as *“a significant inner London transport interchange with potential to improve connections between rail, underground and bus and to secure an uplift in development capacity through intensification.”*

72 London Plan policy 2.13 Opportunity Areas and Intensification Areas, further underpins the need to promote the policy direction set out in Annex 1 and that development proposals in such areas should optimise residential and non residential output and densities, and provide necessary social and other infrastructure to sustain growth and where appropriate contain a mix of uses.

73 At local level the area is identified in Camden Council’s Core Strategy West Hampstead Interchange Growth Area (Policy CS2) where mixed use development is expected to come forward within the area. Here the Core Strategy suggests that *“it now appears unlikely that a large scale redevelopment scheme incorporating major interchange works as originally envisaged will take place. More incremental development and interchange improvements appear a more realistic and deliverable prospect, and the Council is working with partners (including Transport for London and Network Rail) and local stakeholders to investigate a range of solutions. Individual development schemes in the growth area will be expected to contribute to interchange improvements. The Council anticipates that the scale of growth at West Hampstead Interchange is more likely to be in the region of 1,000 homes and 7,000sq m of business floorspace (along with some other uses), with most development coming forward towards the latter part of the period of this Core Strategy”*

74 Part of the site, the land along the West End Lane frontage is also within the West Hampstead town centre.

75 In December 2009, the Council also consulted on the Site Allocations Preferred approach. The revised LDS sets out that a further round of consultation on this document is due imminently (November/December 2011). The Council’s website now suggests this consultation is due in January 2012. The 2009 draft identifies the site as site 29: 187-199 West End Lane and highlights the following preferred approach (page 94):

*“A mixed use development of retail and residential, alongside other appropriate transport improvements, community and employment uses.*

*Development will be expected to:*

- *Provide appropriate town centre uses and active frontages along West End Lane.*

- *Provide residential uses including affordable housing particularly focussed above any retail/Town centre uses to the eastern section of the site.*
- *Provide other appropriate uses including employment.*
- *Be set back to ensure a minimum 5 metre wide pavement to improve pedestrian movement and assist improved interchange between stations.*
- *Incorporate a new step free station entrance or facilitate improved accessibility to, and/or expansion of, the Overground station adjacent to the site.*
- *Incorporate secure cycle parking to improve the transport interchange.*
- *Ensure appropriate relationship to adjoining open spaces and ecological corridors and provide new open space.*
- *Positively contribute to and integrate with streetscape and interchange improvements along West End Lane.*
- *Provision of Local Energy Generation on site and explore options to export to surrounding developments.”*

76 In addition the preferred approach also suggests, *“based on housing trajectory estimates, that the site has the potential to deliver an addition 180 residential units”*.

77 The overarching policy direction suggests that the area is therefore appropriate for a mix of uses including residential. The site allocation is however less advanced in terms the examination process. The weight to specific land uses in specific parts of the site is therefore yet to be fully considered or tested at policy level. The Mayor did not comment on the merits of the specific allocation during the previous consultation round in 2009, however, it is apparent that there are a number of specific site constraints that suggest residential development at high density in certain areas of the site needs to be carefully considered and may not be appropriate. The Mayor may wish to express this view as the document proceeds to its next round of consultation in light of the constraints that appear to be relevant to mainly any residential component of a regeneration scheme on this site.

78 The apparent constraints to the western end of the site is also reflected in the preferred approach suggested in the draft Site Allocations Preferred Approach document (2009 draft) which indicates that the constraints of the site place restrictions on large commercial vehicular use, but that the narrow containment of the western section of the site by railway lines indicates non-residential uses would still be likely to be more appropriate towards the western apex – there in suggesting residential uses in this part of the site need to be considered carefully.

79 The proposal, as submitted, includes residential accommodation all the way along the site up to the western apex, excluding the area of protected natural open space. The scheme also introduces some ground floor commercial uses in some of the blocks. The block located to the west and the two nearest to it have been identified for affordable housing. It is questioned whether any residential accommodation in this particular part of the site is suitable, let alone identifying it for affordable housing, given those residents in affordable housing do not benefit from the same level of choice to those who are able to purchase or rent on the open market.

80 The application is submitted with supporting information on noise, vibration and air quality. The GLA is in the process of testing these areas of the submission to see if the evidence is

## **Affordable housing**

81 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which include the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale. The Mayor has published an early minor alteration to the London Plan to address the introduction of affordable rent, with further guidance set out in a draft Affordable Rent SPG. With regard to tenure split the Mayor's position is that both social rent and affordable rent should be included within the 60%.

82 While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

83 Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation.

84 Where borough councils have not yet set overall targets as required by Policy 3.11, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination. The 2010 Core Strategy, policy CS6, sets a 50% borough and site affordable housing target (split as 60/40 social/intermediate).

85 The housing offer is set out in table 1 above and based on floor space represents 30% affordable housing of which 62% is social rented and 38% is intermediate.

86 At this stage the applicant has recently submitted a viability appraisal which the Council has submitted for independent review. The GLA has agreed to be part of a joint review in the scrutiny of the applicant's submission. The conclusions of the testing will inform further discussion regarding the housing offer.

## **Housing choice**

87 London Plan Policy 3.8 and the associated supplementary planning guidance promote housing choice and seek a balanced mix of unit sizes in new developments. The London Housing Strategy sets out strategic housing requirements and Policy 1.1C of the Strategy includes a target for 42% of social rented homes to have three or more bedrooms. The draft Housing Strategy is now 36% 3 bedroom or larger but only for affordable rent.

88 Across the scheme the bedroom size mix provides 85% of units as studio, 1 and 2 bedroom. 13% of units will be 3 or more bedrooms. This suggests that the proposal is heavily skewed towards smaller accommodation. The affordable component of the scheme, specifically the social rented element does deliver 71% of units as family accommodation (18 units as 3-bed and 2 units

## Density

89 London Plan policy 3.4 and table 3.2 set out the strategic guidance for residential density of new development proposals. The objective of the policy is to optimise housing output having regard to local context and character amongst other policy objectives. The context is an important consideration and further discussion will be required regarding the suitability to parts of the site as has been consistently raised throughout the pre-application discussions.

90 The applicant advises that the proposed development will provide 203 residential units and the site area measures 0.9ha. The applicant needs to confirm that the area relates to the net residential site area as set out in paragraph 3.35 of the Interim Housing SPG which relates to density calculation. The applicant's current calculation generates a density of 226 units per hectare or 632 habitable rooms per hectare. This may however need to be recalculated.

91 In terms of context, the site is urban in character and has a public transport accessibility level of between 4 and 6a. In such circumstances the London Plan normally suggests the site could support a density of between 200 and 700 habitable rooms per hectare. The applicant needs to set out the detailed density calculation and will need to have regard to the comments made regarding noise, vibration, air quality and townscape.

## **Urban design**

92 Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (policy 7.4).

### Tall and large scale buildings

93 London Plan policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, is of particular relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. Policies 7.10 and 7.11, which set out the Mayor's approach to protecting the character of strategic landmarks as well as London's wider character, are also important considerations

94 London Plan Policy 7.7 moves away from active encouragement to careful management of tall buildings and covers various tests for the location and design of tall and large-scale buildings. This proposal incorporates a number of large scale buildings rising up to 11 storeys. Policy 7.7 focuses on the impact on character by scale, mass or built form of a tall and large buildings and that they should relate well to form, proportion, scale and character of surrounding buildings, urban grain and public realm. Part B of the policy seeks that applications for tall or large buildings should include an urban design analysis that demonstrates the proposals form part of a strategy

95 Camden Council's Development Management DPD (paragraph 24.10) notes that *"Due to the dense nature of Camden with extensive range and coverage of heritage assets, such as conservation areas, numerous listed buildings and five strategic views and two background views crossing the borough, the Council do not consider that it is practical to identify broad areas either suitable, or not suitable, for tall buildings."* The Council intend to test each case against design policy DP24 which covers the broad considerations of good design, scale, character and access.

96 Given the above, Part C of London Plan policy 7.7 becomes particularly relevant. Against the context of Part C, the proposal is within an area of intensification and partly within the town centre with good to excellent public transport access and therefore the principle of large scale buildings may be supported subject to other townscape considerations set out below..

#### *Views and historic assets*

97 The townscape work is set out in section 6 of the design and access statement. Thirteen views have been tested, as agreed by Camden Council, to illustrate the impact of the scheme in its local and townscape context.

98 At pre-application stage the key views appeared from the north - facing south (view 6, 7 and 8) and further north along West End Lane (untested). The submission analysis suggests that these will be hidden from the existing canopy line of the trees and therefore the impact is broadly acceptable.

99 The majority of the other views are broadly acceptable, however view 12 appears closer in the view than the plans suggest. There is a reasonable distance between the back of properties along Sherriff Road and the proposal site. The design team should review the work on this particular view to ensure it represents an accurate visualisation of the proposed development.

100 The design and access statement provides very limited commentary or analysis of the impact on heritage assets. This may be due to the fact that the proposals do not impact on the two adjacent conservation areas, their character or setting. The design team must confirm the impact in the townscape analysis.

#### Circulation and layouts

101 The design team has introduced a range of changes since pre-application discussions which seek to address a number of key concerns raised by GLA officers. In summary the changes proposed are set out below:

- Removal of podium level between block E and D which increases the level of public open space at street level.
- Integration and distribution of affordable housing now extends up to block D.
- Access route has been set out as a narrow pedestrian friendly route with additional landscaping.
- Reduction in parking spaces resulting in only limited parking space for commercial use and disabled parking for residential use and car club spaces (total parking 21 spaces).
- Relocation of concierge to main access route, set away from square.

102 The changes create a more integrated environment between tenures with blocks D, E, F and G now including a mix of social rent and intermediate or social rent and private market units.

103 The main route through the site is active with a mix of commercial, residential and parking uses, giving a mixed elevation of brick, glazing, landscaping and greenwalls. The balance of activity planting and materials is well considered and creates a self policing environment that is well surveyed and human in scale. It could be further improved by introducing front doors between blocks D, E and F onto the central space.

104 The location of block G as being suitable for residential development is still being considered as set out elsewhere in this report. A number of other matters raise concern regarding this block as set out below:

- Environmental constraints as set out elsewhere in this report (noise, vibration and air quality).
- Block G is located at the bottom of the site in a location perceived as being isolated.
- Block G is not naturally surveyed on both sides like the other blocks.
- Block G takes a different architectural form to the point blocks across the rest of the site. (tenure blind concern)
- The ground floor layout includes the bin store and sub station directly as the principle front ground floor elevation. The entrance should be visible from the top of the main entrance route – i.e through the vegetable garden, which could be located elsewhere – this would allow an entrance point that is not flanked by bins and energy centres.

105 For these reasons it is still difficult to justify, in design terms, how this block fits within the masterplan design. The matter will required further consideration in the context of the ongoing environmental analysis of the site.

106 The public realm and square is supported and the eastern end of block A safeguards possible alterations to create a new step free entrance to the Overground. The mix of commercial and retail uses and low rent units at first floor will help support the town centre function. These layouts are broadly well considered.

### Residential quality

107 London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. The Mayor will produce a new Housing SPG (a draft of which was put before the London Plan EIP), on the implementation of Policy 3.5 for all housing tenures, drawing on his London Housing Design Guide, paragraphs 3.37 –3.39 provides further guidance on indicators of quality that the proposed SPG will cover.

108 In most instances the layout of blocks is well considered and includes a mix of between 4 and 6 units per floor most with multiple aspects. There are no single aspect north facing units which has been designed based on the principle of creating small footprint point blocks broken up by open spaces between. The space standards will be met and should be conditioned by Camden Council. Whilst most aspects are well considered the approach to block C, D and E include a single lift where some of the blocks have up to eleven floors. The Housing Design Guide seeks to include two lifts where proposals exceed eight or more floors to ensure that should one be out of service there are other opportunities to access the higher levels of the building. The design team need to set out the particular constraints to meeting this standard.

### Architecture and massing

109 London Plan Chapter 7 covers, amongst others, details of inclusive design, designing out crime, public realm, architecture and architectural quality. Policy 7.7 focuses on the impact on character by scale, mass or built form of a tall building and that they should relate well to form, proportion, scale and character of surrounding buildings, urban grain and public realm.

110 The overall approach to architecture needs to be tenure blind in terms of materials, however in principle the references picked up from the existing character and context of the mansion buildings is broadly supported. View 12 should be verified regarding the impacts from proposed massing.

### Access and inclusive design

111 The aim of Policy 7.2 is that proposals aim for the highest standards of accessibility and inclusion (not just the minimum) and that the design process has from the outset considered how everyone, including disabled and Deaf people, older people, children and young people, will be able to use the places and spaces that are proposed.

112 The broad layout, circulation and levels across the site provide an inclusive environment. Level changes are dealt with through lift access internally or level graded pedestrian routes. The proposal includes 10% wheelchair units, disabled parking and commitment to Lifetime Homes Standards.

### Children's play space

113 Policy 3.6 of the London Plan sets out that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 72 children within the development. The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child playspace provided on-site. As such the development should make provision for 720 sq.m. of playspace.

114 The scheme proposes approximately 1,500 sq.m. of child play space on site. This will be mainly provided for the 0-4 and 5-11 age groups although the proposals have sought to include some space for older 12 year old plus children as well. The breakdown of play space is set out below:

Figure 2 play space

Type	Total area
Doorstep	400 s qm
Local	400 s qm
Neighbourhood	500 s qm
Youth	200 s qm
Total	1500 s qm

## Climate change mitigation

### Energy efficiency standards

115 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond values required by Building Regulations. Other features include energy efficiency lighting and mechanical ventilation with heat recovery. The demand for cooling will be minimised through the use of high performance glazing and balconies

116 The development is estimated to achieve a reduction of 71 tonnes per annum (16%) in regulated carbon dioxide emissions compared to a 2010 Building Regulations compliant development. This appears high and therefore the applicant should provide modelling output sheets to evidence this level of saving.

### District heating

117 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This should be conditioned by Camden Council.

118 The applicant is proposing to install a site heat network. The applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network.

119 The site heat network will be supplied from a single energy centre and will be 70 sq.m. and located to the eastern end of the site. A drawing showing the location of the energy centre has been provided.

### Combined heat and power

120 The applicant is proposing to install a 150 kW<sub>e</sub> gas fired combined heat and power unit as the lead heat source for the site heat network. The combined heat and power unit is sized to provide the domestic hot water load, as well as a proportion of the space heating.

121 A reduction in regulated carbon dioxide emissions of 128 tonnes per annum (34%) will be achieved through this second part of the energy hierarchy.

## Renewable energy

122 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install 250 sq.m. of roof mounted photovoltaic panels. Roof drawing showing location of panels should be provided.

123 A reduction in regulated carbon dioxide emissions of 12 tonnes per annum (5%) will be achieved through this third element of the energy hierarchy.

## Summary

124 The estimated regulated carbon emissions of the development are 229 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, combined heat and power and renewable energy has been taken into account.

125 This equates to a reduction of 211 tonnes of carbon dioxide per year in regulated emissions compared to a 2010 Building Regulations compliant development, equivalent to an overall saving of 48%. The carbon dioxide savings exceed the targets set within Policy 5.2 of the London Plan.

## **Noise and vibration**

126 London Plan policy 7.15 *Reducing noise and enhancing soundscapes* states that the Mayor will, and boroughs should reduce noise by, among other things, “*minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals*” and that new noise sensitive development should be separated from major sources of noise wherever practicable. The advice contained in Planning Policy Guidance note 24 (PPG24): Planning and noise is also relevant as is the Mayor’s Housing Design Guide which seeks to avoid single aspect north facing units, or family sized accommodation, or where noise exposure levels reach category C and D.

127 As already set out above, the application site contains several major sources of noise including road traffic noise from West End Lane and rail noise from railway lines to the north and south. The residential parts of the proposed development will be particularly sensitive to road and rail noise and mitigation is likely to be required. London Plan policy 7.15, requires careful consideration to separate new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference of sole reliance on sound insulation. The design team has sought to provide efficient layouts which locate bedrooms to the centre of the blocks overlooking the garden and podium spaces. In order to be fully satisfied that the approach is acceptable in creating suitable living environment, the GLA has instructed scrutiny of the applicant’s submission regarding noise and vibration. At this stage therefore further consideration is required regarding the suitability of the site for residential development, particularly at the western apex.

## **Air quality**

128 London Plan policy 7.14 sets out amongst other matters that development proposals should be at least ‘air quality neutral’. As set out above the site is constrained by rail and road infrastructure. The current site has a mix of operational uses including garage, vehicle hire and wash facility. The reduction in parking and vehicle movements is likely to contribute to an improvement in air quality conditions. As with the noise and vibration conditions arising from the proposed development, in order to be fully satisfied that the approach is acceptable in creating suitable living environment, the GLA has instructed scrutiny of the applicant’s submission regarding air quality. The conclusions of this will be provided to the Council and applicant and if

## **Climate change mitigation**

129 The London Plan promotes key adaptation principles in Chapter 5 that promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects; minimise solar gain in summer; contribute to flood risk reductions, including apply sustainable drainage principles; minimise water used; and protect and enhance green infrastructure and urban greening. Specific policies cover overheating, urban greening, living roofs and walls and water.

### Overheating (Policy 5.9)

130 The issue of overheating is a potential problem with the south facing units. Most of these do also benefit from east or westerly aspect to allow cross and through ventilation. The ventilation strategy suggests this can be dealt with through design measures as the windows can be operable and will not be fixed.

### Living roofs and walls (Policy 5.11)

131 The proposal includes a mix of green and brown roofs and walls consistent with London Plan policy 5.11. These should be conditioned by the Camden Council.

### Flooding (5.12), sustainable drainage (5.13) water use (5.15)

132 The site is within Flood Zone 1 as defined by PPS255 and has low probability of flooding for fluvial, surface, sewer, groundwater and artificial sources. The applicant states that an attenuation volume of 208 cubic metres is required to maintain the proposed combined discharge rates to the public sewer to the same as existing, as agreed with Thames Water.

133 Permeable paving and cellular storage tanks, under the parking and soft landscaped areas, are the preferred options for attenuation and these will be incorporated into the detailed drainage strategy. These measures need to be discussed further with the Environment Agency and subsequently with the design team and the Council and secured by condition.

134 Policy 5.15 sets a maximum water use target of 105 litres per person per day for residential dwellings. The applicant should make a clear commitment to meeting this policy requirement, which should be secured by condition by the Council.

## **Transport for London's comments**

### Trip Generation

135 The only access to the site is from West End Lane, which forms part of West Hampstead's main commercial centre and is a through route between West Hampstead and Kilburn.

136 Given the level of car parking and proposed vehicular activities on-site, TfL considers the development will have a limited impact on the highway network. Overall, TfL considers that the

### Car parking

137 A total of 21 car parking spaces have been proposed, 17 will be allocated for disabled use including 2 disabled visitor spaces there will be two car club spaces and two commercial spaces. Electric Vehicle charging points will be installed in line with London Plan standards. These levels are compliant with the Parking Standards detailed in London Plan policy 6.13, 'Parking',

138 TfL welcomes the applicant's commitment to remove occupant's rights to park within the surrounding Controlled Parking Zone; this should be secured by way of a condition. The applicant has made provision for an expansion to the local car club network. In addition, free car club membership should be provided for residents and businesses to be secured through the travel plan all secured by section 106 agreement.

### London Underground

139 The application proposes an additional 42 AM peak trips on the London Underground. TfL consider that the demand generated from this development can be accommodated within existing Jubilee Line capacity.

140 The development falls within the London Underground Limited Zone of Influence. Although there is no objection in principal to the application there are a number of potential constraints which demand further exploration and clarification to ensure that the construction will not affect Underground infrastructure and services. TfL has advised the applicant the necessary conditions which should be discussed with Camden Council.

### London Buses

141 The trip generation demonstrates that the development will increase passengers on the bus network by 7 trips per bus in the weekday peak hour. TfL therefore considers that the demand as a result of this application can be accommodated onto the bus network.

142 As part of the assessment of local bus stops TfL concludes there is no scope to add shelters or countdown to the two nearest stops on West End Lane as a result of the narrow pavement width.

### London Overground

143 As noted earlier in this report, West Hampstead is the nearest station located immediately north of the site. This station is served by London Overground services on the North London Line. The following comments are from London Overground only and do not represent the views of Network Rail who manage the infrastructure. TfL has aspirations to extend Overground services, although this may not be to 6-car length. An intermediate stage could see 5-car trains being introduced. TfL have made recommendations to the Government for 5-car trains to be introduced during 2014-2019.

144 Currently the only entrance to the station is from West End Lane, which can become heavily congested in peak hours as passengers interchange between the three stations at street level. In order to alleviate this pressure on the ticket hall and create an easier interchange particularly between the Jubilee and Overground, TfL are in the process of developing a number of options

145 TfL recommends a meeting is established between TfL, the applicant and Camden Council in order to present its options for the station and consider how these could be integrated with the development proposals, including for example; the forecourt layout, access to the new ticket hall and step free access.

146 The current estimated cost for the new station ticket hall scheme is approximately £4 million and as such TfL requests funding be secured through the section 106 agreement from this application. A contribution should be further discussed with the applicant and Camden Council.

### Walking

147 A number of improvements will be made to the front boundary of the site. TfL notes the importance of West End Lane as a strategic interchange and as such it is considered that the additional space at the front of the development forming the new square is a welcome addition to West End Lane and will benefit those walking between the stations with the perception of extra space and a calmer environment. This new square will link to the potential expanded ticket hall at the Overground station. The applicant should consider the impact of the vehicular crossover on pedestrians walking down West End Lane with vehicles accessing the site, including those which service the food store and office.

### Cycling

148 The applicant proposes a total of 230 cycle parking spaces for residents and 3 spaces for the office users. TfL welcomes that an additional 20 visitor spaces will be provided on site. As such TfL considers that this level of parking is compliant with standards in London Plan Policy 6.9, 'Cycling' including Table 6.3.

149 TfL notes there are no current plans to extend the Barclays Cycle Hire Scheme to West Hampstead; therefore the Travel Plan should incorporate robust measures to encourage cycling from the site.

### Travel Plan

150 TfL welcomes the applicant's proposals for a travel and delivery and servicing plan, the draft provided has passed the ATTrBuTe assessment. A separate travel plan for each use post determination with a specific focus on targeting modal shift of users should be secured, monitored and funded through the section 106 agreement. Realistic and achievable targets in order to encourage more sustainable trips to and from the site should be included within the travel plan.

151 One method which TfL recommends is explored is real time information provided to all residents demonstrating the running status of the Underground, Overground and national rail services.

152 A clear monitoring strategy will be required, this will either be undertaken by the developer or a sum of money will be paid to the council, and would be secured through the section 106 agreement. This will ensure consistency with London Plan policy 6.3.

#### Delivery, Servicing and Construction

153 TfL welcomes the applicant's commitment to submit a draft delivery plan post planning; this should be included in the travel plans. Servicing will take place adjacent to the building off site; measures should be established to limit servicing to off peak hours.

154 In order to mitigate any adverse impacts of construction traffic on the local road network, a construction logistics plan (CLP) should be secured by way of a planning condition. This will ensure consistency with London Plan Policy 6.14.

155 The Olympic Route Network (ORN) and Paralympic Route Network (PRN) will operate 800 metres from the site during the Olympic and Paralympic Games period between June and September 2012. Requests to utility providers to provide any additional water, gas, electricity or telecommunications connections should be made sufficiently well in advance to allow the works to be undertaken.

#### Summary

156 In summary, a number of issues need to be resolved before the application can be considered to be in line with the transport policies set out within the London Plan. This includes a contribution secured by section 106 agreement to fund enhancements at West Hampstead station. Clarification of the trip generation methodology and number of trips at West Hampstead station is also required. A more robust and coherent travel plan is needed with associated funding and targets including a monitoring strategy.

157 A meeting should take place between TfL, the applicant and the council to discuss the above points. Further discussion of the proposals is required with London Underground's Infrastructure Protection team with conditions attached to this application. TfL will also need to be closely involved in future discussions on the section 106 and drafting of conditions with Camden Council.

### **Community Infrastructure Levy**

158 In accordance with London Plan *policy 8.3*, the Mayor of London proposes to introduce a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London. Following consultation on both a Preliminary Draft, and then a Draft Charging Schedule, the Mayor has formally submitted the charging schedule and supporting evidence to the examiner in advance of an examination in public. Subject to the legal process, the Mayor intends to start charging on **1 April 2012**. Any development that receives planning permission after that date will have to pay, including:

- Cases where a planning application was submitted before 1 April 2012, but not approved by then.
- Cases where a borough makes a resolution to grant planning permission before 1 April 2012 but does not formally issue the decision notice until after that date (to allow a section 106 agreement to be signed or referral to the Secretary of State or the Mayor, for example),.

159 The Mayor is proposing to arrange boroughs into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floor space respectively (see table, below). The

<http://london.gov.uk/>.

160 Within London both the Mayor and boroughs are able to introduce CIL charges and therefore two distinct CIL charges may be applied to development in future. At the present time, borough CIL charges for Redbridge and Wandsworth are the most advanced. The Mayor's CIL will contribute towards the funding of Crossrail.

Mayoral CIL charging zones Zone	London boroughs	Rates (£/sq. m.)
1	Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth	£50
2	Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets	£35
3	Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest	£20

## Local planning authority's position

161 The officer recommendation is currently unknown.

## Legal considerations

162 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

163 There are no financial considerations at this stage.

## Conclusion

164 London Plan policies on noise, vibration, air quality, design, access, heritage, housing, affordable housing, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development** (non compliant): Further testing is required regarding the noise, vibration and air quality conditions created across the site, in particular at the western apex which is proposed to accommodate affordable housing.
- **Affordable housing, mix, tenure and density** (non compliant): Further testing of the appraisal has been commissioned by Camden Council. The findings will inform further discussion regarding these policy areas.
- **Urban design** (non compliant): further testing and analysis is required on the townscape and heritage views. The layout of block G needs further work.
- **Access** (compliant): the provision of wheelchair accessible homes, Lifetime Homes and disabled parking should be conditioned by Camden Council.
- **Climate change mitigation** (compliant): the energy strategy is broadly supported.
- **Climate change adaptation** (compliant): conditions should secure water use targets and green and brown roofs and walls.
- **Noise and vibration** (non compliant): the noise impact is a concern and mitigation and design measures need to be secured. The suitability of the site for residential, particularly and the western apex is being considered in further detail.
- **Air quality** (non compliant): air quality impact is a concern and is being considered in further detail.
- **Transport** (non compliant): a contribution to fund enhancements at West Hampstead station may be required. Clarification of the trip generation methodology and number of trips at West Hampstead station is also required. A more robust and coherent travel plan is needed with associated funding and targets including a monitoring strategy.

165 On balance, the application does not comply with the London Plan.

166 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Principle of development** (non compliant): Further testing is required regarding the noise, vibration and air quality conditions created across the site, in particular at the western apex which is proposed to accommodate affordable housing.
- **Affordable housing, mix, tenure and density** (non compliant): The findings will inform further discussion regarding these policy areas.
- **Urban design** (non compliant): the design team should consider verifying the views from the south and provide commentary on any potential heritage impacts. The layout of block G needs further work.
- **Noise and vibration** (non compliant): the noise impact is a concern and mitigation and design measures need to be secured. The suitability of the site for residential, particularly and the western apex is being considered in further detail.
- **Air quality** (non compliant): the air quality information is being further considered by the GLA.

- **Transport** (non compliant): a contribution to fund enhancements at West Hampstead station may be required. Clarification of the trip generation methodology and number of trips at West Hampstead station is also required. A more robust and coherent travel plan is needed with associated funding and targets including a monitoring strategy. Construction discussions and conditions may be required further to advice from London Underground's Infrastructure Protection Team.

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