

Athlone House, Hampstead Lane

in the London Borough of Camden

planning application no. P/4030/13

Strategic planning application stage 1 referral

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

The proposal

Erection of 8 bedroom single dwelling house (Class C3) with basement car park, swimming pool and plant rooms, and associated landscaping, following the demolition of Athlone House.

The applicant

The applicant is **Whithers LLP**, and the architect is **Adam Architecture**.

Strategic issue

Metropolitan Open Land.

Recommendation

That Camden Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 39 of this report, but the possible remedies set out in this paragraph could address this deficiency. The application would not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

Context

1 On the 21 January 2014 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 Mayor must 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.

2 The application is referable under Category 3D of the Schedule to the Order 2008:

Development on land allocated as Green Belt or Metropolitan Open Land in the development plan... and which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

4 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 or allow the Council to determine it itself, unless otherwise advised. In this instance if the Council resolves to refuse permission it need not refer the application back to the Mayor.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The application site is located near to Highgate Village, on the northern edge of Hampstead Heath. It is approximately 800m from the village high street, on the southern side of Hampstead Lane. The Heath stretches southwards and westwards, whilst a private residence lies adjacent to the eastern boundary.

7 As set out below, the original larger (hospital) site was subdivided after it was disposed of by the NHS, however both sites must be considered together in order to understand its planning history and assess the current application.

8 The larger original site was developed in 1870 as Caenwood Towers – a substantial mansion built in red brick in a Victorian style, combined with Jacobean gables. It is accompanied by three smaller two-storey buildings (Caen Cottages, The Gate House and The Coach House), all located along the northern edge of the site. The buildings and grounds were used from 1951 by the NHS to provide care for elderly and mentally infirm patients. The 1960's and 70's saw the addition of new prefabricated wards and freestanding two storey nurses accommodation.

9 Both sites (the original larger site and the current application site) are designated as Metropolitan Open Land and form part of an extensive area of MOL covering Hampstead Heath, Kenwood, Parliament Hill and Highgate playing fields. There are no listed buildings on site or adjacent, although Kenwood House to the west is Grade I listed. The Kenwood Estate is also a Grade 2* registered landscape.

Details of the proposal

10 The application seeks a full planning permission the demolition of Athlone House and its replacement with an 8 bedroom single dwelling house (Class C3) together with basement car park, swimming pool, plant rooms and landscaping. This building would have a built footprint of 1,078 sq.m. with a Gross External (floor) Area (GEA) of 3,336 sq.m.

Case history

11 The site has a complex planning history of which the following paragraphs set out the key strategic elements this report considers.

12 Athlone House and its associated buildings and grounds were used as a hospital until around 2000 by Parkside NHS Trust. Kensington and Chelsea & Westminster Health Authorities decided to close the hospital in 1998 and in 1999 Camden Council prepared and adopted a planning brief for the site to guide its redevelopment. This brief confirmed that the Council's preferred use for the site was a mix of C2 (residential institution) and C3 (residential), or a purely residential use should there be no demand for additional C2 uses within the borough.

13 The need for any development to comply with MOL, Open Space and Conservation Area policies and designations was highlighted, and the brief set out which buildings the Council felt should be retained and which it felt should be removed. It specifically sought the retention of Athlone House (and three other important buildings within its grounds), and also confirmed that any redevelopment should be confined to the replacement of existing substandard buildings and (in accordance with MOL policy at that time), that any new buildings should be no larger than the buildings they would replace. It also confirmed the following sizes of the buildings that were on the site at that time.

1999 position	Footprint (sq.m.)	GEA (sq.m.)
All buildings	4,962	7,192
Athlone House	1,450	2,751

14 In 2003, *Dwyer Investments* and *Kensington and Chelsea PCT* submitted a planning application to Camden Council seeking the conversion of Athlone House to a single dwelling, the conversion of a number of retained outbuildings to residential use, and the building of 3 new blocks to provide a total of 22 flats. This application was approved by the Council on the assumption that the development would secure the internal and external restoration of Athlone House - which the Council and most bodies and people who commented on the scheme sought.

15 Whilst floorspaces are not totally consistent across the different documents, the following table compares the scheme approved in 2005 against the position in 1999 and shows that Athlone House itself would have been reduced in size (by the removal of more recent additions), whilst the overall amount of development on the site would increase by 39%, albeit within a smaller footprint. As set out above, one of the reasons that this non-conforming (inappropriate) development was considered acceptable by the Council was that Athlone House would be retained and restored, and a S106 clause was included to require this.

2005 approval

All buildings	Footprint (sq.m.)	GEA (sq.m.)
1999 position	4,962	7,192
Approved Scheme	3,700	10,015
Change (m2)	-1,262	2,823
Change (%)	-25	39

Athlone House	Footprint (sq.m.)	GEA (sq.m.)
1999 position	1,450	2,751
Approved Scheme	995	2,543
Change (m2)	-455	-208
Change (%)	-31	-8

16 This application was referred to the Mayor at Stage 1 and at Stage 2 and the Mayor resolved that he was content for Camden Council to grant planning permission as (amongst other factors), Athlone House would be retained and restored (PDU/0861/01 & PDU/0861/02).

17 A minor revision to this scheme was considered by the Mayor in 2006 who concluded that as the scheme was substantially similar to the previous scheme, he was content to allow the Council to determine it itself without further reference to him (PDU/0861a/TC02).

18 However, in June 2009, following the subdivision of the site, a new application was submitted to Camden Council for the demolition of Athlone House and its replacement with a new 8 bedroom building, notwithstanding the terms of the S106 agreement that had permitted 24 flats and 2 houses to be built within the grounds of the house as a form of cross subsidy to help restore Athlone House.

19 This application was refused by the Council in April 2010 for a number of reasons including that the new building would be materially larger than the building it would replace thereby being inappropriate development within MOL.

20 This scheme was not referred to the Mayor at the time of the application but he subsequently considered a report on the scheme (PDU/0861b/01), and concluded that it would not comply with the London Plan for a number of reasons including that:

- The scale of the proposed development fails to meet the relevant criteria of PPG2 and therefore represents inappropriate development in MOL for which no very special circumstances have been provided, thus conflicting with policy 3D.10.

21 The applicant appealed this refusal, but its appeal was dismissed in 2011 as the Inspector found (amongst other matters), it was inappropriate development within MOL, the scale and impact of the scheme was unacceptable, and that no special circumstances existed to outweigh the harm the proposals would cause.

22 The current application was subsequently prepared and submitted to Camden Council.

Strategic planning issues and relevant policies and guidance

23 The key strategic issue and corresponding policy considered in this report is:

- Metropolitan Open Land *London Plan*

24 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 2012 Camden Core Strategy Development Plan Document and the 2011 London Plan (with 2013 Alterations).

25 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework.
- The draft Further Alterations to the London Plan, (January 2014).
- Athlone House Planning Inspectorate Appeal Decision, 21 April 2011.
- Athlone House Planning Brief, London Borough of Camden, February 1999.

Metropolitan Open Land

26 The whole of the application site is designated as Metropolitan Open Land. The main policy issue considered in this report is the appropriateness of the scheme to this designation. London Plan policy 7.17 (Metropolitan Open Land) states that the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving it the same level of protection as in the Green Belt.

27 The Government's National Planning Policy Framework (NPPF) sets out policy guidance on Green Belt and confirms that the Government attaches great importance to it, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristic of Green Belts is openness and permanence, (NPPF para 79).

28 The NPPF then goes to confirm that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. It then goes on to confirm that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt – with exceptions relevant to this application being:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

29 Previously developed land is defined in Annex 2 of the NPPF as follows:

- Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Considerations

Athlone House

30 Athlone House at it existed in 1999 is understood to have had a footprint of 1,450 sq.m. and a GEA of 2,751 sq.m. The current application proposes a new house with a footprint of 1,078 sq.m. with a GEA of 3,336 sq.m. Whilst this represents a 26% reduction in the footprint of the house, it also represents a 21% increase in its built form from the situation that existed in 1999.

Athlone House	Footprint (sq.m.)	GEA (sq.m.)
1999 position	1,450	2,751
Current proposals	1,078	3,336
Change (sq.m.)	-372	585
Change (%)	-26	21

Wider site

31 The table below shows that total building footprint across the (larger original) Athlone House site in 1999 was 4,962 sq.m. with a combined GEA of 7,192 sq.m. The current proposals (if added to the elements that have already been implemented) would result in the following situation.

Total buildings	Footprint (sq.m.)	GEA (sq.m.)
In 1999	4,962	7,192
Current proposals	3,870	10,859
Change (sq.m.)	-1,092	3,667
Change (%)	-22	51

32 The total amount of built development when considered against the situation that existed in 1999 would therefore result in a 22% reduction in total built footprint, but a 51% increase in in total built floorspace.

33 When assessing the impact of the scheme, account must also be taken of the additional development approved by Camden Council in 2005, which a set out above, was granted on the premise that the additional development it allowed would help restore Athlone House.

Buildings	Footprint (sq.m.)	GEA (sq.m.)
1999 position	4,962	7,192
Buildings granted Planning Permission in 2005 (with a restored Athlone House)	3,700	10,015
Difference (buildings granted Planning Permission in 2005 without a restored Athlone House)	-1,262	2,823

Assessment

34 The application site is in a very prominent and elevated position and the proposed building would be visible from many locations within MOL. Its ornate and detailed design would also emphasise its prominence. Given the scale of the proposed house, its location in MOL, its impact on the openness of that MOL, and the amount of (enabling) development that has already been permitted and built, the proposed replacement building is contrary to London Plan policy 7.17 (Metropolitan Open Land). Furthermore, the applicant has not demonstrated that any very special circumstances exist that would justify such a departure from the London Plan or from National Planning Guidance.

35 It is therefore suggested that the applicant reconsiders its plans, and either develops a scheme that would retain and restore Athlone House within the bulk and massing granted planning permission by Camden Council in 2005, or alternatively comes forward with a revised and smaller proposal that would very closely match the scale and size of Athlone House as it existed when its hospital use ceased (circa 2,750 sq.m. GEA). As set out in the Table above, this would also accord with the scale of development the Council (and the Mayor) considered to be appropriate in 2005.

Local planning authority's position

36 This is not known at this stage.

Legal considerations

37 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. 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

38 There are no financial considerations at this stage.

Conclusion

39 London Plan policy on **Metropolitan Open Land** is relevant to this application. The application is contrary to the London Plan in this respect and the applicant has not demonstrated that any very special circumstances exist that would justify such a departure. It is however possible that a scheme that retained and restored Athlone House within the bulk and massing granted planning permission by Camden Council in 2005, or a revised and smaller scheme that very closely matched the scale and size of Athlone House as it existed when its hospital use ceased (circa 2,750 sq.m. GEA) might be judged acceptable to the Mayor in this respect.

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