

# King's College Hampstead Residence

in the London Borough of Camden

planning application no. 2015/3936/P

## Strategic planning application stage II 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

Redevelopment of the site to provide 156 residential units involving demolition of Queen Mother's Hall, Lord Cameron and Rosalind Franklin buildings and replacement with flats in three 4 and 5 storey buildings, seven houses to the northern boundary and three houses between the Chapel and Queen Mother's Hall; relocation and refurbishment of the Summerhouse; alterations and extensions to retained buildings, including listed buildings; excavation of 2-storey basement to the western part of the site and a 1-storey basement to the replacement buildings for Lord Cameron and Rosalind Franklin; lower the level of the lower ground floor of Bay House; provision of 97 car parking spaces, associated cycle parking, refuse/recycling facilities, plant equipment and landscaping works, including tree removal.

## The applicant

The applicants are **Mount Anvil Ltd** and **King's College London**, the architect is **Scott Brownrigg**, and the agent is **Montagu Evans**.

## Strategic issues

Issues with respect to **housing; affordable housing; open space; nature conservation and trees; transport; and climate change** have been satisfactorily addressed since Stage One. The proposed development is supported in strategic planning terms.

## The Council's decision

In this instance, Camden Council has resolved to grant permission, subject to conditions and completion of a Section 106 agreement.

## 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 22 May 2015, 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. This was referred to the Mayor under Category 1A of the Schedule to the 2008 Order:

- 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.

2 On 1 September 2015, Sir Edward Lister, Deputy Mayor and Chief of Staff, acting under delegated authority, considered planning report D&P/3658/01, and subsequently advised Camden Council that while the application was generally acceptable in strategic planning terms, it did not yet comply with the London Plan, for the reasons set out in paragraph 61 of the report; but that the possible remedies set out in that paragraph 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. Since then, further information has been provided in response to the issues raised (see below). On 25 February 2016, Camden Council decided that it was minded to grant planning permission, subject to conditions and completion of a Section 106 agreement, and on 1 March 2016 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 the 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 15 March 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## Update

5 At the consultation stage, Camden Council was advised that while the application was generally acceptable in strategic planning terms, it did not yet comply with the London Plan, for the reasons set out in paragraph 61 of the report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Housing:** The principle of residential development is acceptable in strategic planning terms and the loss of student accommodation does not raise any strategic concerns. The applicant should provide justification for the chosen mix of units and confirm that it is based on local housing needs. Further detail should also be provided on children’s play space.
- **Affordable housing:** The results of an independent review of the applicant’s viability assessment, commissioned by the Council, should be shared with the GLA before the application is referred back at Stage Two.
- **Open space, nature conservation and trees:** The proposals do not raise concerns at the strategic level; however Camden Council will need to be satisfied concerning the loss of open space and an element of Borough level SINC.
- **Transport:** The submitted transport assessment does not accord with TfL’s best practice guidance and should be revised. A PERS audit and pedestrian comfort guidance

assessment should be undertaken, and any contributions secured through the section 106 agreement. Surrounding bus stops should be reviewed for compliance with TfL accessibility standards, and alterations secured through the section 106 agreement. A further reduction in car parking is encouraged and confirmation that the basement parking is able to accommodate high-sided vehicles. Residents should be prevented from securing parking permits via a planning obligation. A full delivery and servicing plan should be secured by condition. The final construction management plan should be secured via appropriate planning conditions/obligations. The final travel plan should be secured through the section 106 agreement.

- **Climate change:** The applicant should introduce further passive measures in line with Policy 5.9 to reduce the risk of overheating and meet the CIBSE criteria for all spaces. The on-site carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan and while it is accepted that there is little further potential for carbon dioxide reductions onsite, in liaison with the Borough the developer should ensure the shortfall in carbon dioxide reductions is met off-site. This should be confirmed by the applicant and the Council before referral at Stage Two. The development is acceptable in relation to Policy 5:12 and Policy 5:13.

6 Since then, the applicant has responded to the matters raised in the Stage One report as set out below. In addition, the following revisions were also made; however these changes do not raise any further strategic issues:

- The size of the roof terrace at Kidderpore Hall was reduced to minimise views from the public realm.
- Alterations to the plan form of the second floor of Skeel Library and the first floor of Bay House.
- The mezzanine within the Chapel has been reduced and the height of the two storey side extension reduced.
- It has been agreed there would be no double glazing to any of the listed buildings, and plans were amended to remove any reference.
- The biodiversity measures across the site were amended to include the provision of a pond within the western courtyard and the planting of native species.

## Housing

7 The breakdown of the proposed residential accommodation has been confirmed since Stage One as follows:

	Market	Intermediate	Social	Total
Studio	1	0	0	1
One-bed	40	4	8	52
Two-bed	60	2	2	64
Three-bed	13	0	15	28
Four-bed	10	0	0	10
Five-bed	1	0	0	1
<b>Total</b>	<b>125 (80%)</b>	<b>6 (4%)</b>	<b>25 (16%)</b>	<b>156</b>

8 At Stage One, confirmation was requested that the provision of unit meets local housing needs. The Council's Committee Report states that 60% of the social rent units would be 3-bed, which exceeds the 50% policy aim and is welcomed. With regards to the intermediate housing, there are no large units due to the high costs; however it considered that this is acceptable on balance considering the provision of large social rent units. Of the market housing, the

development would provide 48% 2-bed units, with 66% of the units being 2 bed or larger, which is in accordance with the policy requirements. Overall, Council planning and housing officers consider this to be a balanced mix for the site, which is supported.

9 London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' seeks to ensure that development proposals include suitable provision for play and recreation. The tenure and unit sizes give a child yield of approximately 56 children, with 25 under-fives, requiring approximately 250 sq.m. of under-5 child play space on-site as a minimum. As discussed below, the proposals provide 4,305 sq.m of landscaped open space on the site, which will provide a variety of high quality informal play spaces, meeting the requirements of Policy 3.6.

## **Affordable housing**

10 At Stage One, no detail was provided on affordable housing; however the Council was requested to provide its independent assessment of the applicant's viability review.

11 The proposals include 31 affordable homes, comprising 25 social rent units (8 x one-bed, 2 x two-bed and 15 x three-bed) and 6 intermediate units (4 x one-bed and 2 x two bed). This would provide a tenure split of 80% social rent and 20% intermediate. This represents a higher proportion of social rent units that specified by London Plan Policy 3.11 'Affordable Housing Targets', which requires that 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale; however this is considered acceptable in this instance, in an area where there is a very limited supply of social housing.

12 The social rented accommodation would occupy the entire block of the new Lord Cameron Hall building and would be completed prior to occupation of 25% of the market units, with occupation completed prior to full occupation of the market units, to be secured in the Section 106 agreement. The intermediate units would be located on the lower two levels of the new Queen Mother Hall block. The applicant has committed to entering into a contract with a registered provider prior to occupation of more than 25% of the market market units, with the intermediate units being completed and ready for occupation prior to occupation of more than 90% of the market units, to be secured in the section 106 agreement. The Council's Housing Partnerships Team supports the proposed mix, location and residential quality/amenity of the affordable units.

13 As requested at Stage One, the Council has provided a copy of it independent viability review, which confirms that the development would result in a deficit of £5.46 million; however the applicant is willing to proceed with the proposed level of affordable housing, which amounts to 20% of units and 14% of floorspace. The Council seeks deferred affordable housing contributions where the provision of affordable housing falls short of its 50% policy target and there is a prospect of viability improving prior to completion. This will be secured in the section 106 agreement, capped at £12,455,000.

14 These arrangements are acceptable and the proposal is considered to provide the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12.

## **Open space, nature conservation and trees**

15 As noted at Stage One, the site includes open space designated as a Borough level (2) Site of Importance for Nature Conservation (SINC), although this is not currently publically accessible. It was also noted that the extant 1997 permission allowed building on some of the SINC. A total of

903 sq.m. of the SINC to the western and central areas of the site would be built on through the proposed scheme, in the form of a rebuilt Queen Mother's Hall building; the construction of the pavilion houses building and some of the area of the townhouses; and the relocation of the Summerhouse. The loss would be in the form of shrubbery, trees and grassed areas, which would cause some harm to the habitats and biodiversity of the site. Initial proposals to mitigate the impact included the provision of additional woodland species, bird boxes and bug hotels to enhance biodiversity. However, the applicant has now amended the proposals to include further commitments to ensure that the bio-diversity value of the site is retained and enhanced. This includes:

- Use of the western courtyard as a bio-diverse landscaped area with a new pond;
- Planting of native species across the site;
- Engagement of local residents and wider community through practical nature conservation;
- Effective management and maintenance of the site;
- SINC information packs to be provided to all residents within the development; and
- A financial contribution towards mitigating the impact of the development.

16 It is also noted that the proposals would result in 3,906 sq.m of open space being made available for public use within an area of public open space deficiency.

17 The Mayor's Stage One Report stated that the open space proposals do not raise concerns at the strategic level; however the Council will need to be satisfied concerning the loss of open space and an element of Borough level SINC. The Council's Committee Report notes that the benefits of the proposal would outweigh the harm caused to the SINC. This includes sensitively restoring and bringing into use five Grade II listed buildings, the provision of 156 residential units, the provision of a good level of affordable housing of appropriate tenure, and the additional biodiversity mitigation measures. During the course of the application, revisions have been accepted to increase the number of trees to be planted to 24, 11 of which would be semi-mature. Conditions have also been applied to ensure that demolition works do not impact on bats within the area; secure details of a lighting strategy to protect species and other wildlife; and secure details of bird and bat boxes on site to encourage wildlife.

18 In summary, these amendments to the scheme are strongly supported.

## **Transport**

19 At Stage One, further information was requested relating to trip generation and mode share, which has been undertaken and confirms that the proposal will not have any undue impacts on the strategic highway and public transport networks. In addition, the requested alterations have been made to the provision of Blue Badge parking and electric vehicle charging points, and future residents will be restricted from obtaining on-street parking permits. All of these matters have now been addressed in accordance with London Plan policy. A Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan have been secured by condition as requested.

20 In addition, a PERS audit, a review of local bus stops, and contributions towards any deficiencies were requested at Stage One. The Section 106 heads of terms detailed in the Council's Committee Report secures a highways contribution of £109,282, part of which TfL recommends should be directed towards the upgrade of Croft Way; a contribution of £20,000 towards upgrading two local bus stops; and a contribution towards pedestrian, cycling and environmental improvements.

21 Overall, all the transport issues raised have been satisfactorily addressed, and the proposals are therefore considered to be in general accordance with the transport policies of the London Plan.

## Climate Change

22 At Stage One, the modelling undertaken indicated that there were a significant number of areas within the development with a high risk of overheating and the applicant was requested to introduce further passive measures in line with Policy 5.9 'Overheating and Cooling'. In response, the applicant repeated the overheating modelling for the townhouses with the inclusion of mechanical ventilation with heat recovery (MVHR) and internal blinds, which means that all areas will now meet the CIBSE criteria for overheating.

23 Based on the revised energy assessment, a reduction of 35 tonnes of CO<sub>2</sub> per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 27%. The on-site carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan; however it is accepted that there is little further potential for carbon dioxide reductions on-site, particularly considering the restrictions arising from the historic buildings involved. The Council will secure a carbon offset contribution of £20,068 in the section 106 agreement, which is in accordance with Policy 5.2.

## Response to public consultation

24 Camden Council publicised the application by sending notifications to 622 neighbouring properties, as well as issuing site and press notices. The Council received 45 letters of objection and 136 letters in support (all from the Principal and attendees of the Hampstead School of Art). An online petition entitled 'London Borough of Camden: Don't trash our Site of Interest for Nature Conservation' contained 302 signatures.

25 The grounds for objection include:

### General objections

- The scheme contravenes the change of use policy and would benefit very few, at the cost of locals and visitors, causing damage to a highly valued Conservation Area.
- The area has gone from one apartment complex to three within 4 years, without sufficient consultation on whether the infrastructure or the neighbourhood atmosphere can cope.
- Timing of application on the last day of the summer term when the majority of the parents of St. Margaret's and St. Luke's will be away on holiday.
- The application does not provide benefit to the local community.

### Land Use

- The applicant's assertion that the established use is student accommodation is not true, and the established use, both historic and current, includes substantial community use.
- Lack of school places in the area, which will be compounded by additional homes.
- The site should include additional school places, continuing its current educational context and community use.
- Space for educational, leisure and use by the elderly is needed, and would replicate the historic and current use.
- Land needed to expand the adjacent primary school.
- The loss of the hall space will create a shortfall in the provision of community use.
- Underground car park and insertion of new townhouses are antithetical to the designated open space and to the character of the Conservation Area.
- Principle of building on open space within an area with a shortage of open space.
- Dramatic overdevelopment on a designated open space in a Conservation Area.
- Excessive density of housing for this small residential road, which is already suffering the large scale development at the Barratt site.

### Design

- Height and bulk of some of the proposed buildings out of keeping with the local area and detrimental to views, overlooking, and light of neighbours.
- Ugly modern architecture.
- Adverse impact on the setting of the adjacent Grade II listed buildings and on the street.
- Destruction of charming and interesting buildings.

### Amenity

- Noise pollution, air pollution, vibration, increased traffic and road and pavement disruptions, especially due to having two major developments in progress at the same time.
- Concern that the public space will not be compatible with privacy of neighbours.
- Impact on privacy and outlook of neighbours.
- Concern about the impact of plant noise equipment on adjacent primary school.
- Increase in noise due to increase in homes.

### Impact on Tennis Club to north

- The extension of Lady Chapman Hall would cast a shadow across the neighbouring tennis court during the main playing time, reduce the amount of direct light to the courts and may affect the growth of the lawn.
- Windows close to tennis court with the risk of causing nuisance to residents.
- Impact on intention to install flood lighting.

### Housing

- Shortage of affordable housing.

### Basement

- Development would exasperate the water problems in the area.
- Concern about impact on water courses.

### Transport

- Car access next to the school entrance is dangerous.
- The new traffic movements to the area, particularly in combination with the Barratt site, would cause congestion, air pollution and diminish the quality of life.
- The proposed car park is contrary to Camden's policy objectives of low car provision, carbon reduction and concerns about air pollution in the borough.
- Insufficient parking spaces creating problems in neighbouring roads.

### Trees & Nature Conservation

- Removal of trees will significantly alter the character of the area.
- Proposal to build townhouses along the perimeter of the SINC is incompatible with the role of the open space and would obliterate wildlife.
- The formal gardens do not provide planting for biodiversity.

26 London Assembly Member Darren Johnson objected due to the loss of a Borough-level SINC and open space; loss of 35 trees; loss of foraging habitats; traffic impacts; and inadequate affordable housing.

27 A total of 136 letters of support were received from the Principal and attendees of the Hampstead School of Art, located to the opposite side of Kidderpore Avenue, citing the following reasons:

- The applicant shows care for the existing community and good communication.

- Strong design, welcome inclusion of public gardens and sustainable housing.
- Enhance the area in what has been a transitory student community for many years.
- Affordable housing is welcome, as is the availability of underground parking.
- Enhances the environment in the long term when the development is completed.

## **Response to statutory consultation**

28 Historic England commented as follows:

- Although the loss of Lord Cameron would be a sad loss, the character of the Conservation Area would likely be sustained in the contextual design of the replacement building, thus complying with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- No significant concerns with the proposed new build elements and it does not appear that the redevelopment would cause any significant harm to the setting of the Grade II\* listed Church of St Luke.
- Strongly advise that Historic England is consulted on the dismantling and relocating of the Grade II listed Summerhouse and recommend a phasing plan for the redevelopment to ensure the delivery of the Summerhouse proposals as part of the overall scheme.

29 The Victorian Society objected to the proposal, although it stated that with some finessing the scheme could be a success, as follows:

- The proposals involve consideration work to numerous listed buildings, most of which appears to be acceptable.
- The new build elements are not yet a sophisticated enough response to what is a sensitive setting. The setting of the designated heritage assets must be taken into account when considering the impact of the proposals, as according to paragraph 132 of the NPPF.
- Greater significance should be given to both Lord Cameron Hall and Queen Mother Hall.
- New buildings facing Kidderpore Avenue should be set back from the road to minimise their disruption of the streetscape and height reduced. The elevations are busy and lack the order of neighbouring collegiate buildings. There is too high a proportion of glass accompanied by uncharacteristic, irrelevant projections.

30 The Twentieth Century Society objected to the proposed demolition of Lord Cameron Hall and Queen Mother Hall:

- Lord Cameron Hall has a robust 1930s building with institutional character, a carefully considered design response to its context in terms of height, scale and materials and along with the listed Chapel it forms an important element in the twentieth century architectural history of the College site.
- Queen Mother's Hall is a cleverly executed building of the 1980s, responding positively to its context in terms of scale, the domestic style pitched roof and use of red brick.
- The loss of these buildings would result in harm to the designated heritage asset and further consideration should be given to the retention and re-use of these buildings.

31 Thames Water made no objection subject to conditions.

32 The Environment Agency made no objection.

33 Issues raised by objectors have been considered in this report, the Mayor's Stage One report, and the Council's Committee Report of 25 February 2016.



34 In relation to historic environment issues, the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” and in relation to conservation areas, special attention must be paid to “*the desirability of preserving or enhancing the character or appearance of that area*”. The Court of Appeal in *Barnwell Manor* held that a finding of harm to a listed building or its setting is a consideration to which the decision-maker must give considerable weight, and that there should be a strong presumption against granting permission that would harm the character or appearance of a conservation area. The Mayor’s Stage One report concluded that the proposal should “*enhance the setting of the designated heritage assets both on the site and in the vicinity, including the Grade II\* listed St. Luke’s Church, as well as the character and appearance of this part of the Conservation Area*”, and no harm will therefore be caused to listed buildings or the Conservation Area. In coming to this decision, GLA officers have had special regard to the desirability of preserving the listed buildings and their settings, and the desirability of preserving or enhancing the character or appearance of the Conservation Area.

## **Section 106 Heads of Terms**

35 The following financial contributions are to be secured via a Section 106 agreement:

- Carbon off-set contribution of £20,068.
- Highways contribution of £109,282.
- SINC contribution of £137,500.
- Contribution towards upgrading bus stops of £20,000.

36 Affordable housing provisions are also to be secured in the Section 106 as discussed above.

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

37 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 One, therefore there is no sound planning reason for the Mayor to take over this application.

## **Legal considerations**

38 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. 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.

## Financial considerations

39 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

40 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.

41 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

42 The matters raised at consultation stage, namely those relating to housing; affordable housing; open space; nature conservation and trees; transport; and climate change have been satisfactorily addressed. The proposed development is supported in strategic planning terms.

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