

GONDAR AND AGAMEMNON RESIDENTS ASSOCIATION
c/o 28 Gondar Gardens, London, NW6 1HG

Gavin Sexton
Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
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4 April 2011

By post and email to env.devcon@camden.gov.uk

Dear Mr Sexton

PLANNING APPLICATION 2011/0395/P – GONDAR GARDENS RESERVOIR

OBJECTION TO APPLICATION BY GONDAR AND AGAMEMNON RESIDENTS ASSOCIATION (GARA)

I am writing on behalf of the Gondar and Agamemnon Residents' Association (GARA) to object to planning application 2011/0395/P.

GARA is a formally constituted organisation, launched in 2001, of over 100 adult members in Gondar Gardens, Agamemnon, Hillfield and Sarre Roads.

GARA has an in-depth knowledge of the application site, which has developed and deepened over the ten years' lifespan of the association. GARA has procured professional advice from Planning, Traffic and Environmental Consultants and sought advice from a structural engineer, to inform this letter.

GARA (as Gondar Gardens Residents Association) made detailed representations to, and stood at, the UDP Inquiry in 2005 which confirmed the status of the site as Private Open Space and as Site of Nature Conservation Importance (SNCI) Borough Level 2. These statuses have been maintained in LBC's LDF and associated documents, despite requests from the previous and current owner of the site (Thames Water and Linden-Wates respectively) to redesignate the site.

We set out below our objection on the grounds of both policy and on detailed aspects of the submission

A Policy

Any application to develop the site must first be viewed through current policy, from which extracts are listed below (our bold type).

Policy regarding Open Space and SNCI

CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity

"The Council will protect and improve Camden's parks and open spaces. **We will a) protect open spaces designated in the open space schedule.....**

The Council **will protect and improve sites of nature conservation and biodiversity**, in particular habitats and biodiversity identified in the Camden and London Biodiversity Plans in the borough by d) designating existing nature conservation sites.....

15.6 (extract) **The Council will protect the open spaces designated in the open space schedule....** as well as other suitable land with the potential to be used as open space. (We will continue to protect the sites shown in the UDP Proposals Map 2006...). **We will not allow**

development on these open spaces unless it is for limited development ancillary to a use taking place on the land and for which there is a demonstrable need.

15.6 (extract) **We will only allow development on sites adjacent to an open space that respects the size, form and use of that open space and does not cause harm to its wholeness, appearance or setting, or harm public enjoyment of the space.**

15.17 (extract) **The Council will continue to protect all sites in the borough formally identified as being of nature conservation value..... To protect our existing sites, we will resist the development of designated sites where the nature conservation value has been diminished or lost, especially where this loss is due to neglect or damage,** and we will seek the re-instatement, or an equivalent level, of biodiversity on the site. The Council will be particularly keen to protect habitats and species identified in Camden's Biodiversity Action Plan."

It is clear that the application to develop a major part of the Private Open Space & SNCI, and to develop the "white land" between this space and Gondar Gardens roadway is against London Borough of Camden (LBC) Policy, formally adopted in November 2010.

Unsuitability of the land for housing

The applicant considers the land suitable for housing. LBC has considered requests in the UDP and in the LDF processes and remained of the view, accepted by the Planning Inspectorate that the designation as Open Space was correct. The land is not suitable for housing under several tests;

Planning Policy Statement 3: Housing (PPS3) requires that, in considering planning applications for housing, Local Planning Authorities (LPAs) should have regard to the "suitability of a site for housing, including its environmental sustainability." It states that where a local authority has a five year housing plan in place, this should inform planning decisions on housing applications. Camden has outlined its planned delivery of housing allocations through the Site Allocations Preferred Approach. LBC has demonstrated a five year supply of land through its chosen Site Allocations: Gondar Gardens Reservoir is not among these sites.

During consultation on the Core Strategies, Camden responded to a request to remove the open space designation on Gondar Gardens reservoir to enable the provision of housing as follows:

"The Gondar Gardens site has been assessed as having specific nature conservation value and therefore we will continue to protect it as a designated Open space and a site of nature conservation importance. The Council has a sufficient supply of future land for housing to meet its housing targets and therefore it is not considered necessary or appropriate to designate open spaces for housing."

The PTAL of the site is stated by the applicant as 1, the lowest end of the categories, indicating poor access to public transport. The location is therefore not considered sustainable and is not appropriate for designation as housing. A further implication of the site's poor PTAL is the likelihood of more traffic movement than is predicted. We address this later in the letter.

The relevance of the condition of the reservoir

The applicant makes considerable play of the argument that the expected collapse of the reservoir structure is material in planning terms. We believe that this is misplaced. If the structure does collapse, the character of the site will change – there will no longer be a raised grass plateau, parts of the brick structure will become exposed, etc. However the site will remain open space, the views to the east and to the south will not be affected, and in all likelihood the site will be enhanced ecologically – the seed bank would be retained, the brick structures would provide refuge for species, etc. The ecological value of the site has in large part resulted from the lack of human disturbance, which would still be the case following a collapse.

The applicant also argues that there is no suitable alternative use for the reservoir structure other than housing. However this ignores the fact the site already has a use which is recognised in planning policy – open space. It is the applicant's problem that they have a structure which has to be maintained given that they presumably purchased the site in full knowledge of the planning

constraints in existence. The reservoir structure has been successfully maintained by the previous owners for over 120 years and, like many structures of this era, has many years left of structural stability if maintained correctly.

GARA is concerned that the site is being deliberately blighted. In January 2010 habitat was removed, in the form of a tree belt on the western edge. Two sets of hoardings have since been erected, in the name of preventing trespass. The second of these is located at the perimeter of the structure and the mere erection of fence posts will have damaged the reservoir roof, thus providing further leakage paths for rainwater that will lead to degradation of the fabric. LBC should strongly resist the arguments that the reservoir's decline is inevitable and accelerating when the means of arresting decline is in the capacity of the applicant.

We also consider that the calculations are relatively conservative and question whether this is appropriate given the structure's disuse and distance from occupied areas and buildings.

B Content and validity of the application

Environmental Statement

Good practice would be for a 'scoping opinion' to have been requested from Camden. However, the Non Technical Summary highlights that a scoping opinion was not requested from the Council, 'since the relevant topics have already been identified', though it is not clear by what means they have been identified or whether LBC has agreed them. The ES has not sought to address the impact of the proposed development on open space and associated amenity has not been addressed. We question whether the ES is complete and whether due process has been followed, particularly with regards to the development of alternatives and how the scheme has been influenced by the environmental conditions on site. It is also unclear how the consultation process has influenced the layout and design of the scheme and whether the requirements of the consultation process have been met.

The envelope of the application

There are no dimensions or datum heights on the drawings hence it is not possible to determine exactly the building envelope for which the applicant is seeking consent. It is not possible either, therefore, to fully assess its impact, particularly visual impact. The validity of the EIA and findings of the assessment need to be done with reference to the Rochdale and the Wells cases, and we would question, therefore, whether the EIA has been undertaken correctly.

Even in an Outline Application it is necessary to determine the quantum of development being sought however this notionally Detailed application makes no attempt to do so.

We question whether the application can be considered valid without any dimensional data to define the development for which the applicant seeks consent.

C Detailed observations

Phase 1 habitat survey

The Phase 1 habitat survey is incomplete. It fails to address in any detail how the development will impact the bird species. It fails to include a breeding bird survey. It does not include the protected species recorded in the data search as an appendix. There is no bird survey to confirm or dispel this position or any assessment of how the development will impact these birds, although the report does state that 'it was considered that habitats were mostly too small in size and limited in potential' but this does not offer a significant assessment of the site in this respect. Furthermore, the Phase 1 survey report does not include the protected species recorded in the data search as an appendix and although the text in the report refers to the data search a full visible list is expected as a more complete dataset. We believe this underestimates the value of the site to birds for feeding.

Our own survey data, collected every month since the UDP Inquiry in 2005 until today, is included as an Appendix 2 to this letter. This survey of birds includes several Biodiversity Action Plan species (e.g. song thrush, starling, house sparrow, green woodpecker). The applicant makes no reference to the exhaustive list of birds provided to the UDP Inquiry and witnessed at that Inquiry by then-resident Peter Evans.

The ecological value of the undisturbed grassland above the reservoir is downplayed, whereas it is a vital part of the overall habitat value of the site, supporting invertebrates and thus providing feeding opportunities for birds. The applicant's survey lists as many species in the area of meadow being removed (TN2) as that being retained (TN10), yet considers the former less valuable. Statements are made about the ground over the reservoir being prone to desiccation but no evidence is put forward to support this. Empirical evidence from residents of over 20 years is that the grass does not die off in summer due to desiccation. The grassland is considered "impermanent" presumably to indicate a lack of value, but it is proposed to be replaced with green and brown roofs on buildings which are unlikely to have a design life as long as that of the reservoir proposed for demolition. The survey was conducted on 22 July 2010 and clearly indicates a recently mown sward – the biannual mowing having been undertaken earlier that month. The applicant includes a photograph showing the recently mown sward at the date of their survey; we attach in Appendix 1 a photograph taken on 1 July 2010, showing the extent of long grass on the reservoir roof. A survey pre-mowing may have indicated additional species not capable of recording after mowing, such as forbs with a low-growth habit.

We contest the arguments therefore that suggest the reservoir roof has a lesser value to the SNCI.

Ecological impact

Whilst attempts are made to address Camden's only slow-worm population the applicant makes no consideration of the impact on slow-worms of significantly reducing the link between the southern slopes of the reservoir and hibernation sites in the gardens to the north through the removal of the reservoir structure. Additionally, the proposed reduction in grassland constrains the future population of slow worm: this would negatively impact its genetic stability and is likely to lead to increased mortality through competition stress and juvenile death. To allow the habitat to be reduced would therefore be contrary to the obligations of LBC under PPS9 to promote biodiversity.

No assessment is made of the overall quantity or quality of habitat before and after the proposed development and no tangible commitment is made to habitat reinforcement after development. There is no reference to management of the habitat during the proposed construction period when the noise and air quality impacts will be at their highest and the habitat degradation also highest. There is no certainty for the delivery of these mitigation works and therefore again the test within EIA terms are not met.

An argument is put forward that the site is small and hence not of value. There is no explanation of the relevance of size or reference to an agreed scale, "small" is merely subjective. To dismiss the site as small but to argue that smaller is better is illogical.

Trip generation

An attempt is made to disregard the site's limited accessibility to public transport, achieving only a PTAL of 1. The argument that PTAL is too rigid in its application of walk distances is fairly common; however this does not make it a reasonable point. In order to achieve better accessibility (and a resultant PTAL) the consultant has elected to present a rating for an arbitrary location at the bottom of Gondar Gardens some 160m from site entrance, which itself is some 50m from the centre of the site (A more reasonable point of reference for a site of this scale and density). There is really no basis for doing this and therefore, it is apparent that the site has comparably low access to public transport, which is reflected in the accurate PTAL

Parking Stress

Due to the low PTAL there is a high probability that the proposed residents will drive more than predicted. Due to the inconvenience of using the vehicle lifts and the tight nature of the access within the lower part of the proposed development, residents are likely to park on the street, particularly if their car use patterns are outside the hours of the controlled parking zone (10am-12noon). This is likely to add parking demand to the CPZ which is already noted as being stressed, and is in addition to the proposed loss of 2-3 spaces to provide a visibility splay to the proposed entrance. The focus of any residential car parking demand study should be the overnight period, which in this case results in

parking stress of over 90%. The applicant makes no reference to the additional parking generated by nearby apartments in construction at 1 Gondar Gardens and those fronting Mill Lane at the rear of Hillfield Road, nor of the additional parking generated by the recently occupied additional apartments at Gondar House, nor the impact of a recent application to the rear of Sarre Road. The cumulative impact on parking will place an additional stress on parking that is likely to lead to additional night time parking in unsafe places such as street corners and junctions.

The trip generation assessment is incorrect. The errors are as follows;

- the trip generation calculation is based on just one site from the TRAVL database, which is not acceptable
- the trip generation is based on a TRAVL site with a PTAL of 3 but the proposed development has a PTAL of 1 – this will lead to an underestimate of trip generation
- the site used as the basis of estimates has 22 apartments with an average of 2.5 bedrooms per unit, in a mixed-use scheme, which is car free and hence not comparable at all

The assessment of traffic impact is therefore meaningless and inadequate.

Vehicular servicing of the site

The applicant has given insufficient consideration of the servicing of the proposed development. Though track plots are included for car movements, no detailed consideration is given to movement of light vans (e.g. for supermarket deliveries), large vans (e.g. for delivery of household appliances) or emergency vehicles. These vehicles cannot be parked off-road as all the hard-standing is required for access to the vehicle lifts, so the vehicles will park either on single yellow lines, residents' parking bays or block the highway. GARA wishes to see the comments of the emergency services on how they would attend an incident at the end of the proposed cul de sac, over 70m from the access point on Gondar Gardens, especially as any such comments (and the developer's response to them) might fundamentally affect the proposed scheme.

The distance that residents are expected to move refuse to the collection point is not assessed against BS standards or the Manual for Streets, and is likely from brief inspection to exceed recommendations.

Visibility splay

The approach taken to measuring the visibility is inconsistent with the standards set out in Manual for Streets. The resultant visibility splay included in Drawing 9V6975/02 is therefore inaccurate, by some margin. The approach taken in the measurements and the justification in the text are not consistent. Car parking appears to have been removed to facilitate access visibility, while the text suggests this is not necessary.

Visual impact

Current visual amenity

Surrounding residents of the site derive considerable visual amenity from the site at present. The UDP Inspector noted that the multiplicity of private views south over the reservoir amounted to a public amenity. There are also public views from the street into the site from Gondar Gardens to the east, and the green nature of the site offers visual benefits to passers-by. The ES Design Brief states that a key requirement of the brief is to 'minimise impacts on nearby streetscapes and views from surrounding properties'. The Non Technical Summary notes that the main visual impact would be to remove the grassed reservoir roof and replace this with built development. It states that no other vegetation would be lost. The proposed development would result (in the applicant's undimensioned statement) in an "additional half a storey" of development being visible above the existing level and this would be the main impact on views across the site¹.

Predicted effects

¹ Design and Access Statement, section 4.03

Annex 16 of the ES is a landscape and visual impact assessment of the proposed development². The document includes a computer-generated image of the views across the site from the west, and also a view from the street to the east (Gondar Gardens). However these are not Verified Virtual Images and hence there can be no certainty that the images accurately represent the development, nor are they taken from a position of any neighbouring resident. The included images therefore are not relevant in assessing visual impact. There is no visualisation of how views from properties to the north and south of the site will be affected.

Annex 16 of the ES notes that residents are a 'highly sensitive receptor'³, and states that 'The development will represent a partial but high degree of change to its character, due to the introduction of the new dwellings. These are likely to be relatively prominent in ground level views from Gondar Gardens and in views from the upper storeys of the surrounding properties'.

The basis on which the 'low' sensitivity rating attributed to the landscape (on which the development is proposed) is unclear. Low sensitivity landscapes are defined as 'Townscape dominated by high-rise buildings or with strong attributes (e.g. absence of coherent pattern, vacant land, major roads)'.

The site should arguably be categorised as of 'medium' sensitivity, particularly in light of Camden Council's specification that the site should not be viewed as previously developed or vacant land⁴. Land of 'medium' sensitivity is described as 'Townscape with a mix of positive and negative attributes; (e.g. built-up areas and green spaces) and typically of low to medium-rise scale'. This would increase the significance of the predicted effects on the landscape, and would necessitate adequate mitigation to reduce this effect. However, this conclusion is not drawn by the ES documents, and as a result mitigation to protect views from the surrounding properties is not proposed.

The proposed development incorporates 'communal gardens along the Gondar Gardens frontage'⁵, which will be accessible to residents, although it is not clear whether these will also be accessible to existing residents/neighbours.

Conclusions on visual amenity

The ES concludes that the development will have a moderate effect on the site character and minor effects on the neighbouring residents whose properties overlook the site. The assignment of 'minor' effects on the visual amenity of residents of neighbouring properties does not correspond with the matrix on page 8, and no clear explanation of this conclusion is given. As such, whilst mitigation is proposed, no mitigation for the potentially significant effects on the visual amenity of the resident receptors is included, particularly the nearest residents with ground floor windows directly overlooking the site in Chase and South Mansions. The locally important view east to Hampstead would be adversely affected and thus contrary to CS14e.

Pedestrian access to the dwellings

We consider pedestrian access to the dwellings inadequate as there is no step-free access provided other than the vehicle lifts. It is against the Disability Discrimination Act for non-ambulant residents or visitors to have to use a vehicle lift as this is significantly less desirable a route than that offered to ambulant pedestrians. It is not acceptable for parents with pushchairs to have to use vehicle lifts. The application is therefore contrary to CS14d.

Noise assessment

No effort is made to assess the cumulative impact of noise generated by the site, being domestic ventilation systems, the CHP plant and the vehicle lifts. No attempt is made to demonstrate that this plant can be attenuated to meet the criterion on 10dB below ambient. The noise assessment offered as demonstration of adequate attenuation of CHP noise to the nearest dwelling appears to be for a

² Annex 16: Landscape and Visual Impact Assessment, Appendix 3.

³ Annex 16: Landscape and Visual Impact Assessment, page 8

⁴ London Borough of Camden: Unitary Development Plan Review Annex 2: Schedule of proposed responses to representations received on the Deposit Draft UD
<http://www3.camden.gov.uk/planning/UDP2004/Comments/By%20Plan%20Section/Appendix%205%20Schedule%20of%20open%20spaces.pdf>

⁵ Non Technical Summary, paragraph 7.18

different site from its front cover and assesses gas boilers and not CHP plant.

Light pollution

There is no attempt to consider the light output of the proposed development on either neighbouring properties or habitat. Much of the value of the SNCI lies in it being undisturbed. Much of the amenity of the residents is from neighbouring a dark site. This is not addressed by the applicant and hence no mitigation is proposed.

Construction Management Statement

This is no more than a standard document prepared in a largely generic manner. The document assumes that construction will be suitable to take place from 8am to 1pm on Saturdays in this wholly residential neighbourhood. The construction noise assessment makes no reference to the properties in Sarre Road which are as proximate as those in Agamemnon Road. Again the test in EIA terms is not met and as such the requirements of the EIA directive have not been fulfilled. No certainty is given on how, when these mitigation works for the environmental impacts identified, will be delivered.

Summary of objections

- **The proposed development is contrary to Core Strategy 15 and the protection it affords to Open Space and Sites of Importance for Nature Conservation**
- **The applicant has tried and failed to have the site allocated for housing under the LDF: the site was not suitable for housing and is not required to meet housing demand in the Borough**
- **The potential for collapse of the reservoir is irrelevant**
- **The application is not complete as it fails to define the building envelope with AOD levels and dimensions and the Environmental Statement has not been formally scoped**
- **The ecological survey is incomplete**
- **The trip generation calculations are erroneous**
- **The cumulative effect of this proposal with recently consented schemes under construction is missing**
- **Vehicular servicing has not been fully considered**
- **The visual impact assessment is incomplete**
- **There is no assessment of noise or light pollution impact**

In conclusion, GARA objects to planning application 2011/0395/P.

We wish to be informed of the date of the DC Committee. We would like to receive a copy of the Officer's Report to the Committee and be given the opportunity to make representation at the Committee meeting.

Yours sincerely

Michael Poulard
Committee Member
For and on behalf of GARA

Encs.

Cc Frances Wheat (LBC), Cllr Nancy Jarira, Cllr Russell Eagling, Glenda Jackson MP