

# DWD

## STATEMENT OF CASE

**ALPHA HOUSE, 24-27 REGIS ROAD,  
KENTISH TOWN, NW5 3EW**

**ON BEHALF OF .BIG YELLOW SELF  
STORAGE COMPANY LIMITED**

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## 1.0 INTRODUCTION

### Background

- 1.1 This Statement of Case (**'Statement'**) has been prepared by DWD Property and Planning Ltd (**'DWD'**), on behalf of .Big Yellow Self Storage Company Limited (**'the Appellant'**), in relation to an appeal against the refusal of planning permission by Camden Council (**'the Council'**) with respect to a full planning application for the following development (**'the Appeal Scheme'**) at Alpha House, 24-27 Regis Road (**'the Appeal Site'**):

*“Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and office space (Use Class E(g)(i)), together with vehicle and cycle parking and landscaping”*

- 1.2 The application history is set out in further detail in Section 2.0 of this Statement of Case, however, in summary, the application was submitted to the Council on 7<sup>th</sup> January 2023 and confirmed as valid on 7<sup>th</sup> February 2023.

- 1.3 The Appellant attempted to arrange a pre-application meeting with the Council’s planning officers in October 2021 and a significant package of information was submitted to inform that meeting. However, in response to that request and attached Appendix A, the Council refused to meet with the Appellant stating:

*‘I’ve discussed this proposal internally and as this submission is for piecemeal development of the site without a wider approval of the masterplan for the whole area, this would be contrary to Council’s policies and guidance. We would not be able to support such proposal and you are advised to engage with Wen Quek and Katrina Christoforou part of Paceshaping Team, and discuss further steps.*

*I’ve drafted a short letter for you which explains our position, please see attached. As it stands we do not see how a meeting with the planning department can provide you with any substantial support, as we would just reiterate the assessment as detailed in the letter.’*

- 1.4 Following feedback from the Lead Local Flood Authority (LLFA), further drainage information was submitted to the Council on 5<sup>th</sup> April 2023. The Council’s Case Officer subsequently confirmed that the additional information received was sufficient and any further matters could be dealt with via condition.

- 1.5 In addition, four objections have been received throughout the duration of the application. Two are from local councillors, one is from Kentish Town Road Action (**'KTRA'**) and another from Kentish Town Neighbourhood Forum (**'KTNF'**). These objections shared similar concerns with respect to the

delivery of the comprehensive masterplan. A rebuttal responding to these objections was submitted to the Council on 23<sup>rd</sup> May 2023, which is attached as Appendix B.

**Basis of this Appeal**

- 1.6 This Appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended). It has been submitted in light of the Council's decision to refuse the planning application on 10 grounds.
- 1.7 The Appellant therefore seeks to address the purported reasons for refusal in Section 4.0 of this Statement of Case. The Appellant reserves the right to respond following receipt of Camden's own Statement of Case.

## 2.0 FACTUAL BACKGROUND

### The Appellant

- 2.1 The Appeal Scheme is promoted by .Big Yellow Self Storage Company Limited ('**Big Yellow**').
- 2.2 Big Yellow is one of the leading self-storage operators in the UK. It is a publicly listed company which develops, owns and operates modern self-storage centres for personal, business and leisure storage. It now has 109 trading stores open across the UK, including 24 branded Armadillo Self Storage, and has 47 stores in London.
- 2.3 Big Yellow has been a pioneer in the self-storage industry, being the first operator to build purpose-built warehouses, as well as providing high quality, sensitive conversions of existing premises. Big Yellow employs over 450 full and part time staff.
- 2.4 Big Yellow's stores provide a secure, do-it-yourself facility for business customers and private individuals. Each store provides a variety of different room sizes from 10 sq ft to 400 sq ft, dependent on the requirements of the customer. The storage space provided is high quality, comprising modern, secure rooms each accessed from wide, well-lit corridors designed for easy manoeuvrability. The individual rooms can be rented for as short a period as 7 days or for as long a period as the customer requires. Each individual room has its own door, is alarmed, and is locked by each customer's own padlock.
- 2.5 Customers of Big Yellow use self-storage for either domestic or business purposes. On average around 84% of customers of a store will be domestic, with the remaining 16% being business customers. This proportion relates to the numbers of customers, but business customers usually take a greater area of floorspace and thus the floor area they occupy is much greater. In 2018, 28% of self-storage floorspace nationally was occupied by businesses, but this has increased to 37% in 2022. In London, on average 40% of Big Yellow's space is occupied by businesses.
- 2.6 In addition to self-storage, Big Yellow also has 18 stores which incorporate areas of flexible office space (Use Class E(g)(i)), aimed specifically at small and medium-sized enterprises ('SMEs'), enabling the opportunity for important administrative space to be leased alongside self-storage space. Big Yellow has identified a clear and growing demand for both self-storage and flexible office space in this area of Kentish Town.
- 2.7 The design brief for the new facility, given to Big Yellow's architects, Mountford Pigott LLP, comprises the following key objectives:
  - To design a self-storage and flexible-office facility suitable for its location.

- To create a building of the highest quality to respond to the Appeal Site's prominent location.
- To consider the effect of the Appeal Scheme on the character of the surrounding area and the community.
- To consider the Appeal Site's topography, its existing and emerging context, and surrounding uses.
- To provide manoeuvrability and parking spaces for the occasional larger vehicles, such as furniture removals and refuse lorries.
- To provide appropriate car and cycle parking facilities.
- To create a building that will be identifiable as a Big Yellow store.
- To adhere to Big Yellow's corporate environmental policy, the 'Big Green Commitment'.

### **Appeal Site and Surrounding Area**

- 2.8 A full description of the Appeal Site and its surrounding area is provided in Section 4 of the Planning Statement and within the Design and Access Statement submitted with the planning application.
- 2.9 The Appeal Site is located within the administrative area of the London Borough of Camden approximately 350m to the west of Kentish Town centre and Kentish Town London Underground and National Rail station. The Appeal Site extends to an area of approximately 0.36 ha.
- 2.10 The Appeal Site currently accommodates a two-storey warehouse building built in 1987 with elevations formed mainly from cavity masonry construction comprising a brickwork outer skin generally up to 4m and a blockwork inner skin; windows are generally finished in polyester powder coated aluminium and built-up metal cladding completes the external walls up to around 6m. It is presently vacant, but it was previously let as a combination of warehouse/office space. An electrical substation sits within the existing building on the southwestern corner.
- 2.11 Vehicular access is provided in the south-eastern corner of the Appeal Site in the form of a vehicle crossover off Regis Road. A 6m wide electronic vehicular gate is set back approximately 7m from the northern edge of Regis Road controlling vehicular access to the Appeal Site.
- 2.12 This access leads directly to a hardstand service yard and informal parking area adjacent to the eastern elevation of the existing building. There are no demarcated car parking spaces, however, the area can accommodate up to 15 vehicles. A hardstand area wraps around the northern extent of the existing building and Appeal Site, where a loading area exists. Vegetation in the form of trees



and shrubs line much of the perimeter of the Site, although not all of this is located within the curtilage of Big Yellow's ownership.

- 2.13 A pedestrian gate is located adjacent to and west of the vehicular gate separated from the vehicular access by a brick pillar.
- 2.14 The immediate environment surrounding the Appeal Site is characterised predominantly by low rise industrial/commercial sites forming part of the Regis Road Industrial Estate. Regis Road borders the Appeal Site to the south, while the Regis Road Recycling Centre is located directly adjacent to the west. A large industrial building adjoins the Appeal Site to the east, which is occupied by several businesses including a Vapiano Delivery Kitchen and Howdens Joinery Co. North of the Appeal Site is a large-scale warehouse occupied by UPS. The Thameslink railway line lies just north of the United Parcel Service (UPS) warehouse. A six-storey student apartment block is located within Mary Brancker House (54-74 Holmes Road) directly opposite the Appeal Site on the southern side of Regis Road.

### **Relevant Planning History**

- 2.15 The relevant planning history for the Appeal Site and surroundings is set out in Section 5 of the Planning Statement and is summarised below for ease of reference.
- 2.16 Our review of the planning application register on the Council's website indicates that there are two permissions pertaining to the Appeal Site. Planning permission PEX0100963 was granted in April 2002, which changed the permitted use of the entire building to Class B8 (Storage and Distribution). Shortly after, in December 2002, another planning unit was created by virtue of the grant of planning permission PEX0200392 for the insertion of a mezzanine floor.
- 2.17 It is our understanding that there has been no further planning history that has either amended the existing lawful uses or created any other planning units. Therefore, based on the information provided in planning permission PEX0200392, there are two planning units in the existing building and the approved floor areas are as follows:
- Warehouse (Class B8): 2,030m<sup>2</sup>
  - Office (Class E(g)(i) formerly Class B1a): 1,290m<sup>2</sup>

### **The Appeal Scheme**

- 2.18 A full description of the development is set out in Section 7 of the Planning Statement and within the Design and Access Statement.

- 2.19 The Appeal Scheme comprises the demolition of the existing two-storey building and the erection of a five-storey building comprising a self-storage facility (Class B8) and flexible office space (Class E(g)(i)).
- 2.20 The Appeal Scheme would comprise the redevelopment and intensification of brownfield land within a sustainable location that optimises its developable area, introduces a mix of land uses that is sought within the Kentish Town / Regis Road Growth Area ('**the Growth Area**'), and is compatible with the adjoining land uses.
- 2.21 The Appeal Scheme provides significant new employment floorspace, with increases in both the quantity and quality of employment (Class B8 and E(g)(i)) floorspace. The floorspace proposed is set out below, together with a comparison of what exists on the Appeal Site (leaving aside the poor quality of those existing areas and the fact that the existing building is vacant).

**Table 1: Proposed Land Uses**

Use Class	Existing GIA (m <sup>2</sup> )	Proposed GIA (m <sup>2</sup> )	Difference (m <sup>2</sup> )
B8 (Self-Storage) (exc demountable mezzanines)	2,030	3,521	+1,491
B8 (Self-Storage) (inc demountable mezzanines)	2,030	8,997	+6,967
E(g)(i) (Office)	1,290	566	-724
<b>Total (exc demountable mezzanines)</b>	<b>3,320</b>	<b>4,087</b>	<b>+767</b>
<b>Total (inc demountable mezzanines)</b>	<b>3,320</b>	<b>9,563</b>	<b>+6,243</b>

- 2.22 The uses will provide flexible accommodation to support local residents and businesses with storage needs, particularly start-ups and SMEs. This space will help to meet growing domestic and business needs, as well as generating further employment at the Appeal Site.

Employment Generation

- 2.23 Based on robust and up-to-date evidence, the Appeal Scheme will result in a significant increase in employment on-site as a direct result of the development. Excluding the demountable mezzanines, it would support 148-209 jobs many of which would be available to local people. This figure rises to a net increase of 343-484 jobs when the demountable mezzanines are installed after practical completion, as explained in Table 2 below. The Appeal Scheme will support a high level of

businesses generating or retaining jobs specifically because of this space and, as such, this is direct employment in the businesses occupying the space.

**Table 2: Development Employment and Methodology**

Use	Employment Type	Jobs	Methodology
Management of the Store	Direct employment with Big Yellow	3-4	Actual figure provided by Big Yellow
Self-storage (inc mezzanines)	Direct employment within space occupied by Big Yellow customers	340-480	Estimation based on robust survey evidence as set out in Economic Statement: 1 job per 21-28m <sup>2</sup> GIA
Flexible Office			
<b>Total Direct Jobs (Gross)</b>		<b>343-484</b>	
<b>Existing Jobs</b>		<b>0</b>	
<b>Net Direct Jobs</b>		<b>343-484</b>	

*\*Job estimation figures have been rounded to avoid spurious accuracy*

2.25 Demolition of the existing building, which is tired and outdated, and its replacement with a building of high-quality design is proposed for the following reasons:

- The Appeal Scheme will comprise high-quality design. The layout strategy optimises the developable area of the Appeal Site to ensure its efficient utilisation.
- The massing of the proposed buildings ensures a positive relationship with the surrounding built and natural environment.
- The architecture is contextually appropriate comprising modern industrial with a combination of brick, metal cladding, glazing and small inclusions of colour to provide visual interest.
- The provision of flexible-office space introduces an active frontage to Regis Road replacing a façade that is presently lifeless and improves passive surveillance within the immediate area.

2.26 A list of appeal drawings submitted in relation to the Appeal Scheme is set out at Appendix C to this Statement of Case.

### **History of Discussions in relation to the Appeal Scheme**

2.27 The application which is now subject of this appeal was submitted to the Council in January 2023 following extensive pre-application discussions with Camden’s Placeshaping (Regeneration) and Inclusive Economy teams, and the Greater London Authority (‘GLA’), that took place between July

2021 and April 2022. This is set out in more detail in Section 6 of the Planning Statement, and it is not intended to repeat these details within this Statement.

2.28 The Applicant attempted to arrange a pre-application meeting with Camden's planning officers in October 2021 and a significant package of information was submitted to inform that meeting. However, in response to this request, the Council stated:

*'I've discussed this proposal internally and as this submission is for piecemeal development of the site without a wider approval of the masterplan for the whole area, this would be contrary to Council's policies and guidance. We would not be able to support such proposal and you are advised to engage with Wen Quek and Katrina Christoforou part of Paceshaping Team, and discuss further steps.*

*I've drafted a short letter for you which explains our position, please see attached. As it stands we do not see how a meeting with the planning department can provide you with any substantial support, as we would just reiterate the assessment as detailed in the letter.'*

2.29 The contents of the written pre-application advice received from the Council on 20<sup>th</sup> December 2021 are summarised in paragraph 6.7 of the Planning Statement. However, no advice was provided with respect to design or indeed what the Council's design aspirations are for the Growth Area.

2.30 Following the submission of the planning application, the Appellant has actively engaged with the Case Officer and has worked with the Council to resolve any outstanding comments from statutory consultees.

### **3.0 DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

3.1 This section summarises the relevant development planning policy framework against which this appeal should be determined.

#### **Tilted Balance / Paragraph 11(d)**

3.2 The National Planning Policy Framework 2023 (NPPF) (December 2023) sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

3.3 Paragraph 12 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

3.4 The Council does not have an up-to-date development plan at this time because the Council's adopted Local Plan (adopted in 2017) and the Neighbourhood Plan (adopted in 2016) have not been updated in more five years (as required by paragraph 33 of the NPPF). Therefore, paragraph 11(d) of the NPPF is engaged because the policies which are most important for determining the application are out-of-date. There are no footnote 7 policies which would provide a clear reason for refusing permission and lead to the disapplication of the tilted balance.

3.5 The practical application and consequence of this is that planning permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

#### **The Development Plan**

3.6 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended), planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

3.7 The Development Plan relevant to the Appeal Site comprises:

- The London Plan (March 2021)
- LB Camden: Local Plan (July 2017)
- LB Camden: Site Allocations (September 2013)
- Kentish Town Neighbourhood Plan (September 2016)
- Joint North London Waste Plan (July 2022)

3.8 Together these documents provide spatial policies, development management policies and site allocations to guide and manage development in Camden.

3.9 Other planning documents, including national planning policy and guidance and supplementary planning guidance (SPGs) and documents (SPDs) are also material to the determination of the planning application. Of relevance to this application are the following:

- National Planning Policy Framework (December 2023)
- National Design Guide
- Camden Planning Guidance: Access for All (March 2019)
- Camden Planning Guidance: Air Quality (January 2021)
- Camden Planning Guidance: Amenity (January 2021)
- Camden Planning Guidance: Biodiversity (March 2018)
- Camden Planning Guidance: Design (January 2021)
- Camden Planning Guidance: Developer Contributions (March 2019)
- Camden Planning Guidance: Employment Sites and Business Premises (January 2021)
- Camden Planning Guidance: Energy Efficiency and Adaptation (January 2021)
- Camden Planning Guidance: Transport (January 2021)
- Camden Planning Guidance: Trees (March 2019)
- LB Camden: Kentish Town Planning Framework SPD (July 2020)
- Greater London Authority: Accessible SPG (October 2014)
- Greater London Authority: Character and Context SPG (June 2014)
- Greater London Authority: draft Fire Safety LPG (June 2022)
- Greater London Authority: Circular Economy Statements LPG (March 2022)
- Greater London Authority: Whole Life-Cycle Carbon Assessments LPG (March 2022)
- Greater London Authority: draft Air Quality Neutral LPG (November 2021)
- Greater London Authority: Energy Planning Guidance (June 2022)

### **Analysis of Development Plan Policies**

3.10 The Appeal Site is not allocated for development in the adopted Site Allocations document. However, the Appeal Site is subject to the following area-based designations in the Development Plan:

- LB Camden: Kentish Town/Regis Road Growth Area (Local Plan Policies Map)
- LB Camden: Kentish Town Potential Development Area (Kentish Town Neighbourhood Plan)

3.11 The policies relating to these specific designations are discussed in turn below.

#### Kentish Town Regis Road Growth Area

3.12 Local Plan Policy G1 (Delivery and Location of Growth) states that (inter alia), with underline for emphasis:

*‘The Council will create the conditions for growth to deliver the homes, jobs, infrastructure and facilities to meet Camden’s identified needs and harness the benefits for those who live and work in the borough.*

#### **Delivery of Growth**

*The Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by:*

- a. supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site*
- b. resisting development that makes inefficient use of Camden’s limited land*
- c. expecting the provision of a mix of uses where appropriate, in particular in the most accessible parts of the borough, including an element of self-contained housing where possible; and*
- d. supporting a mix of uses either on site or across multiple sites as part of an agreed coordinated development approach, where it can be demonstrated that this contributes towards achieving the strategic objectives and delivers the greatest benefit to the key priorities of the Plan.*

...

#### **Location of Growth**

*Development will take place throughout the borough with the most significant growth expected to be delivered through:*

e. *a concentration of development in the growth areas of, King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;*

*The Council identifies and provides guidance on the main development opportunity sites in the borough through our Camden Site Allocations and Area Action Plans. The Council will require development in the growth areas, other highly accessible and CIP areas to be consistent with the area priorities and principles set out below.'*

3.13 The Local Plan contains supporting text to policy G1 which does not change the meaning of the policy wording but may be relevant to its interpretation. In particular, the supporting text provides as follows:

**'Growth areas**

2.19 *A significant proportion of Camden's growth up to 2031 is expected to be delivered in the six identified growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange, and Kentish Town Regis Road. The first five of these areas are identified in the London Plan as Opportunity Areas or Areas for Intensification.*

2.20 *These areas are identified as being suitable for large-scale redevelopment or significant increases in jobs and homes, and are based around transport interchanges. The majority of these areas are within Central London and therefore their redevelopment will contribute towards the continued success of Central London and to London's national and international role, as well as providing opportunities to bring benefits across the borough and the local area.*

...

**Priorities for growth areas**

2.22 *The Council will expect development in the growth areas to meet the objectives of this plan and the identified priorities below. It should maximise site opportunities and the opportunities and benefits for the borough and the local area, in particular in terms of jobs, homes and facilities for the community, within the context of the full range of Camden's planning policies as set out in this plan and the Council's other planning documents.*

**Kentish Town Regis Road**

2.32 *This growth area is focused around the industrial area at Regis Road and currently is home to a variety of low density industrial and warehousing uses. It offers a significant opportunity to deliver higher density industrial provision as part of a redevelopment scheme that will also*



*deliver a substantial increase in homes and jobs, as well as improve movement around and through the area, reconnecting communities. Redevelopment will only be considered where this is employment-led and part of a comprehensive scheme. The Council will work in partnership with key landowners, the Kentish Town Neighbourhood Forum and other stakeholders to further investigate this opportunity. A planning framework to provide further detailed guidance on the development of the area, including phasing, should be prepared with stakeholder input prior to any planning application.*

2.33 *The Council expects a comprehensive employment-led development at Kentish Town Regis Road that provides a mix of uses, including industry, logistics and other employment uses, housing, community facilities and open space in accordance with Policy E2 Employment premises and sites. The redevelopment must retain existing businesses on the site as far as possible, and in particular industrial and warehouse/logistic uses that support the functioning of the Central Activity Zone (CAZ) or the local economy. The introduction of non-employment uses should not compromise the operation of businesses on the site. The loss from the area of a business supporting the CAZ or the local economy as part of a redevelopment scheme will only be permitted if it is demonstrated to the Council's satisfaction that relocation would not cause harm to CAZ functions or Camden's local economy.*

2.34 *Other priorities for redevelopment include:*

- *a significant increase in the number of jobs provided in the area;*
- *provision of appropriate employment space for identified growth sectors and small to medium enterprises and start-ups;*
- *contributions towards training and apprenticeship opportunities;*
- *a significant number of new homes including affordable homes and a mix of types, sizes and tenures; and*
- *retaining or re-providing the Council's Regis Road recycling centre in accordance with Policy CC5 Waste.*

2.35 *The overall design of the area must:*

- *create and reinstate pedestrian and cycling route connections within the site, to the High Street, the transport hubs, other parts of Kentish Town, and between the adjacent communities, in particular Gospel Oak;*
- *provide substantial new open space;*

- *secure public realm improvements, including at key entrances to the site;*
- *provide a car-free development, with parking only provided for disabled people and operational / servicing needs of businesses;*
- *protect important local views of Parliament Hill from the railway bridge; and*
- *contribute to the development of a decentralised energy network.*

*2.36 Development should be designed to facilitate, and allow links to, any future development of adjacent sites; and opportunities for comprehensive wider development should be fully explored.*

#### Kentish Town Potential Development Area

- 3.14 Kentish Town Neighbourhood Plan Policy SP2 (Kentish Town Potential Development Area (KTPDA)) states that (inter alia), with underline for emphasis:

*'KTPDA (Regis Road Site, Murphy Site and Highgate Road Section) is defined on Map 9. KTNF recognises that Kentish Town Industry Area is, at present, safeguarded as an employment designation in Camden's Core Strategy.*

*The Neighbourhood Plan recognises the potential of the KTPDA within the KTNP Area, identified on Map 9 for a mixed use development whilst retaining, and where possible increasing, the level of industrial floorspace and employment opportunities including the growth of small and start-up businesses, in the event of the submission draft Local Plan being found sound following Examination. This may require the preparation of a Development Framework for the whole area.'*

- 3.15 Kentish Town Neighbourhood Plan Policy SP2a (KTPDA – General Development Criteria) sets out the general development criteria which will be expected to apply to the assessment of any proposals for development within the Regis Road site, subject to viability. This states as follows:

*'The following general development criteria will be expected to apply to the assessment of any proposals for development within the Regis Road site, subject to viability. If development proposals come forward in other parts of KTPDA within the Kentish Town neighbourhood area, we expect these general development criteria to be taken into account, subject to viability.*

- Existing industrial floorspace is maintained or increased by better design and greater density of buildings.*
- Developers will be encouraged not to obstruct the view of Parliament Hill from the canopy area beside Kentish Town Station with the height and bulk of the proposed development*

- (see KTNP Policy D1). Developers will be expected to undertake robust townscape and heritage impact analysis to ensure that key views and heritage assets are protected.*
- iii) Footpaths and cycle ways are provided in both north-south and east-west direction to improve the permeability of the site, as appropriate.*
  - iv) Affordable housing is included in the proposed development in accordance with the London Plan Policy 3.10 Definition of affordable housing, and Camden's policy DP3.*
  - v) Housing for the growing population of the elderly is included in the proposed development in accordance with Camden policy DP7.*
  - vi) Mitigation is provided to offset the impact of development on existing local healthcare facilities and educational provision. This is expected to be secured either through a financial contribution from the developer or the direct provision of new facilities by the developer, e.g. school, nursery, health centre.*
  - vii) Green spaces, play spaces, leisure facilities and fully accessible public squares are provided in accordance with Camden policies DP31 and CS15.*
  - viii) Community leisure facilities for playing sports are provided to be shared by the community and other local groups such as local schools, sports clubs and similar groups.*
  - ix) Improvements are made to the environment of the area, including upgrading existing premises and creating modern employment space and smaller employment spaces.*
  - x) Apart from parking for essential users (e.g. emergency services) and Blue Badge permit holders, any development will be car free.*
  - xi) The amount of light pollution is minimised in accordance with the National Planning Policy Framework and Camden Policy DP26.*
  - xii) Once a building and its services have been designed to make sure energy consumption will be as low as possible and the use of energy efficient sources has been considered, the KTNF will expect developments to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation (which can include sources of site-related decentralised renewable energy) unless it can be demonstrated that such provision is not feasible in accordance with CS13.*

***SPECIFIC CRITERIA FOR REGIS ROAD SITE Map 10***

*In addition to the general criteria set out above, the following specific criteria will be supported in the assessment of proposals comprising comprehensive employment-led mixed use development for Regis Road Site, subject to viability:*

- a) The gate at Arctic Street is opened up to give west-east access routes for footpaths and cycle ways linking the site with Arctic Street and Spring Place in the west and Kentish Town Road in the east.*
- b) For the provision of footpaths and cycle ways, entries and exits to the site are opened up above Spring Place on the southern tip of the site; below Browns Lane through to the west of the Veolia site, into Holmes Road; from Regis Road through to the east of the Veolia site, into Holmes Road leading to Kentish Town Road; from Regis Road through to York Mews, leading to Kentish Town Road, following permission for mixed use development (see Map 10).*
- c) Improvements are made to the existing entrance to Regis Road to meet the criteria in Camden Core Strategy Policy CS14.'*

**Other Key Development Management Policies**

3.16 The following topic-specific development management policies are of relevance to the Appeal Scheme:

- Employment Premises and Sites: London Plan Policy E2 (providing suitable business space) supports the provision of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.

London Plan Policy E4 (land for industry, logistics and services to support London's economic function) requires a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, colocation and substitution (see Policy E7 Industrial intensification, co-location and substitution). This should make provision for the varied operational requirements of:

...

- 2) storage and logistics/distribution (Use Class B8)

8) flexible (B1c/B2/B8) hybrid space to accommodate services that support the wider London economy and population

9) low-cost industrial and related space for micro, small and medium-sized enterprises (see also Policy E2 Providing suitable business space)

London Plan Policy E7 (Industrial intensification, co-location and substitution) states that development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through:

- 1) introduction of small units
- 2) development of multi-storey schemes
- 3) addition of basements
- 4) more efficient use of land through higher plot ratios having regard to operational yard space requirements (including servicing) and mitigating impacts on the transport network where necessary.

Local Plan Policy E2 states:

*'The Council will encourage the provision of employment premises and sites in the borough. We will protect premises or sites that are suitable for continued business use and will resist development of business premises and sites for non-business use...*

...

*We will consider higher intensity redevelopment of premises or sites that are suitable for continued business provided that:*

- c) the level of employment floorspace is increased or at least maintained;*
- d) the redevelopment retains existing businesses on the site as far as possible, and in particular industry, light industry, and warehouse/logistic uses that support the functioning of the AZ or the local economy;*
- e) it is demonstrated to the Council's satisfaction that any relocation of businesses supporting the CAZ or the local economy will not cause harm to CAZ functions or Camden's local economy and will be to a sustainable location;*
- f) the proposed premises includes floorspace suitable for start-ups, small and medium-sized enterprises, such as managed affordable workspace where viable;*

- g) *the scheme would increase employment opportunities for local residents, including training and apprenticeships;*
- h) *the scheme includes other priority uses, such as housing/open space; and*
- i) *for larger employment sites, any redevelopment is part of a comprehensive scheme.'*

3.17 Supporting text at paragraph 5.40 states:

*'Where premises or sites are suitable for continued business use, the Council will consider higher intensity redevelopment schemes which improve functional efficiency, maintain or, preferably, increase the amount of employment floorspace and number of jobs and provide other priority uses, such as housing (and, in particular, affordable housing), community facilities and open space, where this would not prejudice the continued operation of businesses on the site. The loss of a business supporting the CAZ or the local economy as part of a redevelopment scheme will only be permitted if it is demonstrated that it is possible for the existing business to be relocated to a sustainable location and that this would not cause harm to CAZ functions or Camden's local economy. Redevelopment should retain as far as possible existing businesses that desire to remain on the site, and in particular retain industrial and warehouse/logistic uses that support the functioning of the CAZ or the local economy. The reprovided employment floorspace on the proposal site should be designed flexibly to be able to accommodate a range of business types and sizes, in particular small and medium-sized enterprises (SMEs) and businesses in growth sectors such as the creative industries. The provision of affordable workspaces will be particularly welcomed.'*

3.18 Economic Development: Local Plan Policy E1 states that the Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. It provides as follows:

*'We will:*

- a. *support businesses of all sizes, in particular start-ups, small and medium-sized enterprises*
- b. *maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources.*
- c. *support local enterprise development, employment and training schemes for Camden residents.*
- ...
- g. *support Camden's industries by:*

- i. safeguarding existing employment sites and premises in the borough that meet the needs of industry and other employers.*
- ii. supporting proposals for the intensification of employment sites and premises where these provide additional employment and other benefits in line with Policy E2 Employment premises and sites.*
- iii. safeguarding the Kentish Town Industry Area*
- h. expect the provision of high speed digital infrastructure in all employment developments; and*
- i. recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.'*

3.19 Design: London Plan Policy D3 (Optimising site capacity through the design-led approach) requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Local Plan Policy D1 states that *'the Council will seek to secure high quality design in development. The Council will require that development:*

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*

- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

*The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

3.20 Policy D3 of the Kentish Town Neighbourhood Plan states:

*'Applications for the development of new and the redevelopment of existing buildings (which may include demolition, alteration, extension or refurbishment) will be supported where they meet the following criteria:*

- a) Proposals must be based on a comprehensive understanding of the site and its context.*
- b) Proposals must be well integrated into their surroundings and reinforce and enhance local character, in line with paragraph 64 of the NPPF.*
- c) Proposals must identify and draw upon key aspects of character, or design cues from the surrounding area. Appropriate design cues include grain, building form (shape), scale, height and massing, alignment, modulation, architectural detailing, materials, public realm and boundary treatments.*
- d) Design innovation will be encouraged and supported where appropriate.*
- e) Design proposals must be of the highest quality and sustainable, using materials that complement the existing palette of materials in the surrounding buildings.*
- f) Proposals must enhance accessibility in buildings by taking into account barriers experienced by different user groups.'*

3.21 Energy: London Plan Policy SI 2 states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy



demand in accordance with the energy hierarchy. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. A minimum on-site reduction of at least 35% beyond Building Regulations is required for major development. Non-residential development should achieve 15% through energy efficiency measures.

Local Plan Policy CC1 states:

*'The Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.*

*We will:*

- a) promote zero carbon development and require development to reduce carbon dioxide emissions through following the steps in the energy hierarchy;*
- b) require major development to demonstrate how London Plan targets for carbon dioxide emissions have been met;*
- c) ensure that the location of development and mix of land uses minimise the need to travel by car and help to support decentralised energy networks;*
- d) support and encourage sensitive energy efficiency improvements to existing buildings;*
- e) require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and*
- f) expect all developments to optimise resource efficiency.'*

3.22 Circular Economy: London Plan Policy SI 7 (Reducing waste and supporting the circular economy) sets out the criteria to deliver resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to:

- Promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible*
- Encourage waste minimisation and waste prevention through the reuse of materials and using fewer resources in the production and distribution of products*
- Ensure that there is zero biodegradable or recyclable waste to landfill by 2026*
- Meet or exceed the municipal waste recycling target of 65 per cent by 2030*

- *Meet or exceed the targets for each of the following waste and material streams:*
  - a) *construction and demolition – 95 per cent reuse/recycling/recovery*
  - b) *excavation – 95 per cent beneficial use*

Design developments with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.

Development proposals that are not required to produce a Circular Economy Statement (non-referrable schemes or those that are below local thresholds) are still encouraged to apply the Circular Economy principles and processes set out in this guidance.

3.23 Sustainability: Local Plan Policy CC2 states:

*‘All development should adopt appropriate climate change measures such as: the protection of green spaces and promoting new appropriate green infrastructure; not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.*

*The Council will promote and measure sustainable design and construction by: ensuring development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation; expecting non-domestic developments of 500 sqm of floorspace or above to achieve “excellent” in BREEAM assessments and encouraging zero carbon in new development from 2019.’*

3.24 Green Infrastructure: Local Plan Policy G1 (Green infrastructure) states:

*‘A London’s network of green and open spaces, and green features in the built environment, should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated way to achieve multiple benefits.*

*D Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London’s wider green infrastructure network.’*

3.25 Biodiversity: Local Plan Policy G6 (Biodiversity and access to nature) states:

*‘D Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.’*

3.26 Further key development management policies are detailed within Section 8 of the Planning Statement. It is not intended to repeat all relevant policies within this document, instead this Statement focuses on the policies identified in the Council’s reasons for refusal and those that support the Proposed Development.

### **Other Material Considerations**

3.27 Other material considerations include national planning policy and guidance and supplementary planning guidance (SPGs) and documents (SPDs).

#### National Planning Policy Framework

3.28 The NPPF promotes a strong pro-growth agenda and paragraph 10 states that *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”*.

#### *Principle of Development*

3.29 Paragraph 123 sets out the need to promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.

3.30 Paragraph 124 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs.

#### *Economic Growth*

3.31 Paragraph 85 emphasises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth, taking into consideration both local business needs and wider opportunities for development.

3.32 Paragraph 87 states that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

#### *Design*

3.33 Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design

is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.34 Paragraph 135 states that planning decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

3.35 Paragraph 139 states:

*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

### *Prematurity*

3.36 Paragraph 49 of the NPPF states:

*'[...] in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

3.37 Paragraph 50 of the NPPF states:

*'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan making process.'*

### Kentish Town Planning Framework

3.38 Relevant sections of the Kentish Town Planning Framework (KTPF) include:

#### **1.2.2 Development Areas**

*Within the framework area there are two principle development areas that are expected to come forward for comprehensive redevelopment: the Regis Road Growth Area and Murphy's Yard. Regis Road Growth Area has been designated in the Local Plan for comprehensive employment-led mixed-use development.*

#### **Regis Road Growth Area**

*The Regis Road area is 7.5 hectares and is bound to the north and west by railway lines, to the south by the rear of properties along Holmes Road and to the east by York Mews behind Kentish Town Road. It is virtually hidden from public view. The area is in multiple landownerships with access currently restricted to the Regis Road/Kentish Town Road junction.*

*The area is characterised by relatively low density industrial sheds constructed in the 1980s with large areas of yard space and surface car parking.*

## **Vision**

### **2.1 An innovative new neighbourhood**

*A richly layered and characterful place that is an exemplar for mixed-use. A place that works hard, with intensive industrial, commercial and creative activity, harmoniously provided alongside high quality homes that support a diverse local community.*

*Seamlessly integrated and well-connected with surrounding neighbourhoods of Kentish Town, Gospel Oak and Dartmouth Park. An environmentally friendly place, where people walk and cycle and that draws the green character of Hampstead Heath through the urban neighbourhood connecting to Kentish Town High Street.*

*A socially mixed place that builds on the distinctive community and character of Kentish Town, bringing residents, workers and visitors together with space and facilities to relax, play and interact enjoy cultural activities and events.*

### **2.2 Development Objectives**

- *Around 2,000 new homes*
- *Over 3,000 new jobs and new employment space*
- *Ambitious employment and training strategy providing genuine opportunities for local people*
- *Innovative design approaches to intensify industrial buildings*
- *New pedestrian and cycle friendly connections between Kentish Town, Gospel Oak and Hampstead Heath*
- *New bridge connecting Murphy's Yard and Regis Road*
- *Sustainable, innovative development that delivers a Zero Emissions Neighbourhood*
- *Attractive, safe and green open spaces and public realm that is open and accessible to all*

### **2.3 Spatial Strategy**

#### **3. Regis Road**

*A new east-west connection between Kentish Town and Gospel Oak through the potential realignment of Regis Road and the reinstatement of the Arctic Street passage. Regis Road should create a*

*new civic route between the two important community centres, prioritising pedestrian and cycle movement.*

...

#### *5. Neighbourhood parks*

*Both development areas should provide meaningful areas of public open space. This should include a new park for Kentish Town, close to the High Street. There should be large public spaces for residents and workers in the area to play and relax.*

#### *10. High frequency serviced industry*

*High frequency serviced industry uses will form an important part of redevelopment proposals and should be located where they can be most readily accessed and where they minimise the impact on the character of the neighbourhood and the wider road network.*

### ***Design and Character***

#### ***Key objectives***

##### ***A distinct new neighbourhood***

- *Create of a new vibrant mixed-use neighbourhood that has a distinct, richly layered character*
- *Deliver the three key moves: the Heath Line, Makers Lane and Regis Road*
- *Create a neighbourhood stitched into its context, connecting surrounding communities*

##### *Exceptional design quality*

- *Create an inclusive neighbourhood of exceptional design quality*
- *Create a legible and inclusive neighbourhood built around well considered streets and spaces*
- *Celebrate the area's industrial heritage*
- *Build up to a general height of eight storeys with some buildings going above this in appropriate locations*

##### *Innovative design solutions*

- *Support the co-location of a variety of uses across the neighbourhood including industrial and residential uses.*
- *Develop innovative building typologies that can support the intensification of the neighbourhood to enable higher density, more efficient industrial buildings*

#### ***3.1.1 A distinct new neighbourhood***

*Three key principles*

*The development of a new neighbourhood should be underpinned by three key principles: the Heath Line, Makers Lane and Regis Road.*

*As well as providing important connections the three key principles will define the character of development within the new neighbourhood.*

*Regis Road*

*Defined by the new primary east-west route connecting Kentish Town Road with Gospel Oak, this area should enhance the surrounding mixed use and commercial characters of the High Street and Holmes Road.*

**3.1.4 Key principle: Regis Road**

*Regis Road must:*

- *Connect Kentish Town and Gospel Oak, including Queen's Crescent*
- *Reinstate the connection between Regis Road and Arctic Street*
- *Seek to deliver new connections between though the introduction of office uses and regular Holmes Road and Spring Place to Regis Road*

*Regis Road will become a more integrated part of Kentish Town, linking better both visibly and physically with the high street. Activity will be drawn into the area, focused around a new public square and green space. It will be a principle spine through the neighbourhood with a mixed use character. New employment and community uses will define this civic quarter and this active and accessible route should provide an important link through to Gospel Oak.*

*A new public square should be defined by a new cultural and community facility, complementing the range of amenities currently in the area, supporting surrounding communities and helping to enhance the civic identity of this area. A flexible space offering opportunities to sit or for events should be complemented by a park, also close to the high street, providing much needed green public open space serving the centre of Kentish Town. Development in this area could provide an engaging transition from the town centre.*

*Regis Road should support the town centre, but not compete with it, defining its own character through a mix of employment and residential uses. Industry will remain a part of Regis Road's identity, though the introduction of office uses and regular residential entrances on the street will help to establish a more mixed use character.*



*This central spine through the area should be a welcoming and accessible pedestrian route, lined with trees, supporting green ambitions for the area. Sustainable drainage should be integrated into the streetscape with opportunities for interesting landscaped features along the route.*

*To the south of the area, Holmes Road has seen a number of new developments in recent years. Proposals within the framework area should not prejudice the potential of sites along the northern edge of Holmes Road for redevelopment in the future. It is recognised that the Police Section House remains derelict and this is a key site with opportunities to provide better links and interface between the framework area and Kentish Town Road, York Mews and Holmes Road.*

*The finer grain of buildings of the high street and York Mews create activity and interest through regular openings, active ground floors, a mix of residential and retail entrances and public/civic functions and spaces. Small service roads, and intimate streets drawing on this context could provide relief from busier streets.*

### **3.1.5 Building Heights and Massing**

*Development is expected to be high density and the massing strategy should be underpinned by sound placemaking principles with a strong focus on creating character.*

*The existing context is varied with low to mid-rise residential development on a traditional street network and some taller buildings. New development should be based on streets and spaces and up to 8 storeys with taller buildings where appropriate and justified.*

## **3.2 Development and Land Use**

### **Land uses in the framework area**

*New development will be expected to:*

- *Provide efficient and sustainable industrial floorspace that achieves higher densities in a format that allows for co-location of uses (use classes B1c, B2, B8 and sui generis of a similar nature).*
- *Continue CAZ supporting role for the area, in particular 'last mile' storage and logistics/ distribution and 'just in time' servicing, including re-provision of the recycling centre*
- *Grow the existing cluster of creative, cultural and tech industries, with additional light industrial space (B1c)*
- *Consider an appropriate amount of supporting office uses (B1) in suitable locations*
- *Include a proportion of supporting food, drink and retail space in suitable locations.*
- *Provide inclusive community facilities to support the local community.*

- *Include cultural and entertainment uses that enrich and complement the existing offer of Kentish Town*

### **Regis Road**

*In addition to the area wide guidance above, in the Regis Road Growth Area the Council will expect redevelopment to:*

- *Re-provide industrial provision in an efficient and sustainable format that allows for intensification and co-location of uses. This should include a mix of light industrial, industrial and storage/warehouse/logistics uses (B1c, B2, B8 and sui generis of a similar nature)*
- *Provide a significant proportion of new homes*
- *Provide a business retention and relocation strategy*
- *Provide some small scale office development close to the stations and the high street*

### Regis Road Recycling Centre

3.39 The Regis Road Recycling Centre is located immediately adjacent to the west of the Appeal Site. This site is identified within the recently adopted North London Waste Plan (June 2022) as the only safeguarded existing waste site in the borough.

### Emerging Development Plan Policy

3.40 The Council has commenced a review of its adopted Local Plan with 'initial engagement' comprising a call for views from 4<sup>th</sup> November 2022 to 13<sup>th</sup> January 2023. Subsequently, the Council has published a draft Regulation 18 version of the Local Plan for consultation from 17<sup>th</sup> January 2024 until 13<sup>th</sup> March 2024. The preparation of a separate site allocations document has been abandoned and the site allocations have been included within the draft Local Plan. Adoption of this document is not expected until Summer 2026 at the earliest.

3.41 Under the draft Local Plan, the Appeal Site forms part of a broader draft site allocation (Ref: C2) referred to as the 'Regis Road and Holmes Road Depot'. The Appellant will submit in due course representations objecting to the wording of draft Site Allocations C2, and the requirement for proposals to be progressed through a comprehensive masterplan process informed by the KTPF. Representations made by the Appellant to the initial engagement on the draft Local Plan accompany this appeal submission in Appendix D.

Proposals should be progressed through a comprehensive masterplan process, informed by the KTPF.

3.42 Draft Local Plan Policy C1 (Central Camden) states (inter alia):

*'A. Development coming forward in this area should have a positive identity drawing on the area's rich heritage and Camden's distinctive cultural energy, community and creative spirit. Development will be required to address issues of relative deprivation, inequality and poor health that exist in this area and deliver substantial benefit to Camden's communities, the local area and the borough as a whole in accordance with the Local Plan and the Kentish Town Neighbourhood Plan.*

*New homes*

*B. Sites have been allocated in the Central area of the borough to deliver new homes over the Plan period to 2041. The Council will expect sites to be delivered in accordance with the site allocations set out below.*

*C. The greatest concentration of development in Central Camden will be in the areas of Kentish Town, Camden Town and Gospel Oak and Haverstock.*

*D. Development in Kentish Town will mainly be delivered through site allocations at Regis Road and the Murphy Site, which are expected to deliver approximately 1,750 new homes. These existing employment sites will be intensified to deliver a new neighbourhood that provides a mix of uses, including industry and other employment uses; significant provision of permanent self-contained homes; community facilities; cultural and leisure uses; and open space, creating an exemplar sustainable, employment-led mixed-use area that is fully connected to, and integrated into, surrounding communities. To deliver the Council's and the community's visions and objectives for this area, we will expect development to be taken forward in accordance with the Kentish Town Planning Framework and the Kentish Town Neighbourhood Plan.*

...

*Employment and the Economy*

*H. New employment floorspace will be delivered in the Central area of the borough through site allocations, existing planning permissions and the development of windfall sites.*

...

*J. On the Regis Road and Murphy sites in Kentish Town, development will be expected to include higher density provision of industry, logistics and other employment uses, providing space for, and a significant increase in, jobs in identified growth sectors, small and medium enterprises, start-ups, and businesses supporting London's Central Activity Zone (CAZ) and the local economy. Existing businesses will be expected to be retained as far as possible, in particular industrial and warehouse/logistics uses that support the functioning of the CAZ and/or the local economy.*

...

*Infrastructure*

*O. To support the delivery of development in this area the Council will seek the provision of, and contributions to, the delivery of infrastructure, from appropriate development. The Council will work with relevant providers to secure the infrastructure needed to support development and provide the facilities needed for the area's communities. Key priorities for the Central area of the borough include:*

...

*iii. The creation of attractive and safer pedestrian and cycling routes both into and through the area to deliver the priorities set out in the Council's Transport Strategy and Cycling Action Plan;*

...

*ix. The delivery of new social infrastructure, including public toilets, and cultural uses, as part of the development of the Camden Goods Yard area and the Regis Road and Murphy sites'*

3.43 Draft Local Plan Policy C2 (Regis Road and Holmes Road Depot) states:

*'ALLOCATED USES: Industry / employment (including offices); permanent self-contained homes, community uses; open space; waste and recycling facilities; depot*

...

*INDICATIVE CAPACITY: 1,000 additional homes*

...

**BACKGROUND**

- *Proposals should be progressed through a comprehensive masterplan process, informed by the Kentish Town Planning Framework.*
- *The Kentish Town Neighbourhood Plan recognises Regis Road as a potential area for mixed-use development. It sets out general development criteria expected to apply to proposals for development within the Regis Road site, subject to viability. The Plan notes that the site is currently underused and states that the intensification of the site through mixed-use development, including housing, industry, offices, start-ups, and other uses, is supported by the local community subject to consideration against relevant policies.*

- *The Neighbourhood Plan also includes a policy on the future development of the Holmes Road depot site.*
- *The Council is committed to progressing a Regeneration Strategy involving selling Camden's land assets on Regis Road and Holmes Road as an enabler and catalyst for the regeneration that will bring forward the benefits envisaged in the Planning Framework and the Neighbourhood Plan. The Strategy's objectives include enabling re-provision of the Recycling Centre and other Council service provision as necessary, ensuring continuous operation.*
- *The Regis Road and the Holmes Road depot site is allocated for comprehensive employment-led, sustainable mixed use development. It will provide space for a range of business uses, significant numbers of homes and new open spaces in an attractive place that is successfully connected to its surroundings, bringing benefits to Kentish Town and the wider area.*
- *The comprehensive redevelopment of the scale necessary at this location is likely to take some time. Prior to and during this, the Council aims to ensure that the area continues to be a functioning employment area. Temporary ('meanwhile') uses can play an important role in maintaining activity as a comprehensive scheme is progressed. Any development that comes forward in advance of a comprehensive scheme must follow the guidance set out in the Kentish Town Planning Framework section on temporary uses.*
- *Applications submitted in advance of the comprehensive redevelopment of the area that would prejudice the delivery of a comprehensive scheme or the aspirations for the area will not be permitted.*

#### **DEVELOPMENT AND DESIGN PRINCIPLES**

*Development must:*

- a) intensify industrial and other employment uses through efficient design through colocation with housing and other proposed uses;*
- b) ensure that non-employment uses do not compromise the operation of existing or future employment uses;*
- c) provide high density employment uses, including a mix of light industrial, industrial and storage / warehouse / logistics uses and a significant element of affordable workspace, to increase the range of business premises and sectors on site, and provide significant additional jobs;*

- d) *seek to contribute to the continued success of existing business clusters, including light industry and the creative and knowledge sectors, and maintain, and where possible expand, the area's role in providing for businesses supporting London's Central Activities Zone;*
- e) *seek to retain existing businesses that wish to stay on the site, where possible, and in particular uses that support the functioning of the CAZ or local economy. The developer should therefore work with existing businesses to understand their requirements, ambitions and the potential for re-provision or relocation. A business retention / relocation strategy must be provided as part of the planning application for the site;*
- f) *ensure any provision of retail, food and drink uses are of an appropriate scale and do not have a harmful impact on existing centres. Smaller scale provision will be supported where it is intended to serve the needs of those living and working in or visiting the site and activate key public spaces;*
- g) *re-provide the existing housing floorspace (including the affordable housing) from the Holmes Road Depot site in addition to the required new housing provision across the wider scheme area;*
- h) *make provision for particular housing needs identified in Policy H6C where appropriate, and consider inclusion of affordable housing for older people, or other people with care or support requirements, as part or all of the overall affordable housing contribution;*
- i) *significantly improve connections between the site and surrounding areas and provide safe and attractive pedestrian and cycle routes. In particular it must:*
  - i. *improve the link between Regis Road and Kentish Town Road, physically and visually, to better integrate the site with Kentish Town.*
  - ii. *seek to create additional access points, e.g. through the railway arches.*
  - iii. *provide an attractive, safe and clear east-west pedestrian and cycling route connecting Kentish Town Road with Gospel Oak.*
  - iv. *provide and facilitate connections between Regis Road and Holmes Road.*
  - v. *facilitate a new north-south pedestrian and cycle route from Kentish Town West to Highgate Road which passes through the site and ensure uses along the route reflect the area's industrial and railway heritage and make use of the railway viaduct.*
- j) *provide substantial new, welcoming and safe open spaces and public areas, and should look to provide a new public square as a focus for the area and community activity;*

- k) enhance biodiversity across the site and in particular the biodiversity corridors along the railway lines to the north and northwest of the site, which are designated Grade 1 Site of Nature Conservation Importance. Proposals should investigate the potential for the provision of vegetation buffers along the railway lines to create/improve connections;*
- l) seek to ensure that the site is designed to minimise vehicle movements and parking; and*
- m) be designed to be compatible with, and facilitate, the development of neighbouring sites and in particular the Murphy site.*

*The Camden Building Height Study has identified this site as a location where tall buildings may be an appropriate form of development, with 12m - 52 m considered the potentially appropriate height range. Additional height, above the potentially appropriate height range, may be possible in some locations on this site, subject to testing of impacts on strategic views in the London View Management Framework and relevant local views. The acceptability of particular tall building proposals, and their location within the site, will be assessed against Policy D2 on tall buildings and other relevant development plan policies.*

#### **Infrastructure Requirements**

*Development must:*

- n) retain or reprovide the Regis Road Recycling Centre and other Council service provision, as necessary, unless suitable compensatory sites are provided elsewhere that replace the existing service provision. The continuous availability of services must be maintained in all circumstances. Re-provision of the Recycling Centre must replace the maximum throughput achievable at the existing site;*
- o) provide, or facilitate and contribute towards, pedestrian and cycling links across the railway line to the Murphy site;*
- p) contribute towards improvements at Kentish Town Thameslink station (including step free access, new station entrance and enhanced town square) and Gospel Oak station (including new eastern access and improved public realm); and*
- q) explore developing an energy masterplan which supports the local approach to decarbonisation being led by the Council.'*

## **4.0 THE CASE FOR THE APPELLANT**

- 4.1 This section outlines the Appellant's response to the 10 identified reasons for refusal and the relevant sections of the Officer's Delegated Report for the Appeal Application (dated 25<sup>th</sup> August 2023).
- 4.2 Section 35(1)(b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) requires a written notice of decision to a planning application to state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision. In the absence of references to London Plan policies, the paragraphs in the NPPF or any part of the KTPF, it is therefore understood that the Council accepts that the Appeal Scheme is compliant with the policies and paragraphs contained in those documents other than those referred to in the reasons for refusal.

### **Reason for Refusal 1**

- 4.3 Reason for Refusal 1 states:

*1 The proposal, by representing piecemeal development, prejudices the comprehensive redevelopment of the area and fails to promote the most efficient use of land, including the provision of a mix of land uses and supporting infrastructure, contrary to policies G1 (Delivery and location of growth), E1 (Economic development) and H1 (Maximising housing supply) of the Camden Local Plan 2017 and policies SP2 (Kentish Town Potential Development Area) and SP2a (KTPDA – General Development Criteria) of the Kentish Town Neighbourhood Plan 2018.*

- 4.4 The wording of the development plan policies referred to in Reason for Refusal 1 is set out above. It is notable that the policies do not themselves require comprehensive redevelopment of the entire Growth Area, nor do they prohibit piecemeal development. On this basis, while the Appeal Scheme plainly does not encompass the entire Growth Area (which is in multiple landownership), the development of a single site in accordance with the land uses encouraged in the Growth Area is not contrary to the policies cited in Reason for Refusal 1.
- 4.5 Policy G1 provides that the Council will create conditions for growth to deliver the homes, jobs, infrastructure, and facilities to meet Camden's needs. It encourages development to make efficient use of land through a variety of means, such as supporting development that makes best use of its site.
- 4.6 The supporting text to Local Plan Policy G1 explains at paragraphs 2.32 and 2.33 that redevelopment will only be considered where this is employment-led and part of a comprehensive



scheme. The explanatory text is not itself policy and cannot create additional policy requirements with which development proposals must comply. As the High Court explained in *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567), when determining whether a proposed development conforms with a local plan, the correct focus is on the plan's detailed policies for the development and use of land in the area. Supporting text consists of descriptive and explanatory matter in respect of the policies and/or a reasoned justification of them. Supporting text may be relevant to the interpretation of a policy but it is not itself a policy or part of a policy: it does not have the force of a policy and cannot trump it. It could not be said that a development proposal did not conform with a policy because it failed to satisfy an additional criterion referred to only in the supporting text.

4.7 Explanatory text cannot, therefore, justify the refusal of planning permission for a scheme comprising part only of the Growth Area where there is no such requirement in the policy wording itself. In any event, the explanatory text makes it clear that to achieve comprehensive development across the wider Regis Road site, the Council will work in partnership with key landowners, the Kentish Town Neighbourhood Forum, and other stakeholders to further investigate this opportunity. The prospect of the Council securing the delivery of a comprehensive scheme across the entire Regis Road site is considered further below.

4.8 However, it is worth noting here that the Local Plan, including policy G1, is out of date given that it has not been reviewed and updated within five years, as required by the NPPF. The Appellant does not accept that the wording of policy G1 demands a comprehensive redevelopment covering the whole of the Growth Area, but even if it does, the policy is out of date. Not only has the Council failed to update the Local Plan within five years, as required by the NPPF, but it has also been overtaken by events on the ground since it was adopted in 2017. As the High Court recognised in *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), relevant policies in a Local Plan may become out of date where they are overtaken by things that have happened since it was adopted, either things on the ground, or some change in national policy or for some other reason.

#### Deliverability of Comprehensive Redevelopment

4.9 The Council's Local Plan was adopted on 3<sup>rd</sup> July 2017. As such, Regis Road has now been designated as a Growth Area for some six and a half years, yet no planning permission has been granted for the comprehensive redevelopment of the Growth Area, nor has a planning application seeking permission for the comprehensive redevelopment of the Growth Area been submitted.

Subsequently, the KTPF SPD was adopted in 2020, but as explained above, this has not served to catalyse the regeneration of the Growth Area. The Appellant does not consider there is any realistic prospect of securing the comprehensive redevelopment of the entire Growth Area through a single application. Rather, it is much more likely that the area will be redeveloped through a series of separate applications submitted by different landowners. Provided each application does not prejudice the delivery of the wider Growth Area, this should be welcomed by the Council as a realistic way of achieving the regeneration of an area that is in much need of redevelopment but is complicated by multiple landownerships. The Appeal Scheme would act as a catalyst for such regeneration.

#### *Landownership Constraints*

- 4.10 The Appellant commenced discussions with the Council's Regeneration team on 27<sup>th</sup> July 2021 shortly after purchasing the Appeal Site on 3<sup>rd</sup> June 2021. A summary of this initial discussion is set out in paragraph 6.4 of the Planning Statement. During those discussions, Council officers indicated in July 2021 that they envisaged the redevelopment of the Growth Area into an employment-led area using a comprehensive approach based on a single masterplan. They explained the intention to get all landowners "on board" with this approach. They suggested that they would further develop a comprehensive masterplan over the next 6-9 months and envisaged that it would form the basis of a single outline planning application. However, as confirmed within the Officer's delegated report, even now, some two and a half years later, neither the Council nor any of the landowners have developed a masterplan for the Growth Area. The Appellant expressed an interest in understanding the design aspirations of the masterplan and willingness to develop a scheme that sat comfortably with the Council's objectives, but officers were not able to offer any further advice on the preferred designs for the area either in 2021 or at any time since then.
- 4.11 Simultaneously, the Appellant commenced discussions with several key landowners in the Growth Area to ascertain whether the possibility of a comprehensive masterplan would be deliverable across the Growth Area.
- 4.12 The Growth Area is comprised of multiple (more than 10) freeholders and many more long-leaseholders, as well as various other legal interests on multiple sites, as set out in the Landownership Plan in Appendix E. Several landowners have expressed their unwillingness to collaborate in the development of a comprehensive masterplan for various commercial reasons. Indeed, in February 2022, the Appellant team arranged a meeting with the Council's Regeneration Team at which it was confirmed that a significant landowner (the owner of the UPS site) had

indicated that it was not willing to collaborate in the development of a masterplan for the wider area. UPS, who own the freehold of site 17 (as noted on the Landownership Plan at Appendix E), have made it clear that they are happy with the status quo and have no intention to proactively collaborate with the evolution of a masterplan. The UPS site comprises approximately 35% of the Growth Area, which is a substantial amount of the Growth Area. It is the Appellant's understanding that there are other key landowners that are unwilling to collaborate, so the proportion of land within the Growth Area that is available to come forward for redevelopment is compressed further.

- 4.13 It became clear to the Appellant in July 2021 that a comprehensive scheme will not be deliverable, and, on this basis, the Appellant concluded that it would be appropriate to submit an application related to its own site and to seek to redevelop the Appeal Site alone, albeit in a way that does not prejudice the wider redevelopment of the Growth Area.
- 4.14 On 16 November 2022, the Council presented a proposed Regeneration Strategy to Cabinet (included as Appendix F) which reported that since 2017, attempts to catalyse the delivery of regeneration at Regis Road had not progressed into any firm proposals. The report explained that multiple private land ownerships added complexity to the comprehensive delivery approach and that landowner collaboration was likely to be required. A range of options for regeneration had been explored but none had brought forward a comprehensive masterplan or planning application for the area. Option 1 was recommended by officers, which was to use the Council-owned land on Regis Road and Holmes Road as a catalyst to development with the aim of encouraging other landowners to follow suit. The intention was to dispose of the Council-owned sites to a developer who would then lead on the development of a comprehensive masterplan for the wider area, in the hope that other landowners would then be willing to become involved. Option 4 was to use the Council's compulsory purchase powers to acquire all necessary land in the Growth Area to deliver comprehensive redevelopment, but this option was not favoured by officers. The report explained that the GLA had made concerted efforts to acquire land to support land assembly, but this had not led to the acquisition of any plots.
- 4.15 In pursuit of Option 1, the officer's delegated report on the Appeal Application reports that on 5 April 2023, a contract for sale of the two Council sites was exchanged with a developer, Yoo Capital. As noted on the Landownership Plan at Appendix E, while the two freehold plots are said to be subject to conditional sale to Yoo Capital, this is not recorded on the title register of those plots and there is no pending application shown at the Land Registry so this cannot be verified.

- 4.16 The Appellant was first approached by Yoo Capital in August 2022, when the Appellant met Yoo Capital at their offices. A further online meeting took place in May 2023 and another meeting at the offices of Yoo Capital in October 2023. At these meetings, the Appellant was asked if they would prefer a different site within the Growth Area and/or more floorspace than applied for within the Appeal Scheme. It was suggested by Yoo Capital that they would be able to fast track us as part of a first phase. The Appellant confirmed to Yoo Capital they were not interested in either and that remains the case.
- 4.17 We understand that Yoo Capital have undertaken conversations with the owner of Murphy's Yard, Create Real Estate Investment Trust, Peter Regis, Bideford Ventures, Joseph Homes, and UPS. We understand that Bideford Ventures, Joseph Homes, and UPS are not currently interested. We do not know the position of the other landowners.
- 4.18 To date, Yoo Capital have not presented the Appellant with any information, drawings or plans for a masterplan for any or all the Growth Area. The Appellant attended an initial public consultation held by Yoo Capital on 16<sup>th</sup> November 2023. The consultation event comprised the presentation of five storyboards, with the first two containing information about Yoo Capital and their track record, a third board containing a red line plan of the Growth Area, a fourth board containing a plan identifying the two Council-owned sites that Yoo Capital have agreed terms to buy on a conditional basis and a final board setting out next steps.
- 4.19 The Appellant met with Yoo Capital on 19<sup>th</sup> October 2023 during which Yoo Capital expressed their view that assembling all the land within the Growth Area to be complicated and too difficult unfeasible. Therefore, any masterplan that is evolved or any planning application that is submitted would relate to an area that would not cover the entirety of the Regis Road area but would rather relate to individual plots within that area of the type described by the Council as 'piecemeal development'.

#### *Compulsory Purchase*

- 4.20 The Appellant is of the firm view, given the multiplicity of ownerships and its own engagement with other landowners, that the only viable route to assemble all the land within the Growth Area to deliver a comprehensive redevelopment over the entire area would be via the compulsory purchase process.
- 4.21 As discussed above, Council officers developed a 'Proposed Regeneration Strategy for the Kentish Town Regis Road Growth Area' (Appendix F), which was submitted to the Council's Cabinet committee for consideration on 16<sup>th</sup> November 2022. The objective of the strategy was to use the

Council's two assets (Regis Road Recycling Centre, which lies within the Growth Area and Holmes Road Depot, which lies outside the Growth Area) as a method to enable and catalyse the comprehensive regeneration of the Growth Area. The report also explained that the aim was to deliver a new innovative mixed-use neighbourhood of up to 1,000 new homes, including affordable homes, employment space and jobs, open space, and connections with surrounding communities such as Gospel Oak.

4.22 The strategy goes on to suggest that *“regeneration could be achieved potentially through a conditional land sale agreement, where the Council's land is disposed to a private sector developer to take on the planning and development risks. Sitting alongside disposal, the Council could also agree to use its land powers – compulsory purchase and land appropriation, and potentially acquisitions by agreement if necessary – with costs covered by the developer to enable a comprehensive approach to be delivered in the longer term.”*

4.23 At the meeting, the Leader of the Council was asked to:

- *Delegate authority to the Cabinet Member for New Homes, Jobs and Community Investment in consultation with the Executive Director Supporting Communities, the Executive Director Corporate Services, the Borough Solicitor and the Cabinet Members for Finance and Cost of Living; and Better Homes to take all decisions within the Regis Road Growth Area reasonably required to implement the Regeneration Strategy in relation to:*
  - *disposal of any existing Council owned land assets in accordance with all relevant statutory requirements including consultation requirements (this to include the disposal of the Council's land assets at Regis Road and Holmes Road to act as a catalyst to deliver regeneration).*
  - *exercise of the Council's 'in principle' power to compulsorily purchase land required to facilitate regeneration.*
  - *acquisition of any land interests reasonably required to facilitate regeneration.*

4.24 The Cabinet resolved to agree the proposed 'Regeneration Strategy' and:

*“...that authority be delegated to the Executive Director Supporting Communities, in consultation with the Executive Director Corporate Services and the Cabinet Members for New Homes, Jobs and Community Investment; Finance and Cost of Living; and Better Homes, to take all steps required to progress and implement the Regeneration Strategy (save those referred to in resolution 3 below) to include:*

- *Any decision in relation to the appropriation of land to facilitate regeneration*
- *Allocation of funding for resource and specialist consultant advice required to progress and implement the Regeneration Strategy.”*

4.25 Since that date, the Executive Director Supporting Communities has not made any further decision in relation to the appropriation of land to facilitate regeneration pursuant to his delegated authority. As far as the Appellant is aware, no compulsory purchase order has been made; no report has been presented justifying the use of compulsory purchase powers; no costing of the land assembly or development costs has been undertaken; no funding has been secured to cover the costs of acquiring the Regis Road sites or developing the area; no masterplan has been developed for the Growth Area; and no planning application has been submitted or prepared for a single comprehensive development of Regis Road. The Appellant is not aware of any commercial arrangement that the Council has entered, or has proposed to enter, with Yoo Capital regarding the funding and delivery of a compulsory purchase order and comprehensive redevelopment scheme. The Appellant has submitted a series of requests for information under both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in an attempt to secure further information on this from the Council. In response, the Council have stated that there hasn't been a decision to pursue a compulsory purchase order and/or assemble land rights other than the principles that are set out and discussed in the Proposed Regeneration Strategy (Appendix F).

4.26 Indeed, had any such agreement been reached, the Appellant would have significant doubts about the ability of Yoo Capital to meet the substantial costs involved in assembling the land. Given the Growth Area covers an area of approximately 18.84 acres (7.62 hectares), and the price at which the Appellant paid for the Appeal Site (£19.8m) in June 2021, the Appellant estimates the value of this land to be far in excess of £415 million (including the Appeal Site) and the Appellant is of the firm view that neither the Council nor the developer have the financial means to cover this cost (as well as other enabling costs that would be required to make the land developable).

4.27 As set out within the latest Government guidance, compulsory purchase is intended as a last resort and acquiring authorities are expected to try to acquire land by agreement before resorting to compulsory purchase. To date, the Council has not attempted to acquire the Appeal Site from the Appellant and the Appellant is unaware that the Council has attempted to acquire any other land within the Growth Area.

4.28 On this basis, it is the Appellant’s opinion that the use of compulsory purchase powers to acquire and assemble the land within the Growth is not realistic or achievable and there is no realistic prospect of the whole Growth Area coming forward as a single planning application.

4.29 Therefore, the only realistic means of achieving the Council’s aspirations for the Growth Area is to allow individual schemes to come forward and to ensure that they will not prejudice the wider development of the Growth Area. This is the exact approach the Appellant proposes by carefully devising a design that is compatible with both the existing and future built context. The alternative is either the Growth Area remains undeveloped based on hope that a solution will present itself or to allow individual schemes which meet the policy objectives for the Growth Area to come forward and ensure that further redevelopment is not prejudiced.

#### Prematurity

4.30 As set out within paragraphs 49 and 50 of the NPPF, *“arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*“49. ...*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*50. Refusal of planning permission on ground of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granted permission for the development concerned would prejudice the outcome of the plan-making process.”*

4.31 The Appeal Site comprises approximately 35% of the Growth Area in its entirety. This is not a substantial area of the Growth Area, and its cumulative effect would not undermine the plan-making process because, as set out within paragraphs 3.40-3.43 above, the emerging local plan is

not at an advanced stage. On this basis, the Appeal Application should not be considered premature.

#### Prejudicing Comprehensive Redevelopment

4.32 It is important to note that allowing development of individual sites at Regis Road does not necessarily mean that comprehensive redevelopment of the wider Growth Area will be prejudiced. This is particularly the case given the Appeal Site comprises such a small area of the overall Growth Area and has been designed to complement future redevelopment of the remaining Regis Road area. Nor does the fact that the Appeal Scheme does not cover the entire Growth mean that it fails to promote the most efficient use of land. In fact, the Appeal Scheme delivers just the type of land use that the Council seeks in this area and intensifies existing employment land in a way that supports local businesses and generates increased jobs.

#### *Indicative Masterplan*

4.33 The Appellant's architects, Mountford Pigott, have prepared an Indicative Masterplan relating to the balance of the Growth Area to demonstrate how the Appeal Scheme would sit comfortably within and complement any future comprehensive redevelopment of the Growth Area.

4.34 This masterplanning exercise has been underpinned by the primary aim to accord with the relevant development plan policies and the aspirations of the KTPF SPD.

4.35 The Indicative Masterplan comprises the following:

- More than 1,000 residential units with associated residential amenity space
- Intensification of industrial floorspace
- Significant provision and intensification of office space
- Supporting community/healthcare provision
- Supporting provision of retail space
- Re-provision of the recycling centre and its associated offices
- Providing substantial public open space
- Creating connections between Kentish Town and Gospel Oak, reinstating the connecting between Regis Road and Arctic Street, and delivering new connections between Holmes Road and Spring Place to Regis Road.



4.36 Together, these components either meet and/or make a significant contribution to meeting the development objectives set out within section 2.2 of the KTPF. The Growth Area is only one part of the KTPF area, so other sites can also make contributions to meeting these development objectives.

4.37 Section 7 of the Design Statement (Appendix G) explains how an Indicative Masterplan incorporating the Appeal Scheme delivers the other ambitions set out within the KTPF and, therefore, the Appeal Scheme does not prejudice the delivery of the balance of the Growth Area. For example, the salient points are as follows:

- Section 3.1.2 of the KTPF includes a key principle to include the delivery of a green pedestrian priority route between Kentish Town and Hampstead Heath that includes a bridge structure between Murphy's Yard and Kentish Town Road. In Appendix 2 to the Design Statement (Appendix G), it is shown how this could be provided to the south of the railway line, instead of starting within Murphy's Yard.
- The Indicative Masterplan also shows an east/west pedestrian/cycle link along the northern edge of the Growth Area.
- All aspirations of key principle 3.1.4 relating specifically to the Growth Area have been incorporated into the Indicative Masterplan, as shown in Appendix 4 to the Design Statement (Appendix G).
- The proposed height of the Appeal Scheme is appropriate for the Appeal Site whether or not the wider masterplan comes forward at a future date.
- The London View Management Framework designated (protected) view from Hampstead Heath to St Pauls Cathedral crosses the Growth Area (but not the Appeal site). This was considered during the design development of the Indicative Masterplan and has subsequently been tested. The result, which can be seen in Appendix 5 to the Design Statement (Appendix G) shows that the view is unaffected.

4.38 It is our opinion that the Appeal Scheme rather sits comfortably within and would complement future regeneration of the Growth Area.

*Local Plan Policy G1 (Delivery and Location of Growth)*

4.39 The first Reason for Refusal cites conflict with policy G1 of the Local Plan, but that allegation is unfounded. Local Plan Policy G1 explains that the Council seeks to create the conditions for growth to provide the homes, jobs, infrastructure, and facilities to meet Camden's identified needs and harness the benefits for those who live and work in the borough.

4.40 It sets out how growth will be delivered and located as follows:

1. Firstly, the policy states that growth will secure high quality development and promote the most efficient use of land and buildings.

The policy identifies that Camden's objectively assessed needs to 2031 comprise 16,800 additional homes; 695,000sqm of office floorspace; and, c30,000sqm of retail floorspace, which are reiterated in Local Plan policies H1 and subsequently.

2. Secondly, it explains that the Council will resist development that makes inefficient use of Camden's limited land.
3. Thirdly, the policy makes it clear which locations should accommodate such growth. The areas identified comprise six growth areas, other 'highly accessible locations' (particularly Central London and five town centres) and the Council's Community Investment Programme.

4.41 One of the growth areas identified as a location to accommodate significant growth is the Growth Area, although it is the only one of the six growth areas that is not identified in the London Plan as an 'Opportunity Area' or 'Area for Intensification'. This means that, unlike the other five, the Growth Area is not subject to minimum targets set out in the London Plan for the delivery of homes and jobs to 2031.

4.42 Therefore, the Appeal Site and the wider Growth Area is identified as being suitable for large-scale redevelopment and significant increases in jobs and homes, and that such development is consistent with the area priorities and principles set out within the supporting text.

4.43 The Appeal Scheme comprises the redevelopment of brownfield land that increases and optimises building footprint on the Appeal Site and achieves an increase in and optimal scale of development from two to five storeys, as explained in the Design Statement in Appendix G. In doing so, the Appeal Scheme comprises an intensification of floorspace for employment/industrial uses and overall, with the introduction of a mix of land uses that is sought within the Growth Area and compatible with existing and future adjoining land uses. On this basis, the Appeal Scheme delivers growth and makes the most efficient use of this land through high-quality development that replaces a tired and outdated development that underutilises the Appeal Site.

4.44 Bullet point (d) of the policy G states that the mix of uses can be provided "...either on site or across multiple sites...", so it is clear the Council do not expect each individual plot of land to deliver a mix of uses, but rather a mix can be achieved across a wider area (in this instance, the Growth Area).

- 4.45 The area priorities and principles for the Growth Area are outlined in paragraphs 2.32-2.36. The Design Statement attached as Appendix G, prepared by Mountford Pigott, explains how, in combination, the Appeal Scheme and the Indicative Masterplan meet these priorities and principles.
- 4.46 In summary, the Appeal Scheme and Indicative Masterplan meet all the other priorities for redevelopment set out in paragraph 2.34 as follows:
- A significant increase in the number of jobs provided on the Appeal Site and across the wider Growth Area.
  - The provision of appropriate employment space for start-ups and SMEs on the Appeal Site and across the wider Growth Area.
  - The Appeal Scheme involves a local employment and training package including appropriate financial contributions. The Appeal Scheme does not prevent such benefits to be secured across the wider Growth Area.
  - The Indicative Masterplan includes the provision of a significant number of new homes and a significant proportion of these could be affordable homes and shows how the Appeal Scheme would complement rather than prejudicing such development. If further detailed design were undertaken, these homes could comprise a mix of types, sizes, and tenures.
  - The Appeal Scheme does not involve the loss of the Council's Regis Road Recycling centre and the Indicative Masterplan demonstrates how the recycling centre could be re-provided.
- 4.47 Paragraph 2.36 of the Local Plan refers to the facilitation of links to future development of adjacent sites, which are identified and explained in more granular detail in section 3.1.4 of the KTPF. As explained in the Design Statement, the Appeal Scheme has been designed to facilitate and allow such links and does not adversely affect their delivery or undermine the potential for wider comprehensive development.
- 4.48 The Design Statement also explains how the Appeal Scheme makes the best use of the Appeal Site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, and transport accessibility.
- 4.49 The Appeal Scheme significantly intensifies development on the Appeal Site in two predominant ways; by increasing the building footprint and the scale of development.

- 4.50 As set out within the Planning Statement, the layout of the Appeal Scheme seeks to efficiently utilise the amount of land it requires to optimise the developable area. This has meant two things. Firstly, the predominance of the building footprint remains on the western portion of the site with protrusion towards the rear boundary. This decision was made on the basis that the adjoining buildings/sites to the north, east and west are not sensitive to daylight/sunlight considerations. In addition, this approach enables the existing access point to be retained.
- 4.51 The building line remains in a similar position to retain a strong and well-articulated built frontage along Regis Road and unlocks the opportunity to create a new visual identity to Regis Road and to the west adjacent to the Regis Road Recycling Centre. Its position also allows the introduction of a landscaping to enhance this stretch of Regis Road visually. The flexible office space is positioned on each level of the southern elevation to activate the Regis Road frontage.
- 4.52 The Appeal Site could be redeveloped to accommodate the servicing of articulated lorries. However, given Regis Road is a narrow street, the vehicular access would need to be widened to allow this type of vehicle to turn in and out of the site. This would have a substantial impact on the existing root protection area of the existing tree (Ref: T7) adjacent to the east of the site entrance and would ultimately impact its health and stability. Instead, the Appellant made the decision that the largest vehicles accessing the Appeal Site will be 10m rigid vehicles, which will allow the existing site to be retained and re-used in its current configuration.
- 4.53 Consequently, the layout strategy ensures the gross internal area within the proposed building more than doubles, when the mezzanines are excluded, and increases by approximately 470% when they are included.
- 4.54 In terms of the scale of development, the proposed building will comprise a five-storey mass above ground level accommodating both the self-storage facility and the flexible office space. The scale and massing of the proposed building has been carefully designed to respond in a manner that is in keeping with the surrounding building heights and to secure industrial intensification, whilst ensuring acceptable daylight/sunlight admission to the student accommodation (Mary Brancker House, 54-74 Holmes Road) and residential building (52 Holmes Road) opposite the Appeal Site, on the south side of Regis Road.
- 4.55 In the Council's Delegated Officer's report, it is acknowledged that the Appeal Scheme will have adverse impacts to the lower floors of the student accommodation building, but they are considered acceptable.

4.56 In light of the Council’s assertion that the height of the proposed building is “*lower than the general 8 storeys cited in the Framework*” (para 5.6), the Appellant has tested the incremental impacts on daylight and sunlight admission to those floors from adding one, two and three additional floors to the proposed massing. An additional floor results in Vertical Sky Component (VSC) reductions that range between 30-40%, being considered of moderate severity and failing to meet the BRE guidance. These transgressions deteriorate significantly when an additional two floors are added. On this basis, it is clear that five storeys is the optimum height of development on the Appeal Site, regardless of whether redevelopment was being brought forward as part of comprehensive scheme or in a piecemeal manner. Therefore, the layout and massing strategies secure the most efficient use of land and buildings on the Appeal Site while appropriately protecting the amenity of existing student and residential accommodation in the vicinity.

4.57 The Appellant is surprised that the Council hold the view that development should be eight storeys on the Appeal Site. Firstly, the KTPF states that development should be up to a general height of eight storeys with some buildings allowed to be taller where justified. The Framework does not suggest that all buildings must be a minimum of eight storeys and there are sound design and townscape reasons for providing a variety of heights across the Growth Area, with taller buildings more appropriate to the north, adjacent to the railway line. Moreover, during the first online meeting between the Appellant and the Council’s regeneration team in July 2021, the Council presented visualisations of their own indicative massing layouts which showed six-storey development on the Appeal Site. They therefore appeared to recognise the design logic of locating lower buildings in this location to respect the existing townscape outside the Growth Area.

*Local Plan Policy E1 (Economic Development)*

4.58 Local Plan Policy E1 explains how the Council will secure a successful and inclusive economy by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. It does not contain any requirement for a single comprehensive development across the whole of the Growth Area.

4.59 As set out within the Planning Statement accompanying the Appeal Application, the proposed land uses comprise two forms of ‘employment’ floorspace, including an ‘industrial’ use, self-storage under Use Class B8, and a ‘commercial’ use, office space under Use Class E(g)(i). Both uses support businesses of all sizes, in particular start-ups, and SMEs, and will contribute towards maintaining a stock of premises in the borough that are suitable for a variety of business activities, with flexible

lease terms benefitting firms with differing resources. Therefore, the Appeal Scheme complies with Policy E1.

4.60 The Indicative Masterplan includes the provision of a significant quantum of office floorspace and shows how the Appeal Scheme would complement the wider regeneration of Regis Road in a way that makes a significant contribution towards part f) of Policy E1 in meeting the forecast demand of 695,000m<sup>2</sup> of office floorspace within the borough between 2014 and 2031. For this reason, the Appeal Scheme clearly accords with Policy E1 and does not prejudice the delivery of significant floorspace to meet an identified need in the borough.

*Local Plan Policy H1 (Maximising Housing Supply)*

4.61 Local Plan Policy H1 states that the Council aims to maximise the supply of homes and exceed a target of 16,800 additional homes, including 11,130 additional self-contained homes, between 2016-2031.

4.62 The Indicative Masterplan shows how the Appeal Scheme would complement the wider development of Regis Road, including the provision of a significant quantum of additional homes that would make a significant contribution towards meeting the policy's target. Moreover, as explained within the Design Statement, the quantum of housing is the maximum reasonable provision of housing across the Growth Area considering its surroundings, sustainability, amenity, heritage, and transport accessibility. For this reason, the Appeal Scheme clearly does not prejudice the delivery of a significant quantum of homes, which is a priority land use in the borough.

4.63 Furthermore, the Appeal Site is located to the east of the centre of the Growth Area and as explained within the Design Statement (Appendix G), it is more appropriate for the residential element of the new neighbourhood to be located to the west and the industrial / employment floorspace to the east. Larger floor plate employment buildings should be grouped together, and these are most appropriately located to the east of the Growth Area closer to the existing access point, where trips associated with Heavy Goods Vehicles (HGVs) are shortened and do not conflict and potentially unsafe movements through a new residential area.

*Neighbourhood Plan Policy SP2 (Kentish Town Potential Development Area)*

4.64 Neighbourhood Plan Policy SP2 recognises the potential of the Kentish Town Potential Development Area (an area comprising the Growth Area and the Murphy's Yard site to the north of the railway line) for a mixed-use development whilst retaining, and where possible increasing, the level of industrial floorspace and employment opportunities, including the growth of small and

start-up businesses. Policy SP2 does not contain any requirement for a comprehensive development covering the entirety of the Growth Area.

4.65 The Appeal Scheme comprises mixed-use development that involves the intensification of industrial floorspace. Moreover, the Indicative Masterplan demonstrates that, regardless of the Appeal Scheme, a policy compliant mix of uses and a net increase of industrial floorspace.

*Neighbourhood Plan SP2a (Kentish Town Potential Development Area – General Development Criteria)*

4.66 Neighbourhood Plan Policy SP2a sets out 12 general development criteria expected to apply to the assessment of any proposals for development within the Growth Area. It does not contain any requirement for a comprehensive development covering the entirety of the Growth Area.

4.67 The Appeal Scheme and/or the Indicative Masterplan comply with these criteria for the following reasons:

- The Appeal Scheme increases the quantum of industrial floorspace on the Appeal Site and within better designed building. The Indicative Masterplan demonstrates an increased quantum of industrial floorspace across the wider Growth Area and these can be accommodated within much higher quality buildings.
- Both the Appeal Site and the wider Growth Area are located outside of the protected view of Parliament Hill from the canopy area beside Kentish Town Station. The Appeal Scheme would not obstruct the view of Parliament Hill.
- The Appeal Scheme does not prevent or prejudice the delivery of footpaths and cycle ways that are provided in both north-south and east-west directions, as shown in the Indicative Masterplan. The Indicative Masterplan delivers a new connection between Holmes Road and Spring Place to Regis Road, and a separate new connection to York Mews.
- The Appeal Scheme does not prevent the Indicative Masterplan from delivering affordable housing and housing for the elderly.
- The Indicative Masterplan includes the provision of healthcare facilities to mitigate the impact of development across the wider Growth Area.
- The Indicative Masterplan includes the provision of a public park and other large areas of green space.
- The Indicative Masterplan includes the provision of community facilities.

- The proposed building will have very low energy consumption, given only a small area will be heated. The PV array on the roof will reduce the building emissions by 114% and the total carbon dioxide reduction based on regulated emissions will be 150% meaning it will be better than carbon neutral.
- Within the Indicative Masterplan, the gate at Arctic Street will be opened up to give west-east access routes for footpaths and cycle ways linking the stie with Arctic Street and Spring Place in the west and Kentish Town Road in the east.
- The Proposed Development does not prevent improvements to be made to the existing entrance to Regis Road.

4.68 In summary, the wording of the development plan policies referred to in Reason for Refusal 1 do not themselves require comprehensive redevelopment of the Growth Area, nor do they prohibit piecemeal development. Notwithstanding, even if there was, there is no realistic prospect of securing the comprehensive redevelopment of the entire Growth Area through a single application. Rather, it is much more likely that the area will be redeveloped through a series of separate applications submitted by different landowners. Provided each application does not prejudice the delivery of the wider Growth Area, this should be welcomed by the Council as a realistic way of achieving the regeneration of an area that is in much need of redevelopment but is complicated by multiple landownerships.

4.69 The Appeal Scheme would not prejudice but rather complement and encourage further redevelopment within the Growth Area in a way that meets the Council's objectives for the area. The alternative is either the Growth Area remains undeveloped based on hope that a solution will present itself or to allow individual schemes which meet the policy objectives for the Growth Area to come forward and ensure that further redevelopment is not prejudiced.

4.70 Draft Local Plan Policy C2 relaxes any requirement for a single application for the Growth Area by focusing instead on ensuring that "Applications submitted in advance of the comprehensive redevelopment of the area that would prejudice the delivery of a comprehensive scheme or the aspirations for the area will not be permitted."

### **Reason for Refusal 2**

4.71 Reason for Refusal 2 states:

- 2 *The proposed development, by reason of its height, mass, footprint and detailed design, would fail to make the best use of its site or respect the design aspirations for the Regis Road Growth*



*Area, contrary to policies G1 (Delivery and location of growth) and D1 (Design) of the London Borough of Camden Local Plan 2017 and policies D3 (Design Principles) and SP2a (KTPDA – General Development Criteria) of the Kentish Town Neighbourhood Plan 2018.*

*Local Plan Policy G1 (Delivery and Location of Growth)*

4.72 As set out in paragraphs 4.50-4.57 of this Statement, the Appellant sets how the layout and massing strategies that informed the design of the Appeal Scheme secure the most efficient use of land and buildings on the Appeal Site and accords with Policy G1.

*Local Plan Policy D1 (Design)*

4.73 Local Plan Policy D1 seeks to secure high quality design in development and lists 15 criteria that proposed developments should adhere to. Paragraphs 8.8-8.27 of the Design Statement attached as Appendix G explain how the Appeal Scheme either complies with each criterion or is not relevant to the Appeal Scheme/Site. In summary, the key points are as follows:

- The Appeal Scheme has been designed to respect and complement its existing and future context.
- The Appeal Scheme does not cause any harm to the significance or setting of any heritage assets, nor any strategic views.
- The Appeal Scheme integrates well into the street scene and introduces active frontage and landscape improvements.
- The proposed building will be highly sustainable in design and construction with very low energy consumption and achieving better than carbon neutral.
- The Appeal Scheme ensures the mature tree located adjacent to the site entrance will be retained.

4.74 In the absence of references in the decision notice to London Plan policies or the paragraphs in the NPPF, there is no alleged conflict with London Plan Policy D3 and paragraphs 131, 135 and 139 of the NPPF.

4.75 Notwithstanding, and as has already been explained, the Appeal Scheme makes the best use of land by following a design-led approach, taking into account the Appeal Site's existing and future context, and involves the optimising the land by proposing the most appropriate form and land use for the Appeal Site. The Appeal Scheme promotes a high level of sustainability and raises the standard of design more generally in the area, including enhancing the local context through good architecture and landscape improvements, and fitting in with the overall form and layout of the

surrounding area. For these reasons, the Appeal Scheme complies with London Plan policy D3 and paragraphs 131, 135 and 139 of the NPPF in any event.

*Neighbourhood Plan Policy D3 (Design Principles)*

4.76 As explained within the Design Statement (Appendix G), the Design and Access Statement submitted with the Appeal Application contained a comprehensive contextual analysis of the Appeal Site. This analysis led to the height, massing, alignment, design, and materiality of the proposed building taking their cue from the existing context. The building design is also fully accessible to all. On this basis, the Appeal Scheme accords with Neighbourhood Plan Policy D3.

*Neighbourhood Plan Policy SP2a (Kentish Town Potential Development Area – General Development Criteria)*

4.77 As set out in paragraph 4.67 above, the Appeal Scheme either complies with the general development criteria itself and/or it does not prevent or prejudice an Indicative Masterplan for the wider area that meets all the criteria in policy SP2a.

Design Aspirations for the Growth Area

4.78 As confirmed within paragraph 5.7 of the Delegated Officer's report, there is no masterplan context for the Growth Area to guide what is acceptable in terms of heights, footprint, position, orientation, material palette and landscaping. Therefore, the Appeal Scheme can only be assessed against the general design policies referred to above and the Appeal Scheme accords with those policies.

**Reason for Refusal 3**

4.79 Reason for Refusal 3 states:

*3 The proposed development, in the absence of a condition and feasibility study and options appraisal, has failed to demonstrate that the proposed substantial demolition is justified, contrary to policy CC1 (Climate Change Mitigation) of the London Borough of Camden Local Plan 2017 and policies SI2 (Minimising greenhouse gas emissions) and SI7 (Reducing waste and supporting the circular economy) of the London Plan 2021.*

4.80 Accompanying this appeal at Appendix H is an addendum to the Circular Economy Statement, prepared by Silcock Dawson, which clarifies how the information that was submitted with the Appeal Application was sufficient to justify demolition of the existing building as acceptable. In light of that information, the Appeal Scheme complies with Local Plan policy CC1 and London Plan policies SI2 and SI7.

## **Reasons for Refusal 4-10**

### 4.81 Reasons for Refusal 4-10 state:

- 4 *The proposed development, in the absence of a legal agreement to secure the details set out on the sustainability and energy plans and a BREEAM pre-assessment would be likely to contribute to climate change, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding), CC4 (Air quality) and DM1 (Delivery and monitoring) of the London Borough of the London Borough of Camden Local Plan 2017 and policy SP2a of the Kentish Town Neighbourhood Plan 2018.*
- 5 *The proposed development, in the absence of a legal agreement to secure a car-free development, would be likely to contribute unacceptably to parking stress, environmental impacts and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development), CC1 (Climate change mitigation) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017 and policy SP2a (KTPDA – General Development Criteria) of the Kentish Town Neighbourhood Plan 2018.*
- 6 *The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, construction impact bond and a financial contribution for construction management plan monitoring, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), T3 (Transport Infrastructure), T4 (Sustainable movement of goods and materials), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017.*
- 7 *The proposed development, in the absence of a legal agreement securing a carbon off-set contribution, would fail to meet the requirement for zero carbon, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change) and DM1 (Delivery and monitoring) of the London Borough of the London Borough of Camden Local Plan 2017.*
- 8 *The proposed development, in the absence of a legal agreement for a Local Level Travel Plan and financial contributions for the associated monitoring, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), T3 (Transport Infrastructure), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017.*

9 *The proposed development, in the absence of a legal agreement securing a local employment and training package including an appropriate financial contribution, would fail to support employment opportunities for local residents and contribute to the regeneration of the area, contrary to policies G1 (Delivery and location of growth), E1 (Economic development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

10 *The proposed development, in the absence of a legal agreement securing affordable workspace for SMEs, would fail to provide a range of premises for businesses to support Camden's economy, contrary to policies G1 (Delivery and location of growth), E1 (Economic development), E2 (Employment premises and sites) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

4.82 Accompanying this Statement in Appendix I is a draft version of a legal (Section 106) agreement based on a template and similar wording that the Appellants' solicitors have experienced recently with the Council. The draft contains all the aspects required by Reasons for Refusal 4-10.

4.83 It is acknowledged that informative 2 on the decision notice notes *"that reasons for refusal 4-10 could be addressed and would potentially 'fall away' if a legal agreement to secure the items should be satisfactorily entered into by the applicant/relevant landowners."* Therefore, this draft is intended to start the process of negotiating this agreement, so that these reasons 'fall away' and are not matters to be debated as part of the appeal.

4.84 With respect to Reason for Refusal 5, and as set out in paragraphs 12.4 and 12.5 of the Delegated Officer's report, it is important to clarify that the Council accept that 11 car parking spaces will be needed for operational use, as an exception to London Plan policy T6. The draft legal agreement secures the use as car-free insofar as parking for employees is concerned. This is secured through clauses 4.1.1-4.1.3 and the definition of 'Development Employees'.

4.85 With respect to Reason for Refusal 10, it is important to clarify what is meant by 'securing affordable workspace for SMEs'. In paragraph 11.2 of the Delegated Officer's report, it is stated that *"officers requested that 20% of the space to be provided at 50% discount in perpetuity (10 years minimum) as well as a detailed marketing strategy."* It should be clarified that the Appellant agreed with the Council that two of the offices shown on the floor plans are provided at a 50% discount (see email correspondence attached Appendix J).

## 5.0 THE PLANNING BALANCE

- 5.1 Paragraph 11 (d) of the NPPF 2021 is engaged as the policies which are most important for determining the application are out-of-date and the tilted balance can be applied.
- 5.2 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

### Benefits of the Appeal Scheme

- 5.3 As set out within the Planning Statement, the Appeal Scheme would deliver significant planning benefits as follows:

- The proposed uses will provide flexible accommodation to support local residents and businesses with storage needs, particularly start-ups and small-to-medium enterprises (SMEs). This space will help to meet growing domestic and business needs, as well as generating further employment at the Appeal Site.
- The Appeal Scheme involves an 767m<sup>2</sup> (GIA) (excluding demountable mezzanines) net increase of overall floorspace. When the mezzanines are installed after practical completion of the facility, the net increase of overall floorspace will be 6,243m<sup>2</sup> (GIA).

The vast majority of the proposed floorspace is 'industrial' floorspace and all of it is 'employment' floorspace. This means the Appeal Scheme will deliver significant intensification in floorspace of the priority use (industrial) sought within the Kentish Town Growth Area ('Growth Area'), whilst generating a significant net increase of jobs primarily associated with start-up businesses and SMEs and securing the most efficient use of a small site located in one of six areas expected to deliver significant growth and meet Camden's strategic needs/objectives.

- Based on research, Big Yellow anticipates that a self-storage facility of the proposed size, excluding the demountable mezzanines, with the flexible office floorspace would support approximately 145-205 jobs, in addition to anticipated direct employment, many of which would be available to local people. This figure rises to approximately 340-480 jobs when the demountable mezzanines are installed after practical completion, in addition to anticipated direct employment of approximately 3-4 people.
- Demolition of the existing building, which is tired and outdated, and replaced with a building of high-quality design for the following reasons:

- The Appeal Scheme will comprise high-quality design. The layout strategy optimises the developable area of the Appeal Site to ensure its efficient utilisation.
  - The massing of the proposed buildings ensures a positive relationship with the surrounding built and natural environment.
  - The architecture is contextually appropriate comprising modern industrial with a combination of brick, metal cladding, glazing and small inclusions of colour to provide visual interest.
  - The provision of flexible-office space introduces active frontage to Regis Road replacing a façade that is presently lifeless and improves passive surveillance within the immediate area.
- The introduction of soft landscaping along the Regis Road frontage will significantly enhance the amenity value and bring some verdancy to the area.
  - The Appeal Scheme will generate a significant reduction in vehicle trips compared to the existing lawful use of the Appeal Site, which will have a positive impact on the local highway network.
  - The Appeal Scheme will be highly sustainable incorporating a range of sustainability measures, targeting a high 'Excellent' BREEAM rating, aligns with the principles of the circular economy and the upfront embedded carbon emissions is predicted to be significantly lower than the LETI 2030 best practice target for non-domestic buildings.
  - The proposed building will have very low energy consumption, given only a small area will be heated. The PV array on the roof will reduce the building emissions by 114% and the total carbon dioxide reduction based on regulated emissions will be 150% meaning it will be better than carbon neutral.
  - The incorporation of a series of measures to deliver biodiversity enhancements for the Appeal Site.

5.4 The Appeal Scheme is an intensification of a brownfield site that optimises its utilisation, and delivers the introduction of a mix of land uses that are sought within Growth Area, and are compatible with existing and future adjoining land uses.

5.5 It is clear the Appeal Scheme would deliver significant planning benefits and there are no adverse effects of granting permission that would significantly and demonstrably outweigh these benefits, when assessed against the policies in the NPPF taken as a whole.

5.6 Accordingly, it is requested that the appeal is allowed.

**APPENDIX A: EMAIL CORRESPONDENCE FROM LB CAMDEN AND PRE-APPLICATION WRITTEN ADVICE (DATED 20 DECEMBER 2021)**



**APPENDIX B: REBUTTAL TO OBJECTIONS**

## APPENDIX C: APPEAL DRAWINGS

<b>Submitted for Approval</b>
Existing Site Plan (Dwg No. 2314-X02)
Proposed Site Plan (Dwg No. 2314-P01)
Proposed Ground Floor Plan (Dwg No. 2314-P02)
Proposed Second Floor Plan (Dwg No. 2314-P04)
Proposed Roof Plan (Dwg No. 2314-P07-A)
Proposed East and South Elevations (Dwg No. 2314-P09-A)
Proposed West and North Elevations (Dwg No. 2314-P10-A)
Proposed Sections (Dwg No. 2314-P08)
<b>Submitted for Information Only</b>
Proposed First Floor Plan (Dwg No. 2314-P03)
Proposed Third Floor Plan (Dwg No. 2314-P05)
Proposed Fourth Floor Plan (Dwg No. 2314-P06)

**APPENDIX D: REPRESENTATIONS TO INITIAL ENGAGEMENT TO THE EMERGING  
LOCAL PLAN AND SITE ALLOCATIONS DOCUMENT**

**APPENDIX E: LANDOWNERSHIP PLAN**

**APPENDIX F: LB CAMDEN 'PROPOSED REGENERATION STRATEGY FOR THE  
KENTISH TOWN REGIS ROAD GROWTH AREA'**

**APPENDIX G: DESIGN STATEMENT, PREPARED BY MOUNTFORD PIGOTT**

**APPENDIX H: CIRCULAR ECONOMY STATEMENT ADDENDUM, PREPARED BY  
SILCOCK DAWSON**

**APPENDIX I: DRAFT SECTION 106 AGREEMENT, PREPARED BY CMS**



**APPENDIX J: EMAIL CORRESPONDENCE WITH LB CAMDEN DELEGATED  
PLANNING OFFICER**