

PLANNING SERVICES**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000****STATEMENT OF CASE
London Borough of Camden**

APPEAL SITE

Alpha House, 24-27 Regis Road, London, NW5 3ER

APPELLANT

Big Yellow Self Storage Company Limited

SUBJECT OF APPEAL

Appeal Statement in Support of the Council's decision to refuse Full Planning Permission application (ref: 2023/0093/P) on 25th August 2023 for:

"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"

COUNCIL REFERENCE: 2023/0093/P**PLANNING INSPECTORATE REFERENCE: APP/X5210/W/24/3337347**

The Council reserves the right to amend or supplement the Statement of Case.

CONTENTS PAGE

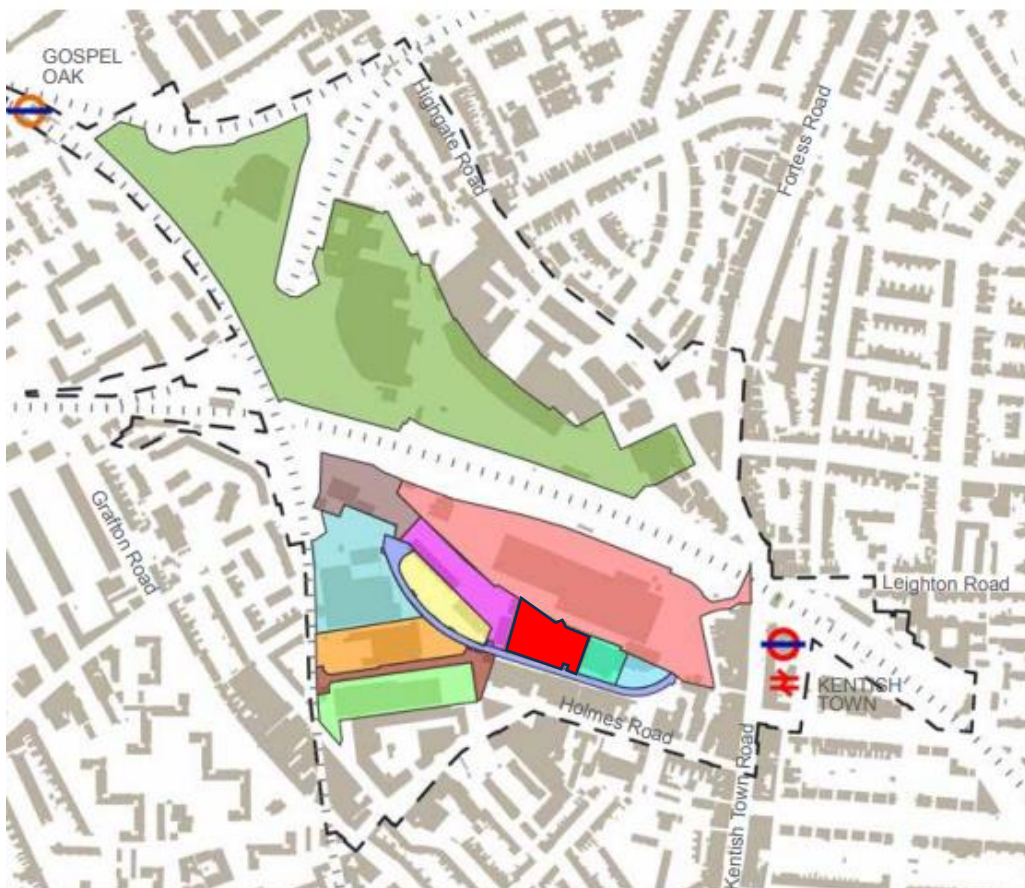
Section	Page
1. Site and Surroundings	3
2. The Appeal Proposal	6
3. Relevant Planning History	6
4. Planning Policy Framework	6
5. Reasons for Refusal	13
6. The Council's Case	16
7. Evidence	34
8. Public Benefits	34
9. Conclusion and Planning Balance	38
10. Appendices	38

1. SITE AND SURROUNDINGS

- 1.1. The 0.36 ha site comprises a two-storey warehouse building together with a vehicle parking area to the east and servicing area to the north. Built form occupies 47% of the site area. The building was constructed in the late 20th century and is of brick construction with vertically proportioned windows that span both storeys puncturing the south elevation at regular intervals. The building has a pitched roof constructed using a metal sheet system with rooflights. Soft landscaping runs around the boundary of the site with the only maintained area being a grassy verge between the south elevation of the building and Regis Road. A fire escape door leads, via a platform, to Regis Road with the main entrance being on the east elevation accessed from the parking area. The site includes an electrical substation in the southwest corner.
- 1.2. The building is currently vacant but was previously let as a combination of warehouse/ office space (Class B1/B8). The existing building comprises 2,030 sqm GIA of accommodation plus car parking area and areas of soft landscaping.
- 1.3. The surrounding area is predominantly industrial with a large-scale warehouse building to the north occupied by UPS. To the east, a warehouse building ('JML House') adjoins the appeal site's parking area and is occupied by a range of uses including an NHS facility, various food delivery business and 'Howdens' kitchen and appliances trade store. To the south stands a large student building (54-74 Holmes Road) and recently completed residential block (52 Holmes Road) both of which are accessed from Holmes Road to the south. To the west is the Regis Road Reuse and Recycling Centre and Car Pound which stretches across the rear of a single storey run of industrial units situated behind a parking forecourt. The Reuse and Recycling Centre is identified within North London Waste Plan (June 2022) as the only safeguarded waste site in the borough.
- 1.4. Surrounding heights of nearby industrial buildings are relatively consistent with the application site at around two to three storeys although it is noted that describing heights in number of storeys is less helpful for industrial uses as they have atypically high floor to ceiling heights. To the south of the application site, the student housing and residential block are six storeys.

1.5. The existing building is not statutorily or locally listed, nor is it located within a conservation area. There are no statutorily or locally listed buildings or structures in the immediate surroundings.

1.6. The site, marked in red on the below diagram, occupies a central position in the Regis Road Growth Area, a 7.5-hectare area designated in the Camden Local Plan for comprehensive employment-led mixed-use development. It 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. The area is in multiple landownerships, as expressed by the diagram below, with access currently restricted to the Regis Road/Kentish Town Road junction. As can be seen from the plan below, Regis Road (coloured mauve) is in private ownership whereas Holmes Road and other surrounding roads (coloured white) are public highways.



1.7. The Regis Road Growth Area is situated within the Kentish Town Planning Framework Area (indicated by black dotted line on above diagram) which is explained in more detail in paragraph 4.6.

- 1.8. The site is also within the Kentish Town Neighbourhood Area and, as such, the Kentish Town Neighbourhood Plan forms part of the Development Plan for the site.
- 1.9. It is noted that whilst the appeal site and wider Regis Road Growth Area contain industrial and related functions, they are not designated industrial sites in the Local Plan. The site is therefore recognised as a 'Non-Designated Industrial Site' by the London Plan (policy E4).

2. THE APPEAL PROPOSAL

- 2.1. It is proposed to demolish the existing building and construct a five-storey building together with a vehicle parking area, cycle parking and landscaping works. An existing substation would be situated outside the building's envelope in the south-west corner, located behind timber fencing.
- 2.2. The building would be mainly used as a self-storage facility (Use Class B8) with an element of office floorspace (Use Class E(g)(i)), as set out in Table X below:
- 2.3. Notwithstanding its height, the appeal scheme seeks consent for the construction of the storage building and the permanent floors (ground and second) only, resulting in a net increase in floorspace of 767 sqm. It has been designed with the potential to insert three demountable 'mezzanine' levels after practical completion resulting in a potential net increase in floorspace of 6,243 sqm.
- 2.4. The office floorspace would be located at first and second floor levels with its own entrance to the front of the building. The office floorspace proposed across the two permanent floors is 289sqm. In the event of the demountable mezzanines being inserted after practical completion, this would increase to 566 sqm.

3. RELEVANT PLANNING HISTORY

- **PEX0200392** - Insertion of a mezzanine floor (area approx. 1,340 sq metres) in connection with the use of the premises as an office and distribution plant (Use Classes B1(a)/B8) - **Granted 09/12/2002**
- **PEX0100963** - Change of use from Class B1 (Business) to Class B8 (Storage and Distribution) - **Granted 22/04/2002**

4. LEGISLATIVE AND PLANNING POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2023

- 4.1. The NPPF was first published on 27th March 2012. It provides a national planning policy framework against which all planning applications and decisions must be made. The NPPF was most recently revised on 19th December 2023 and sets out

the government's planning policies for England. The policies contained in the NPPF 2023 are material considerations which should be taken into account in determining planning applications.

Development Plan

- 4.2. The current development plan in relation to the appeal site comprises the North London Waste Plan 2022, the London Plan 2021, the Camden Local Plan 2017, the Kentish Town Neighbourhood Plan 2016, the Site Allocations Local Development Document 2013.

London Plan 2021

- 4.3. The London Plan 2021 is a strategic planning document in London. The most relevant policies and objectives are listed below:

Planning London's Future - Good Growth

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience

Spatial Development Patterns

- Policy SD1 Opportunity Areas
- Policy SD10 Strategic and local regeneration

Design

- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D8 Public realm

Housing

- Policy H1 Increasing housing supply

Economy

- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy E3 Affordable workspace
- Policy E4 Land for industry, logistics and services to support London's economic function
- Policy E7 Industrial intensification, co-location and substitution
- Policy E8 Sector growth opportunities and clusters
- Policy E11 Skills and opportunities for all

Heritage and Culture

- Policy HC4 London View Management Framework

Green Infrastructure and Natural Environment

- Policy G4 Open space
- Policy G5 Urban greening

Sustainable Infrastructure

- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 8 Waste capacity and net waste self-sufficiency
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage

Transport

- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T7 Deliveries, servicing and construction

- Policy T9 Funding transport infrastructure through planning

Funding the London Plan

- Policy DF1 Delivery of the Plan and Planning Obligations

Monitoring

- Policy M1 Monitoring

Camden Local Plan 2017

4.4. The Local Plan was adopted by the Council in July 2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions. The most relevant policies to be considered as part of the appeal process are listed below:

Growth and Spatial Strategy

- G1 Delivery and location of growth

Economy and Jobs

- E1 Economic development
- E2 Employment premises and sites

Protecting Amenity

- A1 Managing the impact of development
- A3 Biodiversity
- A4 Noise and vibration

Design and Heritage

- D1 Design

Community, health and wellbeing

- C6 Access for all

Sustainability and Climate Change

- CC1 Climate change mitigation
- CC2 Adapting to climate change

- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste

Transport

- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- T4 Sustainable movement of goods and materials

Delivery and Monitoring

- DM1 Delivery and monitoring

Kentish Town Neighbourhood Plan

4.5. The Kentish Town Neighbourhood Plan was adopted in September 2016 and is part of the Development Plan for Camden. The most relevant policies to be considered as part of the appeal process are listed below:

General Development Policies

D1 View from Parliament Hill

D3 Design principles

Spatial Policies

SP2 Kentish Town Potential Development Area

SP2a KTPDA General development criteria

Other Material Planning Considerations

Kentish Town Planning Framework (KTPF)

4.6. The Kentish Town Planning Framework was adopted on the 17th July 2020. It is a supplementary planning document (SPD), providing additional information and detailed guidance on the application of the Council's planning policies relating to this specific growth area. As an SPD, the planning framework is a material consideration in the Council's planning decision-making for Regis Road. The planning framework has been prepared by LB Camden between 2018-2020, with

detailed supporting studies into site analysis, access and infrastructure, and public consultation.

Camden Planning Guidance (CPG)

4.7. The Camden Local Plan 2017 is supported by the Council's CPGs. These documents were created following extensive public consultation. The relevant documents are listed below:

- CPG Access for all 2019
- CPG Air quality 2021
- CPG Amenity 2021
- CPG Biodiversity 2018
- CPG Design 2021
- CPG Developer contributions 2019
- CPG Employment sites and business premises 2021
- CPG Energy efficiency and adaptation 2021
- CPG Public open space 2021
- CPG Transport 2021
- CPG Water and Flooding 2019

Draft new Camden Local Plan

4.8. In January 2024, the Council published a draft new Camden Local Plan (Regulation 18), which incorporates Site Allocations, for consultation. As an emerging plan, the draft new Local Plan is now a material consideration in planning decisions. At this early stage in the preparation process, the draft new Local Plan has limited weight in planning decisions, but as a statement of the Council's emerging approach, it demonstrates the direction of travel. The Council will refer to parts of the evidence base for the emerging Plan. Furthermore, the draft new Local Plan incorporates Site Allocations Local Plan and so replaces the draft Site Allocations Local Plan 2020 which have already been through two rounds of formal consultation, first between February and March 2020 and second between December 2021 and January 2022. Site Allocations C2 relates specifically to Regis Road and Holmes Road Depot.

Development Strategy

- DS1 Delivering Healthy and Sustainable Development

Central Camden

- C1 Central Camden
- C2 (KT2) Regis Road and Holmes Road Depot

Delivering and Inclusive Economy

- IE1 Growing a successful and inclusive economy
- IE2 Offices
- IE3 Industry
- IE4 Affordable and specialist workspace

Protecting Amenity

- A1 Managing the impact of development
- A3 Air quality
- A4 Noise and vibration

The Natural Environment

- NE2 Biodiversity

Design and Heritage

- D1 Achieving Design Excellence
- D2 Tall Buildings

Supporting Camden's Communities

- SC2 Social and community infrastructure
- SC3 Open Space

Responding to Climate Change

- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Circular economy and the reduction of waste
- CC5 Waste

Transport

- T1 Safe, healthy and sustainable transport

- T2 Prioritising walking, wheeling and cycling
- T5 Parking and car-free development

Delivery and Monitoring

- DM1 Delivery and monitoring

London Plan Guidance (LPG)

4.9. London Plan Guidance (LPG) provides further information about how the London Plan should be implemented. Below is a list of the most relevant documents:

- Accessible London SPG
- Characterisation and Growth Strategy LPG
- Optimising Site Capacity: A design-led approach LPG
- Social Infrastructure SPG
- Industrial Land and Uses LPG (draft)
- London View Management Framework SPG
- Air Quality Neutral
- Be Seen Energy Monitoring LPG
- Circular Economy Statements LPG
- Energy Planning Guidance
- The Control of Dust and Emissions in Construction SPG
- Whole Life Carbon LPG
- Sustainable Transport, Walking and Cycling
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG

5. REASONS FOR REFUSAL

5.1. The Council determined the planning application under delegated powers on 25th August 2023 and refused planning permission for 10 reasons. The decision notice is attached as Appendix 2 which outlines all reasons for refusal (RfR). The reasons for refusal are also listed below:

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 2016.

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 2016.
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. The proposed development, in the absence of a legal agreement to secure the details set out on the sustainability and energy plans, a BREEAM pre-assessment and a carbon offset contribution, 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), C1 (Health and wellbeing) and DM1 (Delivery and monitoring of the London Borough of the London Borough of Camden Local Plan 2017 and policy SP2a (KTPDA – General Development Criteria) of the Kentish Town Neighbourhood Plan 2016.
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 2016.

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 be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to 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.

- 5.2. As per the informative on the decision notice, the Council considers that it would be possible to overcome reasons for refusal 4-10 by entering into a suitably worded section 106 legal agreement. The Appellant has indicated they are willing to enter into a Section 106 agreement with the Council and have included a draft agreement as an Appendix to the appeal submission. The Council aims to work with the Appellant to conclude a legal agreement before the forthcoming public inquiry is closed.

6. THE COUNCIL'S CASE

- 6.1. The proposal raises 10 areas of concern which are discussed in turn below. The Council's case is also set out within the officer's delegated report (Appendix 1) which details the proposal, site and surroundings, the site history, consultation responses and an assessment of the proposal.
- 6.2. As stated by an informative on the decision notice, it would be possible to overcome some of the reasons for refusal by entering into a Section 106 legal agreement. Justification for why these matters must be secured via legal agreement is included under the relevant headings below. The Council will continue to work with the Appellant where possible to overcome or narrow the reasons for refusal, and this will be set out in a Statement of Common Ground.

Reason for Refusal 1 – Piecemeal development

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 2016.

- 6.3. The Council will demonstrate that the proposed development, due to its being piecemeal in nature (i.e. a single site approach determined by landownership boundaries), would prejudice comprehensive redevelopment of the Regis Road Growth Area and the ability of the Council to deliver on the 'good growth' objectives of the Development Plan. The evidence will outline the policy basis for the refusal of planning permission and demonstrate why those policies are applicable to the appeal assessment.
- 6.4. The Council will demonstrate that policy G1 of the Camden Local Plan 2017 and policies SP2 and SP2a of the Kentish Town Neighbourhood Plan 2016 together with the Kentish Town Planning Framework 2021 establish commitment to a comprehensive approach to development. Policies DS1 and C1 of the draft new Camden Local Plan, have become material planning considerations since the application was determined and alongside the incorporated Site Allocations (C2), expressly require a comprehensive approach to delivery to realise the potential of the area.
- 6.5. The Council will go on to demonstrate the limitations of a piecemeal or 'plot-by-plot' approach to development compared to a comprehensive, masterplan-led approach. The masterplanning evidence will illustrate how the delivery of homes, jobs and infrastructure, which are the main objectives of the Growth Area designation in policy G1 and the Kentish Town Planning Framework, would all be prejudiced by a piecemeal approach. The evidence will show how such an approach would also adversely impact the deliverability and quality of public open space, an effective transport strategy and optimal quantum and distribution of uses across the Growth Area.
- 6.6. The Council's evidence will also show how a plot-by-plot approach (based on landownership) to delivering the Framework's objectives would be obstructed by the policy requirement to retain industrial floorspace. The challenge arises from the need to reprovide industrial floorspace, which is currently dispersed across the Growth Area, at the individual plot level and the consequences this has for high quality housing, public space and successful placeshaping. Comprehensive development on the other hand, would allow for industrial provision to be not only retained but intensified and enhanced in optimum locations where it wouldn't compromise other objectives of the Framework.

- 6.7. In terms of delivery, the evidence will show how a comprehensive approach can assist viability, allow for appropriate phasing, overcome construction complexities, and ultimately enable deliverability of the Framework's aspirations.
- 6.8. The reason for refusal refers to the proposal failing to provide a mix of land uses and being contrary to policy H1 (maximising housing supply) whilst the officer's report outlines the expectations for development in the Regis Road Growth Area to include a housing component.
- 6.9. Housing is the priority land use of the Camden Local Plan and a key deliverable of the planned comprehensive development across the Regis Road Growth Area. The Kentish Town Planning Framework expects around 1,000 new homes to be delivered in this area. To help achieve this it refers to a co-location of uses to achieve the aim of industrial intensification alongside significant housing delivery. It points to the need for innovative design typologies which could see industrial stacked or wrapped with residential. The Council will demonstrate why the absence of housing from the proposal, or the failure to demonstrate why the scheme cannot provide housing, conflicts with policies H1 of the Camden Local Plan and policy H1 of the London Plan.
- 6.10. The Government's most recently published figure revealed that Camden's housing completions in 2021/22 were 69% of the target with 1981 homes built of a combined target of 2891 homes. The need to provide housing both on this site and across the Regis Road Growth Area is reinforced by the development plan policy commitment to housing provision in the Borough and the national policy objective of 'significantly boosting the supply of homes' (NPPF paragraph 60).
- 6.11. Further, the Council will demonstrate that a piecemeal approach to development would prejudice the Council's ability to deliver an optimal amount of housing across the Growth Area (which in turn would compromise its ability to meet its housing targets) especially when compared to a comprehensive approach. The Council will also demonstrate that a piecemeal approach would limit the overall quality of housing compared to a comprehensive approach, owing to the need to reprovide industrial space at a plot-by-plot scale, which would result in co-location of uses across most, if not all, of the Growth Area and preclude a more fine-grained residential neighbourhood from coming forward. A further impediment to housing delivery when providing residential on a plot-by-plot scale

is the caution required to prevent prejudicing the potential of adjacent sites, in terms of protecting amenity and minimising land use conflicts, including having regard to the agent of change principle. Outside of a masterplan context, the impact on the future of neighbouring sites cannot properly be assessed and this could jeopardise their development potential or may result in site capacity not being optimised for fear of doing so. With a comprehensive approach, such sensitivities would be considered and mitigated so as to optimise site capacity.

6.12. The Appellant has submitted an Indicative Masterplan with the appeal submission to demonstrate how the Appeal Scheme could sit within masterplan-led redevelopment. The Appellant advises that it has been informed by the relevant Development Plan policies and aspirations of the KTPF, including the provision of more than 1,000 residential units. The Council does not consider that the appeal scheme masterplan has any merit and will demonstrate this as part of its evidence with reference to spatial policies and best practice principles around placemaking and urban design, including the National Design Guide (January 2021) and LB Camden Building Heights Study (January 2024) which makes specific reference to Regis Road (ref. AS07-01).

6.13. It is worth noting from the outset that the Appellant's masterplanning exercise apparently makes the assumption that all landownership boundaries across the growth area are disregarded other than those of the appeal site, thus implicitly accepting the notion of comprehensive development as necessary to the achievement of the policy objectives for the area. It also demonstrates that to achieve the Framework objectives, other sites have to accommodate all the land uses and infrastructure that the Appeal Scheme does not. As a result, there are huge disparities in scale ranging from the five storeys at the appeal site to 18 storey residential buildings. The taller buildings proposed are contrary to the KTPF principles on height which refers to mid-rise blocks with opportunities for occasional height. The LB Camden Building Heights Study, in its assessment of the Regis Road sub-area, identified appropriate heights as 4-16 storeys with the upper threshold only being exceptionally delivered in a place of great significance for the local area and thereby supporting legibility. The Study also states that the cumulative impact of tall buildings must be tested in long views and that they should provide a cohesive approach that organically integrates with the existing skyline characteristics, avoiding conspicuous large scale skyline ensembles creating the impression of a continuous wall of height or ladder of towers. The

appellant's illustrative masterplan includes tall housing buildings which display such conspicuous characteristics without any evident justification or impact assessment.

6.14. The Council will demonstrate that that significant work has been undertaken to support the preparation of a masterplan-led comprehensive approach to redevelopment of the Growth Area.

6.15. In 2021, the GLA, working collaboratively with Camden, undertook work to assess the scope for and means of intensifying development at and around Regis Road. The objectives of the Regis Road, Kentish Town, Pilot Area Industrial Intensification Delivery Strategy, as agreed by the GLA Housing & Land team and the London Borough of Camden, were to:

- a. deliver the comprehensive employment-led redevelopment of Regis Road, in accordance with the aspiration of LB Camden's Kentish Town Planning Framework;
- b. identify the required interventions needed to unlock development at Regis Road, and the wider SPD area;
- c. prepare an investment strategy to guide site assembly and acquisitions; and
- d. deliver high quality industrial space, and maximise delivery of affordable housing.

6.16. The design work was intended to provide a deliverable masterplan for the Regis Road Growth Area that reflects the ambitions of the Kentish Town Planning Framework, and policy E7 of the London Plan. In 2021, work was commissioned by the London Borough of Camden and the GLA to examine the implications of comprehensive and plot by plot approaches to the Area.

6.17. Subsequent to this work, the Council recognised the need to consider alternative approaches to bringing forward regeneration. This led to the Kentish Town Regeneration Strategy which was approved by Camden Cabinet on 16th November 2022. Following the approval of the Strategy and subsequent related delegated decisions, a contract for conditional land sale of the Council's land assets at Regis Road (Recycling & Reuse Centre) and Holmes Road (Depot and Flats) was exchanged with developer investor Yoo Capital. The land sale is conditional on Yoo Capital achieving policy compliant planning permission for the

sites in line with the principles of the Planning Framework and subsequent completion of the build-out in a timely manner. The intention of the land sale is to support the developer's endeavours to further assemble land on Regis Road, to act as a catalyst for regeneration and to enable the comprehensive delivery and masterplan-led approach to delivering the objectives of the Kentish Town Planning Framework and the Neighbourhood Plan.

6.18. The Cabinet report (para 2.9) identified a number of key workstreams which need to be progressed as part of the ongoing preparation of the Regeneration Strategy as follows, and discussed below:

- a. A masterplan and delivery proposal through collaboration and/or partnership with landowners and potential developers including consideration of the enabling role of Council's land assets;
- b. A service reprovion strategy enabling efficient optimal long-term service provision;
- c. Engagement programme with residents of the existing homes on the Holmes Road Depot site and the wider stakeholder community; and
- d. The case to use the Council's compulsory purchase and land appropriation powers and acquisitions if considered necessary to enable regeneration

a) Masterplan and delivery strategy

6.19. Preparation is underway by Yoo Capital and the local planning authority of a planning performance agreement setting out a programme for Yoo Capital-led discussions and forums with local landowners and local communities for a masterplan vision for the Growth Area, and preparation of associated planning applications. Yoo Capital has started to engage with local communities, stakeholders and landowners on their Camden Film Quarter vision for the area as expressed in their presentation material from public engagement in November 2023 and the Kentish Town Neighbourhood Forum AGM on 29 January 2024.

6.20. Yoo Capital has confirmed that they have acquired additional land, totalling a further 3.8 acres in the Regis Road Growth Area. The developer has also committed to leading discussions and forums with local landowners and the wider community of Kentish Town and Camden regarding a masterplan vision to ensure their development proposals deliver on the local regeneration strategy.

6.21. Joseph Homes has advised that they own two sites in the Growth Area, and has confirmed that they are committed to working with Camden and the neighbouring landowners and relevant stakeholders to regenerate the Regis Road area and to deliver a comprehensive masterplan for wider site. Preparation is underway by Joseph Homes and the local planning authority of a planning performance agreement setting out a programme for participating in preparation of a wider masterplan and an associated planning application for development on their landholdings.

b) Service reprovion strategy

6.22. The Council has commissioned a specialist consultant to review future depot provision requirements across Council Services. The study is scoped to include the Regis Road and Holmes Road depot and service facilities which need to be re-provided as part of the conditional land sale agreement. The study outputs will inform further decisions about how and where re-provision of the facilities to be displaced from the sale sites would provide optimal results for the relevant services in the long term.

c) Engagement programme with residents

6.23. Officers are preparing a Housing Strategy to address the conditional land sale requirement to provide vacant possession of the Holmes Road Depot, ready for future development by Yoo Capital. Officers have carried out one-to-one engagement discussions directly with each of the twenty households who are Council tenants in the flats above the Holmes Road Depot at 76 and 78 Holmes Road, and with the two resident leaseholder households who own flats in the buildings. Officers have also engaged with the three non-resident leaseholders. The information gathered about housing needs and preferences will inform the housing options to be drawn up as part of the next stage of the Housing Strategy. This work will be carried out alongside Yoo Capital's preparation of the masterplan and the subsequent housing component of their planning application.

d.) The case for Compulsory Purchase and Land Appropriation Powers

6.24. The Council is making preparations for a strategy for potential use of the Council's land appropriation and compulsory purchase powers to support the comprehensive redevelopment of the Regis Road Growth Area. The strategy will consider options for the whole of the Regis Road Growth Area, and any associated

land within the local area which may be reasonably required in order to support the delivery of comprehensive regeneration in accordance with a masterplan led approach, the development plan policies and the guidance within the Kentish Town Planning Framework.

6.25. The conditional land sale agreement contains a requirement for the Council to use its powers of appropriation for planning purposes when requested to do so by Yoo Capital. Yoo Capital have now confirmed its requirement for the Council to use these powers. It is necessary to consider how the Council's compulsory purchase powers might be utilised in conjunction with appropriation powers in order to ensure that comprehensive development is supported as required by the development plan and supporting guidance in the Planning Framework. Therefore, the strategy will be a joint one encompassing both the use of appropriation and Compulsory Purchase Order (CPO) powers. The need for the joint strategy has arisen following the recent work carried out by Yoo Capital both in consultation and negotiation with other landowners within the Growth Area, and in progressing the vision and masterplanning work. In ensuring Council priorities are delivered for this area, such as good quality urban design and effective access, linkages and permeability, and a comprehensive approach to public realm and infrastructure, it has become clear that the Council is likely to need to continue its enabling role to ensure comprehensive delivery, building on the previous work that it started in 2019 working with the Greater London Authority (GLA). A paper seeking governance approval for the workstream has been timetabled for 19th April 2024, under the powers delegated by Cabinet as part of the approval of the Regeneration Strategy.

6.26. The appellant argues that there is no realistic prospect of securing the comprehensive redevelopment of the entire Growth Area through a single application, that a series of separate applications made by different landowners is more likely and that in any event the appeal scheme would act as a catalyst for regeneration of the area. The Framework states (3.5.2) that the Council expects a single planning application to come forward for the Regis Road Growth Area. Following discussions with landowners about preparing the masterplan and entering into planning performance agreements, the Council now accepts the principle that more than one planning application may be required in order to encompass the whole of the Growth Area. However, individual planning applications will need to follow the preparation of a masterplan for the wider site

and be consistent with the masterplan's comprehensive and coordinated approach to redevelopment of the Growth Area. Individual planning applications are likely to need to encompass plots across more than one ownership in order to demonstrate optimal development outcomes consistent with the masterplan and to avoid the shortcomings of a piecemeal approach.

6.27. The Council expects the masterplan to be underpinned by the principles of the Planning Framework, to take a strategic approach to phasing, infrastructure and land use and to be prepared through engagement with local landowners, stakeholders and communities. All developments, whether acting as catalysts or as reactive proposals, are expected to be consistent with a masterplan which has been prepared in this way. If the appeal were to be allowed on the grounds that a piecemeal approach is justified, it would potentially undermine attempts to engage other landowners in the preparation of the masterplan and would harm the Framework's expectation of a masterplan-led strategic approach to developing a fair and equitable framework for apportioning contributions across sites towards Growth Area-wide social and physical infrastructure.

Reason for Refusal 2 – design

"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 Borough of Camden Local Plan 2017 and policies D3 (Design Principles) and SP2a (KTPDA – General Development Criteria) of the Kentish Town Neighbourhood Plan 2016."

6.28. The Council will demonstrate that the appeal proposal, by virtue of its height, mass, footprint and detailed design, would be detrimental to the streetscene, and the character and appearance of the wider area and fail to make best use of the site. The evidence will outline why those policies listed within this reason for refusal are applicable to the appeal assessment, along with relevant London Plan policies and guidance (referenced in section 4).

6.29. The NPPF was updated in 2023 to place greater emphasis on beauty and place-making. It states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve." (para 96). Camden's policy D1 states, "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.” CPG Design seeks “excellence in design” in Camden. Policies at all levels require buildings, streets and spaces to respond in a manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and the general character of the location.

6.30. The Council will demonstrate that the Appeal scheme proposals comprise poor quality design for the following reasons:

- Architectural character and appearance – in line with the NPPF and London Plan, the Council expects all development within the borough to be of excellent design quality, including industrial buildings. It will show that the appeal scheme does not meet design standards for a contemporary building of this use, and proposes poor quality materials and detailing contrary to key design policies.
- User experience and relationship to current context – the Council will show that through its ground floor design, boundary treatments and entrance arrangements, the appeal scheme presents a hostile street environment, contrary to placemaking policies and best practice around the design of safe public realm.
- Lack of acknowledgment of future context – the Council will show that the architectural expression of the appeal scheme does not accord with the Kentish Town Planning Framework guidance or London Plan policies seeking innovative building typologies as part of a mixed use neighbourhood.

Reason for Refusal 3 – failure to justify demolition

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.

6.31. Policy SI7 of the London Plan highlights the importance of retaining the value of existing buildings with the least preferable development option of recycling through demolition. Parts e and f of policy CC1 (Climate change mitigation) of the Camden Local Plan requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building and expect all developments to optimise resource efficiency. Where substantial demolition is proposed, CPG Energy Efficiency requires the submission of a condition and feasibility study, and options appraisal which should assess the condition of the existing building and explore future potential of the site. It provides a table of information at paragraph 9.4 which sets out a condition and feasibility study should include.

6.32. The Appellant has submitted an addendum (Appendix F - 'Circular Economy Statement Addendum') as part of the appeal that signposts the relevant information within the planning application submission as well as providing additional information that responds to the table at paragraph 9.4 of the CPG.

6.33. A condition survey report was provided as Appendix IV to the Circular Economy Statement which found the roof, glazing and servicing to be either life expired or reaching life expired. The elevations of masonry construction were found to be in a generally good to fair condition. An appendix titled 'Circular economy design principles' was provided at Appendix II of the Circular Economy Statement. This document demonstrates that many components of the building including roof, glazing and rear elevation would need to be demolished were the building to be extended upwards and to the rear. The document looks at 3 options including:

- Retaining the roof, ground floor slab and front and side walls
- Retaining the ground floor slab and front and side walls
- Retaining other site elements (substation, vehicular access, boundary walls and fences)

6.34. The first two options involving retention of significant building components were ruled out for a combination of reasons including due to the condition of the roof which requires a wholesale replacement (option 1); the additional height required due to a more restricted footprint (option 1); technical complexity of retaining in-

situ the elevations including additional underpinning and steel supports required (both options).

6.35. The Council considers that the Circular Economy Statement addendum, together with the relevant documents submitted with the planning application, and assessed in the round with the Whole-life carbon assessment, have successfully demonstrated that demolition is justified in this instance. It is noted that a suggested condition requires at least 95% of demolition waste to be diverted from landfill and compliance with the Institute for Civil Engineer's Demolition Protocol to either reuse materials on-site or salvage appropriate materials to enable their reuse off-site.

6.36. Reason for Refusal 3 is therefore no longer contested by the Council and shall not be carried forward to the forthcoming Inquiry.

Section 106 Reasons for Refusal (Nos.4-10)

6.37. The following reasons for refusal are based on the failure of the Appellant to enter into a legal agreement. As stated within the informative of the decision notice, these matters could be overcome by entering into an appropriate legal agreement.

6.38. The Council will provide evidence as part of the appeal to demonstrate that the requirements are justified against relevant planning policy and meet any relevant tests. This includes the tests laid out in the Community Infrastructure Levy (CIL) Regulations 2010, in particular Regulation 122(2), as well as national guidance and the National Planning Policy Framework.

RfR 4 – Energy and sustainability plans and BREEAM pre-assessment

The proposed development, in the absence of a legal agreement to secure the details set out on the sustainability and energy plans and 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), C1 (Health and wellbeing) and DM1 (Delivery and monitoring of the London Borough of the London Borough of Camden Local Plan 2017 and policy

SP2a (KTPDA – General Development Criteria) of the Kentish Town Neighbourhood Plan 2016.

6.39. Energy and Sustainability plans including seek to ensure that developments to make the fullest contribution to tackling and mitigating against climate change in accordance with policies CC1 and CC2 of the Camden Local Plan. It is necessary to secure this as a legal obligation to ensure that the works are undertaken, installed and maintained in perpetuity as agreed. As the statements would remain in force in perpetuity, areas of change may need to be agreed in the future and securing such measures under a legal agreement would allow for this flexibility. Furthermore, BREEAM is assessed in stages. The pre-assessment stage provides an indicative score at planning stage which is then carried forward to a design stage assessment and post-construction assessment with submissions to the Council required during the process.

6.40. The Appellant has indicated they are willing to enter into a Section 106 agreement with regards to this matter and at the time of writing, a draft agreement has been provided to the Appellant's solicitor.

CIL Compliance

6.41. It is considered that securing Energy and Sustainability Plans to include BREEAM pre-assessment would comply with the CIL Regulations as the necessary measures to be adopted in the plans help to ensure that the development is acceptable in planning terms as identified in the local plan and is directly related to the effects of the development.

RfR 5 – Car-free development

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

6.42. Policy T2 of the Local Plan requires all developments in the Borough to be car-free. This means no car parking spaces should be provided within the site (other than essential spaces for operational purposes) and that occupiers and employees are not issued with on-street parking permits. The Council requires this obligation to facilitate sustainability and to help promote alternative, more sustainable methods of transport.

6.43. A planning obligation is considered the most appropriate mechanism for restricting access to parking permits as it relates to matters outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Further, use of a Section 106 obligation, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal obligation stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

6.44. Use of a legal agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

6.45. The Appellant has indicated they are willing to enter into a Section 106 agreement with regards to this matter and at the time of writing, a draft agreement has been provided to the Appellant's solicitor.

CIL Compliance

6.46. The Council considers that securing the car free provisions are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can only be dealt by way of planning obligation.

RfR 6 – Construction Management Plan and associated contributions

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.

6.47. Local Plan policy A1 states that Construction Management Plans (CMPs) should be secured to demonstrate how developments would minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The appeal proposal would involve significant works due to the demolition of all the buildings on site and the construction of large buildings. A CMP would be required in order to address the issues around how the demolition and construction work would be carried out and how this work would be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The failure to secure a CMP by S106 would give rise to conflicts with other road users and be detrimental to the amenities of the area generally as matters occurring outside of the redline boundary of the site could not be secured via any other means (i.e. condition). The associated fees are set out in the delegated officer report.

6.48. The Appellant has indicated they are willing to enter into a Section 106 agreement with regards to this matter and at the time of writing, a draft agreement has been provided to the Appellant's solicitor.

CIL Compliance

6.49. The requirement for a Construction Management Plan in the form of a S106 obligation complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the impacts of the construction of the development as identified under the Development Plan for

developments of the nature proposed. It will ensure that the effects of construction are managed in an appropriate manner.

RfR 7 – Carbon offset contribution

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.

6.50. Policy S12 of the London Plan and CPG Energy Efficiency and adaptation requires all major applications to achieve net Zero Carbon. Once energy efficiency measures and renewable energy is considered, a cumulative saving of 96.3% is achieved. The scheme would be subject to a carbon offset payment on the predicted residual emissions of 0.5 tonnes. This is then multiplied by £95 (offset cost per tonne) over 30 years resulting in an offset payment of £1,425.

CIL Compliance

6.51. It is considered that the Carbon Offset Contribution complies with the CIL Regulations as the necessary measures to be adopted in the plan help to ensure that the development is acceptable in planning terms as identified in the local plan and is directly related to the effects of the development.

RfR 8 – Local Level Travel Plan

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.

6.52. Policy A1 of the Camden Local Plan and CPG Transport requires planning permission that will have an impact on the public highway to instigate mitigation

measures such as Travel Plans. In accordance with CPG Transport, a Local Level Travel Plan (workplace) is required for any development with more than 20 staff but less than 2,500sqm floorspace. Whilst the floorspace is likely greater than 2,500sqm, owing to the relatively small number of people working at the site, a Local Level Travel Plan is considered to be sufficient.

6.53. The Travel Plan would encourage staff and office workers to make walking, cycling and travel by public transport the natural choice for day-to-day trips. The aims of a Travel Plan are to promote the use of sustainable modes of transport through a range of soft measures, as well as highlighting the benefits of travelling by modes other than the private car.. The travel plan would need to be secured by a Section 106 planning obligation if planning permission is granted as it would seek to manage elements that are outside of the redline boundary of the site. A financial contribution of £5,674 would need to be secured to cover the costs of monitoring and reviewing the travel plan over a 5-year period. This would be secured by a Section 106 planning obligation if planning permission is granted.

6.54. The Appellant has indicated they are willing to enter into a Section 106 agreement with regards to this matter and at the time of writing, a draft agreement has been provided to the Appellant's solicitor.

CIL Compliance

6.55. The requirement for a Travel Plan in the form of a S106 obligation complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the impacts of the travel to and from the development as identified under the Development Plan for the occupiers proposed. It will ensure that the effects of development are managed in an appropriate manner.

RfR 9 – Local employment and training package

The proposed development, in the absence of a legal agreement securing a local employment and training package including an appropriate financial contribution, would be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to 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.

6.56. Policy E1 (part c) supports employment and training schemes for Camden residents. As per CPG 'Developer contributions', a range of training and employment benefits would need to be secured in order to provide opportunities during and after the construction phase for local residents and businesses. The package of recruitment, apprenticeship and procurement measures would need to be secured by S106 legal agreement.

6.57. The Appellant has indicated they are willing to enter into a Section 106 agreement with regards to this matter and at the time of writing, a draft agreement has been provided to the Appellant's solicitor.

CIL Compliance

6.58. Securing employment and training benefits from the development is necessary to ensure that the development supports employment and training schemes for Camden residents. It is directly related to this development and is fair and reasonable.

RfR 10 - Affordable workspace

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.

6.59. Camden has one of the most successful economies in the country (Local Plan 5.1) and the Council wants to ensure residents benefit from the employment opportunities created by the successful economy. Part of the way to do this is to secure affordable workspace for small and medium-sized enterprises which is managed by businesses, higher education institutions and the third sector.

6.60. Policy E1 sets out that the Council will secure a successful and inclusive economy and ensuring this benefits local residents and businesses by supporting businesses of all sizes and particularly small and medium-sized enterprises.

Policy E2 (part f) states that the Council will consider higher intensity redevelopment of sites provided that the development includes floorspace suitable for SMEs, such as managed affordable workspace. CPG Employment sites and business premises sets out (paragraph 37) that affordable workspace would be considered 50% of comparable market rates.

6.61. The Appellant has indicated they are willing to enter into a Section 106 agreement with regards to this matter and at the time of writing, a draft agreement has been provided to the Appellant's solicitor.

CIL Compliance

6.62. Securing affordable workspace within the development is necessary to ensure the workspace is let out at an affordable rate as stated in the application and appeal documents. It is directly related to this development and is fair and reasonable.

7. EVIDENCE

7.1. The Council will be supporting its case with evidence from the following witnesses:

- Kristina Smith – Deputy Team Leader, Development Management
- Gavin Sexton – Area Manager, Regeneration
- Tom Holbrook – Director, 5th Studio

7.2. The Council will make reference to the following documents as part of its evidence:

- National Design Guide (January 2021)
- Building Heights Study (January 2024)
- Economic Needs Assessment (December 2023)
- Cabinet Report (22 November 2022)
- Greater London Authority Report DD2435
- Yoo Capital presentation to Kentish Town Neighbourhood Forum 29 Jan 2024
- Yoo Capital public engagement boards November 2023
- Draft New Camden Local Plan Consultation Statement (January 2023)
- Draft New Camden Local Plan Site Selection Topic Paper (January 2024)

8. PUBLIC BENEFITS

8.1. The Appellant's statement of case sets out a list of 9 bullet points at paragraph 5.3, which the Appellant asserts are 'significant planning benefits'. Each is listed below with the Council's summary response following:

- *“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 Council disputes that the proposal would provide flexible accommodation as no supporting information has been provided to substantiate this claim. CPG Employment sites and businesses refers to flexible space providing a range of sizes from open hot-desking provision and cellular offices as well as 'flexible, easy in-easy out leases and membership arrangements. Furthermore, no evidence has been provided by the Appellant that demonstrates there are 'growing domestic and business needs'. Although referencing the B8 use class as a whole, LB Camden's Economic Needs Assessment (2023) shows that trends in demand indicate vacancy whilst availability rates have fluctuated before significantly increasing in recent times (since 2020). In the absence of any evidence, the Council disputes the Appellant's claim that there are growing business and domestic needs. Given the prevalence of self-storage facilities in the local area, it is expected that local residents and businesses could find storage solutions at an alternative location in the vicinity. The Council disputes the claim that further employment would be generated at the appeal site. This suggests direct employment which is stated as only 3-4 employees. The lawful use could accommodate significantly more direct employees.
- *“The Appeal Scheme involves a 767m² (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 6,243m² (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."

- The Council will demonstrate that the proposal, whilst intensifying industrial floorspace, would not generate a significant net increase of jobs and when compared to the existing lawful use the proposal represents a loss in terms of numbers of people directly employed. As such, job generation should not be promoted as a benefit of the scheme. Whilst space for startups and SMEs is a benefit in principle, the spaces will only be attractive to such businesses if the space is affordable, comfortable and the lease terms are attractive. Addressing each in turn, there are no assurances on the affordability of the majority of the units proposed; the offices are likely to be prone to overheating (owing to a fully glazed south facing elevation) and no information has been provided on the lease terms. Also, the office space comprises mainly single (with some double) occupancy cellular spaces which does not provide the flexibility or 'co-working friendly' layout typically attractive to SMEs.
- *"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."*
 - The Council disputes the Appellant's approach to calculating employment benefits. The figures are based on in-house survey data and relate to supporting existing jobs rather than creating new jobs. The Council will argue that only direct employment, which in this case is only 3-4 people and significantly less than the existing lawful use, should be taken into account when considering the public benefit of a scheme.

- *“Demolition of the existing building, which is tired and outdated, and replaced with a building of high-quality design”*
 - The Council will demonstrate, as part of its case relating to Reasons for Refusal 1 and 2, that the proposed building comprises poor quality design owing to its architectural character and appearance, user experience and lack of acknowledgement of a future context. Owing to its height, mass and detailed design it would have a more detrimental impact on the streetscene and the character and appearance of the wider area compared to the current building.
- *“The introduction of soft landscaping along the Regis Road frontage will significantly enhance the amenity value and bring some verdancy to the area.”*
 - There is already an existing area of soft landscaping along the Regis Road frontage which has very limited amenity value. Its replacement would not change this situation. The Council therefore attaches no public benefit.
- *“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 Council attaches little or no weight to this benefit. Fewer vehicle trips can be beneficial but the proposed use is still heavily reliant on the use of private vehicles with little scope for improvement (i.e. a shift to more sustainable active transport modes) due to the nature of the use. It is noted that the ‘as proposed’ self-storage type of B8 use shows a reduction in vehicle trips, but were the site to later become a different B8 use (e.g. last-mile delivery), then vehicle trips could increase compared to the existing lawful use.
- *“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.”*

- There is benefit in the construction of energy efficient and sustainable buildings; however, this is a single building and the performance is largely derived from the very low energy requirements associated with its function as a self-storage unit. As such, little weight can be afforded to this.
- *“The incorporation of a series of measures to deliver biodiversity enhancements for the Appeal Site”*
 - Whilst substantial improvements to biodiversity can be recognised as a public benefit, the measures proposed as part of the appeal scheme are small scale and largely mitigate the existing biodiversity habitats on site and so can be given little or no weight.

9. CONCLUSION AND PLANNING BALANCE

9.1. The appeal proposal conflicts with a number of national, regional and local policies (and guidance).

9.2. The merits of the appeal proposal are recognised and principally include the intensification of industrial floorspace in an area where this use is supported. It also includes the provision of a small amount of ‘affordable’ workspace (albeit in a form that could not provide a permanent address for a business). However, the benefits would not outweigh the harm that the proposal would cause to the prospect of securing comprehensive development for the Regis Road Growth Area and the benefits a comprehensive approach offers. A piecemeal approach is not capable of delivering a substantial uplift in homes, jobs and industrial floorspace all supported by public open space and comprehensively planned infrastructure. Furthermore, the design of the scheme is of poor quality.

9.3. Regard has been given to the development plan, as required under Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004, and other material considerations. The appeal proposal does not accord with the development plan (for the reasons addressed within the Council’s case) and there are no other material planning considerations sufficient to indicate that the appeal should be allowed.

9.4. The Inspector will respectfully be invited to dismiss the appeal against the refusal of planning permission 2023/0093/P.

10. APPENDICES

Appendix 1 – Delegated Report

Appendix 2 – Decision Notice

Appendix 3 - Regis Road Growth Area site plan with plot references