

Planning Department
London Borough of Camden
2nd Floor, 5 Pancras Square
C/o Town Hall
Judd Street
London WC1H 9JE

Our reference GLZ/1253781/O158692090.1/TCU

17 February 2025

Dear Sirs,

Properties: 32 Jamestown Road and 34-36 Jamestown Road
Site: 211 Arlington Road
Application: Proposals to redevelop the Site under reference 2024/4953/P

We represent AGB Properties (Woking) Limited ("**AGB**") and AGB's beneficial owner (together, the "**Owners**"), the freehold owners of the Properties (respectively).

We have been appointed to represent the Owners on rights to light matters. The fact they have felt the need to do this during the planning process for the Application speaks volumes for their apprehension about the impact the Application scheme ("**Proposed Scheme**") will have on the Properties, if built. Whilst the commercial use of the Properties does not directly trigger public law considerations, it is still highly relevant in deciding whether the Application should be approved. These reasons were touched upon in a letter dated 13 December 2024 ("**Objection Letter**") submitted to you by Asserson Law Offices ("**Asserson**") on behalf of the Owners. We have been asked to augment that letter to expand on the Owners' concerns regarding the significant reduction of light to the Properties caused by the Proposed Scheme. Our observations are set out below and should be read in conjunction with the Objection Letter.

Owners' position on surrounding development

The Owners are not against neighbouring development, in principle. Naturally, however, any such development must be sensitive to and congruous with the surrounding buildings, and should not infringe the Council's policies, amenity and / or private rights.

Osborne Clarke LLP

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The Proposed Scheme breaches all such matters. Asserson have already pointed out the policy breaches in paragraphs 3.3 – 3.6 of the Objection Letter, but we want to expand on the other two matters.

Amenity

All floors in the Properties have been leased to various commercial tenants and have been fitted out to a very high standard. As a result, they demand premium high value rents.

Well-being is an important consideration for occupiers when they select office space, and natural light has a large bearing on this. The Proposed Scheme will, however, reduce the overall natural light enjoyed by the Properties by over 50%.

Given the developer has not seen fit to share any technical analysis, the Owners have had to appoint Point 2 to advise them about the potential impact on the Properties. Point 2 have modelled the impact the Proposed Scheme will have on the Properties, if built, and the results are devastating.

Point 2's analysis shows that light enjoyed by a number of rooms in the Properties (mainly office space) will reduce by more than 50% (which reflects the overall reduction mentioned above), leaving them poorly lit. The Proposed Scheme will leave some parts of the Properties with hardly any light at all - the worst affected being areas of the office space, which will be left only 11% well lit if the Proposed Scheme is built.

Private Rights

The level of light reductions caused by the Proposed Scheme mean that the Owners will have a strong prospect of obtaining an injunction to curtail the Proposed Scheme. Accordingly, the offending massing will not be deliverable and we would ask the Council to take this into account now.

For the avoidance of doubt, the Owners are not interested in trading the rights to light enjoyed by the Properties over the Site for money. Rather, its sole focus is to ensure that the workspaces within the Properties remain pleasant and attractive environments.

As an owner-investor, the Proposed Scheme will be economically harmful to the Owners as it is much harder to let poorly lit space, and the rental levels will be much lower when the space is re-let. Moreover, given some of the lettings are due to be renewed in the short/medium term, this is likely to adversely affect the premium rents that the Owners currently receive. This is contrary to the Council's Policy E1 to create "*conditions for economic growth and harnessing the benefits for local...businesses*" as referred to in the Objection Letter. The current (and future) tenants of the Properties will directly suffer the unacceptable reductions of light. This contradicts the Council's supplemental planning guidance on Amenity which, in 2019, recognised the importance of protecting amenity for "*the health and quality of life of the borough's residents, workers and visitors*". The Council will see then that the Owners' interests are not purely financial, and their genuine motivation is to retain the light enjoyed by the Properties over the Site to acceptable levels.

Next steps

Ideally, the Application would be withdrawn to give the Owners the opportunity to discuss with Regal London how the Proposed Scheme could be redesigned in a more acceptable manner. This will save Regal London much time and effort in pursuing the Proposed Scheme which, even if consented, would be vulnerable to being curtailed by an injunction. We appreciate, however, that this is matter for Regal London rather than the Council.

The Owners would welcome the opportunity to discuss these concerns with the Council directly and would very much encourage Regal London to attend any such discussions. The Owners remain hopeful that common sense will prevail either through the voluntary action of Regal London or the rejection of the Application. Failing those events, however, the Owners' rights are fully reserved and, in the spirit of

transparency, Regal London is put on notice that the Owners will pursue their private rights to protect the Properties to prevent unlawful interference in the event the Application is successful and implemented.

Yours faithfully,

[REDACTED]

Osborne Clarke LLP

[REDACTED]

[REDACTED]

Cc Regal London, Regal House, 4-5 Coleridge Gardens, London NW6 3QH

Enc – letter dated 13th December 2024 sent by Asserson



Planning Department
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London WC1H 9JE

13 December 2024

Dear Sirs

33-35 Jamestown Road, London NW1 7DB and 211 Arlington Road, London NW1 7HD (the "Site")

We act for Star Lizard Consulting Limited, the occupier of 32 and 34-36 Jamestown Road, London NW1 7BY.

On behalf of our client, please take this letter as a formal objection to the proposals for the Site under reference 2024/4953/P for *"Demolition of existing buildings and structures to facilitate the creation of a new building comprising basement, ground plus seven storey building for a mix of Purpose Built Student Accommodation (Sui Generis), flexible commercial (Class E) and Residential (Class C3) uses with ancillary plant, courtyards, access, hard and soft landscaping, cycle parking, highway works and all other works associated with the development"* (the "Application").

Our client has a number of very significant concerns with the Application.

1. Student accommodation

1.1. The Council's policy H9 in its 2017 Local Plan states that:

We will seek a supply of student housing to meet or exceed Camden's target of 160 additional places in student housing per year and will support the development of student housing provided that the development: a. will not involve the net loss of 2 or more self-contained homes; b. will not prejudice the Council's ability to meet the target of 742 additional self-contained homes per year; c. will not involve a site identified for self-contained housing through a current planning permission or a development plan document unless it is shown that the site is no longer developable for self-contained housing; d. complies with any relevant standards for houses in multiple occupation (HMOs); e. serves higher education institutions that are accessible from it; f. includes a range of flat layouts including flats with shared facilities wherever practical and appropriate; g. has an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole; h. will be accessible to public transport, workplaces, shops, services, and community facilities; i. contributes to creating a mixed, inclusive and sustainable community; and j. does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity.

London

Holborn, WC2A 1AL
Postal and Administration address:

- 1.2. The supporting text to that policy states that (a) the Council has identified sites (not including the Site) to meet over 90% of its target for student accommodation, (b) self-contained housing is the priority, (c) the Council will resist proposals for student housing that would prejudice its ability to meet the annual target for additional self-contained homes, (d) the Council supports the proposal for greater dispersal of additional student housing in the London Plan, and (e) public transport and other services that will support new student housing should have existing or committed capacity to accommodate the demand generated by the development.

Housing requirement

- 1.3. The Site is allocated in the Council's emerging policy for up to 66 homes. Whilst the applicant suggests that this should be given limited weight (though the Applicant also states in the planning statement that the emerging policy is a material consideration to which increasing weight should be given during the adoption process), it is clear that the direction of travel, which has resulted in an increase in the draft allocation from 40 to 66 units, is towards a significant amount of self-contained units on the Site. In addition, whether or not the allocation should be given weight does not change the fact that the Application would nevertheless prejudice the Council's ability to meet its housing targets, and the latest Housing Delivery Test date (published 12 December 2024) states that the Council is delivering only 53% of its requirement.
- 1.4. It should also be noted that the Applicant's planning statement expresses support for the emerging allocation in a number of places, for example paragraph 1.3 where it states that "*The Proposed Development would bring forward much needed housing on a vacant, brownfield site with an emerging allocation*".

Amenity

- 1.5. In addition, there are a number of existing student rooms in the locality, such as STAY (34 Chalk Farm Road) and Homes for Students (Hawley Crescent). Both of these are within a few minutes' walk of the Site, and the addition of a further 200 students in the area would create a harmful concentration, and a negative amenity impact.
- 1.6. In terms of the public transport links, Camden Town Underground Station is acknowledged as (and indeed frequently exit-only as a result of being) one of the most overcrowded stations within TfL's network. The addition of this amount of students, many of whom will travel on the Northern Line to universities such as UCL, LSE and Kings, would have a further unacceptable impact on the amenity of local residents and workers.

Highways

- 1.7. Another indicator that the Application represents overdevelopment is the proposed arrangements for delivery and servicing. Firstly, the quantum of deliveries to 200 units will have an unacceptable impact on the local road and parking network. Secondly, whilst the

Delivery and Servicing Plan is not available online, the summary in the Transport Assessment states that a dedicated delivery and servicing area will be provided "*which will be restricted with double yellow linage*" and that this "*allows a delivery vehicle to park and service the affordable housing block in this area*".

- 1.8. The Council's website states that there is no waiting allowed on double yellow lines, and the Highway Code explicitly states that "*Double yellow lines indicate a prohibition of waiting at any time even if there are no upright signs*". Considering that to do so would constitute an offence under sections 5 and 8 of the Road Traffic Regulations Act 1984, it is not clear how the Applicant can suggest that this is how the Site should be serviced, and such an approach would clearly be unsafe for residents of the Site and its neighbours.
- 1.9. When all of these issues are analysed together, it is clear that the Application represents overdevelopment of the Site, in a way which will not only negatively impact current residents and occupiers, it will also prejudice the Council's ability to bring forward well-designed self-contained residential accommodation, and which will result in an overconcentration of students in this area who will not be able to have items delivered, or their flats serviced, legally and efficiently. Therefore there is a clear breach of Policy H9.

2. Climate Change

- 2.1. The Council's Policy CC1 states that:

"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 all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy; b. require all 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"

- 2.2. The Council's adopted Energy Efficiency and Adaptation Planning Guidance (2021) sets out clear requirements for a proposal to demolish an existing building. Specifically, an applicant is required to explore all potential options, with the aim of optimising resource efficiency, and the guidance sets out a long list of issues to be considered in this process.
- 2.3. The Council will be aware of two recent appeal decisions in which this policy was assessed (and in both the Inspector found in favour of the Council).

- 2.4. In appeal APP/X5210/W/24/3337445, the Inspector stated that *“Policy CC1 of the CLP requires all development to minimise the effects of climate change, specifically mandating that all proposals involving substantial demolition demonstrate that it is not possible to retain and improve the existing building. While Policy CC1 does not explicitly call for a condition and feasibility study, it does clearly require justification for why the existing building cannot be retained and improved. Accordingly, even if the conclusions of the WLCA (whole-life carbon assessment) were accepted, they do not address the core requirement of Policy CC1. Although the submission includes other documents, such as the Design & Access Statement and Energy Statement, which compare the proposed development to redesign and retrofit options, the evidence presented does not sufficiently convince me that retaining and improving the existing building is not possible”*.
- 2.5. In appeal APP/X5210/W/24/3346714, the Inspector stated that *“there is little quantification of the materials in the existing building or their estimated embodied carbon. References in the supporting technical reports to materials reuse are relatively brief, such as crushing and re-use of brick on site and salvage of a proportion of timbers. This does not amount to the comprehensive pre-demolition audit sought by the EEA SPD. Moreover, whilst the WLCA largely follows the methodology expected of such studies, as noted in its own recommendations, the report’s assumptions have not undergone the third-party validation advised in relevant guidance. This limits the weight I can give to its conclusions. There is also no compelling evidence the Council had accepted the building could not be retained and improved when it requested the WLCA in June 2023. Taking all this together, I find the appellants’ technical reports include some of the condition and feasibility information expected in the EEA SPD but there are considerable gaps in evidence about the existing building. In addition, I am not satisfied all potential development options for the site have been fully tested with a view to achieving maximum possible carbon dioxide emissions reductions”*. He therefore found that the scheme was *“contrary to CLP Policy CC1; and to London Plan Policy SI7, which promotes a more circular economy that improves resource efficiency to keep products and materials at their highest use for as long as possible. It is also contrary to the Framework, where it seeks to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and encourages the reuse of existing resources, including the conversion of existing buildings”*.
- 2.6. It is therefore clear that Policy CC1 represents a high bar to overcome. Unfortunately, the Applicant has failed to do so. Whilst the Planning Statement states that analysis has been carried out which concluded that the demolition could be justified, details of this analysis are not available. The overview in the Design and Access Statement (which describes the analysis as an “initial assessment”) does not come close to meeting the Council’s policy requirements – the table presented mostly ignores the policy intent of achieving maximum possible emission reductions, rather it seeks to maximise the Site’s development potential.
- 2.7. It should be noted that the Applicant’s own circular economy statement, when concluding that demolition is appropriate, does so on the grounds that *“potential for redevelopment and the decision to dismantle the building is rooted in several reasons. First, the site itself bears little historical significance. The area has undergone various transformations but*

unlike neighbouring buildings, this site bears minimal historical weight. Further, the industrial style that once defined this area now clashes with the evolving character of the site's surroundings. The buildings' architectural merit faces limitations in the context of contemporary use. Today, the focus leans toward creating vibrant social hubs rather than preserving industrial relics", but without any analysis of the impact on climate change.

2.8. The Application has fallen into error in the same way as these failed appeal schemes, by seeking to rely on a WLCA, which looks at the position when a building has already been demolished, instead of a full analysis of the potential for reuse of the buildings on the Site. The Application is therefore in breach of Policy CC1, which is particularly pertinent given that the Council has declared a climate emergency.

3. Design

3.1. The proposed height, bulk and massing of the Application will have an unacceptable impact on the streetscene, nationally and locally designated and non-designated heritage assets and on the amenity of neighbours.

3.2. As can be seen from the Applicant's HTVIA (which selectively shows images and for example does not show the impact on Jamestown Road itself), the proposal will loom over its neighbours and will create a corridor-like streetscene. This is particularly true with regard to the locally listed building at 31 Jamestown Road, but the overall streetscene will be eroded.





3.3. In terms of our client's property specifically, the loss of light will create an oppressive and unpleasant place to work.



34 - 36 Jamestown Road

3.4. This will undermine the Council's Policy E1, which 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"*.

3.5. Whilst it is acknowledged that the BRE Guidelines apply to residential properties, the Council's Policy A1 does not make a distinction between residential and non-residential uses which could be affected by neighbouring development. In fact, the Council's SPG on Amenity (2019) states that *"Standards of amenity (the features of a place that contribute to its attractiveness and comfort) are major factors in the health and quality of life of the borough's residents, workers and visitors and fundamental to Camden's attractiveness and success"*, and the SPG also states that there can be non-residential uses which are particularly sensitive to light. Had an assessment been made in accordance with the BRE

Guidelines, it would have shown a significant and unacceptable impact on our client's property in terms of loss of light and outlook and overshadowing.

- 3.6. The Application is therefore in breaches of Policies A1 and E1. Notwithstanding any grant of consent, and for the avoidance of doubt, our client reserves its rights with regard to any private law rights to light action.

As can be seen from the above, the Application is in breach of a number of the Council's policies, and its development plan as a whole. Permission should therefore be refused.

Yours faithfully



Asserson Law Offices

