

29 New End – Public Inquiry

Proof of Evidence Summary – Nick Sharpe

- 1.1 The appeal site, 29 New End, was originally owned by the Royal Free Hospital. They found it surplus to their requirements, and made other arrangements for the staff previously accommodated here. They sold it in 2005. Camden Council recognised this, and made a site-specific allocation for self-contained housing within class C3 (including an appropriate amount of affordable housing if triggered by policy). This allocation became adopted policy in September 2013 with the adoption of Camden's Site Allocations Development Plan Document.
- 1.2 Despite being well located, available for development and allocated for residential use in the Council's LDF, and even though enjoying these benefits during one of the most major peaks in residential development in London in recent memory, the site has nevertheless lain undeveloped since that time.
- 1.3 The appellants bought the site from 'Moon Investments Ltd', the previous owners, their 2008 planning application having been withdrawn following extensive discussions with LB Camden.
- 1.4 Karawana brought in a team of highly experienced, competent professionals well-versed in dealing with the various issues which would arise in relation to the redevelopment of this site. They also sought to engage with those likely to be affected by the development.
- 1.5 The appellants have demonstrated that they were prepared to compromise and make changes to attempt to accommodate the concerns of their neighbours and other stakeholders, and indeed of the council's planning officers. This extends not only to the physical design of the buildings, but also to the construction process and the timing and methodologies used.
- 1.6 They are also willing to enter into a binding legal Obligation to ensure that the council can retain sufficient control to ensure that the construction phase can be properly monitored and controlled to avoid any unnecessary impacts on surrounding occupiers.
- 1.7 After extensive further discussions, negotiations and revisions the appeal application was submitted. This was rigorously scrutinised by the councils officers, who employed a range of external consultants to interrogate and check the information provided. As a result of this thorough and extensive process, officers recommended the application for approval.
- 1.8 Members chose to refuse the application against their officer's recommendation, and despite in relation to, for example, affordable housing provision, having no objective basis on which to reject the independent advice they had received.
- 1.9 A key objective of the London Plan is to maximise the amount of residential development across London as a whole, and to optimise the development of each site. It also requires that the maximum reasonable proportion of affordable housing (having regard to the need to encourage,

rather than restrain residential development, and, inter alia, the individual site circumstances) be provided as a part of developments. Camden's LDF also seeks to maximise the amount of housing the Council delivers, and the amount of affordable housing each site can reasonably provide.

1.10 In this case nil affordable housing is the reasonable maximum. This amount of affordable housing derives from an objective assessment of the viability of the site which shows that the inclusion of affordable housing either on the site, or off site or in the form of a payment is not economically viable. Therefore providing a scheme without affordable housing is in line with policy and not contrary to it.

1.11 It would therefore be wrong to seek to penalise the developer of the site further for attempting to deliver development on the site (not least because he may have other reasons for wishing to proceed with the development outside of the normal parameters of viability),

1.12 As set out above, historically in order to try to progress matters with the committee, the payment of £750,000 was offered notwithstanding the position with regard to viability. Even this was rejected. For consistency of approach and in an attempt to secure delivery the offer of a payment is still contained in s 106 at the request of council.

1.13 But, it is not necessary or required by policy and will only be payable on basis that Inspector (contrary to the evidence set out by the appellants) believes it has been justified on the evidence by the council. The commentary above, and in the other proofs of evidence submitted with this appeal demonstrates that appropriate account has been taken of all other relevant planning considerations, and in particular, that the proposals:

- Preserve and enhance the character and appearance of the conservation area in which the site sits,
- Preserve the setting of nearby listed buildings.
- Respect the amenity of neighbours and will not cause unacceptable impacts from noise, dust or traffic during construction
- Continue to provide appropriate levels of daylight and sunlight to neighbour's properties, and do not compromise their amenity through overlooking or loss of privacy.
- Will provide high-quality, desirable accommodation for those living in the new development
- Will provide a well- landscaped and attractive addition to the area, enhancing it with carefully chosen new planting and trees
- Have taken full account of affordable housing policy.

1.14 In addition, it is common ground between the appellants and the council that with regard to:

- Dwelling mix
- Daylight & sunlight – both for neighbours and internally)
- Neighbour's privacy
- Neighbour's outlook
- Plant and noise
- Light pollution
- Sustainability
- Landscaping (excepting trees)
- Archaeology

1.15 That the proposals are wholly acceptable.

1.16 The appellants felt that in these circumstances they had little option but to resort to this appeal in order to be able to realise LB Camden's stated objectives of delivering C3 residential use, and to optimise the use of the site in accordance with London Plan policy.

1.17 The proposals demonstrably provide sustainable development in accordance with the requirements of the NPPF.

1.18 The NPPF at paragraph 47 seeks to 'boost significantly' the supply of housing.

1.19 In addition:

- The site is available now
- it offers a suitable location for development now
- There is a realistic prospect that housing will be delivered on the site within five years if permission is granted.
- And its development for housing would thus fully accord with the objectives of the NPPF in this regard.

1.20 The London plan seeks to optimise housing delivery. The Borough's LDF prioritises housing delivery. The site is specifically allocated class C3 residential development.

1.21 The site has sat empty and undeveloped for nine years. The appeal proposal demonstrably represents a high quality, carefully considered scheme which accords with the requirements of policy at all levels, and meets a specific priority land use need.

1.22 The Inspector is therefore respectfully requested to allow this appeal.