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8<sup>th</sup> January 2016

Dear Ms Chug,

**WRITTEN REPRESENTATION TO PLANNING APPLICATION FOR COMPREHENSIVE REDEVELOPMENT FOLLOWING DEMOLITION OF ALL EXISTING BUILDINGS TO PROVIDE 164 SELF-CONTAINED RESIDENTIAL DWELLINGS (CLASS C3), 891SQM OF FLEXIBLE NON-RESIDENTIAL USE (CLASS A-A3, D1, D2), 889SQM OF EMPLOYMENT FLOORSPACE (CLASS B1) AND 63SQ.M OF COMMUNITY MEETING SPACE (CLASS D1) IN BUILDINGS RANGING FROM 3 TO 7 STOREYS. NEW VEHICULAR ACCESS FROM WEST END LANE AND PROVISION OF 16 ACCESSIBLE CAR PARKING SPACES. PROVISION OF NEW PUBLIC OPEN SPACE AND WIDENING OF POTTERIES PATH. ASSOCIATED CYCLE PARKING AND LANDSCAPING (LPA REF. 2015/6455/P). 156 WEST END LANE, WEST HAMPSTEAD**

I write on behalf of my client, Travis Perkins, with regard to the above planning application to express their severe concerns about the conflict of the scheme with the adopted Camden Development Plan and the Fortune Green and West Hampstead and Neighbourhood Development Plan (hereafter the NDP).

Travis Perkins concerns relate primarily to the direct conflict of the proposed development with Camden Development Plan Policy DP13 and NDP Policy 12. It is clear these policies seek to protect industrial land and buildings which are suitable for continued business use. The applicant's planning statement recognises the relevance of this policy to the consideration of the appropriateness of its proposed development through its assessment at Section 6.

Furthermore, the applicant's planning statement, whilst dancing around the issue somewhat, does not dispute that this site is suitable for continued business use. Indeed it would be impossible to demonstrate otherwise given there is an active and viable employment use at the site. Importantly the Council's development plan considers a builders' merchant as a sui generis use which has the same level of protection as uses within Use Class B. This is confirmed in the supporting text of Policy DP13 paragraph 13.11 which states that the terms 'business' and 'employment' are used to refer collectively to the following uses:

- offices, research and development, and light industry (Use Class B1);
- general industrial uses (Use Class B2);
- storage and distribution (warehousing) (Use Class B8);
- other unclassified uses of similar nature to those above, such as depots or live/work (classified as sui generis).

The Council's planning policy is simple in that in such cases redevelopment schemes for mixed uses are only allowed where they meet five clear criteria. Crucially these include that "the level of employment floorspace is maintained or increased". The applicant's planning statement again dances around this issue but accepts at paragraph 6.61 that this is a very real planning policy consideration which needs to be satisfied.

However, it constructs an artificial argument to deal with this criterion by arguing that the proposed commercial space in the scheme of 891m<sup>2</sup> of flexible non-residential floorspace (within Use Classes A1, 2 and 3 and D1 and 2) and 619m<sup>2</sup> of flexible employment space (within Use Class B1) compensates for the loss of the industrial space of 1,618m<sup>2</sup>. This argument is wholly flawed for the following reasons:

1. The Travis Perkins currently comprises 4,380m<sup>2</sup> total floorspace including the external yard which is used a crucially important part of the business for both sales and storage;
2. The external yard is a key part of the employment function and previously the Council have considered this as part of the employment floorspace. For example, in the determination of the planning application at 11-13 St Pancras (ref. 2011/1586/P), which proposed the redevelopment of an identical Travis Perkins builders' yard, in granting planning permission on 3rd October 2011 the Council recognised the importance of the external area in relation to the function of the employment use. As the Council considered that this site was suitable for continued employment use it was necessary for the applicant to not only re-provide the enclosed employment floorspace but also the external yard area;
3. The Council does not allow the replacement of employment floorspace with A Class or D Class uses. By way of an example, see the planning refusal at the ground and basement level of Mansion Lock House, 13 Hawley Crescent, Camden, ref. 2013/6908/P. This application proposed a change of use from Use Class B1 to D1. Despite the provision of marketing evidence, this application was refused because the applicant failed to demonstrate that the proposals would not result in the loss of floorspace which was considered suitable for B1/B8 employment use, contrary to policy DP13 of the development plan.

Thus the applicant's approach on land use is fundamentally flawed, as there is a loss of 4,380m<sup>2</sup> of business space which has not been accounted for. Camden Planning Guidance 5 in paragraph 7.8 states that "*Camden has a very restricted supply of sites and premises suitable for light industrial, storage and distribution uses.. This means that there is a high level of demand for the remaining sites and that the majority of sites are well occupied....*". Therefore, as also prescribed by Policy DP13 and the provisions in CPG5, proposals for the redevelopment of such sites must be supported by robust evidence to justify any such loss of floorspace.

Policy DP13 states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless the requirements of criterion (a) are satisfied. This requires for it to be 'demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use'. It is also required by CPG5 paragraph 7.18, in line with Policy DP13, for the marketing evidence to include, *inter alia*, continuous marketing over 2 years, and, where there is an existing employment use, evidence that the tenant intends to move out. We note that such marketing evidence is totally lacking in the application submission to support the view that the existing employment space is unsuitable for continued use. Consequently, we contend that the existing employment space is in fact *suitable* for its continued business use and therefore it is necessary for a mixed use redevelopment scheme to comply with the 5 stated criteria.

Policy DP13 also stipulates in criterion (f) that 'floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses...'. Not only is the replacement floorspace deficient in terms of area but it has only been designed as suitable for office use. Therefore, this does not represent a true like-for-like re-provision of suitable light industrial floorspace of the existing levels, contrary to Policy DP13. It is unlikely that Travis Perkins or any other similar business would be able to continue their business operations at the proposed facility. In fact, the proposed employment floorspace would, by diminishing the level of usable light industrial floorspace, lend itself to the proliferation of office workspace under Use Class B1(a). Given that light industrial floorspace of the type that exists at this site is in short supply within the borough, the displaced business would struggle to find comparable facilities in the vicinity to meet their needs, which would be detrimental to their continued operation.

Furthermore, it should be noted that Policy specifically refers to the provision of floorspace and its continued use. At no point does policy stipulate that the number of jobs need to be maintained or increased. The applicant's argument in that regard therefore is not a material consideration when determining the application.

The applicant's statement makes great play of the contention that the limited replacement business floorspace is 'flexible space' that is 'suitable for a variety of business uses'. Firstly the part of Policy DP13 which refers to 'flexible spaces' relates to a proposal 'where a change of use' has 'been justified to the Council's satisfaction'. This test falls directly after the first paragraph of the policy and criteria a) and b). It is abundantly clear from the applicant's statement that no attempt is made to justify compliance with criteria a) and b). It has not been demonstrated that the site or buildings are no longer suitable for the existing business use (criteria a) and no marketing evidence has been provided to comply with part b).

Secondly, there is no policy support or precedence that the provision of flexible employment space should outweigh the need to comply with the criteria c) to g) where a mixed use scheme is proposed on a site suitable for continued business use such as this. Indeed the level of employment floorspace should be maintained or increased (to comply with criteria c) and flexible space suitable for light industrial, industry or warehousing (to comply with criterion f). Indeed, as with the example mentioned earlier at St Pancras Way, the provision of space for, say, Travis Perkins, with clear, open spans of space would in fact provide flexibility in accordance with the policy.

### **Conflict with the Neighbourhood Plan**

The proposed scheme also directly conflicts with Policy 12 of the adopted West Hampstead and Fortune Green Neighbourhood Plan (March 2015). Criterion i) of the policy places a presumption in favour of the retention of existing employment sites, in recognition of the limited supply of such sites. Further reinforcement of criterion c) of Camden Development Plan Policy DP13 is provided by criterion ii) of the policy. Thus the significant reduction in the replacement floorspace directly conflicts with the Neighbourhood Plan.

### **Planning Balance and Recommended Way Forward**

Our assessment of the scheme has demonstrated significant harm to the employment policies in the adopted development plan. Having appraised the proposed development in some detail it is clear there is nothing unusual or exceptional about the scheme which should outweigh this significant harm. Whilst the applicant emphasises the level of affordable housing provided, this is simply policy compliant at 50% as required by Development Plan Policy DP3.

It is clear that there is a pressing need for housing. However, policy does not state this should outweigh the need to protect sites suitable for continued business use. This is critically important to avoid the loss of lower value industrial use across the Borough which would conflict with the NPPF and the adopted development plan and NDP.

The Council should be taking a consistent approach when determining all planning applications and should rigorously apply the requirements of their own adopted policies. In light of the above, it is considered that the proposal is directly contrary to policy DP13 and the NDP and should be refused on this basis. Failure to do so will set a precedent and result in the significant erosion of sites suitable for continued employment use for important occupiers such as Travis Perkins and others. The wider issue is that this approach would bring into question the Council's credibility and ability to defend any of its adopted planning policies.

I trust these comments will be taken into consideration in the Council's determination of this planning application.

Yours sincerely,



**Matthew Roe**  
**Director**

c.c. A. Maudsely – GLA Planning Officer

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