

Employment Policy Statement

Consideration of Development Policies (2010) Policy
DP13 in the context of other relevant planning policies
(including other relevant employment policies)

156 West End Lane

August 2016

1. INTRODUCTION

- 1.1 Further to the submission of a Planning Statement addressing all relevant planning policy considerations (November 2015) and a Planning Statement Addendum (June 2016) specifically further addressing land use planning policy considerations, Camden Council planning officers have requested further information relating to Development Policies Policy DP13 and the proposed housing-led, mixed use redevelopment of 156 West End Lane, West Hampstead.
- The site is an under-utilised brownfield site in a highly accessible location in a designated “Growth Area” and a designated “Area of Intensification”. The site’s frontage to West End Lane is in a designated Town Centre and is designated as “Core Frontage”.
 - The proposals seek to optimise the site’s potential to deliver identified priority uses through its redevelopment to provide new homes (with half of the housing land used to deliver affordable housing), new Town Centre Core Frontage uses, new modern, flexible employment space (focussed on local SMEs and start-up businesses) and a community meeting room, together with a new public landscaped square, further new public amenity spaces and enhanced streetscape and pedestrian routes.
- 1.2 The site currently comprises a five-storey building, arranged as office space at upper floor levels (2,401m²) and a builders’ merchant at ground floor (comprising 1,618m² of indoor space and 2,762m² of open yard/storage area).
- 1.3 The office space is vacant, and has been vacant for over four years. The building itself is considered by the Council to have a negative impact on the streetscene. It rises two storeys above the adjoining Canterbury Mansions, which is within the West End Green Conservation Area and is considered by the Council to make a “positive contribution” to the Conservation Area.
- 1.4 The site is not in Camden’s designated Industrial Area.
- 1.5 The delivery of new housing is *the* priority use identified at a national, regional and local level. The site has been identified by the London Borough of Camden as a site for housing-led redevelopment (Site no. 28 within the adopted Site Allocations Document (2013) and Paragraph B7 of the adopted Neighbourhood Plan (2015)).
- 1.6 Both site-specific policies post-date the National Planning Policy Framework (‘the Framework’). The Council’s borough-wide policies contained within the Core Strategy and Development Policies document (including Policy DP13) precede the Framework, having been adopted in 2010.
- 1.7 The adopted Site Allocations DPD Site no.28 confirms “*housing is the priority land use*”; “*more efficient use of the site*”; “*appropriate town centre uses along the frontage with residential including affordable housing above and to the rear of site*” and “*flexible employment floorspace*”.

- 1.8 The site-specific Site Allocation objectives are stated to reflect (pre-Framework) adopted land-use policies CS1, CS2, CS6, CS8, DP2 and DP13.
- 1.9 The adopted Neighbourhood Plan (NP) Paragraph B7 confirms that the site is “*expected to provide a significant number of new homes, as well as employment opportunities*” and should be “*satisfying or making an appropriate contribution to...housing, including a significant amount of affordable homes and 3 or 4 bedroom homes...offices for small, micro and start-up businesses...flexible commercial and retail space that can be used for a range of employment uses...retail space on the ground floor along West End Lane...[and] provision of space for a community meeting room for local groups and businesses*”.
- 1.10 In the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, it is noteworthy that the most relevant and up-to-date policy guidance provides consensus and clarity on what the objectives for the site should be: Optimising housing potential, with retail space supporting West End Lane, flexible commercial and employment space focussed on small/start-up businesses, and a community meeting room.
- 1.11 Paragraph 134 of the Framework requires Councils, when considering planning applications, to “*balance the harm with the degree of public benefits provided by a scheme*”.
- 1.12 The proposals for the site should be seen in this planning context.

2. PLANNING POLICY CONTEXT

- 2.1 The Development Plan comprises the London Plan (2015); Core Strategy (2010); Development Policies (2010); Site Allocations (2013); Fortune Green and West Hampstead Neighbourhood Plan (2015), and adopted Supplementary Planning Documents.
- 2.2 The site is currently subject to the following designations in the Development Plan:
- London Plan: West Hampstead Interchange Intensification Area.
 - Core Strategy: West Hampstead Interchange Growth Area.
 - Core Strategy: West Hampstead Town Centre (building fronting West End Lane only).
 - Site Allocations Document: Site no. 28.
 - Neighbourhood Plan: Paragraph B7.
- 2.3 The key planning policy considerations address: The overall approach to development proposals; the location of major new development; density of development; proposals for new housing; future use of land currently used for employment; promoting a mix of uses; design; highways and parking; sustainability; landscaping, child play space and amenity. Each of these considerations was addressed in the Planning Statement.
- 2.4 With regard to the overall approach to development proposals, the most relevant and up-to-date advice is to be found in the Framework, with Paragraphs 1, 2, 14, 17, 134, 158, 186 and 187 considered particularly relevant (Section 5 of the Planning Statement (November 2015)).

- 2.5 Paragraph 134 of the Framework requires Local Authorities to “*balance the harm with the degree of public benefits provided by [a] scheme*”, whilst Paragraphs 17 and 158 emphasise the importance of taking “*full account of relevant market and economic signals*”.
- 2.6 Paragraph 48 of the Framework repeats the requirement that proposals for new housing should be considered in the context of the presumption in favour of sustainable development.
- 2.7 With regard to the location of major new development, Paragraph 111 of the Framework and London Plan Policy 2.8 (and Table 8.2) emphasise the importance of re-using previously-developed land, whilst London Plan Policy 2.13 and Camden Core Strategy Policy CS1 and Policy CS2 (and paragraphs 1.7, 1.11 and 1.21) stress the importance of Intensification Areas/Growth Areas to meeting the Council’s objectives.
- 2.8 With regard to density of development, London Plan Policy 3.4 and the Core Strategy (at paragraphs 1.21, 1.22, 2.5 and 7.3) re-emphasise the importance of optimising site opportunities.
- 2.9 There is, understandably, considerable policy guidance on the importance of the delivery of new housing and how applications should be considered, most obviously at Paragraph 48 of the Framework and the presumption in favour of sustainable development.
- 2.10 London Plan Policy 2.7 and Policy 3.3; Policy 2.13 and Annex 1 (Intensification Areas and West Hampstead Interchange), Policy 3.11 and Policy 3.13 (affordable housing); Policy 3.8 and Policy 3.9 (mix of housing); Camden Core Strategy Policy CS2 and Development Policies Policy DP2 (and paragraphs 1.8, 1.9, 1.12 and 6.18 of the Core Strategy) on priority land uses; Core Strategy Policy CS6 and Camden Planning Guidance 2 paragraph 1.4 (maximising new housing supply); Development Policies DP3 and Camden Planning Guidance 2 paragraph 2.31 (affordable housing); Neighbourhood Plan Policy 1 (range of housing types) and Neighbourhood Plan Policy 4 Growth Area) all address housing delivery and its importance.
- 2.11 The confirmation of housing as *the* priority land use within the two site-specific policies has already been set out. Any other uses on the site must not, therefore, compromise the delivery of new housing, either through land-take or through the nature of their activities. The other uses identified as appropriate to the site are retail and modern, flexible, employment space.
- 2.12 The balance of land uses and stated priorities was set out in the Planning Statement Addendum following the request from officers for further explanation of the scheme’s principles. In addition to the requirement at all levels to prioritise new housing delivery, one of the key elements is the future use of land currently used for employment.
- 2.13 London Plan Policy 2.13 (Intensification Areas) and Policy 4.4 (release of surplus industrial land), the Mayor’s Town Centre Supplementary Planning Guidance (Section 1.3 on industrial capacity within and on edges of town centres); Camden Core Strategy Policy CS2 and Policy CS8 (Growth Areas and inclusive economy); Neighbourhood Plan Policy 11; Camden Employment Land Review 2008 (forecast demand for employment space); Camden Business

Premises Review 2011; Camden Employment Land Study 2014; Camden Planning Guidance 5 (criteria for assessing suitability of land for ongoing employment use) all address the future of employment land. All need to be considered alongside Development Policies Policy DP13.

- 2.14 In addition, Site Allocations Site no. 28 and NP paragraph B7 provide site-specific policy guidance on the type of employment space sought.
- 2.15 Policies promoting a mix of uses within schemes include Paragraph 69 of the Framework; London Plan Policy 2.13; London Plan Policy 3.3; London Plan Policy 4.7; Camden Core Strategy Policy CS1 (and paragraphs 1.24 and 1.25); Core Strategy Policy CS2; Camden Policies Policy DP1; Core Strategy Policy CS7; Site Allocation no. 28; Neighbourhood Plan Policy 4.
- 2.16 The provision of new retail floorspace in the Core Frontage of a designated Town Centre accords with site-specific planning policy (Site Allocation no. 28 and Neighbourhood Plan paragraph B7) as well as Neighbourhood Plan Policy 13, Core Strategy Policy CS7, Development Policies Policy DP12, London Plan Policy 2.15, 4.7 and 4.8. The delivery of convenience retail floorspace on the site is also specifically supported by the Council's "Camden Retail and Town Centre Study" (paragraphs 5.64, 5.65, 5.67, 7.44, 7.45, 7.46 and 8.6).
- 2.17 There are also clearly a range of policy considerations addressing other issues, such as design, sustainability, landscaping, amenity and accessibility, to be weighed and balanced in the determination of the application. These were all previously addressed in detail in the Planning Statement.

3. THE FUTURE OF EMPLOYMENT LAND AND THE CONTEXT FOR POLICY DP13

(i) Introduction

- 3.1 It is apparent that the Council regards – and policy at all levels supports - housing as *“the top priority when considering the future of underused land and buildings”* (Core Strategy paragraph 6.18). The site has strategic importance as an Area of Intensification, and borough-wide significance as a Growth Area. It is also highly accessible (PTAL 6a), part vacant, under-utilised and part designated Town Centre Core Frontage.
- 3.2 There is no policy protection for industrial or similar sui generis uses in this location, and no requirement to protect an existing occupier.
- 3.3 With the priority use for the site being explicitly recognised in adopted policy as new housing, any other uses are *secondary* and *subsidiary* and must not compromise the delivery of the new housing, either through competing for land or as a result of the nature of their activities. The appropriate secondary uses identified in the most up-to-date and relevant site-specific policies are flexible retail and town centre uses, flexible employment uses and community space.
- 3.4 Optimising the delivery of housing must be considered to be a very significant public benefit; the extent of secondary uses must therefore be justified very

carefully, with any potential “harm” to objectives relating to those secondary uses balanced against the harm to the principal objective of optimising the delivery of the priority use of new homes.

- 3.5 A detailed consideration of the Council’s approach to the future use of land currently in employment use is set out in the Planning Statement Addendum. The Council’s approach is focused on ensuring that the needs of modern industry are met: There is a clear directional (locational) approach to the location of offices; there is a clear emphasis on modern, flexible floorspace, particularly for small and start-up business; and there is a clear directional (locational) approach to locating industrial floorspace in agglomerations where their impacts on surrounding uses can be better managed.
- 3.6 New office floorspace is principally directed towards King’s Cross (Policy CS8). Elsewhere, where there is evidence of little demand for “older office premises” the Council supports their replacement with housing (Paragraph 8.8 of the Core Strategy; Paragraph 7.3 of Camden Planning Guidance 5). The Camden Office Market Review undertaken by Turley and the Council’s Employment Land Review (2008), Business Premises Study (2011) and Employment Land Study (2014) all confirm a lack of demand for offices in West Hampstead.
- 3.7 Council policies support existing employment sites and premises which “*meet the needs of modern industry and other employers*” and provide “*facilities suitable for small and medium sized enterprises*” (Policy CS8). Policies CS8 and DP13 support flexible employment floorspace capable of being used for a range of employment uses in order to meet the objectives of Policy CS2 in terms of growth, Policy CS7 in terms of promoting Camden’s centres and shops, and Policy CS8 in terms of promoting a successful and inclusive Camden economy that provides for the needs of residents and businesses.
- 3.8 The site-specific adopted policies refer to “*employment uses*” and “*flexible employment floorspace*” (Site Allocation no. 28) and to “*employment opportunities*” (Neighbourhood Plan). The NP site reference is established within the context that the site should be “*satisfying or making an appropriate contribution*” to these land-use needs, with the specified employment needs being “*offices for small, micro and start-up businesses*” and “*flexible commercial and retail space that can be used for a range of employment uses*”.
- 3.9 Any consideration of the employment potential of the site must therefore be in the context of these established site-specific planning principles and evidence of need: Housing as the primary use of the site; no protection of the existing occupier; no protection of the specific existing employment use; optimising the potential of the site; secondary uses for which there is need and which do not compromise the delivery of new housing.
- 3.10 As previously noted, the scheme provides town centre uses in the Town Centre Core Frontage; modern, flexible employment floorspace at first floor level fronting West End Lane; and ground floor separate, specifically dedicated, start-up units.
- 3.11 It is therefore apparent that the principle of the new uses is acceptable.

- 3.12 Council policy is also to protect employment land and buildings considered “suitable” and “viable” for continued use (Core Strategy Paragraph 8.13; Development Policies Policy DP13), with the approach to suitability and viability being set out in Camden Planning Guidance 5 and the Employment Land Study 2014 (both set in the context of the Mayor’s Supplementary Planning Guidance “Land for Industry and Transport). DP13 refers to the retention of land and buildings “suitable for continued business use”.
- 3.13 It is noteworthy that Camden Planning Guidance 5 categorises sites according to their characteristics “to determine which sites and premises should be retained”. It records a high level of demand for light industrial and storage and distribution sites provided “they have good access and separation from conflicting premises” (paragraph 7.8), with the lowest quality accommodation (Category 3 sites) characterised by, amongst other things, being isolated premises with incompatible neighbouring uses, most often housing. Category 3 sites are “heavily compromised” and may not be suitable for continued industrial use when they become empty or need significant investment (paragraph 7.12). The most important features for new premises to be successful include, unsurprisingly, separation from other uses and freedom to operate at all times (paragraph 7.15). Industrial, storage and distribution and related sui generis uses are directed to Camden’s designated “Industry Area” where no other uses prejudice the operation of those businesses. The Industrial Area is specifically safeguarded for those uses.
- (ii) The Council’s own market evidence
- 3.14 The “London Borough of Camden Business Premises Study (2011)” was commissioned by the Council to explore the features of employment sites and buildings that should be provided to support a flourishing and diverse local economy:
- It considers a site as being “suitable” for industrial use if, should it fall vacant, it “is likely to be re-occupied for this use” (paragraph 2.49).
 - When industrial space did become available it was taken up very quickly, except “heavily compromised sites, which are close to residential uses (paragraph 2.19).
 - “proximity to housing is a feature that alarms many occupiers...industrial occupiers in urban areas are generally very concerned about the potential for complaints from residential neighbours, especially relating to loading and vehicle movements” (paragraph 2.19).
 - “vertical separation...should be avoided. It is unattractive to occupiers...Residents generally object to the noise, vibration, vehicle movements, parking, loading/unloading, smells etc. generated by industrial operations, and industrial business do not want to operate in places where such objections will arise” (paragraph 2.56).
 - “residential and industrial uses by their nature do not make good neighbours. Proximity to housing exposes the industrial occupier to contingent liabilities or at least being classified as an inconsiderate neighbour” (paragraph 2.55).
 - “sites that are...too close to housing...are generally not viable to invest in” (paragraph 2.55).
 - “examples where industrial space has been built below residential and is proving difficult to let are to be found all over the borough” (paragraph 2.58).
 - “we cannot find any successful examples of mixed-use development where industrial space is below residential” (paragraph 2.60).

- *"in terms of Camden's planning policies these sites may no longer be suitable for industry, and when they are proposed for redevelopment the Council should consider releasing them for other uses"* (paragraph 2.73).
 - *"if the applicant can demonstrate that...the site is too close to incompatible uses...the Council may agree to release the site without market testing"* (paragraph 2.76).
 - The report concludes that existing industrial sites should be safeguarded for industry *"unless they are compromised by...[being] too close to housing"* (paragraph 4.18).
- 3.15 The challenges of co-locating industrial uses and permanent housing have been recognised with the redevelopment of a builders' merchant at St Pancras Way. The Committee Report for that proposal (ref: 2011/1586/P) noted (at paragraph 6.2.10) that *"officers have strongly encouraged the applicants to include permanent housing...It is unlikely that Travis Perkins would come forward with a permanent housing scheme because of their presumption that there would be more noise complaints and this may impact on their continued operation on the site.....It is noted that this concern is with the current and longstanding owners and means that the site is unlikely to be developed for permanent residential accommodation should this (student housing) application be unsuccessful"*.
- 3.16 It is therefore apparent that both Camden Planning Guidance 5 and the Council's Business Premises Study consider proximity to housing to be a critical factor in the success, or otherwise, of industrial type uses.
- 3.17 The Council undertook an Employment Land Review (2008) to provide the evidence base for the Council's Core Strategy, and its *"Employment Land Study (2014)"* updates the 2008 Employment Land Review.
- 3.18 The 2014 Study *"forms an integral part of the evidence base needed to update information contained within the adopted Core Strategy (2010-2015) and Development Policies (2010-2025). It advises on the appropriateness of existing Core Strategy policy and Development Policies and makes recommendations on the portfolio of employment land regarding the provision, protection, management and enhancement of employment land and premises required to meet the needs of businesses over the Local Plan period to 2031"* (paragraph 1.1):
- West Hampstead is not an office market area in its own right (paragraph 6.2).
 - In the Outer LB Camden Office Market *"there is more supply than demand"* (paragraph 6.5).
 - *"perhaps the most critical issue in policy terms is to nurture growth of small, dynamic businesses"* (paragraph 6.6).
 - local office space demand is *"likely to occur within Camden Town and Kentish Town"* (paragraph 8.2).
 - In the Outer Borough local office market centres including West Hampstead there *"currently appears to be a surplus of office premises"*.
 - The Policy options proposed include *"the council look[ing] to support loss of poor condition and no longer fit for purpose office floorspace"*.
- 3.19 This leads to a very clear recommendation:
- "[It] is more complex than just suggesting that employment land and premises be offered maximum protection. Instead it may be more suitable to consider*

offering protection where sites are important in meeting demand, generating employment and economic wealth; release some sites where the benefits of the existing employment use are limited and would be outweighed by the benefits of the proposed alternative use(s); and allow the release of some sites in specific locations where there is a long term over supply or which are no longer fit for purpose".

"[the] implications of not following a balanced approach which is sensitive to the direction and changing needs of business in terms of premises, location and formats is that economic growth for LB Camden could be impaired" (paragraph 8.1) (our emphasis).

- 3.20 The market signals, and the policy requirements, are therefore clear – there is no need to provide general needs offices in this location.
- 3.21 The Study also notes that whilst start-up and small businesses *"are an important component of LB Camden's economy, and the real issue is in ensuring that the type of property is provided that will appeal to start-ups and SMEs in terms of scale, form and location"* (paragraph 6.9), *"the rapid growth in provision also raises the question of whether provision is sustainable. On this basis we suggest the council supports the concept but does not intervene unless there is clear evidence of local market failure preventing the private sector from providing space"*. In terms of policy options, the Study suggests that the Council monitor demand.
- 3.22 With regard to the general classification of "industrial uses", the Study notes that Camden is identified strategically as a "Restricted Transfer" borough, where limited loss of industrial land is advised, with the London Plan requiring *"employment capacities to be reviewed, if necessary, in the light of strategic and local employment projections"*.
- 3.23 Annex 3 of the Mayor of London's *Land for Industry and Transport Supplementary Planning Guidance* provides criteria for assessment of industrial land and its suitability for continued use, and Camden's 2014 Study based its assessment on the SPG criteria, including *"accessibility to strategic road access, provision of adequate servicing and parking facilities as well as impacts upon surrounding amenity and bad neighbour uses"* (paragraph 5.6). This is in addition to, and supportive of, Camden's own assessment in Chapter 7 of Camden's Planning Guideline 5.
- 3.24 The 2014 Study records:
- *"demand assessment...will help to clarify the extent to which land could be released or protected"* (paragraph 5.8)
 - *"viable and sustainable"* industrial land and buildings should be protected - *"in this context, viable and sustainable will translate into sites that are in locations where industrial activities are in some sense concentrated, and where the properties are purpose built and/or renewable"*.
 - *"Industrial properties in residential areas, properties isolated in minor streets and properties that are clearly obsolete should be looked at differently"* (paragraph 6.8).
- 3.25 The 2014 Study, it must be remembered, forms an *"integral part of the evidence base needed to update information contained within the adopted Core Strategy (2010–2015) and Development Policies (2010-2015)"*. Furthermore, it *"advises*

on the appropriateness of existing Core Strategy Policy and Development Policies” and makes recommendation regarding “the provision [and] protection of employment land and premises required to meet the needs of businesses over the Local Plan period to 2031”.

3.26 As previously noted, the 2014 Study provides a very clear recommendation:

“it is more complex than just suggesting that employment land and premises be offered maximum protection. Instead it may be more suitable to consider offering protection where sites are important in meeting demand, generating employment and economic wealth; release some sites where the benefits of the existing employment use are limited and would be outweighed by the benefits of the proposed alternative uses(s); and allow the release of some sites in specific locations where there is a long term over supply or which are no longer fit for purpose” (paragraph 8.1) (our emphasis).

3.27 The Study makes very clear the implications of not adopting this approach:

“The implications of not following a balanced approach which is sensitive to the direction and changing needs of business in terms of premises, location and formats is that economic growth for LB Camden could be impaired” (paragraph 8.1).

3.28 Both the policy requirements and market signals are therefore clear – there is no need to provide industrial floorspace in this location.

(iii) Development Policies Policy DP13

3.29 Camden Development Policies Policy DP13 is a borough-wide, pre-Framework policy addressing employment premises and sites. The policy states that the Council will “retain land and buildings that are suitable for continued business use and will resist a change of non-business use unless...it can be demonstrated to the Council’s satisfaction that a site or building is no longer suitable for its existing business use; and there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

3.30 The policy continues that when a site is not suitable for “any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses”, whereas where premises or sites are suitable for continued business use it will “consider redevelopment proposals for mixed use schemes provided that...the level of employment floorspace is maintained or increased; they include other priority uses, such as housing and affordable housing; premises suitable for new, small or medium enterprises are provided; floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses; the proposed non-employment uses will not prejudice continued industrial uses in the surrounding area”.

3.31 It is noteworthy that the approach of the pre-Framework Policy DP13 was considered by the independent Inspector when assessing the post-Framework Site Allocation Development Plan Document and the proposed site-specific allocation of no. 156 West End Lane. The Council's responses are set out below in full:

(i) *"Is there conflict with policy DP13?"*

"It is not considered that there is conflict with policy DP13. The allocation recognises and promotes the site as suitable for a mix of uses, including employment uses, and therefore consideration would need to be given in any future redevelopment scheme on the site to the Council's relevant employment policies and guidance which generally seek the retention and/or replacement of employment floor space, subject to a number of criteria.

DP13 outlines instances where the Council will consider redevelopment proposals for mixed use schemes, and it is considered that the Plan is consistent with this. Furthermore, it is considered that the allocation is sufficiently flexible to provide a balance between the Council's employment policies and the aims of the Core Strategy with regard to the distribution of growth (CS1), growth areas (CS2) and maximising the supply of housing (CS6).

It is also worth noting that the Plan has been drafted to be in general conformity with the London Plan. In this case, this includes site allocations that can contribute to the identified growth targets for the Intensification Areas identified in the London Plan, including West Hampstead (Policy 2.13)."

(ii) *"Is there conflict with the National Planning Policy Framework and its objective of protecting and supporting existing businesses?"*

"The Plan is not considered to be in conflict with the NPPF. The allocation promotes a mix of uses for the site in order to reflect its highly accessible location within a Growth Area. The NPPF 'promotes mixed use development and encourages multiple benefits from land in urban areas' (17). Also, in seeking to encourage a strong and competitive economy, it states that local planning authorities should 'support existing business sectors' and that 'policies should be flexible enough to accommodate needs not anticipated in the Plan and to allow rapid response to changes in economic circumstances' (21). Indeed, this flexibility is vital in ensuring that the Plan remains relevant through changing economic, social and environmental circumstances that may occur through the Plan period.

Conversely, an overly prescriptive approach to this allocation (for example, by identifying a specific end user for any new or re-provided uses on site) would not meet the requirements of the NPPF in ensuring that policies are flexible enough to respond to changes in economic circumstances. (our emphasis).

In addition to the above, the NPPF states that LPA's should 'allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres (23). It goes on to state that LPA's should also 'allocate appropriate edge of centre sites for main town centre uses'. It is considered that the Plan, whilst acknowledging the important employment issues outlined above, is flexible

enough in encouraging mixed use on this site to positively encourage and promote town centre environments in line with the NPPF.” (our emphasis).

- 3.32 It is made clear in the Council’s response that an “*overly prescriptive approach*” to the Site Allocation at 156 West End Lane “*would not meet the requirements of the NPPF*”. The Council’s response also confirms flexibility to provide “*a balance*” between the Council’s employment policies and the aims of the Growth Areas and maximising the supply of housing.
- 3.33 The Council’s Site Allocation Plan Self Assessment against the National Planning Policy Framework Compatibility Checklist sets out the question “*In supporting economic development to what extent does it take into account the matters raised in paragraph 21 of the NPPF?*”. In responding to this question Camden Council state, inter alia, that “*The document (Site Allocation Plan), in line with the policies of the Core Strategy, also acknowledges that on sites where some employment uses may no longer be viable, redevelopment and reinvestment can lead to an improved employment offer by creating improved facilities that can be more attractive to potential occupiers (including small businesses) and where industrial space is replaced, other forms of business space may be more compatible with other uses, such as housing (eg. Sites 7, 10, 28 and 32).*” (our emphasis - 156 West End Lane was referenced as site no. 32 when these responses were published).
- 3.34 Paragraph 13.3 of the supporting text to Development Policy DP13 states that when assessing proposals that involve the loss of a business use, the Council will consider whether there is potential for that use to continue, taking into account whether the site:
- is located in or adjacent to the Industry Area, or other locations suitable for large scale general industry and warehousing;
 - is in a location suitable for a mix of uses including light industry and local distribution warehousing;
 - is easily accessible to the Transport for London Road Network and/or London Distributor Roads;
 - is, or will be, accessible by means other than the car and has the potential to be serviced by rail or water;
 - has adequate on site vehicle space for servicing;
 - is well related to nearby land uses;
 - is in a reasonable condition to allow the use to continue;
 - is near to other industry and warehousing, noise/ vibration generating uses, pollution and hazards;
 - provides a range of unit sizes, particularly those suitable for small businesses (under 100sqm).
- 3.35 The considerations of Camden Planning Guidance 5 are also relevant here, and the site, existing buildings and uses and current proposals have been assessed against these criteria.

(a) Assessment against Camden Planning Guidance 5

3.36 Camden Planning Guidance 5 (CPG5) explicitly states that the Council “*expect the supply of offices to meet the projected demand over the plan period and as a result the Council may allow the change of use from offices to another use in some circumstances, such as older office premises*” and continues that “*our priority is for the replacement use to be permanent housing or community use*”.

3.37 CPG5 provides (paragraph 7.4) a number of considerations that need to be taken into account when assessing applications for the change of use from office to a non-business use.

- The criteria listed in paragraph 13.3 of policy DP13 of the Camden Development Policies

Please see (b) below.

- The age of the premises?

The accommodation does not represent modern office floorspace. 156 West End Lane was built circa 1980.

- Whether the premises include features required by tenants seeking modern office accommodation?

The premises are not considered to include features required by tenants seeking modern office accommodation.

- The quality of the premises and whether it purpose built accommodation?

The premise is considered to be low quality office floorspace which has been vacant for a number of years. The property was purpose built accommodation and constructed in 1980s. Although the property was purpose built in the 1980s it is possible that the accommodation could no longer be of a suitable standard, or a suitable location to justify its retention.

- Whether there are existing tenants in the building and whether these tenants intend to relocate?

There are no existing tenants at first to fourth floor office building which has been vacant since 2013. The previous tenant, Camden Council, has relocated to the modern purpose built 5 St. Pancras Way office building.

- The location of the premises and evidence of demand for office space in this location?

Camden Council's own evidence base (Employment Land Review 2008, Business Premises Study 2011, Employment Land Study 2014) indicates that there is no justification to support the retention of office floorspace at the site's location based on market signals and the submitted Employment Statement produced by Turley supports this position.

- Whether the premises currently provide accommodation for small and medium enterprises?

The property consists of circa 2,400m² vacant, purpose built, office floorspace, which is split over four floors. The last known occupant, Camden Council, occupied the entire space at first to fourth floor. The premises, as existing, does not provide accommodation for small and medium sized enterprises and it is considered that the property does not easily support re-configuration, as existing, to provide suitable accommodation for SMEs.

3.38 It is considered that when assessing the existing office floorspace at 156 West End Lane, against the criteria set out at paragraph 7.4 of CPG5, the loss of this floorspace for a housing-led mixed use redevelopment which includes priority use of permanent housing (including affordable housing), flexible modern employment floorspace (including start-up units), flexible non-residential floorspace at ground floor supporting town centre uses is justified.

(b) Assessment against Policy DP13

3.39 When considering the potential for a business use to continue at a site, the Council will take into account the considerations listed at paragraph 13.3 of the Development Policies document. The site and the existing building uses are assessed below against the criteria.

3.40 Although the criteria set out in Paragraph 13.3 of the Development Policies document relate predominantly to industrial use rather than offices, it is considered appropriate to assess the office use as well.

(b.1) Vacant office floorspace B1 Use Class assessed against Paragraph 13.3 of Development Policies document.

- Is located in or adjacent to the Industry Area, or other locations suitable for large scale general industry and warehousing?

The site is not located within a strategic industrial location or a preferred industrial location, nor is the site designated as an employment site. The west of the site aligning West End Lane does form part of the designated West Hampstead Town Centre. The site is bounded to the north by residential properties of Lymington Road and a Multi-Use Games Area to the east.

- Is in a location suitable for a mix of uses including light industry and local distribution warehousing?

The site is suitable for a mix of uses consistent with its location and context – designated Town Centre Core Frontage and housing to the immediate north. Light industrial uses may be suitable to a residential location, subject to impacts on residential amenity; distribution warehousing is not generally considered suitable to a town centre and/or residential location.

- Is easily accessible for the Transport for London Road Network (TLRN) and/or London Distributor Roads?

West End Lane, which services the site from the west, is neither designated as part of the TLRN or designated as a London Distributor Road. Finchley Road (A41) forms part of the TLRN and can be accessed by local roads. West End Lane has been designated as a Local Borough Distributor Road (a local road) which should only be used by heavy goods vehicles for essential deliveries. It is considered that in this context land-uses that rely on HGVs may cause problems for the road network.

- Is, or will be, accessible by means other than the car and has the potential to be serviced by rail or water?

The site has a PTAL rating of 6a (Excellent) and is in close proximity to West Hampstead Thameslink Station, West Hampstead Overground Station and West Hampstead Tube Station. There are also a number of bus services that operate down West End Lane. Whilst the site is in close proximity to rail lines, transportation of freight using these methods would be complex in the predominantly residential location.

- Has adequate on-site vehicle space for servicing?

The existing arrangement has an area of hard-standing to the east of the site which is currently used for storage and servicing for the builders' merchant, which operates at ground floor. The offices can be serviced to the side of the building to the south of the site.

- Is well related to nearby land uses?

The Council's own evidence in the Employment Land Review (2014) indicates that West Hampstead is not an office market area in its own right and the local office character is predominantly located on the upper floors of high street retail properties. The area surrounding the site is predominantly residential, with the exception of the convenience stores aligning the frontages of West End Lane. Offices are, however, considered appropriate in principle in a location such as this.

- Is in reasonable condition to allow the use to continue?

The property was purpose-built within the 1980s and since 2013 the office floorspace at first to fourth floor of the property has been vacant. It is considered that the current office floorspace does not meet the needs of a modern office premises.

- Is near to other industry and warehousing, noise/vibration generating uses, pollution and hazards?

The site is situated partly within a Town Centre and within an area that is otherwise predominantly residential, with the exception of the Thameslink rail line which is located directly to the south of the site. The site is not identified within the Employment Land Review (2014) as being near to an industrial or warehousing area. The Thameslink rail line to the south of the site may cause intermittent noise or vibration although it's location, being considerably below

the application site would reduce the impact to its surroundings in relation to pollution and hazards.

- Provides a range of unit sizes, particularly those suitable for small businesses (under 100 sqm?)

The office building was used in single occupation.

- (b.2) Ground floor builders' merchants sui generis use assessed against Paragraph 13.3 of Development Policies document.

- Is located in or adjacent to the Industry Area, or other locations suitable for large scale general industry and warehousing?

The site is not located within a strategic industrial location or a preferred industrial location, nor is the site designated as an employment site. The west of the site aligning West End Lane does form part of the designated West Hampstead Town Centre. The site is bounded to the north by residential properties of Lymington Road and a Multi-Use Games Area to the east. It is considered that the surrounding locality compromises the sites suitability for industrial or warehousing activities, which include sui generis uses of similar characteristics.

- Is in a location suitable for a mix of uses including light industry and local distribution warehousing?

The site is suitable for a mix of uses consistent with its location and context – designated Town Centre Core Frontage and housing to the immediate north. Light industrial uses may be suitable to a residential location, subject to impacts on residential amenity; distribution warehousing is not generally considered suitable to a town centre and/or residential location.

- Is easily accessible for the Transport for London Road Network and/or London Distributor Roads?

West End Lane, which services the site from the west, is neither designated as part of the TLRN or designated as a London Distributor Road. Finchley Road (A41) forms part of the TLRN and can be accessed by local roads. West End Lane has been designated as a Local Borough Distributor Road (a local road) which should only be used by heavy goods vehicles for essential deliveries. It is considered that in this context land-uses that rely on HGVs may cause problems for the road network.

- Is, or will be, accessible by means other than the car and has the potential to be serviced by rail or water?

The site has a PTAL rating of 6a (Excellent) and is in close proximity to West Hampstead Thameslink Station, West Hampstead Overground Station and West Hampstead Tube Station. Whilst the site is in close proximity to rail lines, transportation of freight using these methods would be complex in the predominantly residential location.

- Has adequate on-site vehicle space for servicing?

The existing layout has an area of hard-standing to the east of the site which is currently used as a storage yard for the existing sui generis use and provides good vehicular access to service the ground floor.

The site can only be serviced by West End Lane which is classified in Camden's Road Hierarchy as a Local Road. Camden has stated that Local Roads should only be used by heavy goods vehicle for essential deliveries and as such land-uses that rely on HGV servicing may cause disruption to the road network.

- Is well related to nearby land uses?

The surrounding land uses are predominantly residential, with the exception of the convenience stores aligning the frontages of West End Lane. It is considered that the site is not well related to nearby land uses within its immediate locality, a view supported by the Council's own market evidence.

- Is in reasonable condition to allow the use to continue?

The site is currently occupied at the ground floor by a builders' merchant which suggests that its condition is reasonable to allow for the use to continue.

- Is near to other industry and warehousing, noise/vibration generating uses, pollution and hazards?

The site is situated within an area that is predominantly residential, with the exception of the Thameslink rail line which is located directly to the south of the site. The site is not identified within the Employment Land Review (2014) as being near to an industrial or warehousing area. The Thameslink rail line to the south of the site may cause intermittent noise or vibration although its location, being considerably below the application site would reduce the impact to its surroundings in relation to pollution and hazards.

- Provides a range of unit sizes, particularly those suitable for small businesses (under 100 sqm?)

This part of the property consists of an open storage yard, double height warehouse and an ancillary showroom, which equates to 4,000 sq m of Sui Generis floorspace. It is considered that the existing arrangement of this property, which is used as a builder's merchants does not suitably sub-divide to accommodate small businesses.

3.41 It is clear from assessing the existing floorspace of 156 West End Lane against the criteria set out in the supporting text for Policy DP13, at paragraph 13.3, and in conjunction criteria set out in the supporting text for CPG5 that the building and site can be considered to be no longer "suitable" or "viable and sustainable" for its existing employment use types.

3.42 In addition, the proposals do not include the re-provision of existing employment floorspace in terms of type or quantum because there is no economic demand

to be satisfied and nor is there any need for the provision in the context of the very local market or the wider Camden market. This is confirmed by the Council's Employment Land Review 2008, Business Premises Study 2011 and Employment Land Study 2014.

- 3.43 The Council's own 2014 Employment Land Study confirms an oversupply of local office space and a decline in demand for industrial space. The provisions of generic, borough-wide, pre-Framework Council policy must reflect such evidence to be compliant with the Framework. The Employment Land Study specifically guides Council policy with regard to the use of employment land in the borough for the Plan period.
- 3.44 There is therefore no policy requirement to re-provide existing uses or quantum. Site-specific, up-to-date planning policies promote the inclusion of an appropriate amount of modern, flexible employment space to meet the needs of SMEs and start-up businesses. With the clear priority land use for the site being new homes, and the opportunity to enhance the vitality and viability of West Hampstead District Centre through the creation of new Core Frontage retail space, the proposed type and quantum of employment space provided within the regeneration scheme is demonstrably appropriate to the site and circumstances.
- 3.45 In this context, the non-reprovision of any office or industrial floorspace is compliant with Policy DP13. Alternatively, the overprovision of unwanted space simply to "replace" an existing quantum of (vacant) floorspace would not meet Policy DP13 criteria and would actually place Policy DP13 at risk of not being compliant with the National Planning Policy Framework.