

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/5358/P	Alex Kuznetsov	Alex Kuznetsov 150 Bacton Haverstock Road London NW5 4PS	17/10/2016 18:37:59	OBJ	<p>Dear Camden Council Planning Department, I am writing regarding the planning application made by London Borough of Camden to the London Borough Council of Camden, Application 2016/5358/P.</p> <p>Living in the area covered in the planning application, I am directly affected by the application and would like to raise several objections.</p> <p>As discussed below, the application is made contrary to the adopted national, GLA and local policies. Furthermore, contrary to the allegation, the application does not qualify as a non-material amendment.</p> <p>I will elaborate on the grounds further. However, it is evident that the amendments contradict adopted policies H2, H4 and H5. Under policy H5: Protecting and improving affordable housing, p. 76 of the Camden Local Plan 2016 (which is referred as CLP 2016 in the rest of the document), S3.133 of the CLP 2016 policies H2, H4 and H5 have to be applied concurrently. Respectively, the 50% affordable housing target (based on the floorspace, not the number of units) had to be applied over and above replacing the destroyed affordable housing stock.</p> <p>Moreover, the affordability test applies to the floorspace (e.g. GIA), not the number of units, as preferred by the promoters due to the smaller size of new dwellings.</p> <p>As admitted in Policy H7 of the Local Camden Plan 2015, there is an acute shortage of larger affordable homes in Camden. As admitted in the respective section of the Camden Plan, the acute imbalance between supply and demand of larger homes was largely a result of the incorrect forecasts of the local authority regarding growth rates in different segment of the housing market. In any case, an acute imbalance between the extremely high demand for larger homes and little supply is admitted in the policy. This is also reflected in the Dwelling Size Priorities Table (S3.158 of the Local Plan 2015). Policy H7(a) directly requires that new developments must contribute “to meeting the priorities set out in the Dwelling Size Priorities Table”. The Table presented on page 70 of the Camden Plan clearly identifies 3-bedroom social-affordable dwellings as “high priority” as opposed to “medium” assigned to 1- and 2-bedroom dwellings.</p> <p>The significant imbalance between the shortage of large socially rented homes and a very high need is admitted by the applicant and confirmed by several studies: “Camden’s existing stock of homes is made up largely of relatively small dwellings, particularly homes rented from Housing Associations and the Council. The 2011 Census indicates that 70% of Camden households live in homes with two bedrooms or fewer, rising to 75% for households in social rented housing. The 2011 Census indicates that 11.7% of households overall are overcrowded (bedroom occupancy ratio of -1 or lower), compared with 19.3% for households in social rented housing, and 5.7% for households in owner-occupation and shared ownership.” – S. 3.184 of CLP 2016, p. 92.</p> <p>As confirmed at S 3.188, the adopted policy requires: “In the social-affordable element we will give particular priority to large homes (with three or more bedrooms) at or around the level of guideline targets for social rents, as resources and development viability permit.” Camden Planning Guidance 2: Housing currently indicates that the Council will aim for at least 50% of social-affordable rented dwellings in each scheme to be large homes, and on the basis of mismatches in the existing stock we expect to retain this aim. S. 1.190 of CLP 2016, p. 93.</p>

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As stated at S.3.194 of the CLP 2016, p. 94 “the Council will seek to minimise the loss of market homes with 3 bedrooms, particularly where the 3-bedroom homes have access to outside space. Conversions involving affordable housing should retain or re-provide any existing large affordable homes unless the creation of small homes will allow the release of other large affordable homes that are currently under-occupied. Conversions that involve the loss of existing homes should also comply with Policy H3.” Yet, as outlined in the application, the applicant is going to discard 24 three bedroom properties, contrary to the policy and identified housing needs.

It is admitted by the Applicant at S. 3.196 of the CLP 2016 (p 95) that “There are relatively few opportunities in Camden for housing development that will provide more than one or two of these features.” Respectively, the current layout of Bacton Estate makes it unique and superior in terms of delivering child-friendly environment.

The high priority of Large Homes is admitted at 3.199 of CLP 2016 (p95) where the Applicant stated: “Large affordable homes are expensive to build relative to their rental value and are challenging to provide under the current grant framework, but they are a high priority for the Council and the London Plan.”

Importantly, not only the current scheme materially reduces the open space and play space per person/per child compared with the existing layout but, in fact, the proposed changes further materially reduce this. Furthermore, the number of children assumed in the application is unreasonably low.

The improvements of the energy efficiency was the main reason for the approval of the original application by the Camden Council Cabinet in 2012. Yet, according to the new application, there will be little if any benefits since there is no opportunity to connect to the Hospital combined heating network.

The applicant also proposes to dispose with the car pool club bay bringing the risk of a transport collapse in the area.

The policy also requires mixed developments and an undertaking to place commercial units within Bacton estate was one of the grounds for the permission to demolish the office and light industrial units on the District Housing Office Site. Now, the applicant admits that it is not going to comply with the original undertakings.

Importantly, even the original application for the planning permission #2012/6338/P contradicted the adopted policies as well as the National Planning Policy Framework.

The Adopted policy G1 requires

“a. supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations

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					<p>relevant to the site;</p> <p>b. resisting development that makes inefficient use of Camden’s limited land;” (p. 16 of the Camden Local Plan 2016).</p> <p>The Bacton Estate is not located in either growth or opportunities area, as confirmed in the Location of growth section of CLP 2016. ON the contrary, Policy G1 outlines several growth locations, including Kentish Town Regis Road (in fact, the latter was suggested by the objector based on his personal observations, even before he obtained the conformation in the local policies).</p> <p>The Local Government has identified six growth areas and Bacton Estate does not belong to either of them:</p> <p>“2.19 A significant proportion of Camden’s growth up to 2031 is expected to be delivered in the six identified growth areas of King’s Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange, and Kentish Town Regis Road. The first five of these areas are identified in the London Plan as Opportunity Areas or Areas for Intensification.” (CLP 2016, p. 23).</p> <p>Respectively, the estate is not located in either growth or opportunity area, on the contrary, it is located in the high flood risk area whose redevelopment shall be resisted under S.100, 101 of the NPPF. In fact, the latter is another example of the fact that the Council was mislead or misdirected itself to believe that Bacton Estate is located in the “opportunity area”, as erroneously alleged in S.3.10 of the 12/09/2012 Cabinet Report (Third addendum Statement of Case). If there are any doubts whether Bacton Estate is included in the Kentish Town Regis Road area, such doubts would be offset by referring to Section 2.32 of CLP 2016 “Kentish Town Regis Road.” The description as well as the area map confirm that Bacton Estate is not part of the area. In fact, it is about 1 km South-West from the area. As can be seen at 2.35 of CLP 2016 (p. 30), relocating the scheme into the Kentish Town Regis Road Opportunity Area would not only preserve 98 social rent affordable houses, mostly large, but would also comply with a wide range of other goals and policies, including the policy on open spaces and affordable houses which are being breached under the current proposal.</p> <p>Not only placing the scheme in the area with lower flooding risk is required by the NPPF but also it is required by the Camden Local Plan 2015 which was reiterated in the Camden Local Plan 2016. Specifically, I refer to Section 2.32 of the Camden Local Plan 2016 and Policy G1 Delivery and location of growth that identified Kentish Town Regis Road as the priority for growth area.</p> <p>The adopted policy G1 requires</p> <p>“2.12 The provision of an appropriate mix of uses, both within areas and in individual buildings, can also contribute to successfully promoting future growth in Camden and making efficient use of its limited land.” (p. 20 of CLP 2016).</p> <p>Responding to my objections, the Applicant admitted the failure to consider other alternatives for the scheme but explained this failure by stating “It would also be a departure from Council’s planning policy to develop industrial land for housing use.” (p. 33 of the Statement of Case). This, allegation, however, directly contradicts to the NPPF directly requiring:</p> <ul style="list-style-type: none"> i. “Planning policies should avoid the long term protection of sites allocated for ii. employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed.” – Section 22of NPPF.

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It is obvious, however, that the Applicant's response to my objections is contrary to the NPPF, the GLA Plan as well as the Applicant's own CLP 2016. This is especially true given that, as it turned out, the area suggested in my objections has been independently identified as a high growth and "opportunity area" in CLP 2016.

Furthermore, a closer look at the planning application confirms that the redevelopment of the District Housing Office site involved redevelopment of business and industrial space. Specifically, as disclosed in the planning application #2012/6338/P, the redevelopment resulted in losing 2529 sqm of business and 922 sqm of light industrial space. Respectively, not only the allegations made in the response to my objections are not correct but also the Council's decision makers have been misled which resulted in the decision being contrary to the adopted policies.

As confirmed at 3.13 of the Camden Local Plan 2016, Kentish Town is identified as a priority growth area. This supports the objector's view that the project has to be undertaken in the Kentish Town area. This is also supported by the NPPF, including Sections 22, 36, 51, 53, 74, 94, 99, 100, 101, 109. The Applicant has failed to justify the need for undertaking the project on the site of the Bacton Estate, especially given the environmental challenges, difficult hydrological regime, contaminated land and the massive yet unreasonable loss of the housing supply.

The Local Plan requires identifying underused sites that are suitable for additional self-contained housing (Section 3.22) Clearly, the Local Authority has failed to identify the underused sites around the Kentish Town area and has come up with the idea to demolish the Bacton estate without considering alternatives. On the contrary, the Applicant has admitted that it has not considered alternative allocations of the new development, contrary to the NPPF, the London Plan and the Camden Plan 2015.

As confirmed at 3.24

"Where vacant or underused sites are suitable for housing in terms of accessibility and amenity, and free of physical and environmental constraints that would prevent residential use, we will expect them to be redeveloped for housing."

Respectively, the Council's own policy requires assigning the proposed scheme to the Kentish Town area, especially since (1) it is identified as a growth area in the local plan; (2) it benefits from excellent transportation links providing access to train, tube, overground and bus transportation; (3) this would also maximize the stock of affordable housing since the new supply won't be offset by the loss of existing affordable housing. (4) prevent the loss of Large affordable homes and (5) comply with the Council's policy on the percentage of affordable housing.

The latter point may require some clarification. It appears that the applicant has misinterpreted (or misstated) the requirements of its own policies by claiming that it almost complies with its affordability target since 39% of the new housing will be affordable (vs. 50% required by the policy). This, however, is a material misstatement/misinterpretation. In fact, the policy requires that the net increase in the affordable housing supply account for 50% of the total stock. Respectively, the Applicant has failed to take regard of its own policies or misinterpreted them. When calculated correctly and the gross number of affordable homes is adjusted for the loss of existing affordable homes, the net increase of affordable homes represents under 1% even if we accept the misleading view that the affordable housing of the

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DHO site should be added to the benefits delivered by the CPO (which is not the case). This is materially different from the Council's policy target as well as the misstated figure of 39% (the latter confirms my argument that the decision makers have been misled by the interested parties, some of whom are on secondment from estate agents or developers) .

Yet, even this minor 9% increase is fully wiped out by the reduction in the average home size.

2. Specifically, as disclosed in the planning application #2012/6338/P, the implementation of the scheme may bring additional 289.5 sqm of social rent housing at the expense of losing 2529 sqm of business and 922 sqm of light industrial space. Even if we disregard the loss of business and light industrial space it can easily be seen that the net increase in the social rent housing floorspace would account for less than 1% (LESS THAN ONE PERCENT) of the total floorspace (31,976.52 sqm), as shown in the Analysis information section of the Planning application #2012/6338/P (Document 3 of the Applicant's core bundle).

3. Arguably, if the project is introduced in an alternative location (including the Kentish Town Priority Development Area) without the loss of 12,509 square meters of existing affordable floorspace, the result would have been drastically different with the net increase in the floorspace exceeding 40% of the total floorspace ($=289.51+12,509/31,976$). The latter figure almost meets the Council's target of 50%. In fact, if the 11 market units acquired by the Council are reassigned as affordable housing, the scheme, being undertaken in an alternative location would surpass the 50% target, and ensuring compliance with the adopted policies.

4. Furthermore, as suggested in the amendment, the Applicant is currently seeking to reduce the share of affordable homes further since out of the 20 additional residential units proposed, only one will be affordable.

5. The test for the compliance with the affordable housing policies is set in Policies H2 and H4. As confirmed at 3.54 of the Camden Plan "the Council's affordable housing target is 50% of the total addition to housing floorspace." The project in the current state profoundly fails this test which is a common ground.

6. On a separate note, it should be stressed that the loss of over 3500 sqm of business and light industrial floorspace admitted in the planning application confirms that the applicant was not honest when, responding to the objections, alleged (p. 33 of the Statement of case) that it would be contrary to the Camden policy to develop business land for residential use in response to my proposal to consider allocating the scheme to the Kentish Town area. The details of the planning permission reveal that not only the NPPF and the Camden Local Plan require allocating the scheme to the Kentish Town area (presently populated by dilapidated warehouses and underused office buildings) but, in fact, the Applicant did not hesitate developing business and industrial land for residential use.

7. The redevelopment of the site is also contrary to the public policy interests as emphasized in the National Planning Policy Framework, especially given that the estate is located in the area with high flood risk and the development will result in a rebuilding on open spaces.

8. FAILURE TO COPLY WITH THE AFFORDABLE HOUSING POLICIES. The Local Authority's adopted Housing Policy H4 "Maximizing the supply of affordable housing"

(i) requires providing "5,565 additional affordable homes from 2015-2030" (CLP 2016, p64);

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(ii) Requires that the “targets are applied to additional housing floorspace proposed, not to existing housing floorspace or replacement floorspace;” Policy H4 (C), CLP 2016, p64.

(iii) Requires “an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings;” Policy H4 (E), CLP 2016, p65.

(iv) Requires “for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site;” Policy H4 (I), CLP 2016, p65.

9. Policy H4 further stipulates that the payment-in-lieu may be accepted in exceptional cases only “where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution (in terms quantity and/ or quality).” It is not in dispute that the District Housing Office site is different from the Bacton Estate site, as confirmed in the Camden site allocations plan (2013) and the map to site 39.

10. Respectively, the 50% affordable housing target

(i) had to be applies to the proposed development on the Bacton Estate site and be applied over and above provisioning replacement of the affordable social rent housing being lost due to the proposed demolition (under policy H5: Protecting and improving affordable housing, p. 76 of the CLP 2016, S3.133 of the CLP 2016) since the adopted policy requires concurrent application of policies H2, H4 and H5.

(ii) be applied to the floorspace rather than the number of dwellings;

(iii) the social rent housing stock had to be replaced with the social rent housing stock (Policy H5, S. 3.131, 3.132, 3.133 of the CLP 2016);

(iv) the 50% affordable housing target (based on the floorspace, not the number of units) had to be applied over and above replacing the destroyed affordable housing stock.

11. In fact, the concurrent application of policies H2, H4 and H5 is also in line with the statutory requirements of Section 93(4) of the Local Government and Housing Act 1989 requires that “Demolition of properties should be considered as a last resort only after all other possible options have been considered.”

12. Respectively, the evidence suggest that although the adopted policies summarized in CLP 2016 are in line with the applicable statutory requirements, the decision makers have been mislead by promoters or, inter alia, have misdirected themself. It also appears that the commitment to other duties have not allow to apply the required level of scrutiny to the submission, as was evidenced by the fact that the promoters were allowed to rely on an alleged housing stock survey which has not taken place and the report which neither existed nor been prepared.

13. Importantly, it is not in dispute and is a common ground of the parties that “it is feasible for the borough to secure 50% of the self-contained housing target as affordable homes, which equates to our strategic target of 5,565 additional affordable homes over the Plan period.” This is explicitly confirmed in policy H4 (S3.93 of CLP 2016, p 68). On the basis of the Camden Local Plan Viability Study, the Council applies a target of 50% affordable housing to development proposals that include housing and have capacity for 25 or more additional homes. (S.3.106 of CLP 2016, p. 71)

14. The policy also explicitly requires “Given the scale of affordable housing need in the borough, the Council’s aspiration is that as many residential developments as possible should provide affordable housing.” S. 3.96 of CLP 2016, p68.

15. Section 3.28 of the Camden Plan confirms that the current Bacton Low Rise development complies with the policy requirements providing affordable homes, large homes and child friendly

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					<p>homes while the proposed accommodation fails.</p> <p>16. The test for the compliance with the affordable housing policies is set in Policies H2 and H4. As confirmed at 3.54 of the Camden Plan “the Council’s affordable housing target is 50% of the total addition to housing floorspace.” The original project profoundly failed this test which is a common ground. Now, the Applicant suggests reducing the percentage of affordable homes further given that only ONE out of the 20 proposed units is going to be an affordable home.</p> <p>17. It is important to stress, however, that policies H2, H4 and H5 apply concurrently. Respectively, the policy requires 50% of the incremental housing to be affordable AFTER replacing the affordable (e.g. social rent housing in the instant case) being demolished. Since both the number and size of the social rent flats is considerably smaller than the number and size of the existing social rent houses (most of which are also priority large homes, as defined by the policy), the scheme fails to even replace the social rent housing earmarked for demolition. Since the amount of the new social housing is not sufficient for even a simple replacement, the policy fails to comply with all relevant policies, namely, H2, H4 and H5. In fact, even if we add the affordable housing provided at the DHO site (which is not connected with the CPO) and is on a distinctly separate site, as confirmed in the description of the Site allocation plan 2013 and map (site No. 39), affordable housing accounts for less than 1% (ONE PERCENT) of the incremental housing space.</p> <p>18. Respectively, the decision makers have been mislead to believe that the scheme almost complies with the 50% affordable housing goal set by the Council. There were several errors which have lead to the wrong conclusion:</p> <p>I. The promoters have forgotten or had been mislead that the 50% test applies AFTER the social rent housing destroyed as a result of the scheme implementation has been re-provided. (e.g. over and above the social housing being destroyed)</p> <p>II. Arguing its case before the senior decision makers of the Council, the promoters have failed to acknowledge that the 50% affordable housing target applies to the floorspace, not the number of units.</p> <p>19. Given that the number and size of the social rent houses will be considerably lower than that at present (98 town houses, mostly large), the scheme fails to deliver the alleged public goals: Maximizing affordable housing. Now, with the proposed changes, the scheme further deviates from the policy goals further amplifying the shortage of the social housing in Camden which, among other things, has forced Camden to change the social housing eligibility criteria depriving thousands of people any change of having social housing as well as their dream of becoming a property owner.</p> <p>20. On the contrary, the end result of the scheme will be fewer homes of smaller size with less open space. Moreover, contrary to the adopted policies and the NPPF requirements, the Applicant has failed to consider alternatives.</p> <p>21. Even this marginal increase comes at the cost of the loss of 13 large socially rented homes (47 vs 60). The percentage of large socially rented homes declines to under 44% from over 61% at present. Even if the intermediate homes are added to the mix, the percentage of large homes in affordable home mix still declines to under 49% from over 61% at present demonstrating a clear negative trend and incompliance with the adopted policies, including its own policies.</p> <p>22. Even if we include the 10 intermediate homes, the increase will account for mere 0.36%.</p> <p>23. Furthermore, contrary to policy H7, only 28 homes are expected to be “large homes”, as defined by the Applicant in the Local Plan. This is less than 50% of the large homes in the estate owned by the</p>

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					<p>council on behalf of the general public at present (60 homes). Now, following the last application for an amendment of the condition, the number of large homes will be further reduced by 23 units, contrary to the Camden Borough needs and contrary to the publicly adopted policies.</p> <p>24. The shortage of affordable housing, especially large social rent homes is not in dispute and is accepted by the Applicant. Specifically, in S. 3.129 of CLP 2016 (p77), the Applicant admits “As indicated in Policy H4, Camden has a particularly large requirement for additional affordable homes. However, the stock of formally designated affordable homes in the borough fell between 2001 and 2011, widening that gap between need and supply.” Respectively, the Applicant’s policy requires protecting existing affordable housing stock: “The Council therefore protects existing affordable housing against further losses.” (S. 3.129 of CLP 2016, p77).</p> <p>25. Sections 3.131, 3.132 and 3.133 of the CLP 2016 provide the requirements to be complied with during redevelopment of affordable housing stock. The major requirements are:</p> <p>I. Policies H2, H4 and H5 apply concurrently. This requires that 50% of the new housing stock has to be affordable AFTER the lost affordable stock has been replaced. In other words, the scheme has to provision replacement of the existing affordable stock (14,110 sqm of GIA) AND 50% of the incremental stock (by floorspace) has to be affordable. This is explicitly stated in S 3.133 of CLP 2016 (p78). Being misdirected by the promoters, the Applicant has failed to comply with either of the policies.</p> <p>II. “Redevelopment of affordable housing should generally provide new social affordable rented housing to replace existing social-affordable rented homes, and</p> <p>III. new intermediate affordable housing to replace existing intermediate homes.” – S 3.131 of CLP 2016, p 78.</p> <p>26. FAILURE TO PROTECT EXISTING SOCIAL RENT HOUSING REQUIRED BY THE ADOPTED POLICIES H2, H4 AND H5.</p> <p>27. As disclosed in the planning application and the evidence of Mr. Sean Bashford, the total GIA of Bacton estate is 14,210 sq.m. At the time the application has been made in 2012, social housing accounted for 12,509 sq.m. of the floorspace with the remaining 1,701 sq.m. being privately owned. However, as admitted by the Council, there is currently only one privately owned property with the GIA of 100 sq.m. Respectively, the remaining 14,110 sqm of GIA of the existing housing represent council properties and, respectively, can be offered as social rented houses to the people on the priority waiting list. There is nothing apart from the will and reasonable thinking preventing the Council officials from allocating the houses to social tenants.</p> <p>28. Now, with the proposed cancellation of 23 3-bedroom units, the scheme is going to further deviate from the adopted policies reflecting the needs of the Camden residents.</p> <p>29. It is alleged by the applicant that if the regeneration is implemented, social rented houses would have the total floorspace of 12,799 sqm. This will represent a loss of social rented housing of 1411 sqm and, therefore should be resisted under both the Camden Council and the GLA policies. In relative terms, it can also be seen that the stock of social housing currently available at Bacton estate is 11% higher than the expected stock following the regeneration. This is material. It is plausible that the socially rented stock is not being used at present. However, this is fully due to the poor judgement and, possibly, negligence of the Council employees, some of whom are presently on a secondment (e.g. on</p>

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					<p>the payroll) from Savills Estate Agent. Respectively, being on an estate agent's payroll, they have to prioritize interests of the entity paying their bills.</p> <p>30. It is understood that the Applicant will likely wish to rely on the expectation of delivering 1,366 sq.m. of the so called intermediate housing. Such a loss is contrary to Policy H5 of Camden which requires protecting existing affordable housing against further losses (Section 3.129 of the Local Plan 2016) states:</p> <p>“In the last 20 years there has also been a reduction in the amount of housing provided for nurses and other health service workers, including the loss of hostels in Guilford Street (formally attached to University College Hospital), Euston Road (former Elizabeth Garrett Anderson hospital), College Crescent and New End (both formally attached to the Royal Free Hospital). The Council therefore protects existing affordable housing against further losses.”</p> <p>31. As admitted in Section 3.126, Policy H5 of the Local Plan 2016 “Losses of affordable housing may not always be subject to planning control, for example where the housing is ancillary to another primary use (e.g. a nurses' home provided as part of a hospital) and no change is proposed to the primary use.”. Respectively, since the compliance with the adopted policy was outside of the control by the planning authorities, the Applicant cannot infer the compliance with the adopted policies based on the fact of the granted planning application.</p> <p>32. As stated in Section 3.133 of the Local Plan, “Housing and affordable housing required in association with mixed-use policy H2 and affordable housing policy H4 should be provided in addition to any retained or replacement affordable housing arising under policy H5.”</p> <p>33. S 3.128 Census data indicates that the share of households in private rented homes in Camden grew from 23.5% in 2001 to 32.3% in 2011, an addition of almost 10,000 households. In the same period, the share of households in social rented housing fell from 37.4% to 33.1%, a reduction of almost 2,000 households.</p> <p>34. Policy H5 also acknowledges a material mismatch between the existing stock of affordable housing and demand. As admitted at 3.130 of the Local Plan “The existing affordable housing stock is heavily skewed to 1 or 2-bedroom homes, and overcrowding in the existing stock creates a compelling need for an additional supply of large affordable homes with 3 or more bedrooms.”</p> <p>35. Policy H5, as confirmed in S 3.131 of the Local Plan 2016 also requires: “Redevelopment of affordable housing should generally provide new social affordable rented housing to replace existing social-affordable rented homes, and new intermediate affordable housing to replace existing intermediate homes.”</p> <p>36. Respectively, under the existing policy, the project requiring demolition of the Bacton Estate that has 14,110 sqm of social rent floorspace has to deliver at least identical social rent floorspace in the new development. However, as alleged by the Council the social rented floorspace amounts to 12,799 sq. m. only. Furthermore, the Council has erroneously included the affordable housing built on the District Housing Office site. This is not relevant since the public benefits have been achieved already and existence of such benefits does not depend on the decision to approve the CPO order.</p> <p>37. Furthermore, as stated in Section 3.133 of the Local Plan, “Housing and affordable housing required in association with mixed-use policy H2 and affordable housing policy H4 should be provided in addition to any retained or replacement affordable housing arising under policy H5.”</p>

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2016/5358/P	Alex Kuznetsov	150 Bacton Haverstock Road London NW5 4PS	17/10/2016 18:42:32	OBJ	<p>38. Since, the 14,110 sq.m. of social rent housing would be needed to merely comply with policy H5 (e.g. to replace the affordable housing stock being lost as a result of the demolition), further 8,933 sqm of the floorspace (e.g. 50% of the difference between the total GIA and the 14,110 sqm needed to replace the social rent housing being lost) of affordable housing has to be delivered to comply with policies H2 and H4. Respectively, to comply with the policies adopted by the Cabinet, the scheme has to provide 23,043 sqm of affordable housing, including not less than 14,110 sqm of social rent housing. As can be seen in the disclosed figures, the scheme is in a gross incompliance with the adopted policies. Importantly, the stated figures disguise the fact that only 61 of the 104 social rented housing will be built at Bacton Estate (thus, only these benefits represent the public benefits and have to be given weight when considering whether the public benefits outweigh private losses).</p> <p>39. Given that the Applicant intends to deliver 61 social rented flats at Bacton Estate and given that 104 flats have the total floorspace of 12799 sq.m., the proposed development is going to result in the social rented floorspace falling from 14,110 s.q.m. to as little as 7,507 sq.m. As stated above, the policy adopted by the Cabinet requires resisting the loss of affordable housing. Yet, the detailed analysis reveals that the proposal results in a loss of 47% of the social rent housing at Bacton Estate. Respectively, the development shall be resisted.</p> <p>40. It is admitted that the scheme has been considered by the Cabinet. However, as shown in the decision, the Cabinet was misled or, inter alia, misdirected, to believe that (1) the scheme nearly complies with the 50% affordability requirement and (2) that the repairment costs are 40,000-50,000 pounds per home. The analysis above confirms that the Cabinet was misled or misdirected to believe that the loss of homes can be disregarded.</p>

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2016/5358/P	Alex Kuznetsov	150 Bacton Haverstock Road London NW5 4PS	17/10/2016 18:32:37	OBJ	<p>Dear Camden Council Planning Department, I am writing regarding the planning application made by Alistair Walker to the London Borough Council of Camden, Application 2016/4889/P submitted and registered on 6 September 2016.</p> <p>It came to my attention on 16 October 2016 that an application for an environmental assessment screening was made by Alistair Walker to the London Borough Council of Camden, Application 2016/4889/P submitted and registered on 6 September 2016. I would like to stress that I have neither been informed about this application nor am aware about other residents being informed of this application.</p> <p>Having considered the submission and having weighted the submission and contemporary evidence against contemporary statutory UK and EU requirements and the Secretary of State Guidance, I became convinced that an environmental impact assessment is necessary in this case.</p> <p>There are several grounds requiring undertaking an Environmental Impact Assessment.</p> <p>First, since the application is for a major urban development with the total area exceeding 1 hectare, the EIA is required under Section 10(b) of Schedule 2 of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.</p> <p>Second, the area of the development falls under the definition of the “sensitive areas” which suggests that even a development of under 0.5 hectare would require an Environmental Impact Assessment. However, in the instant case, the area is 1.89 hectare which automatically requires an EIA, pursuant to Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Since the development includes more than than 1 hectare of urban development which is not dwellinghouse and the development includes more than 150 dwellings the EIA is also required under the EIA Regulations 2015.</p> <p>Third, it is not in dispute that Bacton Estate is located in a flood area. In fact, the risk of flooding is “HIGH”, as defined by the defined in section 20(5)(c) of the Flood Risk Regulations 2009. Respectively, not only the EIA is required but, in fact, both the National Planning Policy Framework (including Sections 99-104), the Local Plan and the Planning Guidance.</p> <p>It is a common ground and confirmed in the London Borough of Camden flood risk management strategy that the Gospel Oak is an area with high flood risk. Furthermore, not only Gospel Oak has the highest flood risk in Camden but also the NW5 post code has the highest flood risk in Gospel Oak. Respectively, the NPPF requires to avoid developments and redevelopments in the area. The document also explains the reasons for selecting the existing design of the building which includes: (1) allocating the ground floor to non-residential use (e.g. garages); (2) entrance to all houses from the first floor; (3) allocating public areas on the first floor and (4) spreading the properties over several floors to allow relocation to the upper floors in case of a serious flooding. The current layout of the estate complies with the requirements of minimizing the flood risk by distinctive architectural design features summarized above. The new scheme, however, disregards the fact that the development is located in a</p>

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high risk area (in fact, such a development explicitly prohibited by Sections 99-101 of the National Planning Policy Framework (NPPF).

Specifically, Section 100 of the NPPF requires “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”. Respectively, it is not appropriate to allocate the development to the area with the highest flooding risk in the borough. Importantly, as admitted by Camden Council, there is abundance of alternative sites for development. First, the Applicant’s own policies require prioritizing developing high growth and “opportunities” areas which are presented in the Camden Local Plan 2016 (CLP 2016). Not only the area presently occupied by Bacton Estate has high flood risk but is neither the growth nor opportunity area. Second, as admitted by the Applicant at S3.9 of the CLP 2016, “The 2014 AMR indicates that there are sufficient identified sites in place to exceed our housing targets in the early years of the Plan period”, “Deliverable sites are in place to provide more than 6,500 homes from 2015/16 to 2019/20, exceeding Camden’s overall housing target of 1,120 per year (deliverable sites are sites that are suitably located, viable and available to develop now, and that have a realistic prospect of delivery within five years).” This alone confirms that the initiative fails the test set by the NPPF (Sections 100, 101). Furthermore, if there is any doubt, the Applicant admitted that it has more than enough sites for the 5-year supply (S 3.9 of CLP 2016). Respectively, each of these arguments, jointly and severely, confirms that the redevelopment of Bacton Estate shall not be allowed, pursuant to the NPPF.

Fourth, as admitted in the Applicant’s Statement of Case, the local area is exposed to all 3 major hydrological risks. The latter is further exacerbated by (1) the powerful river Fleet flowing through the area; (2) the existence of the underground mainline railway preventing the normal drainage and (3) an additional risk from Highgate ponds.

The NPPF requires not to build or rebuild in the areas with flood risk as explicitly stated in Section 101 of the NPPF

“Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

Arguably, the new development should have been placed in one of the growth or opportunity areas outlined in CLP 2016, especially since such areas have lower risk (as stressed in the London Borough of Camden flood risk management strategy, Gospel Oak area has the highest flood risk in Camden while NW5 area has the highest risk of flooding in Gospel Oak).

Fifth, in any case, Sections 100-109 of the National Planning Policy Framework require undertaking a Sequential Test and, if necessary, the Exemption Test to developments in the areas at the risk of flooding. As confirmed in the London Borough of Camden flood risk management strategy, not only the area of the proposed development has a high flooding risk but it has the highest flooding risk in the borough (Gospel Oak area has the highest flood risk in Camden and the NW5 area has the highest risk within Gospel Oak). If there are any further doubts, given that the area was exposed to two major floods over the last 40 years, the risk of flooding is “HIGH”, as defined by Section 20 of the Flood risk regulations 2009.

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Sixth, not only the risk of flooding is high but it is also a common ground and admitted by the applicant that the area where the Bacton Estate is located is exposed to all three major hydrological risks. In fact, the national regulations and Camden Local Plan explicitly prohibit developing and redeveloping areas with flood risk (let alone high flood risk). Respectively, the NPPF requires undertaking the Sequential Test. The contemporary evidence suggests that the applicant has failed to undertake the sequential test which has resulted in the failure to steer the new development to areas with the lowest probability of flooding, as required by the NPPF. Specifically, Section 101 explicitly states “The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

Last but not least, the land in the area is contaminated, as confirmed by the Camden Council. The risk originating from the contamination is amplified by the high flood risk and exceptionally strong underground watercourse levels while the fact that the Fleet river is flowing through the area brings a risk of contamination being spread through the entire Northern part of London up until the presently underground Fleet river joins the Thames River. The contaminated substances may be spread through a wider area by the Thames River thereafter. Importantly, the Fleet river is the biggest underground river and one of the strongest rivers after the Thames River in the entire Greater London Area.

I would also like to refer to paragraph 58 of the Department for Communities and Local Government, Planning Practice Guidance. Although the guidance does not provide an exclusive list of cases when the guidance is required it stipulates that the EIA is likely to be required if there is a high level of contamination or the gross development includes over 150 dwellings or the development includes more than 1 hectare of urban development which is not dwellinghouse developments. In fact, the proposed scheme ticks all boxes. Respectively, there is an evident requirement for an Environmental Impact Assessment. On a separate note, since the scheme is located in an area with high flooding risk, the National Planning Policy Framework (Sections 99-109) also requires undertaking a Sequential Test.

On a separate note, the proposed application is also contrary to the open space policies adopted at local (e.g. Camden Local Plan and planning guidances) and national (including the National Planning Policy Framework).

It may also be helpful to refer to Schedule 3 providing Selection criteria for screening Schedule 2 developments.

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—
 - (a) the size of the development; The urban development is located in the Central Part of London. Since it covers area of 1.86 hectares, it is one of the largest developments in London.
 - (b) the cumulation with other development; The development is part of a larger regeneration scheme undertaken by the regeneration team. The overall scope of the scheme is hundreds of millions of pounds.
 - (c) the use of natural resources;
 - (d) the production of waste; The implementation of the scheme will result in a substantial production of

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waste. The amount is so material that the original waste storage/absorbing facilities were deemed insufficient and new waste facilities had to be provisioned.

(e)pollution and nuisances; The scheme being undertaken in a densely populated area of the largest city in the UK will generate substantial pollution and nuisance. The pollution impact will be amplified by the fact that the implementation of the scheme requires demolition of a major residential estate occupying the area of 1.89 hectares at present. The impact will be further amplified by the presence of asbestos in the estate. As a result, the asbestos dust is likely to be spread over a substantial part of Camden, one of the most densely populated parts of London. Furthermore, not only the area is exposed to all three major hydrological risks and has risk of flooding but also the land is contaminated. This amplifies the risk of contaminating substances being carried by either underground waters or by the Fleet River, one of the strongest rivers in the entire London area, passing through the area.

(f)the risk of accidents, having regard in particular to substances or technologies used. There is a high risk of accidents due to (1) the scale of the project; (2) the need for a demolition of a major estate in central London, (3) presence of asbestos in the estate earmarked for demolition; (4) contamination of land; (5) strong waterflows (6) high density of population; (7) presence of several schools and kindergartens in the area; (8) proximity of children playgrounds; (9) little distances from other buildings (in fact, other buildings are located within 10 meters from each side of the site; (10) high flood risk, as defined by Section 20 of the Flood Risk Regulation 2009.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

(a)the existing land use; The proposal requires rebuilding on open space and gardens, even despite the Gospel Oak area lacking access to open space and gardens, as emphasized in the Camden Local Plan 2016.

(b)the relative abundance, quality and regenerative capacity of natural resources in the area; The development is located in one of the most densely populated areas of Camden which, on its own, is one of the most densely populated areas of London. Although Camden has several large public parks, Gospel Oak, as admitted in the Camden Local Plan 2016 suffers from insufficient access to open spaces and gardens. The development will further contribute to the shortage of open space and playgrounds. Furthermore, the proposed development requires destruction of not less than 46 trees in the area which is contrary to the Camden and GLA policies. Due to the location in the major urban centre, the regeneration capacity is low to non-existing.

(c)the absorption capacity of the natural environment, paying particular attention to the following areas—

(i)wetlands;

(ii)coastal zones;

(iii)mountain and forest areas;

(iv)nature reserves and parks;

(v)areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(1) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(2);

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The absorption capacity is low since the problems of location in the major densely populated urban center are further exacerbated by (i) the contamination of land; (2) location in a flood risk area (furthermore, the risk of flood is high, as defined by Section 20 of the Flood Risk Regulations 2009 and one of the highest in London); (3) presence of asbestos and (4) proposed eradication of at least 46 trees. The development is also contrary to the Directive 2000/60/EC and DIRECTIVE 2007/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL and the EU Council Directive (85/337/EEC).

(vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded; The EU regulation requires the EIA in areas with flood risk.

(vii) densely populated areas; The development is located in one of the most densely populated areas in London. As admitted in the Applicant's submission, even before the proposed 10% increase in the number of dwellings, the density was already above the Greater London Authority's guidance. This is despite of the GLA guidance already adopting the highest allowable density in the country. Yet, even before the adjustment, the proposed density was 479 habitable rooms per hectare which was above the UPPER bound set by the GLA in the London Plan (200-450 habitable rooms per hectare). With the proposed increase in the number of rooms, the density would deviate by over 10% from the UPPER bound (and 2.5x above the lower bound) of the London Plan target.

(viii) landscapes of historical, cultural or archaeological significance. The development area is immediately adjacent to the local landmark, St Martin's Church, a Grade 1 building, and is in a proximity to St. Dominique's Priory, a Grade II building which is also one of the largest and functioning churches in Camden. Not only the development would overshadow and overlook the churches but there is also a material risk of the structural damages to the buildings due to (1) a direct impact of the construction works; (2) change of the underground watercourse directions and (3) impact of the Fleet river. To make things worse, the promoter suggested placing a major waste storage tank under the St. Martin's Square.

Respectively, there is an overriding need for an Environmental Impact Assessment.

Yours faithfully,
Alex Kuznetsov, CFA, FRM, CPA
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2016/5358/P	Alex Kuznetsov	Alex Kuznetsov 150 Bacton Haverstock Road London NW5 4PS	17/10/2016 18:40:15	OBJ	<p>38. Since, the 14,110 sq.m. of social rent housing would be needed to merely comply with policy H5 (e.g. to replace the affordable housing stock being lost as a result of the demolition), further 8,933 sqm of the floorspace (e.g. 50% of the difference between the total GIA and the 14,110 sqm needed to replace the social rent housing being lost) of affordable housing has to be delivered to comply with policies H2 and H4. Respectively, to comply with the policies adopted by the Cabinet, the scheme has to provide 23,043 sqm of affordable housing, including not less than 14,110 sqm of social rent housing. As can be seen in the disclosed figures, the scheme is in a gross incompliance with the adopted policies. Importantly, the stated figures disguise the fact that only 61 of the 104 social rented housing will be built at Bacton Estate (thus, only these benefits represent the public benefits and have to be given weight when considering whether the public benefits outweigh private losses).</p> <p>39. Given that the Applicant intends to deliver 61 social rented flats at Bacton Estate and given that 104 flats have the total floorspace of 12799 sq.m., the proposed development is going to result in the social rented floorspace falling from 14,110 s.q.m. to as little as 7,507 sq.m. As stated above, the policy adopted by the Cabinet requires resisting the loss of affordable housing. Yet, the detailed analysis reveals that the proposal results in a loss of 47% of the social rent housing at Bacton Estate. Respectively, the development shall be resisted.</p> <p>40. It is admitted that the scheme has been considered by the Cabinet. However, as shown in the decision, the Cabinet was misled or, inter alia, misdirected, to believe that (1) the scheme nearly complies with the 50% affordability requirement and (2) that the repairment costs are 40,000-50,000 pounds per home. The analysis above confirms that the Cabinet was misled or misdirected to believe that the loss of homes can be disregarded.</p>
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