



*a. the site or building is no longer suitable for its existing business use;*

*and*

*b. that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time."*

3. The evidence confirms that provisioning of the business and light industrial premises was one of the conditions for redevelopment of the District Housing Office Site.
4. In fact, the alleged contribution to employment was also one of the reasons for the scheme being approved by the Camden Cabinet initially and by the Local Planning Authority subsequently.
5. Now, the Applicant is seeking to walk away from this requirement. Not only the application is unreasonable and is contrary to Policy E2 but also the timing of the application (e.g. the Application has been made before the Applicant even started the development (as confirmed on the application form) confirms that the Applicant did not have any intention to deliver the business and light industrial premises at the onset.
6. The change the Applicant applied for is also contrary to Policy G1 "Delivery and location of growth"
7. The importance of supporting the increases in demand for employment is emphasized in Section 2.1 of the Camden Local Plan.
8. As emphasized in Section 2.7 of the Camden Local Plan 2016, ***"It is important that development delivers not only homes, but also employment space together with the services and facilities that are needed to maintain and create healthy and sustainable communities where nobody gets left behind and everyone has a chance to succeed."***
9. The proposal is also contrary to policy C1: Community Health and Wellbeing which requires, among other objectives, Access to work and training. "Access to work and training – we want residents to benefit from the employment opportunities created by Camden's economic success", as confirmed in Section 4.14 of the Camden Local Plan 2016.
10. As confirmed in Section 4.50 of the Camden Local Plan 2016, ***"Policies E1 and E2 of the Local Plan seek to ensure there is a continuing supply of small and medium sized employment premises, which may be suitable for businesses in the arts and creative sector and facilitates the clustering of firms."*** Respectively, the application to walk away from the accepted requirements to provide commercial and light industrial premises at Bactol Low Rise Estate is contrary to respective policies.
11. Policy E1 specifically requires to:

*"support local enterprise development, employment and training schemes for Camden residents;" and to "support Camden's industries by:*

  - i. safeguarding existing employment sites and premises in the borough that meet the needs of industry and other employers;*
  - ii. supporting proposals for the intensification of employment sites and premises where these provide additional employment and other benefits in line with Policy E2 Employment premises and sites;"*

12. As stressed in Section 5.9 of the Camden Local Plan 2016., *“as well as safeguarding existing employment sites, we will seek the provision of innovative new employment floorspace in developments that will provide a range of facilities including: flexible occupancy terms; flexible layouts; studios; workshops; and networking, socialising and meeting space that will meet the needs of a range of business types and sizes.”*
13. Expanding on the matter further, at Section 5.10, Camden Council pledged *“We will also seek the provision of managed workspace or premises where this can be incorporated into developments with an employment component.”*
14. As confirmed at Section 5.13 of the Camden Local Plan 2016, *“To ensure that local residents benefit from employment opportunities, we will require suitable developments to provide training and employment opportunities on-site.”* Not only it is not in dispute that the employment opportunities can be provided on-site but also this was carefully researched. Not only it was confirmed that the employment opportunities can be provided on site but also the Applicant argued that such employment opportunities are some of the key benefits to be achieved as a result of undertaking the proposed redevelopment. It should also be noted that the applicant has spent a substantial amount of public funds drafting the employment units and promoting the scheme, both internally and externally, on the ground of employment benefits to be achieved.
15. Section 5.14 of the Local Plan 2016 explicitly confirms that *“Large schemes which have significant job creation potential will be expected to produce an Employment and Training Strategy to demonstrate how employment and training requirements will be addressed and supported. This will be agreed by the Council and secured via planning obligation.”* Now, having misled the Camden Cabinet and the local planning authority about the employment benefits the scheme should deliver, the Applicant is trying to walk away from the agreed and adopted planning obligations. Furthermore, since the Applicant is aiming to walk away from the adopted planning obligations even before the commencement of the scheme, it appears evident that the applicant did not even plan to comply with the planning obligations at the onset and, respectively, obtained the planning permission by misleading the Camden Council Cabinet and the local planning authority.
16. The application to dismiss the requirement to provide business and employment premises is also contrary to the Camden Planning Guidance 5: Town centres, retail and employment. It is not in dispute that *“An increase in the number and diversity of employment opportunities is fundamental to improving the competitiveness of Camden and of London.”*, as confirmed in Section 5.36 of the Camden Local Plan 2016.
17. As confirmed at Section 5.43 of the Camden Local Plan 2016. *“Where it is proposed to redevelop employment land for another business use, the Council will seek to retain features that will enable the flexible use of the premises for a range of business purposes. This will help to maintain the range of employment premises available and is especially important given the limited supply of non-office premises.”*
18. I have also managed to obtain further information on the loss of the social housing space following the proposed redevelopment of the Bacton Low Rise Estate. The information confirms that not only the amendment in the housing mix (with a substantial increase in the share of market housing at the expense of social rent housing) shall be rejected but also the Applicant needs to be required to (1) reprovide the social housing to be lost as a result of the demolition of the existing Bacton Low Rise Estate but also ensure that 50% of the incremental housing is affordable housing, including the compliance with the requirement that 60% of the latter being social rent housing.
19. It is not in dispute and was admitted by both the Applicant and its consultant Quod that the Gross Internal Area of the current Bacton Low Rise estate is 14,958 sqm. This includes a 100 sqm house being owned privately with the remaining 14,858 sqm being

social rent housing owned by the Local Authority. Respectively, pursuant to the concurrent implementation of policies H2: "Maximising the supply of self-contained housing from mixed-use schemes", H4: "Maximising the supply of affordable housing" and H5: "Protecting and improving affordable housing", the applicant has to deliver:

24,174.7 sqm of affordable housing, including at least 20,448 sqm of social rent housing. However, a detailed analysis of the scheme (as amended) confirms that, following the requested amendments, the Applicant is seeking to deliver only

- 17 x 1-bedroom social housing properties, 50 sqm each;
- 23x 2-bedroom social housing properties, 68.7 sqm each;
- 17x 3-bedroom social housing properties, 112.9 sqm each;
- 4x 4-bedroom social housing properties, 161 sqm each;

20. Respectively, the development, as amended, would result in delivery of only 4,919 sqm of affordable social rent housing which is about a third of the existing social rent housing space and less than a quarter required for compliance with the adopted policies (H2, H3 and H5).
21. It should also be noted that the scheme (as amended) is contrary to Policy H7: Large and Small Homes since the amended scheme would result in a net loss of 37 social rent houses, including 39 Large Houses.
22. Not only the Applicant fails to ensure that 50% of the incremental housing is affordable housing but even fails to replace the social rent housing to be lost as a result of the implementation of the amended scheme. Importantly, this is taken place when mothers with Children are being placed by the applicant into ill-suitable hostels and hundreds of other applicants with lower priority are being forced to sleep on the streets. In fact, the Camden Council has essentially defaulted on its responsibility to provide affordable housing to the eligible residents as, having admitted that it is unable to provide social housing, it had to disqualify most of the applicants on the housing list by materially changing the eligibility criteria.
23. Similarly, the amended scheme fails to comply with the adopted policies not only in respect of the total area of social rent housing but also in respect of intermediate housing. As shown below, the adopted policies also require providing 3,727 sqm of intermediate housing. Yet, the amended scheme would provide less than 1,300 sqm of intermediate housing (as confirmed on page 67 of the BLR MMA Application).
24. Compliance with the policies would have allowed providing the social rent housing floorspace not less than 20,448 sqm and not less than 3,726.7 sqm of intermediate housing. This is pursuant to the adopted policy requirements stating that policies H2, H4 and H5 have to be applied concurrently. The latter requires that (i) the scheme shall replace the loss of social rent housing first; (ii) and 50% of the incremental housing has to be affordable housing (with the allowed split in the 60%/40% proportion between social rent and intermediate housing). However, the promoters have provisioned less than 4,919 sqm of social rent housing, as shown in the tables below. This represents a shortfall of 15,529 sqm. In fact, not only the scheme fails to ensure that the affordable housing accounts for 50% of the net increase but, in fact, fails to even replace the existing social rent housing which amounts to 14,858 sqm (in fact, the new scheme replaces less than a third of the lost social housing).
25. The applicant alleged that the social housing provided at the DHO site has to be added. Not only this view is pervasive since the DHO and BLR are two separate sites, which is

not in dispute but also even in this case, there would still be a social housing shortfall of 11,518 sqm compared with the MINIMUM requirements of the adopted policies.

26. Respectively, contrary to the misleading allegations made by the promoters in the Statement of Reasons and, subsequently, in the Statement of Case, not only the proposed scheme fails to comply with the requirement that 50% of the new incremental housing shall be affordable housing (after providing a replacement social housing existed originally) but, in fact, fails even to replace the existing housing at the time Camden is facing such a serious social housing crisis that it had to materially change the eligibility requirements in 2015 and at the time mothers with children are confined to unreasonable hostel accommodation while many other individuals being forced to sleep on the streets.

Comparison of the Current Layout of the BLR with modified scheme shows loss of 2,201.4 sqm of social rent housing					
	% of the total (1)	Breakdown by type within affordable housing (2)	Floor Space by affordable housing type	Current layout (3)	Net loss
Intermediate housing	3.5	9.3%	1,299.07		
Social rent housing	34.1	90.7%	12,656.60	14858	2,201.4
Total affordable	37.6	100.0%	13955.67	14858	902.3
(1) Source: Tables on page 67 of the BLR MMA Application					
(2) Calculated by dividing a specific type of affordable housing by the total affordable housing					
(3) total residential area of the original BLR less 100 sqm in private ownership					

### Affordable housing to be provided pursuant to the policy requirements

Item	Description	sqm or %
A	Total size of the development following the requested changes, sqm (1)	33,491.4
B	Social rent housing in the existing Bacton Low Rise estate which has to be replaced (2)	14,858.0
C	Incremental increase in the floorspace (= A-B)	18,633.4
D	Percentage of affordable housing, pursuant to policies H2, H4 and H5	50%
E	Affordable housing in the incremental floor space, sqm (=C*D)	9,316.7
F	Percentage of social rent housing in the affordable incremental housing	60%
G	Space of social rent housing in the incremental housing, sqm (=E*F), not less than	5,590.0
H	Space of intermediate housing in the incremental housing, sqm (=E-G), not less than	3,726.7
I	Minimum space of social rent housing to replace social rent housing being lost and policies H2, H4 and H5, sqm (=B+G), not less than	20,448.0
J	Total affordable housing in the development, sqm (=H+I), not less than	24,174.7
K	Social rent housing expected to be provisioned in the amended scheme, sqm	12,656.6
L	Shortfall compared with the minimum requirements, sqm (= J-K)	11,518.1
M	Social housing loss from the existing level	2,201.4
(1) Source: Tables on page 67 of the BLR MMA Application		
(2) total residential area of the original BLR less 100 sqm in private ownership		

### The development to result in the Net Loss of 37 Social Rent Houses at the BLR site, including 39 Large Homes

		1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
A	Scheme mix as proposed (1)	19	48	32	7	1	107
B	Scheme unit mix, % (2)	6.10%	15.30%	10.20%	2.20%	0.30%	0.341
C	Development at the DHO site (3)	2	25	15	3	1	46
D	Development at the BLR site (=A-C)	17	23	17	4	0	61
E	Number of social housing dwellings at the current BLR (4)		38	56	4		98
F	Change (=D-F)	17	-15	-39	0	0	-37
G	Unit Size in the new development, sqm, (5)	50	68.7	112.9	142.4	161.3	
H	Total social housing GIA, BLR after development (=D*G), sqm	850	1580.1	1919.3	569.6	0	4,919

(1) Source: Tables on page 67 of the BLR MMA Application

(2) Source: Tables on page 67 of the BLR MMA Application

(3) Source: Table 3.1, Section 3.14 of the Proof of Evidence of Sean Bashforth, May 2016, number Q70101

(4) Source: Table 2.1, Section 2.6 of the Proof of Evidence of Sean Bashforth, May 2016, number Q70101

(5) Disclosed floor plans

27. Respectively, to comply with the policies adopted by the London Borough of Camden, the Applicant has to undertake commissioning of 24,175 sqm of affordable housing at Bacton Estate, including not less than 20,448 sqm of social rent homes. The latter includes 14,858 of social rent housing floorspace to replace the presently existing social rent housing owned by the London Borough of Camden on behalf of the Camden Residents and 5,590 sqm of social rent housing to comply with the requirement that not less than 30% of the incremental housing has to be social rent housing (e.g. 60% of the total affordable housing with the latter being not less than 50% of the total incremental space).
28. 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 CAMDEN LOCAL PLAN 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 CAMDEN LOCAL PLAN 2016, p77).
29. Sections 3.131, 3.132 and 3.133 of the CAMDEN LOCAL PLAN 2016 provide the requirements to be complied with during redevelopment of affordable housing stock. The major requirements are:
30. 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 CAMDEN LOCAL PLAN 2016 (p78). Being misdirected by the promoters, the Applicant has failed to comply with either of the policies.

*“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.” – S 3.131 of CAMDEN LOCAL PLAN 2016, p 78.*

31. **FAILURE TO PROTECT EXISTING SOCIAL RENT HOUSING REQUIRED BY THE ADOPTED POLICIES H2, H4 AND H5.**
32. As disclosed in the planning application and the evidence of Mr. Sean Bashford, the total GIA of Bacton estate is 14,958 sq.m. As admitted by the Applicants, there is currently only one privately owned property with the GIA of 100 sq.m. Respectively, the remaining 14,858 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.
33. Now, with the proposed cancellation of 25 3-bedroom units and 2x 5-bedroom units, the scheme is going to further deviate from the adopted policies reflecting the needs of the Camden residents.
34. It is alleged by the applicant that if the regeneration is implemented, social rent houses delivered at Bacton Low Rise Estate will account for only 4,919 sqm which is not even sufficient to replace the affordable housing being demolished, let alone to comply with the requirement of concurrent application of policies H2, H4 and H5. In fact, not only the amended scheme fails to ensure that 50% of the incremental housing is affordable housing

but, on the contrary, results in a net loss of almost 10,000 sqm of social rent housing and, therefore should be resisted under both the Camden Council and the GLA policies. 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 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.

35. It is understood that the Applicant will likely wish to rely on the expectation of delivering 1299 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:
  - a. *"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*
  - b. *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."*
36. Furthermore, the policy requires delivering at least 3,726 of intermediate housing which, in any case, is almost 200% higher than provisioned by the Applicant in the amended scheme.
37. 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.
38. 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."
39. 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.
40. 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."
41. 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."
42. Respectively, under the existing policy, the project requiring demolition of the Bacton Estate that has 14,858 sqm of social rent floorspace has to deliver at least identical social rent floorspace in the new development to replace the existing floor space and a further



9,317 sqm (e.g. 50% of the incremental floor space) of affordable floorspace. Furthermore, not less than 60% of the latter has to be social rent floorspace. Respectively, compliance with the adopted policies requires delivering not less than 24,175 sqm of affordable housing floorspace, including not less than 20,448 sqm of social rent floorspace (the latter figure includes the social rent floorspace required for replacing the existing social rent floorspace, pursuant to policies H2, H4 and H5). Given that the scheme, as amended, would deliver only 4,919 sqm of social rent housing (which is not sufficient even to replace the social housing being destroyed) and less than 1,300 sqm of intermediate housing (which is about a third of the policy requirements), it is evident that the scheme (as amended) fails to comply with adopted policies.

43. Given that the Applicant intends to deliver 61 social rented flats at Bacton Estate, mostly small 1-bedroom flats, at the cost of destroying 98 purposely built terraced houses, including 60 large houses, as defined in Policy H7: Large and Small Homes, it is evident that the scheme (as amended) is contrary to the adopted planning policies.
44. 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. Yet, the policies require a concurrent application of policies H2, H4 and H5. Respectively, the scheme should replace the affordable housing being lost and provide 50% of the additional stock as affordable housing. As can be seen, the scheme profoundly fails to even replace the existing social rent stock. Furthermore, the Cabinet was misled or misdirected to believe that only those public benefits that are not deliverable without the CPO have to be weighted against the private loss.
45. The highlighted incompliance of the scheme with the adopted policies shows just part of the shortcomings which are substantially larger if a closer inspection of the proposal is undertaken. It should be noted that only 61 out of the proposed 107 social housing dwellings will be placed at the Bacton Low Rise site since the total includes 46 dwellings to be built at the District Housing Office site.
46. Respectively, as shown in the table below, the scheme will result in the net loss of 37 social rent homes, including 39 Large Homes, contrary to policies H2, H4, H5 and H7. In fact, as shown in line F of the table below, the net result will be the loss of 39 Large 3-bedroom social homes (which are in an acute shortage in Camden) and loss of 15 2-bedroom social homes. This will be only partially mitigated by the construction of 17 1-bedroom flats. Respectively, the net result will be the net loss of 37 Large Homes at the time the Council is suffering from the acute shortage of social housing. It is evident that the impact in terms of the number of homes will be amplified by the material difference in the size of the dwellings lost (mostly large 3-bedroom homes) and the dwellings created (small 1-bedroom flats).

**The development to result in the Net Loss of 37 Social Rent Houses at the BLR site, including 39 Large Homes**

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(4) Source: Table 2.1, Section 2.6 of the Proof of Evidence of Sean Bashforth, May 2016, number Q70101

(5) Disclosed floor plans

47. Since the scheme, pursuant to the policy requirements, shall produce 14,858 sqm of social housing floorspace to replace the social housing floorspace being lost and a further 5,590 sqm of social housing floorspace to comply with the policy requirements (e.g. 60% of the affordable housing which shall be not less than 50% of the total incremental housing, pursuant to the adopted policies) while the total social rent housing provisioned in the amended scheme is only 4,919 sqm, there is a shortfall of at least 15,529 sqm (or 166,936 sq feet) of affordable housing compared with the level required by the adopted policies. Having conservatively assumed the valuation of the social housing at 800 pounds per square foot (vs. the average market level hovering at 1,400/sqf), we conclude that the scheme promoters cause the damage of 133.6 million pounds (even assuming that the promoters won't reduce their liabilities further and the public won't have to provide further subsidies to the promoters).

**48. Given the social housing crisis, the Local Authority would have to secure funds to either buy or build the affordable housing which the promoters fail to provide under the scheme. As highlighted above, the estimated costs are likely to exceed 136 million pounds in incremental public funds. Given the social housing crisis and the acute shortage of public funds, it is not acceptable to require the general public to subsidize the developers (e.g. Rydon Construction) and the estate agents (e.g. Savills Estate Agents which will pocket 1.95mn pounds under the contract) at the expense of the public.**

**49. Respectively, I am seeking the application for the minor material amendment requested by the applicant in the application Ref 2016/5358/P to be rejected and the original planning permission REF. 2012/6338/P to be withdrawn.**

**Statement of truth: I believe the facts stated in this application are true.**

Kind regards,



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