

Statement of Case

December 2016

Planning Inspectorate Reference: APP/X5210/W/16/3165200

Appellant: One Housing Group

Local Planning Authority: London Borough Camden

Bangor Wharf
Georgiana Street
London
NW1 0QS

Prepared by

Spenthorpe Ltd

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1. INTRODUCTION & BACKGROUND

1.1 This Appeal Statement relates to Bangor Wharf, Georgiana Street, London Borough Camden, NW1 0QS (hereafter referred to as 'the appeal site'). It has been prepared on behalf of One Housing Group ('the Appellant') by Spenthorpe, (Planning Consultant) and respective co-consultants including Tranter McManus Architects, BNP Paribas (Viability and Affordable Housing), Broad Oak Tree Consultants (Arboriculturist), CHP Surveyors (Sunlight and Daylight), Connisbee (Flooding and Drainage) and CPWP (Energy and Sustainability).

1.2 The planning application subject of this appeal was submitted to London Borough Camden Local Planning Authority ('LPA') 26th February 2016 and sought planning permission and Conservation Area Consent for the following;

“Demolition of all buildings on-site and new buildings of 1-6 storeys in height to include 46 residential (C3) units (18 x 1 bed, 19 x 2 bed and 9 x 3 bed) of which 30 market units and 16 affordable, new office (B1a) floorspace (604m² GIA) and associated works to highways and landscaping.”

1.3 The planning application was validated by the LPA 2nd March 2016 and provided with reference; 2016/1117/P.

1.4 In light of comments received from representatives of the LPA, the Appellant sought to make a number of amendments to the scheme during the determination period. It should however be noted that Officer's representing the LPA advised by way of e-mail dated April 13th 2016, that,

“We will not be entertaining any amendments to the scheme. You will either need to withdraw it and work with us to find a solution or allow us to make a decision in its current form.”

1.5 The above-mentioned Officer statement is at odds with the obligation placed upon LPA's to determine planning applications in a positive and proactive manner (paragraphs 186 and 187 of the National Planning Policy Framework). The Officer's response also sits against a background of several months of pre-application discussions and the fact that 2 months of the statutory determination period remained at the point the above feedback

was received which could have allowed sufficient time to address a number of queries raised by Officers which have ultimately led to reasons for refusal. The Appellant wishes to continue discussions, as part of the appeal process to understand if any of the additional information appropriately submitted addresses the cited reasons for refusal. This is particularly relevant in the case of reason for refusal 15 – Sustainability and Energy.

1.6 The LPA's reasons for refusal are set out within its decision notice dated 17th June 2016 (**Appendix 2**) and in summary relate to the following;

- Proposed loss of employment space,
- Housing Mix and limited family sized units,
- Quality of proposed residential units,
- Provision towards wheelchair housing,
- Affordable Housing,
- Height, scale, massing and detailed design,
- Inactive frontage to Georgiana Street Elevation,
- Type and layout of cycle parking,
- Outlook, privacy and daylight,
- Removal of the Willow tree,
- Absence of a legal agreement (Construction Management Plan, Highways Works, Travel Plan, Car Free Development and Local Employment) (Reasons 11 to 14 and 16 to 18).
- Details regarding Decentralised Energy Network, BREEAM Assessment, water consumption, drainage calculations and Co2 Targets; and
- Enhancement of the adjacent canal.

1.7 This Appeal Statement sets out the Appellant's Statement of Case in response to the stated reasons for refusal. The Appellant intends to amplify upon the Statement of Case once the LPA has confirmed its position in respect of the submission of additional material made during the course of determination and hence has fully articulated its reason (s) for refusal.

2. SITE AND SURROUNDING AREA

Overview

- 2.1 A description of the appeal site and surrounding area is provided within the Statement of Common Ground prepared in pursuance of the appeal. In addition, the Design & Access Statement accompanying the original application submission provides a comprehensive assessment of the appeal site and its key characteristics.

3. PLANING HISTORY

- 3.1 There are no planning applications in respect of the appeal site that are of relevance to the determination of the appeal proposal.

4. PLANNING POLICY CONSIDERATIONS

Overview

- 4.1 In accordance with the Planning Inspectorate Good Practice guidance notes the planning policy context relevant to the appeal proposal is not set out within this Statement, rather it is contained within the Statement of Common Ground. Accordingly, the premise to the relevant policy context and how the appeal proposal accords, is provided alongside the Appellant's Case within Section 5 – Ground of Appeal.

5. GROUNDS OF APPEAL

- 5.1 As identified within Section 1 of this Statement, the planning application subject of this appeal was refused for 18 no. reasons. These reasons are set out below and considered individually based on the relevant planning and material considerations.

REASON FOR REFUSAL 1 – LOSS OF EMPLOYMENT

- 5.2 *“The proposed development, due to loss of employment space and the quality and type of space provided, would fail to support growth in economic activity in Camden and result in the loss of employment opportunities within the borough contrary to Policy CS8 (Promoting a successful and inclusive economy) of the London Borough of Camden Local Development Framework Core Strategy and DP13 (Employment sites and premises) of the London Borough of Camden LDF Development Policies, Policies 2.15 and 4.2 of the London Plan 2016 and paragraphs 14, 17 and 18-23 of the National Planning Policy Framework 2012.”*
- 5.3 The planning policies cited by the Council in support of its first reason for refusal are concerned with ensuring that LPA’s plan proactively to meet the development needs of businesses and support an economy fit for the 21st Century. It is however noted that national policy highlights that land and buildings should be treated on their merits and relative need; and long-term protection of employment sites should be avoided, particularly where they can be utilised to deliver much needed housing. Similarly, the London Plan seeks to promote the continued development of a strong and sustainable economy by ensuring the availability of sufficient and suitable workspaces whilst at the same time utilising poorly performing sites for residential purposes, particularly through managed release.
- 5.4 At the local level, the Council’s Site Allocations DPD (Adopted 9th September 2013 – Site Reference 35: Bangor Wharf, Georgiana Street) identifies the appeal site for redevelopment and intensification to deliver replacement employment floorspace and residential use.
- 5.5 In terms of providing specific guidance on the quantum of employment floorspace envisaged at the appeal site, Officers representing the LPA provided feedback at a series of pre-application meetings.

- 5.6 At a meeting 10th June 2014 Officers explained that the, *“existing floorspace on site should be maintained or increased and that this should be the starting point for incorporating any replacement employment floorspace at the site”*. It was however acknowledged by Officers, *“that such an amount might be difficult to achieve. It is considered that Officers may be willing to consider partial replacement of the employment floorspace on the site, providing it is of suitable standard (taking into account a comparison of the existing and proposed – as detailed above) and the scheme delivers other tangible planning benefits in accordance with other policies (such as, for example, on-site affordable housing, comprehensive employment, training and local procurement obligations).”* (Reference – Para 8, Page 3, LB Camden Pre-Application Feedback, no date provided– **Appendix 3**).
- 5.7 Having established the flexibility referred to by Officers in applying relevant planning policy, the Applicant presented to Officers an emerging proposal as part of further pre-application discussions. That scheme made provision for 537 sq.m of B1 floorspace at ground floor level. It was considered by Officers that, *“The provision of employment floorspace is welcomed and complies with the objectives of CS8, DP1 and DP13”* (Reference – Para 3, Page 3, LB Camden Pre-Application Feedback, dated 2nd April 2015 – **Appendix 4** and e-mail from Kathryn Moran, dated 3rd March 2015).
- 5.8 Whilst the initial pre-app meetings established an acceptable amount of replacement employment floorspace, it should be noted that the Applicant sought to increase the employment floorspace proposed as part of a subsequent scheme to 815 sq.m. However, due to concessions made by the Applicant in respect of height and inter alia the quantum of residential development, the amount of employment floorspace was subsequently reduced to 515 sq.m.
- 5.9 In terms of the provision of 515 sq.m of employment floorspace, Officer’s advised by way of formal letter dated 23rd December 2015 that, *“it is noted that the previous pre-application proposal under 2015/0278/PRE provided 851 sq.m of B1 office floorspace at ground floor level which was largely considered acceptable in officer opinion* (Reference – Para 7, Page 2, LB Camden Pre-App Feedback, dated 23rd December 2015 – **Appendix 5**). *The current submission would only provide 515 sq.m which is a loss of 622 sq.m of employment floorspace. No justification for the significant loss of employment floorspace has been given. The loss of this level of employment space is considered unacceptable as*

it is contrary to Council policy which seeks to retain land and buildings that are suitable for continued business use”.

- 5.10 Having regard to the above it is clear that relevant planning policy seeks to provide flexibility in respect of safeguarding employment floorspace for other uses, particularly for residential purposes. This is reflected in pre-application feedback received from the LPA whereby it was confirmed a partial reduction in the existing amount of employment floorspace was acceptable, as part of any redevelopment proposal forthcoming. Indeed, the difficulty in delivering existing or increased employment floorspace has been acknowledged by Officers during the course of pre-application discussions. It is however the acceptable amount of replacement employment floorspace that differs between Officers. Initially 537 sq.m was considered acceptable (**Appendix 4**) but the threshold was subsequently increased to 851 sq.m (**Appendix 5**). Importantly the latter figure has been cited by Officers without any form of reasoned justification whereas the former figure was seemingly based on an understanding of the site constraints and opportunities and wider policy objectives for the appeal site, as appropriately referenced in pre-application feedback.
- 5.11 The appeal proposal seeks to provide for 686 sq.m (GEA) of flexible employment floorspace designed to meet the needs of start up businesses and SME's and 46 no. residential units, including 16 no. as affordable. The level of employment floorspace is understood to represent the maximum provision having regard to the wider objectives for the site including the delivery of much needed market and affordable housing which was initially acknowledged by Officers as being a key consideration in determining the appropriate amount of replacement employment floorspace.
- 5.12 Having regard to the relevant planning policy context and officer feedback, particularly that which acknowledged the difficulties in maintaining or increasing floorspace as part of any redevelopment proposal, the Appellant argues that appeal proposal appropriately balances the competing land use demands for the site by making an efficient use of a poorly performing employment site to deliver new and improved employment floorspace and residential (stated priority land use) as well as other stated policy objectives.

Employment Land Supply – Borough Wide

- 5.13 In addition to the above, it is argued that the reduction in employment floorspace will not demonstrably impact upon Camden's local economy, particularly when supply appears to outstrip demand. It is understood from the Council's Employment Land Review (2008) ('ELR') that Camden as a Borough will benefit from a net gain supply of 468,000sq.m of office floorspace from outstanding permissions which will provide a generous 15 year supply of office floorspace to the borough and that this provision will more than exceed the office floorspace requirement to 2016.
- 5.14 In line with the projected oversupply identified in the ELR the Council's Annual Monitoring Report (2013/2014) identifies a net gain of 57,914 sq.m of B1 floorspace in 2013/2014 alone (reference para 13.1). Over the past 5 years the Council has seen a net gain of approximately 45,121 sq.m employment floorspace of which the majority has been directed to the Council's identified growth areas.

Employment Floorspace – Qualitative Benefits

- 5.15 A further consideration in respect of the issue of replacement employment floorspace is that the proposed office accommodation will better meet modern needs of businesses, providing an appropriate environment that is fit for purpose and which provides a more valuable and viable workspace than currently exists. By providing updated office accommodation in this location, the proposal will provide space which is more akin to the current market and will also create new opportunities to support small and medium enterprises and new business start-ups. Currently the site provides zero employment opportunities as it is vacant. Conversely the proposal which seeks to deliver 686 sq.m would deliver an estimated 50 full time jobs (source; DJD Employment Densities Guide 2nd Edition 2010). This figure excludes those employment opportunities associated with maintaining the site (cleaners, security guards etc) as well as those involved in the construction phase.

Other Tangible Benefits

- 5.16 As part of the pre-application feedback received from Officers dated 10th June 2014 it was advised that the reduction in employment floorspace would also be considered in light of the other tangible benefits which are arguably derived from the appeal scheme, including;

- Improvement to the appearance of the site and by virtue of this the character and appearance of the conservation area achieved principally through the removal of the existing buildings and replacement with a high quality scheme.
- Efficient use of a vacant and under utilised brownfield site in a high sustainable location.
- Increasing vitality within the immediate area and in particular the canal and Georgiana Street by brining the site back into active use; and
- The delivery of the Council’s priority land use in the form of housing, including the provision of much needed affordable housing and in this context an above policy target contribution towards the tenures in greatest need i.e. rented accommodation.

REASON FOR REFUSAL 2 – HOUSING MIX

5.17 *“The proposed development, by reason of the small proportion of family sized units in the residential mix, would fail to contribute to the creation of mixed and inclusive communities, contrary to CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy, policy DP5 (Homes of different sizes) of the London Borough of Camden Local Development Framework Development Policies and policy 3.8 of the London Plan 2016.”*

5.18 The Development Plan identifies that dwelling mix will be adjusted accordingly in relation to the site’s location and to maintain strategic and local housing supply targets. Local planning context identifies the following priorities;

Market:

- 2-bed - 40% (homes with 2-beds are highest priority, homes with 3-beds and 4-beds+ each have a medium priority; 1-bed are lower in priority).

Social

- 4-bed+ 50% (4-bed+ are highest priority; 3-bed are high priority; 2-bed are medium priority; 1-bed are lower in priority).

Intermediate

- 3-bed+ 10% (3-bed+ are highest priority but homes of all sizes are required; 1-bed are medium in priority).

5.19 The Council's Annual Monitoring Report 2013/14 explains that;

“the council will aim for at least 50% of social rented dwellings and 10% of intermediate affordable dwellings to be large homes with 3-bedrooms or more, and for at least 40% of market housing to contain 2-bedrooms.”

5.20 In terms of the proposed market units, the scheme provides for 14 no. 1 bed units (42%), 12 x 2 bed units (36%) and 7 x 3 bed units (21%). With respect to the Council's highest priority for 2 bed market housing the scheme is just 4% below that required (36% provision against a target of 40%). There is no specific percentage requirement for 1 or 3 bed units. It is the case that 100% of the proposed social rented housing are 3 bed 5 person units. In addition there are 6 x 2 beds and 1 x 1 bed (fitted out to full wheelchair standards) being provided for affordable rent. Whilst the scheme is unable to support 10% 3 bed units for intermediate, 1 x 2 bed is provided which is identified by the Council as being high priority and 3 units are allocated as 1 bed units which is identified by the Council as being medium priority.

5.21 It is considered that the proposal provides for a good mix of units that balances the requirements of policy against site constraints and viability considerations, as allowed for within relevant planning policy. Indeed, the flexibility enshrined within policy is reflected through the Council's AMR which explains that during 2013/2014 only 21% large social rented units were secured (compared to the 50% target), 0% large intermediate units (compared to 10% target) and 44% 2 bed units (4% above the target).

5.22 Based on the performance against the policy targets, the Council is well aware of the practical issues associated with delivering its preferred housing mix, albeit this scheme exceeds past performance rates.

REASON FOR REFUSAL 3 – QUALITY OF RESIDENTIAL ACCOMMODATION

5.23 *“A number of the proposed residential units by reason of the poor quality of their access to outlook, light, external amenity space and due to overlooking and privacy issues, would result in sub-standard accommodation, which would be harmful to the amenities of future occupiers, contrary to core policies CS5 (Managing the impact of growth and*

development) and CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 (securing high quality design) and DP26 (managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Policies and policy 3.5 of the London Plan 2016.”

- 5.24 Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key priorities for the Mayor of London and Policy 3.5 of the London Plan 2016 requires new housing to be attractive and spacious. Camden’s Development Plan policies also require high standards for all new homes and protection of the amenity of existing homes as expressed in Core Strategy Policies CS5 and CS6 and Development Management Policies DP24 and DP26.
- 5.25 The application floor plans (drawings 194/PL05-10) show that 90% of the proposed homes are dual aspect, with the few that are not being south-facing 1 beds. All apartments will have views of the canal, including the affordable homes, and all windows will have a good outlook, given the constrained nature of this urban site and the need to provide privacy screens in some locations. All new homes will therefore have access to good quality outlook in accordance with Camden Policy DP26.
- 5.26 All the new homes meet the requirements for good levels of internal daylight as shown by paragraph 10.1 of the Daylight and Sunlight Report produced by CHP Surveyors Ltd submitted as part of the planning application. All new homes will therefore have access to good quality light in accordance with the requirements of Camden Policy DP26.
- 5.27 The proposed floor plans (drawings 194/PL05-10) show that all apartments have private balconies or roof terraces at least equal to the minimum areas required by Camden and GLA policy and with many that are bigger. In addition the proposals include provision of on-site shared amenity space at ground and first floor levels. Section 4.06 of the Design & Access Statement submitted with the application shows that the courtyard at ground level will provide 484m² of shared amenity space and that a further 146m² will be provided at first floor with a roof terrace providing shared amenity space exclusively for the affordable housing. Both amenity areas will include informal play space that can be used by children of all ages. All apartments will therefore have access to external amenity space, both private and shared, in accordance with the requirements of Camden Policy DP24 and the Mayor’s Housing SPG.

- 5.28 The application floor plans (drawings 194/PL05-10) show the majority of homes will have windows that are at least 18m away from windows to habitable rooms in the other building and where this is not the case, the windows are not directly facing one another. This means that there will be no overlooking or privacy issues for future occupiers as required by Camden Policy DP26.
- 5.29 The above shows that the proposed scheme will not provide sub-standard accommodation which would be harmful to the amenity of future occupiers, rather that the design of the new homes will allow all future residents to enjoy a high standard of amenity in accordance with Camden Policies DP24 and DP26 and Policy 3.5 of the London Plan 2016.

REASON FOR REFUSAL 4 – PROVISION OF WHEELCHAIR HOUSING

- 5.30 *“The proposed development, by reason of not providing 10% of the units in accordance with wheelchair housing standards, would fail to give access to a range of housing types suitable for people with mobility difficulties, contrary to CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy, policy DP6 (Lifetime homes and wheelchair housing) of the London Borough of Camden Local Development Framework Development Policies and policy 3.8 of the London Plan 2016.”*
- 5.31 Camden’s Policy DP6 requires that all new housing meets Lifetime Homes standards. This has since been withdrawn and replaced by new standards contained within Building Regulations. The Mayor’s Housing SPG 2016 requires 90% of new housing to be designed to meet Building Regulation requirement M4 (2) ‘accessible and adaptable dwellings’ and 10% to meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’, ie 10% are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users in accordance with Policy 3.8 of the London Plan 2016.
- 5.32 The proposed floor plans (drawings 194/PL05-10) show that 90% of the new homes have been designed to meet Building Regulation requirement M4(2) and 10% to meet Building Regulation requirement M4(3).
- 5.33 The ground floor plan (drawing 194/PL05) and Section 4.02 of the Design & Access Statement show one of the apartments has been designed to be fitted out to meet full wheelchair standard from the outset and the upper floor plans (drawings 194/PL06-10)

show that four others have been designed to be easily adaptable to full wheelchair homes, making a total of five homes designed to meet Building Regulation requirement M4(3) ie more than 10%.

- 5.34 The homes are provided across a range of housing tenures, with more than 10% provided for affordable/social rent (1 no apartment fully fitted out for a specific user), none for intermediate (as 10% of 4 apartments would not result in the need) and with more than 10% provided for private sale (4 no 1 bed apartments at 56m² and designed to be easily adaptable to full wheelchair use) all of which is fully in accordance with Camden's Policy CS6 and Policy DP6 and London Plan 2016 Policy 3.8.

REASON FOR REFUSAL 5 – PROVISION OF AFFORDABLE HOUSING

- 5.35 *“The proposed development, by reason of the quantum, tenure and quality of the affordable housing proposed, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policies CS6 (Providing Quality Homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies, policies 3.8, 3.10, 3.11 and 3.12 of the London Plan 2016 and paragraphs 47, 50 and 173 of the NPPF 2012.”*
- 5.36 BNP Paribas Real Estate (“BNPPRE”) prepared a viability report dated **25 February 2016** to support the planning application. The viability report tested the Applicant’s proposed scheme with provision of 29% affordable housing and set out the assumptions regarding the proposed scheme values and costs. The proposed scheme with this level of affordable housing generated a Residual Land Value (“RLV”) of £7,097,310. In order to assess whether the proposed scheme is viable, the RLV was compared to an appropriate viability benchmark. In this case, BNPPRE were provided with an Alternative Use Value (“AUV”) scheme by the Applicant’s architect which was based on an alternative proposal for the site for the provision of 10 houses with a policy compliant level of affordable housing (10%). The AUV scheme generated a value of £7,796,208.

TABLE 1 - VIABILITY RESULTS – 25 FEBRUARY 2016 INITIAL REPORT

Benchmark Basis	Affordable Assumptions	RLV	Viability Benchmark	Surplus/Deficit generated against benchmark
Based on original AUV scheme of 10 houses	29% AH	£7,097,310	£7,796,208	-£698,898

5.37 Table 1 sets out the proposed scheme viability position based on the AUV scheme of 10 houses. However, the Council subsequently advised that this AUV scheme could not be considered to have reasonable prospects of securing planning consent; therefore another AUV scheme was prepared. BNPPRE's Viability Assessment Addendum report dated **23 March 2016** was subsequently prepared, based on a further AUV scheme, based on a similar designed scheme to the proposed scheme, but with a higher proportion of commercial floorspace, and a policy compliant level of affordable housing. The revised AUV scheme generated a lower viability benchmark value of £6,994,516. The revised results are set out in Table 2.

TABLE 2 - VIABILITY RESULTS – 23 MARCH ADDENDUM REPORT

Benchmark Basis	Affordable Assumptions	RLV	Viability Benchmark	Surplus/Deficit generated against benchmark
Based on revised AUV scheme	29% AH	£7,097,310	£6,994,516	£102,794
Based on revised AUV scheme	Additional AH unit	£6,947,369	£6,994,516	-£47,147

5.38 Compared to the lower viability benchmark, the proposed scheme with 29% affordable housing generated a surplus of £102,794. However, further analysis indicated that if an additional affordable housing unit were to be provided, the result would be a deficit against the lower benchmark, and therefore this would be unable to provide additional affordable

housing. The provision of an additional shared ownership unit generated a deficit of £47,147.

5.39 Subsequent to the submission of the 23 March viability report addendum, the Council advised that they would not consider any AUV scheme appropriate for use as a viability benchmark and requested that a further viability report was submitted based on an Existing Use Value as viability benchmark. Therefore the Applicant instructed Savills to undertake a formal RICS “Red Book” Valuation of the site in its existing use. BNPPRE then prepared a further viability report addendum dated **18 May 2016**. The reported EUV of the site was £5,150,000. BNPPRE added a premium of 20% to the EUV to generate a revised viability benchmark of £6,180,000. The revised results are set out at Table 3.

TABLE 3 - VIABILITY RESULTS – 18 MAY ADDENDUM REPORT

Benchmark Basis	Affordable Assumptions	RLV	Viability Benchmark	Surplus/Deficit generated against benchmark
Based on EUV + Premium	29% AH	£7,097,310	£6,180,000	£917,310
Based on EUV + Premium	33% AH	£6,197,712	£6,180,000	£18,712

5.40 When compared to the lower viability benchmark, the proposed scheme with 29% affordable housing generated a surplus of £917,310. Our further analysis indicated that against the lower EUV + premium benchmark, the proposed scheme could support an additional 3 shared ownership units, which brought the total AH provision to 33%.

5.41 Policy CS6 is clear that the Council’s Affordable Housing Target is applied on the basis of site specific viability. The Appellant’s evidence sets out that the Appeal Scheme cannot provide more than 33% Affordable Housing, and therefore having demonstrated that 33% affordable housing is maximum reasonable percentage of affordable housing, the Appeal scheme satisfies the requirement of Policy CS6.

REASON FOR REFUSAL 6 - HEIGHT, MASS, SCALE AND DETAILED DESIGN

- 5.42 *“The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the streetscene, canalside setting and the character and appearance of the wider area while failing to either preserve or enhance the character and appearance of the Regent's Canal Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.”*
- 5.43 The proposals have been carefully considered in relation to their impact on their surroundings and the setting of the Conservation Area from the outset. The site is located close to the centre of Camden Town and has a PTAL rating of 6a, almost the highest, meaning that it is suitable for intensification and the addition of as much housing as possible. The Camden Site Allocations Local Development Document Sept 2013 for Site 35 requires development to maintain employment uses on the site and to ‘.....*optimise the potential of the site to provide new housing (including affordable housing)*...’ (Site Allocation Guidance, bullet point 1). Given that the site falls within the Regents Canal Conservation Area however limits the height of any proposed development to ensure it fits well within its context and does not detract from its character and appearance. It says: *‘The character of this section of the Regents Canal is fairly open so any development should avoid excessive bulk and massing along the canal and ensure that views of the canal are improved.’* (Site Context, para 3). It also says *‘Any new development in the western portion of the site should consider these properties (Royal College Street) and not significantly worsen the relationship with these habitable room windows. This is likely to limit the height of development on this part of the site’* (Further Information, para 3).
- 5.44 Consideration of the above factors in developing the proposed layout, height, mass and scale is included in Sections 4.03 and 4.04 of the Design & Access Statement and explains how the design evolved. Initially, taller buildings were proposed on the canal and Georgiana Street but, following pre-application feedback and public consultation feedback, the proposals were changed to include buildings of 1, 2, 3, and 5 storeys with a fifth floor set back from the building’s edge. This was supported by Officers during the application

period when the Case Officer sent an email on 7 April saying: ‘...the layout, scale and orientation of the proposed buildings are, in general terms, considered to be appropriate to the site and broadly supported.’ (Para 5) The height, mass and scale cannot therefore be seen to be detrimental to the streetscene, canalside setting and the character and appearance of the wider area and used as a reason for refusal since Officers have clearly stated they support the proposals.

- 5.45 Detailed design is subjective and we do not agree with Officers’ objections to the proposals. However, the detailed design, which is described in Section 4.05 of the Design & Access Statement, was the subject of feedback during the application and some amendments were made to the principal elevations in response. Most of the feedback was in connection with the elevation onto Georgiana Street. This is designed to provide visual interest in oblique views when approached along the street, rather than to be seen solely as an elevation. The sense of rhythm of the composition and the ground floor’s deep reveals give it a unified appearance. The generously wide and splayed entrance to the courtyard allows views through to the courtyard and canal beyond. The single step at the western end of this frontage acts as a transition between the small two storey building at no 54 Georgiana Street and the taller building. We believe these features enhance the streetscene and the character and appearance of this part of the Conservation Area.
- 5.46 Section 4.05 also explains how the detailed design of the canalside buildings, with their full height bays, alludes to the industrial heritage of the site and to the Victorian warehouse on the site adjacent at Eagle Wharf. The inclusion of publicly-accessible, high quality hard landscape in the courtyard will provide attractive, enjoyable and valuable amenity space for employees, residents and neighbours.
- 5.47 As a result of all the above, the detailed design will not be detrimental to the streetscene, canalside setting and the character and appearance of the wider area nor fail to either preserve or enhance the character and appearance of the Regent’s Canal Conservation Area in accordance with Camden Policies CS 5 and CS14 and with Policies DP24 and 25.

REASON FOR REFUSAL 7 – ACTIVE FRONTAGE TO GEORGIANA STREET

- 5.48 *“The proposed development, by reason of its design, layout and addition of gates, which fail to maximise the active frontage to Georgiana Street, would be detrimental to the streetscene and the character and appearance of the Regent’s Canal Conservation Area,*

and would fail to increase perceptions of safety and reduce the opportunities for crime, CS14 (Promoting high quality places and conserving heritage) and CS17 (Making Camden a safer place) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies.”

- 5.49 The ground floor plan (drawing 194/PL05) clearly indicates that the proposed development has been designed to maximize the active frontage to Georgiana Street with over two-thirds of the street frontage given over to building entrances and glazed shopfronts to the B1 business units. UKPN and the proposed building's maintenance team both require 24 hour access with vehicles to the new sub-station and the CHP plant room so they need to be placed at the back of pavement. They have been located together at the western end of the frontage, where they are discreetly recessed behind a projecting former shop unit at no 54 Georgiana Street, to reduce their visual impact and keep the less active frontage to a minimum.
- 5.50 The character of the Conservation Area at this end of Georgiana Street is currently one of anonymous and nondescript commercial buildings and yards with blank walls and high level windows, if there are any at all. The design and layout of the proposal, with its multiple entrances and large shopfronts, will greatly enliven and enhance the character of this part of the street.
- 5.51 Given that servicing elements need to be incorporated, they have been designed to be as discreet as possible and to enable the maximum amount of active and visually interesting frontage at street level to improve the streetscene and the character and appearance of the Regent's Canal Conservation Area, all in accordance with Camden's Policies CS14 and DP25 and DP29
- 5.52 The proposed development provides new public open space as a courtyard, permitting step-free public access to the waterside for the first time. All parts of the proposed development are designed to be legible and step-free to ensure full accessibility for all. The courtyard and entranceway will be fully overlooked and will have entrances to both residential and business premises opening from them, providing natural surveillance to those passing through or using the courtyard as amenity space. The entranceway will be well-lit and one of the business units will have a window looking onto it. In order to keep

the proposed buildings' users safe after dark the courtyard will be secured through the use of gates, which will increase perceptions of safety and reduce opportunities for crime. The design and layout of the proposed development will therefore be safe and easy to use in accordance with Camden's Policies CS17 and DP29.

REASON FOR REFUSAL 8 – TYPE AND LAYOUT OF CYCLE PARKING

- 5.53 *“The proposed development, by reason of the type of cycle parking and its layout and location, would discourage the ownership and use of cycles as a sustainable form of transport, contrary to Policy CS11 (Promoting sustainable and efficient travel) and policies DP16 (The transport implications of development), (DP17) Walking, cycling and public transport and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.*
- 5.54 The submitted ground floor plan (drawing 194/PL05) shows how the proposal provides 76 residential cycle parking spaces in three separate, internal and secured cycle stores. There are also 8 spaces provided in the courtyard for business use. Two of the internal stores are located close to or accessed off building entrances and the third is a short walk from the building entrance. This provides a choice of storage locations to suit differing cyclists' needs and with the one that is located underground being accessed via steps with a wheeled ramp for cycles, the same as that found on many of the access points to the canal towpath.
- 5.55 Provision of 76 spaces exceeds the requirements of Appendix 2 of the Camden Development Policies and Policy DP18 and fully complies with the more onerous Policy 6.9 and Table 6.3 of the London Plan 2016. The proposal assumed use of semi-vertical stands as these are the most efficient in terms of space and are acceptable in many London boroughs but Officers commented that they are not supported in Camden. We therefore developed four further options for storage, which have differing requirements for layout and therefore total numbers to be provided, and issued these to Camden for consideration during the planning application.
- 5.56 The further submission by Vectos dated May 2016 (please see materials '*which did not form part of the original submission*') considered these space/storage options for discussion with Camden and included the following: '*Cycle parking within the site has been designed to maximise the quantum of parking provided. It is worth noting the LBC*

Cycle Design Guidelines are recommendations and are as stated on Page 49 of the LBC Core Strategy are: “willing to consider other forms of cycle parking, however you must meet our accessibility and security requirements, details of which can be obtained from the Council’s Public Realm and Transport team.” Given the comments above, four potential options for cycle parking within the site have been devised. This shows that the applicant is willing to work with LBC to achieve the best solution on site within a constrained urban site’. (Paras 10 and 11). Unfortunately we were not given the opportunity to conclude negotiations on this matter prior to the refusal notice being issued but are confident that agreement could have been reached with Officers had this been the case and that therefore the proposed development could have been shown to encourage ownership and use of cycles as a sustainable form of transport in accordance with Camden’s Policies CS11, DP16, DP17 and DP18.

REASON FOR REFUSAL 9 – OUTLOOK, PRIVACY AND DAYLIGHT FOR EXISTING RESIDENTS

- 5.57 *“The proposed development, due to its height, massing, positioning of windows and balconies/terraces and proximity and relationship with the western boundary, would result in a material loss of outlook, privacy and daylight as well as having an overbearing impact and an increased sense of enclosure on the occupiers at 54 Georgiana Street and 118-142 Royal College Street, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.”*
- 5.58 The proposed floor plans (drawings 194/PL05-10) and sections 4.03 and 4.04 of the Design & Access Statement show that layout, height and massing of the proposed buildings have been specifically designed to ensure a continued outlook for no 54 Georgiana Street and the neighbouring houses in Royal College Street. This is done through the inclusion of an open courtyard in the centre of the scheme and by placing one of the buildings along the street frontage and lining its rear with the rear of no 54 Georgiana Street whilst placing the other building 18m away from the Royal College Street houses fully in accordance with CPG6 Amenity. This approach provides a generous opening onto the water and an open aspect for many of the existing houses. This results in a design which will not have an overbearing impact

or increased sense of enclosure on the occupiers at 54 Georgiana Street and 118-142 Royal College Street in accordance with Camden Policies CS5 and DP26.

- 5.59 The layout, height and massing of proposed buildings also takes into account the impact on privacy for neighbouring buildings. The positioning of windows and balconies has been carefully selected to avoid overlooking in accordance with CPG6 Amenity as above. Where the proposals for balconies/terraces are in close proximity to the site's western boundary, but perpendicular to it, they have been designed to include privacy screening to avoid overlooking and loss of privacy, and were amended to improve this following receipt of Officer's comments during the application. Floor plan and elevations were amended and re-submitted to ensure compliance with Camden Policy DP26.
- 5.60 The layout, height and massing of proposed buildings is designed to minimise the impact on levels of daylight for residential neighbours, given the need to optimise the potential to provide new housing and the nature of a constrained, inner city site and in accordance with Camden Policy CS5 and DP26.
- 5.61 In relation to the daylight enjoyed by the proposed accommodation, the analysis was undertaken in accordance with the BRE Guidelines and provided the information required. With regards to sunlight, not all planning applications within urban areas require this, as the local authorities appreciate that these are only guidelines. Had it been requested, this would have been provided at the time of the application, with reference to the Mayor of London's Housing SPG.
- 5.62 Within the Officer's Report, under paragraph 8.19 acknowledges that "the site is currently underdeveloped and within an urban context". In such an instance, as stated within the BRE Guidelines the numerical values need to be applied flexibly.
- 5.63 As stated within our report, the analysis considered 34 rooms of which only 5 (<7%) did not achieve the recommended VSC or ADF as acknowledged in the Officer's Report under paragraph 8.5.
- 5.64 Within the Officer's Report, under paragraph 8.5 it states that the in relation to those properties served by the 5 rooms in question, "the occupiers would experience a material loss of daylight". Whilst these 5 rooms (<7%) will experience a reduction in daylight such that they will not achieve the numerical values set out in the BRE Guidelines, this does not

take into account the urban context of the site, its under developed nature and the close proximity of these properties to the site boundary. It is therefore considered that as stated within the BRE Guidelines the numerical values need to be considered flexibly and alternative numerical values are appropriate to demonstrate whether the level of daylight the 5 rooms will enjoy, with the implication of the proposals, is appropriate, rather than considering the change in the level of daylight they will enjoy.

- 5.65 We consider that with reference to the site specific conditions, our analysis demonstrated that the aims of the BRE guidelines were achieved with regards to the daylight enjoyed by the neighbouring residential properties.

REASON FOR REFUSAL 10 – REMOVAL OF THE WILLOWTREE

- 5.66 *“The proposed development, by reason of the removal of a prominent Willow tree that makes a significant contribution to the character and amenity of the area without sufficient justification or replacement, would result in harm to the character and appearance of the site, its canal setting, the wider area and the character and appearance of the Regent’s Canal Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of the London Borough of Camden Local Development Framework Development Policies.”*
- 5.67 It is acknowledged that the Willow tree does have visual amenity value which is enhanced by a lack of any other significant vegetation in the vicinity. Its visual presence is however affected by the close proximity of the bridge structure and its limited visibility to one side of the bridge only. The proximity between the crown and the bridge means that it can never form a full, open mature crown and will always be in conflict with the structure, requiring constant cut back and ongoing maintenance. Its canopy will also restrict any maintenance/inspection of parts of the bridge.
- 5.68 Aside from its visual presence the tree is growing in a highly inappropriate environment for the species and for the potential mature size of the tree. The ‘containerised’ nature of the area in which it is growing is restricting normal root system development.

- 5.69 Continued canopy development will result in increased stem diameter, to support the load, resulting in increased root system development to cope with additional gravitational and wind loading. With cracking already noted to a retaining wall further growth would exacerbate lateral loading of the wall by roots, potentially leading to failure. If the structure is deemed unsafe it would require rebuilding and this would not be viable, from an engineering perspective, with the tree retained.
- 5.70 Therefore, even if the site remained in its current form and usage it is highly likely that the tree would have to be removed due to root related damage to the retaining structure in which it grows. Consequently significant current assumed future amenity value presumed by the Council and used to form the basis of the Reason 10 for removal, is invalid.
- 5.71 It does have amenity value now but this is likely to be short term only.
- 5.72 If removed within the context of the current site usage there would be no obvious location that a new replacement tree could be planted, so it would be lost whether or not the site is redeveloped.

REASONS FOR REFUSAL 11 TO 14 AND 16 TO 17 – ABSENCE OF S106 AGREEMENT

- 5.73 Reasons for refusal 11 to 14 and 16 to 17 relate to the absence of a s106 agreement. It was not possible to prepare this document during the course of the determination period as Officer's would not accept any further information. It is however envisaged that Officers will engage with the Applicant in preparing a S106 Agreement pursuant to this Appeal. Accordingly, the Appellant has begun to draft a S106 Agreement and will issue to the Council for comment as part of this appeal process.

REASON FOR REFUSAL 15 – ABSENCE OF DETAILS REGARDING DECENTRALISED ENERGY NETWORK AND BREAAAM ASSESSMENT

- 5.74 *“The proposed development, in the absence of details regarding the feasibility of connecting to a decentralised energy network, a BREEAM assessment for the commercial areas, opportunities to reduce water consumption, drainage calculations and details relating to SuDs to meet Greenfield run-off rates, along with the failure to reach CO2 reduction targets and due to the absence of a legal agreement to secure any of the above, would fail to be sustainable in its use of resources, contrary to policies CS13 (Tackling*

climate change through promoting higher environmental standards) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.”

- 5.75 The Applicant submitted, as part of the original planning application (please see ‘*materials forming part of the original planning application submission*’) and as part of further information issued during the course of the determination period (e-mails and attachments dated 31st March, 26th April and 6th, 9th and 17th May 2016 – see materials ‘*which did not form part of the original submission*’) information addressing the above cited reasons for refusal.
- 5.76 Indeed receipt of this information is referenced in paragraph 2.11 of the Officer Report (**Appendix 1**) but for seemingly appears to have been omitted for the purposes of determining the planning application. It is hoped that upon review Officer’s acknowledge, and duly consider, the submission of this information and this satisfies the current reason for refusal. The Appellant acknowledges that the above will be secured by way of a S106 Agreement.

REASON FOR REFUSAL 18 – ENHANCEMENT OF CANAL

- 5.77 “*The proposed development, by reason of the lack of services, infrastructure, landscaping and enhancement of the canalside site, would fail to prioritise the waterspace and promote its use for water and transport as well as neglecting to enhance its canal setting, contrary to Policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel), CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and DP20 (Movement of goods and materials), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities) of the London Borough of Camden LDF Development Policies, Policies 7.24 and 7.27 of the London Plan 2016.”*

- 5.78 The approach to the design of the proposed development starts with the water in accordance with London Plan Blue Ribbon Network Policy 7.24 and the layout opens up the canal frontage offering public access to this side of the canal, which is currently not open to the public, for amenity and recreation uses in accordance with Blue Ribbon Network Policy 7.27 and Camden Policy DP31.
- 5.79 The proposals include an offer to provide a new water service for canal boat users on the waterside as a result of discussions with representatives of a canal boat users groups providing a new service and helping to promote the use of water and promoting waterborne transport in accordance with Camden's Policies CS5, CS1, DP20 and the Blue Ribbon Network policies of the London Plan 2016.
- 5.80 The high quality landscaping will enhance the canalside setting and allow opportunities for biodiversity through variety of plant species and inclusion of rain gardens, all in accordance with Camden's Policies CS5, CS14, CS15, DP24, DP25 and the Blue Ribbon Network policies of the London Plan 2016, promoting high quality places and landscape and enhancing the appearance and setting of the Conservation Area.
- 5.81 Subject to approval from the Canal River Trust the Applicant has also agreed to improve the canal wall through rebuilding.