



our ref:

your ref: 2016/5358/P

email: aaron.brown@quod.com

date: 15 November 2016

FAO: Fergus Freeney
Planning Department
London Borough of Camden
2nd Floor
5 Pancras Square c/o Town Hall,
Judd Street,
London,
WC1H 9JE

Dear Fergus,

SECTION 73 APPLICATION TO VARY CONDITIONS; 3, 6, 7, 9, 10, 11, 12, 13, 23, 25, 26, 27, 28, 29, 32, 34, 36, 37, 40, 43, 44, 45, 47, 58 AND 59 OF PLANNING PERMISSION 2012/6338/P (AS AMENDED BY PLANNING PERMISSIONS 2014/3633/P AND 2015/1189/P) AT LAND BOUNDED BY HAVERSTOCK ROAD, WELLESLEY ROAD AND VICAR'S ROAD INCLUDING NOS 121-211 BACTON LOW RISE ESTATE 113A, 115 AND 117 WELLESLEY ROAD AND 2-16 VICAR'S ROAD, NW5 4. APPLICATION REFERENCE: 2016/5358/P

We have carefully considered those representations made by Alex Kuznetsov in relation to the Section 73 (S73) application submitted on behalf of the London Borough of Camden ("the applicant") to vary conditions attached to permission reference 2012/6338/P (as amended by 2014/3633/P and 2015/1189/P). This letter seeks to address Mr. Kuznetsov's objections uploaded to the London Borough of Camden Council's online planning register on 17, 18, 20, 24, 25 October and 1 November 2016 singularly under relevant subheadings. This letter addresses only the points raised by Mr. Kuznetsov that are relevant in planning terms to the S73 application submitted 29 September 2016.

Application reference 2016/5358/P intends to provide an enhanced development that is suitable for the needs of the borough's residents. The application proposes to deliver phases 2 and 3 as a single phase, provide an increased number of homes, reconsider the housing mix and make various associated minor amendments to aspects of the design.

a) Principle of development

The Bacton Low Rise Estate is a committed redevelopment proposal in Camden Council's Community Investment Programme (CIP) and was included as a deliverable housing site in Camden's five-year housing supply (2011/12 to 2015/16) as set out in Camden's Annual Monitoring Report 2010/11 (page 21). The DHO part of the site has been subject to public consultation through the Site Allocation DPD.

London Borough of Camden's Report to Planning Committee on the principal application (ref: 2012/6338/P) for the redevelopment of the application site recognised the site is not located within an identified growth area or other highly accessible location but states "*policy CS4 (Areas of more limited change) does take into account that large scale development, such as estate regeneration programmes, may take place outside of these areas*". The S73 proposals are such a case, with Gospel Oak specifically referred to within the supporting text to policy CS4 as one of the Council's Place Shaping areas where the Council is working with the local community to regenerate the area, with replacement housing and improvements to the tenure mix being

two objectives. In addition policy CS6 (Providing quality homes) also refers to Gospel Oak being expected to benefit from estate regeneration over the period of the Core Strategy.

The GLA has confirmed that it considers that the proposed redevelopment represents a comprehensive intervention to promote the regeneration of this part of Gospel Oak and the principle of this development is strongly supported in strategic planning terms.

b) Consultation

At Appendix 1 of this letter, I provide an example notice served on all persons, including Mr Kuznetsov, having a freehold or leasehold interest with an unexpired term of which is not less than seven years, in the land included in the application site. The serving of notice on the relevant persons is confirmed by way of Certificate of Ownership (C) submitted with the S73 application, which included the schedule of notices served. In addition, the applicant published a statutory public planning notice (Appendix 1) in the Islington Gazette on 29 September 2016 confirming how and the date by which any consultation comments should be submitted to LBC.

The applicant responded to the Council's recommendation that they engage the local community on the S73 application proposals by seeking to engage residents on a coordinated set of proposals. The public engagement event was held on 9 September between 3pm-7pm at the Bacton Low Rise Tenants and Residents Association Hall. The event was publicised in the local area with posters, in a local newspaper and on social media. Members of the design team were present to talk people through the S73 proposals and respond to people's questions.

c) Unit size

The amendments to the housing size mix applied for within the S73 application are driven by the applicant seeking to meet an identified housing need and to ensure that the development provides the maximum reasonable amount of affordable housing. In respect of Policy H7(a) of the Camden Local Plan (submission draft, 2016), as referred to by Mr Kuznetsov, we consider the application complies with the policy as it *"contributes to meeting the priorities set out in the Dwelling Size Priorities Table"*. Where the application cannot meet the priorities set out within this table absolutely, Policy H7(a) states the Council *"will take a flexible approach to assessing the mix of dwelling sizes"* having regard to *"the financial viability of the development"* and, *"the extent to which flexibility around the mix of market homes could secure the delivery of additional affordable housing"*. The specific mix applied for within the S73 application has been realised as a result of detailed discussions with the applicant and the LB Camden Housing team to meet their requirements.

d) Affordable Housing

The amendments to the housing tenure mix are driven by the applicant seeking to meet an identified housing need and to ensure that the development provides the maximum reasonable amount of affordable housing. The proposals *"maximise the supply of additional housing"* over the plan period and, in the context of the overall redevelopment of Bacton Low Rise, provide, *"the maximum reasonable amount of affordable housing under the specific circumstances of the site, including the financial viability of the development"* (Policy CS6

of the Camden Core Strategy, 2010). The S73 application will amend extant permission (2012/6338/P as amended by 2014/3633/P and 2015/1189/P) for the redevelopment of Bacton Low Rise to provide 118 affordable units (107 social rent and 11 intermediate), which equates approximately 38% of the total dwellings and 42% of the total residential floorspace in the scheme. The applicant has submitted a confidential viability assessment to the Council for their consideration to confirm that the applicant is providing the maximum reasonable amount of affordable housing.

It is considered that the S73 application proposals accord directly with Policy CS6 of the Camden Core Strategy (2010) by *“securing sufficient housing of the right type and quality”*. The redevelopment of Bacton Low Rise Estate is being delivered through the Council’s CIP and was originally conceived as part the *“Investing in Camden’s Homes”* 2007 strategy that set out the Council’s plans to secure investment capital to deliver the Government’s targets for decent (better) homes. This strategy now forms part of the wider CIP, which was launched in December 2010 and seeks to make best use of the Council’s land and property to support investment and improvements to places and facilities across the borough. The proposals will secure *“high quality affordable homes of different types and sizes to meet the needs of existing and future Camden households”* creating *“mixed, inclusive and sustainable communities”* by regenerating the Bacton Low Rise Estate, *“providing... better affordable homes”*.

In respect of Policies H4 and H5 of the emerging Camden Local Plan (submission draft, 2016), as referred to by Mr Kuznetsov, the S73 application seeks to maximise, improve and protect affordable housing in the ways explained above. Furthermore, the applicant intends to agree to a condition being placed on the permission, which requires the affordable housing contribution to be reviewed at a future date to consider whether any further affordable housing contributions are at that time viable.

e) Minor Material Amendment Procedural Approach

Paragraph 018 (reference 17a-018-20140306) of the National Planning Policy Guidance (NPPG) states there is no statutory definition of a ‘minor material amendment’ but it is likely to include *“any amendment where its scale and/or nature results in a development is not substantially different from the one which has been approved”*. Given the limited nature of the changes to the scale and nature of the development, the amended scheme will not be substantially different from the one that has been approved. LBC have agreed through pre-application discussions that the proposed amendments will not result in a substantially different development from that consented and therefore the changes can be considered through a Minor Material Amendment (MMA) application. In addition, the Greater London Authority (GLA) submitted a consultation response to the S73 application 21 October 2016 that did not raise objection to the principle of a S73 application and concluded, *“given the scale and nature of proposals... the amendments do not give rise to any new strategic planning issues”*.

f) Amenity

Permission for the redevelopment of Bacton Low Rise was granted subject to conditions 17 and 19, which were imposed to mitigate any adverse noise effects of the development and it is not considered that the S73 application in for approval deviates significantly from the principal application in terms of its noise impact. The S73 application will proceed in accordance with the requirements of these conditions. It was confirmed

through pre-application discussions with LBC that additional noise reports were not required to support the planning application.

The S73 application was submitted with a Daylight and Sunlight Report (September 2016), prepared by GVA. The findings of the report indicate *“excellent daylight and sunlight design consideration by virtue of the rooms/windows consistently exceeding the BRE guideline tests”*. The Report concludes, *“the London Borough of Camden’s planning policy on daylight and sunlight will be satisfied”*.

g) Flood Risk

The S73 application was submitted with a Sustainable Drainage Report ‘Managing Surface Water’ (19 Sep 2016), prepared by Momentum structural engineers. The Report confirms the proposed development results in a decrease in the man-made impermeable area on site - from 80% to 70%. The Report calculates run-off rates and predicts the S73 application will result in an increase from 518.8sqm to 590.1sqm in total volume of rainwater discharged. To satisfy the allowable discharge rate the S73 application prevents the additional predicted volume of run-off from leaving the site by using infiltration and SuDS techniques such as; soakaways; porous paving; rainwater harvesting; green roofs as well as other surface infiltration techniques. The Reports analyses the SuDS technique using the 1 in 100 year storm with an increase of 30% in rainfall intensity to account for climate change and concludes the amended scheme will result in a reduction of discharge from site (1yr including climate change) of 70%. These results demonstrate the proposed mitigation option of limiting the peak run-off to a value 40 l/s satisfies the requirements of the London Plan Supplementary Planning Guidance (Sustainable Design and Construction) dated April 2014.

h) Contaminated Land

Permission for the redevelopment of Bacton Low Rise was granted subject to condition 25. This condition was imposed to protect future occupiers of the development from the possible presence of ground contamination. The S73 application will proceed in accordance with the requirements of this condition.

i) Parking

The removal of the car pool parking space as part of the S73 application is a direct response to the change in LBC’s position in respect of the provision of car club bays. As confirmed by LBC Officers during pre-application discussions LBC no longer promote the provision of car club bays in line with the findings of the Camden Local Plan Evidence Report, Car-free development (February 2016), which suggests that growth in car club provision has stagnated in recent years, mainly because there is an over-provision of on-street cars relative to the level of membership.

j) Open Space

The BLR site (phases 2 and 3 of the development as consented) as proposed under the S73 application provides 5,443sqm of publically accessible open space, 2,373sqm of communal open space and 1,899sqm of private open space – 9,715sqm in total. This is marginally below the LBC guide 9,981sqm. The S73 application however involves a significant improvement to the quality of open space provided on site, in comparison to the BLR Estate prior to its redevelopment. The highly accessible superior quality public open spaces provided on site, including the St. Martin’s public square, are designed to encourage use and the applicant considers

the marginal shortfall in open space provision on site as compensated by the marked increase in the quality of open space.

k) Density

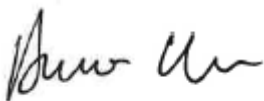
The S73 application involves a marginal uplift in the number of dwellings per hectare due to the amended unit mix. The number of habitable rooms per hectare and the approximate number of residents on site under the S73 application will stay the same as the extant consented position. It is not appropriate to apply the density targets set out at table 3.2 of the London Plan (2016) mechanistically. Instead, the *“density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure, open space, and play”*. The marginal increase in the density of dwellings on site is considered acceptable as the quality of the design of the development in overall terms and the improvement in tenure mix (both discussed below) in particular mitigate the marginally higher than guidance density figure. The scheme is considered to optimise the use of the site, compliant with LDF policies CS1 and DP2.

l) Environmental Impact Assessment

It has been fully considered whether the proposed development comprises EIA development. An EIA screening request was submitted on 6 September 2016. A screening opinion was issued by LBC on 16 September 2016 which confirmed that the proposed development does not comprise EIA development

I trust that the above comprehensively addresses the pertinent matters raised by Mr Kuznetsov in his several consultation responses received. Please let me know should you require any additional information.

Yours faithfully,



Aaron Brown
Assistant Planner



APPENDIX 1

NOTICE SERVED FOR APPLICATION REF: 2016/5358/P

Town and Country Planning (Development Management Procedure) (England) Order 2015 NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION

(Notice 1: This notice is to be printed and served on individuals if Certificate B or C is completed)

Proposed development at:

Name or flat number

Land bounded by Haverstock Road and Wellesley Road and at 115 Wellesley Road, 117 Wellesley Road and 2-16 Vicars Road including the Bacton Low Rise Estate housing estate, Bacton Low Rise TRA Hall and Wendling Estate Hall; Gospel Oak District Housing Office and Vicar's Road employment units, London, NW5 4.

Take notice that application is being made by:

Organisation name

London Borough of Camden

Applicant name

Title

Mr

Forename

Adam

Surname

Tucker

For planning permission to:

Description of proposed development

"Variation of conditions: 3 (detailed drawings), 6 (overlooking), 7 (refuse & recycling), 9 (cycle storage), 10 (car parking), 11 (electric vehicle charging points), 12 (car club bay), 13 (motorcycle parking), 23 (wheelchair units), 25 (contaminated land measures), 26 (biodiverse roofs), 27 (bird and bat details), 28 (lighting strategy), 29 (landscaping details), 32 (building foundations), 34 (drainage details), 36 (CCTV strategy), 37 (car club parking), 40 (re-appraisal of financial viability), 43 (energy efficiency), 44 (code for sustainable homes), 45 (car free), 47 (construction management plan) and 58 and 59 (approved plans) of planning permission 2012/6338/P dated 25/04/2013 (as amended by planning permissions 2014/3633/P and 2015/1189/P) (for the redevelopment of Bacton Low Rise Estate, Gospel Oak District Housing Office and Vicar's Road workshops following the demolition of all existing buildings, to provide a total of 294 residential units and associated works), namely to; provide 20 additional Class C3 residential units (19 market and 1 intermediate units), alter the housing mix, reconfigure the employment floorspace, deliver the outstanding parts of the development as a single phase, various external alterations and reconfigurations, revise the on-site car parking provision and the amount of cycle storage, and associated works".

Local Planning Authority to whom the application is being submitted:

London Borough of Camden

Local Planning Authority address:

Planning Department
5 Pancras Square
London
N1C 4AG

Any owner of the land or tenant who wishes to make representations about this application, should write to the council within 21 days of the date of this notice.

Signatory:

Signatory

Title

Mr

Forename

Aaron

Surname
Brown

Brown

Signature

Date (dd-mm-yyyy)

29/09/2016

Statement of owners' rights: The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or lease.

Statement of agricultural tenants' rights: The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years.

'Tenant' means a tenant of an agricultural holding any part of which is comprised in the land.

Once completed this form needs to be served on the owner(s) or tenant(s)



SCHEDULE OF NOTICES SERVED

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14				
I have/the applicant has given the requisite notice to the persons specified below being persons who, on the day 21 days before the date of this application, were owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.				
Notice Recipients				
Name	Address			Date Notice Served
	Number and Street	Town	Postcode	
Timothy Benjamin Dominic Martin and Clare Magdalen Martin	20 Vicars Road	London	NW5 4NL	29-Sep-16
Mr A Kuznetsov	150 Bacton, Haverstock Road	London	NW5 4PS	29-Sep-16
London Power Network PLC	237 Southwark Bridge Road	London	SE1 6NP	29-Sep-16



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Notice is hereby given that Pizza Pilgrims has applied in respect of the Pizza Pilgrims, 136-137 Shoreditch High Street, London, E1 6JE for the grant of a new premises licence under the Licensing Act 2003 to permit the following: Sale of alcohol: Monday to Thursday from 10:00h to 23:30h; Friday & Saturday from 10:00h to 00:00h; Sunday from 12:00h to 22:30h. Late Night Refreshment: Monday to Thursday from 23:00h to 23:30h; Friday & Saturday from 23:00h to 00:00h. Non-standard timings from the end of permitted hours New Year's Eve until the start of permitted hours on New Year's Day. Please refer to the full application for a list of proposed conditions. Representations to this application must be made in writing, by 25 October 2016, to the London Borough of Hackney Licensing Authority at 2 Hillman Street, London, E8 1FB where the register of licensing applications can be inspected during office hours and/or at <http://www.hackney.gov.uk>. It is an offence under summary conviction, to knowingly or recklessly make a false statement in connection with this application.
TLT Solicitors

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Town and Country Planning (Development Management Procedure) (England) Order 2015
NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION

Proposed development at Land bounded by Haverstock Road and Wellesley Road and at 115 Wellesley Road, 117 Wellesley Road and 2-16 Vicars Road including the Bacon Low Rise Estate housing estate, Bacon Low Rise, TR6, Hall and Wending Estate Hall, Goswell Oak District Housing Office and Vicar's Road employment units.

I give notice that I am applying to the London Borough of Camden for planning permission to:
1. (Part 1) 2. (Part 2) 3. (Part 3) 4. (Part 4) 5. (Part 5) 6. (Part 6) 7. (Part 7) 8. (Part 8) 9. (Part 9) 10. (Part 10) 11. (Part 11) 12. (Part 12) 13. (Part 13) 14. (Part 14) 15. (Part 15) 16. (Part 16) 17. (Part 17) 18. (Part 18) 19. (Part 19) 20. (Part 20) 21. (Part 21) 22. (Part 22) 23. (Part 23) 24. (Part 24) 25. (Part 25) 26. (Part 26) 27. (Part 27) 28. (Part 28) 29. (Part 29) 30. (Part 30) 31. (Part 31) 32. (Part 32) 33. (Part 33) 34. (Part 34) 35. (Part 35) 36. (Part 36) 37. (Part 37) 38. (Part 38) 39. (Part 39) 40. (Part 40) 41. (Part 41) 42. (Part 42) 43. (Part 43) 44. (Part 44) 45. (Part 45) 46. (Part 46) 47. (Part 47) 48. (Part 48) 49. (Part 49) 50. (Part 50) 51. (Part 51) 52. (Part 52) 53. (Part 53) 54. (Part 54) 55. (Part 55) 56. (Part 56) 57. (Part 57) 58. (Part 58) 59. (Part 59) 60. (Part 60) 61. (Part 61) 62. (Part 62) 63. (Part 63) 64. (Part 64) 65. (Part 65) 66. (Part 66) 67. (Part 67) 68. (Part 68) 69. (Part 69) 70. (Part 70) 71. (Part 71) 72. (Part 72) 73. (Part 73) 74. (Part 74) 75. (Part 75) 76. (Part 76) 77. (Part 77) 78. (Part 78) 79. (Part 79) 80. (Part 80) 81. (Part 81) 82. (Part 82) 83. (Part 83) 84. (Part 84) 85. (Part 85) 86. (Part 86) 87. (Part 87) 88. (Part 88) 89. (Part 89) 90. (Part 90) 91. (Part 91) 92. (Part 92) 93. (Part 93) 94. (Part 94) 95. (Part 95) 96. (Part 96) 97. (Part 97) 98. (Part 98) 99. (Part 99) 100. (Part 100)

Any owner* of the land or tenant** who wishes to make representations about this application should write to the Council at (c) Camden Council, Planning Department, 5 Pancras Square, London N1C 4AG.

By 21st October 2016
* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
** "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed Aaron Brown, Quaid
On behalf of London Borough of Camden
Date 28 September 2016
Statement of owners' rights
The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.
Statement of agricultural tenants' rights
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

