

APPEAL UNDER SECTION 78 OF THE TOWN & COUNTRY PLANNING ACT 1990

**DRAFT PROOF OF EVIDENCE OF CHRIS PITTOCK ON BEHALF
OF ONE HOUSING GROUP IN RESPECT OF SITE
AT BANGOR WHARF, GEORGIANA STREET, LONDON, NW1 0QS**

Planning Inspectorate Reference:

APP/X5210/W/16/3165200

London Borough Camden Reference; 2016/1117/P

Prepared by

Spenthorpe Ltd

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DATE

ORIGINATORS



23.10.17

Chris Pittock
Planning Director

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1 QUALIFICATIONS & EXPERIENCE

- 1.1 My full name is Christopher Pittock. I am a Director of Planning & Development at Spenthorpe Ltd.
- 1.2 I hold a 2:1 BA (Hons) degree in Town & Country Planning and Diploma in Urban Design from Oxford Brookes University. I have been engaged in the practice of Town Planning with Spenthorpe Ltd for 3 years having previously been Director of Residential Planning at GL Hearn for a period of 7 years. I have also been employed by Tibbalds Planning & Urban Design, the House Builders Federation and Oxford City Council. I have been practicing in the field of Town and Country Planning for 16 years.
- 1.3 I am instructed by the Appellant One Housing Group who I have been providing advice in respect of planning matters for a period of approximately 5 years in relation to a variety of residential and mixed-use schemes, including the redevelopment of their Head Quarters at 100 Chalk Farm Road, London Borough Camden. I was instructed on the Appeal site in January 2015.
- 1.4 In addition, I have advised a range of clients on town planning issues associated with a wide-range of projects on a nationwide basis. Projects include advising on schemes in Sussex, Kent, Wiltshire, Somerset, as well as Greater London. I have acted for both public and private sector clients.
- 1.5 I am well acquainted with the appeal site, London Borough of Camden and Greater London generally.

2 INTRODUCTION & BACKGROUND

- 2.1 The appeal site is known as Bangor Wharf and is comprised of a corner plot located between the junction of Georgiana Street and Regents Canal. It measures 0.18 hectares and comprises a two storey office building (Use Class B1a) and storage building (Use Class B8), a yard and vehicle parking. Previously the site was used by EDF Energy as a depot for the storage of materials with ancillary offices. However, it is understood they vacated the premises during October 2015 due to the poor standard of accommodation and the fact the site no longer met their operational requirements.
- 2.2 The appeal site is occupied by Guardians but has not been used for its lawful use since October 2015.
- 2.3 The existing buildings on site are of poor appearance and generally of lower density than those in the surrounding area. In its current state the appeal site detracts from the character and appearance of the wider area. In this regard, the Regents Canal Conservation Area Appraisal and Management Strategy (**Core Document F20**) explains at paragraph 3 of Page 15 that,
- ‘On the opposite bank is an excellent example of the reinstatement of a historic canal-side warehouse building at Eagle Wharf, whilst the depot site adjacent at Bangor Wharf provides an excellent opportunity for enhancement.’*
- 2.4 In view of the above, the appeal site is identified (Reference 35 – Bangor Wharf, Georgiana Street) at Page 147 of Council’s Site Allocations LDD (**Core Document F9**), *‘as providing an opportunity for intensification through redevelopment to provide a residential-led mixed-use development’*.
- 2.5 Furthermore, the ‘list of allocated sites’ table at page 310 of the Local Plan (**Core Document reference F8**) identifies the appeal site (8th row) as being a source of housing supply. The Council has assumed the site for a residential-led mixed-use development as a means to meet its 5 year housing supply requirement and expects housing to be delivered during 2018/2019.
- 2.6 There are three key levels of policy imperative that support the redevelopment of the appeal site for a mixed-use development scheme with a particular emphasis on housing.

- 2.7 At the national level, the National Planning Policy Framework identifies the promotion of mixed-use development as a core planning principle, stating that *'planning...should encourage multiple benefits from land in urban areas'* (reference: bullet point 9 of paragraph 17 (**Core Document F1**)).
- 2.8 From a strategic perspective, Policy 3.3 of the London Plan (**Core Document F2**) requires boroughs to identify and seek to enable additional development capacity to be brought forward to meet housing targets. In pursuance of this objective, Policy 3.3 identifies through criteria 'd', *'mixed use redevelopment, especially of surplus commercial capacity and surplus public land, and particularly that with good public transport accessibility'*.
- 2.9 Finally, local level policy guidance in the form of the adopted Local Plan (**Core Document F8**) makes clear through Policy G1 that mixed-use developments can contribute to successfully managing future growth in Camden and assist in making an efficient use of limited land. The afore-mentioned Site Allocations LDD and Regents Canal Conservation Area Appraisal and Management Strategy further reinforce the Council's desire to seek redevelopment of the site for a residential-led mixed-use scheme to secure associated benefits.
- 2.10 The direction of policy is clear and points towards a powerful argument that the appeal site should be brought forward for development that maximises the opportunity that is available and delivers much needed housing. The reliance the Council has placed on the appeal site to help meet its 5 year housing land supply only serves to reinforce this policy position.
- 2.11 Consequently, the Appeal proposal seeks to demolish the existing buildings on site and bring forward mixed-use residential-led development. This would include 46 residential units including a significant contribution towards affordable housing at 48% of all units proposed – together with new and improved office use (B1[a]).
- 2.12 The scheme has a clear design rationale, optimising the opportunity to deliver the Council's priority land use in the form of new housing, particularly affordable housing, new and improved employment floorspace and creating a courtyard space that facilitates public access to the site's boundary adjacent to Regents Canal – a currently restricted part of the Borough.
- 2.13 In my opinion, the appeal scheme represents a significant benefit to the community.

- 2.14 In developing the scheme, pre-application discussions have been held over a period of 12 months with Officers of the Council, including representatives from Planning, Highways, Housing, Design and Conservation. Extensive consultation has been undertaken with local politicians and residents through a range of means including exhibition events, meetings and written correspondence. The application proposal has therefore been subject to, and reflects, extensive consultation.
- 2.15 Pre-application discussions relating to the appeal scheme began in February 2015 with formal submission taking place February 2016.
- 2.16 Officer's subsequently resolved to refuse the planning application subject of this appeal by way of decision notice dated 17th June 2016 for 18no. reasons (**Core Document B1**), albeit the original reasons for refusal have, at the time of writing, been reduced to 6no. following discussions between Council and Appellant pursuant to this appeal.
- 2.17 In order to address the matters before this Inquiry. I have structured my proof as follows;
- Section 3 – Appeal Site and Surrounding Area
 - Section 4 – Appeal Scheme
 - Section 5 – Planning Policy
 - Section 6 – Issues and Evidence
 - Section 7 – Summary and Conclusion
- 2.18 My evidence is to be considered alongside:
- Mrs Judith Tranter – TMA - Architecture
 - Mr Kevin Murphy – KMA – Heritage
 - Mr Toby Rogan-Lyons – GL Hearn – Sunlight and Daylight
 - Mr Neil Brant – Vectos – Transportation
 - Dr Anthony Lee – BNP Paribas – Viability
 - Mr Ed Shakespeare – Viability; and
 - Mr Jon Millership – Affordable Housing

3 APPEAL SITE AND SURROUNDING AREA

- 3.1 A full description of the site and surrounding area is set out within the Statement of Common Ground. I highlight here a number of pertinent points.
- 3.2 The appeal site comprises the main 2 storey building (Use Class B1a), measuring 816 sq.m (GIA) and a single storey building (Use Class B8), along with 2 smaller ancillary buildings collectively providing for 196 sq.m floorspace (GIA). In total, the appeal site currently comprises 1,012 sq.m (GIA) of employment floorspace.
- 3.3 The site was used by EDF Energy as a depot for the storage of materials with ancillary offices. However, it is understood that EDF vacated the premises during October 2015 due to the poor standard of accommodation and the fact the site no longer met their operational requirements.
- 3.4 Having visited the site on a number of occasions I am of the opinion that the existing use and buildings at the appeal site along with boundary treatment is of poor appearance and the existing buildings are generally of lower density than those in the surrounding area. Consequently, the appeal site has a negative impact on the character and appearance of the wider area, including the Regents Canal Conservation Area, and the amenities of neighbouring residential properties.
- 3.5 A significant opportunity therefore exists to improve the appearance of the appeal site and immediate area as recognised within the Regents Canal Conservation Area Appraisal and Management Strategy (**Core Document F20**) which explains,
- ‘...whilst the depot site adjacent at Bangor Wharf provides an excellent opportunity for enhancement.’*
- 3.6 The appeal site is identified as Site 35 – Bangor Wharf, Georgiana Street within the Camden Site Allocations LDD (**Page 147 Core Document F9**). The overarching objective for the site is redevelopment to provide replacement employment floorspace and new permanent (Class C3) residential accommodation. In particular, development will be expected to:

- *‘Optimise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses.*
- *Provide flexible space suitable for a range of employment uses.*
- *Contain an active frontage to Georgiana Street, and to maximise opportunities to provide linkages to the canal towpath.*
- *Be of a form and scale which is appropriate to the Regents Canal Conservation Area and responds to the open character of this part of the canal and to surrounding listed buildings.*
- *Take opportunities to utilise the canal for the transportation of goods and materials, both during construction and in the operation of the development.*
- *Ensure that the design and layout of the development responds positively to its canal setting, and contributes to the biodiversity and green nature of the canal.*
- *Provides active frontage to the canal and to Georgiana Street, in order to improve the relationship between the site and the public realm and to enhance the appearance and safety of the surrounding street scene; and*
- *Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible.’*

3.7 Supporting text (**Reference; paragraph 1 of the Site Context Section**) goes onto explain that,

‘The site contains the offices, storage buildings, yard and vehicle parking for a small building construction company. It has good access to the strategic road network and unrestricted access for deliveries. Therefore, it is considered to be a suitable site for continued employment use. However, the buildings on site are generally of lower density than those in the surrounding townscape so there does seem to be some potential for a more intensive development of the site involving other uses in addition to employment.’

3.8 In addition, paragraph 2 explains that,

‘The current use, with its associated buildings and boundary treatment, detract from the character of the conservation area. It is identified in the Conservation Area Appraisal (2008, page 20) as a site with opportunities for enhancement.’

- 3.9 The site's eastern boundary adjoins the Regents Canal with landscaped gardens and a 4 storey purpose built residential block beyond (Reachview Close). During each of my visits to the appeal site, the Towpath on the opposite side of the canal, appears to be well used by cyclists, runners, and the local community in general, for recreational purposes and to enjoy the Canal setting.
- 3.10 It is a feature of the appeal site that the western side of the canal (adjacent to the appeal site) is restricted and so an opportunity clearly exists to encourage access to this side of the canal. This deficiency has been addressed directly through the provision of landscaped courtyard area as a fundamental element of the appeal proposal. This would create a direct publicly accessible open space adjacent to the Canal. Such provision also assists with addressing one of the Council's key policy objectives of responding appropriately to the Canal.
- 3.11 Immediately to the south of the site is Georgiana Street which is fronted on the opposite side by a large wall which forms the boundary to the wider St Pancras Commercial Centre – a retail park/industrial estate comprising predominantly 2 storey industrial/retail units. Recent mixed-use development including a residential building up to 7 storeys exists to the east of the Commercial Centre industrial estate and adjacent to the canal. The site's western boundary abuts the rear gardens of a terrace of 3 storey residential properties fronting Royal College Street. To the north, the site is bound by Eagle Wharf – a 3 storey warehouse.
- 3.12 The site is located within sub area 2 of the Regents Canal Conservation Area Appraisal and Management Strategy (**Core Document F20**). A comprehensive assessment of the Conservation Area and the appeal site is contained within the Proof of Evidence prepared by Mr Kevin Murphy of Kevin Murphy Associates. In the context of the appeal site, the Conservation Area Statement explains;

'Beyond College Street Bridge (Royal College Street) is one of the largest open planted sections to the canal, the steep bank rising up from the towpath with trees at the top of the bank forming valuable visual containment. On the opposite bank is an excellent example of the reinstatement of a historic canalside warehouse building at Eagle Wharf, whilst the depot site adjacent at Bangor Wharf provides an excellent opportunity for enhancement. The latter's yard area retains extensive areas of granite setts which should be retained or re-used in any development. The canal dock which

formerly served these wharfs is partially filled, and could be enhanced.'

- 3.13 Those properties fronting Royal College Street are statutorily listed. In addition, the following buildings which are within close proximity to the site are considered to make a positive contribution to the Conservation Area;
- 148 and 150 Royal College Street.
 - Former forage warehouse at Eagle Wharf and former dock.
 - Grays Inn Bridge; and
 - The Constitution Pub at 42 St Pancras Way.
- 3.14 The site is well served by local services, facilities and public transport capable of meeting the need of prospective residents of the appeal proposal. Camden Overground Train Station is located approximately 260 metres north-west of the site. Overground services from this station provide direct access to a range of destinations inclusive of Stratford, Highbury & Islington, West Hampstead, Gunnersbury and Richmond. In addition, Camden Town underground station is 500 metres west of the site. Camden Town Station is served by the Northern Line which provides direct access across London to destinations such as High Barnet; Archway; Edgware; Hendon Central; Bank; Waterloo; Balham and Morden.
- 3.15 The accessibility of the site is reflected through its Public Transport Accessibility Level rating (PTAL) of 6a on a scale of 1a ('very poor') to 6b ('excellent'). In such locations relevant planning policy supports the principle of making an efficient use of such sites to deliver high-density development.
- 3.16 In summary, I would characterise the appeal site as highly accessible but significantly under-used and generally detracting from the locality. It is clearly a site requiring change. This is evident 'on the ground' but also in terms of the aspirations for the area recognised at a national, regional and local level which support redevelopment for a residential-led mixed-use development.
- 3.17 Accordingly, there is little question that the site requires re-development and by virtue of this removal of the existing buildings and the associated use. If planning permission was not granted, it would perpetuate the existing position. This would be

against the thrust of the policy imperatives that relate to the appeal site, namely the improvement to the appearance of the site, delivery of new and improved employment floorspace and much needed housing including affordable housing. The latter being of particular importance given the Council's reliance on the appeal site to assist with its 5 year housing land supply target (housing anticipated on site during 2018/2019).

4 APPEAL SCHEME

- 4.1 A comprehensive explanation of the appeal proposal and its evolution during throughout the pre-application and post-submission process is set out within Evidence prepared by Mrs Tranter.

5 RELEVANT PLANNING POLICY

- 5.1 The planning policy context relevant to the appeal proposal is set out within the Statement of Common Ground and has not therefore been repeated for the purposes of my Proof of Evidence.

6 ISSUES AND EVIDENCE

- 6.1 Before turning to the specific reasons for refusal, it is appropriate to outline the circumstances of the appeal scheme and site as I assess them.
- 6.2 Firstly, I note the substantial and compelling policy imperative that exists for redevelopment of the appeal site for a residential-led mixed-use development. At the national level, the National Planning Policy Framework identifies the promotion of mixed-use development as a core planning principle, stating that *'planning...should encourage multiple benefits from land in urban areas'* (reference: bullet point 9 of paragraph 17 (**Core Document F1**)). From a strategic perspective, Policy 3.3 of the London Plan (**Core Document F2**) requires boroughs to identify and seek to enable additional development capacity to be brought forward to meet housing targets. In pursuance of this objective, Policy 3.3 identifies through criteria 'd', *'mixed use redevelopment, especially of surplus commercial capacity and surplus public land, and particularly that with good public transport accessibility'*. Finally, local level policy guidance in the form of the adopted Local Plan (**Core Document F8**) makes clear through Policy G1 that mixed-use developments can contribute to successfully managing future growth in Camden and assist in making an efficient use of limited land. In this regard, it is noted that the appeal site is specifically identified through the Council's Site Allocations LDD (**Core Document F9**) for a residential-led mixed-use development.
- 6.3 Secondly, the Appeal proposal would secure the redevelopment of an inefficient and vacant employment site which given its existing use and appearance is acknowledged by the Council as detracting from the character of the immediate area, including the Regents Canal Conservation Area (**Reference paragraph 2 of page 148 of the Site Allocations LDD – Core Document F9**). Redevelopment would improve the character and appearance of the area and the replacement scheme would in my view improve quality of life appreciably for much of the local community.
- 6.4 Thirdly, the scheme would allow the appropriate delivery of housing on site, including a significant contribution towards affordable housing at 48% of all units proposed. This aspect of the appeal scheme responds to the general imperative for residential development and also the specific requirements at the strategic and local level. In this regard, Council's reliance on the appeal site to assist with meeting its 5 year land

supply (housing anticipated on site during 2018/2019) only serves to emphasise the importance of the appeal site in delivering residential accommodation.

- 6.5 Fourthly, the scheme represents a mixed-use development, where there would be delivery on site of uses to encourage employment, to provide for the needs of local residents and business. The employment uses are widely encouraged by policy and a residential-led mixed-use redevelopment of the site offers the best opportunity to secure a viable employment use at the appeal site.
- 6.6 Fifthly, the scheme incorporates high-quality design which responds to good townscape principles, inclusive design and results in improvements to the Regents Canal Conservation Area and other heritage assets. The appeal proposal has evolved in response to extensive pre-application discussions and a thorough and comprehensive assessment of the appeal site and surrounding area.
- 6.7 Sixthly, in my opinion one of the key benefits of the Appeal scheme would be the improved access the scheme would create to the Regents Canal – a currently restricted part of the Borough. It would achieve this through the innovative use of a publicly accessible courtyard space. This would substantially increase access opportunities for the local community to open space, a major contributor to quality of life.
- 6.8 Finally, this is a scheme where the Appellant has persevered with the planning process and maintained its support for a high-quality scheme despite difficult market conditions. Whereas many other schemes have stalled or failed, One Housing Group has maintained a commitment to the delivery of the redevelopment of the appeal site.
- 6.9 The prospect of no planning permission would perpetuate the very circumstances that the Council is seeking to change through the redevelopment of this site. The scheme proposal, together with the Section 106 and CIL provisions, offers the best prospect of delivery, in my view. Only a planning permission will secure the objectives of the Council.
- 6.10 I now turn to address each reason for refusal for the Appeal in turn:

REASON FOR REFUSAL 1 – LOSS OF EMPLOYMENT

6.11 The Council's first reason for refusal states,

'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 policies E1 (Economic development) and E2 (Employment premises and sites) of the Camden Local Plan 2017, 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.

6.12 The policy framework outlined by the Council in support of this reason for refusal and the Statement of Case relates in essence to:

- Suitability of the appeal site for continued business use
- Proposed loss of employment space by type and quantum; and
- Quality of replacement employment space provision.

Suitability of the appeal site for continued business use

6.13 With respect to the first point, the Council explains at paragraph 6.9 of the Statement of Case (**Core Document B2**) that, *'the Council will demonstrate that the appeal site is suitable for continued business use...'*

6.14 There appears to be some confusion surrounding the first point raised by the Council which, in part, seeks to substantiate this reason for refusal. To clarify, it is accepted by the Appellant that the site benefits from a number of characteristics that lend themselves towards the continued use for the site for business use and in particular office use. It is for this very reason that the Appellant has incorporated within the appeal scheme the provision of new and improved office floorspace, the quantum and quality of which is discussed in detail below.

6.15 Where disagreement exists, it is seemingly in relation to the continued use of the site and existing buildings as they currently stand for employment purposes. In this regard, it is noted that Officer explains in paragraph 3.13 of his delegated report (**Core Document B2**) that,

'As stated in para 3.5 (above) the offices appear from the plans to be highly cellular as they are broken into a number of small rooms by partition walls. Modern occupiers typically prefer open plan office layouts. Officers consider that these could be upgraded in order to secure tenants.'

- 6.16 Subsequently, the Council explain within Paragraph 6 of their Statement of Case (**Core Document H**) that,

'The appeal site is considered to be in a suitable location for business uses, it has not been satisfactorily demonstrated whether it is in a reasonable condition to allow this use to continue and it could be possible to refurbish the building to make it more desirable for a range of employment uses.'

- 6.17 The continued use of the site for employment purposes through the retention and refurbishment of the existing buildings seems to be somewhat of an erroneous point raised by the Council. This position would run counter to the Council's adopted policy position of actively encouraging redevelopment of the appeal site to support a residential-led mixed-use development and their observations regarding the existing use and appearance of the buildings detracting from the character of the conservation area.

- 6.18 In terms of the policy context supporting redevelopment of the appeal site for a residential-led mixed-use development I comment as follows;

- 6.19 Policy G1 of the Local Plan (**Core Document F8**) is clear in explaining that Camden is a constrained Borough insofar as the availability of land is concerned and so in order to deliver its objectively assessed needs it will support the efficient use of development sites, particularly in accessible locations and where they deliver a mix of uses.

- 6.20 In pursuance of this objective, the penultimate paragraph of Policy G1 explains that,

'The Council identifies and provides guidance on the main development opportunity sites in the borough through our Camden Site Allocations and Area Action Plans.'

6.21 The Council's Site Allocation Local Development Document (**Core Document F9**) identifies the appeal site at page 147 (Reference Site 35: Bangor Wharf, Georgiana Street). The site allocation guidance actively encourages redevelopment of the site to provide permanent residential accommodation (Class C3) and replacement employment floorspace. In this regard, it is expected that development will;

- *'Optimise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses.*
- *Provide flexible space suitable for a range of employment uses.*
- *Contain an active frontage to Georgiana Street, and to maximise opportunities to provide linkages to the canal towpath.*
- *Be of a form and scale which is appropriate to the Regents Canal Conservation Area and responds to the open character of this part of the canal and to surrounding listed buildings.*
- *Take opportunities to utilise the canal for the transportation of goods and materials, both during construction and in the operation of the development*
- *Ensure that the design and layout of the development responds positively to its canal setting, and contributes to the biodiversity and green nature of the canal.*
- *Provides active frontage to the canal and to Georgiana Street, in order to improve the relationship between the site and the public realm and to enhance the appearance and safety of the surrounding street scene; and*
- *Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible.'*

6.22 Supporting text (**Reference; paragraph 1 of the Site Context Section**) goes onto explain that,

'The site contains the offices, storage buildings, yard and vehicle parking for a small building construction company. It has good access to the strategic road network and unrestricted access for deliveries. Therefore, it is considered to be a suitable site for continued employment use. However, the buildings on site are generally of lower density than those in the surrounding townscape so there does seem to be some

potential for a more intensive development of the site involving other uses in addition to employment.'

6.23 In addition, paragraph 2 explains that,

'The current use, with its associated buildings and boundary treatment, detract from the character of the conservation area. It is identified in the Conservation Area Appraisal (2008, page 20) as a site with opportunities for enhancement.'

6.24 Having regard to the above, it is clear that the appeal site is identified by the Council as a valuable source of land to meet its objectively assessed needs and it provides an opportunity to enhance the character of the area through removal of the existing building, and their use, by way of redevelopment. In terms of the former, it has been relied upon by the Council to meet its 5 year land supply with the delivery of housing anticipated 2018/2019. Consequently, redevelopment of the appeal site is actively encouraged.

6.25 As such the Council's view that the existing buildings could be upgraded to secure tenants and the request for the Appellant to demonstrate whether the existing buildings are of a suitable condition to allow continued use, is irrelevant. To maintain this position would simply serve to fail to realise the wider policy objectives for the appeal site.

Proposed loss of employment space by type and quantum

6.26 The appeal site is vacant and has been since EDF vacated the premises in October 2015. It comprises the main 2 storey building (Use Class B1a), measuring 816 sq.m (GIA) and a single storey building (Use Class B8), along with 2 smaller ancillary buildings collectively providing for 196 sq.m floorspace (GIA). In total, the appeal site currently comprises 1,012 sq.m (GIA) of employment floorspace.

6.27 In terms of the condition of the existing buildings at the appeal site, the 'Elemental Cost Plan – Refurbishment to EDF Offices', report prepared Rund Partnership as attached to Mr Shakespeare's Proof of Evidence identifies a number of deficiencies associated with the existing building (s) in terms of their continued use for their intended purpose.

6.28 The appeal proposal involves the redevelopment of the site for a residential-led mixed-use development including the provision of 604 sq.m (GIA) new and improved flexible office floorspace. The appeal proposal therefore results in the reduction of 408 sq.m (GIA) employment floorspace when compared to that which currently exists at the appeal site.

6.29 In supporting this aspect of the reason for refusal the Council refers to Policy E2 of the Local Plan (**Core Document F8**) which explains that proposals involving redevelopment of existing employment sites will be considered so long as, *'the level of employment floorspace is increased or at least maintained'*. Further policy guidance is provided by way of supporting paragraph 5.40 which explains that,

'Where premises or sites are suitable for continued business use, the Council will consider higher intensity redevelopment schemes which improve functional efficiency, maintain or preferably, increase the amount of floorspace and the number of jobs and provide other priority uses, such as housing (and, in particular, affordable housing), community facilities and open space, where this would not prejudice the continued operation of businesses on the site.

6.30 Having regard to the above, it is the case that there are a number of considerations other than the quantum of employment floorspace that are relevant when assessing the reduction of employment floorspace. Indeed, there are also a number of other policy objectives relating to the appeal site such as the imperative for housing which should also be taken into account by the Council when considering the reduction of employment floorspace.

6.31 This approach is consistent with formal pre-application feedback dated 10th June (**Appendix K1**) which explains within the final paragraph of page 3 that,

'The policy details that, for mixed use developments such as that sought, the employment floorspace should be maintained or increased. It is advised that this should be your starting point for incorporating replacement employment floorspace on site. It is however acknowledged at this juncture that such an amount may be difficult to achieve. It is considered that officers may be willing to consider a partial replacement of the employment floorspace on the site, providing it is of a 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). This can be explored further in future pre-application discussions.'

- 6.32 The need to take a balanced and flexible view in the interpretation and hence implementation of planning policy is a well-established principle which is reinforced at the Local Level through Paragraphs 11.43 to 11.45 of the Local Plan (**Core Document F8**) which explains that,

'The Local Plan needs to be flexible enough to ensure that the Council's vision and objectives for Camden can be delivered in future years despite changing circumstances. This is particularly important with regards to delivering our approach to Camden's growth and meeting the borough's needs for homes, jobs, services and infrastructure. There is a need for sensitivity and flexible implementation. However, while our plan must be suitably flexible, it is vital that the level of flexibility does not create uncertainty or harm the overall delivery of the Local Plan...it goes onto explain that...'Given the plan's priority for housing provision it will be important to closely monitor the supply of housing and make adjustments to the way we implement our Local Plan policies to ensure that targets are met...'

- 6.33 Despite the feedback received during the pre-application process and the flexible nature in which the Local Plan itself requires its own policies to be implemented, the Officer and subsequently Council, has applied Policy E2 in a draconian manner. In doing so they have collectively failed to arrive at a balanced view on the issue of the reduction of employment floorspace and by virtue of this overall appeal proposal, thereby compromising the ability to meet a number of policy objectives relating to the appeal site.

- 6.34 To summarise those planning benefits driving from the appeal scheme against which the reduction of 408 sq.m of employment floorspace should be considered, as policy allows, are summarised as follows;

- The delivery of 46 no. residential units, including a significant contribution towards affordable housing of which 48% of units are allocated for affordable

housing with a 56%/44% tenure split in favour of intermediate and rented housing, respectively. This is a particularly important consideration given that the Council has relied upon the appeal site to assist with meeting its 5 year land supply and anticipates the delivery of housing between 2018/2019.

- The delivery of new and improved employment floorspace to 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.
- Improvement to the character and appearance of the site and by virtue of this the Regents Canal Conservation Area achieved principally through the removal of the existing buildings and replacement with a high-quality scheme.
- The efficient use of a vacant and under-utilised brownfield site in a highly sustainable location; and
- Increasing vitality within the immediate area and in particular the canal and Georgiana Street by bringing the site back into active use and facilitating public access to a part of the Borough that is currently restricted.

6.35 In view of the above and having regard to officer feedback which acknowledged the difficulties in maintaining or increasing existing employment floorspace as part of any redevelopment proposal, the Appellant argues that appeal proposal appropriately balances the competing land use demands for the site. In this respect the appeal proposal efficiently utilises 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.

6.36 In addition to the above, it is also the case that there are a number of key material considerations that further weigh in the favour of the appeal proposal. Ultimately these material considerations evidence the fact that the reduction in employment

floorspace at the appeal site would not unduly harm economic activity within Camden, as stated by the Council.

Employment Floorspace – Job Creation

- 6.37 Currently the site provides zero employment opportunities as it is vacant. Conversely the proposal which seeks to deliver 604 sq.m would deliver an estimated 46 full time jobs which has been calculated in accordance with Section 6 at Page 36 of the HCA Employment Density Guide 2015 (**Core Document F23**). This figure excludes those employment opportunities associated with maintaining the site (cleaners, security guards etc) as well as those involved in the construction phase.

Employment Land Supply

- 6.38 The most recent analysis of supply and demand of office floorspace is set out within the Council's AMR 2014/2015 (**Core Document F18**). Under paragraph 13.2 it is explained that,

'In 2014/15 a total of 125,476sq m of B1 floorspace was completed and 72,272sq m was removed resulting in a net gain of 52,204sq m of B1 floorspace'

- 6.39 Paragraph 13.3 goes onto explain that,

'Trends in B1 floorspace vary year by year however the last 5 years have seen a gain in B1 floorspace of approximately 44,593sq m (see Figure 4 below). Most loss of B1 business floorspace is for redevelopment or conversion to housing.'

- 6.40 The Council is clearly performing well in terms of the delivery of new employment floorspace and this is reflected through the most recent Annual Monitoring Report. It is therefore considered that the reduction of employment floorspace by 408 sq.m will not significantly impact on Camden's local economy and certainly not result in strong economic reasons as to why the appeal proposal should not be allowed. This being a further key material consideration for decision makers as set out within Paragraph 51 of the National Planning Policy Framework (**Core Document F1**) explains that,

'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'

Quality of replacement employment space provision.

- 6.41 The final component of this reason for refusal relates to the Council's concerns regarding the quality of replacement office floorspace. Within Paragraph 6.13 of the Statement of Case (**Core Document H**) it is explained that,

'The proposed office space includes a mezzanine level above the ground floor wheelchair unit. The mezzanine floor has an area of 107sqm. The floor-to-ceiling height of the mezzanine floor is unknown as accurate sections have not been provided despite requests from the Council for this information. Following the refusal the Appellant has continued to fail to provide these details. The ground floor office area within the northwest corner of the site would have a poor provision of light, with only a glazed doorway and a window facing the courtyard which would likely be overshadowed due to its northern aspect and the built form of the building surrounding it. There would also be two rooflights within the roof. Based on these factors, it is considered that this part of the building would provide a poor provision of office space due to the poor level of outlook and access to sunlight and daylight.'

- 6.42 Mrs Tranter will comment on this matter in more detail, although I make the following policy related observations.

- 6.43 The proposal for the new B1 accommodation at ground floor is designed to be flexible. Page 24 of the Design & Access Statement (**Core Document D4**) illustrates the space available as three separate, open-plan units and indicate a way of subdividing this space to provide smaller units, for start-ups for example.

- 6.44 Each of the proposed B1 units benefits from a dedicated entrance and access to refuse storage and cycle parking. In addition, amenity space is provided by way of the courtyard and in some instances dedicated amenity space.
- 6.45 The positioning of each of the B1 units means that views are afforded of the Canal and/or landscaped courtyard area positioned to the centre of the appeal site.
- 6.46 Issues of sunlight and daylight are not a policy consideration for commercial premises, albeit the appeal proposal maximises opportunities to introduce natural light within each of the proposed commercial units through the positioning of the respective building and detailed measures such as the use of glazing.
- 6.47 To conclude on this point, it is acknowledged that the appeal proposal reduces the amount of employment floorspace on site by 408 sq.m (GIA) but the Appellant argues that this is a result of the need for the appeal proposal to appropriately balance, and meet, the wider policy objectives relating to the appeal site. In this regard, the appeal proposal has a clear rationale which optimises the opportunity available to deliver the Council's priority land use in the form of new housing and in particular a significant contribution to affordable housing, the creation of new and improved employment floorspace and the delivery of a high-quality scheme.
- 6.48 It is also the case that there are a number of material considerations which suggest that the proposed reduction of employment floorspace is acceptable. They also serve to assist in demonstrating that the appeal proposal would certainly not fail to support economic growth within the Borough and result in the loss of employment opportunities as the Council asserts within its reason for refusal. In fact quite the opposite, the site currently provides zero employment opportunities whereas the appeal proposal seeks to deliver 604 sq.m of new and improved employment floorspace which in turn would generate circa 46 full time jobs. This excludes further employment opportunities associated with maintaining the site as well as those involved in the construction phase.

REASON FOR REFUSAL 2 – HOUSING MIX

- 6.49 The Council's reason for refusal in respect of the issue of housing mix is as follows;

*'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 **policies H7 (Large and small homes) of the Camden Local Plan 2017** and policy 3.8 of the London Plan 2016.'*

6.50 The planning policy context referred to by the Council in seeking to substantiate its reason for refusal is referred to below.

6.51 Policy 3.8 – Housing Choice of the London Plan (**Core Document F2**) requires under criterion a) that,

'new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these'

6.52 At the local level Planning Policy H7 explains that,

'The Council will aim to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.'

'We will seek to ensure that all housing development, including conversion of existing homes and non-residential properties:

- a) contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and*
- b) includes a mix of large and small homes.*

We will take a flexible approach in assessing the mix of dwelling sizes proposed in each development having regard to:

- c) the different dwelling size priorities for social-affordable rented, intermediate and market homes;*
- d) any evidence of local needs that differ from borough wide priorities;*
- e) the character of the development, the site and the area, including the impact of the mix on child density;*
- f) site size, and any constraints on developing the site for a mix of homes of*

different sizes;

- g) the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as buy to let housing; and*
- h) the extent to which flexibility around the mix of market homes could secure the delivery of additional affordable housing.'*

6.53 The Council's Dwelling Size Priority Table is set out at paragraph 3.189 of page 86 of the Local Plan (**Core Document reference F8**) and provides the following guidance;

Table 1.1 – Dwelling Size Priority Table and Provision

Tenure	1 bed or studio	2 bedroom	3 bedroom	4 bedroom
Social affordable rent	Lower	High	High	Medium
Intermediate Affordable	High	Medium	Lower	Lower
Market	Lower	High	High	Lower
Total Provision (%)	39%	41%	20%	0%

6.54 The appeal proposal seeks to provide 46 no. new homes providing for a range of units sizes and tenures including social rent, shared ownership and private sale. In terms of the size of the units proposed the development comprises 9 x 3 beds (20%), 19 x 2 bed (41%) and 18 x 1 bed units (39%). Therefore, in accordance with relevant planning policy requirement (London Plan Policy 3.8 and Local Plan Policy H7), the appeal proposal delivers a range of housing types and tenures as a means to encourage the creation of a mixed and balanced community on site and as part of the immediate area. Specifically, the proposal contributes to a range of unit sizes and delivers a mix of large and small homes.

6.55 In terms of the Council's justification for this reason for refusal, it is explained at paragraph 6.17 of the Council's Statement of Case (**Core Document H**) that;

'The appeal proposal includes 46 residential units (18 x 1-bed, 19 x 2- bed and 9 x 3-bed), this is made up of 30 market units and 16 affordable flats (7 affordable rent, 2 social rent and 7 shared ownership units). The Council considers that a scheme of

this size, compromising new build residential development, should meet the priorities of the Dwelling Size Priorities table in full. The Council will demonstrate that the appeal proposal has failed to provide a high enough proportion of family sized units.'

6.56 The first observation I make in respect of the Council's position is the assumption that the appeal proposal should meet the priorities of the dwelling size priorities in full. In this regard, it is noted that Policy H7 and in particular criterion 'a' requires proposals to contribute to the Council's housing priorities which the appeal proposal does. It does not require as the Council's has suggested within its Statement of Case that development proposals should meet the requirement in full.

6.57 The second point is how the Council can assess whether a proposal meets the housing priority table in full given that the provision required is stated as either low, medium or high priority. There is no percentage requirement to which the Council can assess the provision made as part of the appeal or indeed, any other scheme. It is clear that the policy and accompanying table sets a general policy expectation for the types of housing it expects to be delivered as a means to create mixed and balanced communities and therefore encourages both small and larger units.

6.58 This is illustrated by Policy H7 which makes clear that the Council will adopt a flexible approach to assessing the mix of dwelling sizes. Of particular note in this regard is supporting paragraph 3.190 which explains that

'We will expect proposals to include some dwellings that meet the high priorities wherever it is practicable to do so. In the social-affordable element we will give particular priority to large homes (with three or more bedrooms) at or around the level of guideline targets for social rents, as resources and development viability permit.'

6.59 In addition, paragraph 3.191 explains that,

'Having regard to criteria (c) to (h) in Policy H7, the Council acknowledges that it will not be appropriate for every development to focus on the higher priorities in the Table 1. However, we consider that each development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall, in accordance with clause (b). Where possible a mix of large and small homes should be included for both the social-affordable rented and the market

housing. In accordance with clause (b) the Council will also generally resist development proposals for self-contained general needs housing that contain only one-bedroom and studio flats.'

6.60 There are a number of constraints that the appeal site and its proposed redevelopment presents as set out fully within Mrs Tranters Proof of Evidence.

6.61 Notwithstanding the site and development constraints, along with the flexibility enshrined within Policy H7, I still find that the appeal proposal accords with relevant planning policy objectives and contrary to the Council's assertion does in fact contribute to the creation of mixed and inclusive communities through the provision of both small and large units for various tenures.

REASON FOR REFUSAL 3 – QUALITY OF RESIDENTIAL ACCOMMODATION

6.62 Reason for refusal no. 3 states,

*'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 **policies A1 (Managing the impact of development) and D1 (Design) of the Camden Local Plan 2017** and policy 3.5 of the London Plan 2016.'*

6.63 Policy A1 of the Local Plan (**Core Document reference F8**) is set out at page 162 and is principally concerned with ensuring that development does not cause unacceptable harm to the amenity of existing and prospective residents. In order to assess this issue a number of factors are set out within criterion 'e' to 'n' which are referred to in the Council's reason for refusal and have been commented on below.

6.64 Policy D1 places a general presumption in favour of high quality development and again provides a number of criteria that the Council will use to assess the issue of the quality of residential accommodation.

6.65 In providing further detailed guidance, Camden Planning Guidance Housing 2 (**Core Document F11**) considers the issue of residential development standards at section

4, page 61. The overarching objective is to ensure developments provide high quality housing that incorporates secure, well-lit accommodation within well-designed layouts and rooms. In pursuance of this objective is further detailed guidance.

- 6.66 In addition, Camden Planning Guidance Amenity 6 (**Core Document F14**) provides information on various types of amenity issues including; air quality, contaminated land, noise and vibration, artificial light, daylight and sunlight, overlooking, privacy and outlook, construction management plans, access for all, wind and microclimate and open space, outdoor sport and recreation facilities.
- 6.67 At the strategic level, Policy 3.5 - Quality and Design of Housing Developments of the London Plan (**Core Document F2**) expects housing developments to be of the highest and internal and external quality which accounts for physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.
- 6.68 The Mayor's Housing Supplementary Planning Guidance (SPG) provides further details on the quality of housing including space standards, privacy, aspect, noise and daylight and sunlight.
- 6.69 Mrs Tranter will comment on the matter of the standard of accommodation from a design perspective. Similarly, Mr Lyons will discuss sunlight and daylight matters in respect of prospective residents.
- 6.70 Before I turn to the constituent parts of the Council's reason for refusal I note that the appeal proposal has been designed to ensure a high standard of living environment for prospective residents, generally.

General living environment for prospective residents

- 6.71 It is notable that the appeal proposal provides over 90% of all units as dual aspect, with 42 of 46 units benefitting from a choice of outlook. It should be noted that the 4 no. single aspect units are south facing and hence accepted by way of Design Standard 29 of the Mayor Housing SPG (**Core Document F3**). All units have been

designed to accord with the minimum space standards set out within the Mayors Housing SPG.

- 6.72 In addition, each of the residential units benefit from directly accessible private amenity space in the form of a balcony, terrace or roof terrace which meets or exceeds the spatial requirements set by relevant policy guidance. The level of provision has been covered by Mrs Tranter.
- 6.73 Furthermore, Section 4.06 of the Design & Access Statement (**Core Document D4**) illustrates that the shared amenity space in the form of a courtyard and roof garden collectively measures 630sq.m which is 223 sq.m in excess of the required provision under CPG 6 (**Core Document F14**).
- 6.74 Having established that the living environment for prospective residents is in general terms of a high quality I now turn to the specific areas of concern raised by the Council and the relevant planning policies.

Outlook

- 6.75 In providing specific policy guidance on this matter, Paragraph 7.8 of Page 38, of the Camden Planning Guidance 6 – Amenity (**Core Document F14**) defines outlook as follows.

‘Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. You should design developments so that the occupiers have a pleasant outlook. You should screen any unpleasant features with permanent landscaping.’

- 6.76 In this regard, it is notable that through the distribution of each of the 3 buildings the appeal proposal has been designed to maximise views of the Regents Canal. As such each of the proposed residential units benefits from good access to outlook in the form of amenity space i.e. the canal. Indeed, in line with paragraph 7.8 above, I would go as far as to say the outlook for prospective residents is ‘pleasant’ given

each unit has a view of amenity space either in the form of the canal and in some instances the proposed landscape courtyard.

Light

6.77 Detailed guidance on the issue of daylight and sunlight as part of development proposals is set out within Page 31 of the Camden Planning Guidance Amenity 6 (**Core Document F14**) which states the following;

- We expect all buildings to receive adequate daylight and sunlight.
- Daylight and sunlight reports will be required where there is potential to reduce existing levels of daylight and sunlight; and
- We will base our considerations on the Average Daylight Factor and Vertical Sky Component.

6.78 In assessing the issues of daylight and sunlight the Council explains under paragraphs 6.3 and 6.4 that they require all developments to be accompanied by a daylight and sunlight report which follows the methodology set out in the most recent version of the Building Research Establishment's (BRE) "Site Layout planning for daylight and sunlight: a guide to good practice".

6.79 As part of the appeal proposal the Appellant has taken an opportunity to update the Sunlight and Daylight assessment submitted in support of the original planning application (**Core Document D7**) as a means to provide comfort on this matter.

6.80 The updated assessment is covered in detail by the author Mr Lyons. However for the purposes of my evidence I note that in terms of the light experienced by the prospective residents of the appeal proposal paragraphs 11.2.2 and 11.2.3 explain that,

'The analysis shows that the overwhelming majority of rooms assessed would meet or exceed the guideline daylight amenity given in both the BRE Report and BS8206:2 and that the daylight amenity achieved by all rooms is appropriate for this urban area. Sunlight analysis shows that 63 (75%) of the 84 south-facing rooms will see full BRE Report compliance. Given the urban context of the Appeal Scheme, this level of compliance is in excess of expectations (Para 11.2.2).

We submit that our analysis demonstrates that the flats within the Appeal Scheme would receive appropriate daylight and sunlight amenity when assessed in accordance with the local planning authority's guidelines and, more specifically, with the guidance given in the BRE Report (Para 11.2.3)'

- 6.81 Based on the finding of the evidence provided by Mr Lyons it is my opinion that the proposed development ensures that prospective residents receive adequate daylight and sunlight to support the activities taking place in the respective building (s), in line with paragraph 6.3 of Camden Planning Guidance Amenity 6 (**Core Document F14**).

Overlooking and Privacy

- 6.82 On the issue of privacy, paragraph 7.4 of the Camden Planning Guidance Amenity 6 (**Core Document F14**) places a general requirement that development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. It goes onto explain within the Good Practice guidance note that,

'To ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement will be the distance between the two closest points on each building (including balconies).'

- 6.83 Supporting paragraph 7.5 explains in the context of the implementation of this policy standard that,

'Where this standard cannot be met we may require you to incorporate some of the following design measures into your scheme to ensure overlooking is reduced to an acceptable level. Design measures to reduce the potential for overlooking and the loss of privacy include:

- *Careful consideration of the location of your development, including the position of rooms;*
- *Careful consideration of the location, orientation and size of windows depending on the uses of the rooms;*
- *Use of obscure glazing;*

- *Screening by walls or fencing; and*
- *Screening by other structures or landscaping.'*

6.84 It is noted that there is only one instance whereby the proposed residential units directly face each other and the 18m advisory distance is not met, as described in paragraph 6.15 of Mrs Tranters Proof of Evidence. In this instance, it is the case that 18m is achieved between directly facing windows but it is the projected balcony that reduces the distance to 16.5m. The instances of overlooking are therefore limited to those occasions when respective residents are using their balconies.

6.85 The Mayors Housing SPG (**Core Document F3**) offer further guidance on the issue of privacy whereby it acknowledges the distance of 18m between buildings but recommends this should be applied flexibly having regard to wider policy objectives. In particular, paragraph 2.3.36 explains that,

'In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density.'

6.86 In view of the above, it is the case that the distance between the proposed residential units is acceptable in all but one instance and on this occasion the reduction below the relevant standard is minimal at 1.5m. Furthermore, potential overlooking only arises where both prospective residents are using their balconies. Local level policy allows for these standards to be applied flexibly and indeed the London Plan reinforces this approach having regard to wider policy objectives. On this basis, I consider the approach adopted within the appeal proposal successfully balances the need to optimise the site whilst ensuring appropriate privacy for existing and prospective residents. This approach is entirely consistent with the relevant planning policy and in particular the Mayors Housing SPG.

REASON FOR REFUSAL 5 – PROVISION OF AFFORDABLE HOUSING

6.87 The Council's fifth reason for refusal concerns the provision and tenure of affordable housing and is drafted as follows;

*'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 H4 (Maximising the supply of affordable housing) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017, 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.**']*

6.88 Having regard to the policy framework outlined by the Council in support of this reason for refusal and its Statement of Case the issue of affordable housing comprises the following constituent parts:

- The overall percentage of affordable housing.
- The affordable tenure mix; and
- Affordability and suitability of shared-ownership housing as a form of affordable housing.

6.89 The appeal proposal makes provision for a significant quantum of affordable housing at 48% of all units provided. The tenure mix is 56%/44% allocated as intermediate and rented housing, respectively. The approach adopted as part of the appeal proposal towards the delivery of affordable housing ensures the delivery of a range of homes to meet the needs of the Borough's residents whilst balancing this against relevant viability-related considerations.

6.90 Dr Lee has addressed matters relating to viability and in particular the economics of the provision. As part of the viability case Mr Shakespeare has provided evidence in respect of the Existing Use Value of the appeal site. Finally, Mr Millership has discussed those matters relating to affordability and general deliverability and management of the affordable housing content.

6.91 Accordingly, I consider below the planning policy context relevant to the provision of affordable housing based on the afore-mentioned evidence.

6.92 At the national level, planning guidance in the form of the National Planning Policy Framework (**Reference Paragraph 50, Page, 13, Core Document F1**) requires Local Planning Authorities to plan for a mix of housing based on demographics, market trends and the needs of different groups as a means to ensure a wide choice of homes, improve opportunities for home ownership and create sustainable, inclusive and mixed communities.

6.93 At Paragraph 173, the NPPF states the following;

‘Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.’

6.94 In addition, the NPPF provides at Appendix 2, Paragraph 1, Page 3 the following definition of affordable housing;

***‘Affordable housing:** Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.’*

6.95 The definition of intermediate housing is detailed at paragraph 4 which explains,

‘Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.’

- 6.96 At the Strategic level, Policy 3.11 of the London Plan (**Core Document F2**) requires boroughs to seek to maximise affordable housing provision and as a means to facilitate a diverse intermediate housing sector encourages 60% of the affordable housing as social and affordable rent and 40% for intermediate rent or sale. In seeking to negotiate affordable housing, policy 3.12 of the London Plan is clear that such provision should be secured having regard to the need to encourage rather restrain residential development and the development viability.
- 6.97 The approach contained within the London Plan is broadly reflected at the Local Level. Policy H4 of the Local Plan (**Core Document F8**) explains that a guideline mix of 60% social-affordable rented and 40% intermediate housing will be secured (criterion a) and that this requirement applied on all sites capable of delivering 25 or more additional dwellings whereby the overall percentage of affordable housing will be 50% (criteria e). As with the London Plan Policy H4 also explains that affordable housing will be secured having regard to a number of issues including the, '*economic and financial viability of the development including any particular costs associated with it...*' (criterion o.) and, '*whether an alternative approach could better meet the objectives of this policy and the Local Plan*'. (criterion p.).
- 6.98 In terms of the overall proportion of affordable housing the appeal proposal provides for 48% of all units as affordable. The percentage of affordable housing falls just 2% short of the Council's target but is justified based on the economics of provision as previously explained by Dr Lee.
- 6.99 In my opinion, the provision of affordable housing is significant which is best illustrated through the Council's latest Annual Monitoring Report 2014/2015 (**Core Document F18**). Paragraph 6.3 explains that during 2014/2015 61 net affordable dwellings were completed which is the equivalent of 13% of all net additional self-contained homes completed in Borough. The level of affordable housing proposed as part of the appeal scheme therefore significantly exceeds that secured by the Council during 2014/2015.
- 6.100 With respect to the tenure of affordable housing the appeal proposes a 56%/44% split for intermediate and rented housing. Accordingly, the intermediate component is 6% above relevant policy standards and the rented element 4% below. It is however

the case that the tenure mix suggested by way of Policy H4 of the Local Plan (**Core Document F8**) is a guideline and other relevant factors such as, the economics of provision and whether an alternative approach as a means to better meet the objectives of the policy and plan, are key considerations.

- 6.101 Again, Dr Anthony Lee has comprehensively explained as to how the tenure mix has been derived having regard to the economics of provision and how the tenure mix has contributed to securing the maximum reasonable provision of affordable housing from the appeal scheme.
- 6.102 In terms of the suitability of intermediate housing as a form of affordable housing it is acknowledged that paragraph 3.104 of the Local Plan that the Council prefers intermediate rent as opposed to shared ownership on the basis that it is rarely possible for provides to deliver shared ownership affordable for Camden's residents.
- 6.103 However, Mr Millership has demonstrated based on the income thresholds set within the London Plan and in particular its Annual Monitoring Report that the proposed shared ownership housing is in fact affordable.
- 6.104 It is the case that the appeal proposal provides a significant contribution towards affordable housing at 48% with a 56%/44% tenure split which far exceeds the Council's past performance rates. The mix of tenures will contribute towards the creation of a mixed and balanced community and home ownership which are key considerations under relevant planning policy. The Council's approach of seeking to refute shared ownership housing as a means of affordable housing would undermine these two key policy objectives and more fundamentally the overall viability position and hence deliverability of the appeal scheme.
- 6.105 The level of affordable housing proposed has been justified having regard to the evidence of Mr Shakespeare and Dr Anthony Lee. Mr Millership who represents the Appellant, a registered provider with considerable experience of delivering affordable housing within the Borough, who in my opinion is best placed to advise on affordability matters and has duly done so. I therefore find that this aspect of the appeal proposal is entirely in accordance with relevant planning policy.

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

6.106 Reason for refusal no. 6 states that,

'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 G1 (Delivery and location of growth), D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.'

6.107 Mrs Tranter and Mr Murphy have commented on the issue of design, and heritage, respectively but I believe that one great merit of the scheme is its design quality and the way in which it blends together the various policy requirements.

6.108 One of the key design-related policy objectives common throughout national and local level planning policy is the ability to maximise the potential of a site whilst ensuring that the scheme respects the surrounding built environment along with the amenities of neighbouring properties.

6.109 Policy G1 of the Local Plan (**Core Document F8**) makes clear that the Council will encourage growth by securing high quality development and by promoting the most efficient use of land and buildings. This policy objective is further detailed through criteria 'a' and 'b' which explain that it will be achieved by,

'supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site; (Criteria a) and

'resisting development that makes inefficient use of Camden's limited land.' (Criteria b)

6.110 The Council's Site Allocations LDD (**Core Document F9**) sets out at pages 146 and 147 the following design-related principles;

'Optimise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses

Contain an active frontage to Georgiana Street, and to maximise opportunities to provide linkages to the canal towpath.

Be of a form and scale which is appropriate to the Regents Canal Conservation Area and responds to the open character of this part of the canal and to surrounding listed buildings.

Ensure that the design and layout of the development responds positively to its canal setting, and contributes to the biodiversity and green nature of the canal

Provides active frontage to the canal and to Georgiana Street, in order to improve the relationship between the site and the public realm and to enhance the appearance and safety of the surrounding street scene'.

- 6.111 Local Plan Policy D2 – Heritage (**Core Document F8**) is principally concerned with ensuring development proposal preserve or where appropriate enhance Camden's heritage assets. Designated heritage assets include conservation areas and Listed Buildings whereby the Council will not permit the loss of or substantial harm unless outweighed by way of criterion 'a to d'.
- 6.112 It is my opinion that the appeal proposal appropriately responds to each of the above-mentioned design principles and as a general principle has been carefully designed to respect the surrounding local context, including heritage assets whilst maximising the opportunity that exists. The approach employed as part of the design of the appeal proposal is based on a comprehensive assessment of the opportunities and constraints presented by the appeal site and surrounding area, as contained within Sections 4.03 and 4.04 of the Design & Access Statement (**Core Document reference D4**).
- 6.113 In addition, the appeal proposal has been arrived at following an extensive consultation exercise and as part of this lengthy discussions with Officer of the Council. In this regard, it is notable that Officer's issued an e-mail dated 7th April 2016 (**Core Document K4**) explaining that,

'The layout, scale and orientation of the proposed buildings are, in general terms, considered to be appropriate to the site and broadly supported.'

- 6.114 In the context of the above-mentioned feedback I find it somewhat contradictory that the Council subsequently resolved to refuse the appeal based, in part, on issues of mass and scale.
- 6.115 My Murphy has provided clear reasoning as to why he considers that the appeal proposal is a well-designed architectural response and in particular how it has been informed by a thorough understanding of local heritage and townscape significance and character. In this context Mr Murphy disagrees with the Council's assertion that the appeal proposal fails to respond to its context appropriately and that an increase of height at the appeal site is inherently harmful.
- 6.116 Mr Murphy also questions the Council's assessment in arriving at the conclusion that the appeal proposal fails to either preserve or enhance the character and appearance of the Conservation Area. Mr Murphy's opinion in this regard is, in part, based on the fact that the Council has not identified the level of harm to the heritage assets and so it is not identified by the Council as being either 'substantial' or 'less than substantial'.
- 6.117 Having regard to the above, the evidence provided by Mr Muprhy and Mrs Tranter and my own observations, I am of the opinion that the scheme results in a significant improvement to the existing built environment not least by virtue of the fact it involves the removal of the existing buildings, their use and the boundary treatment which detract from the character and appearance of the area. On this basis alone the scheme improves the character and appearance of the area and its visual amenity. I find that the height, scale and mass of the proposed buildings is appropriate to the appeal site and surrounding area in view of the evidence of Mrs Tranter and Mr Murphy and note this observation was shared by Officers during the course of determination.
- 6.118 Having analysed this reason for refusal, I am strongly of the view that the issues claimed by the Council to be of concern actually represent sound design and townscape principles. I find the scheme entirely consistent with the overall policy

approach of seeking to efficiently utilise the appeal site, delivering the range of benefits the Council expects whilst ensuring the proposal is sensitive to the amenity of existing residents and respects the character and appearance of the surrounding area, including the Regents Canal Conservation Area.

REASON FOR REFUSAL 8 – TYPE AND LAYOUT OF CYCLE PARKING

6.119 Reason for refusal no. 8 relates to cycle parking and states that,

*‘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 **policies T1 (Prioritising walking, cycling and public transport), T3 (Transport Infrastructure) of the Camden Local Plan 2017.**’*

6.120 Policy T1 of the Local Plan (**Core Document F8**) makes clear that the Council will promote sustainable patterns of movement by prioritising walking, cycling and public transport. With respect to encouraging cycling the Council seeks to ensure that development;

‘provides for and makes contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards, including the implementation of the Central London Grid, Quietways Network, Cycle Super Highways; and

provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning document Camden Planning Guidance on transport. Higher levels of provision may also be required in areas well served by cycle route infrastructure, taking into account the size and location of the development;

makes provision for high quality facilities that promote cycle usage including changing rooms, showers, dryers and lockers;

is easy and safe to cycle through (‘permeable’); and

contribute towards bridges and water crossings suitable for cycle use where appropriate.'

6.121 Policy T3 is set out a Page 278 of the Local Plan (**Core Document F8**) and sets out a general objective of the Council to improve transport infrastructure. In respect of cycling specifically criterion 'b' explains that the Council will protect existing and proposed transport infrastructure and in particularly those for walking, cycling and public transport.

6.122 Chapter 9 of CPG7 (**Core Document F15**) is concerned with cycling facilities, including cycle parking. At page 48 it states:

'Cycle parking should be provided off-street, within the boundary of the site. Cycle parking needs to be accessible (in that everyone that uses a bike can easily store and remove a bike from the cycle parking) and secure (in that both wheels and the frame can easily be locked to the stand). Security is a critical concern in the location, design, enclosure and surveillance of all cycle parking.'

6.123 Mr Brant's interpretation of relevant planning policy concludes that the overarching policy objective is to ensure that a) sufficient levels of cycle parking is provided b) it is accessible and c) secure.

6.124 In this regard, Mr Brant provides evidence to demonstrate that the level of cycle parking is in accordance with relevant policy standards and that it is accessible and secure.

6.125 To conclude, I am of the opinion that the appeal proposal represents sustainable development and encourages sustainable patterns of movement by virtue of the quantum of cycle parking in accordance with relevant policy standards, the accessibility to public transport and the fact that the development is car free.

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

6.126 Reason for refusal no. 9 states that,

'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 **policies G1 (Delivery and location of growth) and A1 (Managing the impact of development) of the Camden Local Plan 2017.***

- 6.127 Mrs Tranter has commented on the matter of how the design of the appeal proposal has been considered in respect of issues of outlook, privacy and daylight and sunlight. Similarly, Mr Lyons has considered daylight and sunlight matters in respect of existing properties. Accordingly, I make the following policy related observations in the context of the constituent parts of the Council's reason for refusal.

Outlook

- 6.128 In providing specific policy guidance on this matter, Paragraph 7.8 of Page 38, of the Camden Planning Guidance 6 – Amenity (**Core Document F14**) defines outlook as follows.

'Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. You should design developments so that the occupiers have a pleasant outlook. You should screen any unpleasant features with permanent landscaping.

- 6.129 In this regard, it is a key benefit of the appeal proposal that it involves removal of the exiting unattractive buildings and indeed service yard and their replacement with a high-quality scheme. This along with the courtyard located to the centre of the site which allows for views through to the Canal and beyond would in my opinion would improve the outlook for existing residents.

Privacy

- 6.130 On the issue of privacy, paragraph 7.4 of the Camden Planning Guidance Amenity 6 (**Core Document F14**) places a general requirement that development should be

designed to protect the privacy of both new and existing dwellings to a reasonable degree. It goes on to explain within the Good Practice guidance note that,

‘To ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement will be the distance between the two closest points on each building (including balconies).’

6.131 Having regard to the above, it is the case that the appeal proposal maintains a satisfactory distance to the closest existing properties at Royal College Street, in line with relevant planning policy guidance.

Daylight and Sunlight

6.132 Detailed guidance on the issue of daylight and sunlight as part of development proposals Page 31 of the Camden Planning Guidance Amenity 6 (**Core Document 14**) states the following;

- We expect all buildings to receive adequate daylight and sunlight.
- Daylight and sunlight reports will be required where there is potential to reduce existing levels of daylight and sunlight; and
- We will base our considerations on the Average Daylight Factor and Vertical Sky Component.

6.133 In assessing the issues of daylight and sunlight the Council explains under paragraphs 6.3 and 6.4 that they require all developments to be accompanied by a daylight and sunlight report which follows the methodology set out in the most recent version of the Building Research Establishment’s (BRE) “Site Layout planning for daylight and sunlight: a guide to good practice”.

6.134 As part of the appeal proposal the Appellant has taken an opportunity to update the previous Sunlight and Daylight report submitted in support of the original planning application (**Core Document D7**).

6.135 The updated report is covered in detail by Mr Lyons but to summarise explains under paragraph 11.1.1 that,

'The GL Hearn analysis demonstrates that the proposed Appeal Scheme at Bangor Wharf, Georgiana Street, Camden, London would not materially effect the daylight and sunlight amenity received to the neighbouring residential and commercial properties (requiring analysis), when assessed in accordance with the guidelines given in the local planning policy guidance and, more specifically, with the guidelines set-out in the BRE Report.'

- 6.136 Based on the finding of the evidence provided by Mr Lyons it is my opinion that the proposed development ensures that existing residents receive adequate daylight and sunlight to support the activities taking place in respective buildings, in line with paragraph 6.3 of Camden Planning Guidance Amenity 6 (**Core Document F14**).

SUMMARY AND CONCLUSIONS

- 7.1 Analysis of the appeal site and surroundings confirms that it represents a significant opportunity to remove an inefficient and vacant employment site and secure redevelopment which makes a significant contribution to local and strategic policy objectives.
- 7.2 Having analysed each of the reasons for refusal, and considered these against this background, I see no policy reasons for objecting to the proposals. Indeed, the contrary is the case. Any reasonable assessment of policy confirms the benefits of the scheme, as follows;
- 7.3 The Appeal proposal would secure the redevelopment of an inefficient and vacant employment site which given its existing use and appearance is acknowledged by the Council as detracting from the character of the immediate area, including the Regents Canal Conservation Area (**Reference paragraph 2 of page 148 of the Site Allocations LDD – Core Document F9**). Redevelopment would improve the character and appearance of the area and the replacement scheme would in my view improve quality of life appreciably for much of the local community.
- The scheme would allow the appropriate delivery of housing on site, including a significant contribution towards affordable housing at 48% of all units proposed. This aspect of the appeal scheme responds to the general imperative for residential development and also the specific requirements at the strategic and local level. In this regard, Council's reliance on the appeal site to assist with meeting its 5 year land supply (housing anticipated on site during 2018/2019) only serves to emphasise the importance of the appeal site in delivering residential accommodation.
 - The scheme represents a mixed-use development, where there would be delivery on site of uses to encourage employment, to provide for the needs of local residents and business. The employment uses are widely encouraged by policy and a residential-led mixed-use redevelopment of the site offers the best opportunity to secure an employment use at the appeal site.

- The scheme incorporates high-quality design which responds to good townscape principles, inclusive design and results in improvements to the Regents Canal Conservation Area and heritage assets. The appeal proposal has evolved in response to extensive pre-application discussions and a thorough and comprehensive assessment of the appeal site and surrounding area.
- A key benefit of the Appeal scheme would be the improved access the scheme would create to the Regents Canal – a currently restricted part of the Borough. It would achieve this through the innovative use of a publicly accessible courtyard space. This would substantially increase the access opportunities for the local community to open space, a major contributor to quality of life.
- The scheme would secure the Council stated priority land use in the form of housing (including 48% affordable housing), responding to the wider policy imperative, it would also deliver office (B1[a]), to meet the needs of the residents on-site and the wider community. This would help encourage social enterprise and create local employment opportunities.
- The scheme to be of high quality, making a positive contribution to the townscape of the area and respecting its context. The provision of a courtyard space is an innovative solution to providing on site amenity space whilst facilitating access for prospective and existing residents to the Regents Canal - a part of the Borough that is currently restricted. This would appreciably enhance for quality of life of people living locally.

7.4 It is evident that the Officer and subsequently Council has implemented its planning policy in a draconian manner which has resulted in a failure to acknowledge the wider policy objectives and inter alia benefits arising from the scheme. Not to grant planning permission would perpetuate decline on this site, inconsistent with the redevelopment imperative outlined at national, strategic and local levels.

7.5 Having analysed all the issues surrounding this case I consider the scheme to be consistent with policy and would result in substantial local and regional benefits. I respectfully consider the Appeal should be allowed.