

Camden Planning Guidance

Amenity

March 2018



CPG Amenity

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1 Introduction

What is Camden Planning Guidance?

- 1.1 The Council has prepared this guidance to support the policies in the Camden Local Plan 2017. It is a formal Supplementary Planning Document (SPD), which is therefore a “material consideration” in planning decisions.
- 1.2 This document should be read in conjunction with, and within the context of the relevant policies in the Camden Local Plan 2017.

Amenity in Camden

- 1.3 Standards of amenity (the features of a place that contribute to its attractiveness and comfort) are major factors in the health and quality of life of the borough’s residents, workers and visitors and fundamental to Camden’s attractiveness and success. Camden’s Inner London location, the close proximity of various uses and the presence of major roads and railways means that amenity is a particularly important issue within the borough.

What does this guidance cover?

- 1.4 This guidance provides information on key amenity issues within the borough and includes the following sections relating to Local Plan Policy A1 – Managing the impact of development:
 - Overlooking, privacy and outlook
 - Daylight and sunlight
 - Artificial light
 - Construction management plans
 - Noise and vibration
 - Wind and micro-climate
 - Contaminated land.
- 1.5 This document replaces the above sections in CPG 6 Amenity (adopted 2011).

2 Overlooking, privacy and outlook

KEY MESSAGES:

- Developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings.
- Mitigation measures should be included to reduce overlooking
- Public spaces benefit from overlooking as natural surveillance

2.1 This guidance relates to the application of Policy A1 – Managing the impact of development and aims to ensure that the potential impact of development on the privacy and outlook of neighbouring properties and their occupiers is fully considered. This chapter contains guidance on the following:

- Overlooking and privacy
- Separation between buildings
- Mitigation measures
- Balconies and roof terraces
- Outlook

Overlooking and privacy

- 2.2 Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expects development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis.
- 2.3 The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms; bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking.

Separation between buildings

- 2.4 To ensure privacy, it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development, assuming a level topography. In instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance. The 18m should be measured between the two closest points on each building (including balconies). See Figure A below.

Figure A: 18m separation distance measurement

- 2.5 Where there is an existing street or public space, this space is considered to already provide an adequate separation between properties and so the 18m guideline will not apply. However, care should be taken to reduce overlooking from the street into habitable rooms near to a street or public space, particularly bedrooms. Public spaces and communal areas will benefit from a degree of overlooking as this can increase natural surveillance of these spaces and therefore act to deter crime.
- 2.6 There may also be instances however, where the historic character of the immediate area is composed of buildings positioned less than 18m apart and it will be appropriate to reflect this in the design of development schemes.

Mitigation measures

- 2.7 They may be circumstances where a separation distance of 18m cannot be achieved. In these instances, mitigation measures should be incorporated to ensure overlooking is reduced to an acceptable level.
- 2.8 For example, buildings could be positioned at an angle to each other so it is less likely that people will be able to see directly into neighbouring habitable rooms and gardens of neighbouring buildings. Careful consideration could also be given to the layout of windows, using obscure glazing to prevent overlooking if necessary. It will however not be acceptable for habitable rooms to have windows glazed exclusively with obscure glass however.
- 2.9 Soft landscaping, such as the use of trees and shrubs can act as privacy screens. Where soft landscaping is proposed as the principle method of screening, applicants should demonstrate that the extent of planting proposed is sufficient to ensure that this will result in reasonable levels of privacy all year.
- 2.10 Carefully sited permanent domestic structures, such as solid fences, pergolas, garden sheds, bin stores, and cycle storage, can also act as privacy screens. In instances where mitigation is considered necessary to ensure privacy, but has not been provided adequately within development proposals, the Council will consider the use of planning conditions to secure mitigation measures. This could include conditions requiring:
- the installation of obscure glazing;
 - restrictions on openable windows; and
 - restrictions on inserting new windows into blank walls.

Balconies and roof terraces

- 2.11 Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space, they also have the potential to increase

opportunities for overlooking. Balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings. Conversely, residential buildings should also be designed so that new balconies and roof terraces do not suffer from an unacceptable degree of overlooking from existing developments, particularly when this is the only outdoor amenity space available to the new dwelling.

- 2.12 'Juliet' (or 'French') balconies are balconies that do not project far enough for an occupant to stand on. Where these are proposed, as the occupants using the balcony are still within the building, the extent of overlooking will be considered in the same way as would a normal window.

Outlook

- 2.13 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. Particular care should therefore be taken if the proposed development adjoins properties with a single aspect. Any unpleasant features should be screened if possible, for example with permanent landscaping.
- 2.14 Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. The location of bin or cycle stores, for example, should be carefully considered if they are in close proximity to windows or spaces used by occupiers.
- 2.15 It should be noted that the specific view from a property is not protected as this is not a material planning consideration.

3 Daylight and Sunlight

KEY MESSAGES:

- The Council expects applicants to consider the impact of development schemes on daylight and sunlight levels. Where appropriate a daylight and sunlight assessment should be submitted which should follow the guidance in the BRE's *Site layout planning for daylight and sunlight: A guide to good practice*.
- The 45 degree and 25 degree tests cited in the BRE guidance should be used to assess ('screen') whether a daylight and sunlight report is required.
- Levels of reported daylight and sunlight will be considered flexibly taking into account site-specific circumstances and context.
- The Council may seek independent verification of daylight and sunlight reports if necessary.

3.1 The Council aims to protect the quality of life of occupiers and neighbours through Local Plan policy A1 Managing the Impact of Development, which seeks to ensure that development does not cause unacceptable harm to amenity, including in terms of daylight and sunlight. This guidance relates to daylight and sunlight levels and contains the following sections:

- What is daylight and sunlight?
- Assessing daylight and sunlight levels.
- What should daylight and sunlight reports contain?
- Flexible consideration of daylight and sunlight.
- Independent verification of daylight and sunlight reports.
- Other Considerations: Right to Light Legislation.

What is daylight and sunlight?

3.2 Levels of daylight and sunlight within buildings are important for amenity, health and well-being, for bringing warmth into a property and to save energy by reducing the need for artificial lighting and heating. The Council will carefully assess proposals that have the potential to reduce daylight and sunlight levels for existing and future occupiers.

3.3 In this context, daylight is considered to be the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between dawn and dusk. Sunlight refers to direct sunshine. Whereas levels of daylight are associated with illumination, sunlight is brighter and has potential to heat buildings. Overshadowing is an outcome of sunlight being blocked and is associated with the measurement of sunlight levels.

Assessing daylight and sunlight levels

3.4 Daylight and sunlight levels are affected by the location of a proposed development and its proximity to, and position in relation to, the windows in nearby properties.

3.5 In order to demonstrate that adequate levels of daylight and sunlight are being provided in accordance with Policy A1, the Council will expect applicants to submit daylight and sunlight reports informed by BRE's *Site layout planning for daylight and sunlight: A guide to good practice* (the 'BRE guidance').

- 3.6 The BRE guidance contains numerous tools, techniques and recommended standards relating to daylight and sunlight that are relevant to both minor and major developments. It is intended that this section be read in conjunction with the BRE guidance.

When may daylight and sunlight reports be expected?

- 3.7 Major developments and proposals for new dwellings are expected to provide daylight and sunlight reports.
- 3.8 To help determine whether a daylight and sunlight report is needed for other types of development, the Council will have regard to several tests, taken from the BRE guidance and quoted in this section for ease of reference. These are referred to as the 45-degree test and the 25-degree test.
- 3.9 Applicants are expected to use the 45-degree test and the 25-degree tests to screen their proposals to determine whether a sunlight and daylight report is required. The screening procedure is set out in Figure 1 below.

45 degree test:

- 3.10 The 45 degree test is an assessment of daylight and can be applied to developments that lie perpendicular (at a right angle) to a neighbouring property. It is most suited to minor developments, such as residential extensions. The test can be applied to both floor plan drawings (see Figures 2a and 2b below) and elevation drawings (Figures 3a and 3b).
- 3.11 When applied to floor plan drawings, the test involves drawing a 45-degree line from the middle of the nearest window from the existing development to the proposed development. If any part of the proposed development crosses the line, then there is potential for daylight to be affected.

Figure 1: Daylight and sunlight report screening procedure

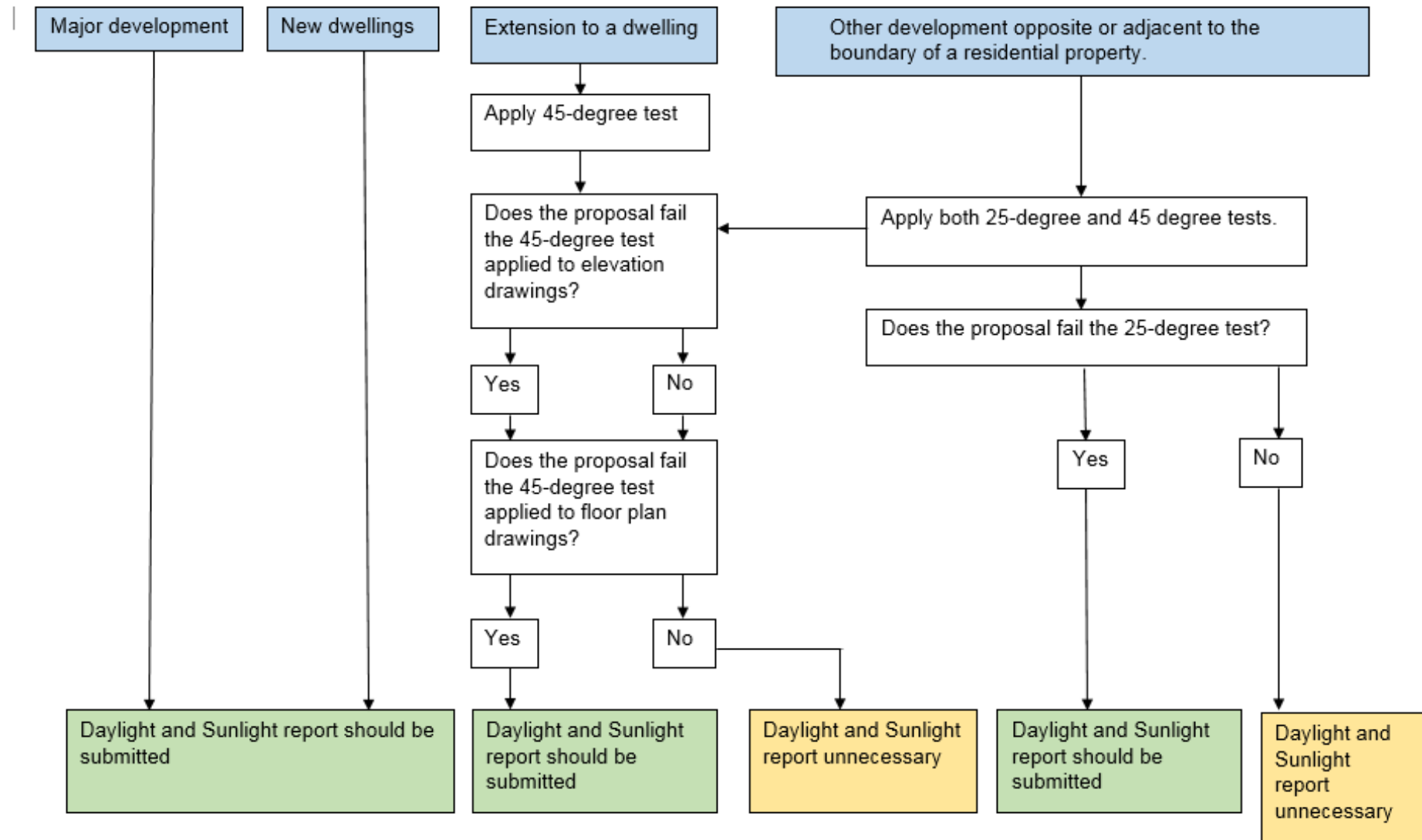


Figure 2a: Proposed development passing 45-degree floor plan test

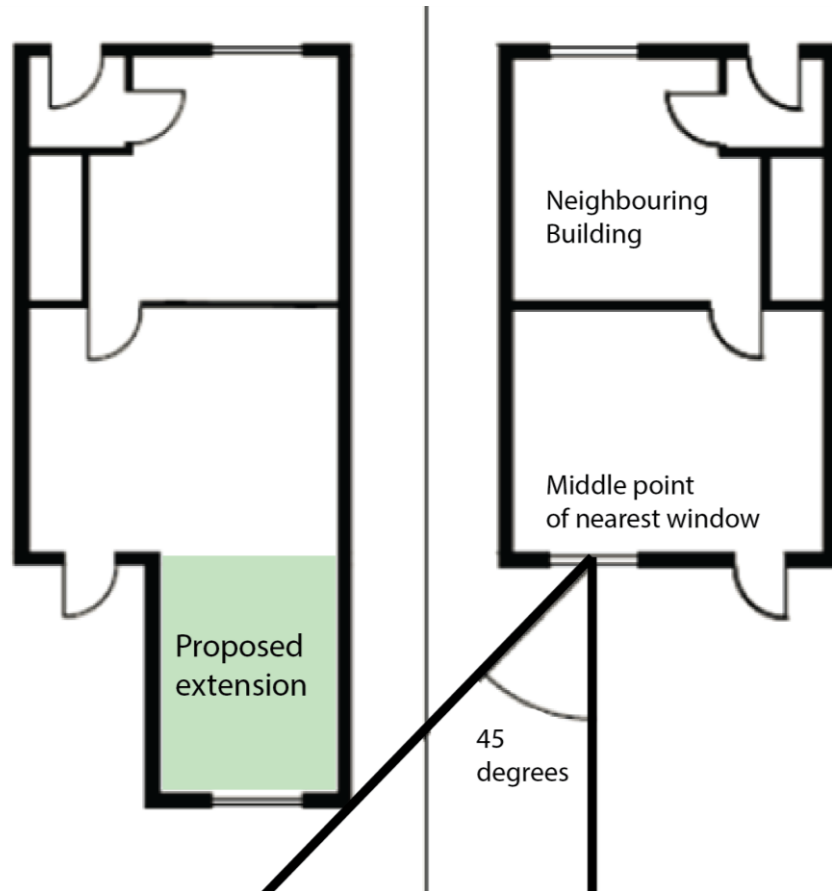
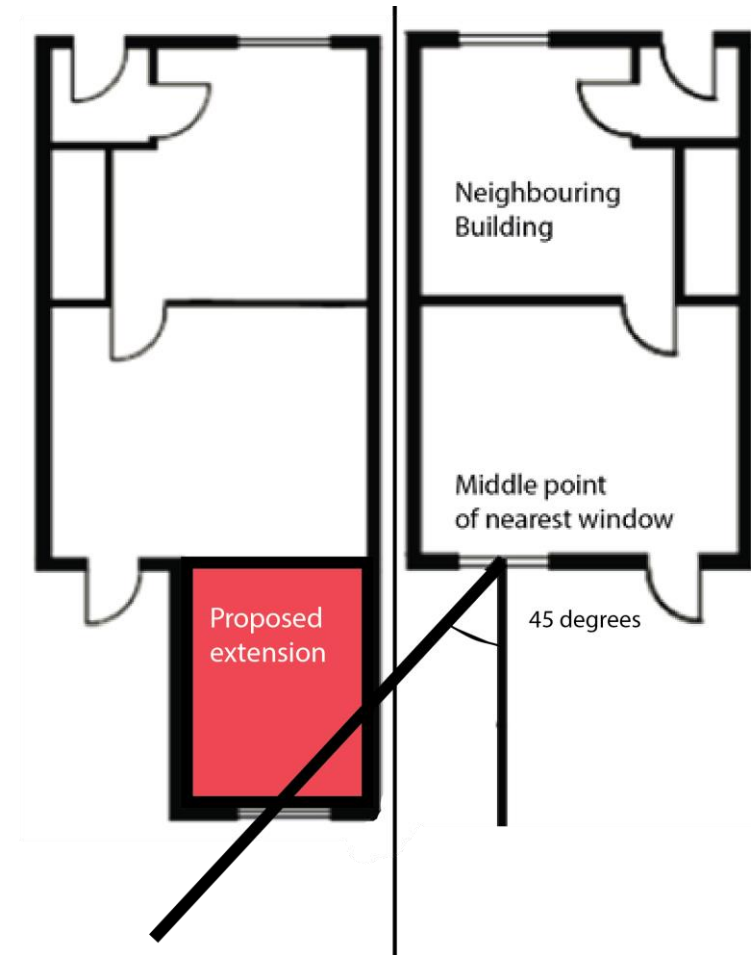


Figure 2b: Proposed development failing 45-degree floor plan test



- 3.12 When applied to elevation drawings, again a 45-degree line is drawn from the mid-point of the nearest window of an existing property towards the proposed development. If any part of the proposed development crosses the line, then there is potential for daylight to be affected. See Figures 3a and 3b.

Figure 3a: Proposed development passing 45-degree elevation test

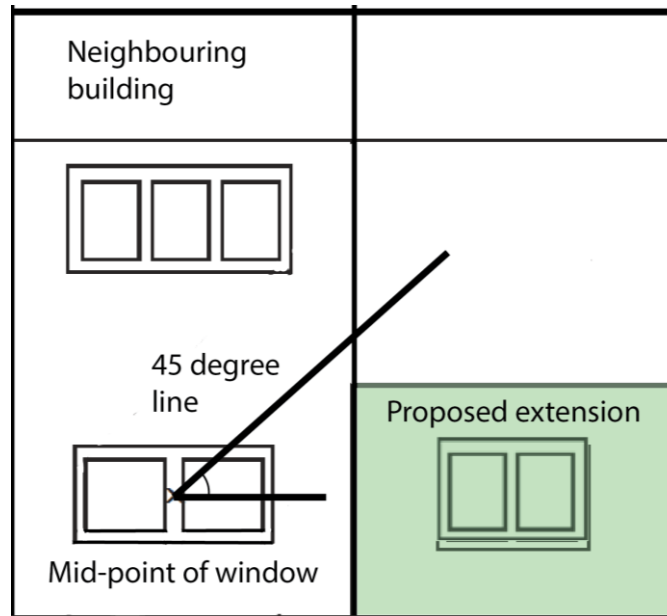
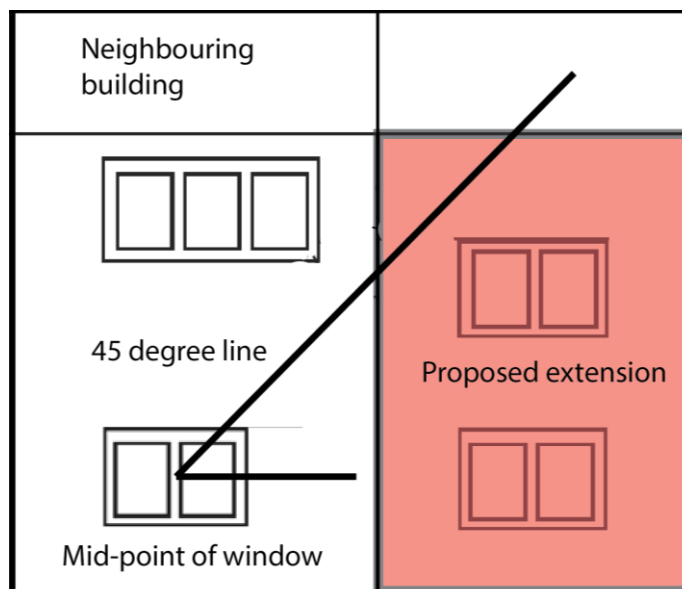


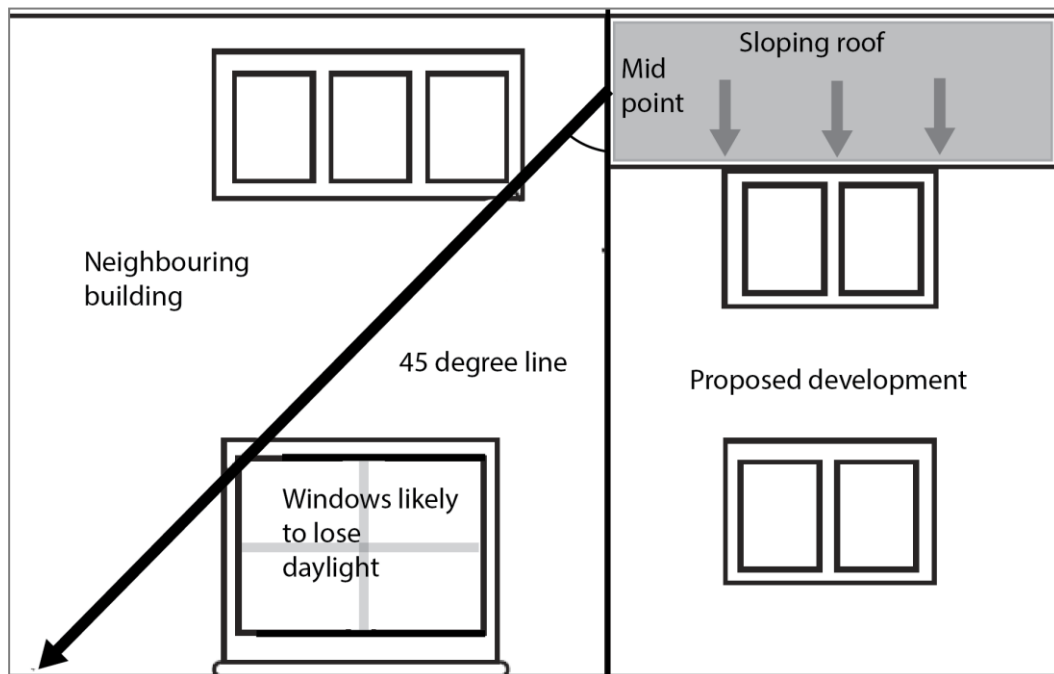
Figure 3b: Proposed development failing 45-degree elevation test



3.13 In applying this test however, two additional factors should be considered where relevant:

- Where the nearest window stretches from floor to ceiling height (a patio door for example), the BRE guidance states that point at which the 45 degree angle is measured should be 1.6m from the floor.
- Where a sloping roof is proposed, it is best to measure the 45-degree angle downwards from the mid-point of the roof slope. Windows lying underneath this line are likely to have experience loss of daylight. See Figure 3c.

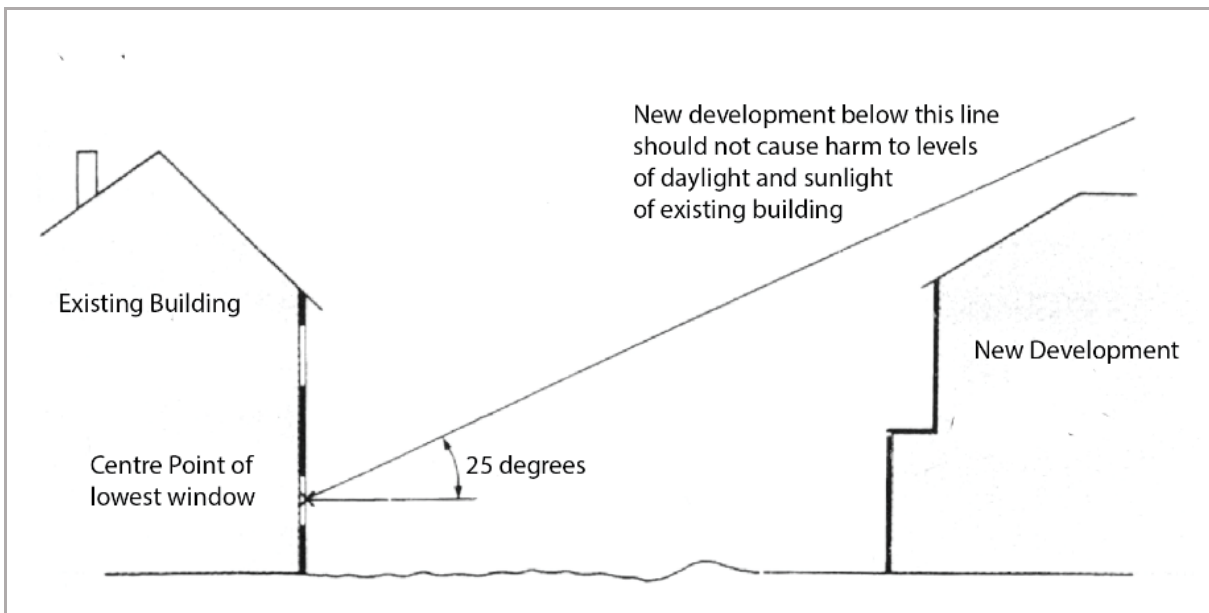
Figure 3c: 45 degree test measured downwards from the mid point of sloping roof.



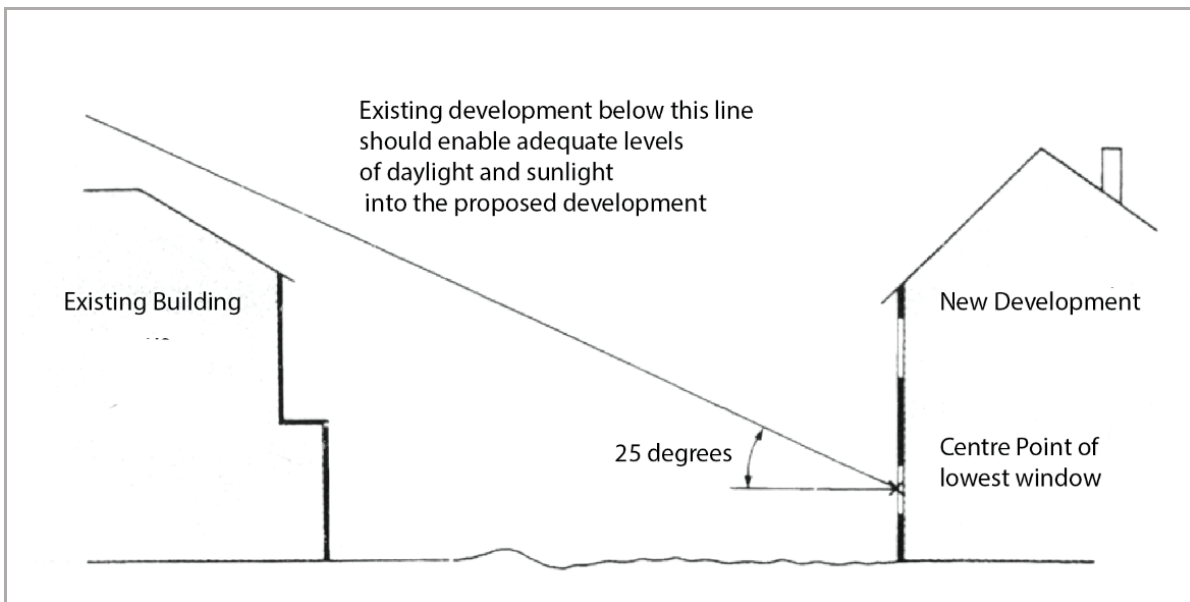
25 degree test

3.14 To assess the impact a proposed development on existing properties (see Figure 4a), a 25 degree line should be projected from the centre of the lowest window of existing residential properties opposite the proposed development. If the whole the proposed development is lower than this line then it is unlikely to have a substantial effect on the daylight enjoyed by occupants in the existing building.

3.15 If the proposed development projects above the 25 degree line, the Council will expect the extent of the development's impact upon daylight and sunlight levels to be assessed in more detail through a daylight and sunlight report.

Figure 4a: 25 degree rule from existing building

- 3.16 The same principle can also be applied to determine whether the occupants of proposed residential developments are likely to receive adequate levels of daylight and sunlight. To assess this a 25-degree line is instead projected from the centre of the lowest window of each residential property within the proposed development. See Figure 4b.

Figure 4b: 25 degree rule from proposed development

What should daylight and sunlight reports contain?

- 3.17 The BRE guidance should form the basis for daylight and sunlight reports. They should be prepared by a specialist surveyor or consultant and assess the following:
1. Levels of daylight and sunlight that occupiers are likely to experience within the proposed development and gardens and open spaces (where relevant); and
 2. The extent that the proposed development is likely to cause on levels of daylight and sunlight entering windows of neighbouring properties, gardens and open spaces (where relevant)
- 3.18 Daylight and sunlight reports should also demonstrate how the design has taken into consideration the guidance contained in the BRE document on passive solar design; and have optimised solar gain.
- 3.19 The Council will expect daylight and sunlight reports to report daylight and sunlight levels using the tools cited in the BRE guidance. The most common tools used are:
- Vertical Sky Component (VSC)
 - Average Daylight Factor (ADF)
 - Annual Probable Sunlight Hours (APSH)
 - No Sky Line (NSL).
- 3.20 Detailed descriptions of these tools and their associated target values can be found within the BRE guidance.
- 3.21 As a minimum, daylight and sunlight reports should show:
- the expected daylight and sunlight levels before and after the development is built to enable ease of comparison;
 - full details of the methodologies used,
 - the full results of assessments; and
 - an executive summary.

Flexible consideration of daylight and sunlight

- 3.22 The Council notes the intentions of the BRE document is to provide advice to developers and decision makers and therefore it should be regarded as a guide rather than policy.
- 3.23 While we strongly support the aims of the BRE methodology for assessing sunlight and daylight we will consider the outcomes of the assessments flexibility where appropriate, taking into account site specific circumstances and context. For example, to enable new development to respect the existing layout and form in some historic areas, it may be necessary to consider exceptions to the recommendations cited in the BRE guidance. Any exceptions will be assessed on a case-by-case basis.

Independent verification of daylight and sunlight reports

- 3.24 In order to provide the Council with greater certainty over the expected daylight and sunlight levels stated within a daylight and sunlight report, the Council may commission an independent verification of the report, which will be funded by the applicant. Independent verification is likely to be required in instances where

there is possible dispute regarding the measurements cited or new techniques/technology is used to create daylight and sunlight measurements.

Other Considerations: Right to Light Legislation

- 3.25 The right to light is a legal right which one property may acquire over the land of another. If a structure is erected which reduces the light to an unobstructed property to below sufficient levels, this right is infringed. A right to light can come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959.
- 3.26 Planning permission does not override a legal right to light. There also may be instances where development built under permitted development rights compromises light levels to an existing window. In both instances, where a right to light is claimed, this is a matter of property law, rather than planning law. It will be for the parties affected to seek a legal remedy. The Council will have no role or interest in any private dispute arising and it will be for the owner or occupier affected to seek a legal remedy.

4 Artificial Light

KEY MESSAGES:

- Artificial lighting should be considered at the design stage and not affect the amenity of neighbours or wildlife.
- Planning permission is required for artificial lighting structures and equipment that substantially affect the external appearance of a building.
- Developers are expected to employ a specialist lighting engineer accredited by the Institute of Lighting Engineers to design their lighting schemes.
- The Council will apply the agent of change principle in instances where developments sensitive to high levels of artificial light are proposed near to existing uses that are reliant upon the light for their operation.

4.1 This section provides guidance on the Council's approach to artificial lighting and should be read in conjunction with Camden Local Plan policy A1 Managing the impact of development. This chapter contains the following sections:

- Artificial light
- When will planning permission be required for lighting?
- What information should accompany a planning application?
- Matters to consider when designing lighting.

Artificial light

4.2 Excessive or poorly designed lighting can cause light spillage and glare and be damaging to the environment by:

- having a detrimental impact on the quality of life of neighbouring residents;
- changing the character of the locality;
- altering wildlife and ecological patterns; and
- wasting energy.

4.3 The following can cause an artificial light nuisance if they are not maintained or used properly

- security lights (domestic and commercial);
- sports facilities (like floodlit football pitches);
- decorative lighting of buildings or landscapes; and
- laser shows and light art.

4.4 The Council will therefore expect that the design and layout of artificial light be considered at the design stage of a scheme to prevent potential harmful effects of the development on occupiers and neighbours in terms of visual privacy, outlook and disturbance. Artificial lighting should only illuminate the intended area and not affect or affect the amenity of neighbours.

When is planning permission required for lighting?

- 4.5 Planning permission is usually required for lighting structures and equipment that is likely to substantially affect the external appearance of a building. Planning permission is not required for carrying out maintenance that affects only the interior of a building or does not materially affect its external appearance. Temporary lighting schemes also generally do not require planning permission.
- 4.6 Examples of where planning permission is usually required include:
- illuminated advertisements, although there are some exceptions, such as those indicating medical services and some commercial advertisements on the front of business premises. (See also Camden Planning Guidance on design);
 - the erection of columns to support lighting or other similar structures; and
 - external lighting as part of an industrial or commercial scheme.
- 4.7 In accordance with Policy A1 in the Camden Local Plan, schemes that would cause unacceptable harm to amenity will not be permitted.

What information should accompany a planning application?

- 4.8 Where planning permission for lighting schemes is required, applicants should provide the following details as applicable:
- the design of lights and associated infrastructure;
 - the number of lights;
 - lighting levels, lux and lumen details, lamp types, wattage;
 - plans showing the area to be lit and the layout of lights, including orientation of beams of light;
 - the height of lighting columns;
 - control systems including types and location of sensors, times lighting will be on; and
 - the need for the lighting, that is, an explanation of what activity the lighting is supporting.
- 4.9 All light installations should be energy efficient and 'Dark Sky' compliant, not causing obtrusive light pollution, glare or spillage and preserving a sensitively lit night-time environment.

Lumen

This is a measurement of the light output from a light source.

Lux

This is a measurement of the light intensity falling on a surface.

Dark sky compliance

To design lighting schemes in order to avoid lighting that extends beyond its intended target and would be inefficient and waste energy. It also avoids glare and light in unwanted areas.

Matters to consider when designing lighting

Light pollution

- 4.10 Light pollution is the term used to describe any adverse effect of artificial lighting and includes
- Glare - the uncomfortable brightness of a light source when viewed against a dark sky;
 - 'Light trespass' – the spread of light spillage from the boundary of the property on which a light is located; and
 - 'Sky glow' - the orange glow we see around urban areas caused by a scattering of artificial light by dust particles and water droplets in the sky.
- 4.11 National Planning Policy Framework (NPPF) advocates the use of good design, planning policies and decisions in order to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (paragraph 125). [National Planning Practice Guidance \(NPPG\)](#) provides detail on the factors that should be considered when assessing whether a development proposal might have implications for light pollution. In summary, these are whether the proposal could:
- materially alter light levels outside the development;
 - make the proposed location for a development unsuitable because of an existing lighting installation;
 - have significant impact on a protected site or species;
 - be located in or near a protected area of dark sky or an intrinsically dark landscape;
 - have potentially high impact on wildlife; or
 - include smooth and/or reflective building materials.

General lighting requirements

- 4.12 To minimise obtrusive light, developers are expected to employ a specialist lighting engineer accredited by the Institute of Lighting Engineers and follow the general principles taken from the Institution of [Lighting Professionals, Guidance Notes for the Reduction of Obtrusive Light \(2011\)](#). These include the following:
- Lighting is to be directed downwards wherever possible to illuminate its target. If there is no alternative to up lighting, then the use of shields, baffles and louvres will help reduce the spill of light to a minimum. Up lighting is a particularly bad form of obtrusive light and contributes to sky glow.
 - Lighting is to be designed to minimise the spread of light near to, or above, the horizontal. Again, any light that shines above the horizontal line of the light adds to the sky glow effect.
 - Lighting should be designed to the correct standard for the task. Over-lighting is a cause of obtrusive light and also represents a waste of energy.

- The main beam angle of all lights proposed directed towards any potential observer is to be kept below 70°. It should be noted that the higher the mounting height, the lower the main beam angle could be. This will help reduce the effect of glare and light spill on neighbouring dwellings, passing motorists, pedestrians, cyclists, etc.
- Lighting should be directed to minimise and preferably avoid light spillage onto neighbouring properties. Wherever possible floodlights with asymmetric beams that permit the front glazing should be kept at, or near parallel to, the surface being lit should be used.
- The lights used should be the most efficient taking into account cost, energy use, and the purpose of the lighting scheme required. All lighting schemes should meet British Standards.

- 4.13 Artificial lighting should be sited in the most appropriate locations to cause minimal disturbance to occupiers and wildlife, while still illuminating the intended area. This includes considering any occupiers located above the lighting source.
- 4.14 Consideration should be given to lighting associated with buildings of special historic and architectural interest in order to protect their special interest and that of the wider area. This applies both to the lighting of such buildings and the impact of the lighting installation when seen by day.
- 4.15 In respect of lighting associated with sports facilities, developers should also consider guidance within Sport England's '[Artificial Sports Lighting](#)' document.

Lighting Infrastructure

- 4.16 The visual effect of lighting infrastructure when viewed in the daytime needs to be considered. These elements can include junction boxes, poles, brackets and cabling. The design, size and colours of the physical infrastructure need to be carefully considered and should relate to the building it is located on.

Use

- 4.17 The design of lighting should be specific to the use it supports (e.g. for recreation facilities). Hours of lighting should be limited to the times needed to support the use (both in summer and winter) and be restricted through the use of timers and sensors where relevant (e.g. for security lighting).
- 4.18 The Council may seek to secure conditions to any planning permission in order to control the hours of operation of any approved lighting scheme.

Agent of change principle

- 4.19 In order to avoid adverse effects on existing businesses that are likely to generate acceptable levels of artificial light related to their operation, the Council will apply the 'agent of change principle' where light sensitive uses are proposed in close proximity to them. The agent of change principle identifies that the party responsible for a change should also be responsible for managing the impact of that change.
- 4.20 Within Camden, this is particularly relevant in cases where residential development is proposed near to an established sports, leisure or entertainment venue. New residents moving into the new residential development, for example, have the potential to make complaints with regards to glare or light trespass which could have an impact on the venue's future operation.
- 4.21 Development sensitive to high levels of artificial light proposed near to an existing use which generate artificial light that could lead to glare or light trespass should therefore include necessary measures at the design stage to mitigate the anticipated lighting effects of the venue. The Council may seek to secure mitigation measures through the use of planning conditions if necessary.

Consideration of biodiversity impacts

- 4.22 Artificial lighting can often impact on wildlife habitats, particularly where lighting is proposed in open spaces, for example to provide lighting for sports courts and pitches or to improve security, such as along Regents Canal (see the Royal Commission on Environmental Pollution's 2009 report, [Artificial Light in the Environment](#)). Artificial lighting can have particularly severe implications for the natural daily rhythms of a range of animals and plants. Sites and habitats identified for their nature conservation value should therefore not be adversely affected by lighting. (See the Policies Map for the location of nature conservation sites.)
- 4.23 If proposed lighting is located within or adjacent to areas of open space or nature conservation sites, the Council will expect developers to employ a specialist lighting engineer accredited by the Institute of Lighting Engineers and provide details regarding how the lighting scheme will mitigate any potential biodiversity impacts arising from the installation or operation of the proposed lighting. This may also require a survey to identify if there are any nesting birds in the immediate vicinity or if it is close to an area where bats may hibernate or emerge at feeding time. This is particularly important if the operation of the lighting extends beyond dusk, which is roughly the time bats will come out to forage. Please also see Camden Planning Guidance on biodiversity.
- 4.24 Please contact the Council's [Nature Conservation Officer](#) at an early stage of the design of a scheme to discuss measures to mitigate the impact of lighting schemes on biodiversity. Further details can be found in Camden Planning Guidance on Biodiversity.

5 Construction Management Plans

KEY MESSAGES:

- Construction Management Plans (CMPs) are expected for major developments and the Council will assess the need for a CMP for smaller developments on a case-by-case basis.
- The Council expects CMPs to be submitted after planning permission is granted and to include significant input from the contractor(s) appointed to undertake the work.
- CMPs must address transport/highways and environmental health impacts, as well as any cumulative construction impacts as a result of activity from multiple sites in close proximity to one another.
- The Council's CMP Pro-forma template must be used when completing a CMP.
- Developers are expected to consult on their CMP with affected parties before submitting it to the Council.
- There is a charge for the review and ongoing monitoring of CMPs.

- 5.1 This guidance relates to the application of Local Plan Policy A1 – Managing the impact of development and provides detail regarding the use of Construction Management Plans.

This chapter contains the following sections:

- What are construction management plans?
- Circumstances where the Council will expect a construction management plan
- How should Construction Management Plans be prepared?
- Cumulative impacts
- Consultation and Construction Working Groups
- Planning obligations

What are construction management plans?

- 5.2 A Construction Management Plan (CMP) is a technical document, which assists the Council in fulfilling its statutory duties. The Council has a legal duty to ensure highway safety and to protect residents from the effects of noise (including vibration) and other environmental issues affecting amenity, which could result from construction activity under the Control of Pollution Act 1974, Environmental Protection Act 1990 and Prevention of Damage by Pest Act 1949.
- 5.3 A CMP sets out the measures that a contractor will take, both on-site and off-site, in order to reasonably minimise the detrimental effects of construction and incorporate mechanisms that overlap with other regulatory regimes (particularly highways and environmental protection). Most CMPs are 'umbrella' documents managing all impacts of the demolition, excavation and construction processes.
- 5.4 Besides ensuring that measures under these different service areas are coordinated in one document, CMPs represent a proactive approach to addressing construction issues. Their purpose is to encourage developers to work with the Council and local people in managing the construction process with a view to ensuring that problems are foreseen and addressed with appropriate mitigation.

Further information on CMPs is available on the Council's [website](#).

Circumstances where the Council will expect a Construction Management Plan

- 5.5 Typically, a CMP will be expected where the following developments are proposed:
- major developments;
 - other developments, assessed on a case-by-case basis, where:
 - the construction process has a significant impact on adjoining properties particularly on sensitive uses;
 - particular 'on-site' issues arising from the construction process are identified (e.g. large scale demolition or complicated or intrusive remediation measures);
 - sites with poor or limited access;
 - sites with restricted access through narrow residential streets;
 - basement developments;
 - where substantial work to listed buildings or adjacent to listed buildings is proposed;
 - where wildlife could be seriously affected;
 - the anticipated length of the demolition, excavation or construction period could cause significant disturbance;
 - the construction process is likely to take place outside normal working hours;
 - specific issues have been identified in the light of external consultation (where these are supported by objective evidence);
 - where constraints arising from the layout or size of the site could impact on the surrounding road network;
 - where there are already a high number of existing active construction sites within the local area;
 - canal side sites; and
 - rail-side sites
- 5.6 CMPs are expected for all major developments. When assessing whether CMPs should be submitted for other developments, particular attention will be paid to the nature and layout of the site and any on-site factors that are likely to seriously exacerbate the impact of the works on the surrounding area. These could include development in residential areas, in close proximity to a school or a care home, or very narrow or restricted site access (e.g. development in a mews with no footways). For smaller developments, a lack of on-site space for plant, storage of materials, and loading and unloading of vehicles may mean that construction effects will inevitably take place close to the boundary and encroach onto the public highway.

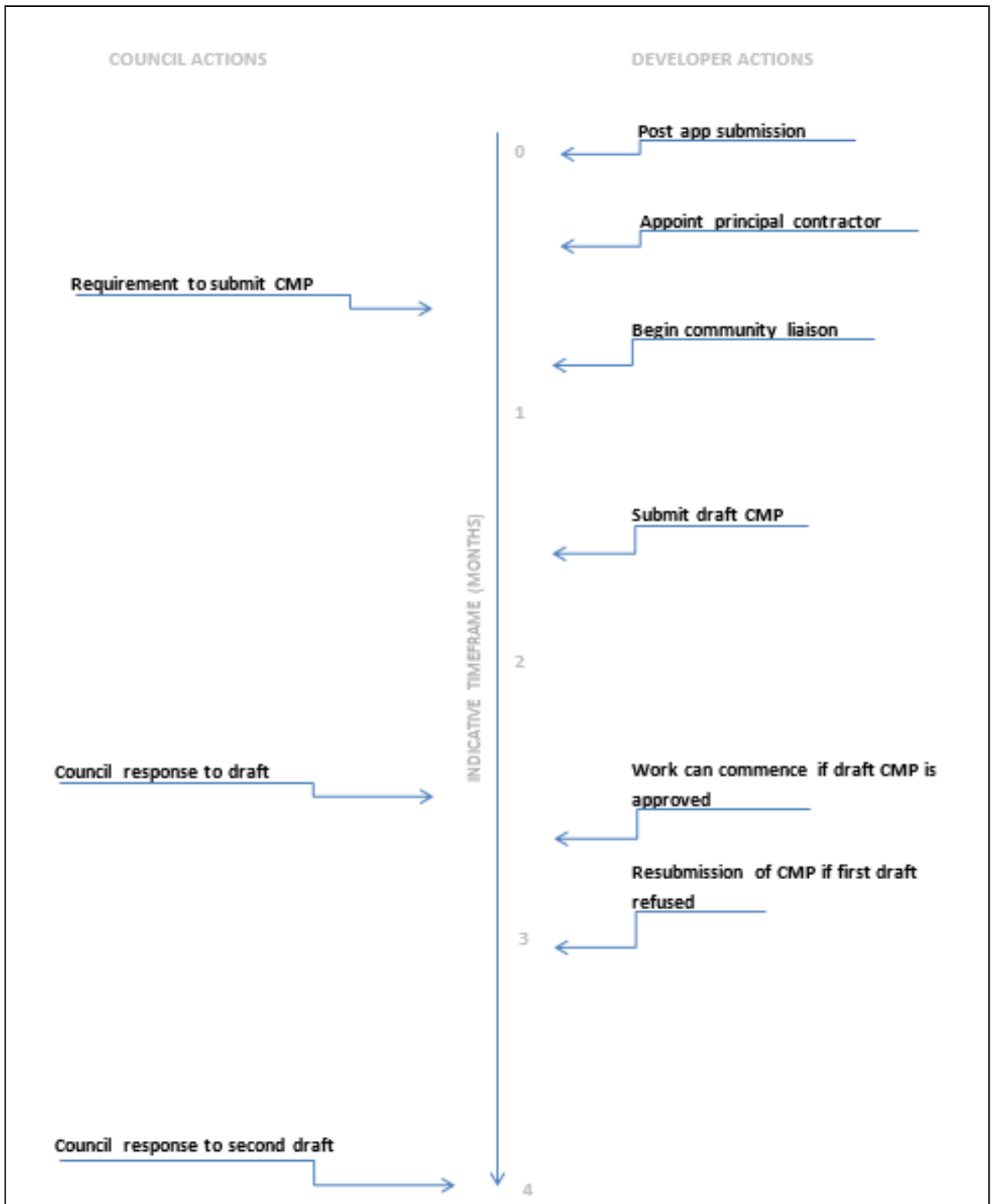
How should Construction Management Plans be prepared?

- 5.7 A CMP should be submitted after planning permission has been granted and should include significant input by the appointed contractor to ensure that the building work can be delivered as intended. It may also be necessary to seek the input from other consultants on matters such as transport, noise, and pest control.

- 5.8 The CMP must be prepared using the Council's CMP pro-forma, which outlines the information that the Council expects. The pro-forma has been developed in the context of the Council's commitment to Transport for London's CLOCS (Construction Logistics and Community Safety) Standard for Construction Logistics, Camden's Minimum Requirements for Building Construction (CMRBC), and the Council's Considerate Contractors Manual.
- 5.9 The CMP pro-forma, including guidance on how to complete the pro-forma is available on the Council's [website](#). A CMP should be treated as a 'live' document, whereby different stages will be completed and submitted as the development progresses. Where it is considered that the CMP does not adequately mitigate the current/planned works, the Council may request that the CMP be redrafted or additional information is submitted before signing off the document. Where separate contractors are responsible for different works phases (e.g. demolition phase and construction phase), the Council will expect separate CMPs prepared by each contractor for their respective phase.
- 5.10 Expected working hours should be set out in the pro-forma. Standard working hours for construction sites in Camden are 8am-6pm Monday to Friday and 8am-1pm on Saturdays. No work should take place on Sundays or public holidays. It is expected that the community be consulted on the proposed working hours. Alternatives to the standard working hours set out above may be considered where proposed in response to consultation with the community.
- 5.11 The Council is aware that some developers may be more familiar with the use of Construction Logistics Plans (CLPs), referred to in guidance published by Transport for London (TfL). It should be noted that the transport section of Camden's CMP pro-forma is based on TfL's CLP. Building on the contents of a CLP, Camden's CMP process expects additional detail relating to environmental health and community liaison considerations. These are often not considered in sufficient detail within CLP templates and associated guidance. A CLP prepared solely in accordance with TfL's CLP guidance cannot therefore be submitted as a substitute to a CMP.

Figure A below sets out the usual CMP process and timeline.

Figure A: Construction Management Plan timeline



Cumulative impacts

- 5.12 At any given time, there are likely to be areas of the borough with particularly high concentrations of individual construction sites. Collectively these have the potential to cause unacceptable adverse impact to amenity. The Council will therefore expect that CMPs should consider the cumulative impacts that could arise from the site and other construction sites within the vicinity. The Council has a good working knowledge of the extent of current and future construction activity within specific areas and developers are encouraged to work with the Council to identify potential problems. Please contact the Infrastructure and Growth team, 5 Pancras Square, London, N1C 4AG, email: planningobligations@camden.gov.uk.
- 5.13 In order to mitigate any cumulative impacts, the Council will encourage developers to co-ordinate their construction activities with other construction sites, such as managing noisy working hours and coordinating deliveries to minimise impact on the highway network.

Consultation and Construction Working Groups

- 5.14 A neighbourhood consultation process must be undertaken prior to submission of the first draft of the CMP. This consultation must focus on construction impacts (including proposed working hours), and should take place following the granting of planning permission in the lead up to the submission of the CMP.. A consultation process specifically relating to construction impact construction must take place regardless of any prior consultations relating to planning matters. Further guidance regarding how to undertake the consultation process is available on the Council's [website](#).
- 5.15 For major developments, a construction working group should be established in order to discuss, advise and, where appropriate, make recommendations to the developer in relation to the build and preparation of the CMP. Even if this group does not meet regularly, as a minimum the Council would expect a site to set up a communication distribution list with regular emails sent by the developer/contractor to keep the residents informed about the progress of the work. The working group should be made up of an appropriate number of representatives from local residents and/or business associations, a nominee of the Council if necessary, and a project manager and/or liaison officer who will act as a point of contact between the local community and the developer if necessary.

Planning obligations

- 5.16 Planning conditions can only be used to control matters within the boundary of a site. However, as the range of matters typically covered by a Construction Management Plan, particularly in relation to highways, lie outside of the site boundary, a CMP will be secured through S106 legal agreement in most cases.
- 5.17 The Council has introduced an implementation support contribution that is payable by developers and secured through S106 legal agreement that is used to contribute towards the costs of the Council of reviewing, monitoring and (if necessary) enforcing CMPs. The charging structure is based on the projected officer time, which could include managing complaints from residents, meetings with the applicants and site visits in addition to the time taken to review CMPs.

Further information on Camden's CMP charge structure can be found on the Council's [website](#).

6 Noise and vibration

KEY MESSAGES:

- The Council will assess the impact of noise and vibration through the consideration of acoustic reports submitted by applicants.
- Noise mitigation (where appropriate) is expected to be incorporated into developments at the design stage.
- The Council will secure mitigation measures through planning condition or legal agreement where necessary.
- The Council will adopt the 'agent of change' principle.

6.1 Noise and vibration can have a significant impact on amenity, quality of life and wellbeing. This section provides guidance regarding the application of Local Plan Policies A4 Noise and vibration and A1 Managing the impact of development, which seek to protect residents of both existing and new residential developments and the occupiers of other noise-sensitive developments from the adverse effects of noise and vibration. Appendix 3 of the Local Plan supports these policies and sets out expected standard in terms of noise and vibration.

6.2 This chapter contains guidance on the following:

- Assessing the impact of noise and vibration
- Acoustic reports
- Internal noise levels and vibration
- Plant and other noise generating equipment
- Food, drink, entertainment and leisure noise
- Delivery management.

Assessing the impact of noise and vibration.

6.3 The Council will assess the impact of noise and vibration through acoustic reports submitted by applicants.

When should acoustic reports be prepared?

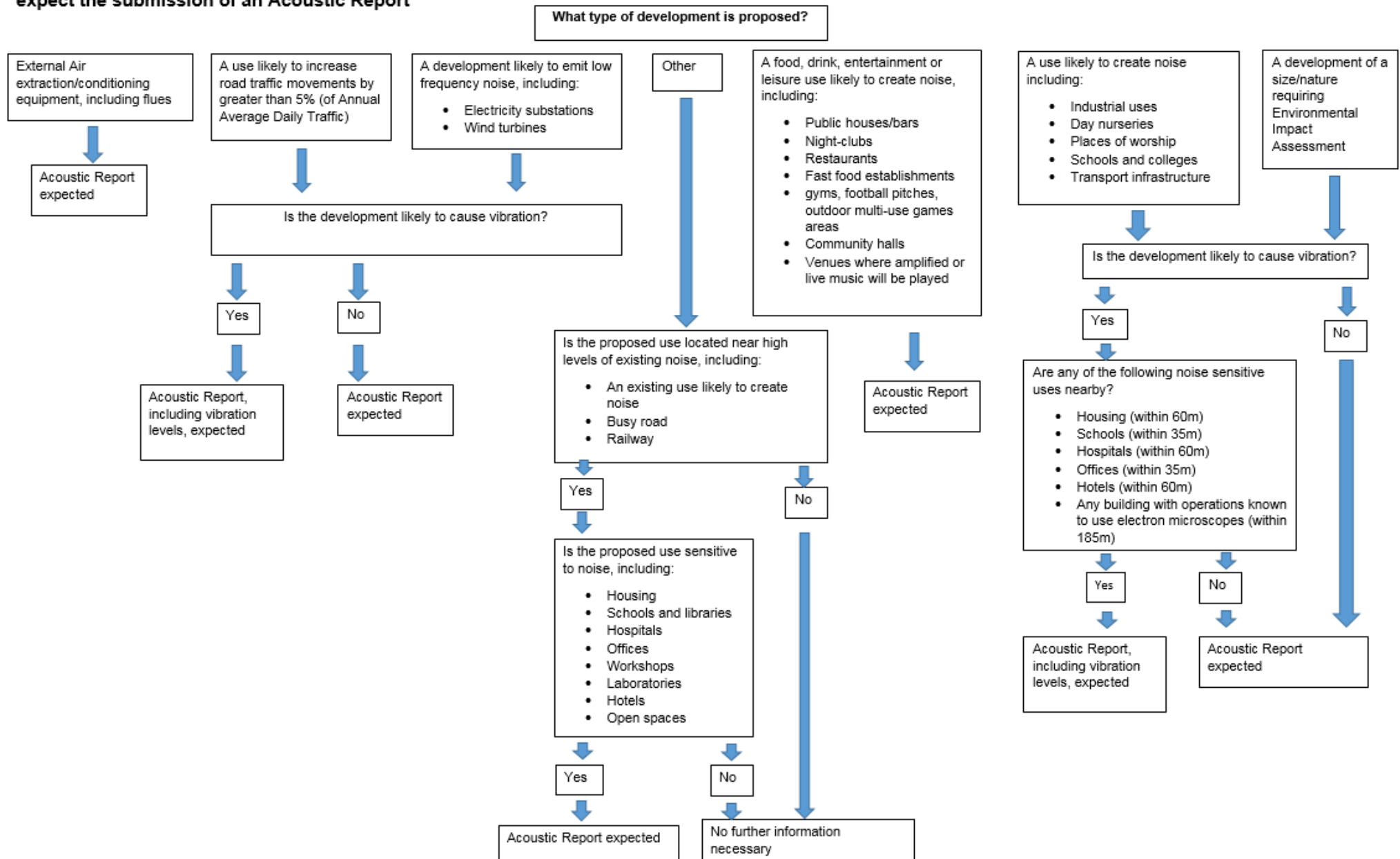
6.4 When a planning application is submitted, an acoustic report should accompany the application where any of the following are proposed:

- plant, ventilation, air extraction or conditioning equipment and flues;
- uses likely to create significant noise such as food/drink/entertainment and leisure uses, industrial uses, day nurseries, places of worship, schools and colleges;
- a noise-sensitive use located in noisy environment (e.g. near to a busy road, railway line, noisy industry)
 - noise sensitive uses include housing, schools/libraries, hospitals, offices, workshops, laboratories, hotels and open spaces.
 - a noisy environment is considered to be an area where non-standard adaptations have to be made to a development in order to prevent harmful or otherwise unwanted effects, such as annoyance or sleep disturbance.

- uses likely to generate a significant amount of traffic (defined as road traffic movements greater than 5% of Annual Average Daily Traffic); and
- developments emitting low frequency noise (e.g. electricity substation).

- 6.5 Diagram 1 below summarises the instances of where an acoustic report is expected and where the report should also consider vibration impacts.
- 6.6 After planning permission is granted, an additional acoustic report should also be submitted to consider the noise impacts of the construction stage as part of Construction Management Plans (CMPs). Please see Camden Planning Guidance relating to CMPs and information on the Council's [website](#) for further information.
- 6.7 Development of a size and/or nature requiring Environmental Impact Assessment (EIA) should also submit an acoustic report.

Diagram 1: Flow chart showing when the Council will expect the submission of an Acoustic Report



Noise and vibration thresholds

6.8 When assessing acoustic reports, the Council will consider the reported measurements against the noise thresholds set out in Appendix 3 of the Local Plan. The thresholds are expressed as 'effect levels', which sets out a hierarchy of expected changes in behaviour and impact on health and wellbeing in response to increasing noise levels (measured in decibels - dB). The 'effect levels' are summarised below and explained in detail in [National Planning Practice Guidance \(NPPG\)](#). The table detailing each 'effect level' from NPPG is also set out in Appendix 1 to this guidance for ease of reference.

- No observed effect level (NOEL) – the level below which no effect can be detected on health and quality of life.
- Lowest observable adverse effect level (LOAEL) – the level above which changes in behaviour (e.g. closing windows for periods of the day) and adverse effects on health (e.g. sleep disturbance) and quality of life can be detected.
- Significant observed adverse effect level (SOAEL) – the level above which adverse effects on health and quality of life occur. This could include psychological stress, regular sleep deprivation and loss of appetite.

6.9 Where appropriate, the Council will also consider the cumulative impact of numerous individual noise sources where noise is known to be an issue. Camden's town centres for example are known to have a proliferation of air conditioning machinery and contain numerous food, drink, leisure and entertainment uses which all contribute to creating noisy environments.

Mitigating noise impacts

6.10 The implications of noise and vibration should be considered at the beginning of the design process so that the impacts of noise and vibration can be minimised. Examples of design features which could reduce noise impacts include (but are not limited to):

- locating noise sensitive areas/rooms away from the parts of the site most exposed to noises;
- creating setbacks;
- designing a building so its shape and orientation reflect noise and protect the most sensitive uses;
- stacking similar rooms (such as kitchens and living rooms) above each other;
- positioning non-residential uses closer to the noise source in mixed use developments;
- insulating and soundproofing doors, walls, windows, floors and ceilings;
- sealing air gaps around windows;
- double glazing;
- including architectural fins (where appropriate);
- laminated glass;
- anti-vibration foundations;
- noise barriers such as landscaping, fencing and solid balconies to reflect sound; and
- incorporating 'sound proof' construction/cladding materials.

6.11 In instances where noise mitigation is necessary, proposals will be expected to include appropriate attenuation to alleviate or mitigate the impact of noise and

vibrations to an acceptable level. Where noise mitigation has not been proposed adequately, but is considered necessary, the Council will consider the use of planning conditions or a legal agreement. Guidance regarding mitigation can be found within *BS8233:2014 Guidance on sound insulation and noise reduction for buildings*.

6.12 Examples of mitigation include:

- reducing the noise emitted at its point of generation (e.g. by using quiet machines and/or quiet methods of working);
- containing the noise generating equipment (e.g. by insulating buildings which house machinery and/or providing purpose-built barriers around the site);
- protecting any surrounding noise-sensitive buildings (e.g. by improving sound insulation in these buildings and/or screening them by purpose-built barriers);
- ensuring an adequate distance between source and noise-sensitive buildings or areas;
- screening by natural barriers, buildings, or non-critical rooms in the development.
- limiting the operating time of the source;
- restricting activities allowed on the site;
- specifying an acceptable noise limit;
- restricting window openings;
- sound proofing internal and external walls; and
- using cladding specifically designed for sound reduction.

Agent of change principle

6.13 In order so existing businesses do not have unreasonable restrictions put onto them because of changes in nearby land uses, the Council will apply the 'agent of change' principle. The 'agent of change' principle identifies the person or business responsible for the change is also responsible for managing the impact of the change.

6.14 Noise sensitive uses proposed near to existing uses/businesses likely to create significant noise should therefore include necessary features to mitigate the anticipated noise and vibration effects of the existing use/business nearby.

Acoustic reports

6.15 Camden's noise and vibration thresholds in Appendix 3 of the Local Plan provide the starting point for developing acoustic reports relating to:

- vibration;
- developments likely to be sensitive to noise;
- industrial and commercial noise; and
- entertainment noise.

6.16 Developers should also seek guidance from the Council's Noise team prior to any acoustic work being carried out in order so they can advise on the best methodology for the proposed development and any bespoke reporting for developments that may fall outside of the above categories.

The Camden Council Noise team can be contacted at RegulatoryServices@camden.gov.uk

6.17 Assessments should be carried out and produced by a suitably qualified and competent consultant and conform to the standards in *BS7445 1-3:2003 Description and measurement of environmental noise* (or any later replacement guidance).

- 6.18 As assessment and guidance for noise and vibration control is always evolving, applicants must ensure that they consider amendments or updates to existing noise guidance. Where there is uncertainty, they should contact the Council's Noise team for clarification.
- 6.19 The appropriate amount and detail of information required will depend on the specific circumstances of a proposal. Details and information forming the minimum requirements for specific types of development can be provided by the Council's Noise team.
- 6.20 The minimum below information is expected to be submitted as part of an acoustic report:
- description of the proposal;
 - description of the site and surroundings, a site map showing noise and vibration sources and measurement locations;
 - background noise levels measured over a minimum of 24 hours;
 - details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details);
 - details of the plant or other source of noise and vibration both on plan and elevations and manufacturers specifications;
 - noise or vibration output from proposed plant or other source of noise and vibration, including:
 - noise or vibration levels;
 - frequency of the output; and
 - length of time of the output.
 - features of the noise or vibration e.g. impulses, distinguishable continuous tone, irregular bursts;
 - specification of the plant, supporting structure, fixtures and finishes;
 - location of noise sensitive uses and neighbouring windows;
 - details of measures to mitigate noise and vibration;
 - details of any associated work including acoustic enclosures and/or screening;
 - cumulative noise levels; and;
 - hours/days of operation.
- 6.21 In order to demonstrate all the above has been submitted, a copy of the Council's acoustic report [Checklist](#) should also be submitted along with the report.

Internal noise levels and vibration

Internal noise levels

- 6.22 The requirements of the Building Regulations are usually adequate for the sound insulation between floors and walls of adjoining dwellings, making planning conditions unnecessary.
- 6.23 The requirements of the Building Regulations are however likely to be inadequate in instances where:
- a new commercial use likely to generate noise adjoins an existing residential building (and vice versa); and/or
 - a change of use will result in a residential development being sited in a noisy environment.

- 6.24 Where such development is proposed, the Council is likely to use planning conditions requiring substantially enhanced sound insulation of relevant walls, floors and ceilings compared to the minimum specifications of the Building Regulations. In proposing conditions, the Council will consider guidance available within *BS8233:2014 Guidance on sound insulation and noise reduction for buildings*, [Guidelines for Community Noise \(1999\)](#) and [Night Noise Guidelines for Europe \(2009\)](#) published by the World Health Organisation.

Vibration

- 6.25 Vibrations transmitted through the structure of a building can be detected by its occupants and can result in adverse effects. Depending on the timing and the nature of the vibration, occupants may have disturbed sleep or struggle to work efficiently. Vibration at higher magnitudes can even act to damage a building over time.
- 6.26 When assessing the impact of vibration, the Council will expect the vibration thresholds within Camden Local Plan Appendix 3 not be exceeded and consider guidance from *B6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings Part 1: Vibration sources other than blasting'*.

Plant and other noise generating equipment

- 6.27 Developments proposing plant, ventilation, air extraction or conditioning equipment and flues will need to provide the system's technical specifications to the Council accompanying any acoustic report. '*BS4142 Method for rating Industrial and Commercial Sound*' contains guidance and standards which should also be considered within the acoustic report.
- 6.28 There are however likely to be instances where the Council will consider that a BS4142 assessment alone is not sufficient to provide all the information necessary. Plant such as electrical substations for example, may meet BS4142 standards, but are also known to emit low frequency noise, which also needs to be considered. Developers are therefore encouraged to discuss proposals of this nature with the Council's Noise team before preparing their acoustic report - Email: RegulatoryServices@camden.gov.uk.
- 6.29 Plant, ventilation, air extraction or conditioning equipment and flues can cause disturbance to residential properties. The Council would therefore welcome the use of long-term maintenance agreements to ensure that equipment maintains acceptable noise levels over its lifetime and the use of timers to limit any unnecessary operation of the equipment.

Food, drink, entertainment and leisure noise

- 6.30 Food, drink, entertainment and leisure uses can pose particular difficulties in terms of noise and disturbance, as their peak operating time is usually in the evening and late at night.
- 6.31 Where such uses are proposed, access routes, outdoor standing/seating areas, smoking areas, pub gardens, etc. should be sited away from noise sensitive facades and/or effectively screened.
- 6.32 The Council expects the noise impacts of these uses to be considered within an acoustic report. Assessments of noise from entertainment and leisure premises must include consideration of amplified and unamplified music, human voices, footfall, vehicle movements and other general activity. Developers should contact the Council's Noise team to discuss the most appropriate methodologies to undertake the assessment.

6.33 Principally, in order to manage food, drink, entertainment and leisure noise, the Council will consider the use of planning conditions to control aspects such as (but not limited to):

- opening times;
- amplified music (e.g. times when music can be played and maximum volumes); and
- restrictions on times where outdoor standing/seating areas can be used.

6.34 In line with Local Plan policies TC4 and C5, the Council will also consider the use of management plans secured through a section 106 legal agreement, which may include elements principally seeking to manage noise off-site. Examples could include:

- staff training;
- positioning queues away from residential buildings; and
- ensuring that bottles and cans are not disposed of in outdoor bins areas late at night.

In order for existing businesses to continue operating without restriction, in instances where a noise sensitive use is proposed near to an existing food, drink, entertainment or leisure venue known to generate noise and vibration, the Council will apply the 'agent of change' principle (referred to in Section 1). Within Camden, this will often mean that residential development will be expected to include sufficient insulation to mitigate the anticipated noise and vibration effects of a nearby food, drink, entertainment or leisure venue.

Delivery management

6.35 Deliveries and collections can cause disruption to nearby residential properties. When preparing Delivery and Servicing Management Plans, in order to reduce noise impacts regard should be given to the following:

- [Noise Abatement Society's Silent Approach Quiet Night Time Delivery Scheme](#);
- Guidance published by [Transport for London](#) regarding retiming and consolidating deliveries;
- [Freight Transport Association Guidance Delivering the Goods – a toolkit for improving night-time deliveries](#); and
- Camden Local Plan Policy T4 Sustainable movement of goods and materials and associated Camden Planning Guidance to reduce the number of overall deliveries.

6.36 The Council expects that deliveries and refuse collections to be carried out between 08:00-20:00hrs. Developments requiring deliveries outside of these times should provide an acoustic report to demonstrate there will be no adverse impact in relation to noise, with particular reference to residential occupiers as a result of these activities. When preparing the assessment, regard should be given to *BS4142 Method for rating and assessing industrial and commercial sound*. Developers are however encouraged to discuss their proposals with the Council's Noise team before conducting their acoustic report. (Email: RegulatoryServices@camden.gov.uk.)

7 Wind and micro-climate

KEY MESSAGES:

- New developments should consider the local wind environment, local temperature, overshadowing and glare, both on and off the site.
- Buildings taller than their surroundings may cause excessive wind in neighbouring streets and public areas.
- Where poor wind conditions already exist reasonable attempts must be made to improve conditions.

- 7.1 The purpose of this guidance is to ensure that appropriate standards are met in the design of buildings and outdoor features to ensure that suitable safety and comfort levels are achieved in terms of wind and microclimate. It relates to Camden Local Plan Policy A1 Managing the impact of development and Policy D1 Design in relation to tall buildings (paras 7.35-7.38).
- 7.2 London Plan policy 7.6 Architecture seeks to ensure that buildings and structures do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Furthermore, London Plan policy on tall and large buildings (policy 7.7) states that tall buildings, among other things, should not affect their surroundings adversely in terms of microclimate and wind turbulence.
- 7.3 This chapter contains guidance on the following:
- When wind and microclimate should be considered
 - Wind
 - Other influences on microclimate

When wind and microclimate should be considered

- 7.4 This guidance applies to all development that has the potential to change its environment with regard to wind and micro-climate, including extensions (see box below). However, the implications for a proposal will vary greatly depending on the nature of the site, the scale of development, its interaction with surrounding sites, and existing buildings and structures on the site.
- 7.5 The construction of a building changes the microclimate in its vicinity. Micro-climate refers to local conditions including wind, temperature, overshadowing, access to daylight and general comfort. In particular high-rise buildings can cause high wind velocities at pedestrian level which can create an uncomfortable environment and can even be dangerous. Therefore, the design of a building should not only focus on the building envelope and on providing good indoor environment, but should also consider the effect on the surrounding outdoor environment.

- 7.6 Developments with potential to change their local environment include:
- New or modified tall buildings or buildings significantly higher than any surrounding building;
 - Significant modifications to the built environment in areas of quantifiable and recognised existing wind nuisance;
 - Major proposals adjacent to or incorporating a significant area of public or outdoor space;
 - Developments with a large amount of glazing or dark masonry surfaces; or
 - A combination of new or modified buildings that cumulatively, will significantly change the wind environment.

Wind

- 7.7 Buildings taller than their surroundings may cause excessive wind in neighbouring streets and public areas. Environmental winds are primarily driven by building massing and should be considered at the early design stages, when changes to achieve design objectives can be made most easily.
- 7.8 The Council will expect applicants to consider the local wind environment, both on and off the site, when designing schemes. Where poor wind conditions exist in an area prior to development, a reasonable attempt must also be made to improve conditions in general.

What information should be provided on wind?

- 7.9 The Council expects relevant developments to use the established Lawson Comfort Level Ratings. The Lawson Criteria are used throughout the UK to assess local wind environments and are a widely accepted assessment tool.

The Lawson Comfort Criteria

The Lawson Comfort Criteria is a scale for assessing the suitability of wind conditions in the urban environment based upon threshold values of wind speed and frequency of occurrence.

It sets out a range of pedestrian activities from sitting through to crossing the road and for each activity defines a wind speed and frequency of occurrence (see Figure 1 below).

If the wind conditions exceed the threshold then the conditions are unacceptable for the stated activity.

Figure 1 - Lawson Comfort Level Rating

Lawson Comfort Level Rating	Predominant activity	Mean hourly wind speed exceeded less than 5% of the time
C4 - Long term "Sitting"	Reading a newspaper and eating and drinking	4m/s
C3 - "Standing" or short term sitting	Appropriate for bus stops, window shopping and building entrances	6m/s
C2 - Pedestrian Walking or "Strolling"	General areas of walking and sightseeing	8m/s
C1 - Business "Walking"	Local areas around tall buildings where people are not expected to linger	10m/s

7.10 For relevant developments, planning applications should be accompanied by qualitative wind impact statement, prepared by a suitably qualified professional (i.e. wind engineer or similar).

7.11 You must firstly carry out a qualitative wind impact assessment. If the results of this show potential negative impacts you will also need to carry out a quantitative assessment. Both assessments must be submitted with the planning application. The assessment must provide detailed information on how the proposal meets this guidance, using quantitative measures (i.e. evidence of wind tunnel testing or similar).

A Wind Impact Statement must:

- Show how the proposal is expected to affect the local wind environment;
- Describe how the proposal has addressed the local wind environment;
- Include reference to specific features of the site or the development that make a contribution to the wind environment, either positively or negatively, and highlight areas of concern; and
- Reference the proposal's ability to meet the targets of this guidance, and make recommendations regarding the necessity for additional work, as described below.

A Wind Impact Statement should:

- Compare existing and proposed conditions against the Lawson Comfort Criteria in both summer and winter conditions;
- Demonstrate how the proposal has adapted to the local wind environment;
- Reference specific features of the site or the development that make a contribution to the wind environment, both positively or negatively;
- Highlight areas of concern, and
- Describe the proposal's ability to adhere to the guidance.

Impact on the following areas must be considered where relevant:

- public and private open spaces on and adjacent to the site;
- outdoor areas on upper levels of the development;
- entrance and exit areas;

- shop windows;
- bus stops;
- outdoor dining areas;
- thoroughfares; and
- pedestrian crossing points.

- 7.12 If a proposal does not achieve the targeted ratings or outcomes applicants must provide sound justification to demonstrate, to the satisfaction of the Council, why their proposal cannot meet the targets. This justification should be prepared in conjunction with, and endorsed by a wind engineer, and must include evidence of the attempts that have been made to address design deficiencies.
- 7.13 If a proposal does not satisfactorily meet the criteria, and satisfactory justification is not provided, the proposal may be refused.
- 7.14 The Council may attach conditions to secure the achievement of wind speeds around a building no greater than those predicted. The Council may require alterations or other remedial measures at the developer's expense if wind speed targets are not met.

Other considerations relating to the wind environment

- 7.15 Development must not compromise the viability of wind-driven renewable energy generators on adjacent and nearby sites. Where wind-driven energy generators are likely to be significantly affected, applicants are responsible for mitigating the loss by moving, modifying or replacing the installation, or by incorporating equivalent renewable energy generation within the application site.
- 7.16 Where a development affects the viability of an existing wind-driven renewable energy generator, and the solution is to modify the installation off-site, all approvals, expenses and risks are the responsibility of the applicant. This requirement will be incorporated as a condition or in a S106 agreement relating to any approval. Where additional renewable energy capacity is to be installed on site, this will be assessed in conjunction with other renewable energy installations. (Note: additional capacity that is gained by installations off-site should be credited toward the onsite requirement for the development)
- 7.17 Wind environment also impacts on natural ventilation systems. Therefore, natural ventilation must also be considered in building design.

Other influences on micro-climate

Local heat

- 7.18 Local air temperature can be affected by a building's ability to absorb heat during the day and release it at night. This cumulative effect of this happening across London results in the urban heat island effect. The Council strongly encourages green roofs, brown roofs, green walls and soft landscaping in all developments to reduce this effect. Applicants can also consider light coloured building materials so unnecessary heat is not absorbed by a proposed building. See Camden Planning Guidance on sustainability for further guidance on these issues.

Overshadowing

- 7.19 You should consider the design of your proposal carefully so that it does not block sunlight and overshadow windows or open spaces and gardens. It will be particularly important in Central London and other densely developed part of the borough to prevent overshadowing of amenity space and open spaces given the limited amount of open

spaces and the existing amount of overshadowing. Further detail can be found in the daylight and sunlight chapter of this Guidance.

Glare

- 7.20 Glare is uncomfortably bright sunlight reflected from a building façade. It is generally caused by tall, fully glazed and sloping facades with reflective finishes that reflect the sun. Tall buildings should be designed to avoid this and use materials that do not result in glare. See Artificial Light section of this Guidance for further details.

8 Contaminated land

KEY MESSAGES:

- Contaminated land can pose a serious risk to health and the environment.
- Contaminated land assessments should be submitted for developments located on contaminated land or propose a use that has the potential to contaminate land.
- Developers should contact the Council's Contaminated Land team for information regarding a site's contamination history and possible remedial measures.

8.1 This guidance relates to the application of Camden Local Plan Policy A1 – Managing the Impact of development, and relates to contaminated land. It covers the following:

- What is contaminated land?
- Causes of land contamination
- Contaminated land assessments
- Assessments for existing contaminated land
- Assessments where there is potential land contamination through the proposed use
- How should contaminated land assessments be prepared?
- Use of planning obligations
- Involvement of statutory consultees

What is contaminated land?

8.2 Contaminated land is land that has been polluted with harmful substances to the point where it now poses a serious risk to health and the environment. 'Contaminated land' has a specific legal definition which is used in relation to an 'unacceptable risk' of harm to health. For more information please see Department for Environment, Food and Rural Affairs (DEFRA) web pages.

Causes of land contamination

8.3 In Camden, historic land contamination is most commonly derived from land uses such as engineering & manufacturing works, chemical works, metal plating works, printers, leather works, railways and electrical substations.

8.4 Some common reasons for land becoming contaminated include:

- improper chemical handling or disposal practices;
- accidental spillages, or leakages of chemicals during manufacturing or storage;
- polluted groundwater migrating under a site; and
- particles settling from factory emissions.

8.5 The most common pollutants of land in Camden include heavy metals (such as lead, arsenic, cadmium and chromium), asbestos and organic compounds.

- 8.6 Contamination can also come from historical activities dating back many hundreds of years, such as spoil heaps from some Roman lead mines, and even from naturally occurring substances.
- 8.7 Contaminants may still be present above acceptable levels even though the polluting use stopped many years ago.

Contaminated land assessments

- 8.8 To protect the local environment and the health and well-being of residents, workers and visitors, the Council will expect Contaminated Land Assessments for any developments that:
- are known to be contaminated;
 - have the potential to be contaminated, through previous or current uses;
 - are located in close proximity to contaminated land; or
 - propose a use that has potential to contaminate land.

Assessments for existing contaminated land

- 8.9 In principle, the Council supports the redevelopment of contaminated sites where the contamination issue can be successfully addressed and where future uses can be carried out safely. Remediation is particularly important where people will have access within redeveloped sites to land for gardening, play or planting food for consumption.
- 8.10 In order to know whether the site is contaminated, developers are encouraged to submit an enquiry to the Council's Contaminated Land team. They will be able to provide detail regarding the extent of contamination (if any), the historic practices that could have contributed to the contamination and advice whether a detailed contaminated land assessment is required.
- 8.11 For email enquiries and further information, please see our contaminated land [webpages](#).

Assessments where there is potential land contamination through the proposed use

- 8.12 Where a development includes any potentially contaminative uses the Council will expect proposals to be submitted to prevent future contamination of land or groundwater. Details of the potential risks and proposed mitigation should be set out within a contamination assessment and any environmental assessments.

How should contaminated land assessments be prepared?

- 8.13 The contamination assessment should accompany a planning application so that contamination issues can be assessed at the planning application stage. The assessment should be carried out by a Geo-technical or Geo-environmental Engineer, in consultation with the Council's Contaminated Land team and should determine:
- the existence of, or potential for, contamination;
 - the nature of the contamination and the risks it may pose; and
 - whether these can be satisfactorily reduced to an acceptable level.
- 8.14 The contaminated land assessment should comply with the policies and advice in the following:

- Paragraphs 120 and 121 of the National Planning Policy Framework (NPPF)
- [National Planning Practice Guidance: Land affected by contamination](#)
- Any guidance published by the Mayor of London regarding hazardous substances (See London Plan Policy 5.22)
- [Contaminated Land Report 11 \(CLR11\) – Model Procedures for the Management of Land Contamination \(Environment Agency\)](#)
- Development on Land Affected by Contamination: A Guide to help developers meet planning requirements (London Boroughs of Camden, Kensington and Chelsea, Westminster, Barking and Dagenham, Islington and Ealing - copies are available from the Council's [Contaminated Land team](#))
- British Standard Institution guidance relating to contaminated land.

Use of planning obligations

- 8.15 Where remediation or mitigation measures are necessary, these will be secured through conditions or section 106 legal agreement.
- 8.16 For developments in or adjacent to areas where objectives for land contamination are unlikely to be met by condition (i.e. where there is still a residual impact), the Council will require a section 106 planning obligation. The planning obligation will be directed towards measures designed to deal with the contamination, including during construction works, and to make the site suitable for its intended use.
- 8.17 The Council may seek a financial contribution for:
- site investigation and remediation works which would include any measures to prevent hazards arising from future use of the site and the removal or containment of any contaminants;
 - monitoring work following the completion of the development, e.g. measuring ground gas or ground water contamination in boreholes or installing permanent monitoring equipment; and
 - a verification report (post-development survey) to confirm that remediation measures have been completed successfully.
- 8.18 A management plan may also be necessary to cover the maintenance of remedial works, such as landscaping or water treatment facilities, or to set out restrictions to minimise and control future potentially hazardous or contaminating development or use of the site.

Involvement of statutory consultees

- 8.19 If there is any existing contamination (or potential risk of contamination) to ground or surface water or to land with a statutory nature conservation designation, either from the existing state of the piece of land or from proposed works on it, the Environment Agency must be informed and their consent obtained for any works.
- 8.20 Historic England should also be contacted where contaminated land is within an Archaeological Priority Area. These can be identified on the Council's policies map.

Appendix 1: Effect level hierarchy

Perception	Examples of outcomes	Increasing effect level	Action
No observed effect level (NOEL)			
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest observable adverse effect level (LOAEL)			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant observed adverse effect level (SOAEL)			
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Adapted from table cited in NPPG Paragraph: 005 Reference ID: 30-005-201

Camden Planning Guidance

Housing

London Borough of Camden

CPG 2



May 2016 (as amended March 2018)

CPG2 Housing

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1 Introduction

What is Camden Planning Guidance?

- 1.1 We have updated this Camden Planning Guidance (CPG) to support the policies in the Camden Local Plan 2017. This guidance forms a Supplementary Planning Document (SPD) which is an additional “material consideration” in planning decisions.
- 1.2 The Council formally adopted CPG2 Housing on 6 April 2011 following statutory consultation. The Camden Planning Guidance documents (CPG1 to CPG8) replace Camden Planning Guidance 2006.
- 1.3 CPG2 Housing has been subject to four updates:
 - 4 September 2013 following statutory consultation in November to December 2012;
 - 17 July 2015 following statutory consultation in March to April 2015;
 - 6 May 2016 following statutory consultation in February to April 2016 (the updated document is referred to as Housing CPG 2016); and
 - 26 March 2018 following statutory consultation in November 2017 to January 2018.

Details on these updates and the consultation process are available at camden.gov.uk/cpg.
- 1.4 The final update followed the adoption of the Camden Local Plan in 3 July 2017. This update deleted some parts of the Housing CPG 2016, and replaced them with a standalone document 'Interim Housing CPG'. The Interim Housing CPG will be incorporated into a new set of Camden Planning Guidance documents as part of a wider review expected to take place in 2018.
- 1.5 We have added notes throughout this document to indicate paragraphs that have been deleted or replaced by the Interim Housing CPG.
- 1.6 The Interim Housing CPG has been produced because:
 - there are a number of policy changes emerging at regional and national level that would quickly have overtaken and superseded a full review of CPG2 if it had taken place in autumn 2017;
 - emerging policy changes include the Government's revised National Planning Policy Framework – including new affordable housing definitions; but
 - some elements of CPG2 needed to be replaced quickly to guide implementation of new policies in the Camden Local Plan 2017 that are substantially different from earlier policies.
- 1.7 The updated elements of the guidance are consistent with the Camden Local Plan 2017. The Camden Local Plan 2017 has greater statutory weight than Housing CPG 2016, and where there is any apparent

conflict between Housing CPG 2016 and the Local Plan, the Local Plan will prevail.

- 1.8 The Camden Planning Guidance covers a range of topics (such as design, sustainability, amenity and planning obligations) and so all of the sections should be read in conjunction, and within the context of the Camden Local Plan 2017.

What does this guidance cover?

- 1.9 This guidance provides information on all types of housing development within the borough. It provides specific guidance on:
- Affordable housing and housing in mixed use development – see also the standalone Interim Housing CPG (information on the split between the documents is provided in paragraph 1.11 of this guidance)
 - Student housing
 - Development involving net loss of homes
- 1.10 The Interim Housing CPG provides specific guidance on:
- other aspects of Affordable housing and housing in mixed use development (information on the split between the documents is provided in paragraph 1.11 of this guidance)
 - Residential development standards (including accessibility)
- 1.11 The guidance on “Affordable housing and housing in mixed use development” is divided into a number of subsections. Each subsection deals with a different question relating the requirements of Policies H2 and H4 of the Camden Local Plan 2017. They are split between this document and the standalone Interim Housing CPG as follows:
- what is affordable housing? - see the Interim Housing CPG
 - which developments should include self-contained housing as part of a mix of uses? – see the Interim Housing CPG
 - which developments should contribute to affordable housing? – see the Interim Housing CPG
 - how should affordable housing be provided? – see the interim guidance
 - how much affordable housing do we expect? – see the Interim Housing CPG
 - how much housing and affordable housing do we expect as part of a mix of uses – see the Interim Housing CPG
 - what types of affordable housing do we expect? – see the Interim Housing CPG
 - how will the Council consider financial viability? – included in this document except for the subsection 'Transparency and confidential viability information', which is in the Interim Housing CPG
 - can the market housing and affordable housing be provided off-site? – included in this document except for the subsections related to 'Payments in Lieu', which are in the Interim Housing CPG
- 1.12 Taken together, this document and the Interim Housing CPG highlight the Council’s requirements and guidelines which support the Camden Local Plan 2017 policies:

- G1 – Delivery and location of growth
- H1 - Maximising housing supply
- H2 - Maximising the supply of self-contained housing from mixed use schemes
- H3 - Protecting existing homes
- H4 - Maximising the supply of affordable housing
- H5 - Protecting and improving affordable housing
- H6 – Housing choice and mix
- H7 - Large and small homes
- H8 - Housing for older people, homeless people and vulnerable people
- H9- Student housing
- H10 - Housing with shared facilities
- A1 - Managing the impact of development
- D1 - Design

2 Affordable housing and housing in mixed use development

This sub-section (Key Messages and paragraphs 2.1 to 2.5) has been replaced by Interim Housing CPG (Key Messages and paragraphs IH2.1 to IH2.5).

When does this guidance apply?

This sub-section (paragraphs 2.6 to 2.11) has been replaced by Interim Housing CPG (paragraphs IH2.6 to IH2.8).

What is affordable housing?

This sub-section (paragraphs 2.12 to 2.21) has been replaced by Interim Housing CPG (paragraphs IH2.9 to IH2.17).

Which developments should contribute to affordable housing?

This sub-section (paragraphs 2.22 to 2.31) has been replaced by Interim Housing CPG (paragraphs IH2.23 to 2.33).

How much affordable housing do we expect?

This sub-section (paragraphs 2.32 to 2.41) has been replaced by Interim Housing CPG (paragraphs IH2.37 to IH2.54).

What types of affordable housing do we expect?

This sub-section (paragraphs 2.42 to 2.59) has been replaced by Interim Housing CPG (paragraphs IH2.70 to IH2.89).

How is affordable housing funded?

This sub-section of CPG2 (paragraphs 2.60 to 2.64) has been deleted. A new section in Interim Housing CPG sets out how affordable housing should be provided (paragraphs IH2.34 to IH2.36).

How will the Council consider financial viability?

Policy background to financial viability appraisal

- 2.65 Our Core Strategy and Development Policies outline a number of Council aims and commitments relating to housing and mixed-use development that provide a framework for considering financial viability:
- housing is the priority land-use of the Local Development Framework
 - we will seek to **maximise the supply of additional housing**, and
 - we will seek the **maximum reasonable amount of affordable housing** on each site, taking into account specific circumstances including the financial viability of the development
 - to maximise overall housing supply, we will implement policies flexibly in response to economic uncertainty
 - to ensure that housing development is viable, we may consider varying the proportion and/ or type of market and affordable housing in a development, or consider off-site solutions where necessary (see the sub-section '**Can the affordable housing be provided off-site?**')
- 2.66 Where a development provides an addition of 200 sq m or more (gross) of non-residential floorspace in the Central London Area or the larger town centres, applicants will need to demonstrate that the development is providing an appropriate contribution to the supply of housing. Where a development has capacity for 10 or more additional dwellings, applicants will need to demonstrate that the development is providing the maximum reasonable amount of affordable housing. In most cases, the applicant will be required to submit a financial viability appraisal to justify the proportions of housing and affordable housing proposed. Where viability will be a key factor influencing the content of development and the extent of planning obligations the Council strongly encourages discussion of viability at the pre-application stage – see paragraphs 2.71 to 2.74 below.
- 2.67 There is a limited amount of government guidance on how development viability should be considered in decision-taking, primarily paragraph 173 of the NPPF and National Planning Practice Guidance (NPPG) ID10 paragraphs 1 to 4 and 16 to 24. Paragraph 2 indicates that there is no single approach to viability assessment, and there is a range of sector led guidance available. The GLA has developed a methodology for financial viability appraisal in London in the form of an annually reviewed Development Control/ Development Appraisal Toolkit, and this is accompanied by detailed Guidance Notes. As well as providing information on the operation of the Toolkit, the Guidance Notes provide more general advice on viability appraisal, and will be used to inform the Council's approach.

What is financial viability appraisal?

- 2.68 The NPPF advises that a viable development should provide competitive returns to a willing landowner and a willing developer. A financial viability

appraisal can be used to explore whether the NPPF test of viability is met by assessing the value of a development, subtracting an assessment of development costs and a competitive developer return, and establishing the remaining land value available to provide a return to the landowner.

- 2.69 A financial viability appraisal is a balance sheet for the development which enables all scheme costs and revenues to be taken fully into account. The Council expects viability appraisals to generate a 'residual land value'. The residual land value is the sum available to fund land purchase once all scheme revenues and costs have been taken into account, including provision of affordable housing, other planning obligations and the return to the developer but excluding any price already paid for land acquisition. Figure 4 sets out some of the typical inputs used in viability appraisal.
- 2.70 Schemes are considered to be viable where the residual land value (taking into account the provision of affordable housing and other planning obligations) matches or exceeds a benchmark land value for the site. The benchmark land value represents the competitive price at which a reasonable land owner would be willing to sell their land for development. This value will depend on the particular circumstances of the site (eg whether the land is vacant or occupied, the condition and marketability of any buildings) and the options available. The Council will seek to agree the benchmark value with the applicant, with the assistance of advice from any appointed independent verifier.

Figure 4. Typical inputs to financial viability appraisal

Cost inputs	Revenue inputs
demolition and build costs (supported by an elemental cost plan)	sales values
professional fees	payment by a housing association for transfer of affordable housing
marketing fees	public subsidy for affordable housing (if not included above)
development finance costs	capitalised rents and yield (for non-residential floorspace and any proposed private rented residential floorspace)
land finance and holding costs (for the period covering land acquisition/ scheme preparation, planning application and development)	capitalised ground rental income
planning obligations other than affordable housing	
developer's return (non-residential floorspace and market housing)	
contractor's return (affordable housing)	

Before a viability appraisal is submitted

- 2.71 We strongly advise applicants to discuss the general parameters of individual viability appraisals with us before they are prepared. Early discussions can ensure that the appraisal provides the evidence needed

to assess the application and help to avoid delays after the application is submitted. Discussions should include the scope of viability appraisal, appropriate measures of land value, and the value of affordable housing. Submission of a draft viability appraisal may be appropriate.

- 2.72 Discussions may include whether viability appraisal of the proposed development should be accompanied by viability appraisal of alternative options such as:
- a development that meets our full expectations for housing and affordable housing contributions but is not viable
 - a development that partly meets our expectations for housing and affordable housing contributions
 - development for an alternative use that is lawful (having regard to the most recent lawful use and any applicable development orders), or has a current planning consent or has been agreed in principle as a site allocation in an adopted local plan or development plan document
 - an alternative development falling below the relevant Development Policy thresholds (200 sq m in DP1 and 1,000 sq m in DP3)
 - a development above the thresholds that makes no contribution to housing or affordable housing
 - an off-site contribution to housing or affordable housing
- 2.73 At the pre-application stage developers are also strongly encouraged to discuss provision of affordable housing with Registered Providers and the Council's Housing Commissioning and Partnerships Team to inform discussion of likely rents, suitable intermediate housing models and capital values – see also paragraphs **Error! Reference source not found.** to **Error! Reference source not found.**.
- 2.74 As indicated in our Development Policies document, in certain circumstances the Council will expect applicants to fund an independent verification of the financial viability appraisal. Where independent verification is likely to be required we will seek to discuss this at the pre-application stage, and we will seek a commitment from prospective applicants to provide the necessary funding. Independent verification will be required where the proportion or mix of housing/ affordable housing sought falls considerably short of the contributions anticipated by our Development Policies document. This independent verification will either be:
- commissioned directly by the Council in negotiation with the applicant; or
 - commissioned by the applicant from an independent body subject the Council agreeing the body and the specifications in advance.

What form should the viability appraisal take?

- 2.75 Several viability appraisal models are available, and the Council does not insist that a particular model is used. However, the model must generate a residual land value on the basis of an agreed developer

return (reflecting project scale, risk and loan requirements - see paragraph CPG22.79), and must be capable of being fully interrogated by the Council and any appointed independent verifier. The Council encourages the use of standard viability software. Where a bespoke model is produced for a particular scheme, the Council will expect a fully working electronic copy to be made available so that assumptions can be tested and varied by the Council and any appointed independent verifier. The Council will respect any intellectual copyright existing in a bespoke viability appraisal model and seek to agree with the applicant any arrangements needed to ensure copyright is protected.

- 2.76 The GLA publishes an Affordable Housing Development Control Toolkit (also known as the Three Dragons Toolkit), and most financial viability appraisals submitted to the Council are prepared using the Toolkit. The GLA Toolkit was designed specifically to assist negotiations between planning officers and developers. The Toolkit is reviewed annually.

Paragraphs 2.77 and 2.78 have been replaced by a new sub-section in Interim Housing CPG, "Transparency and confidential viability information", paragraphs IH2.90 to IH2.94.

Inputs to financial viability appraisal

- 2.79 Viability appraisal of development requires the input of a range of information including build costs, developer's return (profit) and sales values. We will expect the inputs to the viability appraisal to meet the following requirements:
- all inputs should be backed up by relevant evidence;
 - build costs should be backed up by BCIS data, quotations for building works, an elemental cost plan and detailed specification of the intended fit out, accompanied by any plans and drawings that have been used in formulation of the cost plan but do not otherwise form part of the planning application;
 - land finance and holding costs should generally relate to a period starting from when a proposed development scheme is prepared for pre-application discussion with the Council, and continuing until development has been completed – they should not generally include periods when the site has not been in the control of the applicant, periods when the site has been generating a net revenue for the applicant from an existing use, periods when the applicant is not actively seeking to bring the site forward for development (eg if a site is held as part of a land bank), or delays and costs arising from failed appeals;
 - land finance and holding cost should relate to an agreed benchmark value for the site where this differs from the price paid, as the price paid may overestimate what can be achieved on the site (see paragraphs 2.83 to 2.90);
 - residential sales values should be backed up by analysed evidence of values achieved for comparable new-build homes of similar specification that have recently been completed nearby;

- affordable housing values should be based on evidence including a breakdown of assumptions regarding rent, full market value, initial equity sale, any staircasing assumptions, and anticipated rent charged on unsold equity, accompanied by capitalisation yield and calculations used to derive capital values, and should be backed up wherever practical by offers from Registered Providers that have a nominations agreement with the Council (see also paragraph 2.73);
 - the appraisal should express the developer return on the market housing and commercial elements of a scheme as a percentage of their gross development value (GDV) (the capital value of all revenue derived from these elements), although this may be accompanied by other measures of developer return, such as a percentage of costs or internal rate of return (IRR);
 - a lower percentage return should be assumed on the affordable housing reflecting the low risk associated with sale to a Registered Provider – this may be incorporated at a blended rate with return on the market housing and commercial elements;
 - the percentage developer return should reflect the scale and the risks associated with the project, and the current requirements of lenders – the applicant should justify the percentage selected; and
 - cash flows should be modelled wherever appropriate.
- 2.80 Sensitivity testing should be carried out and submitted as part of each financial viability appraisal to show the potential for the residual value to change significantly as a consequence of relatively small changes in the inputs. In particular, the impact of changes in sales value and build costs should be tested given the rapid increases in Camden house prices in recent years and emerging concerns about increases in build costs. Where a viability appraisal is independently verified, this should include verification of any sensitivity testing provided by the applicant, and provide additional sensitivity testing where the submitted appraisal is deficient.
- 2.81 The GLA's Development Control Toolkit provides benchmark values for some viability appraisal inputs. The guidance notes accompanying the GLA Development Control Toolkit are available free and provide more detailed information on which costs can appropriately be included in a viability appraisal. The Council will closely scrutinise development costs that exceed benchmark figures. Where independent verification of the appraisal is required, this should include confirmation that the inputs used are appropriate and are in accordance with relevant evidence.
- 2.82 The Council will not expect viability appraisal to include land value or acquisition cost as a fixed input. Valuations and acquisition costs generally reflect an assumption by the valuer about what can be developed on the site, including an assumption about the proportions of non-residential development, market housing and affordable housing that will be acceptable. If land value forms a fixed input to the appraisal, the process becomes circular, and the proportions of market housing and affordable housing that are viable will match the initial assumption of

the valuer. The Council's preferred measures of land value are given in Figure 5.

Figure 5. Preferred measures of Land Value

Residual Land Value	The value of a development once all scheme costs and revenues have been taken into account, including build costs, professional fees, developer's returns, provision of affordable housing and S106 contributions, but excluding site acquisition cost.
Existing Use Value (or EUV)	The value of a site in its lawful use. The Council will require evidence of the EUV, for example the value of rents paid by an existing occupier, or values achieved for sale of comparable sites continuing in the same use. The EUV should take account of revenue from the lawful use and any refurbishment or development costs that would be incurred to re-commence lawful use of a vacated site.
Existing Use Value plus a premium (or EUV plus)	The value of a site in its lawful use, as described above, but with an additional premium added as an incentive to the landowner to make the site available for development. Any premium is usually expressed as a percentage of EUV. The scale of any premium will depend on the particular circumstances of the site (eg whether the land is vacant or occupied, the condition and marketability of any buildings and the options available).

- 2.83 The residual land value should be an output of the viability appraisal. As indicated in paragraph 2.70, the Council will consider the development to be viable if the residual land value exceeds a benchmark land value that provides an incentive sufficient for the landowner to make the site available for development, taking into account the other options available. NPPG notes that these options may include the current use value or its value for a realistic alternative use that complies with planning policy
- 2.84 The Council's preferred measure of land value is existing use value, although other measures of land value may also be considered where they are appropriate. As stated in paragraph 2.70, we will seek to agree the benchmark value with the applicant, with the assistance of advice from any appointed independent verifier, and the starting point for these negotiations should be the Existing Use Value (EUV). In some circumstance (eg where a property is vacant and significant expenditure would be required to return it to use) a residual land value at or around EUV may be sufficient to incentivise development. In other circumstances (eg where a tenant has an unexpired lease and will need to relocate) a premium will be need to be added to the Existing Use Value (EUV plus) to incentivise release of the site.
- 2.85 The NPPG indicates that the incentive needed to bring forward the land will depend on the other options available. Consequently, the GLA Toolkit Guidance Notes state that the level of the premium will depend

on site specific circumstances. Following from that, there is no normal or usual percentage to apply as a premium. The Guidance notes a number of appeals in which Existing Use Value has been accepted as the starting point for benchmark land value. In some appeal cases, no premium was held to be required, but in others reasonable premiums were held to be 10% or 20% of EuV.

- 2.86 As a broad indication of how benchmark land values will be negotiated, the Council considers that reasonable premiums to apply in different circumstances could be as follows:
- 0-10% for old dilapidated buildings at the end of economic life;
 - up to 20% for a property in a viable existing use; and
 - up to 30% where development would need to fund relocation of an existing activity.
- 2.87 The NPPG also suggests that a realistic alternative use value (AUV) could be the basis for establishing a benchmark, and the Council may consider AUV alongside EUV where appropriate. An AUV is unlikely to be appropriate where it rests on assumptions about what would be granted planning consent, and requires costs and sales values or rents to be established for a hypothetical scheme that has not been worked-up in sufficient detail to be implemented. In accordance with the GLA Toolkit Guidance Notes, the Council therefore considers that the use of AUV as the basis for a benchmark is most likely to be appropriate where there is an alternative lawful use (having regard to the most recent lawful use and any applicable development orders), or there is already a planning consent in place with potential to be implemented, or there is a site allocation in a local plan (such as the Camden Site Allocations Document 2013) that gives sufficient detail for a realistic alternative proposal to be costed and valued.
- 2.88 The RICS guidance note "Financial Viability in Planning" suggests that the benchmark value should be based on the market value. There is no straightforward methodology for establishing market value, but the RICS guidance and NPPG both indicate the value should reflect development plan policies and all other planning considerations (notably planning obligations and any Community Infrastructure Levy charge). The RICS guidance also places a great deal of emphasis on the sale prices of comparable development sites, and notes that the 'risk-adjusted' value for a site without planning permission will be lower than the current market price for land with permission in place.
- 2.89 The RICS guidance notes that the actual price paid for a site may be used as evidence of market value where the site has recently been acquired/ disposed. However, the guidance warns that land values may change between the date of purchase and the viability appraisal, that developers may overpay due to an overestimate the acceptable development density or an underestimate the necessary planning obligations, and that site assembly may create a synergistic value greater than the components.

- 2.90 The Council considers that the market value and/ or the price paid for a site should be treated very cautiously in establishing a benchmark value as developers will compete for sites by assuming a reduced level of planning obligations – and particularly affordable housing (see also paragraph 2.82). However, the Council may consider market value and/ or price paid alongside Existing Market Value where market value and/ or price paid is supported by clear evidence in the form of a viability appraisal demonstrating that market value has been assessed on the basis of full compliance with planning policy. Transactional evidence may be relevant where:
- it relates to comparable sites nearby;
 - full and relevant details of the transactions are known and publically verifiable; and
 - there is evidence that the stated land values allow for viable development proposals that fully comply with planning policy.
- 2.91 The purpose of the premium referred to in Figure 5 and paragraphs 2.84 to 2.86 is to provide an incentive to a landowner to release the site for development (as a vendor). A separate incentive is provided to the developer (as a purchaser) to carry out the development through a return based on the development process itself, including the land purchase. Once a land transaction has taken place, it is not appropriate for the developer to apply a further premium to the market value or the price paid.
- 2.92 An alternative use value (AUV) cannot provide a meaningful benchmark value unless it represents a financially viable development that would be an option for a landowner to consider. To be financially viable, the scheme would by definition provide competitive returns to a willing landowner and a willing developer. Consequently it should not be necessary for a further premium to be applied to an alternative use value.

Deferred affordable housing contributions

- 2.93 London Plan policy 3.12 and Camden Development Policy DP3 indicate that the Council should seek the maximum reasonable amount of affordable housing in negotiations relating to residential and mixed-use sites. Many factors can have a significant impact on the maximum viable contribution to affordable housing, including changes to sales values, changes to build costs, changed specifications for materials and finishes and changes to the cost of finance. These factors can change quickly, and changes of a few percentage points can have a significant impact on the viability of a development. For example, house prices have risen sharply each year in Camden since the beginning of 2010. In the year to September 2010, prices had risen by 16.3%, with another 5.2% increase by September 2011, 7.2% higher by September 2012, 11.9% higher by September 2013 and 20.4% higher by September 2014 (source: Land Registry). Significant changes to viability are likely between the grant of

planning permission and commencement, and between commencement and completion of the development.

- 2.94 The Council will therefore seek to negotiate deferred affordable housing contributions (similar to 'contingent obligations' referred to in London Plan policy 3.12) for developments where the provision of housing/ affordable housing falls significantly short of targets in Development Policies DP1 and DP3 due to financial viability, and there is a prospect of viability improving prior to completion. The deferred contribution is not a fixed amount, but is capped at the shortfall between the amount of additional housing/ affordable housing proposed and the Council's policy targets. The actual contribution is determined by a further viability appraisal undertaken on an open book basis at an agreed point after approval of the development but before the scheme is fully occupied.
- 2.95 A deferred contribution is only triggered if the further financial viability appraisal shows that there has been sufficient growth in viability. If the residual value of the development exceeds an agreed benchmark site value, then the excess is split equally between the developer and the Council unless the Council's share reaches the cap. Where the cap is reached, the contribution matches the shortfall between housing/ affordable housing provision and the Council's policy targets, and any further growth in the residual value relative to the benchmark site value will pass to the developer in full.
- 2.96 The Council has regard to the arrangements for 'contingent obligations' suggested by the London Plan and the Mayor's SPG. In the particular circumstances of Camden, the Council takes the following approach:
- re-appraisal of viability is expected after implementation when the development is substantially complete; and
 - re-appraisal of viability and deferred affordable housing contributions are sought as part of planning obligations for developments that proceed as a single phase, as well as for phased schemes.
- 2.97 Particular Camden circumstances justifying our approach are set below:
- Given the pace of recent house price rises in Camden (20.4% in the year up to Sept 2014), a re-appraisal of viability immediately prior to commencement would significantly underestimate the ability of the development to contribute to affordable housing, as the sales values for market housing will have increased considerably by the time of completion.
 - The pace of Camden house price rises means that even a short-term permissions (such as commencement within 12 months) and a requirement for review only if completion fails to take place within a modest period (such as 18 months from commencement) would allow a scheme to make a significantly smaller contribution to affordable housing than could be supported by the sales values finally achieved.
 - Given the type and scale of housing development in Camden, most market and affordable housing is delivered by schemes that proceed as a single phase. The pace of Camden house price rises means that

if they are not subject to viability re-appraisal, such schemes will make a significantly smaller contribution to affordable housing than could be supported by the sales values finally achieved.

- In a single phase scheme it is difficult to change the mix of market and affordable housing after implementation, so for single phase schemes in Camden deferred contributions will generally take the form of a payment-in-lieu.
- Many of Camden's development projects take advantage of the particular qualities of the borough to create unique homes at the higher end of the market – examples include developments in historic areas and developments creating views over Central London or Hampstead Heath. Given the uniqueness of such homes, it is exceedingly difficult to identify comparable developments or pertinent values achieved elsewhere, and consequently there is considerable uncertainty over the sales values likely to be achieved. Undertaking viability re-appraisal as close to the end of the development process as possible removes uncertainty as it allows recorded sales values to be used rather than predictions.
- Many of Camden's development projects (particularly those aimed at the higher end of the market) are designed to very high specifications in terms of materials, finishes and decor. High specifications give rise to high build costs that are difficult to confirm by reference to published sources such as BCIS, and are often engineered downwards during implementation. Undertaking viability re-appraisal as close to the end of the development process as possible removes uncertainty as it allows recorded build costs to be used rather than estimates.
- There are concerns that build costs in Camden could rise rapidly in coming years due to the unusually large number of construction projects taking place in Central London, and this uncertainty can also be removed by undertaking a later re-appraisal using recorded building costs.
- The Council's approach has been agreed as a planning obligation for more than ten developments in Camden. At the end of 2014, four of these had been completed, and had paid the full deferred affordable housing contribution, providing more than £13 million to fund additional affordable housing.

2.98 The Council will generally seek to secure the following arrangements for deferred affordable housing contributions in a S106 agreement:

- the deferred affordable housing contribution will take the form of a payment in-lieu to the Council's affordable housing fund
- the maximum contribution will be a payment-in-lieu based on the shortfall against housing/ affordable housing targets, calculated in accordance with CPG8 Planning Obligations
- full details of the agreed financial viability appraisal which guided determination of the application will be recorded

- the benchmark value for the site agreed in that appraisal (in accordance with paragraphs 2.70 and 2.83 to 2.92 of this guidance) will be recorded
- at a specific point during the development process we will require a further financial viability appraisal produced on an open book basis – generally this will be either at practical completion, or when a specified number of homes in the development have been sold but there are sufficient unsold homes for sales proceeds to fund the deferred contribution
- the developer will fund an independent verification of the further financial viability appraisal (as indicated in paragraph 2.74 of this guidance)
- following independent verification, the agreed benchmark value will be subtracted from the residual value given in the further financial viability assessment – this calculation will give a negative value or zero (a deficit) or a positive value (a surplus)
- if the calculation shows a deficit, no deferred affordable housing contribution will be required
- if the calculation shows a surplus of less than twice the maximum contribution, then the deferred affordable housing contribution will be half of the surplus
- if the calculation shows a surplus that is twice the maximum contribution or more, then the deferred affordable housing contribution will be capped at the maximum
- following independent verification of the further financial viability appraisal, the Council will give formal notice of the sum required, and payment shall be made within 28 days

2.99 Different arrangements may be appropriate in some cases, depending on character and scale of the development. For example:

- Where a phased development is proposed, and improvements in viability could potentially provide additional affordable housing within the development, it may be appropriate to undertake further financial viability assessment earlier in the process.
- In the case of large developments with a long site preparation and construction period, it may be appropriate to undertake more than one further financial viability assessment.
- It may occasionally be necessary to vary the formula for calculating surplus or deficit to reflect the particular viability appraisal model being used, but the Council will expect to agree a formula that reflects the principle set out in paragraph 2.95.
- An adapted mechanism will be necessary where a development will be managed for private rent by an institution.
- Using a growth model to assess viability may be an appropriate alternative to a deferred contribution in some circumstances where changes in the values and costs are predictable and the growth

model will maximise the affordable housing offer at the time an application is determined.

- 2.100 The further financial viability appraisal should comply with all the requirements for financial viability appraisal set out in paragraphs 2.65 to 2.92 of the Housing CPG 2016, including the modelling of cash flows. Where inputs such as build costs and sales values are based on estimates rather than agreed contracts and transactions on homes within the scheme, we will expect appraisals to use appropriate projections with reference to trends in the requisite segment of the housing market and to sources such as BCIS indices. The Council will favour transparency and public disclosure of the further financial appraisal in accordance with the subsection of our Interim Housing CPG '**Transparency and confidential viability information**'.

Can the market housing and affordable housing be provided off-site?

- 2.101 Our Core Strategy and Development Policies promote mixed-use development and mixed and inclusive communities in line with the Government's NPPF. Development Policy DP1 indicates that housing contributions should normally be provided on site, while Development Policy DP3 indicates that affordable housing contributions should normally be made on site. Both policies do provide for off-site contributions, but only in a limited set of circumstances. The Council will only accept off-site contributions where provision cannot practically be achieved on-site in terms of meeting the criteria set out in the two Development Policies and accompanying paragraphs. The Council will only accept contributions in the form of payments-in-lieu in exceptional circumstances.
- 2.102 The Council will take the project management and implementation costs of off-site contributions into account and will expect there to be a neutral impact on Council expenditure and resources. Obligations may therefore need to include a payment to cover the additional costs of delivery of off-site contributions where such costs fall to the Council.
- 2.103 When considering the acceptability of off-site contributions and payments-in-lieu, we will have close regard to all relevant criteria in Development Policies DP1 and DP3 alongside accompanying paragraphs 1.15 to 1.24 and 3.13 to 3.30. We will also have regard to Core Strategy CS9 and the Council's support for residential communities in Central London, and ensure that off-site contributions do not undermine the benefits of mixed-use areas (such as those identified in paragraph 1.7 of our Development Policies document) or conflict with the creation of mixed and inclusive communities. These considerations apply to all sites regardless of size.
- 2.104 The Council will particularly expect contributions to be made on-site where the development is larger. Where mixed-use policy DP1 applies, we will expect on-site housing contributions where 1,000 sq m (gross) or more of additional floorspace is proposed. Where affordable housing

policy DP3 applies, we will expect on-site affordable housing contributions where 3,500 sq m (gross) or more of additional floorspace is proposed. It may not always be practical to include affordable housing within a market development (for example in smaller developments), however prior to considering an off-site contribution the Council will expect developers of all schemes to demonstrate that, on-site provision is not practical having regard to all the considerations referred to in paragraph 2.103 of this guidance.

2.105 The NPPF indicates that affordable housing provision should be made on-site unless an off-site solution is robustly justified. To meet this objective, the Council expects all options for on-site affordable housing to be fully explored, even where small developments are involved. Before they submit an application, we will expect applicants to fully consider different arrangements of the site and the scheme to secure the best possible prospect of achieving an on-site affordable housing contribution. In particular, applicants will be expected to show that the following options cannot practically deliver an on-site contribution before off-site solutions will be considered:

- where the site characteristics provide potential for a variety of scheme design and layouts, designing the scheme to provide a separate entrance (or entrances) and stair/ lift core(s) for affordable homes
- where it is only possible to provide a single entrance lobby and stair/ lift core, designing the communal spaces to ensure that service and management charges are sufficiently low for affordable housing occupiers and providers (see also paragraph **Error! Reference source not found.** of this guidance)
- approaching a range of housing associations and other providers (including the Council) to seek bids for acquisition of on-site affordable homes
- offering flexibility to housing associations and other providers to deliver different types of affordable housing (eg intermediate housing)
- where providing the full affordable housing contribution on-site is not financially viable, providing a reduced affordable housing floorspace on-site
- where an on-site solution is not financially viable, seeking a top-up payment from the Council's affordable housing fund.

Making the contribution on another site

2.106 The following terms are used in this guidance to shorten explanations of off-site arrangements:

- **application site** – the site of the proposed development that generates a policy requirement for housing under policy DP1 or affordable housing under policy DP3;
- **delivery site(s)** – one or more proposed development sites elsewhere intended to meet policy requirements off-site.

- 2.107 The paragraphs accompanying policies DP1 and DP3 indicate that where off-site provision is made, the overall percentage of housing/affordable housing and non-residential uses will be considered across the aggregate floorspace on all related development sites. In other words, the percentage requirement for an off-site contribution is calculated as a proportion of the floorspace at the application site and the floorspace at the delivery site(s) added together, rather than the application site alone. In the case of policy DP1, where there is a single target of 50% for negotiation of on-site contributions, off-site contributions should normally involve matching the non-residential floorspace increase at the application site with an equivalent increase in residential floorspace at the delivery site. In the case of policy DP3, where the sliding scale applies a formula is used to calculate off-site contributions. Figure 6 and Figure 7 below show how the off-site policy requirement can be calculated.
- 2.108 Calculating the percentage across floorspace on all related development sites helps to ensure that the policies do not provide an unintended incentive towards off-site contributions. Off-site contributions allow more non-residential floorspace (or market housing floorspace) to be developed at the application site. Considering the sites together ensures that this gain in non-residential floorspace (or market housing) also leads to a proportionate increase in residential floorspace (or affordable housing floorspace) at the delivery site.
- 2.109 Calculating the proportion across all related development sites also enables land swaps. A land swap enables a developer to offset additional non-residential floorspace (or market housing) at the application site by reducing non-residential floorspace (or market housing) elsewhere.
- Under DP1, redeveloping/ converting non-residential floorspace for off-site housing can be used to offset the addition of non-residential floorspace at the application site;
 - Under DP3, redeveloping/ converting market housing floorspace for off-site affordable housing can be used to offset the addition of market housing at application site.
- 2.110 A calculation of this type under policy DP1 is included in paragraph 1.16 of our Development Policies document and as Example 2 in Figure 6.

Figure 6. Calculating off-site contributions under policy DP1

Additional floorspace proposed	Generally under 1,000 sq m for off-site housing contribution to be considered
On-site housing target	50% of additional floorspace on the application site
Off-site housing target	50% of total additional floorspace (application site plus delivery site)
Housing floorspace required off-site	Should match total addition to non-residential floorspace across the related sites

Example 1

Additional floorspace proposed (application site)	= 800 sq m
Housing floorspace required if on-site (application site)	= 400 sq m
Remaining non-residential floorspace addition on-site (application site)	= 400 sq m
Non-residential floorspace addition if principle of off-site housing is agreed (delivery site, with no conversion of non-residential floorspace to housing elsewhere)	= 800 sq m
Housing floorspace required off-site (with no conversion of non-residential floorspace)	= 800 sq m
Ratio of non-residential floorspace to housing floorspace off-site	800:800 = 50%:50%

Example 2

Non-residential addition on-site (application site, where principle of off-site housing is agreed)	= 800 sq m
Housing floorspace required off-site (delivery site, with no conversion of non-residential floorspace)	= 800 sq m
Non-residential loss off-site through conversion to housing (delivery site)	= minus 400 sq m through conversion to housing
Net non-residential addition (all sites)	= 400 sq m
Net housing floorspace required off-site (by conversion of non-residential floorspace)	= 400 sq m
Ratio of non-residential floorspace to housing floorspace off-site	400:400 = 50%:50%

Figure 7. Calculating off-site contributions under policy DP3

Additional market housing floorspace proposed - 'a'	Generally under 3,500 sq m for off-site affordable housing contribution to be considered
On-site affordable housing target -'b' (percentage)	Varies according to the sliding scale for sites with capacity for less than 50 homes (NB the sliding scale does not apply where the primary application site also includes 1,000 sq m or more of additional non-residential floorspace – see paragraph Error! Reference source not found. of this guidance).
Off-site affordable housing target (proportion)	$= b / (100 - b)$
Affordable housing required off-site (secondary delivery site) - 'c' (sq m)	$c = a \times b / (100 - b)$

Example

Additional market housing floorspace proposed	= 2,500 sq m
Target for on-site affordable housing	= 25% x 2,500 sq m = 625 sq m
Off-site affordable housing target	= 25 / (100 – 25) = 33.3%
Target for off-site affordable housing contribution	= 2,500 sq m x 33.3% = 833.3 sq m
Ratio of market housing floorspace to affordable housing floorspace off-site	2,500:833.3 = 75%:25%

- 2.111 Development Policies DP1 and DP3 indicate that we will take into account the economics and financial viability of development when considering off-site contributions as well as on-site contributions. The arrangements in paragraphs 2.65 to 2.92 of this guidance will apply, and applicants will need to submit financial viability appraisals to demonstrate that the application and delivery sites are providing the maximum reasonable contributions to housing (under DP1) or affordable housing (under DP3). Applicants will be required to fund an independent verification of the financial viability appraisal where the proportion or mix of housing/ affordable housing sought falls considerably short of the contributions anticipated by our Development Policies document and this guidance.
- 2.112 As indicated in paragraph 2.101 of this guidance, contributions to housing/ affordable housing should normally be made on site. Mechanisms guiding the delivery of housing and affordable housing should not create a financial incentive for the developer to make off-site contributions. Where the level of off-site contribution is below the level

anticipated by our Development Policies document and this guidance, we will seek to ensure the additional value created by the development is broadly the same with an off-site contribution as it would be with an on-site contribution. In addition to the financial viability appraisal requirements of paragraphs 2.65 to 2.92, the Council may therefore seek a comparison between the financial viability of on-site and off-site solutions (taking into account the existing use value and residual development value of the application site and delivery site).

Residential land-use credits and affordable housing credits

- 2.113 Within Camden's Central London area there are a number of property investors and developers that own a significant number of sites. We may negotiate arrangements with such landowners to take advantage of commercial development opportunities, market housing opportunities and affordable housing opportunities on separate sites provided this does not compromise our objectives for mixed-use and mixed and balanced communities. In particular, owners of several sites may be able to bring forward developments of housing or affordable housing in advance of any policy requirement from Development Policies DP1 or DP3. In effect, the 'delivery site(s)' is/ are developed before the 'application site' has been identified (see paragraph 2.106 of this guidance for an explanation of these terms). The Council may agree to 'bank' this floorspace in the form of credits that can be accepted against the policy requirements from future development. When an 'application site' generates a housing/ affordable housing requirement, the Council will have discretion to agree to use of the 'banked' credits to offset part or all of the policy requirement.
- 2.114 The credits mechanism has potential to deliver additional housing and affordable housing earlier in the financial cycle by creating incentives for multiple site-owners to:
- seek opportunities for housing/ affordable housing development in advance during periods when commercial markets are poor rather than seeking to negotiate payments in lieu when commercial development prospects improve;
 - bring forward housing/ affordable housing development that they would otherwise hold back until commercial development prospects improve;
 - take up opportunities to convert lower value commercial properties to housing when leases expire;
 - provide affordable housing when the market for private housing would be unable to support it.
- 2.115 The mechanism can also help developers to deliver commercial floorspace or market housing more quickly when demand is strongest.
- 2.116 There are two types of credits that could be considered in this way:
- **residential land-use credits** – created where housing is provided but is not required by policy – these can be used where market

housing is needed to offset additional commercial development under Development Policy DP1; and

- **affordable housing credits** – created where affordable housing is provided in place of market housing but is not required by policy – these can be used where affordable housing is needed to offset additional market housing development under Development Policy DP3.

2.117 The two types of credit could potentially be created by a single development at the same time if affordable housing is provided but there is no policy requirement for any type of housing. However, each type of credit can only be used once and only against a single policy requirement.

2.118 Residential land-use credits and affordable housing credits are types of off-site contributions, and will be governed by the policy considerations set out in paragraph 2.101 to 2.105 of this guidance. Paragraphs 1.15 and 3.15 of our Development Policies document indicate that off-site contributions should be made in the same area as the application site. In the case of residential land-use and affordable housing credits, the Council will only agree to bank credits from development in the Central London area, and will only allow credits to be used to offset requirements on another site in Central London. Credits should be used in reasonable proximity to the delivery site. In the Central London context, in most cases the Council will require credits to be used within 500 metres of the delivery site, taking into account any demonstrable benefits from allowing provision on a more distant site. The Council will not agree to credit arrangements that would erode the mixed-use character of Central London or add to concentrations of affordable housing at the fringes of Central London.

2.119 The Council will use two mechanisms to ensure that residential land-use credits and affordable housing credits serve to increase the overall delivery of housing or affordable housing.

- The Council will not agree to the formation of credits from development of market housing or affordable housing where this development would clearly have arisen regardless of any future DP1/DP3 requirements on other sites.
- Where we agree to the use of credits to off-set a housing requirement from additional non-residential space or an affordable housing requirement from additional market housing, the credit required will be equivalent in floorspace terms to the overall increase in non-residential floorspace – or market housing floorspace – across the application site and the delivery site(s) together, in accordance with the considerations set out in paragraphs 2.106 to 2.110 of this guidance.

2.120 The Council may therefore agree to acknowledge development in Central London as creating residential land-use credits and/ or affordable housing credits subject to the following constraints:

- the creation of credits should form part of the resolution to grant permission for housing/ affordable housing on the 'delivery site'
- the Council will only agree the formation of credits where this will serve to increase the overall delivery of housing or affordable housing
- the scale and type of credits created should be agreed at the time of the resolution on the 'delivery site' (floorspace of residential land-use credits and floorspace of affordable housing credits)
- at the request of the credit-holder, the Council may consider credits agreed by resolution as a material consideration offsetting policy requirements at a future 'application site' in Central London
- the Council will only accept the existence of credits as a material consideration where an off-site contribution would comply with Development Policies DP1, DP3 and all other relevant policies and material considerations
- the Council will only accept the existence of credits as a material consideration for sites in Central London
- the Council will require the credits to be used in reasonable proximity to the 'delivery site', and in most cases within 500 metres
- the Council will consider the scale of credits required to off-set a policy requirement in terms of the overall increase in non-residential floorspace increase or market housing floorspace across the application and delivery site(s) together
- the existence of credits will not place any obligation on the Council in terms of its decision-making in relation to a future 'application site'
- the period over which the credit can be applied to a future 'application site' should also be agreed at the time of the resolution on the 'delivery site', usually until 10 years from the date of the resolution
- the credits will generally be specific to an applicant, developer or landowner, and will not be regarded as transferable
- the Council will seek a S106 legal agreement to ensure that where development at an application site is justified by the existence of credits, the development cannot be occupied until the housing/ affordable housing that creates the credits is completed and available for occupation
- the creation and 'cashing-in' of credits and the implementation of development at 'delivery sites' and 'application sites' will be closely monitored and regularly reported.

Payments in lieu

This sub-section (paragraphs 2.121 to 2.124) has been replaced by Interim Housing CPG (paragraphs IH2.99 to IH2.129)

Background

- The National Planning Policy Framework (NPPF) provides a definition of affordable housing and sets the framework which local councils use to secure affordable housing from market housing development.
- The London Plan and the Mayor's Housing SPG give guidance on the income groups who are eligible for intermediate housing, and also cap the cost of intermediate housing on the basis of income.
- The London Plan Annual Monitoring Report is used to review annually which income groups are eligible for intermediate housing.

Securing works / conditions / S106

- 2.125 Provision of housing required under Development Policy DP1 will generally be secured by a planning obligation under S106 of the Town and Country Planning Act 1990. The precise terms of the S106 agreement will vary between developments to reflect the nature and financial viability of the development. In most cases S106 terms will include:
- identifying all homes in the development
 - preventing the occupation of non-residential floorspace until the housing is completed and available for occupation, including non-residential development justified by a residential land-use credit agreed in association with a housing development on another site.
- 2.126 Provision of affordable housing required under Development Policy DP3 will always be secured through a S106 planning obligation. The precise terms of the S106 agreement will vary between developments to reflect the nature and financial viability of the development. In most cases, S106 terms will include:
- identifying all affordable homes in the development
 - specifying which homes will be social rented housing, which homes will be affordable rented housing and which homes will be intermediate housing
 - defining social rented housing in terms of the Government's national rent regime
 - defining intermediate housing¹ in terms of the income groups and the ratio of housing cost to income contained in the London Plan, the Mayor's Housing SPG and the London Plan Annual Monitoring Report
 - defining affordable rented housing in terms of relevant guidance including the NPPF, the London Plan, the Mayor's Housing SPG, and

¹ we will also take into account the Council's Intermediate Housing Strategy, adopted on 6 April 2016

in relation to Local Housing Allowance caps and lower quartile market rents available locally and across the borough

- identifying social rented, affordable rented and intermediate wheelchair homes
- arrangements for the development, fitting out and transfer of the affordable housing to an affordable housing provider as approved by the Council
- arrangements for the fitting out/ adaptation of wheelchair homes for occupation by a household containing one or more people who are wheelchair users
- preventing the occupation of some or all market housing until the affordable housing has been completed, fitted out and transferred to an affordable housing provider - including market housing justified by an affordable housing credit agreed in association with affordable housing development on another site
- securing availability of the affordable housing to future eligible occupiers, or securing recycling of public subsidy if the affordable housing is sold.

2.127 Other S106 terms that may be required in connection with DP1 and DP3 include:

- where off-site delivery will be at a known site or sites, linking the developments together
- where a site is not identified for delivery at the outset, specifying the floorspace, nature of housing required and general location
- where a site is not identified for delivery at the outset, arrangements for identifying one or more delivery sites prior to the implementation of the development
- making a payment-in-lieu of housing/ affordable housing prior to implementation or occupation of the development
- making a payment to cover the additional costs of delivery of off-site contributions where such costs fall to the Council
- arrangements for a deferred affordable housing contribution if provision of housing/ affordable housing falls significantly short of targets due to financial viability, and there is a prospect of viability improving prior to completion
- specifying the type of intermediate housing – e.g. key-worker, intermediate rent, shared ownership
- controls on the rents of intermediate rented housing and affordable rented housing
- limiting the minimum percentage share available in shared ownership homes
- limiting the rent charged on the unsold proportion of shared ownership homes.

Resources / contacts

This sub-section (Contacts and Resources tables) has been replaced by equivalent tables in the Interim Housing CPG after paragraph IH2.129.



3 Student Housing

KEY MESSAGES

The location and design of student housing should:

- Contribute to creating mixed and inclusive communities across the borough
- Serve higher education institutions in Camden or adjoining boroughs
- Provide a mix of unit types

- 3.1 This section provides detailed guidance on how the Council will manage the growth in student housing to ensure mixed and inclusive communities across Camden as outlined in Core Strategy policy CS6 – *Providing quality homes*, Development Policy DP2 – *Maximising the supply of housing* and Development Policy DP9 – *Student housing, bedsits and other housing with shared facilities*.
- 3.2 This guidance applies to all developments that provide student housing including new build, conversion and change of use. It specifically covers:
- location and concentration;
 - design and facilities;
 - cost and affordability;
 - safety & crime prevention; and
 - access.
- 3.3 Camden’s Core Strategy policy CS6 – *Providing quality homes* and Development Policy DP9 – *Student housing, bedsits and other housing with shared facilities* support the development of student housing subject to a number of criteria, including where it:
- will not involve the loss of permanent self contained homes;
 - does not prejudice the supply of self-contained homes, affordable housing and homes for vulnerable and older people;
 - complies with relevant houses in multiple occupation (HMO) standards (see further information below);
 - is accessible to public transport, higher education institutions, shops, services and community facilities; and
 - contributes to mixed and inclusive communities (Development Policy DP9).
- 3.4 Student housing development should also:
- serve higher education institutions in Camden or adjoining boroughs;
 - be located where it is accessible to the institution it serves; and
 - include a range of unit layouts including units with shared facilities (Development Policy DP9).

What issues will the Council consider?

Location and Concentration

- 3.5 The creation of mixed and inclusive communities is an important factor when considering where student housing should be located. Camden acknowledges the contribution higher education institutions and their students make to the economy and to the social mix of an area. However, student housing is often associated with a concentration of relatively short term residents who, by reason of their particular social needs, the unique nature of activity associated with student life and demand for facilities and services can have an unwelcome impact on an established community.
- 3.6 Core Strategy policy CS6 and policy DP9 of the Development Policies support student housing proposals subject to several criteria, including that proposals should not prejudice the supply of self-contained homes, or involve the loss of sites particularly suitable for affordable housing or housing for older or vulnerable people. Development Policy DP2 also resists alternative development of sites particularly suitable for housing, affordable housing or housing for older or vulnerable people.
- 3.7 The Council will resist proposals for student housing developments that would prevent us from meeting the Council's target for delivery of 437 additional self contained homes per year.
- 3.8 The Council will consider the suitability of any site for alternative housing, particularly if it has been identified as one which is suitable for affordable housing or housing for older or vulnerable people. The Council will have regard to:
- the Camden Site Allocations Document; and
 - extant planning permissions that have already secured permanent C3 accommodation.
- 3.9 Camden is home to 11 HEFCE funded Higher Education Institutions (HEIs). A list of HEFCE funded Camden based HEIs can be found at Appendix C. Student housing development should serve a higher education institution based in Camden or one of its adjoining boroughs.

HIGHER EDUCATION FUNDING COUNCIL FOR ENGLAND (HEFCE)

This body distributes public money for teaching and research to universities and colleges. In doing so, it aims to promote high quality education and research. HEFCE also plays a key role in ensuring accountability and promoting good practice.

- 3.10 Student housing should be located in areas that are accessible to the institutions they serve. We will have regard to the distances students have to travel from their accommodation to their place of study. We will expect student housing to be located within walking or cycling distance of the institution(s) it serves, or to be accessible by public transport services that have existing or committed capacity to accommodate the

demand generated. Student accommodation should be located no more than a 20 minute walk or cycle away from their place of study.

- 3.11 Student populations are often highly dependant on local public transport routes. Proposals for student housing will be assessed against the adequacy of the local transport provision, including whether there:
- is sufficient capacity on bus and underground routes;
 - are adequate walking and cycle routes; and
 - is adequate provision for servicing.
- 3.12 When considering the location of student housing schemes, the Council will also have regard to:
- existing concentrations of student accommodation in the area as a proportion of the overall population;
 - the wider housing mix in the community; and
 - the impact on residential amenity in the area.
- 3.13 A map outlining the existing concentrations of students across Camden can be found at Appendix A. This map refers to individual schemes and closely grouped developments of 100 bed spaces or more and includes existing halls of residence and proposed student housing with valid planning consent. The Council is aware of numerous smaller sites providing student housing.
- 3.14 When considering the concentrations of students in a single area the Council will have regard to:
- the character of the area (in particular whether the area is of a residential nature);
 - the existing mix of uses; and
 - in particular the impact on any permanent residential occupiers.
- 3.15 The Council will use Census data and records of recent permissions for student housing in the area when assessing the acceptability of concentrations in student housing.
- 3.16 Where proposals for student housing are likely to disturb the balance of the community because of their scale or because of an existing concentration, the Council may seek the provision of self-contained general needs housing on part of the site, including affordable housing, in line with the priorities identified in Core Strategy policies CS1 and CS6 and Development Policy DP2. We will consider schemes on a site by site basis having regard to:
- Census information;
 - Camden's Annual Monitoring Report; and
 - Permissions for student housing schemes in the area.
- 3.17 A table outlining the number of full time students in Camden as a proportion of the overall population by ward is shown at Appendix B.

- 3.18 As outlined above student housing schemes will be considered on a site by site basis, taking into account the specific circumstances of each individual case. As a broad guide the Council will consider the following, alongside the site specific implications of any scheme:
- Where there is an existing concentration of resident students, the Council considers that proposals for student housing may harm the mix and balance of the community if they provide more than 100 bed spaces.
 - Where there is no existing concentration of resident students, the Council considers that proposals for student housing may harm the mix and balance of the community if they provide more than 250 bed spaces.
- 3.19 In some instances it may be appropriate to allow additional student housing schemes in locations where there is an existing concentration of such accommodation. Camden Development Policy DP1 and supporting paragraph 1.9 indicate that where a development adds floorspace of 200 sq m (gross) or more in Central London (excluding Hatton Garden), up to 50% of additional floorspace should be permanent self-contained housing in Use Class C3. However, paragraph 1.9 also notes that where the additional floorspace is provided for an educational institution supported by HEFCE the Council may accept student housing that serves the same institution as an alternative to self-contained housing. Student housing provided in this context should:
- form part of a mixed use development;
 - be located on a site already owned by the HEFCE institution or a provider with an agreement for nominations; and
 - be in close proximity to the institution it serves.
- 3.20 The Council will consider this on the basis that additional accommodation will not:
- exacerbate the existing balance of the student population in the area;
 - place additional demand on public transport;
 - increase the impacts on existing permanent residential communities.

Design & Facilities

- 3.21 To ensure a range of accommodation is available within student housing schemes, including accommodation that will be attractive to groups who would otherwise share private rented accommodation, the Council will expect student housing developments to include a range of:
- clustered study bedrooms with some shared facilities;
 - double units (often suited to post-graduate students); and
 - single units.

- 3.22 The provision of a variety of layouts will also allow for greater flexibility for conversion to permanent self-contained housing if in future the building is no longer needed as student accommodation.
- 3.23 In addition to the basic amenities expected from student accommodation such as washing and cooking facilities, the Council will expect to see common rooms/lounge areas to be provided as part of any development.
- 3.24 For new student housing schemes provided by HEFCE institutions, the Council will also expect development to comply with the Accreditation Network UK (ANUK) 'Code of Standards for Larger Developments' (<http://www.anuk.org.uk/LargeCode/Introduction.asp>). Other student housing schemes are to comply with the Council's HMO standards.

Cost & Affordability

- 3.25 Student housing has the potential to mitigate pressure on the stock of private rented homes in Camden. However, this will only happen if the accommodation provided is genuinely aimed at higher education students in the area. The Council will use design mechanisms (such as seeking cluster flats), conditions or legal agreements, as appropriate to:
- prevent the lease or sale of student accommodation as general market housing,
 - limit term time occupation to students registered at HEFCE funded higher education institutions within Camden or adjoining boroughs, or other institutions as agreed on a case by case basis by the Council
 - control the length of stays (i.e. when more than 90 days) to ensure that any new accommodation can not be used as short term let accommodation.

SHORT TERM LETS:

Accommodation let for periods of less than 90 days as defined by the amended Greater London Council (General Powers) Act 1973.

- 3.26 To ensure new student housing is genuinely attractive to students currently within the private rental market (as outlined in paragraph 9.10 of the Camden Development Policies), the Council will resist schemes that have not identified which institution the students occupying the proposed accommodation will attend.
- 3.27 In line with the above, the Council will seek:
- that the accommodation is operated directly by a Camden based (or adjoining borough) HEFCE funded higher education institution; or
 - a nominations agreement is in place with a specific HEFCE funded institution(s) which ensures that the institution(s) controls admission to the accommodation. In this regard it is important for private providers to have early discussions with HEFCE institutions to ensure the accommodation is designed and built to meet their needs and requirements.

Safety & Crime Prevention

- 3.28 The Council will expect any scheme for student housing to incorporate design measures that promote personal safety and security and reduce crime and the fear of crime, taking into account the Secured by Design principles. Applicants should discuss any scheme with the Metropolitan Police's Crime Prevention Design Advisor at the pre application stage.

SECURED BY DESIGN:

Focuses on crime prevention at the design, layout and construction stages of homes and commercial premises and promotes the use of security standards for a wide range of applications and products.

- 3.29 Design measures may include:
- communal functions placed at the ground floor of the building to retain an active frontage;
 - card-operated access control at a main entrance gate;
 - audio-visual CCTV to increase the level of surveillance;
 - alarmed fire escape doors; and
 - on-site accommodation management.
- 3.30 All internal design and management features are to be included within a submitted Student Management Plan, secured via legal (S106) agreement (see below).

Access

- 3.31 Paragraph 6.6 of Camden Development Policies which requires 10% of housing within any development to be made wheelchair accessible applies. We will expect 1 in 10 student bedrooms to be fully wheelchair accessible, or capable of being fully wheelchair accessible (see Lifetime Homes and Wheelchair Housing guidance).

Use of conditions and legal agreements in student housing schemes

Student Management Plan

- 3.32 A Student Management Plan is to be submitted with any planning application to ensure student welfare and to mitigate the potential impacts of the development on the local community. The Student Management Plan should include details of safety and crime prevention and a 'Code of Conduct'. This shall include details on:
- health and safety standards and procedures;
 - maintenance and repairs;
 - environmental quality;
 - landlord and tenant relationship;
 - student welfare;

- anti-social behaviour and disciplinary procedures; and
- administration, accreditation and compliance procedures.

3.33 With regards to anti-social behaviour, the Student Management Plan should describe a 'student tenancy agreement' including conditions to ensure that students are responsible in their behaviour to respect fellow residents, neighbours and the building, in order to prevent anti-social behaviour. The management plan should describe how the owners will enforce the terms and conditions of the tenancy. Any such plan can build upon any code of conduct provisions set out by the Institution to which the students belong.

3.34 In line with the guidance detailed above the Council will also seek to secure through the S106 agreement:

- the link to a Camden (or adjoining borough) HEFCE-funded institution(s);
- the permanent occupation as student housing; and
- a nominations agreement, or direct operation by a Camden based HEFCE funded HEI.

Energy & Water

3.35 Given that students generally pay a flat service charge for utilities the Council will expect the development to incorporate measures to minimise carbon dioxide emissions in accordance with Camden Core Strategy policy CS13 by minimising energy and water consumption through measures such as:

- metering electricity, heat and water use;
- incorporating energy and water efficient measures such as timers, sensors, flow restrictors, individual controls and energy efficient light bulbs;
- A and A* rated appliances; and
- means of monitoring and feedback/education of occupiers on water and electricity usage.

Community Facilities

3.36 In line with Camden Development Policy DP15, the Council will seek to ensure that any developments that result in any additional need for community, leisure or open space facilities contribute to such facilities in the area. The Council will make an assessment based on:

- the number of student units provided;
- the provision of any on-site community, leisure or open space facilities;
- the provision of any community, leisure or open space facilities provided by the higher education institution the students attend; and
- any identified deficiencies identified in the area.

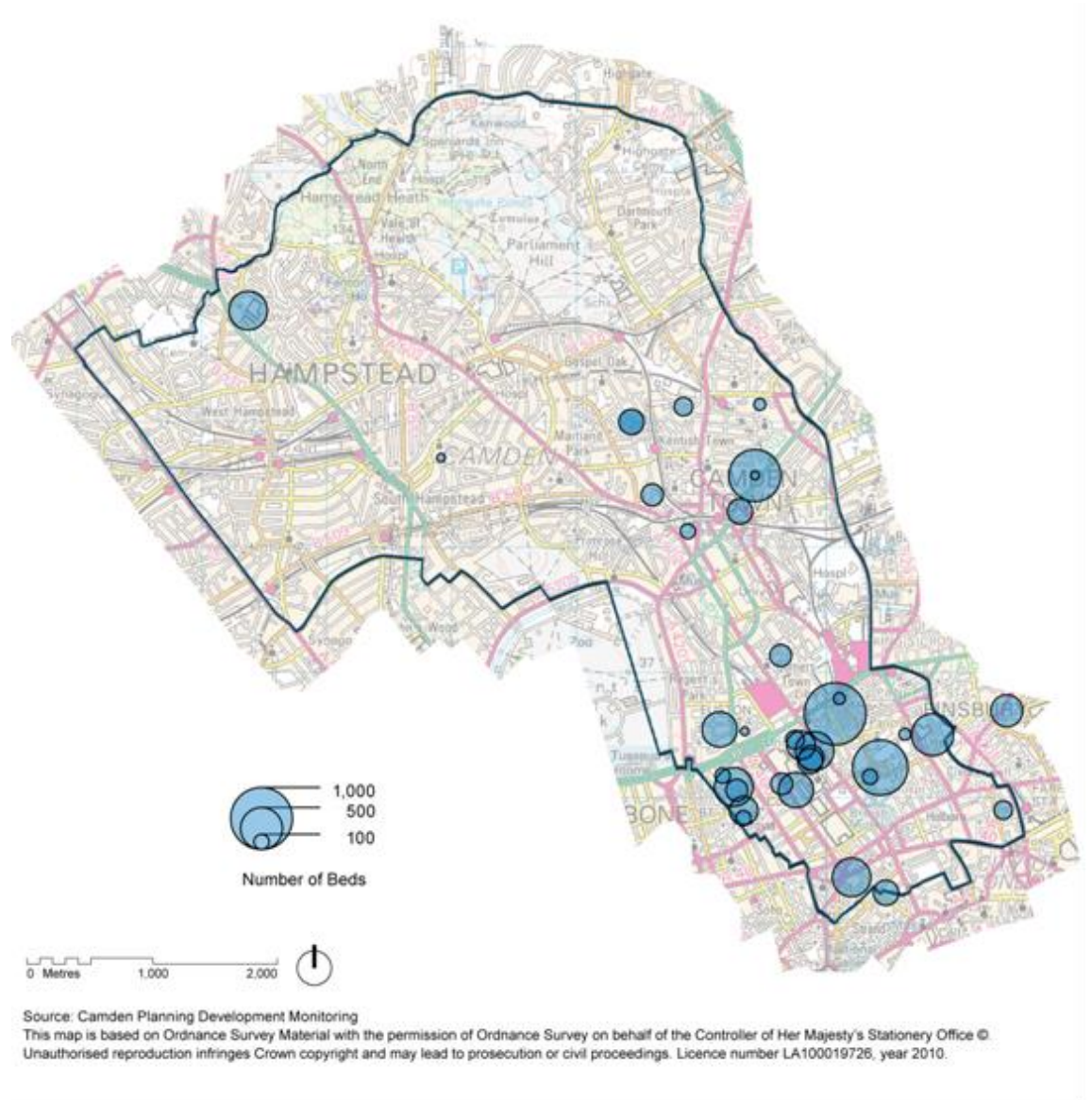
- 3.37 Where provision of facilities likely to be used by students is inadequate in the local area, we will seek a financial contribution to be used to provide or improve these types of community, leisure or open space facilities in the vicinity of the development.

Further information

URS Student Housing in Camden Study (October 2009)	Provides information on existing provision of student housing in Camden and the pipeline of future developments. www.camden.gov.uk/ldf (see Evidence and Monitoring pages)
Census 2001	Provides population figures outlining how many students in full time occupation as a proportion of overall population by Ward.
Camden Annual Monitoring Report	Provides details of housing completions (including student housing) by year. www.camden.gov.uk/ldf (see Evidence and Monitoring pages)
HMO standards	<ul style="list-style-type: none"> • Accreditation Network UK (ANUK) 'Code of Standards for Larger Developments' www.anuk.org.uk/LargeCode/Introduction.asp (accessed April 2011) • Camden HMO Standards www.camden.gov.uk/housing (see Private Sector Housing/ Private Housing Standards pages) • Secure by Design www.securedbydesign.com

Appendix A

Figure 8. Location of Student Housing Schemes in Camden



Appendix B

Full-Time Higher Education Students and Population by Ward

	All resident full-time students age 19 or over 2001*	Share of all Camden resident full-time students age 19 or over 2001*	Usual resident population 2001*	Full-time students age 19 or over as a percentage of usual resident population 2001*	No of resident full-time higher education students 2010/11#	Share of all Camden resident full-time higher education students 2010/11#	Usual resident population 2011+	Full-time students age 19 or over as a percentage of usual resident population 2011
LB Camden	15,690	100.0%	198,020	7.92	23,495	100.0%	220,338	[Figures will be added when the relevant Census data becomes available]
Belsize	720	4.6%	11,653	6.18	645	2.7%	12,702	
Bloomsbury	2,341	14.9%	9,224	25.38	4,370	18.6%	10,892	
Camden Town with Primrose Hill	606	3.9%	11,574	5.24	855	3.6%	12,613	
Canteloves	827	5.3%	10,490	7.88	1,795	7.6%	11,925	
Fortune Green	525	3.3%	10,465	5.02	585	2.5%	11,740	
Frognaal and Fitzjohns	882	5.6%	11,632	7.58	820	3.5%	11,986	
Gospel Oak	539	3.4%	10,465	5.15	515	2.2%	11,264	
Hampstead Town	550	3.5%	10,617	5.18	480	2.0%	11,270	
Haverstock	642	4.1%	11,224	5.72	1,000	4.3%	12,364	
Highgate	417	2.7%	10,492	3.97	415	1.8%	10,955	
Holborn and Covent Garden	1,017	6.5%	10,645	9.55	1,725	7.3%	13,023	
Kentish Town	646	4.1%	11,462	5.64	855	3.6%	13,417	
Kilburn	470	3.0%	10,494	4.48	580	2.5%	12,038	
King's Cross	2,622	16.7%	11,413	22.97	3,755	16.0%	11,843	
Regent's Park	1,035	6.6%	11,964	8.65	2,090	8.9%	13,528	
St Pancras and Somers Town	637	4.1%	12,490	5.10	1,595	6.8%	13,818	
Swiss Cottage	686	4.4%	11,663	5.88	755	3.2%	12,900	
West Hampstead	555	3.5%	10,053	5.52	665	2.8%	12,060	

* 2001 Census © Crown Copyright, source tables (Borough and Ward level): ST063 - Economic activity and age of full-time students by and household type and tenure - figures for student numbers include both school pupils and Higher Education students, therefore the table uses figures for students age 19 or over; KS01 - Usual resident population; ST001 - Age by sex and type of resident. Cells in the source tables have been randomly adjusted by ONS to avoid the release of confidential data.

+ 2011 Census Key Statistics and Quick Statistics, ONS © Crown Copyright, Open Government Licensed.

HESA © 2012 (restrictions apply) - figures in this table are rounded to the nearest 5.

Appendix C

List of Camden based HEFCE-funded Higher Education Institutions (HEI's)

	Institution	Location
1	Birkbeck College (University of London)	Bloomsbury WC1E 7HX
2	Central School of Speech and Drama (University of London)	Swiss Cottage NW3 3HY
3	Conservatoire for Dance and Drama	Bloomsbury WC1H 9JJ
4	Institute of Education (University of London)	Bloomsbury WC1H 0AL
5	London School of Hygiene and Tropical Medicine (University of London)	Bloomsbury WC1E 7HT
6	Royal Veterinary College (University of London)	Camden Town NW1 0TU
7	School of African and Oriental Studies (University of London)	Bloomsbury WC1H 0XG
8	School of Pharmacy (University of London)	Bloomsbury WC1N 1AX
9	University College London (University of London)	Bloomsbury WC1E 6BT
10	University of London (School of Advanced Study)	Bloomsbury WC1B 5DN
11	University of the Arts	King's Cross Central & Holborn, WC1

4 Residential development standards

This section (Key Message, paragraphs 4.1 to 4.30 and the Further Information table) has been replaced by Interim Housing CPG (paragraphs IH4.1 to IH4.10).

5 Lifetime Homes and Wheelchair Housing

This section (Key Messages, paragraphs 5.1 to 5.42 and the Further Information table) has been replaced by Interim Housing CPG (paragraphs IH4.1 to IH4.10).

6 Development involving net loss of homes

KEY MESSAGES

- We will generally resist proposals for redevelopment or conversion of housing that involve the net loss of two or more homes.
- Developments involving the loss of two or more homes may be acceptable in certain circumstances, including the creation of large homes in a part of the Borough that has a relatively low proportion of existing large dwellings.
- We will assess proposals taking into account all relevant material considerations and particularly the history of the site including previous developments and valid planning consents involving the loss of homes.

- 6.1 This guidance relates to Core Strategy policy CS6 – *Providing quality homes* and Development Policy DP2 – *Making full use of Camden's capacity for housing*. It applies to all development that involves the net loss of homes. This guidance does not relate to applications for Lawful Development Certificates.
- 6.2 Camden's Core Strategy indicates that the projected growth in the number of households exceeds the anticipated supply of additional homes. The Council therefore seeks to minimise the net loss of existing homes.
- 6.3 Camden's Development Policies document indicates that the number of conversion and redevelopment schemes each year that involve a loss of homes is sufficient to create a significant cumulative loss and contribute to the shortfall between the additional supply of homes and projected growth in the number of households. Many schemes involve combining 2 or more homes into a single large dwelling, and there is some evidence to suggest that where large homes exist in Camden, they are relatively unlikely to be occupied by large households. In 2001, 47% of the households occupying a home with 5-or-more rooms were one- or two-person households. The proportion of one- or two-person households was 54% for owner-occupied homes with 5-or-more rooms.
- 6.4 The Council does not generally seek to resist schemes combining dwellings where they involve loss of a single home. This provision creates some scope for growing families to expand into an adjoining property. However, the provision can also be used to make successive changes to a property to combine several homes into a single large dwelling. A town house comprising 5 flats (one per floor from basement to 3rd floor) could become one large dwelling through 4 losses of a single flat, reducing the number of occupiers below the capacity of the property, and generating a need for 4 additional homes elsewhere. The floorspace of the large dwelling created in such a scenario would

typically exceed 250 sq m, which is very much greater than the minimum space standards for a 6-person dwelling set out in this guidance and in the London Plan.

- 6.5 The Council will therefore apply Development Policy DP2 to resist a succession of developments that involve combining small homes to create larger homes. When considering planning applications we will take into account all relevant material considerations including the cumulative loss of units created by past changes and the potential for further losses from planning consents that have not expired. We will particularly focus on changes in the same apartment or flat building, or in the same sub-divided town house.
- 6.6 Development Policy DP2 does provide for developments involving the net loss of two or more homes where they would create large homes in a part of the borough with a relatively low proportion of large dwellings. This relates to the six wards listed in paragraph 2.24 of Camden's Development Policies document, namely Bloomsbury, Holborn and Covent Garden, King's Cross, Kilburn, Regent's Park and St Pancras and Somers Town. Census data for 1991 and 2001 shows that in both years fewer than 26% of households in these wards lived in homes with 5 or more rooms. Providing for the development of more large homes in these wards contributes to the objective of creating mixed and inclusive communities set out in the NPPF and policy CS6 of Camden's Core Strategy.
- 6.7 Development Policy DP2 also provides for developments involving the net loss of two or more homes where they would enable sub-standard units to be enlarged to meet residential space standards. We will consider such proposals favourably if existing homes are 20% or more below the space standards and the loss of dwellings is no greater than is necessary to meet the standard.
- 6.8 Development Policy DP2 also provides for developments involving the net loss of two or more homes where they would enable existing affordable homes to be adapted to provide the affordable dwelling-sizes most needed, having regard to severe problems of overcrowding and the high proportion of one-bedroom dwellings in the Council stock.
- 6.9 The Council will keep Camden Planning Guidance under review and will apply this guidance and Development Policy DP2 taking into account all relevant material considerations including the latest information from the 2011 Census, population projections, other evidence relating to housing need and supply, and the impact of changes to national and regional planning policy. We will also take account of the minimum borough annual average housing target set out in the London Plan 2011, monitoring of housing delivery and the NPPF requirement that local planning authorities should plan to meet the full objectively assessed needs for housing.

Camden Planning Guidance

Community uses, leisure facilities and pubs

March 2018



CPG Community uses, leisure facilities and pubs

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Community uses, leisure facilities and pubs

1 – Introduction

What is Camden Planning Guidance?

- 1.1 The Council has prepared this guidance to support the policies in the Camden Local Plan 2017. It is a formal Supplementary Planning Document (SPD), which is therefore a “material consideration” in planning decisions.
- 1.2 This document should be read in conjunction with, and within the context of, the relevant policies in the Camden Local Plan 2017.
- 1.3 The Council formally adopted this CPG on Community uses, leisure facilities and pubs on 26 March 2018 following statutory consultation. This document replaces the Community facilities section of CPG 8 Planning obligations (July 2015).

Community uses, leisure facilities and pubs in Camden

- 1.4 This Camden Planning Guidance provides details of how the Council will protect and enhance community, cultural, leisure and pub provision in the Borough. It relates to the following policies in the adopted Camden Local Plan (2017):

Policy C2	Community facilities
Policy C3	Cultural and leisure facilities
Policy C4	Public houses

- 1.5 These facilities and services can help to enhance quality of life, improve personal health and well-being and deliver a sense of community. The Council wants to ensure a growing population does not have an unacceptable impact on the provision of these facilities. Existing facilities can also be vulnerable to changes of use and redevelopment due to the high values that can be released from such proposals, in particular from housing schemes. These values are expected to continue to rise.
- 1.6 Planning decisions will take into account the impact of development schemes on existing and future users of facilities and services, including people belonging to a protected group¹. This is because certain groups may particularly benefit from access to community, cultural and leisure facilities such as the young, elderly, ethnic and religious groups and Lesbian, Gay, Bisexual and Transgender users. These facilities can provide vital support by providing meeting spaces, helping to foster community cohesion and support diversity.

¹ Under the Equality Act 2010, the Council is required to assess the impact of proposals against the ‘protected characteristics’ of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex/gender and sexual orientation.

- 1.7 The Council also recognise that the way floorspace is operated and services are delivered changes over time. New technologies, innovation and changes in preferences and expectations affect the type and quantum of floorspace that is needed over time. The clustering and shared use of facilities can provide benefits for their users and the disposal of premises and sites which are expensive to maintain or underused can generate funding to invest in better quality floorspace. In a similar way, there is a need for cultural, leisure and pubs to adapt to the changing needs of their users. However, the heritage and associations of existing venues, their contribution to townscape and social history and the way cultural and leisure venues often tend to cluster together means that retaining existing provision in situ will normally be the preferred option.
- 1.8 In this guidance, the term community facilities refers to a wide range of social infrastructure that provides a service to the community. This includes childcare, education, adult learning and training, healthcare, police stations, youth provision, libraries, public houses, community halls, places of worship and public toilets. The first part of the guidance addresses community facilities and is intended to support Policy C2 of the Camden Local Plan.
- 1.9 The second section of this guidance refers to cultural and leisure facilities, such as theatres, galleries and museums; live music, comedy and dance venues including nightclubs; and provision for indoor provision for sports and exercise. This should be read in conjunction with Policy C3 of the Local Plan.
- 1.10 The third section of this guidance relates to public houses. This supports Policy C4 in the Camden Local Plan, and the approach is intended to be consistent with the Council's broader approach to protecting community uses that enhance quality of life and improve wellbeing by strengthening social networks and the sense of belonging.

2. Community facilities

KEY MESSAGES:

- We will ensure that development makes appropriate contributions to community facilities based on the needs generated.
- The Council will address the cumulative impacts of development on community facilities using funding from the Community Infrastructure Levy (CIL).
- We may also seek section 106 planning obligations for provision on large scale major developments and towards the provision of enhanced primary care provision, where this is required.
- We wish to ensure that premises in community use are retained but recognise that the floorspace needs of individual services are influenced by changing operational practices and the use of technology.

What does this guidance cover?

2.1 This guidance relates to the application of Policy C2 of the Local Plan, which seeks to ensure the impact of development on community facilities is satisfactorily addressed and that existing community uses are given appropriate protection through the planning process. The guidance explains how the Council will:

- Manage the impact of development on existing facilities;
- Ensure new community provision addresses need;
- Assess proposals involving the loss of community facilities, including guidance about changes affecting the delivery and operation of facilities and services.

Managing the impact of development on existing facilities

2.2 New development and population growth can lead to increased pressure on Camden's existing community facilities and infrastructure, either cumulatively or individually. Without mitigation of this impact, deficiencies in service provision would arise and the quality of existing facilities and services be harmed. Policy C2 of the Local Plan sets out how the Council will ensure that there is provision of community facilities to meet the needs of a growing population and safeguard against the loss of viable community facilities.

2.3 The Council began collecting the Community Infrastructure Levy (CIL) on 1 April 2015 and over the plan period, this is expected to provide funding towards community infrastructure projects identified on the Council's CIL funding list (also referred to as the Regulation 123 Funding List). 75% of CIL collected in Camden will

be spent on borough-wide infrastructure needed to support growth. The Council has committed to use the first £22 million of this 'strategic' element of CIL to fund highways and schools improvements in the Council's Capital Spending Programme. 25% of the CIL will be spent on local projects, guided by priority lists drawn up for each ward in the Borough. The 'local' CIL is expected to fund improvements to community facilities, ensuring that the cumulative impacts of development are satisfactorily addressed. The Council will use CIL to fund provision such as additional school places.

- 2.4 For large, major development schemes, according to the threshold below, the Council may use Section 106 planning obligations to secure financial contributions to address the site-specific needs of a scheme. Depending on the availability of existing provision, this will be used to fund either the provision new community facilities, land for facilities or the expansion of existing facilities and services. We will expect facilities to be provided on the development site or for alternative provision to be made in the locality. We will also require a payment towards the maintenance and running costs of additional provision to serve the development. This will normally be for a period of ten years. In exceptional cases, where a community facility is to be lost as a result of a development, the Council may also secure a planning obligation to address any shortfall in provision.

The Council will seek Section 106 obligations for community provision in the following circumstances:

- On major residential and mixed-use schemes providing 200+ net additional dwellings
- For developments providing 10+ net additional dwellings, contributions towards primary care provision, subject to the capacity and quality of existing facilities in the local area.

- 2.5 To ensure that resources are used efficiently, the Council will also consider whether there is scope to refurbish or reconfigure an existing facility to accommodate greater capacity. Where provision is made off-site, catchment distances will be applied flexibly taking into account physical constraints and the unique way in which different types of community facilities are used. In some cases, for example a location where a cluster of major developments is anticipated to come forward, the Council may seek to pool funding to secure land within the most appropriate site. Where this occurs, financial contributions will be required from the other landowners in the cluster to offset the opportunity cost of the owner of the land secured for the provision of a new community facility.
- 2.6 Where a facility is anticipated to generate a large number of visits or attract people from a large catchment area, we would expect it to be provided in areas of the Borough with the best accessibility, i.e. Central London or the town centres of

Camden Town, Kentish Town, Kilburn High Road, Swiss Cottage/Finchley Road and West Hampstead.

Ensuring new community provision addresses need

- 2.7 The nature and level of needs arising from individual schemes will be informed by the Council's consultation with relevant service providers and needs identified in strategies prepared by the public and voluntary sector. For healthcare facilities, regard should be had to the [Joint Strategic Needs Assessment](#), which describes the current and future health and wellbeing needs of the local population and identifies priorities for action. The NHS is also assessing how demands on its services can be managed in the medium to long term as both growth in population and expectations around service delivery increase. This is leading to the production of Sustainability and Transformation Plans, of which one element relates to the premises needed to support efficient and effective services. For education provision in the Borough, we will take into account the Council's school place planning assessments. Camden's school place planning reports can be found via Camden's open data portal (<https://opendata.camden.gov.uk/>).
- 2.8 An important consideration is the funding arrangements for any new or expanded provision over the long-term, including the cost of maintenance and management. The pressure on Council budgets mean that difficult choices are having to be made in relation to providing community facilities. The Council will seek assurances that floorspace will be used by community groups in perpetuity and will negotiate the provision of subsidised rents where this is necessary to ensure that a facility meets its intended needs. Where the Council is unable to enter into an agreement to meet the ongoing revenue costs of a facility itself, we will expect the applicant to demonstrate how the future of the facility will be secured.
- 2.9 Where new floorspace is provided, applicants should provide plans showing the design, layout and fit out unless the Council agree that this is not required. This will ensure that new facilities satisfactorily address the needs of its intended users and the wider community. We also expect proposals to have involved the community in shaping new provision and services. This includes Neighbourhood Forums where they exist. We may also request impact assessments to examine the implications of a scheme on local services, e.g. educational and health provision. Where replacement provision is provided to mitigate the loss, it must be demonstrated to the Council's satisfaction that this will meet the end users' needs.

Assessing proposals involving the loss of community facilities

- 2.10 Local Plan Policy C2 has a presumption in favour of retaining existing community facilities. Where it is considered that a facility is no longer required, the Council will expect the following information:
- Details of other community uses for which there is an identified need in the locality (within a radius of 400m of the premises/site subject to the planning application) which could reasonably be accommodated from the existing

premises/site. Details should be provided of consultation with public and community service providers, including Camden Council, to establish their needs and accommodation requirements;

- A report demonstrating that there is no demand for a community use despite continuous marketing at a reasonable rate for a period of 12 months. The sales price/rent should reflect rates generally paid by community groups or voluntary organisations and be agreed with Camden Council.
- Copies of the marketing literature to be supplied to the Council.
- Expressions of interest to be recorded and full reasons given as to why any offer was not accepted.

- 2.11 An exception to the undertaking of the marketing exercise is where development is part of an agreed programme of social infrastructure re-provision to ensure the continual delivery of services and this can be evidenced through a service delivery strategy.
- 2.12 Bodies in the public and voluntary sector, including Camden Council, are looking to dispose of premises and sites in community use which are underused, difficult to access or expensive to maintain. Proceeds from the sale of assets are re-invested to refurbish existing facilities or to build modern, fit-for-purpose facilities. These re-provision programmes will often seek to improve operating efficiencies and the experience of users, for example by bringing multiple, and complementary services, together under one roof.
- 2.13 New technologies also mean that the amount of floorspace required by service providers is less significant than in the past. While physical infrastructure will still be important, increasingly services can be accessed remotely due to improved IT and data speeds. Staff can also support service users from hubs or at home. Users can access advice and data much more easily through ‘smart devices’.
- 2.14 The Council will take into account these issues when assessing proposals involving the loss of community floorspace. This is in line with paragraph 3.87A of the London Plan that acknowledges that the loss of social infrastructure, including in areas of defined need, may be acceptable to ensure the continued delivery of social infrastructure and related services.

Provision of faith facilities

- 2.15 It is evident from the Council’s Infrastructure Study (updated in 2015 as part of the Camden Local Plan Evidence Base) that there is an unmet need for faith facilities in the Borough and the condition of some existing buildings is poor while congregations continue to grow. For people of faith or belief, good quality and flexible facilities can confer a sense of belonging and wellbeing and may provide a range of services, advocacy and support for their users. The Council welcomes investment by faith communities to develop new space to meet or worship, subject to compliance with relevant planning policies. From a planning perspective, it is important to ensure that

where new provision is proposed, the scale and impact of the scheme is appropriate in the context of the surrounding area. A particularly important consideration for the Council will be to assess the likely intensity of use, how far people need to travel to access the facility and its hours of operation. The Council will expect applicants to submit information setting out the frequency of key activities and likely levels of attendance.

- 2.16 The Council has developed in conjunction with Camden's citizens, partners, businesses and staff "Our Camden Plan (2018-2022)". This states the importance of Camden being a cohesive and integrated borough "where different communities have opportunities to come together and celebrate diversity and shared values". The Council will therefore seek proposals which provide shared facilities for people of different faiths and beliefs and which provide opportunities for day-to-day users of the faith facility to come together with the wider community, acknowledging their common values. The Camden 2025 Vision identifies the importance of buildings and development in the Borough being open and accessible for everyone. Policy C2 of the adopted Camden Local Plan similarly stresses the need to achieve the efficient use of community facilities and multi-functional community facilities capable of providing a range of services to the community from a single location. To ensure that the transport and amenity impacts of new floorspace is minimised, the Council would normally expect such provision to be close or accessible to the community it is intended to serve. The Council will expect developments likely to attract large numbers of people to be located on sites in town centres.

3. Cultural facilities and leisure

KEY MESSAGES:

- We wish to see Camden’s cultural and leisure offer sustained and enhanced. Where proposals involve the loss of these facilities, the Council will take into account the social and economic benefits provided by these facilities.
- The Council will require evidence to justify the loss or change of use of a cultural or leisure facility.

What does this guidance cover?

3.1 This guidance relates to the application of Policy C3 of the Local Plan, which seeks to ensure that valued cultural and leisure facilities are adequately protected through the planning process. It explains the contribution these facilities make to Camden and how the planning process will consider developments that may affect their continuing operation. The guidance has the following sections:

- Why culture and leisure are important to Camden;
- The need to retain cultural and leisure facilities;
- Proposals for the loss of a cultural or leisure facility;
- Agent of Change;
- Specific cultural and leisure uses.

Why culture and leisure are important to Camden

3.2 Camden has an extremely rich cultural and leisure offer that contributes enormously to our residents’ quality of life and draws people from the rest of London, the UK and throughout the world. These attractions, such as the live music venues, make Camden a vibrant place and provide a huge contribution to the borough’s character and identity. This range and diversity is illustrated on the Love Camden website (www.lovecamden.org). In line with the London Plan, Camden will seek to protect, promote and enhance the special characteristics that draw visitors to the West End (about a third of this area is within this Borough).

The need to retain cultural and leisure facilities

3.3 The Council will normally seek to retain existing cultural and leisure facilities. There is a strong and thriving cultural scene in the borough, particularly in Camden’s part of the West End and Camden Town. Part of this success arises from its diversity and the range of spaces that support new and emerging artists and talent. The ability to successfully reprovide cultural uses is constrained by the difficulty of replicating the experience and atmosphere provided by an established venue and the tendency for cultural facilities to prosper through their clustering close to one another. Many long-standing cultural facilities were designed specifically for art and performance and in heritage terms, their public use for entertainment contributes substantially to their

significance. The most prestigious venues are located in prominent locations within centres and often feature highly attractive external architectural detailing and opulent interior furnishings.

- 3.4 There is a range of indoor sports facilities in the Borough. They are well used and the Camden Open Space, Sport and Leisure Study 2014 demonstrated that there are no areas of surplus provision. There is pressure on existing facilities in much of the borough, exacerbated by Camden's very high student population and the increasing popularity of after-work sport and fitness. Many facilities have to cater for a diverse range of users which can include school children, students, professional athletes and people needing to improve their fitness in response to health problems.

Proposals for the loss of a cultural or leisure facility

- 3.5 Any proposals involving the loss of a cultural or leisure use must be accompanied by a marketing exercise and viability assessment that considers the ability of the premises or site to accommodate alternative cultural or leisure uses unless the Council confirms in writing that this is not required. The range of uses included in the marketing exercise must be agreed by the Council in advance. The value of these uses will also need to be agreed by the Council who will seek advice from an independent valuer, that the applicant will be expected to fund.
- 3.6 Where a replacement cultural or leisure facility is to be provided outside of the application site, the applicant should demonstrate to the Council's satisfaction that the replacement facilities are at the same standard or better than those lost, and that the new location will be easily reached by users of the facility.
- 3.7 We will also take into account any relevant factors about the impact of the proposal where the building is an existing heritage asset. As many of cultural and leisure buildings were custom-built for a particular end use and to provide an experience for people using them, their value can be greatly diminished through conversion to an alternative use.
- 3.8 The Council is limited in its ability to control or influence changes of use within the same use class as planning permission is not required. We will, however, where possible seek to resist proposals that would harm the Borough's diversity of provision or weaken its cultural or leisure offer. In particular, we will seek the retention of spaces that support protected groups, such as ethnic minorities and lesbian, gay, bisexual and transgender (LGBT) communities or that underpin the unique character and identity of a cluster of uses, such as Denmark Street ('Tin Pan Alley') and Camden Town. We also recognise that some cultural and leisure facilities are particularly valued because they serve a specialist audience or market (e.g. comedy clubs and heavy metal bars) and many visits will be made from outside the local area.
- 3.9 The Council will also seek to retain ancillary space that supports the creative sector, e.g. artist studios, rehearsal rooms and essential storage space and will expect suitable alternative uses to be considered. This supporting infrastructure helps venues to function effectively and sometimes is provided at an affordable rate, but increasingly is being displaced from inner London.

Agent of Change

- 3.10 The Council will also carefully consider the impact of proposals involving the development of sensitive uses, such as housing, in proximity to existing cultural and leisure venues. It is recognised that many venues have licenses allowing them to operate late at night/into the morning and their capacity means there will be particularly busy periods when people enter or leave the premises. We will resist proposals that are likely to jeopardise the ability of a cultural or leisure venue to operate effectively, taking into account any previous history of noise complaints.
- 3.11 Under the ‘Agent of Change’ principle, the party responsible for the ‘change’ is also responsible for managing the impact. If a music venue is in place prior to a residential development, the applicant would be financially responsible for mitigation measures to ensure that existing noise or light pollution can be managed to an acceptable standard. This is in line with paragraph 123 of the National Planning Policy Framework: *“decisions should aim to: recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”*. Applicants should consider how any noise affecting occupants can be managed through the internal layout of buildings (i.e. where habitable rooms are located) and soundproofing measures. The Council may additionally seek to negotiate contributions towards improving the noise insulation of an existing venue, taking into account any record of harm caused by the use. If it is likely that future noise levels cannot be managed to an acceptable level, it may be necessary for a proposed development to be refused planning permission.

Specific cultural and leisure uses

Live music venues

- 3.12 A significant concern for the Council is the vulnerability of live music venues to redevelopment or a change of use. These facilities are often located in highly accessible locations and based in landmark buildings. There is a pressure for venues of all sizes to be converted or demolished to provide other uses, particularly housing. The Council will seek to protect music venues taking into account their social, economic and cultural contribution. We will also seek to apply ‘the Agent of Change’ principle (as set out in paragraph 3.11 above) to ensure schemes provide a level of noise mitigation commensurate with protecting the amenity of future occupants and safeguarding an adjoining venue from unacceptable impacts on its operation. Some venues have been instrumental in shaping Camden and London’s cultural character and social history over many years and their loss is likely to be detrimental to the borough and city’s identity and atmosphere. They also help to bring large numbers of visitors from the rest of the UK and around the world. The Council will also take into account any record of harm caused by a venue on its surroundings, including impacts on neighbours, when making planning decisions.

Nightclubs

- 3.13 The mixed-use nature of many parts of Camden is intrinsic to its character and interest. The way these environments are experienced and used can gradually

transform during the evening and at night. Successful cities are able to encourage people from all ages and backgrounds to enjoy the attractions on offer. Nightclubs are a key attraction for visitors and tourists and form a backbone of the night time economy and should be retained where they are managed in a considerate and effective way and there are no overriding detrimental impacts on the amenity of those living nearby and the surrounding area. The Council will continue to seek to ensure nightclubs remain part of Camden's night time by securing mitigation measures, for example the use of noise insulation and management plans, applying the 'Agent of Change' principle as set out in paragraph 3.11 above.

- 3.14 Where there is an application for a new nightclub or proposed extension or redevelopment of an existing venue, the Council will seek to ensure there is no unacceptable increase in noise experienced in the surrounding area and that proposals are located in existing centres. Licensing controls, such as cumulative impact policies, are likely to restrict the ability for new nightclubs to operate in some parts of the Borough. See Camden's 'Statement of Licensing Policy' [here](#).
- 3.15 Where proposals involve the loss or conversion of a nightclub, the Council will take into account the social, cultural and economic benefits provided by the use. We will also consider any evidence regarding the impact of the club on neighbours and the character of the area. Social and economic benefits include the jobs generated and the opportunities for people to socialise in a safe and managed environment, particularly young people. The evening and night time economy provides young Londoners with the opportunity to build their social networks at a critical stage early in their career. A facility may be important in generating support and a sense of belonging for its users. The range of Camden and London's nightlife also draws income for other businesses in the supply chain or based in town centre locations. Some clubs by virtue of their longstanding presence in supporting live music and in breaking talent have acquired a cultural significance and renown far beyond Camden's boundary.
- 3.16 The Mayor of London's draft 'Culture and night time economy' Supplementary Planning Guidance (2017) identifies the benefits provided to London by a vibrant night life and seeks to retain existing facilities. The aim is for the night time economy to grow and become more diverse but in the context of a balanced approach that recognises that many people have homes in Central London. 'Charing Cross Road part, Tottenham Court Road part', 'Covent Garden/Strand' and Camden Town are identified as night time clusters providing benefit for Londoners.

Theatres

- 3.17 The Council recognises the contribution that theatres make to Camden's character both in Central London and our town centres, where they have an important cultural and leisure role. There are also a small number of community and local theatres and performing spaces, outside of centres, which are also highly valued. We will protect

theatres that are suitable for continued theatre use from being converted to another leisure use or any other use.

Indoor sports facilities

- 3.18 Policy C3 of the adopted Camden Local Plan includes protection for premises used for indoor sports provision. Where a proposal involving the loss of an existing indoor sports facility does not provide suitable and accessible provision elsewhere, the Council will expect the applicant to explore the local need and viability of alternative sports uses through the marketing exercise. The Council will expect the applicant to demonstrate there not a need for alternative sports provision in the local area that the facility/site would be capable of hosting on a sustainable financial basis. These alternative sports uses should be appropriate for the size of the existing site and location and be agreed with the Council before the marketing commences.
- 3.19 When considering the need for provision for individual sports, the Council will take into account the nature and quality of provision that is currently available elsewhere in the local area. In determining relevant catchment distances, the Council will expect applicants to identify provision in the ward in which the existing sports facility is situated as well as in adjoining wards (wards immediately outside the borough boundary should be included, where relevant). Any new or refurbished sports provision should meet the relevant standards for facilities set out by professional sports bodies.

4. Public houses

KEY MESSAGES:

- We will apply a presumption in favour of retaining pubs, and their associated facilities, where they meet the needs of the community or protected groups.
- Robust evidence will be required to demonstrate that all reasonable options have been thoroughly explored where the loss of pub floorspace is proposed.
- Proposals involving the partial loss of a pub will be carefully scrutinised to ensure this does not put at risk the ability of the retained pub to operate successfully.

What does this guidance cover?

4.1 This guidance relates to the application of Policy C4 of the Local Plan, which seeks to safeguard public houses of community, heritage and townscape value. It explains:

- The need for protecting pubs through the planning system;
- How pubs support strong communities;
- Policy context;
- What evidence will the Council seek for pub applications?;
- How will the Council consider proposals involving the partial loss of the pub?;
- Article 4 Directions.

The need for protecting pubs through the planning system

- 4.2 Pubs in the borough, even where they are well-used and trading successfully, are vulnerable to being lost due to the development value that conversion of the premises to other uses can realise. Pubs are often located in attractive, prominent locations in the heart of the community and operate from buildings distinguished by the quality of their architectural design and detail. A number of pubs are also heritage assets in their own right. As they tend to occupy reasonably large plots, sometimes with a beer garden or yard, there is sufficient capacity to convert or redevelop a pub to provide several new dwellings or a small supermarket.
- 4.3 From 2011-16, a total of 18 planning applications in Camden have involved the loss of pub floorspace to housing. 13 of these have resulted in the loss of the entire public house. However, the actual loss of pubs in Camden is likely to be higher due to the conversion of pubs to other uses, such as shops or cafes, under nationally set permitted development rights which allow changes of use without planning permission.

How pubs support strong communities

- 4.4 Many pubs in Camden provide valuable space to support recreation and leisure activities such as live music, comedy nights, pool and darts leagues, parties and celebrations, theatre, political debate, community meetings and quizzes. They also add diversity and interest to Camden's town centres and shape the identity of the area, particularly in Camden Town where there is a synergy between public houses and the live music venues in the area. Pubs bring life to the evening economy, provide jobs, both directly and indirectly through the supply chain, and attract visitors and tourists to the Borough.
- 4.5 Pubs in Camden support the health and well-being of protected / minority groups, for example older and LGBT communities, by providing social and safe spaces in which people can meet. Pubs may also cater for different users at different times of the day (e.g. students and workers from local businesses). Along with other community facilities and services, public houses are a building block for a sustainable community.
- 4.6 Communities in Camden have been particularly active in campaigning to retain cherished pubs. This has been demonstrated by the numbers of pubs that have been nominated by community groups as Assets of Community Value (ACVs).² Camden's register of ACVs can be found at <https://opendata.camden.gov.uk>. During the preparation of the Camden Local Plan, residents and community groups stated they wished to see the policy protecting pubs strengthened. Individual planning applications involving the loss of pub floorspace have generated particular attention from residents concerned about the impact of proposals on their quality of life.

Policy context

- 4.7 Policy C4 of the Camden Local Plan builds on national and London planning policies that have also acknowledged the value provided by the public house. The National Planning Policy Framework (NPPF) identifies pubs as a service which can enhance the sustainability of communities and residential environments. It states that local planning authorities should “guard against the unnecessary loss” of valued facilities and services, particularly where this would reduce a community's ability to meet its day-to-day needs. The NPPF also advises that planning decisions should promote opportunities for meetings between members of the community who might otherwise not come into contact with each other.
- 4.8 Policy 4.8 of the London Plan 2016 also promotes sustainable access to the goods and services that Londoners need. Pubs contribute to ‘lifetime neighbourhoods’ that are welcoming, accessible and inviting environments that provide facilities available to all, regardless of age, health or disability. The Mayor of London's Draft Culture and Night time Economy Supplementary Planning Guidance (2017) identifies the social and cultural role performed by pubs, the support they provide to cultural clusters and to the wider economy. It draws attention to concerns about the upper

² Assets of Community Value further the social wellbeing or social interests of the local community and can be public or privately owned buildings or land. Should the asset come up for sale, community groups have six weeks to submit an expression of interest to the local authority. They then have a further six months to put in an offer to the owner. Owners have to consider the offer but do not have to accept it.

floors of pubs being used to provide residential accommodation for occupants “likely to have different expectations of amenity”.

What evidence will the Council seek for pub applications?

- 4.9 The Council wishes to see the long-standing cultural and social value of pubs and their benefit in shaping the identity and character of their area recognised through the planning process. While Local Plan Policy C4 accepts that it will not be realistic to seek protection for all pubs in the Borough, it is important that proposals involving the loss of pub floorspace are properly assessed in terms of their planning impacts.
- 4.10 The guidance below sets out how applicants will be required to justify their proposals for the change of use, conversion or redevelopment of pubs.
- 4.11 Criterion a of Policy C4 states that proposals must demonstrate to the Council’s satisfaction that they would not result in the loss of pubs valued by the community (including protected groups) unless there are equivalent premises available capable of meeting the community’s needs served by the public house. Reference to ‘equivalent’ (not just alternative pub facilities) in the area is necessary to ensure features of particular social utility are not lost unnecessarily. A pub with performance spaces, meeting room, beer garden, dining room or other ancillary uses such as B&B accommodation cannot be substituted by another pub which does not offer the particular feature.
- 4.12 The evidence required to satisfy criterion a is as follows:
- A community survey unless the pub is already included on the Council’s register of Assets of Community Value, and
 - Information regarding existing public houses and their facilities in the area served by the pub that is subject to the proposed scheme.
- 4.13 Criterion b states that proposals must demonstrate to the Council’s satisfaction that there is no interest in the continued use of the property or site as a public house and no reasonable prospect of a public house being able to trade from the premises over the medium term.
- 4.14 The evidence required to satisfy criterion b is as follows:
- A marketing exercise, and
 - A viability assessment
- 4.15 Other evidence required may include information relating to:
- The historic and architectural value of the pub
 - Proposals for the partial loss of the pub.

Community survey

- 4.16 The Council wishes to retain social infrastructure that is highly valued by the community. However, the community benefit provided by a pub and its value to the community can often be difficult to quantify. It is important that the local community is given an opportunity to comment on their use of the public house and the benefits it provides (for proposals involving a public house serving a protected group, please

refer to the end of this section). Applicants should seek the community's views on the potential loss of the public house.

4.17 The Council will expect applicants to submit evidence of a local consultation exploring the pub's community role. As a minimum, the consultation exercise should meet the following:

- The proposed engagement strategy and questionnaire should be agreed with the Council in advance.
- As a minimum, all residents and businesses within a 400 m catchment of the pub should be sent the questionnaire with a freepost envelope provided. A smaller catchment may be appropriate where there are significant barriers to movement, such as railway lines, in which case an alternative catchment area should be agreed with the Council.
- Additionally, copies of the questionnaire and envelope should be provided for local libraries and other local community buildings. An option should also be provided to complete the questionnaire on-line.
- The consultation period should not be less than 28 days.
- Applicants should identify and consult with key stakeholders within the area including Council ward members and the neighbourhood forum where one exists.
- There will be no requirement to include responses where an address has not been provided.
- A report should be submitted with the planning application setting out the findings of the community survey.
- The Council will make copies of this report publicly available.

4.18 The Council will consider any pub that has been registered as an Asset of Community Value has already been recognised as having an important community role. We will, therefore, not require a community survey in this circumstance.

4.19 The minimum requirements set out above for the community engagement strategy are unlikely to be effective when considering a public house that supports a 'protected community' because the pub's customers may extend over a much wider geographical area. In such cases, a bespoke engagement strategy will need to be developed. This might employ a range of methods to seek opinion including social media or 'vox-pops' at other venues/facilities in London that serve the relevant group. Flyers or hard copies of questionnaire should be provided at various locations. A description of the engagement strategy and a summary of the responses received should be presented as a written report alongside the planning application.

Information on the availability of existing public houses and facilities

4.20 A key issue in determining whether the loss of a public house is acceptable is the availability of equivalent alternative pubs and facilities within the vicinity of the public house. The applicant will therefore be required to submit information about other pubs trading within 400m of the public house that is the subject of the planning application. This should include the following information:

- Name, address and mapped location of the public houses and an estimate of their maximum available capacity.

- Details of the facilities and services they provide including meeting/function rooms, beer gardens, the availability of food and staff living accommodation and the range of community activities they support.
- Details of any licenses for entertainment/events/performance/sports.
- Whether there are any barriers that could affect the use of the pub by people with reduced mobility.

Marketing exercise

4.21 To determine whether the loss of a public house is acceptable, it must be marketed at an offer price consistent with its current use as a public house and for alternative community uses (which is the Council's preferred alternative use if there is no continuing interest in the operation of a pub from the site). The marketing exercise must meet all of the following requirements:

- The marketing period is a minimum of 12 months.
- Both leasehold and freehold options for the pub should be made available. These should be without a 'tie' requiring the purchase of drinks through the vendor and without restrictive covenants that would prevent other pub operators or community groups from taking over the premises and trading it as a pub.
- The pub should be marketed in a condition that allows the premises to continue functioning as a pub. The bar, kitchen and toilet facilities should therefore be retained for the duration of the marketing exercise.
- Alternative community uses should be facilities for which there is currently a need in the local area.
- Details should be provided to the Council of the company/person who undertook the marketing exercise.
- The Council will need to agree the value of the pub. We will seek a valuation by a RICS accredited valuer with expertise in the licensed leisure sector who is independent of the selling agent, which the applicant is expected to fund.
- Applicants should submit full details of the methods used to market the property to the Council, including copies of advertisements in the local and trade press, details of adverts placed on websites, use of mailshots, sales literature, e-mails, use of specialised licensed trade agents etc..
- The Council will expect a for sale / for rent signboard to be erected on the exterior of the property for the duration of the marketing exercise unless the Council specifically agrees otherwise. Dated photographs of the signboard are to be provided to the Council.
- Details of all approaches and offers should be provided to the Council together with full reasons as to why any offer has not been accepted. The Council will require confirmation of the names and contact details of all parties expressing an interest or viewing the premises to allow their identity and veracity to be checked.
- The value of the pub should relate to the business in its entirety and not to just parts of it, for example the building without its beer garden.

Viability Assessment

- 4.22 The marketing exercise should be accompanied by a viability assessment which considers the ability of the pub to continue to trade successfully. The viability assessment should meet the following requirements:
- The last three full years of audited accounts to be submitted to the Council.
 - The barrelage (number of casks of draft beers and ciders) over the same three years if available.
 - Evidence of the amount of ‘dry rent’ (the rent paid for use of the premises) and the amount of ‘wet rent’ (the difference between what the pub’s operator is required to pay the landlord for their draft supplies and what they would have to pay to a cash and carry free of tie) if applicable.
 - Details provided of all reasonable efforts made to preserve the continuing operation of the facility as a public house and how this has affected the pub’s trading performance. Examples of initiatives or proposals include:
 - Improving the existing hot / cold food or drinks offer, e.g. by adding a kitchen and serving food with or without a dining area;
 - Providing events or entertainment beyond what is currently offered;
 - Adoption of alternative pub ‘formats’, themes or styles;
 - Changes to operating hours;
 - Attracting new communities/users;
 - Refurbishment or expansion of the pub;
 - Providing B&B accommodation;
 - Setting up of a micro-brewery;
 - Community management and ownership of the pub;
 - Other management models.
 - Implemented changes should be evidenced, wherever possible, through the provision of signed, written statements by the manager/owner, correspondence with customers/suppliers/staff; invoices for works carried out and dated photographs for the comparison of facilities.
 - Include a signed, written statement from the manager/owner to confirm that the public house has been operated on a positive basis to sustain its continuing use.
 - Explanation of why it is not economically viable to retain the premises as a pub or an alternative community use for which there is a need in the local area. All feasible options for retaining the public house in the medium term should be thoroughly examined, i.e. over a period of not less than five years.
- 4.23 The Council will appoint a RICS accredited valuer with expertise in the licensed leisure sector and independent of the selling agent to undertake a peer review of the viability assessment. This will be funded by the applicant.
- 4.24 The viability assessment submitted with the planning application should be treated transparently and will be made publically available by the Council alongside other application documents. The Council will allow for exceptions to this in limited circumstances and only in the event that there is a convincing case that disclosure of an element of the viability assessment would cause harm to the public interest to an

extent that is not outweighed by the benefits of disclosure. If an applicant considers that an exceptional circumstance is likely to arise, this should be raised at an early stage in the pre-application process. In assessing the future operating potential of a public house, it may be helpful to refer to “The Public House Viability Test” prepared by CAMRA (The Campaign for Real Ale), <http://www.camra.org.uk/campaigners>. This identifies a number of considerations, and summarised below, that are relevant to understanding a pub’s continuing viability:

- *Local trade*: geography/location, catchment area, planned developments, presence of a daytime working population;
- *Customer potential*: support given to community events & activities, character of surrounding area, role of tourism, publicity & communications/use of website;
- *Competition*: number of pubs within a reasonable walking distance, marketing (focus, themes) and format of pub (character, design, demographics etc.)
- *Flexibility of the site*: Ability to bring unused rooms or outbuildings back into use, ability to extend premises, maintenance regime
- *Multiple use*: inclusion of other services/amenities, e.g. community centre, post office, bed & breakfast.
- *Competition case studies*: factors contributing to the success of pubs in neighbouring areas.
- *The business – past and present*: role of management and engagement with the community, changes in management models/approaches, availability of trading figures, opening hours, presence of catering and other income opportunities, range of drinks, access to rate reliefs, condition (i.e. state of repair).
- *The sale*: where and how pub has been advertised for sale, impact of closure periods.
- *Partial loss of pub*: impact of reduced facilities on levels of trade; whether the attractiveness of the pub to future publicans would be affected by the loss of licensee accommodation.

4.25 The cost of restoring features integral to the operation of a public house, e.g. kitchen, bar, stages, toilets and staircases, will not be accepted as a reason for a lack of viability where these have been removed in the three years prior to the proposal.

Alternative community uses

4.26 The Local Plan states that where it has been demonstrated to the Council’s satisfaction that a public house can no longer be retained, the suitability of the premises for alternative community uses should be assessed. The applicant should, therefore identify whether the public house would be capable of addressing other community needs for which there is a shortfall in the locality. Only uses which the building is capable of hosting should be considered, e.g. a nursery/crèche rather than space extensive uses. The impact of any alternative community uses on the significance of a pub’s heritage value must also be considered.

The historic and architectural value of pubs

- 4.27 Many of Camden’s pubs enhance the built environment and contribute to a strong sense of place. They can be familiar and distinctive local landmarks that help to reinforce local identity and provide a link back to the social and cultural history of an area. Many pubs were built to be the focal point of their locality, which holds true both for town centre pubs and those in residential streets. They are often among the most attractive and distinguished buildings in their area and represent a diverse and important stock of heritage assets. Therefore, it is important that they are protected against harmful or unsympathetic development that would diminish their character or significance.
- 4.28 Pubs often have attractive architectural detailing and distinctive signage, windows and internal fittings. They can also act as repositories of social history and may be connected to individuals and events of historical note. A number of pubs in Camden are listed buildings, identified as positive contributors to conservation areas or included on the ‘Local List’ of non-designated heritage assets. The Council will seek to retain significant features which contribute to the building’s character and heritage value. Local Plan Policy C4 should be read in conjunction with Policy D2 which seeks to preserve the historic environment. Most historic pubs in Camden are either listed, locally listed or in a conservation area so the impact of development on the heritage value would need to be addressed in either a Heritage Statement or Design and Access Statement.
- 4.29 The social history and development of the pub is described in material prepared by Historic England, including “The Urban and Suburban Public House in Inter-War England, 1918-1939”, available to read on the Historic England [website](#).
- 4.30 There may be pubs of heritage value in the Borough which are not listed and do not feature on the Council’s local list. This is because the local list was based on nominations so not all buildings of interest will be included. If a building is not on the local list it can still be considered a non designated heritage asset and therefore its heritage value should be taken into account in decision making. The Council will expect applicants to independently assess the heritage value of any pub over 30 years old before an application for change of use or demolition is determined.

How will the Council consider proposals involving the partial loss of the pub?

- 4.31 The loss of key supporting elements of a pub such as beer gardens, kitchens, meeting/function rooms and ancillary staff accommodation can undermine its long-term viability, its day-to-day ability to operate or its community role and appeal. This may also erode the character of the pub. There can be pressure to convert these spaces to alternative uses to realise their development value.
- 4.32 A critical concern for the Council is the net impact of such changes on the public house’s offer and appeal. Applicants are not required to provide a viability assessment to justify the loss of features ancillary to the operation of the public house, although they may wish to do so to demonstrate that the loss of floorspace would not be detrimental to the pub’s commercial viability. The content of any viability assessment should be agreed with the Council.

- 4.33 Where two or more elements of the existing public house would be lost through a proposed scheme, the Council will require the applicant to undertake a community survey (except where the pub is registered as an Asset of Community Value) and an assessment of alternative pub provision in the locality. This should be in line with the evidence the Council will seek for proposals involving the loss of a pub.
- 4.34 It has become increasingly common in London for ancillary accommodation to a pub to be converted to self-contained residential accommodation. This is one factor that can affect the long-term viability of a pub. Where the Council considers that self-contained accommodation should be permitted, a robust package of mitigation measures will be sought which take account of the pub's ability to be able to continue to trade successfully. As a minimum, the Council will expect all future occupants of any self-contained accommodation to be made aware of the pub's licensing hours prior to the purchase (or letting) of the property. The Council may also seek additional assurances from the developer that future occupants of the accommodation are subject to non-objection clauses, removing their right to object to noise or vibration emanating from the pub.
- 4.35 Any accommodation must also provide a good living environment in terms of outlook and offer satisfactory access to daylight and sunlight. The Council will apply minimum space standards set out in the Mayor of London's Housing Supplementary Planning Guidance. In line with the 'Agent of Change' principle, the Council will expect developers to bear the financial responsibility for undertaking works to ensure that occupants of new self-contained accommodation are not affected by unacceptable levels of noise or odour. The mitigation must take full account of the range of activities held within the pub and its licensing hours.

Article 4 Directions

- 4.36 The Council may also serve Article 4 Directions, where this is justified and necessary, to ensure that proposed developments affecting public houses are subject to planning permission by removing 'permitted development' rights. Details of Article 4 Directions that relate to individual pubs in Camden can be found [here](#).
- 4.37 Certain permitted development rights allowing drinking establishments, including public houses, to change use or be demolished without the need to apply for planning permission were removed in May 2017 (see Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017). As a result, most changes of use will require planning permission and the Council will apply its planning policies as relevant.