

**DRAFT STATEMENT OF COMMON GROUND**

**TO BE AGREED BETWEEN THE APPELLANT, EUSTON ONE LIMITED, AND  
THE DEFENDANT, THE LONDON BOROUGH OF CAMDEN**

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**APPEAL UNDER SECTION 78 OF THE TOWN & COUNTRY PLANNING ACT  
1990 (AS AMENDED)**

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**APPEAL BY EUSTON ONE LIMITED AGAINST THE REFUSAL OF AN  
APPLICATION FOR PLANNING PERMISSION FOR DEMOLITION (OF NO. 35-  
37) AND REDEVELOPMENT TO PROVIDE A 15 STOREY (PLUS BASEMENT)  
BUILDING FOR USE AS STUDENT ACCOMMODATION WITH AFFORDABLE  
WORKSPACE (NO. 17-33 GROUND FLOOR) AND ASSOCIATED WORKS.**

**17-37 WILLIAM ROAD, LONDON, NW1 3ER**

**OCTOBER 2021**

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## 1.0 INTRODUCTION

1.1 This Statement of Common Ground ('Statement') is made in support of an appeal ('the Appeal') against a decision by the London Borough of Camden ('LBC') to refuse an application for full planning permission ('the Application') for the redevelopment of 17-37 William Road, London, NW1 3ER ('the Site').

1.2 The appeal relates to an application for full planning permission (planning application reference 2020/5473/P) for the following:

*'Demolition (of No. 35-37) and redevelopment to provide a 15 storey (plus basement) building for use as student accommodation with affordable workspace (No. 17-33 Ground floor) and associated works.'*

1.3 This Statement has been produced by DP9 Ltd on behalf of Euston One Limited and is based on the material submitted with the application; on responses given by LBC and other consultees; and upon the contents of the Officer's Report. The purpose of this Statement is to set out information about the Proposed Development upon which the parties are agreed and to identify areas where agreement has not been reached.

1.4 The Application was received and validated by LBC on the 24<sup>th</sup> November 2020. LBC refused planning permission on 1<sup>st</sup> October 2021. The decision notice stated the following reasons for refusal:

1. *The proposed development, due to the failure to provide adequate replacement employment space on the site, would fail to support growth in economic activity in Camden and result in the loss of employment opportunities within the borough contrary to Policies E1 (Economic development) and E2 (Employment premises and sites) of the London Borough of Camden Local Plan 2017.*
2. *The proposed development, by virtue of its height, mass, scale and footprint, would be detrimental to the streetscene, setting of the nearby listed buildings and the character and appearance of the wider area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

3. *The proposed development, due to its height, massing, scale and location, would result in a material loss of light and outlook as well as having an overbearing impact and an increased sense of enclosure on the occupiers of Winchester Apartments and users of Netley Primary School's external amenity space, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*
4. *A number of the student accommodation units within the proposed development, by reason of their poor levels of outlook, light, internal space, accessibility, external amenity space and ventilation, would fail to provide adequate internal living conditions for future occupiers, resulting in substandard accommodation contrary to policies D1 (Design), A1 (Managing the impact of development) H6 (Housing choice and mix) and H9 (student housing) of the London Borough of Camden Local Plan 2017.*
5. *The proposed development, in the absence of a whole life-cycle carbon assessment and circular economy statement, has failed to demonstrate that the proposed substantial demolition is justified or that the proposal would promote circular economy outcomes contrary to policy CC1 of the London Borough of Camden Local Plan 2017 and policies SI2 and SI7 of the London Plan 2021.*
6. *The proposed development, in the absence of a legal agreement to secure a car free development, would be likely to contribute unacceptably to parking stress, environmental impacts and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development), CC1 (Climate change mitigation) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
7. *The proposed development, in the absence of a legal agreement to secure an appropriate financial contribution towards public highway works, would be likely to harm the Borough's transport and public realm infrastructure, contrary to policies T1 (Prioritising walking, cycling and public transport), T3 (Transport*

*Infrastructure), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of London Borough of Camden Local Plan 2017.*

- 8. The proposed development, in the absence of a legal agreement to secure financial contributions towards pedestrian, cyclist and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips, contrary to policies T1 (Prioritising walking, cycling and public transport), A1(Managing the impact of development) and DM1 (Delivery and monitoring) of London Borough of Camden Local Plan 2017.*
- 9. The proposed development, in the absence of a legal agreement securing an Approval in Principle Report and appropriate financial contribution towards an approval in principle would fail to mitigate the impact of the basement works on the adjacent public highway contrary to policies T3 (Transport Infrastructure) and DM1(Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
- 10. The proposed development, in the absence of a legal agreement securing a Delivery and Servicing Management Plan for the commercial element, would likely give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), T3 (Transport Infrastructure), T4 (Sustainable movement of goods and materials), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017.*
- 11. The proposed development, in the absence of a legal agreement for a Student Travel Plan, Strategic Level Travel Plan (student accommodation) and Local Level Travel Plan (affordable workspace) and financial contributions for the associated monitoring, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), T3 (Transport Infrastructure), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017.*

12. *The proposed development, in the absence of a legal agreement to secure a construction management plan, construction impact bond and a financial contribution for construction management plan monitoring, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), T3 (Transport Infrastructure), T4 (Sustainable movement of goods and materials), DM1 (Delivery and monitoring), A4 (Noise and Vibration) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017.*
13. *The proposed development, in the absence of a legal agreement securing a local employment and training package including an appropriate financial contribution, would be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to contribute to the regeneration of the area, contrary to policies G1 (Delivery and location of growth), E1 (Economic development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
14. *The proposed development, in the absence of a legal agreement securing a carbon off-set contribution; an Energy Efficiency Plan and Renewable Energy Plan including the measures set out in the Energy Strategy; details regarding the feasibility of connecting to a decentralised energy network; and a Sustainability Plan including Design Stage and Post Construction stage BREEAM assessment reports and certificates, demonstrating compliance with targets, would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding), CC4 (Air quality), C1 (Health and wellbeing) and DM1 (Delivery and monitoring of the London Borough of the London Borough of Camden Local Plan 2017.*
15. *The proposed development, in the absence of a legal agreement to secure financial contributions towards public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies A2 (Open*

*Space) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

*16. The proposed development, in the absence of a legal agreement securing a student management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally contrary to policies A1 (Managing the impact of development), T3 (Transport infrastructure) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

*17. The proposed development, in the absence of a legal agreement restricting the term-time occupation of the student units to students in higher education at publicly-funded education institutions that are accessible from the development, would fail to meet the identified need for student housing in sustainable locations, and fail to provide a range of affordable, accessible and adaptable dwellings appropriate to meet wider housing needs, contrary to policies H9 (Student Housing) of the London Borough of Camden Local Plan 2017 and policy H15 (Purpose-built student accommodation) of the London Plan 2021.*

*18. The proposed development, in the absence of a legal agreement securing 35% or the maximum viable proportion of the student accommodation as affordable and available to students nominated by a specified education institution as needing affordable accommodation, would fail to provide a range of accommodation affordable to the student body as a whole including those with state-funded living support and recognised as in need of affordable accommodation, contrary to policy H9 (Student Housing) of the London Borough of Camden Local Plan 2017 and policy H15 (Purpose-built student accommodation) of the London Plan 2021.*

1.5 LBC and the Appellant intend to agree as many issues as possible prior to the commencement of the Inquiry, which is the proposed approach for hearing the Appeal. This is a working draft of the Statement of Common Ground, which will continue to evolve, but will be agreed and signed between the two parties prior to the start of the Inquiry.

## **2.0 SITE AND SURROUNDING AREA**

- 2.1 The 0.21 ha Site comprises two adjoining buildings situated to the south of William Road and east of Stanhope Street, Euston, in the London Borough of Camden. The Site is bound to the south by the rear of a University College London (UCL) student accommodation building, known as Schafer House, and is bound to the east by an adjoining office building at no. 11-15 William Road.
- 2.2 No. 33-37 (referred to in the Application as ‘Plot A’) comprises a part two-storey, part six-storey 1960s office building with a basement level, situated on the corner of William Road and Stanhope Street. No. 17-33 (referred to in the Application as ‘Plot B’) adjoins Plot A to the east and comprises a seven-storey building, constructed in 2000-2001. The building is of poor architectural quality and is currently vacant.
- 2.3 The Site is located within the Euston Opportunity Area and Central London Area. In terms of land use, the context of the surrounding area is characterised by both the commercial nature of Drummond Street to the south and Euston to the east, and the residential character of Stanhope Street and the Regents Park Estate to the east and to the north. In the immediate context, there are neighbouring residential uses to the north, to the west and to the south of the Site.
- 2.4 Building heights in the surrounding area vary significantly, from the neighbouring 4 storey buildings along William Road and Stanhope Street, rising to the 20-storey residential towers (circa. 54m) in the Regents Park Estate to the west and Euston Tower to the south, which extends to 36 storeys (circa. 124m).
- 2.5 The Site is not located within a Conservation Area however, nos. 48 – 52 Stanhope Street to the south are Grade II listed.
- 2.6 The Site benefits from the highest Public Transport Accessibility Level (PTAL) rating of 6b, largely attributed to its close proximity to a number of London Underground stations, including Great Portland Street Station (0.3 miles to southwest), Warren Street Station (0.3 miles to south) and Euston Square Station (0.3 miles to southeast).



### 3.0 PLANNING HISTORY

3.1 The following schedule provides a summary of the relevant planning history for the Site.

Reference	Address	Date	Description	Status
TP79387/2300 3	17-37 William Road and 62-70 Stanhope Street	14/11/1957	The erection of a partly seven-storey (including basement) and a partly single-storey building on the sites of Nos. 17-37 William Road and 62-70 Stanhope Street, St. Pancras, for use as garage, fibrous plaster workshop and workrooms.	Granted
7669	62-70 Stanhope St & 17-37 William Rd	03/07/1959	Erection of a partly seven- storey building (including basement) and a partly single-storey building on the above sites, for use as garage fibrous plaster work- shops and workrooms, I am directed to inform you that the Council has decided to approve the details of the proposed roof structures and details of facing material as shown on such plans . No. 7669 (Your Nos. 634/29A,31, 32, 33, 34).	Granted
TP79837/8929	62-70 Stanhope St & 17-37 William Rd	22/07/1959	Erection of a seven and single storey building for use as garage, workshops and workrooms on the sites of 62-70 Stanhope Street and 17-37 William Road, as shown on drawings registered No.8929 your Nos. 634/29A and 634/30.	Granted
AR/TP/79837/ NW	62-70 Stanhope St & 17-37 William Rd	19/01/1960	Use of the facing materials as set out in your letter in connection with the erection of a garage and fibrous plaster workrooms in accordance with the planning permission of the Council dated 24 July 1958	Granted

L12/11/B/113 43	35-37 William Road London NW1	16/06/1971	The use of the first, second and third floors at 35-37 William Road, London N.W.1. for warehousing with ancillary workrooms	Granted
9200629	35-37 William Road London NW1	06/06/1992	Change of use of basement from storage to photographic laboratory/studio as shown on one un-numbered drawing	Granted
P9601933	17 William Road NW1	26/06/1996	Insertion of new entrance door and window on William Road frontage in association with internal alterations to create service reception area, as shown on drawing number 2659/2.	Granted
PS9804631	17-35 William Road NW1	12/08/1998	Erection of six-storey building, retaining industrial use (Class B2) at ground floor and with new residential on upper floors. (plans submitted)	Withdrawn – Revision Received
PS9804631R2	17-35 William Road NW1	01/03/1999	Erection of six-storey building, retaining industrial use (Class B2) at ground floor and with new residential on upper floors. (REVISED PLANS SUBMITTED).	Withdrawn – Revision Received
PS9804631R3	17-35 William Road NW1	31/03/1999	Erection of a six-storey building, retaining employment use (Class B1 light industry) at ground floor with new residential accommodation on the upper floors. (REVISED PLANS SUBMITTED).	Withdrawn – Revision Received
PS9804631R4	17-35 William Road NW1	24/05/1999	Erection of a six-storey building, retaining employment use (Class B1 light industry) at ground floor with new residential accommodation on the upper floors. (REVISED PLANS SUBMITTED).	Withdrawn – revision received

PS9804631	17-35 William Road NW1	15/09/1999	Redevelopment of the site by the erection of a six storey building with one light industrial unit (Class B1c) on the ground floor, with off street servicing provision and 46 flats (Class C3) on the upper floors, including 12 flats for social housing.	Refused - Appeal Allowed
PS9804631	17-35 William Road NW1	01/11/1999	Erection of six-storey building, retaining industrial use (Class B2) at ground floor and with new residential on upper floors. (REVISED plans submitted)	Withdrawn – Revision Received
2003/1814/P	17-33 William Road NW1	29/08/2003	Erection of a single storey extension at ground floor level, side elevation, to an existing B1c light industrial unit	Granted
2003/2576/P	17-33 William Road (Apartment 33) NW1	28/10/2003	The creation of a new door and window to existing kitchen, and an additional enclosed terrace to the east side of the building.	Granted
2005/1630/A	17-37 William Rd	04/05/2005	Retention of five internally illuminated projecting signs	Part Granted/ Refused
2015/5712/P	17-33 William Road NW1 3ER	04/12/2015	Change of use from storage (Sui Generis) to office (Class B1a), including the installation of two air-conditioning units and replacement of the garage door by new office doors	Granted
2018/2613/P	17-33 William Road NW1 3ER	25/07/2018	A Certificate of Lawful Proposed Development confirming that the carrying out of the following works before 04/12/2018 would constitute lawful implementation of planning permission 2015/5721/P within the meaning of Section 56 of the Town and Country Planning Act 1990: The construction of the office frontage	Granted

			facing William Road, replacing recessed garage door, in accordance with the approved drawings (proposed)	
2018/5596/P	17-33 William Road NW1	11/12/2018	Implementation of planning permission 2015/5721/P dated 04/12/2015 for the change of use from storage (Sui Generis) to office (Class B1a), including the installation of two air-conditioning units and replacement of the garage door by new office doors.	Granted
2003/3380/P	17-33 William Road NW1	22/12/2018	Submission of details of ventilation scheme pursuant to condition (v) of the appeal decision granted on 31/03/2000 (Reg. No. PS9804631) for redevelopment of the site	Granted

## 4.0 THE APPEAL PROPOSAL

4.1 The Proposed Development comprises the following:

*‘Demolition (of No. 35-37) and redevelopment to provide a 15 storey (plus basement) building for use as student accommodation with affordable workspace (No. 17-33 Ground floor) and associated works.’*

4.2 The proposals include redevelopment of no. 35-37 to provide a 15-storey building with basement level comprising 168 student units (239 bedspaces), including 84 affordable bedspaces (35% of overall total), delivered alongside a series of internal and external communal amenity spaces and facilities. No. 17-33 will be retained, providing 1,255 sqm (GIA) of affordable workspace at ground floor level, alongside remodelling works to the existing ground floor façade.

4.3 The proposals also include 36 sqm (GIA) of replacement ancillary residential storage space serving existing residents within no. 17-33 and a replacement electricity substation.

4.4 A breakdown of proposed floorspace is provided in Table 1 below and a breakdown of proposed student accommodation unit mix is provided in Table 2 below.

*Table 1 – Proposed Land Uses & Floor Areas*

Use	Use Class	GIA (sqm)	GEA (sqm)
Student Accommodation	Sui Generis	6,711	7,546
Affordable Workspace	Class E(g)	1,255	1,338
Residential Storage	Class C3	36	39
Substation	Sui Generis	32	34
<b>Total</b>	<b>-</b>	<b>8,034</b>	<b>8,957</b>

*Table 2 - Proposed Student Accommodation*

<b>Unit Type</b>	<b>Number of Units</b>	<b>Number of Bedspaces</b>
Studio	94	94
Accessible Studio	3	3
Twodio	71	142
<b>Total</b>	<b>168</b>	<b>239</b>

- 4.5 It is also proposed to remove the existing vehicle crossover on William Road to create a continuous footway along William Road and Stanhope Street, which will benefit from the addition of replacement surface treatment, delivered alongside tree planting and planters within the public realm.
- 4.6 The scheme will provide a total of 223 secure cycle parking spaces, in accordance with London Plan standards. The proposed cycle parking provision will comprise 200 long-stay spaces at ground floor and basement level, with a further 11 short stay (visitor) spaces at ground floor and within the public realm. It is also proposed to reprovide 12 existing cycle spaces serving existing residents within no. 17-33.
- 4.7 The Proposed Development will be car-free, with no on-street or off-street car parking to be provided. All servicing activity will be undertaken via William Road and Stanhope Street, as per the existing arrangement.
- 4.8 The Proposed Development will incorporate the use of a number of sustainability measures to reduce carbon emissions, including the provision of all electric air source heat pumps providing central hot water, Variable Refrigerant Flow ('VRF') for heating and cooling amenity spaces, photovoltaic panels at roof level, and electric panel heaters and Mechanical Ventilation with Heat Recovery ('MVHR') for heating and ventilation. Dedicated low energy lighting will also be provided for all of the internal spaces, consisting of low energy high efficiency fluorescent lamps and LED luminaires.

## **5.0 PRE-APPLICATION ADVICE AND CONSULTATION**

- 5.1 The Appellant undertook extensive consultation prior to the submission of the application with LBC, statutory consultees, local residents and other key stakeholders. This section provides an overview of the measures taken to engage in consultation with these parties.

### **Pre-Application Discussions**

- 5.2 Pre-application discussions were held with LBC and other statutory and non-statutory consultees throughout the design process and in the lead up to the submission of the Application.
- 5.3 Pre-application meetings and/or site visits were held with LBC officers on the following dates:
- 11<sup>th</sup> September 2019 – Introductory Meeting and Site Visit;
  - 2<sup>nd</sup> December 2019 – Pre-Application Meeting;
  - 19<sup>th</sup> December 2019 – Site Visit with Design Officer;
  - 4<sup>th</sup> May 2020 – Pre-Application Meeting;
  - 13<sup>th</sup> August 2020 – Pre-Application Meeting;
  - 24<sup>th</sup> September 2020 – Introductory Meeting with Case Officer;
  - 25<sup>th</sup> September 2020 – Design Review Panel.
- 5.4 Separately, the proposals were presented to the Greater London Authority (GLA) and Transport for London (TfL) on 5<sup>th</sup> May 2020.
- 5.5 In addition, the Appellant has consulted with a number of key stakeholders, including Historic England, the Drummond Street Neighbourhood Forum, local residents, and other local stakeholders.

- 5.6 The Appellant carried out a public consultation exercise which was intended to initiate a dialogue between the Appellant and the key stakeholders and local community in order to understand their objectives, aspirations and expectations and allow these to inform the design process.
- 5.7 The Appellant held a virtual public exhibition of the proposals, which was well advertised through the delivery of 2,423 information leaflets on 12<sup>th</sup> October 2020 to local addresses. The leaflets included a telephone number and provision to have hard copies of the exhibition materials made available for those unable to access the internet.
- 5.8 From the period of 24<sup>th</sup> September 2020 to 29<sup>th</sup> October 2020, 108 unique users visited the website in over 135 sessions.



## **6.0 RELEVANT PLANNING POLICY**

6.1 It is agreed that the development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises the following:

- The London Plan (adopted March 2021);
- Camden Local Plan (July 2017);
- Camden Site Allocations (September 2013);
- Euston Area Plan (January 2015); and
- Fitzrovia Area Action Plan (March 2014).

### **National Planning Policy Framework (NPPF)**

6.2 Relevant National Planning Guidance is contained within the National Planning Policy Framework (NPPF), published July 2021.

### **Planning Practice Guidance (PPG)**

6.3 The PPG sets out guidance with regards to key issues contained within the NPPF. This should be taken into account when assessing the application as a material consideration.

### **Regional and Local Policies**

6.4 It is agreed that the following development plan policies are relevant to the applications as set out below. The key policies identified in the Council's reasons for refusal are marked in **bold**.

- London Plan policies:
  - Policy GG1 - Building strong and inclusive communities
  - Policy GG2 - Making the best use of land
  - Policy GG3 - Creating a healthy city
  - Policy GG4 - Delivering the homes Londoners need
  - Policy GG5 - Growing a good economy

- Policy GG6 - Increasing efficiency and resilience
- Policy SD1 - Opportunity Areas
- Policy SD4 - The Central Activities Zone (CAZ)
- Policy SD5 - Offices, other strategic functions and residential development in the CAZ
- Policy D1 - London's form, character and capacity for growth
- Policy D2 - Infrastructure requirements for sustainable densities
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D8 - Public realm
- Policy D9 - Tall buildings
- Policy D10 - Basement development
- Policy D11 - Safety, security and resilience to emergency
- Policy D12 - Fire safety
- Policy D14 - Noise
- Policy H1 - Increasing housing supply
- **Policy H15 - Purpose-built student accommodation**
- Policy E1 - Offices
- Policy E2 - Providing suitable business space
- Policy E3 - Affordable workspace
- Policy E8 - Sector growth opportunities and clusters
- Policy HC1 - Heritage conservation and growth
- Policy HC2 - World Heritage Sites
- Policy HC3 - Strategic and Local Views
- Policy HC4 - London View Management Framework
- Policy SI 1 - Improving air quality
- **Policy SI 2 - Minimising greenhouse gas emissions**
- Policy SI 3 - Energy infrastructure
- Policy SI 4 - Managing heat risk
- Policy SI 5 - Water infrastructure
- Policy SI 6 - Digital connectivity infrastructure

- **Policy SI 7 - Reducing waste and supporting the circular economy**
- Policy SI 8 - Waste capacity and net waste self-sufficiency
- Policy SI 12 - Flood risk management
- Policy SI 13 - Sustainable drainage
- Policy T1 - Strategic approach to transport
- Policy T2 - Healthy Streets
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T7 - Deliveries, servicing and construction
- Policy DF1 - Delivery of the Plan and Planning Obligations
  
- Camden Local Plan policies:
  - **Policy G1 - Delivery and location of growth**
  - Policy H1 - Maximising housing supply
  - **Policy H6 - Housing choice and mix**
  - **Policy H9 - Student Housing**
  - **Policy C1 - Health and wellbeing**
  - Policy C5 - Safety and security
  - Policy C6 - Access for all
  - **Policy E1 - Economic development**
  - **Policy E2 - Employment premises and sites**
  - **Policy A1 - Managing the impact of development**
  - **Policy A2 - Open space**
  - Policy A3 - Biodiversity
  - **Policy A4 - Noise and vibration**
  - Policy A5 - Basements
  - **Policy D1 - Design**
  - **Policy D2 - Heritage**
  - **Policy CC1 - Climate change mitigation**
  - **Policy CC2 - Adapting to climate change**
  - **Policy CC3 - Water and flooding**

- **Policy CC4 - Air quality**
- Policy CC5 - Waste
- **Policy T1 - Prioritising walking, cycling and public transport**
- Policy T2 - Parking and car-free development
- **Policy T3 - Transport infrastructure**
- **Policy T4 - Sustainable movement of goods and materials**
- **Policy DM1 - Delivery and monitoring**

## **Other Material Considerations**

6.5 Other material considerations include the following:

- Historic England advice notes:
  - Advice Note 3 (March 2015)
  - Advice Note 4 (December 2015)
- London Plan Supplementary Planning Guidance (SPGs):
  - Housing (March 2016)
  - Accessible London: Achieving an Inclusive Environment (October 2014)
  - Character and Context (June 2014)
  - London View Management Framework (March 2012)
  - London World Heritage Sites (March 2012)
  - Energy Planning Guidance (updated April 2020)
  - Circular Economy Statements - consultation draft (October 2020)
  - Whole-life Carbon Assessments - consultation draft (October 2020)
- Camden Planning Guidance documents (CPGs):
  - Access for All CPG (March 2019)
  - Air Quality CPG (January 2021)
  - Amenity CPG (January 2021)
  - Basements CPG (January 2021)
  - Biodiversity CPG (March 2018)
  - Design CPG (January 2021)

- Developer Contribution CPG (March 2019)
- Employment sites and business premises (January 2021)
- Energy efficiency and adaptation (January 2021)
- Housing (January 2021)
- Planning for health and wellbeing (January 2021)
- Public open space CPG (January 2021)
- Student housing CPG (March 2019)
- Transport CPG (January 2021)
- Water and flooding CPG (March 2019)

### **LBC Draft Planning Policy**

- 6.6 LBC is currently progressing the first draft of a partial update to the Euston Area Plan to reflect changing circumstances at Euston and to ensure that the policies and evidence base reflect the latest information, constraints and opportunities for the area. Adoption of the updated Euston Area Plan is anticipated Spring 2022. As the Examination in Public has not yet taken place on the draft Euston Area Plan Update, it is considered that it attracts limited weight at the time of writing.
- 6.7 Following approval by Cabinet in November 2019, LBC consulted on the draft Site Allocations Local Plan document. The first formal consultation on the Site Allocations Local Plan was carried out between 13<sup>th</sup> February and 27<sup>th</sup> March 2020. The second round of formal consultation is yet to be carried out. As the Examination in Public has not yet taken place, it is considered that it attracts limited weight at the time of writing.

### **Site Designations**

- 6.8 The Site is subject to the following designations, as identified in the adopted LBC Local Plan Proposals Map:
- Central London Area (Central Activities Zone);
  - Euston Opportunity Area (Euston Area Plan);
  - Viewing Corridor of LVMF View 2A.2 (Palace of Westminster); and
  - Wider Setting Consultation Area of LVMF View 5A.2 (St. Paul's Cathedral).

## **7.0 MATTERS AGREED BETWEEN PARTIES**

7.1 The following matters are agreed between LBH and the Appellant as follows:

### **Submitted Plans and Application Documents**

7.2 The documents submitted with the planning application are those for which any grant of planning permission will relate.

### **Principles of Development**

#### *Land Use*

7.3 It is agreed that the principle of demolition of the existing building at 35-37 and redevelopment of the Site is considered acceptable by LBC.

7.4 It is agreed with LBC that the proposed student accommodation use is acceptable in this location, owing to its proximity to several university campuses.

7.5 The delivery of 239 student bedspaces would not directly prejudice the provision of self-contained housing and would, in fact, contribute towards LBC's housing targets.

7.6 It is agreed that the provision of affordable workspace is acceptable and would be a notable benefit of the Proposed Development.

#### *Affordable Student Accommodation*

7.7 It is agreed that the proposed provision of 84 affordable student units (35% of total), secured by way of legal agreement, would be acceptable.

### *Townscape Views*

- 7.8 It is agreed that the Proposed Development would have no material effect on LVMF 5A.2 and LVMF 2A.2 as most of the development would be obscured by other taller buildings in the backdrop.

### *Design Quality*

- 7.9 It is agreed that the emerging architecture and detailed design of the Proposed Development are of merit, in particular the design of the ground floor and the façade studies.

### *Internal Space Standards*

- 7.10 It is agreed that all bedrooms within the Proposed Development would meet minimum space standards for floor area and floor to ceiling heights, as set out in Student Housing CPG.
- 7.11 It is also agreed that the Proposed Development would exceed the requirements for internal amenity space, as set out in the Student Housing CPG.

### *Residential Amenity*

- 7.12 It is agreed that future occupiers would not be overlooked by neighbouring buildings or other occupiers of the same building, and that sufficient distance from neighbouring buildings (over 18m) is maintained and rooms arranged in a way which does not give opportunity to overlook other bedsits within proposed building.
- 7.13 It is also agreed that sufficient distance is retained between the subject building and neighbouring buildings as to not result in an undue level of overlooking or loss of privacy.

### *Highways and Transport*

- 7.14 The estimated increase in trip generation is considered negligible and would not have a significant effect on the operation of local transport facilities and is therefore agreed with LBC.
- 7.15 The proposed car-free approach is agreed with LBC, subject to securing car-free agreement via legal agreement.
- 7.16 It is agreed that the proposed cycle provision exceeds the London Plan standards and is therefore accepted, subject to securing compliance with the submitted details by way of planning condition.
- 7.17 It is agreed that, whilst the 1.1m wide x 2.1m lift to the basement cycle store does not comply with LBC guidance, it is accepted in this instance.
- 7.18 It is agreed that the proposed delivery and servicing strategy, including proposed measures for waste and recycling, are acceptable, subject to securing a detailed Delivery and Servicing Plan via legal agreement.

### *Energy and Sustainability*

- 7.19 It is agreed that the Proposed Development meets most of the carbon reduction requirements using up to date SAP10 carbon factors.
- 7.20 It is agreed that the Proposed Development would achieve an overall reduction of 61.9% in carbon emissions, which significantly exceeds the 35% minimum on-site requirement, whilst the proposed 46.2% reduction in carbon through onsite renewable technology exceeds the 20% requirement. A carbon offset contribution will be secured via legal agreement to mitigate the zero-carbon shortfall, with details of the proposed PV panels and green roofs secured by planning condition.
- 7.21 It is agreed that the overall target rating of BREEAM Excellent is acceptable.
- 7.22 It is agreed that no active cooling should be required.



### *Noise*

- 7.23 It is agreed that the Proposed Development is acceptable in terms of noise impacts, subject to mitigation secured by planning conditions.

### *Basement Extension*

- 7.24 It is agreed that the proposed extension of the existing basement is acceptable, subject to securing compliance with the submitted Basement Impact Assessment by way of a planning condition.

### *Flood Risk and Drainage*

- 7.25 It is agreed that there are no concerns with regards to flood risk and drainage, subject to inclusion of a planning condition to ensure that the sustainable drainage systems are installed in accordance with the submitted details.

### *Contamination*

- 7.26 The Proposed Development compiles with the relevant development plan policies in respect of contamination and is therefore agreed, subject to the imposition of planning conditions relating to further investigation works.

### *Microclimate*

- 7.27 It is agreed that the wind impacts resulting from the Proposed Development are generally acceptable and any minor issues could be overcome by way of planning condition.

### *Fire Safety*

- 7.28 The proposed fire safety strategy complies with the development plan and is therefore agreed.

### *Air Quality*

- 7.29 It is agreed that the Proposed Development is Air Quality Neutral, will generally not contribute to the poor air quality in the area, and is therefore acceptable in this regard, mitigation secured via planning conditions.

### *Section 106 Agreement*

- 7.30 At present, the Section 106 Heads of Terms have not been agreed. It is, however, agreed that any outstanding that can be dealt with through a Section 106 agreement will be agreed and that a working draft of the agreement will be forwarded to the Planning Inspectorate in due course and finalised by the end of the appeal process.

## **8.0 CONDITIONS AND PLANNING OBLIGATIONS**

### *Proposed Planning Conditions*

- 8.1 A schedule of conditions will be agreed between LBC and the Appellant and time is expected to be included in the inquiry timetable to discuss and finalise.

### *Planning Obligations*

- 8.2 Both parties will seek to ensure that the final draft Section 106 legal agreement is submitted to the Planning Inspectorate as early as possible and in accordance with the appeal timetable.

## **9.0 MATTERS NOT AGREED**

9.1 At present, the following matters are not agreed between the Appellant and LBC:

- The principle of a tall building in this location;
- The degree of harm, if any, to the setting of designated heritage assets;
- The impact of the Proposed Development on medium and short-range views;
- Whether the proposed reduction in office floorspace has been adequately justified;
- Whether the proposed student accommodation provide an adequate standard of living accommodation for future occupants;
- Whether the Proposed Development delivers an adequate quantum of external amenity space for future occupants;
- Whether the Proposed Development delivers an acceptable mix of student units;
- The adequacy of the proposed public realm enhancements;
- The impact of the Proposed Development the occupiers of Winchester Apartments and users of Netley Primary School's external amenity space;
- Whether the proposed substantial demolition of no. 35-37 is justified and the proposal would promote circular economy outcomes;
- The appropriate package of measures that will be agreed in the Section 106 agreement and by way of conditions attached to the planning permission; and
- Whether the public benefits of the Proposed Development outweigh any adverse impacts.

9.2 The parties will work together to agree as many of these issues in advance of the inquiry.

Signed and dated on behalf of the Appellant

**DP9 Ltd**

Signed and date on behalf of the Council

## ANNEX A

### LIST OF APPLICATION DOCUMENTS

Doc No.	Document Title	Author
1	Planning Application Form	DP9 Ltd
2	CIL Additional Information Form	DP9 Ltd
3	Existing and Proposed Drawings	Morris + Company
4	Design and Access Statement	Morris + Company
5	Planning Statement	DP9 Ltd
6	Air Quality Assessment	Air Quality Consultants
7	Statement of Community Involvement	Kanda
8	Daylight and Sunlight Assessment	Point 2
9	Energy and Sustainability Statement	Vitec
10	Fire Strategy	JGA
11	Phase 1 Geoenvironmental Report	IESIS Structures
12	External Building Fabric Noise Assessment	Hann Tucker
13	Environmental Noise Survey	Hann Tucker
14	Plant Noise Assessment	Hann Tucker
15	Townscape, Visual and Built Heritage Assessment	Tavernor Consultancy
16	Student Travel Plan	Caneparo Associates
17	Framework Commercial Travel Plan	Caneparo Associates
18	Delivery and Servicing Management Plan	Caneparo Associates
19	Construction Management Plan	Caneparo Associates
20	Transport Assessment	Caneparo Associates
21	Employment and Training Strategy	Storey Consulting
22	Basement Impact Assessment	IESIS Structures
23	Student Housing Management Plan	Homes for Students
24	Flood Risk, Drainage Strategy & SuDS Assessment	IESIS Structures
25	Health Impact Assessment	WSP
26	BREEAM Pre Assessment	Vitec
27	Wind Assessment	Thornton Tomassetti
28	Employment Land Statement	Grant Mills Wood

## ANNEX B

### LIST OF APPLICATION DRAWINGS

Drawing Title	Drawing Number
Existing North Elevation	MCO A 00210 REV P01
Existing West Elevation	MCO A 00211 REV P01
Existing East Elevation	MCO A 00213 REV P01
Existing South Elevation	MCO A 00212 REV P01
Existing Basement Plan	MCO A 00098 REV P01
Existing Ground Floor Plan - Plot A	MCO A 00100 REV P01
Existing First Floor Plan	MCO A 00101 REV P01
Existing Level 02-05 Floor Plan	MCO A 00102 REV P01
Existing Ground Floor - Plot B	MCO A 00099 REV P01
Proposed Site Plan	MCO A 00010 REV P01
Site Location Plan	MCO A 00001 REV P01
Proposed North Elevation	MCO A 01210 REV P01
Proposed East Elevation	MCO A 01213 REV P01
Proposed South Elevation	MCO A 01212 REV P01
Proposed West Elevation	MCO A 01211 REV P01
Proposed Basement Plan	MCO A 01098 REV P01
Proposed Ground Floor Plan - Plot A	MCO A 01100 REV P01
Proposed Level 01-03 Floor Plan	MCO A 01101 REV P01
Proposed Level 04-05 Floor Plan	MCO A 01104 REV P01
Proposed Ground Floor Plan - Plot B	MCO A 01099 REV P01
Proposed Level 08-13 Floor Plan	MCO A 01108 REV P01
Proposed Level 06-07 Floor Plan	MCO A 01106 REV P01
Proposed Level 14 Floor Plan	MCO A 01114 REV P01
Proposed Roof Level Plan	MCO A 01115 REV P01
Existing North Elevation	MCO A 00210 REV P01