

## **STATEMENT OF COMMON GROUND (18.02.2022)**

**London Borough of Camden and Euston One Limited**

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### **APPEAL SITE ADDRESS**

17-37 William Road, London, NW1 3ER

### **APPELLANT**

Euston One Limited

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### **SUBJECT OF APPEAL**

Appeal Statement in Support of the Council's decision to refuse Full Planning Permission application (ref: 2020/5473/P) on 1<sup>st</sup> of October 2021 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.”

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**COUNCIL REFERENCE: 2020/5473/P**

**PLANNING INSPECTORATE (APPEAL) REFERENCE: APP/X5210/W/21/3284957**

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## **AREAS OF AGREEMENT**

### **1.0 LIST OF PLANS THAT INFORMED THE COUNCIL'S DECISION**

1.1 The following main information was submitted as part of the full planning application and informed the Council's decision:

1. Planning Application Form and Ownership Certificate, prepared by DP9 Ltd;
2. CIL Additional Information Form, prepared by DP9 Ltd;
3. Design and Access Statement, prepared by Morris + Company;
4. Air Quality Assessment, prepared by Air Quality Consultants;
5. Statement of Community Involvement, prepared by Kanda;
6. Daylight and Sunlight Assessment, prepared by Point 2;
7. Energy and Sustainability Statement, prepared by Vitec;
8. Fire Strategy, prepared by JGA;
9. Phase 1 Geoenvironmental Report, prepared by IESIS Structures;
10. External Building Fabric Noise Assessment, prepared by Hann Tucker;
11. Environmental Noise Survey, prepared by Hann Tucker;
12. Plant Noise Assessment, prepared by Hann Tucker;
13. Townscape, Visual and Built Heritage Assessment, prepared by Tavenor Consultancy
14. Student Travel Plan, prepared by Caneparo Associates;
15. Framework Commercial Travel Plan, prepared by Caneparo Associates;
16. Delivery and Servicing Management Plan, prepared by Caneparo Associates;
17. Construction Management Plan, prepared by Caneparo Associates;
18. Transport Assessment, prepared by Caneparo Associates;
19. Employment and Training Strategy, prepared by Storey Consulting;
20. Basement Impact Assessment, prepared by IESIS Structures;
21. Student Housing Management Plan, prepared by Homes for Students;
22. Flood Risk Assessment, Drainage Strategy and SuDS Assessment, prepared by IESIS;
23. Health Impact Assessment, prepared by WSP;
24. BREEAM Pre Assessment, prepared by Vitec;
25. Wind Assessment, prepared by Thornton Tomassetti;

26. Employment Land Statement, prepared by Grant Mills Wood; and
27. Marketing advert, prepared by James Andrew International.
28. Existing and proposed drawings, prepared by Morris + Company:
  - a. MCO A 00210 REV P01 - EXISTING NORTH ELEVATION
  - b. MCO A 00211 REV P01 - EXISTING WEST ELEVATION
  - c. MCO A 00213 REV P01 - EXISTING EAST ELEVATION
  - d. MCO A 00212 REV P01 - EXISTING SOUTH ELEVATION
  - e. MCO A 00098 REV P01 - EXISTING BASEMENT PLAN
  - f. MCO A 00100 REV P01 - EXISTING GROUND FLOOR PLAN - PLOT A
  - g. MCO A 00101 REV P01 - EXISTING FIRST FLOOR PLAN
  - h. MCO A 00102 REV P01 - EXISTING LEVEL 02-05 FLOOR PLAN
  - i. MCO A 00099 REV P01 - EXISTING GROUND FLOOR - PLOT B
  - j. MCO A 00010 REV P01 - PROPOSED SITE PLAN
  - k. MCO A 00001 REV P01 - SITE LOCATION PLAN
  - l. MCO A 01210 REV P01 - PROPOSED NORTH ELEVATION
  - m. MCO A 01213 REV P01 - PROPOSED EAST ELEVATION
  - n. MCO A 01212 REV P01 - PROPOSED SOUTH ELEVATION
  - o. MCO A 01211 REV P01 - PROPOSED WEST ELEVATION
  - p. MCO A 01098 REV P01 - PROPOSED BASEMENT PLAN
  - q. MCO A 01100 REV P01 - PROPOSED GROUND FLOOR PLAN - PLOT A
  - r. MCO A 01104 REV P01 - PROPOSED LEVEL 04-05 FLOOR PLAN
  - s. MCO A 01099 REV P01 - PROPOSED GROUND FLOOR PLAN - PLOT B
  - t. MCO A 01108 REV P01 - PROPOSED LEVEL 08-13 FLOOR PLAN
  - u. MCO A 01106 REV P01 - PROPOSED LEVEL 06-07 FLOOR PLAN
  - v. MCO A 01114 REV P01 - PROPOSED LEVEL 14 FLOOR PLAN
  - w. MCO A 01115 REV P01 - PROPOSED ROOF LEVEL PLAN

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The 0.21 ha site comprises two adjoining buildings situated to the south of William Road and east of Stanhope Street, (35-37 William Road 'Plot A' and 17-33 William Road 'Plot B'). It is bound to the south by the rear of a UCL student accommodation

building, known as Schafer House, and to the east by an adjoining office building at no. 11-15 William Road.

- 2.2 No. 35-37 ('Plot A') comprises a part two-storey, part six-storey (six-storey block on a two-storey plinth) 1960s office building with a basement level, on the corner of William Road and Stanhope Street.
- 2.3 No. 17-33 ('Plot B') adjoins Plot A to the east and comprises a seven-storey building, constructed in 2000-2001. The existing ground floor comprises office accommodation with a glazed frontage onto William Road. The ground floor of the building is currently vacant; however, the upper floors of the building are occupied in Class C3 residential use. The residential element is to be retained as existing and does not form part of the proposals.
- 2.4 The site is within the Euston Plan Area, Euston Growth Area (Local Plan), Euston Opportunity Area (London Plan), Central London Area (Local Plan), Central Activities Zone (CAZ – London Plan), Draft Site Allocations Local Plan 2020 (SALP) Knowledge Quarter. The Site is within London View Management Framework (LMVF) Protected Vistas for London Panoramas from Assessment Points 2A.2 (Parliament Hill to Westminster) and 5A.2 (Greenwich to St Paul's).
- 2.5 The site currently provides 3,693 sqm GIA of office accommodation and ancillary storage space. Existing building accommodation:

Use	Use Class	Area (GIA)	Area (GEA)
Office	Class E(g)	2,266	2,470
Ancillary Storage	Class E(g)	1,427	1,582
Substation	Sui Generis	22	26
Ancillary Residential	Class C3	32	38
<b>Total</b>		<b>3,747</b>	<b>4,116</b>

- 2.6 The scale of buildings within the urban block where the Site is located vary between two and seven storeys, with a mix of architectural styles, including three early 19th

century grade II listed buildings on Stanhope Street, two early 20th century locally listed warehouse buildings and various later developments that have varying degrees of architectural integrity.

- 2.7 In the wider context, Regent's Place is situated to the south of Drummond Street. It is predominantly commercial in character and includes the 36-storey Euston Tower and various other tall modern buildings. To the east of Stanhope Street the urban block includes buildings of varying age and architectural style that are between two and seven storeys in height. To the west of Stanhope Street is Phase 3 of the post-war Regent's Park Estate, which is generally of four storeys but includes two 19 storey towers within 100m of the Site. Further to the east is Euston Station, the British Library, St Pancras and King's Cross stations.
- 2.8 The site is not located within a conservation area and not statutorily listed. It is located within the setting of nearby listed buildings (48-52 Stanhope Street). The Regent's Park Conservation Area is approximately 130m from the Site at its closest point. The listed landscape of Regent's Park (West) and the Fitzroy Square (South) and Bloomsbury (South-east) Conservation Areas are more than 200m from the Site.
- 2.9 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 RELEVANT PLANNING HISTORY**

#### **17-37 William Road and 62-70 Stanhope Street**

- 3.1 **TP79387/23003:** The erection of a part seven-storey (including basement), part 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. **Approved 24/07/1958.**

- 3.2 **7669:** Erection of a part seven-storey (including basement), par single-storey building on the above sites, for use as garage fibrous plaster work- shops and workrooms. **Approved 03/07/1959.**
- 3.3 **TP79837/8929:** Erection of a seven and single storey building for use as garage, workshops and workrooms on the sites of 62-70 Stanhope Street and 17-37William Road. **Approved 22/07/1959.**
- 3.4 **AR/TP/79837/NW:** Use of the facing materials 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 (ref. TP79387/23003). **Approved 19/01/1960.**

#### **17-35 William Road**

- 3.5 **PS9804631:** 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 – allowed on appeal 31/03/2000.**

#### **17-33 William Road**

- 3.6 **2003/1814/P:** Erection of a single storey extension at ground floor level, side elevation, to an existing B1c light industrial unit. **Approved 29/08/2003.**
- 3.7 **2003/2576/P:** The creation of a new door and window to existing kitchen, and an additional enclosed terrace to the east side of the building. **Approved 28/10/2003.**
- 3.8 **2015/5712/P:** 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. **Approved 04/12/2015.**
- 3.9 **2018/2613/P:** 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 facing William Road, replacing recessed garage door, in accordance with the approved drawings (proposed). **Approved 25/07/2018.**

- 3.10 **2018/5596/P:** 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. **Approved 11/12/2018.**

#### **4.0 REASONS FOR REFUSAL**

- 4.1 The Application was received by the Council on 24<sup>th</sup> November 2020 and registered on 27<sup>th</sup> November 2020. The Council refused planning permission on 1st 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 carfree 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 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.

4.2 An informative on decision notice stated the following:

“You are advised that reasons for refusal 6 - 18 could be overcome by entering into a Section 106 legal agreement.”

## 5.0 LEGISLATIVE AND PLANNING POLICY FRAMEWORK

5.1 The parties anticipate that it is only the policies and guidance relating to reasons for refusal 1– 4 that will be addressed in evidence at the Inquiry, since it is anticipated that reasons for refusal 6 – 18 will be overcome by a Section 106 legal agreement and reason for refusal 5 has been overcome post-determination through the submission of new information. The policies and guidance for refusal reasons 1 – 4 are therefore highlighted in **bold** in the relevant subsections below.

### **National Planning Policy Framework (NPPF) 2021 and National Planning Practice Guidance (NPPG)**

5.2 The NPPF was first published on 27<sup>th</sup> March 2012. It provides a national planning policy framework against which all planning applications and decisions must be made. The NPPF was revised on 20<sup>th</sup> July 2021 and sets out the government’s planning policies for England and how these are expected to be applied. The revised Framework replaced the original NPPF published in March 2012, revised in July 2018 and updated in February 2019. The policies contained in the NPPF 2021 are material considerations which should be taken into account in determining planning applications. The NPPG provides relevant guidance and is a material consideration.

### **Development Plan**

5.3 The current development plan in relation to the appeal site comprises the London Plan 2021, the Camden Local Plan 2017, Euston Area Plan 2015, and the Site Allocations Local Development Document 2013.

#### London Plan 2021

5.4 The London Plan 2021 is a strategic planning document in London. The Mayor produces the plan, which is applicable to all 32 London boroughs and the Corporation of the City of London. Boroughs’ local development documents must be in general conformity with the London Plan, and it is legally part of the development plan that has

to be taken into account during planning decisions. The most relevant policies and objectives are listed below:

Planning London's Future - Good Growth

- **GG1 Building strong and inclusive communities**
- **GG2 Making the best use of land**
- GG3 Creating a healthy city
- **GG4 Delivering the homes Londoners need**
- **GG5 Growing a good economy**
- GG6 Increasing efficiency and resilience

Spatial Development Patterns

- **Policy SD1 Opportunity Areas**
- **Policy SD4 The Central Activities Zone (CAZ)**
- **Policy SD5 Offices, other strategic functions and residential development in the CAZ**

Design

- **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 D6 Housing quality and standards**
- **Policy D7 Accessible housing**
- **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

#### Housing

- **Policy H1 Increasing housing supply**
- **Policy H15 Purpose-built student accommodation**

#### Economy

- **Policy E1 Offices**
- **Policy E2 Providing suitable business space**
- **Policy E3 Affordable workspace**
- Policy E8 Sector growth opportunities and clusters
- Policy E11 Skills and opportunities for all

#### Heritage and Culture

- **Policy HC1 Heritage conservation and growth**
- **Policy HC3 Strategic and Local Views**
- Policy HC4 London View Management Framework

#### Green Infrastructure and Natural Environment

- Policy G4 Open space
- Policy G5 Urban greening

#### Sustainable Infrastructure

- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 4 Managing heat risk
- Policy SI 5 Water 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

#### Transport

- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets

- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T7 Deliveries, servicing and construction
- Policy T9 Funding transport infrastructure through planning

#### Funding the London Plan

- Policy DF1 Delivery of the Plan and Planning Obligations

#### Monitoring

- Policy M1 Monitoring

#### Camden Local Plan 2017

5.5 The Local Plan was adopted by the Council on 03/07/2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions. The most relevant policies to be considered as part of the appeal process are listed below:

#### Growth and Spatial Strategy

- **G1 Delivery and location of growth**

#### Meeting Housing Needs

- **H1 Maximising housing supply**
- **H6 Housing choice and mix**
- **H9 Student Housing**

#### Community, health and wellbeing

- C1 Health and wellbeing
- C5 Safety and security
- **C6 Access for all**

#### Economy and Jobs

- **E1 Economic development**



- **E2 Employment premises and sites**

Protecting Amenity

- **A1 Managing the impact of development**
- A2 Open space
- A3 Biodiversity
- A4 Noise and vibration
- A5 Basements

Design and Heritage

- **D1 Design**
- **D2 Heritage**

Sustainability and Climate Change

- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste

Transport

- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- T3 Transport infrastructure
- T4 Sustainable movement of goods and materials

Delivery and Monitoring

- DM1 Delivery and monitoring

## **Other Material Planning Considerations**

### Camden Planning Guidance (CPG)

5.6 The Camden Local Plan 2017 is supported by the Council's CPGs. These documents were created following public consultation. The relevant documents are listed below:

- CPG Access for all
- CPG Air quality
- **CPG Amenity**
- CPG Biodiversity
- CPG Basements
- **CPG Design**
- CPG Developer contributions
- **CPG Employment sites and business premises**
- CPG Energy efficiency and adaptation
- **CPG Planning for health and wellbeing**
- CPG Public open space
- CPG Housing
- CPG Transport
- **CPG Student housing**
- CPG Water and flooding

### Site Allocations Local Plan (SALP) 2020 – Draft

5.7 Following approval by Cabinet in November 2019, the Council consulted on the draft Site Allocations Local Plan document. The process for preparing Local Plans includes a number of statutory stages including at least two formal rounds of public consultation. The first formal consultation on the Site Allocations Local Plan was carried out between 13 February and 27 March 2020. The second round of formal consultation is yet to be carried out. The relevant section is listed below:

- KQ1 Knowledge Quarter

5.8 It is agreed that the draft SALP is a material consideration, but that it attracts only limited weight at this point in time.

## Euston Planning Brief (January 2020) - Draft

- 5.9 The Council has developed a draft planning brief to provide guidance for development around Euston Station which builds on the vision set out in the Euston Area Plan. It is agreed that the draft Euston Planning Brief is a material consideration, but that it attracts only limited weight at this point in time.

### London Plan Guidance (LPG)

- 5.10 London Plan Guidance (LPG) provides further information about how the London Plan should be implemented. Below is a list of the most relevant documents:

- **Accessible London SPG**
- **Housing SPG**
- Fire Safety LPG (Draft, Pre-consultation)
- **Character and Context SPG**
- London View Management Framework SPG
- Air Quality Positive LPG (Draft)
- Be Seen Energy Monitoring LPG (Draft)
- Circular Economy Statements LPG (Draft)
- Energy Planning Guidance
- The Control of Dust and Emissions in Construction SPG
- Whole Life Carbon LPG (Draft)
- Air Quality Neutral LPG (Draft)
- Sustainable Transport, Walking and Cycling (Draft)
- Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG

## 6.0 THE APPEAL PROPOSAL

6.1 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.’*

6.2 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 (to be offered at 65% of market value) at ground floor level, alongside remodelling works to the existing ground floor façade.

6.3 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.

6.4 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>8,034</b>	<b>8,957</b>

*Table 2 - Proposed Student Accommodation*

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

- 6.5 It is also proposed to remove the existing vehicle crossover on William Road to create a continuous footway along William Road and Stanhope Street, with replacement surface treatment.
- 6.6 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.
- 6.7 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, as per the existing arrangement.
- 6.8 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.

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

- 7.1 Pre-application discussions were held with the Council and other statutory and non-statutory consultees throughout the design process and in the lead up to the submission of the Application.
- 7.2 Pre-application meetings and/or site visits were held with 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.
- 7.3 Separately, the proposals were presented to the Greater London Authority (GLA) and Transport for London (TfL) on 5<sup>th</sup> May 2020.
- 7.4 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.
- 7.5 The Appellant held a virtual public exhibition of the proposals, which was 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.

## 8.0 PRINCIPLES OF DEVELOPMENT

### Land Use

- 8.1 It is agreed that the student accommodation use is acceptable in principle in this location, partially owing to its proximity to several university campuses (amongst other reasons).
- 8.2 The delivery of 239 student bedspaces would not directly prejudice the provision of self-contained housing and would, in fact, contribute towards the Council's housing targets (based on a ratio of 2.5 student bedspaces to 1 residential unit).
- 8.3 It is agreed that the existing office accommodation has been marketed since June 2019, exceeding the timeframe required by planning policy.

### Demolition

- 8.4 The proposed demolition is also agreed to be justified with respect to CLP Policy CC1 and London Plan Policies SI2 and SI7, subject to satisfactory conditions requiring the provision of an updated whole life-cycle carbon assessment (WLCC).

### Affordable Student Accommodation

- 8.5 It is agreed that the provision of 35% of the total student accommodation units, as a proportion, secured by way of legal agreement, would be acceptable in principle.

### Heritage and Townscape Views

- 8.6 It is agreed that the viewpoints included in the submitted TVBHA are acceptable, and the assessment methodology and verified views methodology in the submitted TVBHA is acceptable.
- 8.7 It is agreed that the Proposed Development would have no significant material effect on LVMF 5A.2 and LVMF 2A.2, which would warrant a reason for refusal.
- 8.8 The Council has not identified harm to any heritage assets other than 48-52 Stanhope Street (Grade II listed).

#### Design Quality

- 8.9 It is agreed that (notwithstanding the height, scale, massing, and footprint of the development), the detailed design of the Proposed Development is of merit, in particular the design of the ground floor and the façade studies.

#### Residential Amenity

- 8.10 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.
- 8.11 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, subject to appropriate conditions.

#### Highways and Transport

- 8.12 The estimated increase in average 12-hour trip generation is considered negligible (based on the estimate for the existing space's trip generation including 1,427sqm of ancillary office storage) and would not have a significant effect on the operation of local transport facilities and is therefore agreed with the Council.
- 8.13 The proposed car-free approach is agreed, subject to securing car-free agreement via legal agreement.
- 8.14 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.
- 8.15 It is agreed that, whilst the 1.1m wide x 2.1m lift to the basement cycle store does not comply with guidance, it is accepted in this instance.



- 8.16 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

- 8.17 It is agreed that the Proposed Development meets most but not all of the carbon reduction requirements using up to date SAP10 carbon factors, and on balance, is accepted in this instance.
- 8.18 It is agreed that the Proposed Development would achieve an overall reduction of 61.9% in carbon emissions, which 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.
- 8.19 It is agreed that the overall target rating of BREEAM Excellent is acceptable.
- 8.20 It is agreed that no active cooling should be required.
- 8.21 It is agreed that the Circular Economy Statement is acceptable and accords with the requirements of London Plan Policy SI 7.
- 8.22 It is agreed that the Whole Life Cycle Carbon Assessment is acceptable, subject to submission of further information to be secured by planning condition.

#### Noise

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

#### Basement Extension

- 8.24 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

- 8.25 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.

#### Land Contamination

- 8.26 The Proposed Development complies 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

- 8.27 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

- 8.28 The fire safety proposals (including provision of a single stairwell) meet current building regulations requirements.

#### Air Quality

- 8.29 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.

### **9.0 CONDITIONS AND PLANNING OBLIGATIONS**

#### Proposed Planning Conditions

- 9.1 A schedule of conditions will be agreed between the Council and the Appellant and will be included in the inquiry timetable to discuss and finalise.

Planning Obligations

- 9.2 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.

## **10.0 AREAS OF DISAGREEMENT**

10.1 At present, the following matters are not agreed between the Appellant and the Council:

### Reason for Refusal 1 (Loss of Employment Space)

- Whether the level of replacement employment on the site would fail to support growth in economic activity in Camden and result in the loss of employment opportunities;

### Reason for Refusal 2 (Design & Conservation)

- Whether the proposed development, due to its height, massing, scale and footprint would be detrimental to the streetscene, setting of the nearby listed buildings and the character and appearance of the wider area;

### Reason for Refusal 3 (Neighbouring Amenity Impact)

- Whether 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;

### Reason for Refusal 4 (Quality of Accommodation)

- Whether a number of the student accommodation units within the proposed development, by reason of their 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;

### Other

- 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, including potential heritage harm.

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

**Signed on behalf of the Council by Nathaniel Young on 18/02/2022:**

A handwritten signature in black ink that reads "N. Young". The signature is written in a cursive style with a long, sweeping underline.

**Signed on behalf of the Appellant by David Shiels on 18/02/2022:**

A handwritten signature in black ink that appears to read "David Shiels". The signature is written in a cursive style with a long, sweeping underline.