

# Basic conditions statement

Phoenix Place (south), EC1A 1BB

Mount Pleasant Neighbourhood Forum

November 2016

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## 1.0 Introduction

- 1.1 This Basic Conditions Statement, prepared by Maddox Associates, assesses the proposed Community Right to Build Order against the conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) ('The Act'), on behalf of the Mount Pleasant Neighbourhood Forum. The order proposes the redevelopment of the site for:

*“The provision of 125 residential units including one, two and three-bedroom flats in a series of five linked buildings ranging from four storeys to eight storeys (plus lower ground); approximately 1,200sqm of commercial space; a newly created communal open space over 900sqm in size that will be enclosed by the proposed block on three sides; communal roof terraces private to the residents and accessible by lift; widening of the western end of Mount Pleasant to create a new ‘pocket’ park adjacent to Christopher Hatton Primary School and with traffic calming measures along the section of road fronting the development site; parking, related to relevant accommodation, for disabled drivers to be located on Gough Street and Phoenix Place for residents and Mount Pleasant for visitors; and a minimum of 242 long stay cycle parking spaces and 16 short stay cycle parking spaces.”*

### Mount Pleasant Neighbourhood Forum

- 1.2 This order is proposed by the Mount Pleasant Neighbourhood Forum ('The Forum'), which was designated on 4<sup>th</sup> February 2016. The Forum constitutes a qualifying body for the purposes of regulation 22 of the Neighbourhood Planning (General) Regulations 2012 ('The Regulations'), and constitutes a “community organisation” as per Schedule 4c Paragraph 3 of the Town and Country Planning Act (1990). In accordance with Schedule 4c Paragraph 3 of the Town and Country Planning Act (199) the Mount Pleasant Neighbourhood Forum was established for the purpose of furthering social, economic and environmental well-being of individuals living in the area. A separate note demonstrating how the Mount Pleasant Neighborhood Forum complies with Paragraph 3, Schedule 4c of the Town and Country Planning Act 1990; and Regulation 13 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is supplied in Appendix A.

### The scope of the proposed order

- 1.3 The proposed order seeks permission for:
1. The description of development;
  2. The layout of the development being the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development; and
  3. The scale of the development, being the height, width and length of each building proposed within the development in relation to its surroundings.

### Planning history

- 1.4 The proposed community right to build order follows planning permissions granted for the wider development site. The applications, made to Islington (reference: P2013/1423/FUL) and Camden (reference: 2013/3807/P), were recommended for refusal by both Camden and Islington, but were called in by the GLA and determined by the Mayor at the time. The GLA approved the on 30<sup>th</sup> March 2015, as such the application documents and GLA committee reports are the key document to consider for the extant permission. The description of the development was as follows:

*“Comprehensive redevelopment of the site following the demolition of existing buildings & structures to construct six new buildings ranging from 3 to 12 storeys in height to provide 38,015sqm (GIA) of residential floorspace (336 dwellings) (Class C3), 4,260sqm (GIA) of office loorspace (Class B1), 1.428sqm (GIA) of flexible retail & community floorspace, (Classes A1, A2, A3, D1 and D2) with associated energy centre, waste and storage areas, vehicle (65 spaces) & cycle parking (523 spaces), hard & soft landscaping to provide public (approx 5,124sqm) & private areas open space, alterations to the public highway & construction of a new dedicated vehicle ramp to basement level to service Royal Mail operations, construction of an acoustic roof deck over the existing service yard (encloses 14,150sqm at basement & ground floor levels) & all other necessary excavation & enabling works. The Camden & Islington applications are accompanied by an Environmental Statement. The proposed redevelopment will be considered in the context of the proposals on the adjacent site, located on the west side of Phoenix Place (within London Borough of Camden). The Camden planning reference no. is: [2013/3807/P] & involves: Comprehensive redevelopment, following the demolition of existing buildings, to construct four new buildings ranging from 5 to 15 storeys (above basement level) in height, to provide 38,724sqm (GIA) of residential floorspace (345 dwellings) (Class C3), 823sqm (GIA) of flexible retail & community floorspace (Use Classes A1, A2, A3, D1 or D2), with associated energy centre, waste & storage areas, basement level residential car parking (54 spaces), the re-provision of Royal Mail staff car parking (approx 196 spaces) cycle parking, residential cycle parking (431 residential spaces) hard & soft landscaping to provide public & private areas of open space, alterations to the public highway & all other necessary excavation & enabling works.”*

- 1.5 On 20<sup>th</sup> May 2015, a legal challenge was launched against the approved scheme at Mount Pleasant. Islington and Camden councils made an application for a judicial review of the of the Mayor of London’s decision to grant planning permission however the legal challenge was not successful.
- 1.6 The remainder of this statement is structured as follows:
  - Section 2 provides details of the proposed community right to build order;
  - Section 3 provides an assessment of the scheme against the relevant legislation; and
  - Section 4 concludes that the proposed community right to build order meets the conditions set out in in paragraph 8(2) of Schedule 4B of the Act.

## 2.0 Proposed community right to build order

- 2.1 The proposed development is for redevelopment of the site to provide 125 residential units, 1,200 sq. m. of commercial floor space, and associated public realm improvements. The full description of the development is as follows:

*“The provision of 125 residential units including one, two and three-bedroom flats in a series of five linked buildings ranging from four storeys to eight storeys (plus lower ground); approximately 1,200sqm of commercial space; a newly created communal open space over 900sqm in size that will be enclosed by the proposed block on three sides; communal roof terraces private to the residents and accessible by lift; widening of the western end of Mount Pleasant to create a new ‘pocket’ park adjacent to Christopher Hatton Primary School and with traffic calming measures along the section of road fronting the development site; parking, related to relevant accommodation, for disabled drivers to be located on Gough Street and Phoenix Place for residents and Mount Pleasant for visitors; and a minimum of 242 long stay cycle parking spaces and 16 short stay cycle parking spaces.”*

- 2.2 The proposed accommodation schedule is set out in the table below.

**Table 1: Summary of accommodation**

<b>Residential units</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
Block 1	8	16	15	39
Block 2	0	16	9	25
Block 3	5	14	0	19
Block 4	6	10	2	12
Block 5	13	13	11	30
<b>Total:</b>	<b>19</b>	<b>69</b>	<b>37</b>	<b>125</b>
<b>Commercial/community floorspace</b>				<b>1,200 sq m</b>

- 2.3 The scheme includes the provision of 30% affordable units. This is based on the maximum possible provision based on the developers commitments outlined in the Viability Statement.

### 3.0 Legislation and guidance

- 3.1 The legislation against which the order should be assessed are the conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the Act').
- 3.2 Paragraph 8(2) states that a draft order meets the basic conditions if:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
  - b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
  - c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
  - d) The making of the order contributes to the achievement of sustainable development;
  - e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - f) The making of the order does not breach, and is otherwise compatible with, EU obligations; and
  - g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- 3.3 Each of these conditions is set out in further detail below.

#### **a) National policies and guidance**

- 3.4 The relevant national guidance against which the proposal should be assessed comprises the National Planning Policy Framework ('the Framework').
- 3.5 The Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. Key principles of the Framework are set out in further detail below.

#### *Achieving sustainable development*

- 3.6 Paragraph 6 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. The order proposes a mixed-use development on a brownfield site which has been shaped by the community in response to their vision of the area. The Order proposes a high percentage of affordable housing, provision of workspace, integration with the character of the area, a car free development, and improvements to local ecology and biodiversity. This order proposes a high quality development designed in accordance with BREEAM Excellent – a BREEAM pre-assessment is attached which indicates that this is achievable.
- 3.7 Paragraph 7 of the Framework identifies the three dimensions of 'sustainable development' – namely economic, social, and environmental. These dimensions of sustainable development result in a planning system that is required to take on a number of roles. In response to this, the proposal will provide both affordable and private residential units, in addition to new modern employment areas – resulting in several economic benefits. The residential units will allow local residents to continue to live in their area and support local businesses. Lastly, the high quality, low carbon proposal will reduce the environmental burden of new development whilst providing ecological and biodiversity enhancements

to the area through the provision of open green space.

- 3.8 Paragraph 9 of the Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. This includes the aims of widening the choice of high quality homes and improving the conditions in which people live, work, travel, and take leisure.
- 3.9 Paragraph 12 of the Framework acknowledges that proposals should be determined in accordance with the statutory development plan. This Order has been developed in consideration of adopted local policies and can be implemented in accordance with them. The proposals accord with the Camden Development Plan comprising:
- Core Strategy (2010); and
  - Camden Development Policies (2025); and
  - Mount Pleasant SPD.

The proposal has also had regard to the emerging Camden Local Plan submission version June 2016.

- 3.10 Paragraph 14 of the Framework notes that a presumption in favour of sustainable development should be seen as a 'golden thread'. For decision-making, this means that planning authorities should approve development that accords with the development plan. Where the development plan is absent, silent or the relevant policies are out of date, permission should be granted unless doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
- 3.11 Paragraph 17 of the Framework identifies a set of core land-use planning principles which should underpin both plan-making and decision-taking. Those of particular relevance to the proposal are that planning should:
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 3.12 In accordance with the Framework it is considered that the proposal meets the aim of achieving sustainable development. It proposes the redevelopment of a brownfield site to deliver mixed-use development in a highly accessible location informed by a study of local movement patterns. The proposal delivers a scale of development that makes effective and efficient use of the land, and delivers multiple benefits through providing a mix of uses.

*Building a strong, competitive economy*

- 3.13 Chapter 1 of the Framework seeks to ensure that the Government's commitment to secure economic growth is achieved. This means creating jobs and working to a low carbon future. The Order contains proposals for 1,200 square meters of flexible use commercial floor space. If, for example, all of this was in A1-A3 use then we it would be right to assume that it could accommodate a significant number of

jobs. According to Government National Density Guidelines 2<sup>nd</sup> edition 2010 A1 – A3 uses typically accommodate 1 FTE : 18 sq. m. floor space. This would equate to approximately 65 new jobs on site.

*Promoting sustainable transport*

- 3.14 Chapter 4 of the Framework relates to the delivery sustainable transport as part of wider developments. Paragraph 29 acknowledges that transport policies have an important role to play in facilitating sustainable development. Paragraph 32 states that a Transport Statement or Transport Assessment should support all developments that generate a significant amount of movement. A Transport Statement accompanies this Order. The Transport Statement notes that the Order seeks to promote development that is served by public transport and is therefore a car free development apart from disabled parking spaces.
- 3.15 Paragraph 39 of the Framework states that planning authorities should take into consideration the accessibility of a development, the type and mix of a development, the availability of public transport, and overall need to reduce vehicle emissions when deciding on local parking standards. The proposals have had due regard to the London Plan and to adopted Local Policies. The order provides details regarding the provision of parking within the proposals.
- 3.16 The proposals are considered to be in accordance with Chapter 4 of the National Planning Policy Framework.

*Housing delivery*

- 3.17 Chapter 6 of the Framework relates to delivering a wide choice of high quality homes. Paragraph 47 seeks to significantly boost the supply of housing. Paragraph 49 states that proposals for the development of housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 of the Framework seeks to deliver a wide choice of high quality homes. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.18 The proposal involves the development of 125 new homes in an appropriate location with a range of services and facilities nearby. The scheme delivers a range of unit sizes, from one to three bedrooms, providing a wide choice of homes. There is also the maximum viable amount of affordable housing provided when taking into account the economics and financial viability of the development including a mix of market and affordable tenures. The developer proposed a 30% of units to be affordable. This is referenced in the attached Viability Statement. Therefore, the proposal is considered to be in accordance with the aims of chapter 6 of the Framework.

*Requiring good design*

- 3.19 Chapter 7 of the Framework focuses on the importance of great design in the built environment. Paragraph 56 notes that good design is a key aspect of sustainable development and is indivisible from good planning. The Order has positively responded to the existing building, the character of the area, and has been developed by a team of expert urban designers, architects and community engagement specialists in accordance with the local community to ensure the design can integrate to the urban fabric. The popularity of the design is evidenced in the accompanying Consultation Statement.
- 3.20 Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area developments. As demonstrated in the Consultation Statement, the Order has actively responded

to the policy requirements through engaging with the project team and undergoing several iterations to amend the proposal.

- 3.21 Paragraph 66 of the Framework states that applicants should work closely with those who are affected by their proposals to evolve designs that take into account the views of the community. The Order has very extensively worked with the local community and key stakeholders to engage with those who would be most affected to allow them the opportunity to shape the proposals. This is reflected in the accompanying Consultation Statement.

*Promoting healthy communities*

- 3.22 Paragraph 69 of the Framework acknowledges that planning can play an important role in facilitating interaction and creating healthy communities. The proposals have brought together different members and groups within the existing community to shape the Order and ensure there are adequate amenity spaces and shared space for future residents to interact.
- 3.23 Paragraph 72 of the Framework states that local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted. The Order has progressed and been developed through ongoing discussions with key stakeholders, and the Council through an iterative process. The Order has progressed in consultation with all statutory agencies during the design stages prior to formal submission.

*Meeting the challenge of climate change, flooding and coastal change*

- 3.24 Chapter 10 of the Framework is concerned with securing reductions in greenhouse gas emissions and increasing resilience to the impacts of climate change. Paragraph 93 the Framework states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and increasing resilience. The Order proposed a scheme which utilises brownfield land and is a low carbon development.
- 3.25 Paragraph 94 states that authorities should adopt proactive strategies to mitigate and adapt to climate change. The Order proposes resilience across the scheme and the development proposed will significantly reduce its carbon dioxide emissions in accordance with BREEAM standard Excellent. The scheme is being progressed with proposals which will allow it to adhere to BREEAM Excellent and final design criteria will progress subject to positive result at the referendum.
- 3.26 The site is designated as being within a Critical Drainage Area within the Camden Local Plan. This is due to the level of impermeable surface across the site and the immediate area around the site. A SUDS pro-forma is attached to this application which demonstrates that the scheme can accommodate anticipated water levels between the 1 in 30 and 1 in 100 year plus climate change events on site.

*Conserving and enhancing the natural environment*

- 3.27 Chapter 11 and paragraph 109 of the Framework are concerned with conserving and enhancing the natural environment. Paragraph 111 notes that planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 3.28 The Order seeks to enhance the existing ecology on the site whilst at the same time providing enhancements to the ecology and biodiversity of the area. The proposals include the redevelopment

of a brownfield site with significant amounts of green space within the proposals to bring wildlife back to an urbanised area.

- 3.29 Overall, the proposal is considered to comply with the relevant national policies and guidance, in accordance with the condition set out in paragraph 8(2)(a).

**b) Preserving listed buildings and their settings, or any features of special architectural/historic interest that it possesses**

- 3.30 The site is located within the setting of the Grade II listed buildings at 47-57 Mount Pleasant, as well as the Grade II listed Apple Tree Public House at 45 Mount Pleasant. These are both located to the south-eastern side of the site, on the opposite side of Mount Pleasant. A map of the nearby listed buildings is included at Appendix B.
- 3.31 The extant application proposes an 11-storey building (plus basement) to be sited on Mount Phoenix Place, directly opposite the listed buildings. The GLA committee report for the extant permission on the site (references: 2013/3807/P and P2013/1423/FUL) concluded that the proposal would not result in harm to the setting of the listed buildings. In relation to 47-57 Mount Pleasant, the report states that:
- “the setting of the terrace is very mixed in terms of the scale and period of buildings...and given that very mixed townscape setting and the high quality of design of block A it is not considered to harm the setting of those listed buildings or the setting of the Hatton Garden Conservation Area”* (paragraph 328, Appendix C).
- 3.32 In contrast, this Order proposes a three-storey building (plus a roof level) in this location. The proposed development is significantly reduced in scale from the consented scheme. The Camden committee report for the extant scheme also notes that no objection was received from English Heritage in relation to the previous proposal (paragraph 4.1.30 Appendix D). It goes on further to state in paragraph 6.3.47 “...considered to make a positive response to its local context. The setting of local heritage assets are preserved and enhanced.”
- 3.33 The Order is accompanied by a Design Statement and Heritage Statement. Page 17 of the Design Statement acknowledges that the Mount Pleasant Supplementary Planning Document (SPD) seeks new streets within the area, opening up desire lines and permeability. These are integrated within this Order and shown within the accompanying drawings package. As outlined within the attached Heritage Statement, the proposal connects together existing sites, and creates new routes and streets that connect the proposal site with the existing neighbouring communities.
- 3.34 The proposal is designed to echo but not directly mirror the surrounding character area, particularly the streets and squares of the commercial and former industrial buildings of Clerkenwell. The Design Statement and accompanying drawings review the existing character of the area, and the design of the neighbouring buildings.
- 3.35 The ‘Site Overview in Context’ drawing within the Design Statement shows the relationship of the proposal within the context of the existing developments. It shows that the proposal is lower in height and conforms to the existing surrounding massing.
- 3.36 During Regulation 21 consultation comments were received from Historic England regarding the proposal. Historic England stated on 20 July 2015 that “there is sufficient information on archaeological interest to enable planning applications to be determined”. However, it was also noted

that a number of heritage assets could be affected. These have been reviewed within the accompanying Heritage Statement and within the archaeological statement. Both conclude the impact from the development can be mitigated and would not cause substantial harm to the setting of neighbouring assets.

- 3.37 Overall, it is not considered that the proposal would result in harm to the setting of the nearby listed buildings, in accordance with the condition set out in paragraph 8(2)(b).

**c) Preserving or enhancing the character or appearance of any conservation area**

- 3.38 The development site is located within the setting of the Hatton Garden Conservation Area, which is located to the south-east of the site. A map of the Hatton Garden Conservation Area is included at Appendix E.
- 3.39 The GLA committee report for the previous applications on the site (references: 2013/3807/P and P2013/1423/FUL) concluded that the proposal would not result in harm to the setting of the adjacent conservation area. The report states that “...given that very mixed townscape setting and the high quality of design of block A it is not considered to harm the setting of those listed buildings or the setting of the Hatton Garden Conservation Area” (paragraph 328). The Camden committee report for the previous application on the site also concludes that the scheme was “...considered to make a positive response to its local context. The setting of local heritage assets are preserved and enhanced.”
- 3.40 Similarly, it is not considered the current proposal would result in harm to the setting of the Hatton Garden Conservation Area. The scale of the proposed development on the southern side of the site has been significantly reduced in comparison to the consented scheme, which proposes an 11-storey building in this location. The current scheme proposes a three-storey building (plus roof level) in this location.
- 3.41 The attached Design Statement and accompanying drawings review the scheme in detail and analyse how the proposal would fit within the context of the existing buildings. The proposal creates new streets and provides greater connectivity within the Conservation Area, as shown by the attached drawing package.
- 3.42 The accompanying Heritage Statement appraises the Order against adopted planning policy and in the context of surrounding buildings. It is noted in paragraph 10.11 that:

*“The design of the buildings is targeted at providing a solution which is far more sympathetic in style than the approved (RMG) scheme. It is a response which ‘repairs’ the street scene and urban context and as such should reinstate the original building line rather than introduce a setback from it. The MPA’s proposals echo but do not mirror the surrounding character areas, particularly the streets and squares of Bloomsbury and Islington and the commercial and former industrial buildings of Clerkenwell: they will be of a more appropriate scale and mass than the existing RMG proposals.”*

- 3.43 The Statement concludes that the Order’s appropriate design, consideration of local architecture, and traditional design approach results in a scheme that enhances the conservation area. It is considered the scheme is acceptable from a visual impact perspective.
- 3.44 Overall, it is considered the proposal would enhance the setting of the conservation area, in accordance with the condition set out at paragraph 8(2)(c).

**d) The making of the order contributes to the achievement of sustainable**

**development**

- 3.45 As noted earlier in paragraph 3.6, it is considered that the proposal is in accordance with the aim of achieving sustainable development as set out in paragraph 7 of the framework.
- 3.46 Paragraph 7 of the Framework states that there are three dimensions to sustainable developments, notably economic, social, and environmental. The planning system therefore has a role to ensure that development supports the progression of these roles.
- 3.47 Paragraph 9 of the Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in the quality of people’s quality of life. This includes the aims of widening the choice of high quality homes and improving the conditions in which people live, work, travel and take leisure.
- 3.48 The Order is accompanied by an Energy and Sustainability Statement which assesses the proposal against the three dimensions of sustainable development as outlined in paragraph 7 of the NPPF. In summary:
- The economic role of sustainable development has been encouraged through the contribution the order makes to the provision of commercial and employment space. This is considered to be the right type of employment land, in the right place and at the right time to support growth.
  - The social role has been demonstrated through the proposal for a strong, vibrant, healthy community. The existing wider community has shaped the proposal significantly and the Order is being made on their behalf. The proposal is within close proximity to existing services and is afforded a PTAL of 6b, demonstrating the ease in which the site is both accessed and connected to the wider area.
  - The environmental role of sustainable development has been exemplified through the integration of a ‘pocket park’ and significant provision of green space within the order. The car free (apart from blue badge holder) development seeks to integrate to the area with sustainable transport and not rely on private car travel. Finally, the development seeks to achieve a BREEAM Excellent certificate.
  - In accordance with London Plan Policy 5.2E new major developments are required to be zero-carbon developments, however where this is not possible the developer can pay a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere. The developer has acknowledged this within the accompanying Viability Statement.
- 3.49 It is therefore considered that, as demonstrated in the Sustainability Statement, the proposal contributes to the achievement of sustainable development in accordance with the condition set out at paragraph 8(2)(d).

**e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that**

area)

*Spatial development strategy*

3.50 The relevant spatial development strategy comprises the London Plan (as amended) and the relevant supplementary planning guidance.

3.51 The London Plan Policies that are considered to be relevant to the proposal are set out below:

- Policy 1.1 – Delivering the strategic vision and objectives for London;
- Policy 2.10 – Central Activities Zone – strategic priorities;
- Policy 2.11 – Central Activities Zone – strategic functions;
- Policy 2.12 – Central Activities Zone – predominantly local activities;
- Policy 2.13 – Opportunity Areas and Intensification Areas;
- Policy 3.3 – Increasing housing supply;
- Policy 3.4 – Optimising housing potential;
- Policy 3.5 – Quality and design of housing developments;
- Policy 3.6 – Children and young people’s play and informal recreation facilities;
- Policy 3.7 – Large residential developments;
- Policy 3.8 – Housing choice;
- Policy 3.9 – Mixed and balanced communities;
- Policy 3.10 – Definition of affordable housing;
- Policy 3.11 – Affordable housing targets;
- Policy 4.1 – Developing London’s economy;
- Policy 5.1 – Climate change mitigation;
- Policy 5.2 – Minimising carbon dioxide emissions;
- Policy 5.3 – Sustainable design and construction;
- Policy 5.7 – Renewable energy;
- Policy 5.10 – Urban greening;
- Policy 5.12 – Flood risk management;
- Policy 5.13 – Sustainable drainage;
- Policy 6.1 – Strategic approach;
- Policy 6.3 – Assessing the effects of development on transport capacity;
- Policy 6.9 – Cycling;
- Policy 6.10 – Walking;
- Policy 6.12 – Road network capacity;
- Policy 6.13 – Parking;
- Policy 7.1 – Building London’s neighbourhoods and communities;
- Policy 7.2 – An inclusive environment;
- Policy 7.3 – Designing out crime;
- Policy 7.4 – Local character;
- Policy 7.5 – Public realm;
- Policy 7.6 – Architecture;
- Policy 7.8 – Heritage assets and archaeology;
- Policy 7.14 – Improving air quality;
- Policy 7.15 – Reducing noise and enhancing soundscapes;
- Policy 8.2 – Planning obligations; and
- Policy 8.3 – Community Infrastructure Levy.

3.52 An assessment of the policies governing the principle of the scheme against the key strategic policies is

set out below. A detailed planning compliance matrix appraising the proposal against adopted London Plan policies is set out in appendix F.

*Delivery of housing*

- 3.53 Policy 3.3 of the London Plan supports delivery of new housing, with a target of 32,210 additional homes across London set over the plan period. Policy 3.3 aims to improve housing choice and provide better quality accommodation for Londoners. The proposal is in accordance with this aim, as it delivers 125 high quality new homes, with a mix of one-three bedroom units. The provision of affordable housing is discussed below. This delivery of 125 new units in line with the aims of policy 3.3, as it provides a significant contribution towards London’s housing targets and improves housing choice in the local area.

*Density*

- 3.54 The creation of 125 new residential units maximises the use of urban land in accordance with London Plan policy 3.4. The proposals will result in a density of approximately 290 u/ha, which is within London Plan recommendations (which is between 175-355 u/ha) set out within its density matrix at Table 3.2 (urban area, PTAL 6b, 3.1 hr/u). A summary of the density of the proposed scheme is set out in the table below.

**Table 2: Density of proposed accommodation**

No. of beds	No. of habitable rooms	No. of units	Total habitable rooms
1	2	19	38
2	3	69	207
3	4	37	148
	<b>Total:</b>	<b>125</b>	<b>393</b>
	<b>Density:</b>	<b>290 u/ha</b>	<b>3.1 hr/u</b>

*Housing mix*

- 3.55 Policy 3.8 of the London Plan states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. The proposal is considered to be in accordance with policy 3.8 as it offers a mix of units including 19 one-bedroom units, 69 two-bedroom units and 37 three-bedroom units. Therefore, the proposal delivers a choice of homes to meet the needs of local people.

*Provision of affordable housing*

- 3.56 London Plan policy 3.11 seeks provision of an average of 13,200 more affordable homes per year across London. Policy 3.11 specifies 60% of this overall target to be delivered as social rent, and 40% to be delivered as intermediate. The proportion of housing to be delivered is based on the maximum provision possible whilst retaining a viable scheme. It is concluded that the scheme can offer 30% affordable units whilst remaining viable. This is explained in further detail in the Viability Statement.

*Housing quality*

- 3.57 Policy 3.5 of the London Plan requires housing development to be of the highest quality, internally and externally. Table 3.3 of the London Plan sets out the minimum space standards that new development

is required to conform to. The proposal is in accordance with policy 3.11, as the scheme will deliver high quality units that all meet the minimum space standards set out in Table 3.3 of the London Plan, as well as the minimum space standards set out Annex 1 of the Housing SPG.

- 3.58 It should also be noted that in section 2 of the GLA hearing report (ref: D&P/3032/03) appendix C considers the principle of the extant permission against strategic London Plan policies. It was concluded by the GLA that the regeneration of the site was policy compliant.

***Local planning policy***

- 3.59 Camden’s local development framework comprises the Core Strategy (2010), Development Policies (2010), and Camden’s Planning Guidance.

- 3.60 The following Core Strategy policies are considered to be of relevance to the proposal:

- Policy CS1 Distribution of growth;
- Policy CS3 Other highly accessible areas;
- Policy CS5 Managing the impact of growth and development;
- Policy CS6 Providing quality homes;
- Policy CS8 Promoting a successful and inclusive Camden economy;
- Policy CS9 Achieving a successful Central London;
- Policy CS10 Supporting community facilities and services;
- Policy CS11 Promoting sustainable and efficient travel;
- Policy CS13 Tackling climate change/higher environmental standards;
- Policy CS14 Promoting high quality places and conserving our heritage;
- Policy CS15 Protecting & improving parks/ open spaces; encouraging biodiversity; and
- Policy CS19 Delivering and monitoring the Core Strategy.

- 3.61 It is considered that the proposal is in general conformity with the strategic policies contained within Camden’s Local Development Framework. In particular, it is considered that the proposal accords with policies CS1, CS3, CS6 and CS10.

The following Development Policies are considered to be of relevance to the proposal.

- DP1 – mixed use development;
- DP2 – Making full use of Camden’s capacity for housing;
- DP3 – Contributions to the supply of affordable housing;
- DP5 – Homes of different sizes;
- DP6 – Accessible homes and wheelchair homes;
- DP10 – helping promote small and independent shops;
- DP16 – The transport implications of development;
- DP17 – walking, cycling, and public transport;
- DP22 – promoting sustainable design and construction;
- DP23 – Water;
- DP24 – Securing high quality design;
- DP25 – Conserving Camden’s heritage; and
- DP26 – Managing the impact of development on occupiers and neighbours.

The relevant strategic policies are set out and appraised below. A detailed planning compliance matrix is set out in appendix G, appraising the Order against the adopted Camden Development Plan and the Mount Pleasant SPD (2012).

**f) The making of the order does not breach, and is otherwise compatible with, EU obligations**

- 3.62 The relevant EU obligation includes the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the Conservation (Natural Habitats) Regulations 1994. These are set out in further detail below.

*Environmental Impact Assessment regulations*

- 3.63 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and Amendment 2015 set out the descriptions of development and applicable thresholds/criteria that require Environmental Impact Assessment (EIA) screening.
- 3.64 The Regulations set out the legislative framework for establishing the need for an EIA to be undertaken and submitted in the form of an Environmental Statement ('ES') with a planning application. Regulation 5 sets out the process for identifying whether or not an EIA is required.

*Schedule 2 description*

- 3.65 Under the EIA (Amendment) Regulations (2015) it is considered that the proposed development would be an 'infrastructure project' and therefore the criteria for being EIA development is within 10 (b) of Schedule 2 - 'urban development projects'.
- 3.66 The criteria for being classified as EIA development for proposed within category 10(b) is as follows:
- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
  - (ii) The development includes more than 150 dwellings; or
  - (iii) The overall area of the development exceeds 5 hectares.

- 3.67 The proposed development does not include more than 1 hectare of non-residential urban development; does not propose more than 150 dwellinghouses; and does not have an overall area of more than 5 hectares. As such, the proposal does not require EIA screening.

- 3.68 However, as European case law has demonstrated, the potential for more adjoining developments to cumulatively have an adverse impact on the environment should be taken into consideration and assessed. Due to the level of redevelopment around the Mount Pleasant site the applicant submitted a Screening Request to Camden Council to determine whether the CRTBO would require an environmental assessment.

*Selection criteria*

- 3.69 The screening criteria are set out in Schedule 3 of the Regulations. The criteria fall into three broad headings:

- I. characteristics of the development (e.g. size, use of natural resources, quantities of pollution

- and waste generated);
- II. location of the development designations, (sensitivity); and
- III. characteristics of the potential impact (e.g. extent and magnitude of impact, probability of impact, duration, frequency and reversibility of the impact).

3.70 (i) characteristics of the development (e.g. size, use of natural resources, quantities of pollution and waste generated

3.71 Under Schedule 3 the characteristics must be considered having regard, in particular, to –

(a) the size of the development;	The site area is 0.43ha so the scheme does not have a particularly large footprint.
(b) the cumulating with other development;	<p>It is acknowledged that there is an extant application on the Phoenix Place site (Camden Ref: 2013/1423/FUL) which comprises a number of different parcels across the Royal Mail Group site. The extant permission was EIA development due to the size of the scheme, and is linked by a S106 agreement to ensure that the Calthorpe Road and Phoenix Place phases of the development both come forward and do not progress in isolation.</p> <p>This CRtBO is not dependent on any other development taking place, nor linked to a wider strategic redevelopment scheme. Therefore the scheme is considered ‘separate’ and does not exceed the thresholds to constitute Schedule 2 development.</p>
(c) the use of natural resources;	All building and landscaping materials will be sourced in a sustainable manner. Renewable sources will be carefully considered and integrated into the proposed where available.
(d) the production of waste;	A Construction Management Plan will be prepared and adhered to throughout the construction phase of the development. Where possible, any waste will be recycled in an appropriate manner. The operational development will provide waste and recycling facilities for residents and commercial tenants to ensure that as much waste as possible is recycled.
(e) pollution and nuisances;	A transport assessment, and air quality assessment has been prepared as part of the CRtBO.
(f) the risk of accidents, having regard in particular to substances or technologies used.	It is considered that the likely risk of accidents would be during construction. Implementation of a Construction Management Plan will ensure that the risk of accidents are minimised.

3.72 (ii) location of the development designations, (sensitivity)

(a) the existing land use;	The existing site is in active use and currently hardstanding and parking.
(b) the relative abundance, quality and regenerative capacity of natural resources in the area;	There is limited vegetation on site, there are very limited opportunities for natural resources, flora or fauna on site.
(c) the absorption capacity of the natural environment, paying particular attention to the following areas: (i) wetlands; (ii) coastal zones; (iii) mountains and forest areas; (iv) nature reserves and parks; (v) areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds (1) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (2); (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded; (vii) densely populated areas; (viii) landscapes of historical, cultural or archaeological significance.	None of these environments are present in the vicinity of the site.

(iii) Characteristics of the potential development

(a) the extent of the impact (geographical area and size of the affected population);	There is the potential for some localised impacts during construction. These will be limited to the neighbouring properties immediately surrounding the site. Once operational the development will be visible from the surrounding area.
(b) the transfrontier nature of the impact	There are no transfrontier impacts associated with the proposed development.
(c) the magnitude and complexity of the impact;	There will be temporary impacts during the construction phase, which will be localised. These may include such matters as traffic, noise, and dust. A Construction Management Plan has been submitted as part of the CRTBO.  The introduction of new housing and increase in the number of commercial units will lead to an increase in transport demand and movements in the area. The vast majority of these will be undertaken by foot.
(d) the probability of the impact;	The temporary impacts are very likely, but will be managed through a Construction

	Management Plan, and a Travel Plan for when the development is operational. This will ensure that any impact is minimised.
(e) the duration, frequency and reversibility of the impact.	Construction activities will be temporary and phased to ensure minimum disruption to local residents and facilities.

3.73 It is concluded both by the applicant, and by Camden Council in the Screening Opinion (ref: 2016/5631/P) that the proposals do not constitute EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). A copy of the Screening Opinion and response is attached in Appendix G.

*Conservation (Natural Habitats) Regulations 1994*

3.74 The Conservation (Natural Habitats) Regulations 1994 implement the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora. This is known as the 'Habitats Directive'. The Habitats Directive has established a network of nature conservation sites known as the Natura 2000 network. The network includes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). An Appropriate Assessment (AA) is a formal assessment of whether a plan or project is likely to have a significant or an adverse impact on the integrity of a Natura 2000 site.

3.75 The Department of Communities and Local Government has published draft guidance on Planning for the Protection of European Sites: Appropriate Assessment. The draft guidelines set out three key stages of assessment under the Habitats Regulations as follows:

1. Screening Assessment - likely significant effects (AA task 1)
2. Appropriate Assessment & ascertaining the effect on site integrity (AA task 2)
3. Mitigation and alternative solutions (AA task 3).

3.76 The Screening Assessment for the proposed Submission Site Allocations document determines if the document is likely to have any significant effects on the conservation objectives of a Natura 2000 site. The assessment demonstrates whether tasks 2 and 3 of the Habitats Regulations Assessment will be necessary.

3.77 Camden’s Site Allocations Habitats Directive Assessment document (2012) provides a Screening Assessment of Camden’s allocated sites. The Screening Assessment for Phoenix Place considered that the allocation of the site would not be likely to have significant effects on the sites of European importance for habitats and species, or an adverse impact on the integrity of the sites. The Screening Assessment concluded that ‘concentration of development in urban areas will not affect European Sites and will help to steer development and land use change away from a European Site and associated sensitive areas.’ Therefore, it was not found to be necessary to carry out Task 2 or Task 3 of the Habitats Regulations Assessment, as the development site would not be likely to have a significant impact upon sites of European importance for habitats and species.

3.78 It is noted within the attached Ecology Statement that:

*‘The Site is not subject to any statutory or non-statutory designations. It is considered that the implementation of a CEMP during the construction phase would adequately mitigate for any effects to statutory or non-statutory sites within proximity to the Site as a result of the proposed Development’*

- 3.79 It is concluded within the Ecology Statement that there is no evidence that the MPA proposal will have a negative impact on ecology and biodiversity. The MPA’s proposal is considered to have the same impact as the RMG’s extant permission proposal that there is negligible impact on the site with the potential of a net ecological benefit.
- 3.80 The Environment Agency and Natural England did not respond to the Regulation 21 consultation undertaken between 9 May 2016 and 20 June 2016. However Natural England responded to the RMG proposal stating that ‘the proposal was unlikely to affect any statutorily protected species or landscape. The proposals would be unlikely to affect any European protected special (based on current information).
- 3.81 The Environment Agency also responded to the RMG proposal to raise no objection however if permission was granted then a condition reserving details of surface water drainage be imposed.

*Human Rights Act*

- 3.82 In making planning decisions both Council’s and applicants should be aware of and take into consideration the implications which may arise from the Human Rights Act (1998). Under the Act it is unlawful for any public body to act in a manner which is incompatible with the European Convention on Human Rights. Specifically, Article 8 (right to respect for private and family life) and Article 1 of the first protocol (protection of property) are relevant to planning. It is not considered that the recommendation to grant permission in this case interferes with local residents’ right to respect for their family life, homes, and correspondence except insofar as it is necessary to protect the rights and freedoms of others (in this case the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest. The consequences of approving this Order are considered proportionate to the application based on the evidence and considerations contained within the proposal justification.
- 3.83 As such, the making of the order does not breach the relevant EU obligations, in accordance with the condition set out at paragraph 8(2)(f).

**g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order**

- 3.84 Regulation 21 of the Neighbourhood Planning (General) Regulations 2012 sets out requirements that a qualifying body needs to meet before submitting an order proposal.
- 3.85 Regulation 21 states that before submitting an order proposal, a qualifying body must:
- a) Publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—
    - i. details of the proposals for a neighbourhood development order or community right to build order;
    - ii. details of where and when the proposals may be inspected;
    - iii. details of how to make representations; and
    - iv. the date by which those representations must be received, being not less than 6 weeks from the date on which details of the proposals are first publicised;
  - b) consult –
    - i. any consultation body referred to in paragraph 2(1)(a) to (c) of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a

- ii. Neighbourhood Development Order or a Community Right to Build Order; and where the qualifying body considers the development to be authorised under the proposed Neighbourhood Development Order or Community Right to Build Order which falls within any category set out in the Table in paragraph 2 of Schedule 1, any consultation body mentioned in the Table in relation to each of those categories; and
- iii. any person who, on the date 21 days before the order proposal is submitted under regulation 22, the qualifying body considers to be –
  - an owner of any of the land which is proposed to be developed under the order proposal; and
  - a tenant of any of that land; and
- c) send a copy of the proposals for a Neighbourhood Development Order or a Community Right to Build Order to the local planning authority.

3.86 In accordance with Regulation 21, a programme has been set out to publicise and consult on the order, prior to its submission. The order has been publicised in the local area to bring it to the attention of those who live or work in the area. The following methods were used to publicise the order:

- An email sent to the MPA mailing list with the following information:
- A site notice with the following information;
  - o Description of development;
  - o Dates of consultation window;
  - o Details of how to make representations;
- Link to the CRTBO website, which will have links to the following uploaded material:
- Draft Design Statement written by MPA, including the following headings:
  - o Background and wider context;
  - o Masterplan principles;
  - o Consultation approach;
  - o Constraints;
  - o Movement;
  - o Amount of development;
  - o Proposed layout;
  - o Amenity;
  - o Access;
  - o Appearance and character;
  - o Landscaping;
- The following drawings:
  - o A map which identifies the land to which the order relates (existing site plan);
  - o Proposed block diagram;
  - o Proposed lower ground floor plan;
  - o Proposed ground floor plan;
  - o Typical upper floor plan;
  - o Sections;
  - o Phoenix place 3D visuals x 2;
  - o Gough Street/Mount Pleasant 3D visual;
  - o Isometric aerial visuals x 3; and
  - o Accommodation schedule; and
- Latest Exhibition Boards.

The order has been consulted on for a period of six weeks, in accordance with the requirements set

out under Regulation 21.

3.87 Regulation 22 sets out the documents that are required to be submitted with an order proposal.

3.88 Regulation 22 states that where a qualifying body submits an order proposal to the local planning authority it must include –

- a) a map which identifies the land to which the order proposal relates;
- b) a consultation statement;
- c) the proposed neighbourhood development order or community right to build order;
- d) where the qualifying body considers it appropriate, following consultation with the Historic Buildings and Monument Commission for England (known as English Heritage), an archaeology statement;
- e) a statement explaining how the proposed neighbourhood development order or a community right to build order meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act; and
- f) in the case of a proposal for a community right to build order, details of the enfranchisement rights(a), if any, which the qualifying body proposes are not exercisable and the properties, or types of properties, in relation to which to the enfranchisement rights are not exercisable.

3.89 In accordance with Regulation 22, the order proposal includes the following documents:

- Covering letter including a statement of enfranchisement rights;
- A map which identifies the land to which the order proposal relates;
- A consultation statement;
- The proposed Community Right to Build Order;
  - o Description of development;
  - o Proposed drawings:
    - Site plan & ground floor layout
    - Basement plan
    - Typical upper floor plan
    - Sections
    - Visuals
  - o Design statement;
  - o Consultation statement
- The following supporting documents:
  - o Air Quality statement addendum;
  - o Archaeology statement;
  - o Basement impact assessment addendum;
  - o Construction management plan;
  - o Daylight and sunlight report;
  - o Energy statement;
  - o Heritage assessment
  - o Light assessment;
  - o SUDS statement;
  - o Transport statement; and
  - o Viability statement.

3.90 Advice was sought from the London Archaeological Advisory Service and Historic England in order to understand the details required to be submitted with this Order. As acknowledged in their response an archaeological statement should be submitted with an application and has been done so with this

Order. It was agreed by GLAAS that no further ground investigations would be necessary before the determination of the Order.

- 3.91 As such, it is considered that the proposal is in accordance with the condition set out at paragraph 8(2)(g).

## **4.0 Conclusions**

- 4.1 In conclusion, it is considered that the proposed Community Right to Build Order meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), for the reasons set out in this statement.

# Appendices

- A. Demonstration of Community Organisation
- B. Map of nearby listed buildings
- C. GLA committee report  
Camden committee report for extant permission
- D. P2013/1423/FUL  
Map of the Hatton Cross Gardens Conservation
- E. Area
- F. London Plan (2016) policy matrix assessment
- G. Camden Development Plan policy matrix  
assessment
- H. Camden Council's Screening Opinion and  
accompanying report

A. Demonstration of community Organisation

- B. A map of Listed Buildings around the site

C. GLA committee report

- D. Camden committee report for extant permission P2013/1423/FUL

E. Map of the Hatton Cross Gardens Conservation Area

F. London Plan (2016) policy matrix assessment

G. Camden Development Plan policy matrix assessment

H. Camden Council's Screening Opinion and accompanying report