

Independent Examination of the Camley Street Neighbourhood Plan Camden Council Planning Service comments on the Neighbourhood Forum's letter to the Independent Examiner (dated 19 December 2019)

LB Camden's planning service wishes to set out its position in relation to the points made in the Camley Street Neighbourhood Forum's response to the Independent Examiner's questions to the Forum. This explains the extent to which we consider the Forum's suggested changes address the concerns previously raised by our representation.

We respond initially to the points raised by the Forum about the status of the new London Plan and its relevance to the Basic Condition tests. We then set out our views on the Forum's suggested changes to individual plan policies and indicate potential further changes that could be made to address concerns.

The Examiner's letter of 28 November 2019 mentions the possibility of a Statement of Common Ground with the Forum. We would be happy for these comments to form the basis of a Statement of Common Ground.

Any comments that the Council wish to make in its capacity as a landowner in the Camley Street area will be forwarded separately.

General conformity with the London Plan and ability to meet the Basic Conditions

- i. The response from the Forum cross-references the GLA's representation to the Examiner (25th October 2019) which states: *"Given the timing it is likely that the neighbourhood plan will need to be in general conformity with the new London Plan. In addition, the Draft London Plan and its evidence base are now material considerations"*. The Council considers that this statement to be only partially correct.
- ii. The Localism Act provides the statutory tests for neighbourhood plans – the 'Basic Conditions' in Schedule 10, section 7. This states the draft order/Plan meets the basic conditions if, inter alia - *"(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)."*
- iii. National Planning Practice Guidance (NPPG) assists the interpretation of this test where it explains how decision makers should deal with plans at different stages of the plan making process. It is clear that a neighbourhood plan *"must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition"* (Paragraph: 009 Reference ID: 41-009-20190509 - our emphasis).

- iv. The new London Plan, while at an advanced stage, remains an emerging document - it does not yet form part of the development plan in force in the neighbourhood area. Therefore, it is not of primary relevance in establishing whether the draft Neighbourhood Plan meets this Basic Condition. The London Plan currently in force is the [London Plan March 2016 \(consolidated with alterations since 2011\)](#). We consider that the strategic policies most pertinent to establishing whether the relevant Basic Condition is met are set out in the Camden Local Plan: Policy G1 'Delivering and location of growth', Policy E2 'Employment sites and premises' and housing policies H1 'Maximising housing supply', H2 'Maximising the supply of housing from mixed-use schemes' and H4 'Maximising the supply of affordable housing' are considered to be especially relevant to the scope of this neighbourhood plan.
- v. We agree with the statement that the Draft London Plan and its evidence base is a material consideration and should be taken into account but this does not displace the centrality of the Camden Local Plan and London Plan 2016 as the documents against which the Neighbourhood Plan must be assessed for the purposes of the Basic Condition test. This distinction between an emerging development plan document and an adopted plan is made explicit in the NPPG:
"...Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested" (Paragraph: 009 Reference ID: 41-009-20190509).
- vi. On this basis, the new London Plan cannot be given more weight in decision making than the the current London Plan 2016 or the Camden Local Plan, which, as it was adopted in July 2017, contains the most recently adopted policy for the neighbourhood area

Question One

Policy CS EM1

- 1.1 We broadly welcome the modifications to Policy CS EM1 suggested by the Forum, although we consider some further amendments are necessary to ensure it fully meets the basic conditions in terms of general conformity with strategic policies and consistency with NPPF (in particular para 16 (b) and (d)).
- 1.2 We generally welcome the rewording of criterion (a) to read: "*Development proposals involving the redevelopment and/or intensification of existing employment sites: (a) Must ensure that the amount of employment floorspace present on site is maintained and preferably increased*". We consider that this better aligns with the strategic approach in the Local Plan as set out in Policy E2 which states that higher intensity redevelopment of premises or sites that are suitable for continued business use be considered provided that the level of employment floorspace should be increased or at least maintained (criterion c).

The suggested modification also better aligns with Paragraph 81 of the National Planning Policy Framework which “*encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration*” and “*be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., and to enable a rapid response to changes in economic circumstances*”.

- 1.3 However, unlike Local Plan Policy E2, the neighbourhood plan policy does not provide the flexibility to consider circumstances where it can be demonstrated that a site is no longer suitable or viable for a continued or alternative business use. Therefore further modification, for example by including a reference to criteria a) and b) of Local Plan policy E2, is necessary to ensure that the policy is fully in general conformity with the strategic approach to employment sites set out in the Camden Local Plan.
- 1.4 We generally welcome the proposed modification to criterion (b), but consider that additional rewording is necessary for the policy to be deliverable, clear and unambiguous, in line with para 16 of the NPPF. The reworded criterion b) expects employment floorspace to meet the varied requirements of a wide range of industrial / warehousing uses. While this is appropriate for large scale redevelopment schemes, providing all of the types of industrial / warehousing space mentioned in the policy is unlikely to be deliverable on smaller development sites (especially alongside objectives to also deliver significant housing and supporting uses) and therefore as drafted the reworded criterion b) would frustrate development coming forward on smaller scale employment sites in the area. Further modified wording to provide suitable flexibility for smaller sites should be included in the Plan.
- 1.5 Including reference to at the end of criterion (b) to “*low-cost industrial and related space for micro, small and medium-sized enterprises*” introduces a level of confusion and uncertainty about how this relates to the rest of the criterion and to the proposed amended criterion d) which refers to provision of affordable rents. To ensure the wording is clear and unambiguous so it is evident how it would apply to development proposals we suggest that reference to low cost industrial and related space is removed from criterion b) - i.e. “...flexible (B1c/B2/B8) hybrid space, and ~~low-cost industrial and related space for micro, small and medium-sized enterprises.~~”
- 1.6 We do not have any additional comments to make about criterion c) but note that the Forum’s suggested wording for criterion b) leads to some duplication with criterion c).
- 1.7 We support the Forum’s proposal to delete criterion d) of the policy as set out in the Submission Draft.

- 1.8 The Forum's letter includes two slightly differently worded versions of proposed modifications to the renamed criterion d) (i.e. the former criterion e) in the Submission Draft) – on page 5 and as part of the draft policy on page 6. We assume that the wording on page 6 as part of the full amended policy wording is that which is intended and would welcome this modification.
- 1.9 The Council also welcomes the Forum's proposed rewording of the final paragraph of Policy CS EM1 in line with the suggested change set out in our response to the Submission Draft Neighbourhood Plan.

Policy CS EM2

- 1.10 The Forum's proposed modifications to this policy do not adequately address the concerns Camden Planning Service and others raised in their responses to the Submission Draft Neighbourhood Plan. The amended policy looks to guarantee that all existing businesses be found an alternative replacement site within the Camley Street area or on "another suitable alternative site". It is not the role of a planning policy document to provide such undertakings for individual businesses, nor commit landowners, developers or the Council to provide alternative accommodation if a site is redeveloped. Therefore the approach still fails to be in conformity with Policy E2(d) of the Camden Local Plan which states that redevelopment should retain "*existing businesses on the site as far as possible, and in particular industry, light industry, and warehouse/logistic uses that support the functioning of the CAZ or local economy*". This provides the flexibility to allow for the design, layout and configuration of individual sites/premises to respond to the needs of a range of occupiers. Camley Street is a non-designated industrial location which the Local Plan has already established should be suitable for a range of alternative uses and the policy approach needs to have the flexibility to determine the degree to which existing light industrial/logistics uses are reprovided within it.
- 1.11 It is inappropriate for planning policy to be used to try to control commercial rental levels. Rents must necessarily be set based on locational and time specific factors including the condition of alternative premises, location, length and terms of lease etc.. Therefore, notwithstanding the Forum's proposed modified wording, the Council maintains its objection to this element of the plan and suggests that references to rental levels be deleted from policy CS EM2.
- 1.12 Should the reference to rental levels in the first part of the policy be retained further amendments would be required. The Forum proposes to replace "average Greater London" rental levels with reference to "open market" rental levels in the second sentence. However, the policy still specifies that these are light industrial rental levels. Not all of the premises that this applies to are light industrial and it would not be appropriate to apply light industrial rents to other types of employment uses.

- 1.13 We retain our objection to the ongoing reference to “*comparable average Greater London light-industrial rental levels*” in the last part of the policy for the reasons set out above.
- 1.14 The Council does not object to the Plan indicating businesses considered to support the CAZ or have links to Camden’s economy; however, the nature and role of individual businesses can change over time and therefore, in the future, this list will not on its own be sufficient to reliably guide a decision maker on a planning application.
- 1.15 The Council would still need to see evidence at the time an application is submitted to establish that links to the Camden economy and CAZ functions remain and to assess the role potential new business space could play in supporting these, as well as taking into account the nature of the proposals and the delivery of other planning objectives. This should be recognised in the plan, to ensure it is evident how the decision maker should react to development proposals, in accordance with NPPF para 16.

Question Two

- 2.1 We have no comment to make on this response other than that we agree with the description of the relationship between supplementary planning guidance and the development plan in the second paragraph of the Forum's response to this question.
- 2.2 The Draft Canalside to Camley Street SPD has been approved for consultation by the Council’s Cabinet and can be viewed on our website:
<https://www.camden.gov.uk/en/canalside-to-camley-street-draft-supplementary-planning-document-spd->
- 2.3 As stated on the Council's website the SPD is intended to complement other plans – i.e. the Camley Street Neighbourhood Plan and LB Camden’s Site Allocations Local Plan.
- 2.4 Public consultation on the Site Allocations Local Plan is intended to commence in February 2020, while consultation on the Camley Street SPD is currently planned to commence at a similar time, anticipating the conclusion of the Neighbourhood Plan examination.
- 2.5 For clarification - There is a reference to a masterplan in one of the representations on the neighbourhood plan. This relates to future work involving the Council as landowner and adjacent landowners to collaboratively explore development options and is separate to the SPD.

Question Three

- 3.1 We welcome the Forum's proposed rewording of clause (b) of Policy CS HO1 in line with the suggested change set out in our response to the Submission Draft Neighbourhood Plan.

- 3.2 We maintain our representations on clause (a) of Policy CS HO1 and supporting paragraph 6.11.3 set out in our response to the Submission Draft Neighbourhood Plan.
- 3.3 We object to the Forum's proposed changes to clause (a) of Policy CS HO1 and supporting paragraphs 6.11.3 (commencing " *The Forum also appreciates the value of mixed communities...*") and 6.11.5 (commencing " *The Plan's intention is to encourage housing that is genuinely affordable...*"). Specifically, we object to the proposed change to the final bullet point of Policy CS HO1 clause (a) from an affordable housing split of 60% London Affordable (or similar) rent / 40% London Living Rent (or similar) to a split of 70% London Affordable (or similar) rent / 30% London Living Rent (or similar), and the corresponding proposed changes to paragraphs 6.11.3 and 6.11.5.
- 3.4 The proposed split conflicts with Policy H4 of the Camden Local Plan 2017, which sets a guideline mix of 60% social-affordable rented housing and 40% intermediate housing. We consider the mix set out in the Local Plan to be a strategic policy, and thus the affordable housing split now proposed in the Neighbourhood Plan does not meet the Basic Conditions.
- 3.5 We have commented on the status of the emerging London Plan in the opening paragraphs of this submission, and acknowledge that the new London Plan is a material consideration. We note that when the new London Plan is formally published in its final form, it will *not* wholly supersede the Camden Local Plan 2017 where there is no conflict between the two plans.
- 3.6 We disagree with the Neighbourhood Forum's comment that the Camden Local Plan will need to realign itself with the London Plan in relation to affordable housing split, since we consider the Local Plan's guideline mix of 60% social-affordable rented housing and 40% intermediate housing to be consistent with the new London Plan.
- 3.7 Policy H6 of the [new London Plan – intend to publish version \(December 2019\)](#) proposes the following split of affordable products:
- 1) a minimum of 30 per cent low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes
 - 2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership
 - 3) the remaining 40 per cent to be determined by the borough as low cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.
- 3.8 In accordance with Camden Local Plan Policy H4, the Council has indicated that it will split category (3) - "the remaining 40 per cent to be determined by the borough" - to top-up category (1) (equivalent to social-affordable rent) to 60%, and top-up category (2) (intermediate housing) to 40%. The Council's adopted SPD, [Camden Planning Guidance: Interim Housing CPG](#), updated in March 2019, confirms on pages 28-29 that the Council continues to seek an affordable

housing mix of 60% social-affordable rent and 40% intermediate housing, and goes on to confirm the Council's support for London Affordable Rent and intermediate rent products. The Council has also set out its approach to "the remaining 40 per cent" in paragraph 1.6 of its formal response to the Mayor's Draft SPG - Affordable Housing and Viability submitted in February 2017 (which is attached to the email sent to the Examiner).

3.9 In accordance with the Government's planning practice guidance (paragraph ID: 41-005-20190509), we consider that viability evidence would be required to support the proposed requirement for 70% London Affordable Rent, as this exceeds the 60% social-affordable rented housing sought by Policy H4 of Camden Local Plan 2017, and could potentially undermine the deliverability of the neighbourhood plan. We note that the Camley Street Neighbourhood Plan Viability Study (May 2017, updated April 2018), which considered the development viability of Camley Street Sustainability Zone, did *not* consider a requirement for social-affordable rent exceeding 60%. The Viability Study tested the following mixes of affordable housing:

- 60% affordable rent/ 40% intermediate rent;
- 60% affordable rent/ 40% shared ownership;
- 50% affordable rent/ 50% intermediate rent; and
- 50% affordable rent/ 50% shared ownership.

Question Four

- 4.1 The Council supports the Forum's suggestion for an additional criterion to be added to Policy DQ3 requiring applicants to prepare visual representations showing the effect on strategic views where tall buildings are promoted (and crucially would avoid Figure 46 being given undue weight and allow for alternative approaches to be tested). Impacts can only be meaningfully understood in the context of a specific site and an actual development proposal.
- 4.2 For consistency with paragraph 5.31.3 and the avoidance of doubt, we suggest that the text under Figure 46: "*The suitability of tall buildings would need to be assessed through Policy DQ3*" is either amended to read: "*The suitability of tall buildings would need to be assessed through Policy DQ and Local Plan Policy D1*" or deleted.

Question Five

- 5.1 This question relates to a matter that was not raised in the Council's response in its capacity as a planning authority and therefore we have no further comment. (Any comments on this matter that the Council wish to make in its capacity as a landowner in the Camley Street area will be provided separately.)

Question Six

- 6.1 We support the proposed changes to Figure 1: The Camley Street Neighbourhood Area, and have three clarification points:

- i. The key and map shows “LBC freehold area”; however there are other sites in the Neighbourhood area where LB Camden is the freeholder, such as part of the Elm Village housing estate, the Camden Garden Centre and Camley Street Natural Park. We suggest the key is amended to state ‘LBC freehold area (employment sites)’.
- ii. The reference to “Other land ownerships” only highlights land owned by Network Rail and the Department of Transport. As there are other land ownerships across the neighbourhood area that are not indicated on the diagram, for clarity we suggest that the label is amended to read ‘Other land ownerships (on employment sites)’
- iii. The key includes Cedar Way Industrial Estate, the boundary of which is now difficult to discern on the amended plan, but appears to include the most northerly site at 120-136 Camley Street and sites at 104,106 and 108-112 Camley Street and the railway tracks, bridge and land in between. Cedar Way Industrial Estate is a distinct address relating to the estate with 30 employment units highlighted in blue below. Further correction is needed for clarity on the map and to any supporting text to remove any ambiguity about the sites that are being referred to.

