

LONDON BOROUGH OF CAMDEN	WARDS: St Pancras and Somers Town
REPORT TITLE Camley Street Neighbourhood Plan Decision Statement	
REPORT OF Director of Regeneration and Planning	
FOR SUBMISSION TO Executive Director – Supporting Communities	DATE 27th March 2020
<p>SUMMARY OF REPORT</p> <p>The Camley Street Neighbourhood Plan was submitted to the Council in August 2019 and, following a statutory publicity period, proceeded to Independent Examination. The Council must now consider the recommendations of the Examiner and decide how to proceed.</p> <p>Neighbourhood planning accords with Our Camden Plan commitments, in particular those relating to safe, strong, and open communities. Preparing a Neighbourhood Plan allows neighbourhood forums to play an active role in planning for their neighbourhood</p> <p>Local Government Act 1972 – Access to Information</p> <p>There are no documents used in the preparation of this report that are required to be listed.</p> <p>Contact Officer: Andrew Triggs, Principal Planner, Planning Policy, 5 Pancras Square, N1C 4AG. Telephone: 020 7974 8988. Email: andrew.triggs@camden.gov.uk</p>	
<p>RECOMMENDATIONS</p> <p>The Executive Director – Supporting Communities agrees:</p> <p>(i) the Examiner’s recommendations to make modifications to the Neighbourhood Plan as set out in the Council’s Decision Statement (provided in Appendix 2);</p> <p>(ii) that the Plan, as modified in the ‘Referendum version’ of the Neighbourhood Plan (set out in Appendix 3), proceeds to local referendum in the neighbourhood area.</p>	

Signed:



David Joyce
Director of Regeneration and Planning

Date: 27th March 2020

1. CONTEXT AND BACKGROUND

- 1.1 Neighbourhood Plans are statutory planning documents which can establish general planning policies for the development and use of land in a neighbourhood. Neighbourhood Plans must be prepared by a designated Neighbourhood Forum made up of members of the community, and once prepared, are subject to public consultation, independent examination and a referendum.
- 1.2 The independent examination of the Camley Street Neighbourhood Plan has ended and the Examiner's report has been issued to the Council. Prior to the Examination, two public consultations on the draft Plan were held in accordance with the Neighbourhood Planning Regulations. The second of these consultations (on the 'submission' version) was organised by the Council and took place in September - October 2019.
- 1.3 The Council appointed Ms Jill Kingaby to carry out the independent examination of the Plan to advise whether it meet various legal requirements known as 'basic conditions'. The basic conditions include that a neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area; and
 - not breach and must be otherwise compatible with, European Union (EU) and European convention on Human Rights (ECHR) obligations.
- 1.4 The Examiner can make one of three recommendations on the Plan:
- (i) that it can proceed to referendum with modifications;
 - (ii) that it can proceed to referendum without modifications; or
 - (iii) that the plan cannot be modified in a way that allows it to meet the basic conditions or legal requirements and should not proceed to referendum.
- 1.5 The Examiner's Report has been published on the Council's website and is attached as **Appendix 1** to this report. The Examiner recommends that the Camley Street Neighbourhood Plan can proceed to referendum subject to a number of modifications. The Camley Street Neighbourhood Plan is the sixth neighbourhood plan in Camden to have successfully passed the examination stage and is currently the most of any borough in London.
- 1.6 The regulations require councils to set out the actions they propose to take in response to all of the Examiner's recommendations. Officers have considered the Examiner's recommendations and the reasons for them and the Council's draft responses to them are set out in the 'Decision Statement' attached as **Appendix 2** to this report. There is also a requirement for local planning authorities to make decisions on an Examiner's recommendations, including the holding of the referendum, within 5 weeks of the receipt of the Examiner's report (or an alternative timeframe which has been agreed with the neighbourhood forum)¹. To ensure this time limit can be met, this

¹ This is set out in The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017

decision is being referred to a senior Council officer. Cabinet and full Council will still be asked to formally 'make'/adopt the Plan if it successfully passes the referendum.

- 1.7 Subject to the Executive Director's approval, the Neighbourhood Plan will be amended in line with the draft Decision Statement in **Appendix 2** and will proceed to local referendum. The referendum is expected to occur at around the same time as the Mayor of London/ Greater London Assembly elections (postponed to May 2021).

2. PROPOSAL AND REASONS

- 2.1 The independent Examiner has reviewed the Plan taking into account all of the written representations received during the consultation on the 'submission' draft plan. 75 representations were received within the consultation period from local residents, statutory bodies and other interested parties.
- 2.2 A majority of representations were received from local residents, businesses and employees writing in support of the Plan. Detailed comments were made by a number of landowners/developers, including Camden Council's Asset Strategy & Valuation team. The Council is a landowner and a developer in the Camley Street area. The Council's Planning service also submitted a representation to the Examiner. The representations can be viewed on the Council's website.
- 2.3 The Examiner decided not to hold a public hearing into the Plan as part of the examination. However, she did request that the Forum provide further information to address a number of issues (letter of 28 November 2019), including suggested revisions to policy wording. The Forum responded to the Examiner in writing prior to Christmas and the Council's Planning service provided a response to the Examiner on the Forum's suggested changes to the Plan (letter of 11 January 2020).
- 2.4 The Examiner's final report was issued on 14 February 2020 and was published on the Council website. She recommended that the Plan meets the 'Basic Conditions' (against which neighbourhood plans are tested, as per paragraph 1.3 of this report), subject to recommended changes being made to the Plan, and should proceed to local referendum.
- 2.5 The key findings / modifications suggested by the Examiner are set out below:
 - The Examiner's recommended wording refers to ensuring that "an equivalent amount of employment floorspace" is maintained and preferably increased where feasible – the wording in the submission draft version of the Plan was more specific, saying that "the amount of existing light industrial (B1c) and storage and distribution (B8) space" should be maintained and preferably increased where feasible.

- The Examiner noted that the report of the Inspectors examining the draft London Plan recommends the deletion of references to rents, because the control of rent levels for market properties is not justified or consistent with national planning policy. Therefore, she considered that references in the Neighbourhood Plan to “average Greater London rental rates” should be removed. Recommended changes would mean that a proportion of employment floorspace should be provided at affordable rents, where viable, reflecting the approach in the Camden Local Plan.
- The Examiner found that it is not possible for the Plan to provide guarantees for existing businesses of alternative replacement sites/premises where redevelopment occurs. However, businesses may be offered appropriate alternative space.
- The Examiner recommended that cross-reference be added to the need for employment proposals to meet criteria a) and b) of Local Plan Policy E2. These criteria acknowledge circumstances where the continuing use of employment premises/sites is no longer considered to be suitable or viable.
- Changes are recommended to enable consideration of the wider benefits of specific proposals, or permit development through multi-site proposals, as per the Local Plan. Premises/sites in business use should be retained as far as possible.
- Where redevelopment of employment sites/premises occurs, this should address the requirements of a range of business uses, and operational requirements. The submission draft Plan referred to the needs of existing and comparable operators. The Examiner considered this criterion should apply to major developments as it is likely to be difficult to meet this expectation on smaller sites.
- The introduction of more flexibility in relation to the use of specialist providers to manage affordable workspace is recommended.
- In the supporting text, a reference to proposals needing to retain and possibly increase the quantum of business and industrial floorspace is recommended to be replaced with text saying proposals should ‘consider how and if’ they can do this.
- The Examiner recommended that a reference to ensuring that new floorspace should meet the needs of all existing businesses is amended to say that, where possible, floorspace should meet the design and layout needs of contemporary businesses.
- A list of ‘protected’ businesses is recommended to be renamed as a ‘List of current important businesses’.
- Amended wording is recommended to allow for circumstances in which social infrastructure might relocate or is no longer required (as per the Local Plan). The submission draft Plan states that proposals involving the loss/significant harm to identified community assets should be refused.
- Amendment to the housing policy was recommended so that the target of 50% affordable housing on public land applies to schemes

of 25 or more dwellings, ensuring consistency with the Local Plan's sliding scale.

- The Plan's approach to new student accommodation was considered by the Examiner to be "fairly restrictive" but not "overly restrictive" and therefore the wording was accepted which will limit the provision of additional student accommodation in the area. Policy HO3 of the Neighbourhood Plan places a restriction on "mono-use student blocks" and in mixed-use schemes states that at least 90% of new residential units should be permanent self-contained residential accommodation (ie. this would exclude provision of shared student housing).
- Text should be amended to clarify that non-designated open spaces that are important to amenity or biodiversity should be protected, subject to consideration of the wider benefits of development schemes.
- The Examiner recommended that the design policy should be amended to read that new development should be designed to avoid overshadowing, as far as possible – the submission draft Plan says that new development should prevent overshadowing: the Examiner considered this may not be achievable given the scale of development likely to come forward.
- Amendments are recommended to the tall buildings policy to recognise the role of the Camden Local Plan (Policy D1) and the need for visual representations demonstrating how schemes would impact on strategic views. The latter addresses concerns raised by Historic England.
- Modifications are recommended to the mapping, in particular to correctly identify the extent of Cedar Way industrial estate.
- The Council's emerging supplementary planning document for Canalside to Camley Street and masterplans to be prepared by developers/landowners in the Plan area does not mean that the Camley Street Neighbourhood Plan is premature (as contended in a response to consultation on the Plan).

3. OPTIONS APPRAISAL

- 3.1 The Council is required to publish a 'Decision Statement' setting out its decision in response to all the recommendations made by the Examiner. The Examiner's recommendations on the Plan are not binding on the Council, which may choose to make a decision which differs from that recommended by the Examiner. However, any significant changes from the Examiner's recommendations would require the Council to publish its reasons and undertake a further period of public consultation (Forums are also able to refer such changes to the Secretary State to consider). The draft 'Decision Statement' in **Appendix 2** sets out Officers' consideration of the Examiner's suggested changes to the Plan.

- 3.2 The Council's Planning service supported and advised the Forum throughout the preparation of the Plan including providing comments on a number of drafts. The Council's comments have led to a number of changes to the Plan, which provide greater flexibility to consider the circumstances and benefits provided by individual proposals and ensure policies more effectively support the delivery of Camden Local Plan's policies in the neighbourhood area.
- 3.3 Officers consider that the Examiner's report clearly sets out the reasons for making each of the proposed modifications to the Plan. It is considered that the modifications would enhance the Plan and improve its effectiveness in making planning decisions. Officers are satisfied that the Plan, as modified in light of the Examiner's recommendations, meets the Basic Conditions and all other statutory requirements.
- 3.4 The Council is also required to consider whether the Plan should proceed to referendum. The draft Decision Statement set out in **Appendix 2** indicates that with the recommended modifications made, the Plan should proceed to a local referendum. The Examiner considered that the referendum area should be the same as the Plan area.
- 3.5 It is recommended that this amended Plan is taken forward by the Council to a referendum in the neighbourhood area in line with the Examiner's recommendation. A 'Referendum version' of the Plan incorporating the modifications is provided in **Appendix 3**.

4. WHAT ARE THE KEY IMPACTS / RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 Neighbourhood Plans must meet procedural and legal requirements in order to successfully pass examination and reduce the risk of legal challenge. The Council advised the Forum throughout the plan-making process to ensure that all relevant statutory procedures were met. Neighbourhood plans need to be consistent with Camden and national planning policy and provide a policy framework that is clear and can be implemented effectively.
- 4.2 Making the proposed modifications set out in the Decision Statement in **Appendix 2** will ensure that the Plan is clear and effective as a framework for making decisions on planning applications in the neighbourhood area.
- 4.3 A Strategic Environmental Assessment (SEA) screening opinion was carried out as part of the preparation of the Neighbourhood Plan. The Council was satisfied that the Plan's draft policies were unlikely to give rise to significant effects and an SEA was not required. A screening opinion was also undertaken for Habitats Regulations Assessment which concluded the Plan was unlikely to adversely affect any European protected sites.
- 4.4 Officers also prepared an Equalities Impact Assessment (EqIA) of the Neighbourhood Plan. This found that the policies proposed in the Plan had taken into account the needs of people / groups with protected characteristics and provides a positive vision for the neighbourhood by seeking to challenge the area's poor environmental quality and by aiming to sustain and enhance the sense of community. The EqIA identified a possible negative impact from

the restrictions on student accommodation proposed by Policy HO3. However, as noted in paragraph 2.5 above, the Examiner considered this matter and found that the Plan's approach to student accommodation was not "overly restrictive".

- 4.5 The Examiner's recommended modifications and the Council's response are not considered to produce significant changes to the overall policy and strategy of the Neighbourhood Plan and therefore an SEA is not required. It is also considered that the proposed modifications do not raise any substantial issues in relation to habitats or equalities impacts.

5. LINKS TO OUR CAMDEN PLAN

- 5.1 Neighbourhood planning accords with Our Camden Plan commitments, in particular those relating to safe, strong, and open communities. The Camley Street Neighbourhood Plan shares a range of local and neighbourhood planning objectives with Our Camden Plan such as the need for good quality, affordable homes; safe, strong and open communities; a clean, vibrant and sustainable environment and supporting people to live healthy, independent lives.
- 5.2 The Neighbourhood Plan has been written by the local community with support from Council Officers and there has been effective joint working between the Council and Forum. The Plan has ensured that people who live and work in the Camley Street area have a voice in the development of plans and projects for their local area.

6. CONSULTATION / ENGAGEMENT

- 6.1 Consultation on the submission draft Plan was undertaken in September to October 2019 in accordance with the statutory requirements. Advertisements were placed in the Camden New Journal and site notices were put up across the neighbourhood area. An e-mail was sent out to all parties on the Council's planning policy contact list, which includes people and organisations within the area and the wider borough, and to Councillors. The Forum also publicised the consultation on its own website. Copies of the Plan and supporting documents were made available in Pancras Square Library.
- 6.2 The Neighbourhood Forum prepared a 'Consultation Statement' included with the documents submitted alongside the Neighbourhood Plan. This explains who was consulted and the methods used by the Forum to draw the Plan to the attention of people living, working or with an interest in the area.
- 6.3 75 representations were made to the submission draft Plan including the comments made by the Council's Asset Strategy & Valuation team and Planning service. These were considered alongside the Plan during the independent examination.
- 6.4 The Council is responsible for organising the local referendum. The referendum date has to be at least 28 clear working days after the information

statement and Plan have been published. Subject to the approval to proceed to referendum, it is expected that this will take place in 2021 (the Council's Elections Manager has indicated that polls/referendums are currently suspended due to the public health crisis).

7. LEGAL IMPLICATIONS

7.1 Legal comments have been incorporated.

8. RESOURCE IMPLICATIONS

8.1 This report seeks approval from the Executive Director of Supporting Communities to adopt the Examiners recommendations to the Neighbourhood Plan and to proceed with a referendum.

8.2 There are no significant financial implications.

9. TIMETABLE FOR IMPLEMENTATION

9.1 This report seeks the Executive Director's approval of the 'Decision Statement' set out in **Appendix 2** and agreement that the Plan proceeds to referendum. Subject to this approval, the Council must then publish and publicise the Decision Statement in accordance with the regulations. This would include publishing it on the Council's website, making it available for inspection in the library at 5 Pancras Square and notifying interested parties, including those that made representations, individuals and bodies listed on the Council's planning policy and the Neighbourhood Forum contact databases, and ward Councillors.

9.2 The Plan will then be subject to a local referendum (anticipated to be in 2021). The Council is responsible for organising the referendum. In order for the Neighbourhood Plan to pass the referendum more than 50% of the votes cast must support the Neighbourhood Plan. Once a neighbourhood plan is approved at referendum, it automatically becomes part of the statutory development plan for the area and must be given full material weight by the Council when making planning decisions.

9.3 If the Plan passes the referendum the Council is also required to 'make' (that is, adopt) the Plan and apply its policies where relevant in determining planning applications in the area, alongside other planning policies. The Plan will therefore be taken to Cabinet and then full Council for adoption in Summer/Autumn 2020.

9.4 The Council's new Site Allocations Plan (SALP) identifies Camley Street as an area where significant growth/change is expected to occur and has identified policies where further detail is considered to be of value in supporting the Local Plan and Neighbourhood Plan. The SALP identifies land uses, design principles and potential infrastructure requirements for a range of sites. A period of consultation of the draft SALP commenced on 13 February and runs until 27 March 2020. As part of this work, the Council has invited landowners/developers to identify any additional sites they consider should be included as part of this Plan. Once the consultation ends, the Council will

consider the responses made and intends to publish a final version later in the year which will be submitted to the Secretary of State for examination.

- 9.5 As referenced in paragraph 3.5, the Council is also preparing a supplementary planning document for key sites in the Camley Street area. Consultation on this new planning framework is currently postponed until further notice. Both the SALP and SPD, together with the Neighbourhood Plan, will provide clear policy expectations and guidance, assisting the delivery of the Council's Community Investment Programme (CIP)

10. APPENDICES

- Appendix 1 - Report of the Independent Examiner
- Appendix 2 - Decision Statement, showing the Council's proposed modifications to the Plan and the Council's reason for changes
- Appendix 3 - Referendum version of Neighbourhood Plan

REPORT ENDS