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Mr Benjamin Vickers
Planning Policy Officer
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Regeneration and Planning
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24.11.16

Dear Mr Vickers,

**The Neighbourhood Planning (General) Regulations 2012 (as amended)
Regulation 22 Order Proposals
Phoenix Place (South), EC1A 1BB**

Under regulation 22 of The Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Neighbourhood Planning Regulations'), I am pleased to submit, on behalf of the Mount Pleasant Neighbourhood Forum, an order proposal for a community right to build order at Phoenix Place (South), EC1A 1BB.

This order proposal includes:

1. A map which identifies the land to which the order proposal relates;
2. A consultation statement;
3. The proposed Community Right to Build Order;
 - a. Description of development;
 - b. Proposed drawings:
 - i. Site plan & ground floor layout
 - ii. Basement plan
 - iii. Typical upper floor plan
 - iv. Sections
 - v. Visuals
 - c. Design statement;
 - d. Consultation statement
4. A statement explaining how the proposed Community Right to Build Order meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act;
5. A statement of enfranchisement rights;
6. The following supporting documents:
 - a. Air Quality statement addendum;
 - b. Archaeology statement;
 - c. Basement impact assessment addendum;
 - d. Construction management plan;
 - e. Daylight and sunlight report;

- f. Energy statement;
 - g. Heritage assessment
 - h. Light assessment;
 - i. SUDS statement;
 - j. Transport statement;
 - k. Ecology Statement; and
 - l. Viability statement.
7. A 'sense check' by John Parmiter FRICS, FRSA, MRTPI

Mount Pleasant Neighbourhood Forum

The Community Right to Build Order provisions became effective in April 2012. It forms part of the Neighbourhood Planning (General) Regulations contained within the Localism Act 2011. A Neighbourhood Development Order grants permission for specific types of development in a specific neighbourhood area. It can apply to a specific site, sites, or wider geographical area. A Community Right to Build Order is a form of Neighbourhood Development Order.

This order is proposed by the Mount Pleasant Neighbourhood Forum ('The Forum'). The Forum constitutes a qualifying body for the purposes of regulation 22 of the Neighbourhood Planning Regulations.

Schedule 4c of the Town and Country Planning Act 1990 states that a 'Community Right to Build Order' is a neighbourhood development if:

- (a) the order is made pursuant to a proposal made by a community organisation,*
- (b) the order grants planning permission for specified development in relation to a specified site in the specified neighbourhood area, and*
- (c) the specified development does not exceed prescribed limits.*

In response to the above criteria it is considered that the proposal is a neighbourhood development as:

- (a) The Order is made by Mount Pleasant Neighbourhood Forum, a not-for-profit community organisation. The Mount Pleasant Neighbourhood Area, and the Mount Pleasant Neighbourhood Forum were formally designated on 4 February 2016 (appendix A) having signed their constitution on 20 August 2015 (appendix B);
- (b) The specified development is outlined on the site location plan, and discussed in greater detail in the Design Statement. The development site is within the designated neighbourhood area; and
- (c) There is no evidence to suggest the proposed development exceeds prescribed limits.

The Community Right to Build Order

The Community Right to Build Order is seen as the most suitable method of bringing forward a community development in a designated neighbourhood. Under the Localism Act (2011) Community Right to Build Orders are designed to give community to the freedom to build new homes, shops, or facilities where they want them.

Communities have to identify suitable land for a proposal, and secure local agreement for a proposal for a Community Right to Build Order. As acknowledged in the Department for Communities and

Local Government's 2010 – 2015 Policy Paper, the government is providing the funding to support communities who want to use this right. This is due to the acknowledgement regarding the prohibitive costs of a detailed planning application.

Due to the fees involved with a full planning permission, it is considered that the progression of the scheme through a Community Right to Build Order is the only practical and viable option to realise the Forum's vision.

Recent notable Community Right to Build Orders

In July 2016 a Community Right to Build Order in Totnes was subject to an independent examination. The examination was reviewing a proposal in South Hams for 99 residential units (variety of size and tenure), an energy centre, microbrewery, education facilities, a café, commercial cottage industry space, hotel, cultural space, and health and well being centre.

In total, the Order was seeking 1,204 square metres of community floor space and 6,885 square metres of commercial floor space across several different uses as discussed above. The examiner concluded that the range of uses contributes towards the achievement of sustainable development.

The examiner concluded that the scheme should proceed to a referendum.

A second notable Community Right to Build Order was examined in January 2014. This was for 76 dwellings, 200 square metres of retail space, and landscaping works in Handcross, Mid Sussex. In this instance, the examiner recommended that the Order did not progress to a referendum. This was because there was doubt as to whether an Environmental Impact Assessment would have been necessary as part of the proposals.

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. This was confirmed in an email received from Camden Council on 20 January 2016 to state the proposal is not EIA development. However, for completeness, a Screening Request was submitted to the Council prior to the submission of this Order. The Council concluded in their Screening Opinion (2016/5631/P) that the proposal does not constitute EIA development.

The Mount Pleasant Neighbourhood Forum proposal has reviewed the applicants mentioned above, and addressed concerns from examiners where necessary to ensure the proposals respond to appropriate regulations.

The scope of the proposed order

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.

The proposed description of 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.”

It is proposed that the order grants planning permission for the aforementioned description of development subject to the following conditions:

1. Prior to the commencement of development, detailed elevations showing the appearance of the buildings hereby approved must be submitted to and approved in writing by the local planning authority.
2. The development works hereby granted shall begin no later than four years from the date of the Decision Document issued following the referendum.
3. Prior to the commencement of development, details of the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: a) screening by fences, walls or other means, b) the planting of trees, hedges, shrubs or grass, c) the formation of banks, terraces or other earthworks, d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art and e) the provision of other amenity features must be submitted to and approved in writing by the local planning authority.
4. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing as recommended by the Archaeological Statement. The scheme shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
5. Prior to the commencement of development, a contamination statement, which sets out a proportionate but sufficient site investigation information (a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the ‘receptors’), must be submitted to approved by the local planning authority. If the findings demonstrate that the site is contaminated then no development shall take place until a mitigation strategy has been submitted and approved with the local planning authority and development must proceed in accordance with an approved strategy.
6. Prior to the occupation of the non-residential floor space, full details of the location and specification of extract ducting must be submitted and approved with the local planning authority and development must proceed in accordance with an approved strategy.
7. Prior to the installation of any plant and ventilation equipment hereby approved, full details of a scheme for acoustic isolation and anti-vibration measure, including manufacturer

specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. Installation shall not precede other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers’ recommendations.

8. Prior to the commencement of works, a report detailing measures to minimise the exposure of the development’s future occupiers to air pollution with details for a ventilation strategy shall be submitted to and approved in writing by the local planning authority.
9. The non-residential floorspace within the Order hereby approved shall only be used for the purposes of uses outlined within Use Classes A1, A3, and D1 and no other purposes of the Town and Country Planning (Use Classes) Order 1987.
10. Prior to occupation of the non-residential floor space, the applicant shall agree in writing a commitment to provide 250 square metres of non-residential floor space to a community group at less than market value.
11. Prior to the commencement of the development the applicant shall submit and have agreed in writing, a Delivery Servicing Plan to the Local Planning Authority. The scheme shall progress in accordance with the agreed Delivery Servicing Plan.

Flood risk

The site is not within an area at risk of flooding (flood zone 1). Flood zone 1 is land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding.

Pre-submission consultation and publicity

Pre-submission consultation and publicity was carried out in accordance with regulation 21 of The Neighbourhood Planning Regulations. A consultation statement is submitted with this order proposal, which:

1. Contains details of the persons and bodies who were consulted about the proposed Community Right to Build Order;
2. Explains how they were consulted;
3. Summarises the main issues and concerns raised by the persons consulted; and
4. Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed Community Right to Build Order.

Site area

The site area is 0.43 hectares.

Residential units

The proposal includes the gain of residential units, as shown on the table below. The mix of affordable and market units is yet to be determined.

Residential units	1 bed	2 bed	3 bed	4+bed	Total
Houses					
Flats and maisonettes	19	69	37	-	125
Live-work units					
Cluster flats					
Sheltered housing					
Bedsits/studios					

Unknown type					
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The total net gain of residential units is 125.

Non-residential floorspace

The proposal involves the gain of non-residential floorspace as shown on the table below.

Use class	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross internal floorspace proposed (including change of use)(square metres)	Net additional gross floorspace following development (square metres)
Non-residential			Flexible	Flexible
Total	0	0	1,200	1,200

It is requested a condition be attached to the proposed development restricting non-residential commercial floor space to Use Classes A1, A3, and D1 as demonstrated by condition 8 above.

Employment

The proposal will create net additional jobs as shown on the table below.

	Full-time	Part-time	Total full-time equivalent
Existing employees	0	0	0
Proposed employees	Subject to final use class	Subject to final use class	Subject to final use class

Hours of opening

The proposed hours of opening of each non-residential use are shown on the table below.

Use	Monday to Friday	Saturday	Sunday and Bank Holidays
Non-residential commercial	To be confirmed	To be confirmed	To be confirmed

Existing use

The current use of the site is a car park associated with the Sorting Office. The site is not known to be contaminated.

Ownership

To the best of my knowledge, the site is currently owned by Royal Mail Estates Limited and the local highway authority.

Site visit

The site can be seen from a public road.

Statement of enfranchisement rights

The Neighbourhood Planning (General) Regulations 2012 Regulation 22(1)(f) requires that Mount Pleasant Association, as qualifying body, provides detail of the enfranchisement rights, as defined in paragraph 11 of Schedule 4C to the 1990 Act, which, if any, are not exercisable in relation to the proposals. In respect of the development proposed in this Order:

1. Enfranchisement rights including: a) the right under Part 1 of the Leasehold Reform Act 1967 to acquire the freehold of a house (enfranchisement), and; b) the right under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats), and; c) the right under section 180 of the Housing and Regeneration Act 2008 (right to acquire social housing) are not exercisable in respect of the affordable dwellings to be developed.
2. The purpose of the restriction is to ensure the maintenance of a stock of affordable homes for the benefit of the local community in perpetuity.

'Sense check'

As part of the consultation exercise undertaken through the creation of this CRtBO, a review of the documents was undertaken by John Parmiter FRICS FRSA MRTPI. Within the 'sense check', submitted as part of the application documents, it is concluded that the CRtBO is an appropriate route to progressing the scheme; the scheme is believed to be able to deliver a level of affordable housing (but below that sought through adopted policy), and the Basic Conditions Statement is an acceptable basis for the submission of the order.

I trust that the proposed order complies with the Neighbourhood Planning Regulations but should you require any further information then please do not hesitate to contact me.

Yours sincerely



David Maddox
Managing Director

cc: Edward Denison, Mount Pleasant Neighbourhood Forum
Nicholas Boys-Smith, Create Streets
ref: 00231



Date: 20 January 2016
Your Ref: 00231
Our Ref: 2016/0208/P
Contact: Michael Cassidy
Direct Line: 020 7974 5666
michael.cassidy@camden.gov.uk

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Dear Mr. Maddox,

**Community Right to Build Order
Site at Mount Pleasant Sorting Office, Farringdon Road, EC1A 1BB**

I write with reference to your proposed Community Right to Build Order (CBTRO) proposals at the Mount Pleasant Sorting Office site comprising redevelopment to provide 125 residential units, 920sqm of commercial floorspace (Use Classes A1 and A3), and 250sqm of floorspace for community facilities (Use Class D1) and associated public realm improvements.

It is expected that the Mount Pleasant Neighbourhood Area and Forum will be formally designated on 4 February 2016, after which the forum are free to begin the process of submitting a CRTBO.

The following comments are therefore provided by the Council to assist in developing your proposals prior to the plans being published for consultation under regulation 21 of the Neighbourhood Planning Regulations (2012). Please regard these comments as informal at this stage. The Council will provide a formal submission in response to the regulation 21 consultation.

The comments have been made to assist in ensuring that the CRTBO will be in general conformity with the National Planning Policy Framework and Camden's strategic policies as required by the regulations.

Affordable housing:

Under London Plan Policies 3.10, 3.11 and 3.12, Camden Policies CS6 and DP3 and CPG2 (Housing), the borough should seek to maximise affordable housing provision with a contribution towards affordable housing being sought in development schemes providing 10 or more units. Policy DP3 states that the Council will negotiate the development of individual sites to seek the maximum reasonable amount of affordable housing and in doing so will take into account the economics and financial viability of the development including any particular costs associated with it.

Policy 3.12 of the London Plan seeks the maximum reasonable amount of affordable

housing when negotiating on individual housing schemes but states that the objective is to encourage rather than restrain residential development. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.

Quantum

A target of 50% affordable housing should be achieved based on a 125 unit scheme (to be calculated on Gross External Area (GEA)). Should the proposed level of affordable housing be below this target, a detailed financial viability assessment would need to be provided to justify a lower provision on-site.

Tenure

Policy CS6 sets a target mix of 60% social-affordable rented and 40% intermediate tenure for affordable housing provision within the borough. In the social-affordable rented elements, the Council would like to see all units at target rents given the high land values here. As a minimum, larger units (3-bedroom+) at target rent levels would be sought with smaller units at no more than the Local Housing Allowance cap.

In the intermediate tenure, there is significant concern with regard to the affordability of shared ownership, particularly in a high value area such as this. The Council would therefore encourage alternative models of intermediate – e.g. intermediate rent set at levels that are affordable to those on incomes ideally at CPG2 target levels (£30,000 for 1-bedrooms/£40,000 for 2-bedrooms) but at the least well under the Mayor's Income Caps for intermediate housing.

Unit Mix

For social-affordable rent, policy DP5 requires 50% larger units in this tenure which reflects housing needs. For intermediate units, the Council would ideally want only smaller unit sizes focused around 1-bedrooms but would also consider studio units and 2-bedroom units aimed at sharers.

Layouts

It is appreciated that the proposals are at an early stage and the drawings received therefore only show indicative floor layouts. The proposed residential units should be designed to meet the London Plan minimum space standards set out in the Technical Housing Standards. Further detail on the layout of the proposed residential units, in particular the positioning of all window openings, would be required to fully consider access to daylight and whether acceptable light levels would be provided for future occupiers. The quality of access in terms of communal entrances, safety and crime prevention would also be important considerations.

The proposal should be re-designed to maximise the number of dual aspect units on the site. At present, it appears from the floor plans submitted that many of the units would be single aspect. The Council would also seek to secure 10% of the units in the social-affordable rented tenure as wheelchair adapted. These units would each require a dedicated parking bay.

Design & Heritage:

The NPPF (paragraphs 17, 56 and 57), the London Plan (Policies 7.1 to 7.8) and Camden's Core Strategy (Policies CS14, CS17), Development Policies (DP24) and Camden Planning Guidance 1 (CPG1) place great emphasis on conserving heritage assets in a manner appropriate to their significance and the importance of good design. CPG1 seeks "excellence in design" in Camden. Policy at all levels require buildings, streets and spaces to respond in a manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and the general character of the location.

The NPPF also states that, in determining planning applications where heritage assets are involved, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, as well as the desirability of new development making a positive contribution to local character and distinctiveness. The London Plan also requires, at Policy 7.8, that development affecting heritage assets conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Camden policy DP25 also seeks to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.

Paragraph 129 of the NPPF advises that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 132 of the NPPF also advises that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

The extant planning permission (ref. 2013/3807/P) covering both the CRTBO site and the remaining three quarters of the wider Mount Pleasant Site proposes the construction of a series of 10 buildings ranging in height from 3 to 15 storeys to contain residential, office, retail and community floor space. In total, 681 residential units are proposed comprising 336 units on the Calthorpe Street site (within Islington), with 345 units on the Phoenix Place site (within Camden). Non-residential uses comprise 4,260sqm (GIA) of office space with 2,250sqm (GIA) of flexible retail and community floor space.

On the Phoenix Place site, the scheme is made up of five main elements in four building 'plots', together with enabling works that are connected to the retained Mount Pleasant

Sorting Office operations. This part of the development would comprise 4 separate buildings (known as Buildings A, B, C and D) in two plots. Plot P1 would comprise Building A and Plot P2 would comprise Buildings B, C and D. In total, 345 flats are proposed, comprising 5 studios, 91 one-bed, 176 two-bed, 69 three-bed and 4 four-bed units.

Plot P1 (which is not too dissimilar to the land parcel of the CRTBO order proposal) would comprise a U-shaped courtyard block (Building A) open at its northern end and fronting Gough Street, Phoenix Place and Mount Pleasant. It would have a range of building heights - the lowest being 5 storeys on the corner of Phoenix Place and Mount Pleasant. It then steps up to 15 storeys at the site's southern apex, on the corner of Gough Street and Mount Pleasant. This is the tallest building proposed on the overall site. Building A would provide 214 flats, with flexible commercial space (604sqm GEA) at ground floor level fronting Mount Pleasant.

The CRTBO proposal relates to the redevelopment of the site to include up to 125 residential units, 920sqm of commercial floorspace (Use Classes A1 and Class A3), and 250sqm of floorspace for community facilities (Use Class D1). When compared with Building A of the extant permission it would be lower in height (4 to 8 storeys as opposed to 5 to 15 storeys), step forward closer to Mount Pleasant and result in 89 fewer residential units (592 units in total across the Mount Pleasant Site) with an increase in non-residential floorspace of 566sqm at ground floor level.

It is noted that during the course of planning application 2013/3807/P, the proposal was amended to set the building line of the development further back from Mount Pleasant in order to reduce the impact of the development on the setting of the listed terrace opposite. The CRTBO proposal would bring the building line forward again and may therefore have a greater impact on the setting of the listed terrace than the extant planning permission scheme.

Satisfactory outlook and privacy would also need to be provided for future residential occupiers with no undue loss of privacy or overlooking to the detriment of future occupiers of the development. At present, it would appear that in the absence of an area separating the ground floor residential units from the communal landscaped area, access pathways and proposed commercial units, as shown on Drawing SK101, the proposal would fail to provide a satisfactory standard of accommodation for future occupiers with a lack of privacy and undue noise and disturbance from the use of these areas.

Cycle Parking:

Policies CS11 and DP18 seek to promote cycling within the borough by improving cycling facilities and increasing the availability of cycle parking. Although cycle parking seems to have been provided for the residential units, no provision appears to have been made for the commercial units. Furthermore, the drawings appear to indicate that only circa 80 cycle spaces would be provided for the residential units. This would result in a shortfall of at least 45 cycle parking spaces. Details of the minimum cycle parking provision expected are contained within Appendix 2 of the Council's Development Policies document.

In order for cycle parking to be considered acceptable at basement level, the access ramp would need to be step free with a gradient of 1:20 and the lifts would need to be designed to have a minimum size of 2m by 2m to allow bicycles to be easily manoeuvred in and out.

Refuse collection:

Policy CS18 and CPG1 are relevant with regards to refuse and recycling storage. The proposal should fully detail where refuse and recycling would be stored and what the strategy would be for collection. This would be set out within a Delivery and Servicing Management Plan.

Five separate refuse storage areas are shown on the drawings submitted. It is, however, unclear which of the refuse stores would be provided for the residential units and what servicing arrangements would be made for the proposed retail and community use units on the site. Please note that shared refuse arrangements are not considered acceptable and there should be separate residential and commercial stores. You are advised to discuss refuse store arrangements with Ann Baker in the Environmental Services Section (Ann.Baker@Camden.gov.uk or 020 7974 8998). Separate recycling storage areas should also be provided.

Masterplan:

Our current understanding is that the proposed CRTBO will form part of larger scheme. It would therefore be helpful if an indicative master plan could be provided to us to assist our understanding of how the proposal will sit within the wider scheme.

Cross boundary issues:

Although the vast majority of the site is located within Camden, the boundary line to the north of the site (along Phoenix Place) appears to extend slightly over the local authority boundary into Islington. As drawn therefore, the proposed CRTBO may technically need to be approved by both boroughs and relevant planning policies in Islington would also need to be taken into account. From the information submitted it is not clear why the boundary extends across Phoenix Place. If there are reasons for this then it would be useful to discuss this with the London Borough of Islington. Otherwise it is suggested the boundary is amended to avoid the need for a joint referendum/decision and the resource implications and further complications this would add, particularly given that is unlikely any development would be taking place on Islington's side. For the avoidance of doubt the borough boundary runs down the middle of Phoenix Place; a large scale map can be provided showing the precise boundary if that would be helpful.

Should any further information or clarification of the above be required, please do not hesitate to contact me on 020 7974 5666 or my colleague Benjamin Vickers (Planning Policy Officer) on tel: 020 7974 1573 and email: ben.vickers@camden.gov.uk

Yours sincerely,

Michael Cassidy
Principal Planner
Regeneration and Planning
Culture and Environment

Mount Pleasant Neighbourhood Forum

Constitution

1. Name, Geographic Area & Tenure

- 1.1 The Neighbourhood Forum is known as the **Mount Pleasant Neighbourhood Forum** (herein referred to as the **Forum**).
- 1.2 The Area Boundary shall be the area within the designated Neighbourhood Area and may be changed by the Forum Executive as it considers necessary from time to time and will be finally determined on designation by the relevant authorities. The Area falls within the boundary of the London Boroughs of Camden and Islington and is contained in the wards of Holborn & Covent Garden, Clerkenwell and Kings Cross.
- 1.3 The Forum will be governed in accordance with Neighbourhood Planning Regulations 2012. <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>
- 1.4 The Forum shall exist for 5 years from its formal designation by Camden and Islington Councils, and at its AGM at the end of year 4 (2018) the Forum will give consideration to a continuing or successor organisation to maintain and monitor the Forum.

2. Purpose

- 2.1 The Forum is established for the express purpose of promoting and/ or improving the social, economic and environmental well-being of individuals living and working in the area including promoting the carrying on of trades, professions or other businesses, primarily through the development and implementation of a Neighbourhood Plan and such other purposes as the Forum may from time to time decide.
- 2.2 Promote sustainable development in the neighbourhood area (sustainable development means 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs').
- 2.3 Enable residents, landowners, occupiers and workers to discuss local issues and to help representation of their views in decisions affecting the area
- 2.4 Help to create, maintain and foster good relations between all the stakeholders which share the area.
- 2.5 Help to preserve and enhance the integrity of the conservation area.
- 2.6 Do anything else which is lawful for the attainment of the ends above including raising funds.

3. Governance & Structure - Forum, Management & Liability

- 3.1 The Forum must have a minimum of 21 members at all times.
- 3.2 The Annual General Meeting of the Forum is the sovereign decision making body and gives legitimacy to the Management Committee.
- 3.3 The Forum shall be managed by an Executive, who shall be elected at the Annual General Meeting (AGM).
- 3.4 Unless expressly provided otherwise, the liability of all members of the Forum for their respective obligations and liabilities in tort contract or otherwise shall be several and shall extend only to any loss, liability or damage arising from their own acts or omissions.
- 3.5 Where more than one of the members is liable for the same obligation or liability, liability for the total sum recoverable shall be attributed to the relevant persons in equal shares.
- 3.6 Under expressly provided otherwise, under no circumstances shall members be jointly liable for any loss, liability or damage arising from any of their acts or omissions.
- 3.7 Unless otherwise agreed by a unanimous vote of the members. No Management Committee Member shall have the power or authority to enter into any third party contractual or other legally binding agreements on behalf of the members, and or any of the other Committee members.
- 3.8 Any contracts entered into on behalf of the Forum, and or registered members of the Forum, will be binding only on those Committee members that have authorised the contract by way of execution of the contractual documentation.
- 3.9 All liabilities of the Committee shall be several. Where more than one member of the Committee is liable for the same obligation or liability, liability for the total sum recoverable shall be attributed to the relevant persons in equal shares
- 3.10 Funds of the Forum may be used to indemnify any liability costs or expense that may be incurred by the Committee in the lawful and proper administration of the Forum.
- 3.11 All personal data acquired by the Forum shall only be used for the purposes for which it was sought and it shall not be further processed or disclosed without the prior consent of the supplier. With respect to the collection, use and storage of information, the Forum will take all reasonable steps in accordance with The Guide to Data Protection and commit to registering as a data controller with the Information Commissioners Office.

4. Forum Membership/Voting

- 4.1 The Forum shall be a representative body comprising of at least 21 individuals. For a decision of the Forum to be valid, it requires majority support amongst all Members who are present and voting at a General Meeting, and also requires majority support amongst all Members who are residents on the Forum who are present and voting at the meeting.
- 4.2 Membership of the Forum shall be open to any individual who lives or works or is a Ward Councillor within the area defined in Article 1.2.
- 4.3 Membership shall include at least one local Ward Councillor whose ward includes any part of the designated area of the Forum.
- 4.4 There shall be no group voting membership of the Forum, however local resident, trade/ professional and business groups, including Business Improvement District(s) shall be encouraged to take up Associate Membership. Note: Associate Members do not have a vote.
- 4.5 The Forum will aim for as wide a representation of communities in the area as possible.
- 4.6 The Forum recognises that not everyone who cares about the area also lives in the area. The Forum may, at the discretion of the Management Committee invite anyone aged 16 or over and not resident in the area but with an interest in it to be an Associate Member (see 4.8).
- 4.7 Forum working groups may be set up as necessary to advise the open Forum and management committee when particular expertise is required. These may co-opt as necessary from outside the Forum members.
- 4.8 Only full members of the Forum are entitled to vote, as defined in 4.1
- 4.9 The Forum shall keep an up-to-date list of members' names and contact details for the purposes of involving them in the work of the Forum.
- 4.10 The Forum does not levy any form of subscription on its members.
- 4.11 The Forum may suspend from membership anyone who brings the Forum into disrepute by, for example, repeatedly and/or unapologetically flouting its Values (as expressed in Article 8). Suspended members are not entitled to vote, speak at or attend meetings or be members of the Management Committee. A suspended member may re-apply for membership after a period of 12 months.

5. Annual General Meeting (AGM)

- 5.1 The Management Committee shall organise an Annual General Meeting (AGM) of members between 11 and 15 months after the previous AGM. It shall give at least 14 days notice of the meeting to members via the Forum website and/or other appropriate means.
- 5.2 There must be a minimum of 14 members present at an AGM.
- 5.3 Every member present has one vote.
- 5.4 The Chair and Management Committee shall present the Annual Report and independently examined accounts for the Forum consisting of a statement of income and expenditure and a balance sheet for the previous financial year.
- 5.5 The Management Committee will retire at each AGM but may stand for re-election. Any full member of the Forum may stand for election to the management committee.
- 5.6 Minutes of AGM shall be kept and approved by the Management Committee at its next meeting and by the membership at the next AGM. Copies of the draft minutes are made available to members on request; copies of the draft minutes approved by the committee are made publicly available; copies of the agreed minutes are made publicly available.

6. General Meetings

- 6.1 The committee will organise General Meetings (GM) as the need arises.
- 6.2 The committee must organise an Extraordinary General Meeting (EGM) of members within 28 days of a request submitted by 14 or more members. The committee must give at least 14 days notice of a GM or EGM to members via the Forum website and/or other appropriate means.
- 6.3 Business transacted at any GM or EGM includes consideration of any business announced in the agenda.
- 6.4 The quorum at all General Meetings (AGM, GM or EGM) is 14 members.
- 6.5 General Meetings are usually public meetings open to non-members to attend, unless the Management Committee decides that any particular meeting should be for members only.

7. The Management Committee

- 7.1 The Management Committee is elected by members at the Forum's Annual General Meeting and consists of at least 7 members including Chair, Secretary and Treasurer. The procedure used to elect the committee should favour broad representation from different communities in the area. More than 50% of the committee shall be residents.
- 7.2 The Management Committee can co-opt people to be members of the committee at its discretion. Co-opted members do not have a vote in any Committee decisions.
- 7.3 The Management Committee agrees a schedule for its meetings and meets as required. Normally these meetings are face to face, but the Committee can meet by other means including via email or telephone conferencing if all members of the committee agree so to do.
- 7.4 The quorum at any Management Committee meetings is four or at least one third of their members whichever is larger. The 'indicative decisions' of inquorate meetings have no effect until and unless they are ratified at a subsequent quorate meeting.
- 7.5 Members of the Management Committee are expected to attend meetings of the committee. Should a member not attend and fail to send apologies for three consecutive meetings, they are understood to have resigned from the Committee. Any member who fails to attend four consecutive meetings (face to face or electronic meetings), with or without apologies, may be deemed to have resigned from the Committee.
- 7.6 Minutes of the Management Committee are kept and made available to members on request: as DRAFT minutes; and publicly as AGREED minutes once they have been agreed at a subsequent meeting.
- 7.7 Meetings of the Management Committee are open to all members of the Forum to attend by request and the Committee may invite guests to attend at their discretion.
- 7.8 The Management Committee shall maintain a website giving details of the Forum, its meetings, activities, policies and – where possible - enabling discussion of issues of concern to the neighbourhood.

8. Values

- 8.1 The Forum and its committee members aim to follow the 'Nolan Principles' of public life. That is, they aim to act with:
- 8.2 Selflessness
- 8.3 Integrity
- 8.4 Objectivity
- 8.5 Accountability
- 8.6 Openness
- 8.7 Honesty
- 8.8 and seek to promote these values by Leadership and example.
- 8.9 The Forum is committed to equality of opportunity and maintains and applies an Equal Opportunities Policy in all of its activities.

9. Register of Committee Members' Interests

- 9.1 The Secretary will keep a Register of Committee Members' Interests detailing any relevant financial interests in the Area or any other interest which could be deemed to have an influence on decisions likely to come before the Committee.
- 9.2 Members will abstain from voting on any matter in which they have a financial interest.

10. Rules at All Meetings (Forum and Management Committee)

- 10.1 Chairing – each meeting has a chair who is usually the Chair of the Forum, or the Vice Chair in their absence. The chair of the meeting ensures that the business of the meeting is transacted in an orderly and respectful way.
- 10.2 Decision Making – the Forum endeavours to make decisions by consensus, but in the case of a vote: decisions are made by simple majority of those present and entitled to vote subject (Article 4.1). When the vote is tied, the chair of the meeting has a second, casting vote.
- 10.3 Speaking – all members including associate members are entitled to speak at meetings and at Public Meetings all members of the public are entitled to speak.

11. Website

11.1 The Forum will maintain a website on which is shown information including: the Forum's name and area covered; the Forum's email address; the names of management committee members; this Constitution; policies agreed by the Forum; notices; agendas; and minutes of meetings.

12. Finance

- 12.1 All income to the Forum is used to further the Aims and Objectives of the Forum given in this Constitution and for no other purposes.
- 12.2 The Treasurer keeps proper account of the finances of the Forum and ensures that the Forum has a bank account in its own name. All cheques issued by the Forum need to be signed by at least two authorised members of the committee.
- 12.3 The Forum's accounts are examined at least once a year by an independent person who is not a member of the committee.

13. Alterations and Disbanding the Forum

- 13.1 This Constitution can only be changed at a General Meeting of the Forum. Any change to the Constitution requires a simple majority of votes of the members present and who are entitled to vote (subject to Article 4.1). The details of the proposed change(s) must be included on the agenda.
- 13.2 The Forum can only be disbanded at a duly advertised EGM called for the purpose of deciding whether to disband. A vote to disband the Forum needs a simple majority of the members present and who are entitled to vote (subject to Article 4.1). If the Forum votes to disband, any assets held in the name of the Forum after the payment of all debts and liabilities will be applied towards charitable purposes for the benefit of residents in the area.

Date adopted: 20.08.2015

Signed: 

Print Name: Judy Dainton

Dates of any subsequent revisions:

Mount Pleasant Community Right to Build Order

Sense Check

By

John Parmiter FRICS FRSA MRTPI

13 November 2016

Introduction

I am, inter alia, an independent examiner of neighbourhood development plans and orders. I have been asked by Create Streets on behalf of the Qualifying Body, to provide a steer on:

1. Whether I believe the CRtBO is an appropriate route to progressing the scheme;
2. An assessment of the deliverability of the Order; and
3. Whether I believe that the conditions in the Basic Conditions Statement have been met.

Documentation

I have been given access to the following documents:

- Basic Conditions statement
- Energy & Sustainability Statement
- Planning Consultation Report
- Viability Assessment
- Covering letter
- EIA Screening request
- Air Quality Statement
- Archaeology Statement
- Basement Impact Assessment Addendum
- Framework Construction Management Plan
- Ecology Statement
- Design Statement
- Transport Statement

Camden comments

I have been shown the Council's comments on the draft material that has been sent to them recently. These cover feedback on:

- Cover letter;
- Basic Conditions Statement;
- Plans and Reports; and
- Some general points.

I agree with all these points especially the need to set the scheme in the context of the development plan policies; and to confirm that the Forum is indeed a “community organisation”.

I also note that the Council’s Screening Opinion of 1st November confirms that the proposed development does not require an Environmental Impact Assessment. .

I note that as a result of the Council’s comments and my own steer that the submission material has been appropriately edited and updated.

An appropriate route

From the background to this case, the scale of development being promoted and in the light of the local community’s aspirations for the site, I consider that a Community Right to Build Order is an appropriate route to progressing the community’s aspirations for the area.

Viability and deliverability

I have been specifically involved in advising on the issue of viability and the deliverability of the development. I have advised on how the original viability assessment should be recast. This has now been done, not least to reflect Camden’s comments, which aligned with my own. The narrative that flows from this assessment has been carried into edits within the Basic Conditions Statement, with the key conclusions that:

- The scheme is indeed deliverable; and
- It can viably support a level of affordable housing, but which is below that sought by development plan policy.

Basic Conditions Statement

As the comments made by Camden have been fully taken on board and my own steer and advice on viability has been incorporated I can conclude that I am of the Opinion that the Basic Conditions Statement is an acceptable basis for submission of the Order.