

## **APPENDIX 2**

### **Camley Street Neighbourhood Plan**

#### **Decision Statement**

#### **1. Summary**

- 1.1 Following an independent examination of the Plan, Camden Council recommends that the Camley Street Neighbourhood Plan proceeds to referendum subject to the modifications set out in Table 1 of this statement.
- 1.2 The Council concur with the Examiner's recommendation that the referendum area for the Camley Street Neighbourhood Plan (as modified) should be the approved Neighbourhood Area as set out in Figure 1A of the Plan.
- 1.3 The Decision Statement, Examiner's Report and other documents can be inspected on the Council's website at [www.camden.gov.uk/neighbourhoodplanning](http://www.camden.gov.uk/neighbourhoodplanning).
- 1.4 The Neighbourhood Plan is to be given substantial weight when the Council makes decisions on planning applications in the neighbourhood area and will be used alongside the Camden Local Plan and London Plan. On being approved at referendum the Plan becomes part of the statutory development plan for the area gaining full weight in decisions.

#### **2. Background**

- 2.1 On 21st February 2014 Camley Street Neighbourhood Forum was approved as the qualifying body for the area and the boundary of the Neighbourhood Area was designated by the Council, in accordance with Section 61G of the Town & Country Planning Act 1990.
- 2.2 The Forum was redesignated for a further five year period on 10 May 2019. The area is located between Camden Town and King's Cross Central and is adjacent to the Regent's Canal.
- 2.3 The Neighbourhood Plan was published by the Camley Street Neighbourhood Forum for Regulation 14 pre-submission consultation in November 2018 - January 2019.
- 2.4 Following the submission of the Camley Street Neighbourhood Plan to the Council in August 2019, the Plan was publicised and comments invited from the public and stakeholders from 13<sup>th</sup> September – 25<sup>th</sup> October 2019.
- 2.5 Camden Council, in consultation with the Camley Street Neighbourhood Forum, appointed an independent examiner, Ms Jill Kingaby, to review whether the Plan met the basic conditions required by legislation and other legal requirements and should proceed to referendum. The Examiner considered that a public hearing into the Plan was not required.
- 2.6 The Examiner's report concludes that, subject to making recommended modifications, the Plan meets the basic conditions set out in legislation and should proceed to a local referendum. The Examiner's report recommends that the area for the referendum should be the Neighbourhood Plan Area.

### **3. Decision**

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require a council to outline how it intends to respond to the recommendations of an examiner.
- 3.2 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, the Council has decided to make the modifications to the draft Plan set out in Table 1 of this Decision Statement in line with the Examiner's recommendations. These changes are considered to be necessary to ensure that the draft Plan meets the basic conditions and legal requirements.
- 3.3 The modifications set in Table 1 produce no significant changes to the policy approach and strategy of the Neighbourhood Plan overall. Therefore a further Strategic Environmental Assessment or Habitats Regulations Assessment is not required. Camden Council has undertaken an Equalities Impact Assessment of a draft version of the Plan.
- 3.4 Camden Council agrees:
- A) That the recommendations of the Examiner and the subsequent amendments proposed as set out in Table 1 be accepted.
  - B) That the Examiner's recommendation that the Camley Street Neighbourhood Plan, as modified, proceed to referendum on the basis that the Plan meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan and comprises provisions that can be made by such a document.
  - C) That, in accordance with the Examiner's recommendation, the referendum area be the Neighbourhood Area as designated by the Council on 21st February 2014.
- 3.5 Accordingly I confirm that the draft Camley Street Neighbourhood Plan as modified:
- i. Meets the basic conditions set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990;*
  - ii. Is not considered to breach or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998); and*
  - iii. Complies with the provisions made by or under 38A and 38B of the Planning and Compulsory Purchase Act 2004.*

Signed

Gillian Marston Executive Director, Supporting Communities

Date 27<sup>th</sup> March 2020

**Table 1: Examiner's recommendations and Camden Council's response**

No	Policy / text in the Neighbourhood Plan submission draft	Examiner's report para.	Examiner's recommended modifications New text shown as <u>underlined</u> Deletions shown as <del>strikethrough</del>	Camden Council's response and reasons for change
PM1	Page 5	4.5	Figure 1 – Modify the diagram as proposed by the Forum and shown in the attachment to its letter to the Examiner dated 19 <sup>th</sup> December 2019. In addition, modify the key to clarify that freehold and land ownership relate to employment sites, and modify Figure 1 to clarify the boundary of Cedar Way industrial estate.	Agree to modification, which is a factual correction for clarity.
PM2	Page 6	4.6	Paragraph 2.12 The Regent's Canal <u>is a designated Conservation Area, as shown in Figure 43, where the character and appearance of the area should be preserved or enhanced as well as a designated Green Chain.....</u>	Agree to modification, so that readers of the Plan are fully aware of the designated status of the area.
PM3	Page 20	4.7	Core Objective 1: Employment  Development will ensure that the neighbourhood's existing employment function and <u>its role as</u> a place that supports....	Agree to modification, so readers of the Plan have an accurate understanding of how the Neighbourhood Plan relates to Camden, London and national policies.
PM4	Page 22	4.10	Paragraph 6.1 Camden Council uses .... <u>Provided that the policies in the Camley Street Neighbourhood Development Plan are well evidenced and in general conformity with the strategic policies of the adopted to Camden Local Plan, and the London Plan, and have regard for national adopted policy and meet the other Basic Conditions for neighbourhood planning,</u> they will become part of the statutory development plan for the Camley Street Neighbourhood area.....	Agree to modifications which are intended for factual accuracy.
PM5	Page 24	4.11 – 4.17	Policy CS EM1 – Employment Floorspace Provision Modify paragraph 6.4.1 to read:	Agree to modifications. The modifications reflect revisions

		<p>Any redevelopment proposal for a site containing existing employment uses <del>will be required to</del> <u>should consider how, if possible, it can retain and possibly increase the quantum of business and industrial floorspace and ensure that the replacement and any new floorspace is capable of meeting the needs of all</u> and, where possible, meet the design and layout needs of <u>existing contemporary businesses.</u> (<del>none of which...at which rents are charged</del>).</p> <p>Delete the existing policy and substitute the following:  <u>Development proposals involving the redevelopment and/or intensification of existing employment sites:</u></p> <ul style="list-style-type: none"> <li>a) <u>Should ensure that an equivalent amount of employment floorspace is maintained and preferably increased where feasible.</u></li> <li>b) <u>Should ensure that a significant proportion of any new employment floorspace in a major development proposal would meet the varied operational requirements of light and general industry (B1c and B2), storage and logistics / distribution (B8), flexible (B1c/B2/B8) hybrid space, and space for micro, small and medium-sized enterprises.</u></li> <li>c) <u>Should consider providing additional class B use space for small and medium-sized enterprises (SMEs), where feasible, a proportion of which should be suited to meeting both start-ups and move-on space; and</u></li> <li>d) <u>Should ensure that a proportion of the employment space is provided at affordable rents, where viable.</u></li> </ul> <p><u>Where affordable workspace is provided on-site, management by a specialist provider should be considered to support existing and small businesses. The provider should be identified prior to implementation of the development, in order to ensure that the space caters for specific needs.</u></p>	<p>proposed by the Council and Forum to ensure the policy is in general conformity with Policies E1 and E2 of the Camden Local Plan, aligns with draft London Plan policies and has regard to section 6 of the National Planning Policy Framework: 'Building a strong, competitive economy'.</p>
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			<u>The development of employment premises and sites for non-business will be resisted unless the criteria a. and b. in Policy E2 of the Camden Local Plan are met.</u>	
PM6	Pages 28-30	4.18 – 4.20	<p>Policy CS EM2 – Retention of Existing Businesses</p> <p>Delete the existing policy and substitute the following:</p> <p><u>Premises and sites in existing business use in the Camley Street area will be protected, and the uses retained on site in redevelopment schemes, as far as is possible. Those existing businesses that both offer employment opportunity to local residents and support the functioning of the CAZ should be offered appropriate alternative space, as part of the business and industrial space provision in any redevelopment intensification proposals. Where businesses wish to remain on site, efforts should be made to integrate them into the overall redevelopment scheme.</u></p> <p><u>Should any businesses vacate their existing employment sites when redevelopment takes place, the total net floorspace vacated should be offered first to comparable business and industrial operators.</u></p> <p>Delete paragraph 6.7.6</p> <p>Rename Table 2: List of <u>current important local protected</u> businesses</p> <p>Delete the footnote regarding Current Greater London Average Rental Rates.</p>	<p>Agree to modifications which are intended to ensure general conformity with the Camden Local Plan and regard for national planning policy.</p> <p>The Examiner considered that it is not the role of planning policy to provide guarantees/protection for named occupiers or set rents charged to individual businesses.</p>
PM7	Page 31	4.21 – 4.23	<p>Paragraph 6.8.1 ‘Social Infrastructure’ can be broadly defined...contribute to quality of life. <u>The National Planning Policy Framework (p.92) also supports positive planning for</u></p>	<p>Agree to modifications for the reasons below.</p>

			<p>community facilities, which include the above items of social infrastructure, as well as local shops. The Forum recognises...necessary social infrastructure and local shops, in order to enhance....</p> <p>Policy CS CSN1 – Social Infrastructure Provision</p> <p>Developers of major proposals...</p> <p>Any proposal that will result in the loss of or significant harm to identified existing community assets should be <del>refused</del> <u>resisted, unless the assets can be suitably re-located within the area, or special circumstances, such as a major decline in demand, can be demonstrated to show that the asset is no longer required.</u></p> <p>Paragraph 6.9.6</p> <p>The key priorities....are:</p> <ul style="list-style-type: none"> <li>• Improved connections....and street lighting, <u>Policy CS TR2 sets out principles for development to encourage walking and cycling provision;</u></li> </ul>	<p>In line with the Camden Local Plan some allowance should be made in the Neighbourhood Plan's policy for the loss of social infrastructure where exceptional circumstances can be demonstrated.</p> <p>Transport infrastructure is a separate (if interrelated) matter to social infrastructure and for clarity, a cross-reference should be made to the Sustainable Transport section of the Neighbourhood Plan.</p>
PM8	Page 33	4.25	<p>Paragraph 6.10.1 Whilst Policy CS HO1 applies across....identified mixed use area on figure 40 <u>45</u> provides.....</p>	<p>Agree to modifications to correct an error in the referencing used in the Plan.</p>
PM9	Page 33	4.26 – 4.27	<p>Policy CS HO1 – Affordable Housing Provision</p> <p>Where <del>appropriate</del> <u>required</u>, developments proposing....housing need by <del>(as defined by LBC Local Plan Policy H4)</del></p> <p>a) Delivering the maximum viable quantum of affordable housing onsite <u>and aspiring to achieve up to 100%:</u></p>	<p>Agree to modifications. The Examiner considered that some sites may have particular constraints and be unable to deliver as much as 50% affordable housing and therefore this should be</p>

			<ul style="list-style-type: none"> <li>• <u>Where 25 or more homes are proposed, delivering 50% on publicly owned land and 35% on all other land;</u></li> <li>• <u>When failing to meet the above thresholds, viability assessments submitted will need to be submitted</u> in support of schemes, <u>which</u> will be subject to scrutiny and made publicly available;</li> <li>• The desired affordable mix is 60% London Affordable (or similar) rent, 40% London Living Rent (or similar).</li> </ul> <p>b) Providing a range....suitable for families, and homes suitable for older people and people with disabilities. <del>homes suitable for families, adaptable units for older people and suitable housing for those with a disability subject to locally assessed need.</del></p> <p>Criterion c) should be moved to Policy HO2.</p> <p>Paragraph 6.11.2, add a sentence to the end:</p> <p>Affordable housing will be required on sites where the number of new homes provided exceeds the thresholds established in Policy H4 of the Camden Local Plan.</p> <p>Paragraph 6.11.3, last sentence: For this reason,....100% affordable units, and an expectation of 50%...</p> <p>Delete paragraph 6.11.7 and modify 6.11.8 as follows: The Camden's Strategic Housing Market Assessment identifies a mix of dwellings....</p>	<p>expressed as a target (i.e. 'to aim for') rather than a 'minimum'.</p> <p>The Examiner also recommended changes to differentiate between schemes for 25 or more dwellings and smaller schemes to ensure general conformity with Policy H4 of the Camden Local Plan.</p> <p>Proposals made by the Forum and Council to modify criterion (b) and move criterion (c) to Policy H02 of the Neighbourhood Plan were also accepted by the Examiner.</p>
PM10	Page 36	4.31	<p>Policy CS HO2 – Residential Provision within Mixed Use Development</p> <p>Proposals to redevelop sites that currently support industrial uses, into mixed-use developments, <u>particularly on sites of</u></p>	<p>Agree to modifications.</p> <p>The modifications are intended to ensure the Neighbourhood Plan is in</p>

			<p><u>1,000 sqm floorspace or more, should provide at least 50% of all additional floorspace created, of 1,000sqm or more, for housing, as self-contained housing where residential development is demonstrated....</u></p> <p><u>Innovative housing design that supports home working will be encouraged.</u></p>	<p>general conformity with Policy H2 of the Camden Local Plan.</p>
PM11	Page 49	4.39	<p>Paragraph 6.21.6 penultimate sentence: All trees located within the Regent's Canal Conservation <u>Area</u> and those protected....</p> <p>Paragraph 6.21.9 Add a sentence to the end:  <u>The Canal &amp; River Trust which owns and manages this part of the Regent's Canal and its towpath welcomes ongoing engagement with the Council and other stakeholders to secure enhancements to the waterway corridor.</u></p>	<p>Agree to modifications for the reasons below.</p> <p>This is to correct an error in the penultimate sentence.</p> <p>The Examiner also considered in would be beneficial for the Plan to acknowledge the role of the Canal &amp; River Trust when schemes are being prepared.</p>
PM12	Pages 54, 55	4.42	<p>Policy CS DQ1</p> <p>All development proposals should....</p> <p>Existing residential....Thus, any new development should <u>be designed to avoid minimise its impact by preventing overshadowing, as far as possible, and an unacceptable....</u></p> <p>Architectural and historic context: <u>Preserve or enhance the character and appearance of Regent's Canal Conservation Area, and its setting.</u> Preserve and enhance the settings of <u>other existing heritage....</u></p> <p>Landscape and ecology: Retain existing <del>formal and informal</del> green and open spaces <u>designated through Camden Local</u></p>	<p>Agree to modifications.</p> <p>The Examiner noted that some new overshadowing across the area may be inevitable if intensification is to be achieved and therefore, it may not be possible to entirely prevent overshadowing.</p> <p>The Examiner also considered the Plan should clarify how designated and non-designated green and open spaces should be protected</p>

			<p><u>Plan and shown on the Policies Map and seek to enhance....In addition, the value of undesignated green and open spaces should be considered and, where clearly important for amenity or biodiversity, retained or re-provided, subject to the wider benefits of development schemes. Explore opportunities.....</u></p> <p>Conformity with other policies....</p> <p><u>Draft New London Plan</u> D1...D2 <u>D12(Agent of Change Principle).</u></p> <p>Paragraph 6.27.5 Notable heritage assets .....Plan) include: <u>The Conservation Area, The Constitution pub.....</u></p> <p>6.27.6.....</p> <p><u>6.27.7 Developers need to consider the net increase in water and waste water demand to serve their developments, and any impact the developments may have further down the network. Thames Water offers a free pre-planning service- <a href="https://thameswater.co.uk/preplanning">https://thameswater.co.uk/preplanning</a> to assist developers at an early stage.</u></p>	<p>and that the context provided by the Regent's Canal Conservation Area should be referenced in this policy.</p> <p>The Examiner also considered the Agent of Change principle was relevant to the justification for this policy and the effect of new developments on water and wastewater capacity should be identified in the supporting text.</p>
PM13	Page 58	4.43	<p>Policy CS DQ2 – Connectivity, Accessibility and Legibility</p> <p>Modify the second sentence: New development, <u>where appropriate</u>, should help facilitate....</p>	<p>Agree to modification. This is to acknowledge that the impact of development on connectivity and accessibility will vary according to the size/scale of the proposal.</p>
PM14	Page 60	4.44 – 4.45	<p>Policy CS DQ3 – Proposals for Tall Buildings</p> <p>j) Preserve or enhance the <u>character and appearance of Regent's Canal Conservation Area and its setting</u>. Preserve or enhance <u>the area's</u> heritage assets and the views...<u>including conservation areas.....</u></p>	<p>Agree to modification. The policy should reference the context provided by the Regent's Canal Conservation Area and Elm Village.</p>

		<p>In addition, any tall buildings....existing amenity. <u>All new development proposals should provide accurate visual representations that illustrate the impact of the development on the strategic views crossing the neighbourhood plan area.</u></p> <p>6.31 Proposals for Tall Buildings</p> <p>Modify the numbering of paragraphs 5.31.1 to 5.31.3 (to 6.31.1 to 6.31.3).</p> <p>5.31.1 The wider King's Cross....Maiden Lane, Agar Grove, <u>Elm Village</u>....</p> <p>5.31.3 Figure 45 .... Kenwood House. <u>Figure 46 provides an initial illustrative drawing of future development in the Camley Street area. The height, massing and interrelationship of any new buildings on these sites would need to be assessed against the criteria in Policies CS DQ1, 2 &amp; 3, and against Policy D1 of Camden Local Plan.</u></p>	<p>The Examiner supported a proposal by the Council and Forum to include an additional criterion requiring applicants to provide visual representations of tall buildings showing the effect of proposals on strategic views.</p> <p>The Examiner also considered that Figure 46 should be accompanied by supporting text to acknowledge its illustrative nature and confirm that proposals for tall buildings should also consider Policy D1 of the Camden Local Plan.</p>
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