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Date  
10 April 2017

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**By Email Only**

Dear Mr McClue

## **Planning Application Ref 2017/1230/P Bangor Wharf, Georgiana Street**

Daniel Watney LLP has been instructed to make representations to the above planning application (Ref: 2017/1230/P) at Bangor Wharf, Georgiana Street on behalf of Helix Property Advisors, who manage the neighbouring property at no. 146-150 Royal College Street. This property falls directly to the north of the planning application site, and approximately eight metres from the proposed six storey building.

A similar scheme on the same site was refused by Camden Council in March 2016 (Ref: 2016/1117/P). Daniel Watney LLP also made representations to the previous scheme. Having reviewed and compared the previous and current proposed schemes in depth. The changes made to the proposed scheme do not adequately address the issues raised against the previous application, and are still not in accordance with planning policy.

The revised scheme would exacerbate the sense of enclosure experienced by not only our client's property at no.146-150 Royal College Street, but also other neighbouring properties along Royal College Street and the adjacent properties on Reachview Close on the banks of the canal.

As detailed below, we remain concerned that the proposed development would have an unacceptable impact on the amenity of No.146 and properties in the surrounding area and would form an unacceptably close, overbearing relationship with our client's property. The revised scheme also fails to preserve or enhance the Conservation Area, or maximise the opportunity for enhancing the setting of the canal.

We are concerned that opportunities to retain and enhance employment floorspace, particularly Class B8 floorspace, would be missed; particularly given the reduction in employment floorspace.

### **Review of current planning application**

The previous application on the site was refused in March 2016. The case officer commented that the proposed scheme was '*considered to fail on the three dimensions of sustainable development*'.

A number of key issues with the scheme were highlighted, which we have set out below:

- Unacceptable loss of employment space;
- Inadequate mix and quality of housing including insufficient affordable housing;

- Inappropriate and excessive height and massing particularly in relation to the prevailing pattern of development;
- Poor design and architectural detailing which fails to justify the excessiveness of the building and neither enhances nor preserves the character and appearance of the Conservation Area;
- The development would cause undue harm to the living conditions of surrounding occupiers; and
- The proposed scheme did not utilise the canal for the transportation of goods and materials.

The most recent application has made revisions to the previous proposals in an attempt to address some of the issues highlighted. However, fundamentally the scheme has not changed sufficiently to mitigate the impacts affecting our client's property at 146-150 Royal College Street, or reduce negative effects on properties neighbouring the site.

No. 146 Royal College Street comprises a three storey former warehouse building with direct river frontage. The southern elevation, which faces directly onto the planning application site, is served by large windows at ground floor with smaller windows at first and second floor levels.

Between 1996 and 2009, the property was occupied by a publisher with wholesale retail operations. Since 2011, the property has been occupied by Rainbow Wave, an independent agency for numerous fashion houses and brands.

The southern elevation of No.146 Royal College Street faces directly onto the planning application site (Figure 1). At present, a single storey property is located close to the shared boundary with our client's property. A fence separates the two plots with defensible space on either side. Figure 2 below shows the current relationship between the two properties.



Figure 1: Application Site Relationship



Figure 2: Existing Relationship

Whilst the two buildings are in close proximity, no conflict arises due to the variation in heights. Historically, as shown in Figure 3 overleaf, a physical dock provided a clear separation between no. 146 Royal College Street, and the adjacent site. Furthermore, there were no buildings located on Bangor Wharf.

The dock was partially filled in by 1971 and a building was constructed to the site of Bangor Wharf. Importantly, the retained dock provided a good degree of physical separation, space and light between the two properties. Today, whilst the dock has been entirely filled in, the sense of separation is retained by the modest building height to the south.

It is important to note that historically there has been no building frontage to the canal from Bangor Wharf, and no building of comparable height to the south of No.146 Royal College Street.



Figure 3: 1896 – Visible dock



Figure 4: 1971 – Infilling of dock

**Design and Conservation**

We do not consider that the proposed design has had regard to the historic layout of the site, its relationship to the canal, or the character and appearance of the Conservation Area.

Within the site allocation, the character of this part of the canal is described as open, and as such, *“any development should avoid excessive bulk and massing along the canal and ensure views of the canal are improved.”* As we have set out above, there is neither historic precedent nor justification for a development of the scale and mass currently proposed.

The proposals would introduce an inappropriate massing fronting onto the canal, harming its open character, and eroding any relationship with the canal. Opportunities to enhance the infilled dock, which could have reinforced this historic role, have not been taken in the application scheme, and should be looked at in detail.

Figures 5 and 6 below show the existing and proposed elevation as viewed from the river. The existing elevation shows No.146 College Street sitting adjacent to the single storey line of development (both shaded grey). The proposed five and six storey elements are of far greater bulk, mass and height than existing and of any development in the surrounding area, significantly exceeding the height and plot size of properties in the surrounding area. Both the amount of glazing and the size of individual windows are far larger than the fenestration to surrounding properties, and introduce an aesthetic that is entirely at odds with the character and appearance of the immediate area and the setting of the canal.

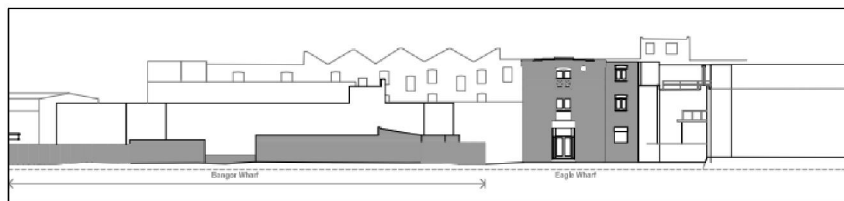


Figure 5: Existing Elevation Viewed from the Canal



Figure 6: Proposed Elevation Viewed from the Canal

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Figure 7: Refused scheme - Elevation Viewed from the Canal

In respect of the previous application the officer noted that the 5<sup>th</sup> floor on the southern block would be *'incongruous and visually prominent in long views'*. The current application has attempted to address this by removing the 5<sup>th</sup> storey of the southern block and replacing it on the northern block which is already larger in terms of bulk and massing, and is closer to its closest neighbour (146 Royal Collage Street) than the property to the south. This does nothing to address its prominence in the landscape, nor does it address the impact of the excessive massing, creating a poor relationship as a result of its increased scale with neighbouring buildings on Georgiana Street, whilst diluting the butterfly roofing detail at Royal College Street adjacent to the site and found across the Conservation Area.

Poor design is also evident in the site layout, the unequal spacing between the north and south building on Bangor Wharf, and the north building and 146 Royal Collage Street not only interrupts the open character of the area by increasing the bulk and massing on the side of the canal, but also affects the uniformity of the area by leaving almost twice the space between their north and south building, than between the north building and our clients property at 146 Royal College Street. The design provides a separation of 15m between the two blocks, but only 8m between the north building (the tallest of the two) and our clients property.

The proposals would also introduce an inappropriate massing fronting onto the canal, harming its character, which is described as 'open' in the Conservation Area statement and eroding any sense of the site playing a role with the canal. As with the previous application, opportunities to enhance the infilled dock, which could have reinforced this historic role, have not been taken, and should be looked at in detail.

Gates have been retained to the Georgiana Street Elevation, creating an inactive frontage and, as such, the development is contrary to policies CS17, DP16 and DP29. The development also fails to accord with the Site Allocations Document which supports an active frontage to Georgiana Street.

We consider that the proposed design would be harmful to the character and appearance of the Conservation Area. The height and massing of the scheme remains out of keeping with surrounding buildings on the canal and the architectural detailing introduces elements which are at odds with surrounding properties and the setting of the Conservation Area. As such, the proposed scheme is unacceptable in design and conservation terms.

#### Loss of Employment Land Use

The Bangor Wharf site was previously used by EDF Energy as a depot comprising Class B1 office floorspace measuring 850 sqm and Class B8 storage space, measuring 226 sqm. The scheme refused in 2016 proposed 686 sqm of B1a Space and no B8 employment space. The current planning application has attempted to address the insufficient floor space of the previous application; however it still proposes the loss of 298 sqm of employment floorspace. Despite an increase in employment floorspace since the previous application, the loss of employment floorspace remains contrary to adopted planning policy. This is regardless of the initial pre-application advice being clear that the existing quantum of employment floorspace should be maintained or increased as a starting point.

The criteria set out in Policy CPG 5 provides a hierarchy of importance regarding different employment spaces. The site at Bangor Wharf would fit the description of a Category 2 site, as

it boasts good access to main transportation and delivery routes, is of a limited height and has some off street parking, the buildings on the site meet the need of employment floorspace, though some investment would be needed to bring them back to a usable standard. Camden Planning Guidance describes sites of this category as being slightly more common in Camden than Category 1 sites, yet highlights that these sites will be protected unless there is very strong market evidence that they are no longer suitable. Although this amended planning application has reduced the amount of employment floorspace lost by the scheme, the scheme still does not satisfy Council requirements for protecting employment floorspace as set out within CPG5.

The Core Strategy Policy CS8 highlights that proposals will be resisted which jeopardise the continued use of sites for industrial, storage and distribution purposes, including for retail use. Whilst the site at Bangor Wharf was included within the Site Allocations Document, the allocation seeks the redevelopment of the site to provide replacement employment floorspace and new permanent residential accommodation. The allocation is based on any development demonstrating that the site is no longer suitable for the existing business use and that alternative business uses have been fully explored.

Only 55 sqm of the existing 226 sqm of B8 floorspace on site is to be replaced, as presented in Table 1 below. The planning application does not provide any information as to whether the site is no longer suitable to support the existing quantum of employment floorspace in its existing use or a future use. Given the clear departure from planning policy and Officer guidance, we would expect the planning application to be supported by viability work based on up to date research into the local (not Borough-wide, given the disparities in employment areas and their character) employment market and comparable lettings to corroborate any findings that the site is no longer suitable for the same level of employment floorspace across various business uses.

	B1A 'Office'	B8 'Storage and distribution'	Total	Net Loss
Existing	850 sq.m	226 sq.m	1076 sq.m	0 sq.m
Refused Scheme	686 sq.m		686 sq.m	390 sq.m
Proposed scheme	813sq.m	55sq.m	868 sq.m	208 sq.m

**Table 1: Employment Floorspace provided (GEA)**

B8 floorspace is in very short supply within the borough. We believe that the provision of 55 sqm of B8 floorspace is still too little to meet the needs of the borough. Details on the use of the floorspace within the application are sparse, despite requests by officers for more information in pre-application discussions. Therefore, this is contrary to adopted policy.

The applicant suggests that the Borough has an oversupply of employment floorspace, and points to a pipeline of 480,000 sqm of office floorspace within the Borough, as set out within the Council's Employment Land Review 2008. The more up to date Authority Monitoring Report 2014/15 identifies a total of 263,289 sqm net additional office floorspace to be delivered up to 2025. However, it is important to note that the majority of this is to be delivered at Kings Cross St Pancras and Euston, in addition to other growth areas. Furthermore, the increases in office floorspace at Kings Cross and other growth areas obscure net reductions across all other types Class B employment floorspace across Camden.

In short, pipeline employment floorspace is being concentrated to very specific pockets within the Borough, mainly the Kings Cross area, whilst reductions are being felt across the remainder of the Borough. The quality of the stock to be provided at Kings Cross in particular is likely to be out of reach for the majority of smaller or start-up industries, resulting in likely relocation to other Borough's and causing harm to the vitality and viability of Camden's economy.

The August 2014 Camden Employment Land Study confirmed demand for industrial stock as 'positive and sustained', a result of the proximity to the Central Activity Zone and thus being ideally placed to service central London occupiers. Demand is also forecast to grow from occupiers who are forced out of the CAZ as their premises are redeveloped for higher value

land uses. The Study suggests that the Authority should seek to protect industrial land, particularly where the businesses are viable and sustainable. Our client shares the concern that the introduction of large residential sites in employment and industry areas will impact on the functionality of surrounding industrial sites for employment, particularly in industrial, and thus impact the future viability and sustainability of the site. Evidence to the contrary has not been put forward by the applicant to demonstrate the acceptability to a reduction in employment floorspace.

We consider that the applicant should undertake a viability exercise as a minimum to demonstrate that it is not viable to re-provide the existing quantum of employment floorspace on site in its current or an alternative employment use. Camden's own evidence base points to the potential harm arising from the persistent loss of industrial employment floorspace, and whilst the applicant identifies oversupply of employment floorspace, this is entirely as a result of significant commercial floorspace being created at Kings Cross and Euston. The type of commercial floorspace in Kings Cross and Euston would not be affordable for smaller or start-up organisations, nor would it be suitable for Class B1 (b), B1 (c), B2 or B8 occupiers, and thus the vitality and viability of Camden's employment sector could be undermined.

### **Daylight and Sunlight**

The planning application proposes the erection of a six storey block approximately 4 metres from the shared boundary with no. 146 Royal College Street. The position, mass and height of this building has the potential to significantly harm the levels of daylight and sunlight and create an unacceptable sense of enclosure to properties on Royal College Street and Reachview Close, the canal and the towpath, largely due to its excessive bulk and massing.

Our client's site is used for presentations and shows to buyers, which are integral to Rainbow Wave's business operation. It is important to note that there is a heavy reliance upon natural light and sense of space to create an environment which complements their business operations of displaying and showcasing their client's products. When buyers visit the premises they pay particular attention to the garments, their colours, textures and fabrics all of which are important to be viewed in natural light.

Good sunlight and daylight is therefore important to the building, given its use as a fashion showroom and office with natural light being important to view textures, fabrics and colours and to create an environment which is complementary to their operation which relies upon showcases and exhibitions. A revised Daylight & Sunlight Report (dated March 2017) has included 146 Royal College Street.

The analysis demonstrates that the location of the North block only 8m from the external wall of our clients property at no.146 Royal College Street would lead to 50% of the tested windows falling short of daylight (VSC) standards set in the BRE Report and as a consequence most of the windows at 146 Royal Collage Street will receive around half of the available sunlight hours should the development be built, than they do currently. Therefore the height and mass of the proposed development is likely to have a substantial impact on the building use and occupying business on the southern elevation of No. 146 Royal College Street.

This would significantly harm the amenity of occupiers of our clients building and disrupt their commercial operations by significantly reducing the usability of their current premises. In the long term, the viability of the accommodation is likely to be harmed due to the reduction in the quality and usability of the space.

The impacts of the excessive bulk and massing on daylight and sunlight will also impact properties at Royal College Street, who will also experience a significant sense of enclosure with the dominance and scale of the proposed building situated 18m from habitable rooms in their properties. The design of the proposal has done nothing to address officer's observations that the architectural dominance of the proposed development will increase the sense of overbearing, and would cause undue harm to the living conditions of those on neighbouring roads.

Only minor changes have been made to the internal layout to address officer concerns regarding overlooking and so a significant level of harm remains to neighbouring occupiers



*'primarily due to loss of daylight, loss of outlook, overbearing impact, overlooking and a loss of privacy'*. Therefore the proposals would create an unacceptable amenity conflict and loss of privacy for both occupiers and the relationship between the two properties.

### **Mix and Quality of Housing**

London Plan Policy 3.8 requires new development to offer a range of housing choices, including a mix of housing sizes and types. Camden Development Policy DP5 seeks to provide a range of unit sizes to meet demand across the borough to meet their objectively assessed need. Policy DP3 introduces a sliding scale for developments between 10 units and 50 units, in this regard; a 40% contribution (based on the site having capacity for 40 units) is required towards affordable housing. The greatest need for housing in the borough is for family sized (3 bed +) social rented units.

London Plan Policies 3.8, 3.10, 3.11 and 3.12 and Camden Policies CS6 and DP3 and CPG2 (Housing) seek to maximise the affordable housing provision in development schemes providing 10 or more units. The Core Strategy highlights that the Council will be flexible when applying these policies, however all schemes should conform to NPPF Paragraph 174 which calls for a viability assessment to justify schemes which do not achieve the locally set targets for housing mix.

The previous application on the site failed to contribute to the creation of mixed and inclusive community contrary to Local Plan policies CS6, DP5 and London Plan Policy 3.8 due to the over provision of smaller (1 bed) market flats and the failure to provide an appropriate mix of large and small affordable homes. It is our belief that the current application proposes insufficient affordable properties and an unsuitable mix of property sizes to address housing need in the Borough.

The current planning application on the Bangor Wharf Site provides 40 residential units comprising 16x 1 bed, 15x 2 bed and 9x 3 bed units. 4 of the units are proposed to be affordable rent (2 x 2 bed and 2x 3 bed) and 2 3 bed units are to be social rented. This mix of units is considered to be unacceptable and contrary to policy requirements. Rather than reducing the number of 1 bedroomed market units in line with officer comments on the previous application, the current proposal had increased the number provided by 5 to 16. The number of 3 bedroom properties has remained the same and provides only 9 no. 3 bed units, which is considerably fewer than the requirements in the Dwelling Size Priority Table.

The current proposals also include an under provision of affordable housing with only 6 affordable units proposed (15%). This is a significant decrease on the 16 units proposed in the previous application, and fails to meet the 40% affordable housing requirement set out in the Local Plan.

Pre-application advice from officers agreed that the revised scheme has provided a worsened housing mix than the 2016 scheme, which itself was judged by officers to fail to provide an appropriate mix of large and small homes in line with the Dwelling Size Priority Table, and failed to contribute to the development of inclusive and mixed communities, therefore not achieving objectives set in London Plan Policy 3.8 or Local Plan Policies CS6 and DB5.

We consider that the proposal in its current state provides a wholly inadequate housing mix and a vast undersupply of affordable housing and, as such, should be refused. As a minimum, the applicant should undertake a viability exercise to demonstrate that it is not viable to provide the required quantum of affordable housing or a more appropriate housing mix in an area where affordable housing and larger units are currently and will continue to be in high demand.

### **Response to the canal**

The Blue Ribbon Network (BRN) is London's strategic network of waterspaces and covers the River Thames. The network is classed as being of strategic importance to London. Policy 7.24 of the London Plan states that the BRN should contribute to the overall quality and sustainability of London by prioritising uses of the waterspace and land alongside it for water related purposes in particular for passenger and freight transport. The use, maintenance and improvement of the water is therefore a main point for consideration in any new development.

Policy 7.27 states that new infrastructure should provide support to water-dependent uses including new mooring facilities on main navigation to promote its use for mooring visiting vessels, encourage the sensitive use of natural landscaping and materials and promote its use for water and transport. The Site Allocations document also highlights the importance of taking opportunities to utilise the canal for transportation during and after construction, in line with Policy DP 20, and encourages the enhancement of the filled dock to the north of the site.

As with the previous application on the site, the proposed development does little to address these policy requirements and expectations. It has not attempted to use the site as a light industrial wharf in response to the loss of industrial uses along the length of the canal, nor has it provided services or mooring and other infrastructure for boaters. The plans remain to further infill the old canal dock between the site and 146 Royal Collage Street despite this being an opportunity for enhancement and a reason for refusal in the previous scheme. BRN policies state that water uses on the BRN should be prioritised and the lack of any acknowledgement of its unique position next to the canal network in this application should provide a reason for refusal once again.

### Consultation Responses

A significant number of consultee responses were received in relation to the 2016 scheme. Of the 51 responses received from the community, 49 were in objection to the scheme. Given the new proposal for the site includes only minor changes, it is likely that a large number of objections will also be received to the proposed. Having reviewed comments from statutory consultees and other influential responders, the amended scheme still does not address their concerns, and a full review of the proposals should be undertaken.

### Summary

In summary, our client has significant concerns that the current proposals for the redevelopment of Bangor Wharf. The proposed scheme is likely to give rise to material harm to the daylight and sunlight received by no. 146 Royal College Street. This, coupled with the sense of enclosure and overshadowing, would cause harm to the amenity of the current occupier and puts their commercial operation at significant risk given it relies upon good levels of sunlight and daylight.

The proposals also pose a similar threat to other surrounding residential properties at Royal College Street and Reachview Close, who will suffer from an increased sense of enclosure, significant loss of daylight and sunlight and overlooking from distances which only just comply with building standards in some areas.

We are also concerned that the incongruous, unacceptably large scale and massing of the proposals which have no historic precedent are not in keeping with the surrounding area or the characteristics of the Conservation Area. The sense of enclosure to the canal does not reflect historic development of the site which is identified as being open in character, and overlooking opportunities such as reinstating the historic dock further eroding the ability to understand the wharf as part of the canal's history. The fenestration and materials palette is not in keeping with the character of the surrounding area.

Finally, we do not consider that the loss of the employment floorspace has been robustly justified, not taking into account the character of local level employment floorspace, needs or demand. Camden's own evidence base points towards the preservation of industrial floorspace and identifies a net reduction in all employment floorspace in this part of the Borough. The absence of a robust case, supported by evidence demonstrating that it is not viable to retain the existing quantum of employment floorspace in a business use, indicates that the loss of employment floorspace as proposed is not in accordance with policy and should not be supported.

I trust that our comments are clear however we are happy to discuss any part further.

Yours sincerely





J McClue  
2017/1230/P

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