



## Appeal Decision

Inquiry opened on 21 November 2017

Site visit made on 4 December 2017

**by Paul Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 January 2018**

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**Appeal Ref: APP/X5210/W/16/3165200**

**Bangor Wharf, Georgiana Street, London NW1 0QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by One Housing Group against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/1117/P, dated 24 February 2016, was refused by notice dated 17 June 2016.
  - The development proposed is redevelopment of site to create a mixed-use development comprising 46 residential units (Use Class C3) (18 x 1 bed, 19 x 2 bed and 9 x 3 bed), new office floor space (Use Class B1a) (686 square metres) with associated works to highways and landscaping following demolition of existing buildings.
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### Preliminary matters

1. Prior to consideration by the Council, the amount of office floor space was reduced to 604 square metres (sqm). I have considered the appeal on this basis.
2. In July 2017, the Council adopted the Camden Local Plan (LP). The reasons for refusal were updated for the Inquiry and I have considered the appeal proposal having regard to up to date development plan policy.
3. On the last day of the Inquiry, the emerging Draft New London Plan was published for consultation. Comments were invited from the parties and I have taken these into account.

### Decision

4. The appeal is dismissed.

### Main Issues

5. The main issues are as follows:
    - The effect of the proposed development on employment space in Camden;
    - Whether the mix of housing units would be acceptable;
    - Whether or not the proposed development would make adequate provision for affordable housing;
    - The effect of the proposed development on the character and appearance of the area in terms of height, mass, scale and detailing;
    - Whether the proposed development would preserve or enhance the character or appearance of the Regent's Canal Conservation Area;
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- The effect on the living conditions of adjoining occupiers, in terms of outlook, privacy and natural daylight;
- Whether the proposed residential accommodation would be of an acceptable level of quality; and
- Whether the provision made for cycle parking would be acceptable.

## **Reasons**

6. The site consists of a wharf on the south bank of the Regent's Canal next to Gray's Inn Bridge. The wharf has not been used for commercial canal traffic for many years and was most recently used as an EDF depot with offices, workshops and storage. The existing buildings on the site are post-war, mostly of one or two storeys and semi-industrial in nature. They are agreed to have no particular architectural value. West of the site is an 'S' bend in the canal where it passes under Royal College Street Bridge. The rear elevations of 4 storey<sup>1</sup> terraced 19<sup>th</sup> century dwellings at 118-134 Royal College Street face the south western boundary of the site. The south eastern boundary faces Georgiana Street which meets St Pancras Way where it crosses Gray's Inn Bridge. On the canal bank to the north west lies Eagle Wharf, a Victorian warehouse attached to a 20<sup>th</sup> century industrial building, both in commercial use.
7. The site is the subject of Site Allocation 35 in Camden's Site Allocations Local Development Document of 2013 (SA35). The guidance envisages more intensive use of the site with replacement flexible employment floor space and making the most of the site's capacity for housing: any future development should also make the most of the opportunities to respond to the canal setting and provide an active frontage to Georgiana Street.

### *The effect of the proposed development on employment*

8. There would be a quantitative loss in employment floor space of about 408 sqm. This would conflict with sub-paragraph (c) of policy E2 of the LP which seeks to increase or at least maintain such floor space. Policies 2.15 and 4.2 of the London Plan (LonP) of 2016 and paragraphs 18-23 of the National Planning Policy Framework (NPPF) are referred to in the updated reasons for refusal, which were reworded to reflect the 2017 adoption of the LP. The LonP policies aim to meet the needs of the market but also encourage renewal and modernisation.
9. Policy E2 encourages the provision and protection of employment premises and sites in the borough that are suitable for continued business use, in particular premises for small businesses. However the policy recognises at sub-paragraph (h) that a higher intensity of use may include other priority uses, such as housing, affordable housing and open space. In this case, the guidance in SA35 recognises the suitability of the site for housing and business use. Housing is a priority in Camden generally, as set out in LP policy H1, which aims not only to maximise housing provision but exceed the target set for the period 2017-31.
10. The proposal would not only provide a significant amount of housing but also public access to the canal on the southern bank, which has not previously been possible in this locality. Moreover, the quality of the existing business space is poor, suffering from an inefficient building envelope, reduced or absent natural light in parts and outdated design. The proposed business floor space would be

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<sup>1</sup> 3 storey + semi-basement to the street

modern and flexible and would take advantage of views of the canal. To conclude on this matter, the weight that attaches to the conflict with policy E2 of the LP must be seen in the context of the benefits the scheme would bring in achieving other aims of the development plan. The proposal would be supported by LP, LonP and NPPF policies seen in the round.

*Whether the mix of housing units would be acceptable*

11. The proposed mix of 18 x 1 bed, 19 x 2 bed and 9 x 3 bed dwellings should be considered against the requirements of LP policy H7, which at Table 1 indicates preferences derived from the Camden Strategic Housing Market Assessment (SHMA). The priorities set out in the table are to be applied flexibly. There is acknowledged to be a need and/or demand for dwellings of every size. The Council expects most developments to include some dwellings that have been given a medium or lower priority level but also anticipates that proposals will include some dwellings that meet the identified high priorities wherever it is practical to do so. Every site has restraints including size, shape and orientation that may be expected to affect the optimal mix. The scheme would provide 2 and 3 bed social affordable housing and 2 and 3 bed market dwellings which are of high priority. I do not regard the provision of 'lower priority' 10 x 1 bed market flats and 2 x 3 bed intermediate affordable homes in addition to represent such a divergence from the thrust of policy H7 to merit refusal. I conclude on this issue that the scheme would not conflict with the relevant aims of LP policy H7 or with the corresponding LonP policy 3.8.

*Whether or not the proposed development would make adequate provision for affordable housing*

12. LP policy H4 seeks to maximise the supply of affordable housing and aims for a tenure mix of 60% socio-affordable and 40% intermediate housing. At paragraphs 3.104 and 3.164 the explanatory text notes that the Council strongly encourages provision of homes for intermediate rent rather than shared ownership, subject to maximising overall affordable housing output in the context of the resources available and development viability. Prior to the Inquiry and following revised viability studies and agreement on appraisal inputs, the proportion of affordable housing in the appeal scheme was raised in stages from 29% to 48%. It now consists of 9 dwellings for social rent with 13 intermediate affordable (shared ownership) units out of 46 dwellings in total. The proposed affordable housing tenure mix would be 44% social rented and 56% intermediate shared ownership.
13. The remaining matters in dispute at the Inquiry on this issue concerned the viability of the Council's preference for rented affordable housing and the true affordability of the proposed provision of intermediate units as intermediate shared ownership rather than intermediate rent. With regard to the existing use value, I consider that the rental income that could be derived from the existing floor area with poor natural light would be similar to basements and semi-basements in comparable accommodation. That would be in the region of 25% less than the 'prime' space. Most office users require some areas for functions that do not require much natural light but are not strictly storage, such as data processing, printing and support functions. The Council has adopted an office rental value of £32.50 per square foot (sq ft). I consider that the likely rental level would lie somewhere between that figure and the appellant's estimate of £40 per sq ft including car parking.

14. There is disagreement on the cost of the necessary refurbishment if the existing premises were to be retained. From the documentation and the site visit it seems to me that whilst major structural work would be unnecessary, there would be a considerable amount of internal wall removal and significant costs associated with updating the building envelope, including asbestos removal and additional insulation. There would need to be a sum set aside for renewal of the flat roof. It would not be necessary to replace the suspended ceiling but 19 year old air conditioning units would certainly need work as would almost all the other building services. Taking all into account, I consider that the refurbishment costs would be higher than the appellant's estimate.
15. Having said that, there is only a limited difference of opinion on the quality of the accommodation and the anticipated rent. I conclude that there is a reasonable prospect that the residual land value and the viable quantity of affordable housing identified by the appellant are likely to be realistic.
16. Paragraph 47 of the NPPF requires that Local Planning Authorities '*ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with the policies set out in this Framework*'. The Mayor's 'Homes for Londoners' Affordable Housing and Viability Supplementary Planning Guidance (SPG) of August 2017 sets a benchmark for shared ownership affordability at £600,000 and introduces a new intermediate tenure in London known as 'London Living Rent' with a target maximum annual income of £60,000. Camden Council's Intermediate Housing Strategy (IHS) in 2016, is intended to cater for local residents with incomes between £30,000-40,000 whose needs are not met by the market. The objective is to ensure that such homes remain affordable. The IHS is endorsed in the LP and Camden Planning Guidance 2: and was informed by consultation with Camden's actively developing Registered Providers including the appellant organisation. I give it significant weight.
17. Only the smallest 1 bed unit on the proposed development would have a market value of under £600,000. The median gross full time pay in Camden was £39,601 per annum in 2016. Median equivalised household income<sup>2</sup> in 2015 was estimated to be £32,695 but about 25% of households have a household income of less than £20,000 a year. In 2017, the market has risen. The IHS notes that intermediate (shared ownership) housing is becoming unaffordable. It follows that for many people their income today would be insufficient to purchase the smallest affordable intermediate (shared ownership) 1 bed unit and yet they would not qualify for social rented housing. This scheme would be unlikely to provide any intermediate housing that would be affordable for the income range between £30-50,000, but only for those with incomes between £58,060 and £81,100.
18. Development plan policies seek a mix of housing types. They do not exclude intermediate shared ownership, but the preference for intermediate rent is strongly encouraged, '*subject to maximising overall affordable housing in the context of the resources available and development viability*'. The supply should meet those in greatest housing need. In this case the Council has shown a clear preference for a lower number of genuinely affordable intermediate rent units (20) than that proposed, even though that would be a lower percentage of the whole. Discussions continued during the Inquiry but it was not possible

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<sup>2</sup> Broadly the total income of a household, after tax and other deductions, that is available for spending or saving, divided by the number of household members

to reach agreement, largely because the valuation data used by the appellant including yield and management costs were considered to be commercially sensitive. On the other hand, the Council took advice from affordable housing specialists who are experienced in the typical assumptions used by a range of Registered Providers. These were not seriously queried by the appellant: indeed the assumptions included a low level of staircasing and were deliberately cautious. In the circumstances I give more weight to the Council's position, which is more transparent. There is no reason to believe that a more policy compliant form of affordable housing would not be achievable on viability grounds. The suggested combination of intermediate rent and social rent housing would still represent a relatively high overall proportion of the scheme.

19. In conclusion on affordable housing, the proposal would fall short of the guideline mix of 60%/40% in LP policy H4 and moreover, would incorporate a high proportion of intermediate shared ownership units which would not meet the Borough's clearly expressed need for genuinely affordable housing. Whilst substantial weight attaches to the provision of all forms of affordable housing, the degree of divergence from the preferred intermediate rent housing type is significant. The scheme would not maximise the site's contribution towards accommodating the local affordable housing needs.

*The effect of the proposed development on the character and appearance of the area in terms of height, mass, scale and detailing*

20. The defining feature of the area is the canal. Its character stems from the very varied development that has taken place along its route over the last century. In that time, many industrial buildings and transport related infrastructure such as wharves and coal sidings have been replaced by residential development, office and business uses and new open space. Nevertheless, there are many reminders of the original purpose of the canal which now forms a tranquil space distinct from the hustle and bustle of the surrounding streets. Older buildings include Eagle Wharf, a brick warehouse of 3 storeys adjacent to the appeal site which is prominent on a sharp bend in the canal. The bend, bridge and dense vegetation on the north bank create an intimate feel. The heavily corniced 3 storey 'Constitution' pub of around 1865 is highly visible above the Grays Inn Bridge and marks this key crossing in views from the canal and the 3 roads that converge on the bridge. The character of the appeal site derives from these features and the predominantly 3 storey mainly 19<sup>th</sup> century residential streets that lie west and south of the site.
21. The canal generally follows the local contours and for this reason, opposite the site, there is a steep bank or retaining wall on the north side above the towpath. Beyond a strip of fenced off rather informal nature reserve, the bank is now surmounted by a rather bland and imposing 4 storey brick residential scheme, Reachview Close. This is the most obvious and tall building on the stretch of the canal west of Grays Inn bridge. South east of the bridge on the southern bank of the canal is a row of varied but unremarkable recently developed mostly apartment buildings with business use at lower levels. These form a continuous wall of development stepping up from 4 to 6 storeys from Grays Inn bridge for at least 200 metres (m). For those using the towpath travelling west towards Grays Inn Bridge, there is a palpable sense of anticipation and relief on reaching the Constitution pub. This is because of a number of factors: the reduction in height of the buildings; the end of a long retaining wall: the appearance of a willow tree on the appeal site hanging over

- the bridge and canal; and the activity associated with the Constitution pub and its garden, which extends down stairs and also through a door to the towpath. It is an aim of the SA35 development guidelines that the form and scale of any scheme responds to the open character of this part of the canal.
22. The scheme would be formed of 2 linked but distinct structures. Blocks A and B would be on the south eastern and north eastern edges of the site facing Georgiana Street and the canal. Block A would comprise 5 storeys (ground + 4) and would be contiguous with block B over a public access way. Block B would consist of 6 storeys, the top floor being recessed. The need to raise the ground floor slab above the Fleet sewer and the desirability of a higher B1 use floor to floor height both affect the overall height of blocks A and B. Block C would have 5 storeys of apartments on the north western part of the site.
23. In terms of height, the eaves or gutter level of Reachview Close is at about 37.91 AOD<sup>3</sup> and the ridge is at 42.65. The 4 storey block on the other side of Grays Inn bridge at Pratts Wharf is at 34.9 rising to 37.61, with the next 6 storey building to the east at 40.36 AOD. These are currently the tallest buildings in the locality. Taller buildings at North Road bridge on Camden Road and at Urbanest towards Kings Cross are too far away to affect the character of the immediate area. In this context, the height of block B at 46.3 AOD would appear incongruous. That would be the height of the recessed 5<sup>th</sup> floor (Ground + 5). The prominent and extensive 4<sup>th</sup> floor parapet would be at 43.8, above comparable buildings on the corner of development on the south side of the canal further east and higher than the ridge of Reachview Close on the opposite bank, which is already on higher ground.
24. Blocks A and B would dominate the surroundings. Their height would be seen in combination with their largely unrelieved bulk extending along Georgiana Street for about 47m including an angled corner where block B would turn to face the bridge. Its form and scale would overwhelm the terraces to the rear, the Constitution pub and Grays Inn bridge itself. The gap in development that leads the eye along the towpath looking from the east would be largely filled with a bulky building which moreover, would have no particular elevational quality. The proposed rather flat facade treatment on Georgiana Street and prominent vertical lettering announcing its presence would add conspicuously to a sense of jarring assertiveness. It would not be subservient in any sense.
25. It is an objective of policy that development should be optimised, but that should not prejudice the open character of this part of the canal or the character of the area more generally. Whilst it may be desirable to provide a distinctive building next to the bridge as a marker, that need not involve the extent of bulk and height proposed here. In a clear contrast brought to my attention by the parties, a recent scheme at Lawfords Wharf a short distance away also involving 2 distinct blocks, rises nearly as high to 5 storeys (Ground + 4), but succeeds in marking the adjacent Royal College Street bridge through architectural form, varied fenestration and choice of materials.
26. I have taken into account early positive advice provided by Camden officers in 2015 on a preliminary scheme with 7 storeys, but have considered the proposal on the basis of the detailed design considered by the Council when it made its decision.

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<sup>3</sup> Above Ordnance Datum

27. The height of the parapet of block C at 40.83m high next to Eagle Wharf would be similar to 5 storey buildings near Pratts Wharf. The parapet of Eagle Wharf lies at 35.34 AOD. The projecting lower bay and balconies facing the canal would help to reduce the impact of its bulk, and the set back of the north east elevation from the canal and the Eagle Wharf elevation would allow this building to appear in scale.
28. Seen from Georgiana Street, the bridge is marked by a rise in road level, the bridge parapet and the Constitution pub which is in direct line of sight. As such the crossing is very adequately marked. Given the generally more open grain and reduced scale of development in this area and around this part of the canal, the proposed blocks A and B would contrast markedly in townscape terms. They would be conspicuous and would distract attention from the pub. The flank wall of the top 3 floors of the south west elevation would be an obvious feature above the roofs of houses in Royal College Street and Georgiana Street.
29. Although the existing buildings on the site contribute little to the street scene, the proposed elevational treatment of blocks A and B would be of a ubiquitous design that might be seen in many other locations: it would not reflect any obvious local architectural language, either canal warehouses as suggested, local Victorian vernacular or local industrial architecture. Nor does the design seek to contrast with its surroundings in a particularly contemporary approach. There is no clear architectural explanation for the arrangement of the proposed fenestration treatment, unlike the clear principles at work in some nearby streets. I conclude that the proposal would therefore fail to respond to local character or reinforce local distinctiveness. The scheme would not conform to the relevant requirements of LP policies G1 and D1 or the design quality objectives of the NPPF.

*Whether the proposed development would preserve or enhance the character or appearance of the Regent's Canal Conservation Area*

30. The Regent's Canal Conservation Area Statement (RCCAS) was published in 2001 but remains a useful and pertinent guide to the heritage significance of the area. It states that 'The ever changing vista, the variety and contrast of townscape elements and the informal relationship between buildings and canal contribute more than any other factors to the character of the canal' and this remains the case. The appeal site lies within sub-area 2, where the statement notes an excellent example of an historic canal-side warehouse at Eagle Wharf and points out that at Bangor Wharf there is an excellent opportunity for enhancement. It refers to the Constitution pub at Gray's Inn bridge, which is illustrated in the statement, as being listed<sup>4</sup> and making a positive contribution to the conservation area. Along with a brick warehouse to the north, the pub 'represents the last remnants of 19<sup>th</sup> century development, enhancing the understanding of the original character of its context'.
31. The appellant does not dispute the contribution made by the pub. I consider it has a pivotal role because of its prominence next to Gray's Inn bridge, seen from the canal and roads above. The proposed development would detract from this prominence because of its height, bulk and unsympathetic fenestration treatment.

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<sup>4</sup> It is on Camden's local list along with Grays Inn bridge. It is also mentioned as part of a group with a warehouse at 2 Barker Drive. It is not on the statutory list.

32. Camden Town Conservation Area and Jeffreys Street Conservation Area lie to the west of the site but would be hard to perceive from the appeal site. The proposed scheme would have a negligible impact on their heritage interest. With regard to statutorily listed buildings, a fairly concentrated group of 19<sup>th</sup> century terraces and individual houses in Georgiana Street, Lyme Terrace and Royal College Street lie within 100m of the appeal site. However only those in Georgiana Street include the appeal site within their setting. The view along the road also includes low and nondescript industrial buildings in St Pancras Way but the generally well preserved early to mid 19<sup>th</sup> century Grade II terraces combine with the Constitution pub at the culmination of the street to enhance the heritage value of the whole. For the reasons set out above, the appeal scheme would diminish this experience. The harm would be less than substantial<sup>5</sup>.
33. In conclusion on heritage matters, the existing buildings on the site are low and informal but detract from the character and appearance of the Regent's Canal Conservation Area because of their utilitarian post war appearance and obtrusive perimeter security features. Whilst redevelopment provides an opportunity for enhancement, SA35 notes that it should be in a form which is appropriate to the conservation area and responds positively to the canal setting. The proposed scheme would be of excessive height and bulk and would dominate the canal and the nearby locally listed pub. Its fenestration would not respond appropriately to the street scene and would diminish the setting of the listed terraces in Georgiana Street and the Constitution pub. It would not preserve or enhance the character or appearance of the Regent's Canal Conservation Area and would not conform to the relevant requirements of LP policies G1 and D2. The development would lead to less than substantial harm to heritage assets which needs to be weighed against the public benefits of the proposal. I return to this below.

*The effect on the living conditions of adjoining occupiers, in terms of outlook, privacy and natural daylight*

34. The rear elevations of terraced houses at 116-138 Royal College Street face the appeal site on the south western boundary. A large number of windows to habitable rooms in houses in many different types of occupancy extend from basement level up to 4<sup>th</sup> floor. The occupiers would notice a distinct change at the rear of their dwellings. The existing building already significantly restricts outlook, particularly that from the lowest 2 floors, but blocks A and C would project well above the height of the existing wall. Although further back, the outlook for the occupiers of Nos. 130 and 132 would be noticeably reduced. However, given that all the dwellings in Royal College Street enjoy a street view at the front facing south and west, and oblique views at the rear would remain for the occupiers of Nos. 130 and 132, the overall impact on outlook alone would not be unacceptable for an urban location.
35. Turning to the effect on privacy, there is agreement between the parties that the distance between the rear elevation and windows to flats in block C would be above 18m given in Camden's Planning Guidance 6- *Amenity* (CPG6) as normally good practice. However the occupiers of Nos 130 and 132 would have direct views into the living areas and bedrooms of 6 flats in block C and there would be a corresponding impact in the other direction. Moreover the private

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<sup>5</sup> In the terms set out in paragraphs 132 and 134 of the NPPF

terraces of flats C103 and C104 would be visible to the occupants of Royal College Street from the upper floors within 18m. The effectiveness of the suggested vegetation screening to these areas would depend upon the quality of maintenance, to which I give only limited weight. It should not be necessary for private terraces to depend on vegetation alone to comply with planning guidance. The private balconies of flats Nos. C203, C204, C303 and C304 would also be only just outside the 18m distance, albeit sideways on. The overall impact would be a strong sense of intrusiveness for the occupiers of both blocks.

36. With regard to natural daylight, the lower floor windows to flats and houses in Royal College Street would suffer a reduction in natural daylight but that would not be to the extent that their living conditions would be unacceptably affected. I have considered this matter having regard to the additional daylight and sunlight analysis submitted prior to the Inquiry and my own observations at the site visit. With regard to Reachview Close, there would be an effect on sunlight reaching the lower floors in winter months but this would not be to the extent that it would be unacceptable, given the broad and pleasant aspect that the occupiers otherwise enjoy.
37. In conclusion on this matter, the effect on the living conditions of occupiers of Nos 130 and 132 Royal College Street would be a combination of reduced outlook, privacy and daylight. The effect on mutual privacy is decisive. The proposed development would not comply with the amenity protection aims of CPG6 in this respect and would conflict with the relevant objectives of LP policies A1 and D1.

*Whether the proposed residential accommodation would be of an acceptable level of quality*

38. Reason for refusal 3 refers to the effect on outlook, light, external amenity space and overlooking and privacy issues. I have commented on the likely degree of mutual overlooking between flats in block C and dwellings in Royal College Street above. I now consider the interrelationship between the new flats themselves in terms of these matters: and the impact on flat A001, a ground floor dwelling designed for occupation by a disabled person.
39. The gap between the facing windows of living areas and bedrooms in blocks A/B and block C is accepted to be around or just beyond 18m, but the distance between balconies or between balconies and windows would be less, particularly between the balcony of flat B204 and the bedroom window of flat C202. The advice in CPG6 specifically includes balconies when considering the good practice distance of 18m, which should be applied flexibly. However, balconies in this location on all 4 floors of block B are likely to be occupied on summer evenings, as they would have a pleasant view west towards the canal. For the occupiers of flats C102, C202, C302 and C402, the presence of people on balconies in flats B104, B204, B304 and B404 would be intrusive at a distance under or close to the recommended minimum. I accept that close distances between flats may be commonly accepted in urban locations but the CPG6 guidance is provided in the context of Camden, which except for Hampstead Heath is an almost entirely urban district. No plausible reason has been put forward for reducing the distance below the minimum beyond considerations of maximising density, but that goal should not be at the cost of uncomfortably close living conditions.

40. Another indication of the implications of the density of this scheme is demonstrated by the relationship between the outdoor amenity spaces of flats A101 and B104. These balconies/terraces are adjacent to one another and only separated by a vegetation screen which might prevent overlooking for a while but would be incapable of preventing audible intrusion. It would be insufficient to ensure an acceptable degree of privacy.
41. The outdoor amenity area of flat A001 is at a low level and the sunlight/daylight analysis demonstrates that it would not receive any sunlight for much of the year. It would be of great importance for the occupant who may well be a wheelchair user or housebound, particularly as the entrance to this flat on the opposite side would face north and would have only a small kitchen window and a front door with a sidelight. The outlook from the main living area would also be poor.
42. The amenity area would be within 15m of the upper rear windows of houses at 124 and 126 Royal College Street. The prospect of overlooking would be likely to deter the occupant from using the outdoor space and could encourage the use of curtains during the day in a location which is already relatively poorly provided with natural light. Moreover, this terrace is potentially subject to disturbance from the windows to the commercial accommodation immediately above and the private terrace to flat A102 and the common roof garden which are one floor above that.
43. The desirability of maximising residential accommodation and commercial space has necessitated compromises in the relationship between the residential units themselves and neighbouring accommodation. The effect on overlooking and privacy in particular would conflict with Camden's good practice guidance in CPG6 and with the relevant objectives of LP policies A1 and D1.

*Whether the provision made for cycle parking would be acceptable*

44. The Council's objection relates to the potential difficulty that cyclists would have getting to and from cycle racks in store rooms in the main accommodation and in an old access way that passes under Georgiana Street. The Council also prefers a 2 tier racking system which it considers is easier to operate.
45. The access way in question is an arched brick tunnel which formerly provided carts with a way along the canal through to Bangor Wharf. In consequence it is quite high. At the site visit it was also dry. It could be made very secure. Providing that a flight of steps up to the wharf level includes a bicycle ramp, I do not consider that it would deter future occupiers.
46. The internal cycle stores would be reached through a number of doors from the entrances but these could be held open on a magnetic release or automatically operated. As such, I do not consider cyclists would find the the proposed routes unreasonably difficult to negotiate. The arrangements could be ensured by imposing an appropriate planning condition.
47. The public open space at the centre of the scheme currently shows 4 bicycle stands (8 spaces) which are intended for visitors to the business accommodation. There is sufficient space to accommodate more stands in this area and there is scope for at least these to be sheltered. That could release space in the tunnel for the Council's preferred 2 tier racking system mounted at

an angle. If I was otherwise minded to allow the appeal, this matter could be controlled by imposing a condition.

48. I conclude on this issue that with appropriate conditions, the provisions for cycle storage would not conflict with LP policies T1 or T3.

### **Other matters**

49. A signed and dated Section 106 Unilateral Undertaking (UU) has been provided with the aim of ensuring provision of the affordable housing; a Construction Management Plan; a contribution to highways alterations at the entrance; a contribution towards facilitating cycling in the immediate area and improvements to the public realm; a contribution to improvements in local public open space; an Employment and Training Plan together with measures to encourage local employment; arrangements to encourage procurement of materials locally; management and maintenance of landscaping including vegetation screening; the removal of the entitlement of most future occupiers to a resident's parking permit; an Energy Efficiency and Renewable Energy Plan; a Sustainability Plan; arrangements for management of the public open space on the scheme; a Traffic Regulation Order contribution; and a canal contribution which would be used for maintenance and improvement of the towpath and the canal in the immediate area.
50. The provisions of the UU were discussed at length at the Inquiry. I consider that the UU is directly related to the proposed development, fairly and reasonably related in scale and kind, and its provisions would be necessary to make the development acceptable. They meet the tests set out in paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations. If I was otherwise minded to allow the appeal, it would attract significant weight.
51. The existing willow tree on the corner of Gray's Inn bridge is a prominent feature in the street scene that identifies the location of the crossing in Georgiana Street and St Pancras Way. It links the greenery on the canal with the surrounding urban environment and falls into the category of trees referred to in the RCCAS as giving a soft edge to the canal. Trees in the conservation area are statutorily protected. The RCCAS advises that where existing trees need to be removed for safety or maintenance purposes, a replacement tree is expected. It is unclear why a replacement tree is not proposed in this case. The value of trees in the urban scene at canal crossings is well illustrated by a tree at the recent Lawfords Wharf scheme. Although the Council withdrew reason for refusal 10 relating to the willow prior to the Inquiry, its loss is a negative aspect of the proposal.
52. I have taken account of representations from the fashion business Rainbow Wave at Eagle Wharf. Their ground and first floor windows enjoy high levels of natural light which is considered important in assessing and showing clothing. Block C would be about 9m away from the south east facing elevation but set back further from the canal. There would be less direct sunlight in the mornings and there would be a reduction in natural daylight. However, there is no evidence to suggest that that would be to the extent that there would be an unacceptably negative impact on the business. The appeal site is identified as appropriate for new development while minimising potential conflicts between residential and other uses. The effect on natural light enjoyed at Eagle Wharf by the appeal proposal has not been shown to be so severe as to justify refusal.

## **Conclusions**

53. The desirability of redeveloping the appeal site is recognised in the development plan. To summarise the policy position, redevelopment should minimise potential conflicts between residential and other uses; aim for an appropriate mix of affordable housing types to meet the needs of households unable to access market housing; preserve or enhance the historic environment and be of a form and scale appropriate to the Regents Canal Conservation Area; provide a high standard of accommodation and seek to ensure that the amenity of occupiers and neighbours is protected; and respond to the open character of this part of the canal.
54. The provision of new market and affordable housing with flexible employment space, along with public access to the canal are benefits that attract substantial weight. I have found that the provision for flexible employment space, the housing mix and the arrangements made for cycle storage would be acceptable. However, the proportion of intermediate (shared ownership) housing weighs against the scheme, given the need for housing suitable for those with incomes in the 'squeezed middle'. Furthermore, the detrimental effect on the conservation area and the character of the street scene and the wider area together with the impact on the privacy of existing and future occupiers would seriously conflict with the relevant aims of the LP, the LonP and the NPPF. I conclude that neither the harm to the conservation area nor the other harms identified are outweighed by the public benefits.
55. For all the above reasons, the appeal must be dismissed.

*Paul Jackson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard	Of Counsel, instructed by the Solicitor to the Council
He called	
Jonathon McClue BPlan (Hons)	Principal Planning Officer
Neil Cleary BA(Hons) DipTP	Affordable Housing Development Co-ordinator
Kyle Gellatly MSc MRICS	Associate Director, BPS
Frances Madders BSc(Hons) BArch MSc	Senior Planning (Urban Design) Officer
Sarah Freeman BA(Hons) MA MSc	Inspector, Historic England

### FOR THE APPELLANT:

Anne Williams	Of Counsel, instructed by Direct Access
She called	
Toby Rogan-Lyons	Associate Director, GL Hearn
Judith Tranter BA(Hons) DipArch RIBA	TM Architects
Neil Brant MSc CMCILT	Vectos
Kevin Murphy BArch MUBC RIBA IHBC	KM Heritage
Jon Millership	Head of Acquisitions, One Housing Group
Edward Shakespeare BSc(Hons) MRICS	Savills (UK) Ltd
Chris Pittock BA(Hons) DipUD	Spenthorpe Ltd

### INTERESTED PERSONS:

Penny Gamez	Local occupier
Fiona Russell	Local occupier
Cllr Roger Robinson	Local Councillor
Anthony Richardson	Secretary, Regent's Canal Conservation Area Advisory Committee
Malcolm Tucker	Regent's Canal Conservation Area Advisory Committee, Greater London Industrial Archaeology Society
Del Brenner	Regents Network
Claire Brooks	Operations Director, Rainbow Wave

### DOCUMENTS

- 1 Plans provided by the appellant indicating proposed social rent and shared ownership units
- 2 Statement of Common Ground on viability
- 3 Updated Statement of Common Ground
- 4 Statement from Penny Gamez
- 5 Statement from Fiona Russell
- 6 Statement from Malcolm Tucker
- 7 Statement from Del Brenner with map of London canals

- 8 Statement from Anthony Richardson
- 9 Ground floor proposed use plan
- 10 Façade study; Georgiana Street elevation at 1:20, provided by the appellant
- 11 Email from Mr McClue confirming building heights and distances
- 12 Elevations showing comparative heights of neighbouring buildings and the appeal scheme
- 13 Signed and dated S106 Unilateral Undertaking
- 14 CIL and S106 statement
- 15 Statement of Common Ground on Affordable Housing