

Development Control in Camden

Draft September 2023

A discussion paper initially drafted for the Camden Civic Society, for consideration by neighbourhood forums and other local groups.

Issued for comment

1 Introduction

- 1.1 The Camden Civic Society has been considering the outcome of recent planning applications in relation to impact on communities, nature, climate change and conservation areas.
- 1.2 Over the past several years planning decisions on large schemes have raised concerns about how development control works in Camden. The housing crisis is dominating other issues, including consideration of:
 - existing communities, ie. provision of a liveable urban environment, well-being and protection of architectural heritage
 - the Climate and Ecological crisis
 - the type of housing needed in Camden in terms of its affordability and size.
- 1.3 We recognise the need for a holistic approach to planning, which considers the acute demands of the housing and climate/ ecological crisis. We seek a constructive dialogue with the council on these matters.
- 1.4 It is understood that there are impediments to the proper implementation of policy:
 - the National Planning Policy Framework (* see footnote)
 - tactics by developers including purposefully hiring the most expensive planning lawyers on order to put pressure on planning officers to avoid the costs of appealDespite this, there needs to be higher bars to overruling agreed policies and more political appetite to protect them.
- 1.5 We believe that planning policy should be founded in effective community participation. Such engagement requires the effective implementation of agreed policy to demonstrate the value of community participation. At present there is a strong sense that planning is being done 'to' people, and not with the consent of local communities. This is the cause of resentment and even anger and has the potential to alienate citizens from their local authority.
- 1.5 There is concern about the ability of Camden's planning department to evaluate design-related issues, and that the pre-app process often leads to poor quality

design coming forward in applications for new buildings. Examples include the Francis Crick Institute (2010/4721/P, nominated for the Carbuncle Cup for the ugliest building in 2016) and the more recently the O2 Centre development (2022/0528/P) and Belgrove House on Euston Road (2020/3881/P). The proposed development of the Murphy Site in Kentish Town (2021/3225/P) was designed with advice from planning officers through a behind-the-scenes pre-app process, but despite this was shown to be non-compliant with planning policy and had to be withdrawn. The input of the Design Review Panel often seems to be ignored, eg. at the Camden Goods Yard development (2017/3847/P).

- 1.6 The ability of Camden's planning department to evaluate proposals in relation to the Climate and Ecological emergency has also been questioned. The policy tools available to the planners- such as prioritising refurbishment over new-build- are not being used. There appears to be the need for training of officers about the Climate and Ecological crisis. Presentation by planning officers of these issues during planning committee meetings is lacking: it is sometimes not mentioned (Demolition of the British Library Centre for Conservation 2022/1041/P) or it is mis-represented (Network Building, 2020/5624/P).
- 1.7 A separate area of concern is the lack of enforcement of planning permissions, planning conditions and Section 106 agreements, including Construction Management Plans. We would like to consider how this problem might be addressed, including the possibility of community-led monitoring of applications.
- 1.8 Development control is sometimes referred to as a "quasi-judicial" process which points to the need for judgement and impartiality. Discretion is an intrinsic part of it. We recognise planners rely on discretion to reach a view about policy implications in relation to particular proposals. Planners may need to choose which battles are worth fighting. At present, it seems that important battles are being ducked.
- 1.9 Now is an important moment because Camden is working on the next iteration of its Local Plan. The introduction of Design Codes seems certain. One goal is to give developers "certainty". The community needs it too.

2 Review of planning in Camden

- 2.1 Initial work would be a survey of local groups to review levels of satisfaction with the development control services of LB Camden's planning department.
- 2.2 We propose a review should concentrate on the mechanisms that effect the implementation of planning policy within the council. This would focus on how existing policies are used to determine the outcome of planning applications, and how these are able to be overridden by other considerations.

2.3 Key topics to be discussed are likely to include:

- The ability of Camden's planning department to evaluate design-related issues
- The ability of Camden's planning department to evaluate proposals in relation to the Climate and Ecological emergency
- How to make planning a more consensual planning process, the method of consultation needs to be changed to be more meaningful and responsive
- Enforcement of planning permissions, planning conditions and Section 106 agreements, including Construction Management Plans

2.4 We hope that any conclusions we reach might be considered by the council in respect of

- drafting of Camden's new Local Plan
- increasing public satisfaction with the development control process
- effective action on the Climate and Ecological Emergency

3 First steps

3.1 To improve the current situation, a conversation between the borough's civic society, represented by groups and individuals, and high-ranking officers in Camden's planning department is overdue. Before getting to that stage, we—the community of citizens and groups which have engaged with planning issues for many years— must debate together how to tackle this.

3.2 We would like to reach out to some of the many groups in Camden to gather information and feedback with a view to developing recommendations for improvement of Camden's planning service. We are aware that there are multitude of different issues that need to be considered, and that many people are disillusioned about the possibility for change, but we hope that this can be a positive process. We will discuss how the review process might be planned and agree a timetable. The groups that we will be reaching out to include:

- neighbourhood forums
- conservation area advisory committees
- councillors experienced in planning
- interested citizens including professionals including planners, architects, historians, public health, civil servants etc

3.3 We will ask Camden Council for some preliminary information to inform this process, including:

- Planning development officers: total numbers and relevant specialism
- Current programme for updating planning policies, including updating of conservation area management plans and statements

- New planning frameworks anticipated
- Any reviews of performance that have recently been undertaken, eg. effectiveness of the Design Review Panel

3.4 Some planning frameworks predate the Council's declaration of a Climate and Ecological Emergency, and they need urgently to be reviewed. These include the Kentish Town Framework.

4 Economic context

4.1 We acknowledge that current planning policy favours development that leads to economic growth. This is the prevailing political consensus of the two leading political parties in the UK. Unfortunately planning policy appears insufficient to constrain development to avoid harms to the environment and wellbeing.

4.2 We will seek to discuss these issues and develop a consensus that might enable a more responsible approach to development in Camden.

5 Housing development

5.1 The housing crisis is used to justify overwhelming housing development. However, it is not the case that all contributions to housing supply are equally valuable or important. Decisions made on this basis do not provide the type of housing needed in Camden.

5.2 Average rents in Camden are not affordable: £3,500/month is the going rate for a 2-bedroom flat in an ordinary new-build block built on land on Malden Road (2016/1771/P). Despite billions spent on housing development in the borough over the last ten years, there is a desperate shortage of social rent housing. Falling rolls at state primary schools and the high number of children in private secondary education are indications of failure to coordinate development with society.

5.3 Camden routinely licences unusually tall blocks, big demolition-led schemes, exceptionally dense housing and development on highly compromised sites, and facilitates large development companies to act.

5.4 We see the political authority that represents the people in the borough celebrating schemes as successful or exemplary which are not. This 'boosterism' driving the narrative about planning is hard to confront and we can only do so by using evidence and facts not stories.

5.5 This pattern is not due to Camden development control alone: it is a feature of the times and the political economy which the planning department serves. That being so, local authority planning is worth reviewing. Is it doing as much as it can? Are all the tools at its disposal being used? Are its planning documents and policies shaping development well?

6 Climate and Ecological Emergency

6.1 Many large scale permitted schemes do not adequately address the Climate and Ecological crisis, including for the following reasons:

- Development creates very high levels of 'up-front' GHG emissions through its construction (developers use WLC assessments to conceal the significance of this).
- Sufficiently reduced levels of operational carbon are not being achieved and will require future adaptation work to meet 'net-zero' standards.
- Developers are able to make up for their failure to meet operational carbon requirements by paying an 'offset' fee into Camden Council's Section 106 carbon offset account. A total of around 60,000 tonnes CO₂e have been offset in this manner over the past several years, with £4.4m collected. The amount of carbon emissions savings which has been made as a result expenditure of the monies raised is only about 10,000 tonnes CO₂e, only 17% of the total offset. Offsetting is ineffective and should be minimised.
- Over-dense development will result in overheating.
- Green spaces, trees and biodiversity are being progressively lost.

Notes

*The Committee for Climate Change Committee's report of December 2020 recognises that this is an inherent flaw in the National Planning Policy Framework: *"A stark example of competing priorities is the tension between building new homes and delivering low-carbon, well adapted development. The National Planning Policy Framework places duties on local government to address climate change and to deliver sustainable development. Local planning authorities can introduce policies to deliver low-carbon and energy efficient developments. They can require net-zero or higher-than-current-standards of energy efficiency. Yet they cannot deliver these measures because they face counter policies on housing targets and viability that prevent their use and leave the authority open to appeal or challenge. This means that repeatedly new housing contributes to emissions and needs retrofitting at the expense of its occupier. Additionally, homes are built to the Building Standards in place when planning consent was granted, this means homes are still being built today, to outdated standards."*