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20 June 2005

Dear Sirs,

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**APPLICATION FOR CONSERVATION AREA CONSENT BY LONDON  
UNDERGROUND LIMITED. APPEALS AGAINST THE NON-DETERMINATION  
AND REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION BY LONDON  
UNDERGROUND LIMITED. APPLICATIONS PEX 0201008 AND 2003/1451/P**

**CAMDEN TOWN UNDERGROUND STATION, CAMDEN TOWN, LONDON NW1**

1. I am directed by the First Secretary of State to inform you that consideration has been given to the report of the Inspector, K D Barton BA (Hons), DipArch, DipArb, RIBA, FCIArb, who held a public inquiry between 10<sup>th</sup> February and 12<sup>th</sup> July 2004 into your client's application for Conservation Area consent and appeals against the non-determination and refusal of applications for planning permission at Camden Town Underground Station, Camden Town, London.
2. Concurrently with the inquiry into the application for Conservation Area consent and appeals against non-determination and refusal of planning permission, the Inspector held a public inquiry into your client's related application for the London Underground (Camden Town Station) Order to be made under sections 1 and 5 of the Transport and Works Act 1992 ("the TWA"). A separate decision letter on the TWA Order is today being issued on behalf of the Secretary of State for Transport.

Inspector's Recommendation

3. The Inspector, whose conclusions are reproduced as an annex to this letter, recommended that Conservation Area consent should not be granted and that the appeal against the refusal of planning permission should be dismissed. For the reasons given below the Secretary of State agrees with the Inspector's conclusions, except where stated, and accepts his recommendation that the appeal be dismissed and that Conservation Area consent should not be granted.

A copy of the Inspector's report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### Procedural Matters

4. The Secretary of State notes that the appeal against non-determination of application PEX 0201008 was withdrawn on 18 June 2004, and application 2003/1451/P was amended on the same date. The Secretary of State agrees with the Inspector at IR 29.1.6 that the amendments are not significant within the overall scheme, and consideration of these matters does not disadvantage anyone. He has therefore reached his conclusion on the basis of the amended scheme.
5. Regarding the application for Conservation Area Consent, the Secretary of State notes that following amendments to the proposed above ground scheme, London Underground Limited (LUL) requested that drawings be omitted from the application. The Secretary of State agrees with the Inspector at IR 29.1.7 that the requirement to have an acceptable scheme for redevelopment remains a consideration in the determination of the application and therefore no one would be disadvantaged by omitting reference to the above ground development drawings and has based his decision on the latest amended documents accordingly.

### Environmental Statement

6. The Secretary of State, for the reasons given by the Inspector in paragraphs 29.1.9 to 29.1.11 of his report, agrees that the Environmental Statement and the Addendum Environmental Statement together are adequate and that statutory procedural requirements have been complied with.

### Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise<sup>1</sup>. Section 38(3) of the Act also provides that the development plan consists of regional spatial strategies and the development plan documents.
8. In this case, the Development Plan comprises The London Plan, 2004 (TLP) and the London Borough of Camden Unitary Development Plan, 2000 (UDP). The Council published the deposit draft of its Replacement Unitary Development Plan in June 2003. The First Secretary of State accords it little weight due to its early stage of preparation.
9. Material considerations which the Secretary of State has taken into account include Planning Policy Statement 1 *Delivering Sustainable Development* (PPS1), Planning Policy Guidance note 3 *Housing* (PPG3), Planning Policy Statement 6 *Planning for Town Centres* (PPS6), Planning Policy Guidance note 13 *Transport*

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<sup>1</sup> Section 54A of the Town and Country Planning Act 1990 was repealed and substituted by Section 38(6) of the Planning and Compulsory Purchase Act on 28 September 2004 (Planning and Compulsory Purchase Act 2004 (Commencement NO 2, Transitional Provisions and Savings Order 2004 [SI. 2004/2202]).

(PPG13), Planning Policy Guidance note 15 *Planning and the Historic Environment* (PPG15), and Planning Policy Guidance note 21 *Tourism* (PPG21), and the Mayor of London's Transport Strategy, 2001 (TS) and Culture Strategy, 2004 (CS), along with London Borough of Camden Supplementary Planning Guidance, 2002 (SPG).

10. Planning Policy Guidance Note 1 *General Policy and Principles* and Planning Policy Guidance Note 6 *Town Centres and Retail Developments* were before the inquiry, as were consultation drafts of PPS1 and PPS6. The Secretary of State does not consider that the publication of PPS1 and PPS6 and the cancellations of PPG1 and PPG6 raise any new issues which need to be referred back to parties before he proceeds to a decision.

### Main Issues and Consideration

11. The Secretary of State considers the main issues in deciding these proposals are those set out by the Inspector in his conclusions at section 29 of his report:

- The effect of the proposed development on the character and appearance of the area including the Camden Town Conservation Area (29.5)
- The effect of the proposed development on local residents, businesses, the town centre and statutory undertakers (29.6)
- The extent to which the proposals are consistent with policy (29.7)
- The impact of the proposed development on traffic and transportation (29.10)
- Legal agreement and conditions (29.11)

### The effect of the proposed development on the character and appearance of the area including the Conservation Area

12. The Secretary of State agrees with the Inspector that the *Payne Report* into conservation issues should be given little weight for the reasons given in 29.5.17.

13. The Secretary of State agrees with the Inspector's assessment of the Conservation Area and the impact of the proposed development on nearby listed buildings and buildings of local interest for the reasons given at 29.5.5 to 29.5.14. He also agrees with the Inspector's assessment at 29.5.20 to 29.5.24 of those buildings which contribute to or detract from the character and appearance of the Conservation Area.

14. For the reasons given in 29.5.27 to 29.5.30 the Secretary of State agrees with the Inspector that the proposal is an exceptional case where the substantial community benefits of an improved station would outweigh the loss of some unlisted buildings which make a positive contribution to the character and appearance of the Conservation Area.

15. The Inspector considers at 29.5.36, and the Secretary of State agrees, that a building of the highest quality is required on this important site, which includes a public transport interchange and is located in a Conservation Area. For the reasons given in 29.5.37 to 29.5.52 the Secretary of State agrees with the Inspector's conclusions that the proposed office block would neither enhance nor preserve the character and appearance of the Conservation Area (29.5.53).

16. The Secretary of State notes the Inspector's concerns about the proposed Northern residential block (29.5.54 to 29.5.55). He agrees with the Inspector that it is the impact in total of the proposals which must be considered, and that separate elements of the above ground design cannot be considered individually in this respect.

### Conclusion

17. The Secretary of State agrees with the Inspector's conclusion given in 29.5.56 that while the station below ground would provide an important public benefit sufficient to justify the demolition of all buildings on the site, it would not justify the proposed above ground development. The Secretary of State agrees that the above ground scheme would neither enhance nor preserve the character and appearance of the Conservation Area, contrary to national and development plan policy objectives.

### The effect of the proposed development on local residents, businesses, and the town centre

18. In his report, the Inspector considered that there would be no unacceptable impact on Hawley School, Alpha Beta Nursery or residents around the site either during or after construction. He considered that the substantial public benefits arising from the station improvements would outweigh the personal loss of residents on the site who would lose their homes, who would in any case be financially compensated (29.6.71). The Inspector also concluded that (excepting Camden Market at Buck Street) the benefits were such as to outweigh any personal loss for businesses that own or occupy properties on the site (29.6.45 to 29.6.46). The Secretary of State agrees with the Inspector's conclusions.

19. The Secretary of State agrees with the Inspector at 29.6.73 that due to the nature of their tenure, stall holders at Camden Market at Buck Street on the site are unlikely to be compensated, and that although some might be able to relocate, a number of businesses would be likely to fail with significant social and economic impacts on those who run or depend on them. The Secretary of State agrees there would be a significant impact on the traders and their dependents. However, he considers that the benefits of the new station in terms of transport, housing and sustainability would outweigh these negative impacts. The permanent acquisition of the land at Camden Market at Buck Street under a Compulsory Purchase Order is a matter for formal consideration by the Secretary of State for Transport.

20. For the reasons given by the Inspector in 29.6.12 to 29.6.14 the Secretary of State agrees that the proposal would adequately safeguard the Trinity United Reform Church and the community facilities it provides.

21. The Secretary of State notes the Inspector's doubts surrounding the suitability of the design of the proposed music venue on the site. As he is dismissing the appeal against refusal of planning permission, the Secretary of State will not decide this issue now. He does, however, invite LUL to carefully consider the Inspector's conclusions at 29.6.23 to 29.6.37.

22. The Secretary of State agrees with the Inspector for the reasons given at 29.6.49 to 29.6.52 that Camden is a strong, healthy town centre (29.6.53) and that Camden Market at Buck Street fills a gap in fashion retailing in the town centre (29.6.60). The Inspector concludes in paragraph 29.6.74 of his report that the loss of a significant proportion of the total stalls within the markets, many of which fill the gap in fashion retailing, would have a particularly detrimental impact on the vitality and viability of the town centre, and its function as a tourist attraction, contrary to national and local planning policy objectives. The Secretary of State agrees that there would be a detrimental impact on the vitality and viability of the town centre, to which he gives some weight, although he considers that the extent and nature of that impact is uncertain.

#### The extent to which the proposals are consistent with policy

23. In his report, the Inspector states that the proposed above ground development would, due to its size and design, have a devastating impact on the character and appearance of the Conservation Area, contrary to local and national planning objectives (29.7.9). The Inspector considers that the housing, sustainability and transport benefits of the proposal would be far outweighed by the detrimental impacts on the character and appearance of the Conservation Area and the vitality and viability of the town centre (29.7.10).

24. The Secretary of State considers that elements of the development would accord with national policy and the development plan for the area in terms of housing, transport and sustainability. However, he agrees with the Inspector at 29.7.9 that the proposed above ground development would be inappropriate at an important location in terms of design and scale, and its impact on the surrounding area. He also concludes that there would be a detrimental impact on the vitality and viability of Camden town centre through the loss of a significant proportion of the fashion retailing. He thus agrees with the Inspector at 29.7.10 that the detrimental impact of the proposed above ground development on the character and appearance of the Conservation Area and on the vitality and viability of the town centre would outweigh the benefits delivered by the scheme.

#### The impact of the proposed development on traffic and transportation

25. The Inspector notes in his report that the proposals would improve sustainable transport choices and accessibility to jobs, shopping, homes and leisure facilities. He notes that the above ground development would be car free and no significant additional car journeys would be generated. On completion, the road network would be virtually unchanged, and the proposals would not provide an obstacle to any future arrangements for the Cross River Tram scheme. He concludes that the proposal would therefore accord with policy advice in PPG13 and the aims of UDP policies (29.10.9). The Secretary of State agrees with the Inspector for the reasons given in paragraphs 29.10.1 - 29.10.8.

#### Legal Agreement and Conditions

26. There are two areas of dispute within the proposed S106 agreement, pertaining to the Education and Town Centre Management contributions. The Inspector

concludes that the Education contribution should be required, and that the Town Centre Management contribution is not justified. The Secretary of State agrees that the Town Centre Management contribution is not justified for the reasons given by the Inspector at 29.11.7. He therefore agrees with the Inspector that, with the exception of the Town Centre Management contribution, the provisions of the S106 Agreement would be in accordance with the guidance given in Circular 1/97 and are necessary to make the scheme acceptable (29.11.25). Although refusing permission for the development, the Secretary of State has determined this issue in order to assist the London Borough of Camden and LUL in dealing with any future applications.

### Conclusions

27. The Secretary of State concludes that the proposed station development would provide much needed benefits which would be sufficient to justify the demolition of all the buildings on the site. The proposals also offer much needed housing at a high density at a public transport interchange. However, the Secretary of State also concludes that the proposed above ground development at an important location would not preserve or enhance the character and appearance of the Conservation Area and would have a detrimental impact on the vitality and viability of Camden town centre, and that these impacts outweigh the benefits of the scheme.

### Formal Decision

28. For the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby refuses Conservation Area consent and dismisses the appeal against the refusal of planning permission.

### Right to Challenge the Decision

29. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

30. A copy of this letter has been sent to the London Borough of Camden and to all interested parties.

Yours faithfully

Mr A Lynch  
Authorised by the First Secretary of State  
to sign in that behalf