



Report to the First Secretary of State and the Secretary of State for Transport

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TRANSPORT AND WORKS ACT 1992

APPLICATION FOR THE LONDON UNDERGROUND (CAMDEN TOWN STATION) ORDER

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

APPLICATION FOR CONSERVATION AREA CONSENT BY LONDON UNDERGROUND LIMITED

TOWN AND COUNTRY PLANNING ACT 1990

APPEALS AGAINST THE NON-DETERMINATION AND REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION BY LONDON UNDERGROUND LIMITED

Inquiry opened on 10 February 2004

Camden Town Underground Station, Camden Town, London NW1

File Ref(s): TWA/03/APP/05, APP/X5210/V/03/1125587, APP/X5210/A/03/1121801, APP/X5210/A/04/1137590

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Application A: TWA/03/APP/05

Application B: APP/X5210/V/03/1125587

Appeal C: APP/X5210/A/03/1121801

Appeal D: APP/X5210/A/04/1137590

Camden Town Underground Station, Camden Town, London NW1

- **Application A** is made under Section 6 of the *Transport and Works Act 1992* for The London Underground (Camden Town Station) Order.
- **Application B** is made under Section 10 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* for conservation area consent for the demolition and removal of all the buildings on the site.
- **Appeals C and D** are made under Section 78 of the *Town and Country Planning Act 1990* by London Underground Limited against the Council of the London Borough of Camden.
- **Appeal C** is made against a failure to give notice within the prescribed period of a decision on an application for planning permission and **Appeal D** is made against a refusal to grant planning permission.
- The development proposed in both **Appeals C and D** is the reconstruction of Camden Town Underground Station to provide a new station and mixed use development above.

Summary of Recommendations: Application A for The London Underground (Camden Town Station) Order is not confirmed, Application B for conservation area consent be refused and Appeal D against refusal of planning permission is dismissed. Appeal C has been withdrawn.

1.0 Introduction

- 1.1. At the Inquiry applications for costs were made by the Council of the London Borough of Camden (LBC), Camden Lock (London) Limited (CLLL) and the Electric Ballroom (EB) against London Underground Limited (LUL). These applications are the subject of separate Reports.
- 1.2. **Application A** was made on 14 March 2003 under the Transport and Works Act (TWA) for *The London Underground (Camden Town Station) Order*¹. The Secretary of State for Transport (SoST) decided on 27 May 2003 to hold an inquiry into the Order application and on 18 August 2003 issued a Statement of Matters (TWA SoM) on which he wishes to be informed². On 17 December 2003 the Order application was amended to include a number of minor drafting changes suggested by the Department for Transport. Revised works plans and sections (sheets 1A, 2A and 2B) were submitted reflecting amended descriptions of the Scheduled works. These are a minor repositioning of some cross passages, and the inclusion of a new cross passage, below ground (Work No 10) requested by Her Majesty's Railway Inspectorate, and references to a public lift and public toilet in Work No 1 to address concerns raised by the Mayor of London³. On 6 January 2004 a revised TWA SoM was produced⁴. Draft filled up Orders incorporating amendments were issued dated 6 February 2004 and 3 June 2004, the latter to address concerns of Transco plc⁵. The documents that now comprise the application are set out in Appendix 1.
- 1.3. **Application B** was made to LBC on 21 November 2002⁶. By virtue of Section 12(3A) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, LBC

¹ CD11

² CD12

³ CD 11A and CD 14A

⁴ ID/7

⁵ CD11A and LUL/51

⁶ CD7

referred the application for conservation area consent to the First Secretary of State (FSS) on 13 May 2003, as a consequence of *The London Underground (Camden Town Station) Order*. A SoM (CAC SoM) on which the FSS wishes to be informed was issued on 18 August 2003⁷. The documents comprising Application B are set out in Appendix 2.

- 1.4. A planning application dated 21 November 2002 (LBC Ref PEX 0201008), to provide a new station and mixed use development above, was submitted to LBC on 22 November 2002. Floor area figures were amended by a letter dated 27 November 2002. **Appeal C** against non-determination of this application was submitted on 9 July 2003 to enable the proposal to be considered together with the Order and conservation area consent applications⁸. A SoM (PP SoM) on which the FSS wishes to be informed in relation to the planning appeal was issued on 18 August 2003⁹. Amendments to the application were subsequently submitted under cover of a letter dated 17 December 2003¹⁰. However, this appeal was withdrawn on 18 June 2004¹¹.
- 1.5. A duplicate planning application (Ref 2003/1451/P) dated 25 July 2003 was submitted to LBC and was subsequently amended on 6 October 2003¹². This amended application was refused by the Council on 18 December 2003 for the following reasons:-
 1. The proposed layout of the station and its environs at ground floor level would allow opportunities for crime, reduce community safety and would be detrimental to the character, function, vitality and viability of part of Camden Town shopping centre by reason of the inclusion of a blank frontage to Kentish Town Road, and therefore would be contrary to policies RE1, EN1, RN4, EN20, SH2 and SH8 of the London Borough of Camden Unitary Development Plan 2000.
 2. The proposal would not create a satisfactory pedestrian environment and include adequate levels of accessibility by reason of the inclusion of steps and ramp at the junction of the proposed pedestrian street and Kentish Town Road, and therefore would be contrary to policies RE1, RE3, EN1, TR21, SH2, TM3 and CT4 of the London Borough of Camden Unitary Development Plan 2000.
 3. The bulk, scale and massing, detailed design and visual appearance of the proposed office building fails to achieve the high standard required of such a location and would harm the character and appearance of this part of the conservation area and therefore would be contrary to policies RE1, EN1, EN13, EN14 and EN31 of the London Borough of Camden Unitary Development Plan 2000.
- 1.6. **Appeal D** against this refusal was submitted under cover of a letter dated 9 January 2004¹³. Further amended drawings were submitted to the Inquiry on 18 June 2004. These include three kiosks on Kentish Town Road¹⁴, changes in the location, and

⁷ CD12

⁸ CD5 & CD6

⁹ CD12

¹⁰ ID/12

¹¹ LUL/53

¹² CD136

¹³ CD140

¹⁴ As agreed with the London Borough of Camden and set out in CD158

introduction, of new cross passages¹⁵, extending the footprint of a replacement Church 2 metres further west¹⁶, a revised music venue layout, and minor changes as a consequence. The documents comprising Appeal D are set out in Appendix 3. Whilst a SoM has not been issued relating to Appeal D, I shall apply that relating to the withdrawn Appeal C.

- 1.7. In August 2003 the Department of Culture, Media and Sport (DCMS) was asked on behalf of CLLL (Objection 103) to spot list Camden Town Underground Station and a Bank at 176 Camden High Street within the site¹⁷. The Euston Trust (Objection 255) also requested the spot listing of the Station and Bank, together with Trinity United Reformed Church, Buck Street and the Chalk Farm and Buck Street Extension to the Camden Town Deep Shelter, in September 2003¹⁸. LUL applied for a Certificate of Immunity from listing for the above mentioned properties and others within the site¹⁹. A Certificate of Immunity from listing was issued by DCMS on 11 February 2004²⁰.
- 1.8. Objection numbers up to 294 have been allocated. 12 numbers were not used, 2 objections were duplicates and 3 were supporters rather than objectors. One, Delancey Street Residents' Association, stated at the Pre-Inquiry Meeting that it wished to appear but later indicated verbally that its concerns had been covered by other objectors and it did not wish to give evidence. 36 were not formal objections to the Order or appeals but objections made at application stage to the LBC. I have also been provided with copies of other objections made at application stage and I have taken these into account in making my recommendations. There were, therefore, 240 objections to the proposals. Ten of these were withdrawn before the end of the Inquiry. Some of the withdrawals were subject to amendments to the Order being considered and I have dealt with these in Section 29.1 of this report. The cases for 21 of the objectors were presented at the Inquiry. There are 209 written objections of which 11 are statutory objections.
- 1.9. A Pre-Inquiry Meeting was held on 12 November 2003 to discuss administrative arrangements for the Inquiry²¹. The Inquiry sat for 46 days between 10 February and 12 July 2004. A list of appearances is attached as Appendix 4 and a list of documents submitted to the Inquiry is at Appendix 5. A number of unaccompanied and accompanied site visits were made and these are scheduled in Appendix 6 whilst Appendix 7 is a glossary of abbreviations used.
- 1.10. On Day 1 of the Inquiry an adjournment was requested by CLLL on the basis that a rebuttal proof submitted shortly before the Inquiry gave completely different figures for the LUL business case to those provided previously, and used different appraisal criteria. This needed to be taken on board and the business case needed to be dealt with before other matters. In addition, a rebuttal from LUL's architectural witness had also been received shortly before the Inquiry. Alternatives had been discussed but it was not known what matters were 'in principle' problems. PEDROUTE models were also being run.

¹⁵ As shown on the 17 December 2003 amendments to the application in Appeal C

¹⁶ As agreed with Trinity United Reform Church resulting in withdrawal of Objection 124

¹⁷ 103/4/B Appendix 3

¹⁸ 255/2

¹⁹ CD43/1-5

²⁰ LUL/17

²¹ ID/3

- 1.11. The EB also requested an adjournment. It agreed substantially with the request of CLLL and had two main concerns, the recasting of the LUL business case at a late stage and the lack of supporting information and data. The LBC expressed sympathy with the two statutory objectors and agreed that a pause would be beneficial. The objecting parties agreed that it would not be fair to proceed with part of a witness's evidence and partial cross-examination, and that a pause to allow meetings to take place would be likely to shorten the inquiry.
- 1.12. LUL did not accept that there was any basis for complaint as rebuttals had been submitted a week before the evidence was to be given as set out in the timetable. It was up to others to prove their alternatives would work. However, it accepted that the document on the business case amounted to more than a rebuttal although the same was not true of the transport case.
- 1.13. In the interests of natural justice an adjournment was given because of the late submission of new information on the LUL business case. The programme was re-arranged to allow a pause for meetings and then for LUL to give its evidence-in-chief and unrepresented objectors to give their evidence before cross-examination of LUL's witnesses. The Inquiry did not therefore sit on 11, 13, 17, 18, 19 and 20 February 2004 as originally scheduled.
- 1.14. This report consists of descriptions of the proposal and of the site and its surroundings, a summary of relevant planning policy, the material points made in submissions at the inquiry, and in written objections²², together with my conclusions and recommendations. Appendix 9 provides a cross reference between the Statements of Matters and my conclusions. I have attached all documents and plans submitted to the inquiry, including proofs of evidence. The proofs are as originally submitted, in other words unless expressly stated they do not take account of how the evidence may have been affected by cross-examination or other aspects of the inquiry.

2.0 The Site and Its Surroundings²³

[This description is based on information in the Statement of Common Ground²⁴]

- 2.1. The site which is the subject of the applications and appeals has an area of approximately 0.5 hectare, is located in Camden town centre. It comprises a triangular shaped area bounded by Buck Street to the north, Camden High Street to the west and Kentish Town Road to the east. Camden High Street and Kentish Town Road are classified roads that form part of Camden Town's one-way traffic system. Buck Street is a minor road running east-west that links them.
- 2.2. The pavement lines around the site have been re-configured to accommodate the current traffic system. The pavement has been widened on part of the Camden High Street frontage, and adjacent to the apex of the site, but remains narrow on the majority of the Kentish Town Road frontage.
- 2.3. The site accommodates a mix of uses including shops and an open market, (A1 Use Class), financial services (A2), food and drink (A3), offices (B1), residential (C3), the Trinity United Reformed Church (TURC) (D1), leisure (the EB) (D2), and the Underground station (no specified use class).

²² ID/16

²³ LUL/8/B5 Tab 1 includes a map of the site and its surroundings

²⁴ CD148

- 2.4. Camden Town Underground station was designed by Leslie Green. Few of the original internal features remain after the installation of escalators in the 1920s, bomb damage in 1940, and the more recent installation of automated ticket machines. The bomb damage to the Camden High Street façade has never been wholly repaired and the elevation is truncated with only two of the original three arched bays remaining. The missing part of the façade has been replaced with a fence and advertising hoarding.
- 2.5. The station has two frontages with entrances to Camden High Street and Kentish Town Road. The two facades are three-storeys in height. The lower portion on each frontage consists of the characteristic arcaded two-storey façade constructed in glazed faience with pilasters, fascia, semi-circular windows and cornice, which is used elsewhere in stations of the period. Here it is surmounted by an additional storey constructed in red facing brickwork with pilasters, stone dressings and vertical sash windows. This probably dates from when the station was opened in 1907.
- 2.6. Three shops and a vehicular entrance occupy the ground floor of what is mainly an operational building for the Underground at 178-182 Camden High Street. The building was constructed adjacent to the station around 1936 after the escalators became operational. It contains a number of levels, housing a substation and transformers and power distribution equipment. The building is approximately five storeys in height (19m) and built in utilitarian style and materials.
- 2.7. No 184 Camden High Street is a stand alone building, built in the twentieth century after the station. It is higher than the older, three-storey properties at 186-192 Camden High Street, which existed in 1903. The insertion of a full-width modern window at first floor level and the painting of the brickwork have altered the façade. The building serves as the entrance to the Electric Ballroom (night club), which is a collection of buildings that also includes 11a Kentish Town Road. They date in their present form from the 1930s. What used to be Dewsbury Terrace is used as a gated, private access road for deliveries and as a fire escape route from the Ballroom.
- 2.8. Nos 186 to 190 Camden High Street are four bays of a smaller group of terraced properties housing three shops with offices above. Three of the bays remain faced in brickwork with stone or rendered lintels to the first and second floor windows but number 186 has been painted over.
- 2.9. Twelve, four storey properties at 1-23 Kentish Town Road have mansard roofs and dormers. Five of the façades have been painted. The windows and shop-fronts have been altered and some of the pilasters lost. They comprise ground floor retail and café/hot food takeaway units with residential flats and offices on the upper floors.
- 2.10. The TURC and Hall were constructed in 1909 and comprises a two-storey façade in red brick with stone dressings and mullioned windows fronting Kentish Town Road, with two gables with Gothic windows on Buck Street. The interior layout has been changed, particularly on the east side, with the subdivision of the boys' classroom into individual consultation rooms. The interior of the Church has an exposed timber roof structure, a gallery, and some of its original fittings have survived. The north wall was completely removed between the piers on the Buck Street elevation for the insertion of a glazed screen and doors. The top of the flèche has been removed.
- 2.11. On the south side of Buck Street is a brick structure of functional design. It contains a ventilation shaft, which is the visible part of a deep air-raid shelter constructed for the

Ministry of Works by LUL between 1940 and 1942. The shelter consists of two long, deep tunnels that run either side of, and parallel to, Camden High Street, joined by cross-tunnels and with a main entrance in Stanmore Place south of Parkway. The structure above ground on Buck Street consists of a single-storey brick plinth with a semi-circular projection on the frontage and a central three-storey brick ventilation tower.

- 2.12. A market, known as Camden Market, has frontages onto Camden High Street and Buck Street, and includes an area of land substantially free of buildings to the rear of the Buck Street Ventilation Shaft and to the west of the Church. I shall refer to this as Camden Market at Buck Street to avoid any confusion with the Camden markets as a whole. It is an open air market set out with demountable stalls behind a freestanding fascia on metal supports.
- 2.13. The surrounding land uses are mixed and comprise predominantly retail and commercial uses with some leisure, residential and community content. The site is located within a major shopping and service centre and Camden High Street to the west forms part of the defined Primary Retail Frontage. To the north along Camden High Street the retailing is characterised by a variety of fashion stores, open markets and pavement stores leading up to Camden Lock. Six main markets, Camden Lock, Camden Market at Buck Street, the Electric Market, Inverness Street, Stables Market and Canal Market, at Hawley Wharf on the east side of Chalk Farm Road, are known together as Camden markets. They sell a variety of goods and attract a large number of visitors, particularly at weekends.
- 2.14. The uses on Kentish Town Road are more varied. To the north of the site there is a mixture of residential, community and commercial uses. On the opposite side of the road to the site is a modern building that forms part of a Sainsbury's development. There are shops up to the Alpha Beta Nursery (14 Kentish Town Road) on the east side, and as far as the former Dewsbury Terrace (23 Kentish Town Road) on the west side of the road. There are no shops as such north of Buck Street, but the town centre designated in the Camden Unitary Development Plan (UDP) extends up to the Regent's Canal.
- 2.15. Camden Town Conservation Area was designated in November 1986 and extended in December 1997. The northern boundary of the Conservation Area is located on the centreline of Inverness Street, Camden High Street, Buck Street, and Kentish Town Road. In addition to the site, the premises on the opposite side of Camden High Street between Britannia Junction and Inverness Street, and the premises on the opposite side of Kentish Town Road from Britannia Junction to the nursery building at 14 Kentish Town Road, are within the Conservation Area. None of the buildings on the site are listed but they can be seen from the Primrose Hill and Regent's Canal Conservation Areas.
- 2.16. The original development of Camden Town commenced in the late eighteenth century and was envisaged as a residential area with a few buildings being used as shops to serve the local community. However, commercial uses expanded significantly from the nineteenth century onwards. The residential part of the Conservation Area still displays the homogeneous character that was originally envisaged, and remnants of this character survive in parts of the more commercial areas. The building of the canal and railways in the nineteenth century had a significant effect on the fortunes and appearance of what is now the Conservation Area.

- 2.17. The commercial part of the Conservation Area, identified in the Council's *Conservation Area Statement* has a less homogeneous quality than the main residential areas²⁵. The vestiges of the underlying layout and some of the original terraced properties remain but the gradual development of the main street frontages into a major shopping centre over a period of some 150 years has changed the character of the area, particularly for Camden High Street, such that a large number of national multiple retailers are represented in the retail frontage running south from Inverness Street past Britannia Junction towards Mornington Crescent. Some modern buildings have been introduced into the street scene.

3.0 The Proposal

- 3.1. Camden Town station was opened in 1907 and the lifts were replaced by escalators leading into a new northern concourse and passages to the platforms in 1929. The station has remained largely unchanged since then, apart from general refurbishment of the interiors, finishes and equipment, and much of its infrastructure is now nearly 100 years old.
- 3.2. The proposed redevelopment would provide a new station linked to the existing Northern line tunnels and platforms. The new station would be constructed below ground over the whole site, and include the relocation of a traction substation (TSS) from above ground on Camden High Street to below ground on Buck Street²⁶. A new power cable would be laid from Camden High Street along Buck Street to the new TSS²⁷.
- 3.3. The design of the station is constrained by the fact that the existing platform tunnels will not be repositioned or widened. Other constraints are the need to ensure that the station remains operational throughout the construction period, and the continued operation of the TSS that supplies power to both branches of the Northern line in the Camden Town area and a group of stations.
- 3.4. The new ticket hall would be at street level with two entrances, one at the southern apex of the site, the other onto a new pedestrian street (Reunion Street) between Kentish Town Road and Camden High Street at the northern end of the station. The ticket office would provide more ticket windows and automatic ticket machines than the existing station. The gate lines would also be increased and a station operations room would overlook the ticket hall.
- 3.5. A bank of four escalators (two up and two down, but all reversible) would lead down to the northbound concourse level, via an elliptical atrium. From there further escalators would lead down to the southbound concourse and platforms. Three lifts would link the concourse to each platform. Step-free access to platform level would be ensured by two 16-person lifts serving both north and southbound levels from the ticket hall. Additionally, a further 16-person fire fighting lift could provide access if the primary lifts were under repair. Station operational control and technical facilities would be accommodated around the atrium on intermediate levels and on the ground level concourse for station control in 'paid' and 'unpaid' areas.
- 3.6. The size of the below ground concourses and the number of platform access ways has been determined by reference to LUL's *Station Planning Standards & Guidelines*

²⁵ CD152

²⁶ LUL/50

²⁷ CD14A Works No 9

(SPSG)²⁸. The proposed station has been designed to accommodate 150% of present peak passenger numbers, whilst also providing improved interchange at platform level, suitable escape stairs and fire-fighting access. The shape of the concourse and elliptical void has been influenced by operational and engineering needs.

- 3.7. Because of the importance of Camden Town station to the operation of the Northern line, it is imperative that the station continues to operate throughout any construction period. This would be achieved through construction of a temporary station with a ground level ticket hall and new escalators to be located at the corner of Buck Street and Camden High Street.
- 3.8. A mixed use development is proposed at basement, ground and upper floor levels above the new station. It would include retail, and food and drink uses (A1 and A3 Use Classes), residential flats with landscaping at first floor level (C3), office (B1), leisure (D2), a Church (D1), and highway proposals including a new pedestrian street.
- 3.9. The design of the over-station development is based upon two distinct development areas, defined by the introduction of Reunion Street running east-west through the centre of the site. The southern area would accommodate the Underground station, with the ticket hall and office entrances at street level and 5 floors of office space above, whilst the northern part of the site would accommodate an area allocated for entertainment use at basement level, mixed retail and food and drink uses at ground floor level, a Church at ground to third floor levels and residential units at first to fifth floor levels. Escape and servicing requirements for the station and above ground development would also be accommodated.
- 3.10. The five levels of office accommodation would provide 8,682m² of floor space with plant on the roof. The fourth and fifth floor levels would be set back by 2m from the north of the stairwell on Kentish Town Road, running north, west and then south to the apex of the building. The office building would generally be open plan capable of internal sub-division. The main office entrance would be located at the corner of Reunion Street and Camden High Street. The reception area would have two passenger lifts and a fire fighting lift. There would be a secondary entrance and lift on Kentish Town Road. The elevations would be substantially glazed with coloured glass to the southwest elevation and columns supporting the structure at street level.
- 3.11. Mixed retail and food and drink units are proposed at ground level on Camden High Street, Reunion Street and Kentish Town Road with a loading bay at the junction of Kentish Town Road and Buck Street. This retail space is designed to be occupied on a flexible basis to allow the creation of various sized units as required. A total floor area of 1,256m² of retail and food and drink uses is proposed.
- 3.12. The residential development, with an approximate floor area of 7,498m², would comprise a mix of 71 one, two and three bedroom properties. The units would be in four separate blocks above the retail level. Two of the residential blocks would be 4 storeys fronting Camden High Street. The other two would front Kentish Town Road and be 5 storeys high. Each residential block would be accessed from its own entrance core. An open landscaped courtyard area would be located on the first floor level to provide amenity space between the residential blocks. 36 of the units would be affordable housing comprising 35% social housing and 15% for Key Workers. A

²⁸ CD/48

proportion of the units would be constructed to meet the full needs of disabled residents.

- 3.13. No car parking would be provided, although it is envisaged that at least one disabled bay would be applied for on Buck Street. Limited bicycle racks would be provided at street level on Camden High Street, with further secure cycle spaces within the basement of the development. Waste stores, recycling bins and compactors would be allowed for within the rear of the development off Buck Street.
- 3.14. The existing Church on the corner of Buck Street and Kentish Town Road would be re-provided with a floor area of 1,319m² arranged over ground and three upper floors. This building would be positioned between two of the residential blocks on Reunion Street, with a contemporary façade and independent accesses fronting Buck Street.
- 3.15. Approximately 2,737m² of floor space would be for a leisure facility (venue bar), located below the retail units with an entrance on the corner of Buck Street. The accommodation would only be available once the new station was commissioned, as it would be used as part of the temporary station during the construction period.
- 3.16. The service access for a below ground TSS serving both the station and the over-station development, and the paladin storage for the residential refuse, would be from a managed loading bay at the north-east corner of the site. The entrance would be from Kentish Town Road and the exit midway along Buck Street to minimise the interface with Hawley School on the corner of Buck Street and Kentish Town Road.
- 3.17. The station, retail area and office building would be serviced from a vehicle bay on Camden High Street, and/or from the off-street loading bay, which would be able to accommodate large commercial vehicles with direct access to goods lifts, retail holding and storage areas and rubbish stores.
- 3.18. The proposal incorporates comments made by LBC, Transport for London (TfL) and the Mayor of London. It would include the extension and improvement of bus stands along Kentish Town and Camden High Street, a new taxi rank on Camden High Street with provision for three taxis, and additional public amenities including new cycle parking, a new toilet pod on Camden High Street, a new pedestrian crossing and a new Travel Information Centre. There would be some improvements to the pedestrian environment in the vicinity of the station and a widened pavement and extended bus stops on Kentish Town Road would improve the interchange between Underground and bus services.

4.0 Planning Policy

- 4.1. Section 38(2) of the *Planning and Compulsory Purchase Act 2004*, which came into force in late 2004, states that in Greater London the development plan is the spatial development strategy and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area. The spatial development strategy is *The London Plan*, February 2004 (TLP)²⁹ whilst the adopted development plan is the *London Borough of Camden Unitary Development Plan*, March 2000 (UDP)³⁰.

²⁹ CD57C

³⁰ CD25

- 4.2. Reference has also been made, amongst other documents, to the Mayor's *Transport Strategy*, July 2001 (TS)³¹ and *Culture Strategy*, April 2004 (CS)³² and to LBC's *Supplementary Planning Guidance*, July 2002 (SPG)³³. Considerable weight should be given to these documents which have been prepared following public consultation.
- 4.3. On the UDP Proposals Map³⁴ the whole of the site lies within the Camden Town Special Policy Area, the Camden Town Conservation Area and a defined Major Shopping and Service Area. The properties on the site fronting Camden High Street are within a defined primary retail frontage. Camden Market at Buck Street is a land use proposal guidance site where there is an extant planning permission for retail and café use. The UDP indicates that residential, B1 and A3 may also be incorporated in any redevelopment. The southern part of the triangular site lies within an Archaeological Priority Area.
- 4.4. The Mayor's objectives are set out in *The London Plan*. Objective 5 is to improve London's accessibility. This finds expression in TLP Policy 3C.1, the thrust of which is to ensure the integration of transport and development, and TLP Policy 3C.9 which sets out the intention to increase the capacity of public transport in London by up to 50% over the plan period and to improve the integration, reliability, safety, quality, accessibility, frequency and attractiveness of the existing public transport system. These aims are generally reflected in UDP Policies STR3, STR4 and STR6. A Transport Impact Statement or Assessment will be required where appropriate by UDP Policy TR3. UDP Policy TR5 encourages development where the capacity of public transport to serve it is adequate and also encourages improvements to the public transport system whilst UDP Policy CT3 specifically seeks improvements to Camden Town Underground station to relieve congestion problems.
- 4.5. Improved conditions for the convenience and safety of pedestrians are sought by UDP Policy TR21 and a similar aim, relating specifically to the shopping centre in Camden Town, is set out in UDP Policy CT4. All new development is required by UDP Policy RE3 to be designed to facilitate access for, and use by, people with disabilities.
- 4.6. The Mayor's Objective 3 is to make London a more prosperous city with strong and diverse economic growth. This is echoed in UDP Policy SEC1. UDP Policy EC3 seeks the retention of sites and premises considered suitable for continued employment use whilst UDP Policy EC5 encourages proposals that include accommodation suitable for occupation by small firms and indicates that schemes that would result in a net loss of such accommodation will be resisted. The general theme of retention or reprovision of existing facilities is reiterated in UDP Policies SC1, SLC1 and LC1 in relation to land and buildings in leisure and cultural use or social and community use within Use Class D1.
- 4.7. TLP Policy 3D.6 and UDP Policy TM1 express general support for tourist attractions. UDP Policy TM2 states that tourism proposals will be guided to locations well related to the transport network and to established centres of tourism activity including Major Centres. Improvements to tourism infrastructure are required by UDP Policy TM3 to be carefully designed to be in keeping with the character of the area.

³¹ CD28

³² ID/17 (105/6/B1 App PR8 is extract from draft – extract from adopted document not provided despite requests)

³³ CD146

³⁴ Insert at rear of CD25 – Site on South Sheet

- 4.8. The general aim of protecting the vitality and viability of town centres, set out in *Planning Policy Guidance Note 6: Town Centres and Retail Developments* (PPG6), is reflected in UDP Policy SSH1. UDP Policy SH2 encourages improvement in the quality of the general shopping environment and facilities provided, particularly for people with disabilities. Within secondary shopping frontages the change of use from A1 to non retail will be permitted by UDP Policy SH8 provided the change is not detrimental to the character, function, vitality and viability of the centre.
- 4.9. Objectives 1 and 2 set out by the Mayor are to accommodate London's growth within its boundaries without encroaching on open spaces and to make London a better city for people to live in. This broadly reflects the Government's support for sustainable development. TLP Policy 2A.1 sets out sustainability criteria, including optimising the use of previously developed land and vacant or underused buildings, using a design led approach to optimise the potential of sites, ensuring development occurs in locations that are accessible to town centres, employment, housing, shops and services, takes account of the capacity of existing or planned infrastructure including public transport and schools, and the suitability of the site for mixed use development. TLP Policy 5B.1 indicates strategic priorities for Central London including promoting and protecting the vital mix that is London's unique attraction and which forms the core of London's wider offer as a capital and world city. A mix of land uses in Major Centres, amongst other areas, is also encouraged by UDP Policy RE5.
- 4.10. Design principles are set out in TLP Policy 4B.1 whilst the thrust of UDP Policies EN1, EN4 and EN13 is to protect the environment from adverse impacts by development and to create an attractive environment with a high standard of design. Development is required by UDP Policy EN14 to be sensitive to, and compatible with, the scale and character of its surroundings and the Policy sets out matters to be considered. Urban design and landscape principles are also set out in the Council's SPG1.2. These policies reflect the advice in paragraphs 13-19 of PPG1. UDP Policy EN20 encourages design that reduces opportunities for threatening and criminal behaviour and which promotes personal safety and security of property. Improvement of the character and quality of the environment is sought by UDP Policy RE1 including promoting in particular the regeneration of areas in need of environmental, physical, social or economic renewal.
- 4.11. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes a duty requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reiterated in *Planning Policy Guidance Note 15: Planning and the Historic Environment* (PPG15) and UDP Policy EN31. UDP Policy EN32 elaborates on advice in PPG15 by seeking the retention of buildings that make a positive contribution to the character and appearance of a Conservation Area. In all other cases, it indicates that consent for the demolition of unlisted buildings in a Conservation Area will only normally be granted where it can be shown that the building detracts from the character of the area or where the contribution of the proposed replacement, when compared to the existing building, would be of more or equal benefit to the Conservation Area. It also requires acceptable detailed plans for redevelopment before any consent for demolition is granted.
- 4.12. Little reference has been made to UDP housing policies. However, TLP Policy 3A.1 reflects the guidance in *Planning Policy Guidance Note 3: Housing* (PPG3) to make the best use of previously developed land and to maximise the provision of additional

housing. UDP Policy RE6, which is supported by SPG 3.9, 3.11 and 3.13, indicates that where the need arises directly from proposed development, contributions or Section 106 Agreements will be sought for, amongst other matters, affordable housing, educational contributions and Town Centre Management and environmental improvements.

5.0 The Case for London Underground Limited

5.1. Introduction

- 5.1.1. LUL is a company incorporated under the *Companies Act* with limited liability, and since 15 July 2003 has been a wholly owned subsidiary of TfL.
- 5.1.2. TfL is an executive arm of the Greater London Assembly (GLA) reporting to the Mayor. It is the integrated body responsible for the capital's transport system and its role is to implement the Mayor's Transport Strategy for London and manage the transport services across the capital for which the Mayor is responsible. The promotion of the Camden Town station redevelopment is regarded as fully consistent with this general duty.
- 5.1.3. LUL has a 30 year contract with Tube Lines Limited (TLL) for the maintenance, renewal and enhancement of most of the assets on the Jubilee, Northern and Piccadilly lines including Camden Town station. TLL are developing the design for the station redevelopment under instruction from LUL and, subject to negotiation and agreement, it is LUL's intention to offer TLL the contract to construct and maintain the proposed new station.

5.2. Need for and Objectives of the Proposals

- 5.2.1. The Northern line is a vital north/south artery that carries around 225 million passengers a year, almost a quarter of all LUL passengers and more than the total number of passengers flying into and out of all UK airports. It connects 7 main line stations in Central London to 9 Boroughs and is vital to the economic health of large parts of north and south London.
- 5.2.2. The station is also an important interchange on the Northern line and is the third busiest station on the network outside Zone 1 and Docklands. The station is also an interchange for buses with 16% of station entries arriving by bus. Over the years since 1987 weekday traffic has grown by 47% and weekend traffic by 74% compared to 10% and 50% for the network overall excluding the Jubilee line extension.
- 5.2.3. Demand at Camden, which serves as a residential/commuter station and an employment, leisure and shopping destination, has risen since the early 1970s. Passenger demand peaks at the weekend. Almost all passenger entry, exit and interchange movements are routed via a small concourse area at the foot of two escalators. Congestion in the lower concourse, interchange passageways and within the restricted ticket hall can be severe.
- 5.2.4. The congestion is so severe that the station is closed to entries on Sunday afternoons, and access to the platforms is restricted to a spiral staircase for much of Saturday. The station fails to meet LUL's fundamental objective of running an efficient and effective transport network. Increases in train service frequency of 20-25% are planned for the Northern line through Camden Town by 2012³⁵. Even on pessimistic forecasts the station will have to be closed to entries completely on Saturday afternoons in the near future.
- 5.2.5. Congestion also occurs outside the station as the pavement outside the Camden High Street entrance tends to be a meeting point for users of the station causing obstruction

³⁵ LUL/1/A Para 4.3

to pedestrian flows. In addition, there are ticket gates just inside the Camden High Street entrance preventing access by passengers without a ticket. They have to enter via the Kentish Town Road access.

- 5.2.6. The current station has the following problems, none of which have been contested by any objectors:
- i) insufficient station entrances;
 - ii) an insufficient number of ticket machines and ticket office windows;
 - iii) inadequate queuing space in front of windows and ticket machines;
 - iv) inadequate circulation space or “run off” immediately in front of, and behind, automatic ticket gates and at the top and bottom of escalators;
 - v) an inadequate number of ticket gates;
 - vi) no station control room within the ticket hall with high visibility to station entrance and escalators;
 - vii) insufficient capacity in platform access areas at the lower levels;
 - viii) passenger circulation and staff areas not compliant with requirements set out in the *Disability Discrimination Act 1995*;
 - ix) no step free access to any platform;
 - x) insufficient circulation space at the bottom of escalators to allow way-finding or gathering at the train service information point;
 - xi) insufficient width or head room in station access passageways to cope with peak passenger flows;
 - xii) narrow platforms, parts of which are more than 20 metres from a means of escape;
 - xiii) no independent or secondary means of escape from any part of the station complex; and
 - xiv) a spiral staircase inadequate for routine operational use³⁶.
- 5.2.7. No objector suggests that the current station is acceptable and none of the transport witnesses suggests that the problems could be overcome other than by a new station. Even EB who proposed ‘management’ measures do not indicate how these would overcome the fundamental problem of lack of space on the escalators. The case for a new station is overwhelming.
- 5.2.8. The LUL scheme is designed to overcome all these problems and provide a station suitable for the twenty first century. The main objectives of the station upgrade are:
- i) to relieve passenger congestion;
 - ii) to reduce overall journey times from the street to the train;
 - iii) to upgrade safety for passengers to meet current standards;
 - iv) to improve accessibility, including for the mobility impaired, to all parts of the station, with step free access from the street to platform;

³⁶ CD148 Paras 4.4.1-4.4.16, LUL/1/A Section 3

- v) to provide added safety improvements and improved staff accommodation;
 - vi) to upgrade the quality of interchange from the station to adjacent bus services and other transport modes, and provide some environmental improvements to the adjacent highways; and
 - vii) to better serve the local community and to meet long term needs presented by future growth in demand³⁷.
- 5.2.9. The only parts of the station that would be retained are the platforms. The capacity of these could not be increased without rebuilding the running tunnels. Instead, a large concourse is proposed serving the platforms. There is no virtue in retaining other parts of the existing infrastructure as none of it meets current standards set out in SPSSG³⁸.
- 5.2.10. The proposed station has a design life of 120 years but is expected to last 400 years, in accordance with Engineering Standard E 3309 A3 October 2000 *Stations, subways and other structures*³⁹. It has been designed to cope not only with a realistic level of growth but also surges in passengers at weekends or when there are problems on the Northern line. A major advantage of the proposed scheme is that there is space for passengers to wait on the concourse if there are interruptions in service rather than having to wait in the ticket hall or be kept out of the station altogether.
- 5.2.11. The station has been designed in accordance with the SPSSG. Natural light would be maximized throughout the station and way finding would be straightforward and obvious. The crucial role of the area around the indicator board and the high level of visitors have been considered in the design. Accessibility has been improved with step free access to all platforms, and easy movement between platforms. The passenger environment and security has also been improved and there are no blind corners or hidden recesses. Better accommodation, critical to the level of service on the network, would be provided for both operational and engineering staff⁴⁰.
- 5.2.12. There would also be a greatly improved environment at the station entrance with improved pedestrian flow on Camden High Street and the positioning of a new entrance on Reunion Street to ease congestion. In terms of sustainability, wider pavements and repositioned bus stops improve passenger interchange between buses and the station making use of public transport a more desirable mode of travel⁴¹. The scheme includes a high density, mixed use, car free scheme above the station in a highly sustainable location. The proposal would not generate additional vehicular trips but would reduce reliance on the private car.
- 5.2.13. The provision of the temporary station would allow passenger benefits to be produced about half way through the construction programme. It would also minimise the impact of construction on passengers. A balance has been sought between the requirements of weekday and weekend users. The journey time from station entrance to platform needs to be retained or time savings from reduced congestion would be lost. It would be unacceptable to extend the journey time of regular weekday users to overcome weekend congestion problems. Passengers are highly sensitive to journey

³⁷ CD148 Paras 4.5.1-4.5.6

³⁸ CD48

³⁹ CD119 8.2.6-7

⁴⁰ LUL/11/A

⁴¹ LUL/5/A

time changes, and even small amounts of additional time add up when done twice a day, five days a week.

5.2.14. All the objectives of the scheme would be met by the LUL scheme.

5.3. **Scale & Configuration of the Works**

5.3.1. The precise figures for passenger growth are only relevant if they affect land take. CLLL does not maintain that the need to take its land, which is at the northern extremity of the site and might most readily be saved if a reduced land take resulted from lower growth figures, would be removed by reduced passenger flow figures.

5.3.2. The design of the station is affected by spatial requirements set out in SPSG, the fact that the running tunnels are fixed, and the requirement to provide a safety construction zone around the existing infrastructure⁴². The main driver for the extent of the land take is the need to provide a temporary station at the northern end of the site whilst the new concourse is constructed leaving the running tunnels undisturbed. Major space drivers are the positions of the permanent and temporary escalators.

5.3.3. The single bank of escalators is attacked by CLLL whose alternative has a double bank of escalators and no temporary station. Without that difference the land take implications are the same. The precise identification of the design growth figure is not, therefore, a critical issue.

5.3.4. Notwithstanding that fact, a design growth of 50% to cater for the 120 year life of the station is considered robust and is justified by a variety of different forecasting methods. LUL's 50% figure is made up of 28%, for 20 year growth based on best estimates at the time, plus margins of 20%, to allow for higher than expected growth rates and growth beyond 20 years, and 2%, to allow for sampling errors in the original survey⁴³.

5.3.5. Major projects, like this proposal, are expensive and disruptive and need to be designed for a long life. Similar growth forecasts were applied to the Jubilee line extension. The history of the provision of transport infrastructure needs to be borne in mind. Lessons have been learnt from projects such as the Victoria line where such margins were not built in. At less than 40 years old demand is now well in excess of the designed capacity and the Victoria line suffers from extreme congestion on both trains and in stations⁴⁴. Similarly, Angel has seen weekend growth of over 200% in the 15 years following rebuild⁴⁵. It would be absurd to design for anything less than 50% growth.

5.3.6. The trend in growth over the last 15 years for weekends, used as the basis of a sensitivity test, shows a Saturday figure of 35% (the figure used) with a Sunday figure of 64%⁴⁶. These figures are calculated on a basis that excludes the effect of new stations. The design figure of 50% is only 15% above the Saturday trend growth and 14% below the Sunday figure.

⁴² LUL/2/A Paras 6.11-6.12

⁴³ LUL/1/A Para 6.3.1

⁴⁴ LUL/1/A Para 6.3.2

⁴⁵ LUL/1/A Para 6.3.3

⁴⁶ LUL/1/E Page 258

- 5.3.7. Long term journey forecasts indicate off peak growth over the network from 518m in 2004/5 to 809m in 2029/30. The growth over 20 years is around 37% and in excess of 50% over 25 years⁴⁷.
- 5.3.8. Whilst these figures are network wide, the new station would itself remove one of the major constraints to growth in weekend leisure activity at Camden. The markets and other leisure uses in the vicinity of the canal mean there is no reason to assume Camden would grow more slowly than the rest of the network. Indeed, the opposite is more likely.
- 5.3.9. A calculation based on LUL's demand model elasticities for income growth, population growth and tourism gives a figure of 31.6% growth over a 17 year period. This is also consistent with a 50% provision for a 120 year design life. EB attacked the use of London wide figures. However, a London wide figure is justified as visitors to Camden at the weekend are drawn from the whole of London and beyond. If Camden only figures were used the increase in growth would be even greater at 12.7% rather than 9.29%⁴⁸. Although Sunday figures fell in the period 1999 to 2002 figures over a longer period show that growth tends to follow economic cycles with dips in the early 1980s and 1990s and peaks in the late 1980s and 1990s.
- 5.3.10. Whilst there are differences in the PEDROUTE assumptions for various scenarios, these are minor changes agreed with Arup following a review by them of LUL's modelling. They include changes to the adits onto the platforms, a slight reduction in the number of gates and a small narrowing of the platforms. Changes in exit flows result from the change in the number of gates available to Camden High Street. Whilst there is a change in the capacity of trains, passengers are not currently allowed into the station on Sundays in the base model and so could not board a train anyway⁴⁹.
- 5.3.11. Given the life of the station and the 'conservatism' of 17.9% growth over 20 years and following discussions with Arup on 26 February +35% (Saturday growth over the last 15 years) and +50% (growth used for design) scenarios were modelled⁵⁰. PEDROUTE runs for +50% in the Sunday peak 15 minute period show service factor 3-4 is experienced in 2 blocks on platform 2 although the rest of the station is within usual planning standards. Service factors show the average weighted congestion levels in the period and range from 0 – least congestion, to 5 – high level of congestion. During the four hour peak period service level 3-4 is seen sporadically on platforms 2 and 4. It only persists for one time period and at most is experienced in three blocks and in all but one case in only one or two blocks. The rest of the station stays within the planning standards for the whole period⁵¹.
- 5.3.12. EB maintains that there are other factors that would affect growth forecasts. One of these is congestion charging. However, this does not operate at the weekend and would not therefore affect the Sunday peak which EB insists is the crucial time to be considered. In any event, no firm conclusions about the impact of congestion charging can be reached as the short term effects of central line closures and the after-

⁴⁷ LUL/1/E Tab 1

⁴⁸ LUL/35

⁴⁹ LUL/33

⁵⁰ LUL/1/J Section 4

⁵¹ LUL/1/E Tab 22

effects of 9/11 cannot be disentangled⁵². Even if relevant, there is no reason to believe that the effect would be large.

- 5.3.13. The effect of the Cross River Tram (CRT) was also relied on by EB. The timescale for the project is uncertain, if it progresses at all⁵³. Moreover, the frequency and speed of the service would be akin to that of buses. It would only compete with the Underground on journeys of around 2-3 miles south from its Camden terminus and the likely impact is not expected to be more than 1-2% rather than the 10-15% claimed by EB.
- 5.3.14. EB relied on a centroid model to show that the removal of Camden Market at Buck Street and the Electric Market would shift the centre of gravity of the markets northwards and increase use of Chalk Farm station at the expense of Camden. This analysis had the deficiency of locating the centre of the Stables Market at its geographical centre. A sensitivity test placed its centre 28 metres south. The use of a centroid analysis is not accepted in this context as the true centre of attraction at the Stables Market is very much at the southern end. In any event, the markets would still be closer to Camden Town station than Chalk Farm which would only be more convenient for those heading north on the Edgware branch of the Northern line.
- 5.3.15. Reference has also been made to other factors that might affect growth. Bus services are regularly reviewed at least every five years and any shortfalls would be remedied but only 16% of passengers entering the station arrive by bus. The ability to encourage more peak spreading within the Sunday peak period is limited as the peak period is less peaked than during the week. Whether the Northern line could handle 50% growth in the weekday peak is irrelevant as Camden's peak is on a Sunday and it is possible for some stations grow faster than the line or network as a whole. Use of other stations is already encouraged but is made difficult as a large number of visitors are strangers to the area and many are foreigners.
- 5.3.16. In conclusion, it would be imprudent to plan for less than 50%. Indeed, LUL would be open to criticism if it did anything else.

5.4. **Alternatives**

LUL's Alternatives

- 5.4.1. Many alternative schemes covering several different permutations at platform and ticket hall levels have been considered since improvements to Camden station were first investigated in the early 1990s. They varied from the proposed scheme in the following areas:
- i) alternative ticket hall locations;
 - ii) alternative location for the bottom of the main escalators;
 - iii) subsurface rather than street level ticket hall;
 - iv) additional lifts rather than additional escalators; and
 - v) banked escalators (where passengers have to double back after each escalator flight).

⁵² LUL/34

⁵³ LUL/39

Alternative ticket halls have been investigated with entrances to the south of the existing entrance, between the existing entrance and Buck Street, and on Buck Street. In some schemes the bottom of the escalators was at the northern end of the northbound platforms.

- 5.4.2. Comparison criteria have been used to review 21 options. These include:
- i) the travelling time from street to platform;
 - ii) whether the ticket hall is at street or subsurface level;
 - iii) whether the vertical capacity would be adequate;
 - iv) the adequacy of run-offs, circulation space and routeways;
 - v) whether the station would have to be closed during construction; and
 - vi) whether there would be adequate provision for Mobility Impaired Persons (MIPs)⁵⁴.
- 5.4.3. The main determinants of changes in travelling time are the location of the ticket hall and the bottom of the escalators. All but three alternatives increased the travel time such that weekday users would have to spend up to three and a half minutes extra every day to solve the problem of weekend users. This would leave the project without a viable business case as each additional 10 seconds would add £19 million disbenefit over the life of the station.
- 5.4.4. Subsurface ticket halls increase the cost of circulation space, provide a lower level of passenger security and make controlling the station in the event of an emergency more difficult. All but two options had adequate vertical capacity. One only had two escalators and the other would have provided extra lifts rather than extra escalators which would have fallen short of demand at peak periods.
- 5.4.5. A number of options could not provide escalator run offs in accordance with SPSG. Many would not need a full long term closure of the station but would require shorter closures or closure of parts of the station for several weeks. Whilst most options considered lift provision, not all would have provided lifts to every level and some lifts would only be accessed by lengthy and unattractive routes.
- 5.4.6. All the alternatives would rely on some compulsory purchase requirement and those requiring most land would be most compliant with the criteria. LUL would not make a profit from the acquisition of land, which is estimated to cost around £25.3 million, as the benefit from the above ground development is anticipated to be approximately £12 million⁵⁵. The promoted scheme is the only one that would satisfy all the criteria. The station design concepts that have generally formed the basis of the current proposals were decided upon during design development in the period November 1999 to December 2000.

CLLL's Alternative

- 5.4.7. CLLL concentrated primarily on Arup Option 1B, which is the only option that has been worked up in sufficient detail to be properly assessed. Option 2 with a surface

⁵⁴ LUL/1/A Section 8

⁵⁵ LUL/10/C Paras 3.3 & 3.3.2

level ticket hall has inadequate run off distances within the ticket hall. It does not work and it has not been argued that this could be overcome. It is suggested that LUL has refused to accept points 'in principle'. However, in order to reject the LUL scheme the FSS and SoST must be satisfied that the alternative is capable of delivering a satisfactory station.

- 5.4.8. Option 1B involves a highly constrained site. Consequently, costs would be proportionately higher because of the more complex construction methodology, vehicle movements and storage on site would be difficult extending the programme, and there would be little space to design solutions to any problems encountered, particularly the position of plant rooms and routing for services, making it inflexible. CLLL could have argued that a particular problem could be resolved in detail design but the cramped nature of the site makes any such proposition inherently difficult to accept. The detailed design of the fire strategy and MIP access demonstrate the inadequacy as a permanent solution with a 120 year life.
- 5.4.9. The reason for the alternative is to preserve CLLL's land. However, the Arup station could not be built without taking at least some of CLLL's below ground property permanently, and land at surface level temporarily. This casts doubt on the impact of the alternative scheme on the Market and whether CLLL's permanent planning permission could be implemented.
- 5.4.10. Finally, whilst the benefits of reusing infrastructure are understood, it is simply not appropriate at Camden Town. The southern access passages, which would be retained in the CLLL alternative, do not meet current standards. They are narrow, have many blind corners and involve stairs. There is no passenger or operational benefit in retaining them. Indeed, they would be made worse by the installation of MIP refuges that would provide perfect hiding places.
- 5.4.11. Option 1B has a number of other problems. Increasing the journey time from entrance to platform to overcome congestion, as in the Arup alternative, would be unacceptable even though CLLL suggests that the times would be comparable to other Underground stations⁵⁶. Arup's consideration discusses average travel times without distinguishing between entering/exiting passengers and interchangers. There would be a real deterioration in performance that would unacceptably disadvantage regular weekday users of the station.
- 5.4.12. The philosophy behind SPSPG is set out in its introduction⁵⁷. Way finding in Option 1B would be very poor, there would be conflicts at a number of levels, it would not feel 'open and spacious', lines of sight would be poor, particularly in the retained southern passages, there would be little natural light, long passageways with non-uniform capacity along their length and numerous hiding places and little resilience to surges.
- 5.4.13. These breaches of the principles behind the Standards are in obvious contrast to the LUL scheme. The PEDROUTE modelling programme also shows a problem in the southern passages, not only at weekends but also during week day peaks. This reflects the sub-standard physical characteristics of the passages. CLLL's argument that the problem disappears with larger blocks and that there is no 'blocking back' is not accepted. Arup chose the original block size as 'it seemed the natural way to

⁵⁶ 103/3/E Tab 1 Section 10 & App B

⁵⁷ CD48 Section 1.1 & 1.3

model runoffs'. The small blocks are junction blocks where movement slows down and so should be kept small⁵⁸. The Arup alternative would fail to provide a station "appropriate for the 21st century" and would be a misuse of public funds.

- 5.4.14. Option 1B would have a covered walkthrough at ground level with escalators down to the ticket hall. Whilst there are similar situations on the network, the anti-social behaviour experienced in the area means it would be inappropriate at Camden. Examples were given where similar situations cause serious operational and community concerns⁵⁹. In particular, the MIP lift and lobby would have no natural surveillance. Closed circuit television (CCTV) could be used but does not stop the problem and staffing the area could put staff at risk late at night. Reunion Street differs from 1B as it would be open with natural surveillance.
- 5.4.15. At ticket hall level in the CLLL alternative there would be conflict at the top and bottom of the escalators. This would be made worse by the position of the MIP lift. This contrasts with the LUL scheme which is clear and unobstructed.
- 5.4.16. Arup's scheme has two fundamental problem areas at level -4. The inclination of passengers to cut across the bottom of the escalators would mean barriers would be necessary to prevent blockages. As the space between the escalators and the wall is only around 6 metres, barriers with a 90° bend would be needed. This would also apply at level -5. PEDROUTE runs show some blocks turn 'yellow' and one block turns 'red' in the basic case, never mind with +35% sensitivity, which is unacceptable⁶⁰.
- 5.4.17. As southbound trains could leave from one of two platforms, information is vital. The position of the indicator board in the Arup option has never been made clear but the only acceptable location would be near the 'funnel' into the existing cross passage. PEDROUTE does not take this, or the fact that some passengers elect to queue to stand on the escalator, into account. This is already an area where there would be a high incidence of conflicting movements and a problem is indicated by PEDROUTE with one block. The performance of that block is critical to the operation of the station and demonstrates a weakness of the 1B option⁶¹.
- 5.4.18. There may be similar situations elsewhere on the network, although none was raised, but it would be quite unacceptable in a new design. Moving the escalators east only moves the problem and taking extra land only demonstrates the artificial constraints under which Option 1B has been designed. The situation in the LUL scheme is very different due to the distance between the bottom of the escalators and the northern wall. The escalators from the lower level in CLLL's alternative discharge facing platform 3. The run off distances may meet SPSG but the relationship is not one LUL would encourage for safety reasons.
- 5.4.19. At both levels -4 and -5 in the Arup scheme the position of the MIP lift adjacent to platform 3 means anyone waiting for the lift would block the entrance to the platform. Option 1B provides poor platform loading at both levels as there is no natural route to the southern half of the platforms. There would therefore be little resilience to

⁵⁸ LUL/1/W

⁵⁹ LUL/1/E Page 260

⁶⁰ LUL/1/M Sunday 2020 Option 1b with barrier

⁶¹ LUL/1/Q Para 3.8

conditions of crowding on the platforms. This would be overcome by LUL's central concourse.

- 5.4.20. In addition, at level -5 in the Arup scheme, the northern adit to platform 4 would have a right angle corner with a ramp. The route would not be obvious, it would provide a hiding place and be difficult for MIP users to negotiate. The passageway to platform 2 does not have a uniform width and its constraints mean the fire lift and stairs would have to move north onto CLLL land.
- 5.4.21. Arup's fire strategy changed from the entire station other than the platforms being pressurised, which would have had enormous ventilation requirements, to pressurised fire fighting shafts. *Engineering Standard E1024* requires listed legislation, including the *Building Regulations*, to be observed⁶². *Approved Document B* indicates the components of a fire fighting shaft and refers to *BS 5588 Part 5 :Code of practice for fire fighting stairs and lifts*⁶³. This indicates that it is undesirable to have a fire fighting lift within a means of escape stairwell. Even if the Arup scheme were considered as a refurbishment, which is unlikely given the amount of new infrastructure proposed, it would still not comply⁶⁴.
- 5.4.22. The fire lift and stairs in the north-west corner of the site could only be compliant by taking more of CLLL's land. The circular core at the southern end of the site could be pressurised but would not comply with standards. This is a fundamental, not a detailed, point as on the face of it Option 1B would not have a workable fire strategy. The use of the existing spiral staircase as an escape stair would not be acceptable⁶⁵. It is also proposed to provide refuges for MIPs. This would put unacceptable demands on LUL staff. Whilst this might be no worse than the existing layout it would not be acceptable when around £100 million had been spent on the station.
- 5.4.23. MIP access would be worse than in the LUL scheme. The MIP lift at ground level would be in an unsupervised area, an obvious place for anti-social behaviour which would not be prevented by CCTV. Moreover, Option 1B requires MIPs to make a two stage journey, first to the ticket hall and then to the platform. The relationship of the lift to the adits has already been mentioned and the refuges would be unlikely to make MIPs feel safe, even if they were acceptable.
- 5.4.24. Even if the Arup alternatives for CLLL dealt with the congestion problems satisfactorily, which they do not, they would not meet the key objectives of accessibility and quality of environment.

EB's Alternative

- 5.4.25. EB's approach gives prime weight to its own operational requirements. Retail provision in its scheme would be reduced in terms of quantity and quality. EB would provide only 145m² of general retail space with another 264m² of market retail in buildings and 146m² in Reunion Street. Much of this would be likely to operate only part-time, particularly during the winter. This reduction would have a detrimental impact on the vitality and viability of the town centre.

⁶² CD115 Para 16.1.2

⁶³ LUL/23/B

⁶⁴ LUL/48

⁶⁵ CD115 Paras 10.7.5 and 15.6(4)

- 5.4.26. The secondary station entrance would be moved in the EB alternative from Reunion Street to Kentish Town Road. That arrangement, like the existing station, would push people away from their desired routes and cause congestion on the pavements in Kentish Town Road. Although moving the entrance back to Reunion Street was suggested late in the day, the loss of retail space would be even greater than in EB's original scheme.
- 5.4.27. The EB scheme could only provide the requisite level of retail if Reunion Street were used as a market. The Street would become an entry restricted private market area not an open public space. For community safety reasons it would have to have gates that were locked in the evenings. Even if the Reunion Street station entrance were retained, the residential entrances and units at first floor would be removed reducing natural surveillance.
- 5.4.28. In contrast, the LUL proposal would have 827m² of permanent ground floor retail with a further 284m² of A3 uses⁶⁶. This would be permanent conventional retail likely to be open 7 days a week and let as demand dictates at the time. If market uses are considered beneficial then LUL's scheme could accommodate them in Reunion Street. This could be ensured by condition and 349m² of conventional retail space, more than double the EB scheme, would still remain.
- 5.4.29. There would be 14 less residential units in the EB scheme than in the LUL scheme, half of them affordable. TLP makes clear residential development should be maximised not simply replaced. In terms of public interest this loss to meet EB's operational desires is a serious disadvantage of the EB scheme. Although more residential accommodation in the southern block has been suggested, there is no indication of how it would be provided, given the lack of space at ground floor level for non-station uses.
- 5.4.30. In any event, the EB proposal would effectively sterilize a large part of the ground floor of the northern block from any daytime weekday use. This would be the antithesis of maximising the use of the site when an acceptable D2 use could be put below ground.
- 5.4.31. The proposal to construct a temporary EB that would extend into the permanent EB at ground floor level could be constructed. However, it would be more expensive, more complex and lengthier to do. It is difficult to see how the public interest would be served by incurring these types of problem to provide a temporary home for a music venue that would in any event have to be off site for 2 to 3 years.
- 5.4.32. EB's proposal could not be built under a modification of the present planning application. The process would have to start again and there is no guarantee that other stakeholders would be content. There would be a substantial delay that would be a factor to be weighed in considering where the public interest lies.

⁶⁶ 105/5/A4 App 2

5.5. Effect on Character and Appearance of the Area including the Camden Town Conservation Area

Introduction

- 5.5.1. The design process has been long involving stakeholders such as LBC, GLA and English Heritage (EH)⁶⁷. The views of the latter two, and the one Camden officer who gave evidence, is that the proposals can be supported. All major stakeholders shared common assumptions about the characteristics of the site and the requirements these impose on any new building. These assumptions are important when it comes to the application of Conservation Area policy.
- 5.5.2. The site was included in the Conservation Area “as in townscape terms this corner forms an important part of the junction and its incorporation will complete the northern focus of the Conservation Area”⁶⁸. However, the site also has some less desirable characteristics. The relationship between the Bank and the flank wall of the station is weak and unattractive, the TSS, the market when not fully open, the deep level shelter and the bomb damaged site all detract from the appearance of the Conservation Area. Moreover, the condition of some of the terraced houses on Kentish Town Road is poor⁶⁹. The proposal should be considered on the basis that substantial change is required on the site if its full contribution is to be realised.

Demolition

- 5.5.3. The policy approach to demolition is straightforward. Paragraph 4.27 of PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of a Conservation Area. It is accepted that the station and the Church on the site make positive contributions. The proposal to demolish the buildings should therefore be considered against the criteria in Paragraphs 3.16 to 3.19 of PPG15.
- 5.5.4. The most relevant criterion is in 3.19(iii) which states “There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation”. Demolition of all the buildings on the site is necessary to allow the proposed station to be built bringing very substantial transport and community benefits. It is a classic example of the exceptional case.
- 5.5.5. Regardless of which buildings on the site make a positive contribution to the Conservation Area, none of them are of the highest quality as indicated by the fact that none are statutorily listed and the specific assessments in the Certificate of Immunity from Listing. CLLL’s view that the relationship between the Bank and the flank wall of the station is acceptable is not credible. It should be noted that EH accepts the loss of the buildings in this case. Their retention could not possibly justify frustrating a scheme for which the need is so pressing and whose advantages are so clear cut.
- 5.5.6. Detailed consideration of the other matters in Paragraphs 3.16 to 3.19 is unnecessary. The transport need vastly outweighs the presumption in favour of preserving these

⁶⁷ LUL/2/A & B

⁶⁸ CD152 Para 7.2

⁶⁹ LUL/8/B4 Figs 1, 2, 6, 8 and 12

buildings in this Conservation Area. The test for demolition set out in PPG15 is therefore met.

Design

- 5.5.7. The design of the replacement buildings to go above LUL's transfer slab and the ground and mezzanine level ticket hall in the southern block is the next consideration. The relationship between the buildings north of Buck Street, the residential block, and the office building has been carefully considered⁷⁰. The residential block responds to the immediate scale, height and context of the area and uses similar materials of brick, render, glass and timber. The proportions of its windows and facades take reference from the Victorian buildings around it but are on a larger scale. The ratio of solid façade to window openings is respected⁷¹.
- 5.5.8. It is effectively common ground that the site, particularly the southern apex, represents a major opportunity to accommodate a high quality contemporary office block that would perform a landmark function rather than a pastiche of the immediate surroundings. The GLA in its comments on an earlier scheme stressed the strategic nature of the site and its desire to see, and an acceptance of, any higher building at the southern apex⁷². A high density development with mixed transport and town centre uses is accepted. A failure to maximise the content of such development would be seen as a major failure.
- 5.5.9. The office building introduces vibrancy in the materials proposed reflecting the uniqueness and dynamism of Camden. It responds to its position by adopting an exciting and contemporary architectural design⁷³. The contrast between the contemporary nature of the design and the surrounding buildings was welcomed and the proposal at that stage was considered to be consistent with the principles set out in policies 4B.1, 4B.3 and 4B.10 of the draft *London Plan*⁷⁴. The report makes clear that both EH and LBC had concerns about the proposal, although they considered the site suitable for an exceptional landmark building.
- 5.5.10. The subsequent GLA report on the 'drum' scheme, subject of Appeal D, states that "the revised design of the apex block is, like its predecessor, considered to provide a striking landmark building of high design quality which responds well to its context, and is fully endorsed. This revised scheme would deliver high density, high quality development at a major transport interchange in line with the principles of the draft *London Plan* and *Urban Renaissance* and is considered to be in the strategic planning interest of London"⁷⁵.
- 5.5.11. Although it has been suggested that the GLA did not appreciate the site's location in a Conservation Area, the report indicates it did. Explicit in the GLA's approach is the need for a contemporary landmark building, highest at the apex, which would positively enhance the Conservation Area.
- 5.5.12. A modern solution is also favoured by LBC. In comments on an earlier scheme in March 2002 a senior planner wrote "There is scope on the south apex to design a

⁷⁰ LUL/8/B4, LUL/2/A Pages 37 & 38

⁷¹ LUL/2/A Para 7.7

⁷² LUL/2/B2 Page 220 Para 10

⁷³ LUL/2/A Para 7.8

⁷⁴ LUL/2/B2 Page 221 Paras 12-18

⁷⁵ LUL/2/B2 Page 291 Para 25

contemporary public building of the highest quality, not only giving landmark status to this prominent site but also offering a design solution befitting to twenty first century public transport”⁷⁶. Such a building would meet the requirements of PPG15 and UDP Policy EN14. Indeed, “the principle of difference is accepted”⁷⁷.

- 5.5.13. LBC oppose the scale of the proposed office block. However, if the office building successfully performs the role identified there should be no policy difficulty. The critical issue is whether the proposal provides a successful treatment of the junction site.
- 5.5.14. The views of EH are important. It is intimately familiar with the contents of PPG15 and *Conservation Area Practice* so heavily relied on by CLLL⁷⁸. In a letter dated 16 July 2003 EH, whilst requiring alterations to the design, accepted the removal of all the buildings on the site and welcomed the provision of a well designed piece of modern architecture. EH suggested modification of the ‘prow’ of the building, mitigation of the height by creating a setback, and a reduction of the horizontality of the facades. This indicates that EH was not looking for a radical change in scale. Indeed, on 30 August 2003 it accepted that a revised scheme addressed its concerns⁷⁹.
- 5.5.15. There is consensus that the requirements of PPG15, *Conservation Area Practice*, and UDP Policies can, and should, be met on this site by a contemporary building giving landmark status to the prominent junction site. The position of the Commission for Architecture and the Built Environment (CABE) is also consistent with this general policy approach⁸⁰.
- 5.5.16. The fundamental factor in assessing whether the objective is delivered is one of scale. This is a matter of architectural judgement having regard to visual material, plans and site visits rather than any recital of statistics⁸¹. The building would be higher than its immediate surroundings but the statutory bodies do not regard that as decisive. Indeed, a failure to maximise height, if it reads acceptably, would be a positive planning drawback. The key issue is how the building would read. The Urbis building in Manchester is an excellent example of good modern design complementing older buildings around it. The glass does not have the solidity of traditional materials and this reduces the effect of its bulk⁸².
- 5.5.17. LBC firstly criticises the set back suggesting that the top of the building needs to be invisible from the street below to be effective. A comparison of the photomontages of the building with and without the set back show its effect and how the northern block mediates between the buildings to the north of the site and the office building⁸³. The relationship between the existing and proposed in terms of height is also graphically demonstrated⁸⁴. Lowering the shoulder line would make more of the building visible from across the street.

⁷⁶ LUL/2/B1 Page 86

⁷⁷ LUL/2/B1 Page 110

⁷⁸ CD125, CD37

⁷⁹ LUL/2/B2 Page 281

⁸⁰ LUL/2/B2 Page 174

⁸¹ LUL/2/A Pages 37-39 and 76

⁸² LUL/8/C Paras 6.09-10

⁸³ LUL/2/A Page 31 Photo 009 and Page 38 Photo 003

⁸⁴ LUL/2/A Page 72, 103/4/G

- 5.5.18. The *Urban Design Compendium* indicates that the desired maximum ratio for building height to street width is 1:3. The quoted ratio of 1:1.39 is generated by considering the station parapet height. The building on the opposite side of the road is taller and results in a ratio of 1:1.87. The proposal would produce a ratio of 1:1.57 which is lower than the maximum given in the guidance.
- 5.5.19. The relationship of the proposal to the existing urban grain has been demonstrated visually⁸⁵. The provision of Reunion Street has been welcomed and its visual success is apparent from the photomontages. It would repair the urban grain and be a positive enhancement of the Conservation Area⁸⁶. Reference has been made to *By Design* whose purpose “is to promote higher standards in urban design. It does not set out new policy”. Indeed, “It does not attempt to define a single blueprint for good urban design”⁸⁷.
- 5.5.20. Reference has been made to ‘fine grain’ but religious and civic buildings have historically had a ‘coarser’ grain being large buildings or plots amongst smaller ones. On the site the TSS, the market, the Church and the deep level shelter are very different from the terraced buildings. There is not, therefore, as much fine grain across the site as has been maintained⁸⁸. In any event, the structural rhythm of the office block correlates broadly to the plot widths of the buildings around it⁸⁹.
- 5.5.21. The photomontages also demonstrate that the proposal would provide a successful treatment of the apex. They give the lie to the proposition that it is a failing that the whole office block is the same height on the basis that the landmark characteristic could be provided by height at the apex with something lower as the block proceeds north. Camden is already peppered with tall buildings such as Greater London House, the Amphyll Estate, Arlington House and Shirley House⁹⁰. Perhaps the most notable equivalent situation is the Peter Jones store at the end of King’s Road in Chelsea⁹¹. The proposed building would promote the hierarchical importance of the site at the junction and signal the town centre. Many landmark buildings do not exactly mimic their surrounding context yet are successful because of their innovativeness, quality of design, visual dynamism and boldness.
- 5.5.22. CLLL suggests that the building would be a ‘tall building’ in terms of the London Planning Advisory Committee (LPAC) *Supplementary Planning Advice on higher buildings*⁹². Whilst one LUL witness initially accepted that in cross examination, he did not maintain it in re-examination. No other expert, statutory body or witness expressed the view. Even the evidence of CLLL’s own witness on this matter does not contain any claim that the building should be regarded as a ‘high building’.
- 5.5.23. CLLL maintains that its alternative approach allows the retention of buildings, particularly the terraces, which make a positive contribution to the Conservation Area. Several points, other than the fact that total demolition is needed to bring about the transport advantages, need to be made. The reference in the *Conservation Area Statement* to the Victorian terraces being similar in appearance to the other buildings

⁸⁵ LUL/2/A Pages 73-74

⁸⁶ LUL/2/A Pages 31,32 & 39, 103/4/G

⁸⁷ LUL/8/C Page 13

⁸⁸ LUL/8/C

⁸⁹ LUL/2/A Para 7.40

⁹⁰ LUL/2/A Para 7.25

⁹¹ CD9 Para 12.2.18

⁹² CD84

in the town centre is not a reference back to the ‘modest’ three storey terraces as it later makes clear that “the redevelopment which took place at the turn of the century around Camden Tube Underground Station completely breaks with the modest scale of the early development”⁹³. The reference to the “character of this commercial part of the Conservation Area” must be taken to include references to the modest scale of the early development. The Victorian terraces in Kentish Town Road are larger in scale than the earlier modest terraces further to the south⁹⁴.

- 5.5.24. The CLLL alternative would leave little in place that would reinforce or enhance the existing characteristics of the Conservation Area. Only the station, the Church, the Bank, about half the terrace on Kentish Town Road and the facades of 182 and 184 Camden High Street would remain⁹⁵. Although the station and the Church make a positive contribution in terms of style and character they do not reinforce the character of the overall Conservation Area which is diverse not homogenous. Retaining the station would also create the problem of how the apex of the site would be treated, particularly if the effective height were limited to retain a relationship with the terraces along Kentish Town Road.
- 5.5.25. Major detractors, the TSS, Camden Market at Buck Street, the flank wall above the Bank and the deep level shelter would remain making the site in the CLLL world unsatisfactory. If, as CLLL suggests, these elements were redeveloped then little that contributed to any distinctive character would remain.
- 5.5.26. The proposal would remove many of the site’s negative qualities, Reunion Street would enhance the grain of the area and reintroduce the old street pattern, and the design is of a high quality that responds to the surrounding buildings and character of the area. The buildings would have a fresh, modern, open character that would contrast with their surroundings and would be acceptable to the GLA and importantly EH. The proposal would enhance the townscape at Britannia Junction one of the most important spaces in Camden town centre. The advantages would be considerable and rejection would cause lengthy delays. Design issues are subjective, but if the FSS and SoST consider the design to be unacceptable then the travelling public would have to live with the consequences.

5.6. **The Effect on Local Residents**

- 5.6.1. A scoping opinion for an Environmental Statement (ES) was requested from the FSS on 24 July 2002. Consultations took place with the LBC, the Countryside Agency, English Nature and the Environment Agency. Comments were also received from EH, the London Transport Users Committee and CABA. An ES and a non-technical summary were submitted with the Order application and the planning applications⁹⁶. When the amendments to the above ground scheme were submitted they were accompanied by an addendum to the ES dated October 2003. All these documents were advertised and made available in accordance with statutory requirements⁹⁷. Most of the points raised in the scoping opinion dated 23 September 2002 are clearly addressed in the ES but clarification on three matters was requested at the Pre-Inquiry Meeting and is addressed below. Townscape and visual impact matters are dealt with

⁹³ CD152 Paras 7.2, 4.14 and 4.19

⁹⁴ LUL/8/A Section 3.8

⁹⁵ 103/4/B Tab 2

⁹⁶ CD10 Annex D

⁹⁷ CD149

in Section 5.7. With the exception of Hawley School, whose objection is dealt with later, there has been no substantial challenge to the environmental evidence.

- 5.6.2. The construction programme for the station works is split into four phases but does not include the above ground development. It indicates that the station would take approximately 8-9 years to construct⁹⁸. The above ground development rights would be sold to a developer, and construction of the above ground works could not begin until the transfer slab over the station was complete⁹⁹. A particularly onerous constraint is that the station will not be closed. The surrounding roads are busy 24 hours a day and this would constrain site deliveries and the removal of spoil¹⁰⁰. Phase 1 would include the demolition of all the buildings in the north-west corner of the site. Piles would then form a perimeter wall and the deep basement in excess of 22 metres below street level would be excavated with extensive bracing between the piled walls. The floor slabs and frame would be cast and on completion of the ground floor slab the new Church would be constructed and fitted out¹⁰¹.
- 5.6.3. Phase 2 would be in the north-east corner of the site and the existing Church would be demolished with a piled perimeter, excavation and construction of the slabs and frame. These 2 phases would provide the new TSS and the temporary station that could then be commissioned in that order. Phase 3 would take place at the southern apex of the site with piled walls, excavation and construction of the slabs and frame followed by Phase 4 in the central section of the site. When the construction below ground was complete the new station could be commissioned and the temporary station decommissioned.
- 5.6.4. The site is surrounded by a mix of retail, office and residential properties. Many of the buildings fronting Kentish Town Road, Camden High Street and Buck Street appear to consist of offices or shops at ground level with residential accommodation above¹⁰².

Air Quality¹⁰³

- 5.6.5. Some residential properties and Hawley School are close to some parts of the site and therefore best practice procedures for dust control would be implemented during certain operations. These would be achieved through a Code of Construction Practice (CoCP). The greatest risk would be in the early stages during demolition and excavation. Demolition would be totally screened to minimise dust impacts. During excavation in dry weather, water spraying would be required to ensure the surface material remains damp. In wet weather, vehicle cleaning would be needed to prevent significant quantities of mud being transported onto the roads. Experience suggests that dust emissions can be greatly reduced, although never totally eliminated, under most weather conditions.
- 5.6.6. Construction plant would emit exhaust fumes. Predictions have been made using the *Design Manual for Roads and Bridges Procedure* March 2003. There would be no significant difference arising from the development. Air quality is not predicted to meet the *Air Quality (England) Regulations 2000* but this is not uncommon in Central

⁹⁸ LUL/3/B App F

⁹⁹ CD155, LUL/3/A Sections 5.4-6, LUL/10/C Para 3.3

¹⁰⁰ LUL/3/A Section 3

¹⁰¹ LUL/3/A Section 5.3

¹⁰² CD10 Para 7.4.2, LUL/6/B App 5

¹⁰³ LUL/7/A Section 2

London and is unrelated to the proposals. Vehicle and plant emissions would be controlled by means of the CoCP. Plant in the completed scheme would be designed to reduce energy emissions in line with *Building Regulations Approved Documents Part L1 and L2*. The area around the station suffers from high nitrogen dioxide and PM₁₀ concentrations. The proposal would improve public transport accessibility and discourage use of the car. There is therefore likely to be a slight air quality benefit on completion.

Water Resources and Land Contamination¹⁰⁴

- 5.6.7. An assessment of potential soil contamination has been undertaken with respect to the regime for contaminated land set out in Part IIA of the *Environmental Protection Act 1990*. A key consideration in determining pollution linkage is the pathway. The site is on a layer of largely impermeable London Clay at least 40 metres thick. Excavation would not exceed 22 metres and the geology and hydrology characteristics of the site would minimise any risk of groundwater pollution. The nearest surface water body is the Regents Canal and measures to prevent its pollution are set out in the CoCP.
- 5.6.8. A concern about contaminated land in the scoping opinion relates to the TSS. There is a possibility of some special waste generation due to oil spillage and the presence of chemicals associated with electrical sub-stations. Survey work on polychlorinated biphenals (PCBs), to be carried out when the sub-station has been taken out of service, could be required by a condition attached to any planning permission. If any are found, a Section 106 Agreement would ensure the contaminated soil was disposed of in accordance with the *Special Waste Regulations 1996* and the *Duty of Care Regulations 1991*. New equipment would be PCB free.

Noise and Vibration¹⁰⁵

- 5.6.9. During construction noise and vibration would be controlled in a number of ways. Prior consents would be obtained under the provisions of Section 61 of the *Control of Pollution Act 1974*. The local authority would then be able to ensure that best practicable means for controlling noise and vibration was used. The special sensitivity of Hawley School would dictate more extensive noise mitigation measures.
- 5.6.10. Vibration during construction might cause cosmetic damage to the Church but this would then be demolished. There would be no damage to other property but vibration would be perceptible in the nearest houses and at Hawley School. The upper limit of the 'Low probability of adverse comment' category in BS 6472 might be reached and could be considered unacceptable in a teaching environment. Percussive methods of piling would therefore be avoided during school hours.
- 5.6.11. The ambient external noise level at Hawley School has been recorded as 61-63 dB L_{Aeq 15 minute}. L_{A01} was not measured but other measurements indicate it may not exceed 70 dB. 63 dB would not be exceeded except at the start of phase 1 during demolition work and the work to construct a 7 metre high noise barrier along the Buck Street side of the site. The barrier would be constructed outside school hours. Alpha Beta Nursery on Kentish Town Road is not subject to the same formal noise controls as Hawley School but is still a sensitive receptor. Again L_{A01} was not

¹⁰⁴ LUL/7/A Section 3

¹⁰⁵ LUL/4/A

measured but other measurements suggest it exceeds 70 dB. 70 dB would not be exceeded except for a slight possibility during Phase 2 when the Church is demolished. During Phase 1, after which the Church would be demolished, construction noise levels for the west façade of the Church would be high and sound insulation would be required. Mitigation measures would be introduced through the CoCP.

- 5.6.12. There would be no adverse noise or vibration effect due to the operation of the completed development. Noise from building services plant would be controlled by condition whilst levels of ground borne noise and vibration in the new development due to the operating railway would be controlled in the detailed design. Both elements would comply with Camden's Development Standard on noise and vibration.

Daylight and Sunlight¹⁰⁶

- 5.6.13. The Building Research Establishment (BRE) guidelines *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 1991* is referred to in UDP Policy EN19. Whilst the guidance is only advisory, it has been used to assess the impact on surrounding residential buildings and Hawley School.
- 5.6.14. Nos 8, 10 and 10A Kentish Town Road would suffer an appreciable reduction in Vertical Sky Component (VSC) but the remaining Average Daylight Factor (ADF) would be reasonable for a suburban environment and is considered acceptable. The majority of the windows at 25-27 Kentish Town Road would pass the BRE criteria and the quality of remaining light would be similar to existing or exceed BS 8206 Part II for the room use in question.
- 5.6.15. At Hawley School, 3 rooms would suffer an appreciable loss of VSC but this does not take into account room or window size. The ADF would be greater than that recommended within the BRE guidelines and so there would be no noticeable loss of light. A window on the second floor of the Buck's Head Public House and residential accommodation on the first and second floors of 221, 223 and 227 Camden High Street would also lose more than 20% of their VSC but the quality of remaining light would still be very good.
- 5.6.16. Turning to sunlight, only windows within 90° of due south are considered by the BRE guidelines. Only one window at first floor in 25-27 Kentish Town Road would lose more than 20% of its Annual Probable Sunlight Hours (APSH) but the values would only be 1% less than the recommended BRE criteria in winter. Similarly, Hawley School would also lose more than 20% APSH but the summer values are at least 50% greater than the ideal recommendation. Six windows would suffer a loss of sunlight in winter but the total number of probable sunlight hours would exceed that recommended as acceptable in the guidance by 25%. The Buck's Head would be unaffected.
- 5.6.17. Overshadowing plots have been produced for the school playgrounds. These demonstrate that the area covered by permanent overshadowing would be less than a quarter of the total amenity area which therefore, according to the BRE guidance, is considered to have adequate sunlight. The playgrounds would be almost unaffected by overshadowing during spring summer and autumn and whilst there would be some

¹⁰⁶ LUL/6/A

overshadowing in the winter months when the sun is low in the sky that is only to be expected in a dense urban environment and would not be dissimilar to other schools.

- 5.6.18. Solar glare has been assessed for a number of positions. There would be some glare at certain times of day when looking north-west and south-east along Camden High Street. However, the minor glare would not be in the direct field of view of pedestrians and car drivers and would not cause visual impairment at roadways or road crossings.
- 5.6.19. LBC's SPG refers applicants to the Institute of Lighting Engineers (ILE) in relation to light pollution. ILE's *Guidance notes for the reduction of light pollution* provide measurable criteria which have been used to assess the proposals. Measurements indicate that the area around the station already suffers from some light pollution above the recommended 25 lux. Computer analysis of the proposed office indicates that no more than 2-3 lux would be added to existing vertical lux levels and the level at the windows of surrounding properties would be in the order of 2-20 lux which is below the recommended maximum level. The proposal would not therefore produce any light pollution for a city centre location.

Wind¹⁰⁷

- 5.6.20. The proposed above ground development may lead to some moderate increases in wind speeds at pedestrian level but these are likely to be acceptable based on criteria in the BRE's *Digest 390 January 1994* and *BREEAM for Office Buildings version 1/93, 1993*. The residential buildings on the northern part of the site would result in substantially lower winds on Buck Street than would be experienced at the southern apex of the site. Adjacent to Hawley School it is unlikely that wind speeds at street level would exceed 5 m/s (approximately a moderate breeze) for more than around 5-6% compared to a current frequency of 3-4% of the time.

Other Environmental Matters¹⁰⁸

- 5.6.21. The site has no ecological interest and measures to protect the water in the Regent's Canal would be sufficient to protect the nearest ecological resource. There is limited potential for archaeological remains in the less than 10% of the site that has not previously been excavated and developed. A concern raised in consultations on the ES was about archaeological remains but EH confirmed that no further information was required at this stage and, in a letter dated 20 October 2003, suggested conditions reflecting advice in PPGs 15 and 16¹⁰⁹. Measures proposed include the excavation of trenches in the areas of highest potential prior to construction, the presence of an archaeological consultant during subsequent excavation, provision for collecting or sealing in situ any remains found, and provision for interpretation, display and publication of the results and finds. The last concern in the scoping opinion was about PPG15. Chapters 4 and 5 of the ES refer to PPG15 and in general terms address the tests for demolition in a Conservation Area.

¹⁰⁷ LUL/7/A Section 4

¹⁰⁸ LUL/7/A Section 5

¹⁰⁹ LUL/2/B2 pp 277-9

5.7. The Effect on Local Businesses, the Town Centre and Statutory Undertakers

Introduction

- 5.7.1. Objectors maintain that removing Camden Market at Buck Street and the Electric Market would have ‘a serious adverse impact’ on the markets as a whole as a retail and tourist destination¹¹⁰. To reach a view it is necessary to consider how the markets currently function, and how that may change. Each market is different. Camden Lock Market predominantly specialises in arts and crafts, fashion and accessories, jewellery, interior design, books, music and films. Stables Market sells a wide range of goods including vintage clothing, antiques, furniture and homeware. It also has a wide range of international food. Canal Market specialises in clothing, accessories, CDs, prints, frames and London souvenirs. Camden Market at Buck Street sells clothing, footwear and jewellery; Inverness Street predominantly sells fruit and vegetables; whilst the Electric Market sells clothing and accessories, CDs and records¹¹¹.
- 5.7.2. The Council, which knows the evolution of the markets and has an interest in their continuing prosperity, accepts in the *Statement of Common Ground* (SCG) that ‘There would be some loss of market uses but it is not considered that these would undermine the character of the area given the size and scale of market uses’¹¹². This approach is shared by the GLA. LBC considers that the main market areas are close to the Regents Canal, although it stated it would consider CLLL’s evidence on the markets should a future planning application make it necessary.
- 5.7.3. A visit to the markets shows they cover a very large area, both in terms of trading space and geography, with the main focus being in the vicinity of the Canal¹¹³. The dominant impression is that CLLL’s market occupies only a very small part of this area. The Council’s considered reaction in the SCG is therefore correct and the reference to the size and scale of the other market uses in that statement is no accident.
- 5.7.4. If CLLL’s market fulfils a vital role, it is inconceivable that other locations elsewhere in the very large market area would not adjust to replicate its function. No financial information has been presented to enable a judgement to be made as to the strength of Camden Market at Buck Street. LBC’s planning judgement, which LUL shares, remains.
- 5.7.5. Both CLLL and EB state that more weight should be given to their expert witnesses’ evidence than LUL’s because of their expertise in markets. It is accepted that both witnesses have many years experience of markets. However, LUL’s witness has great knowledge and experience of retail matters, with or without markets. Much of EB’s witness’s evidence is not disputed but CLLL’s witness was not acting as an expert but on behalf of the owner and operator of the market which would be compulsorily purchased. His evidence is therefore in a different position.

¹¹⁰ 103/1/D

¹¹¹ LUL/9/A Paras 7.18-24

¹¹² CD148 Para 3.20.3

¹¹³ LUL 9/A1

Impact on the Town Centre as a whole

- 5.7.6. The town centre extends from Mornington Crescent in the south to Chalk Farm Underground station in the north. However, for planning policy purposes as defined on the UDP Proposals Map, Camden town centre stops short of the canal and the northern markets, including Camden Lock, are not within the town centre. The primary retail frontage is defined as both sides of Camden High Street from its junction with Plender Street in the south to the junction with Hawley Crescent in the north¹¹⁴. The town centre has an unusual retail character as it is both the principal shopping centre for local residents and a major tourist attraction in the form of shops and markets selling a wide range of specialist goods. This makes it difficult to apply the health checks set out in PPG6. At times, in some parts of the centre, these contrasting roles both complement and conflict with each other. Camden is said to be third behind Buckingham Palace and the British Museum amongst the capital's principal tourist attractions¹¹⁵
- 5.7.7. The retail strength of the town centre, as defined in the UDP, does not depend on the markets and operates largely independently from them. It is short of good quality large retail space for national multiples but still has a good range of national multiple retailers and three main supermarkets.
- 5.7.8. Only LUL has seen that supporting the markets is not the only legitimate policy objective, or the only way to support the town centre. There is considerable benefit, particularly to local residents, in providing more conventional retailing opportunities to the north of the station. Existing retailing there has a very limited appeal to many local residents. There are a considerable number of requirements for A1 and A3 uses in units up to 500 m². Zone A rents fall rapidly south of the Underground station. Prime retail yield stands at around 6.25% a healthy level for a centre of this type and size.
- 5.7.9. Camden Town is highly accessible by public transport, on foot or by bicycle but less so by car due to the restricted level of parking. Pedestrian flows are high, particularly at weekends but interlinking or cross fertilisation between the multiples and markets is very limited. At other times the strongest flows are from the vicinity of the station southwards. The single biggest gain to the town centre as a whole, including markets and other shops, would be the fact that the station would be open all the time and would not be uncomfortably crowded.
- 5.7.10. Large numbers of people are put off coming to Camden on Sundays because of the station closure, and it may be that far more are put off coming on Saturdays and Sundays because of the congestion in and around the station. A modern, capacious station, with high quality pedestrian areas outside, would remove the main constraint on growth of the markets and make Camden a much more attractive destination for those going to places such as the Zoo, the Roundhouse or the main part of the town centre to the south of the station.
- 5.7.11. The Church would be reprovided on the site enabling it to retain its links with local people. Camden Market is a temporary use in a prominent and key location in the High Street that is of little or no benefit to local residents. If the station does not go

¹¹⁴ CD25 Proposals Map

¹¹⁵ LUL/9/A Para 7.3

ahead it is likely that the temporary market arrangement would be terminated by the Council and its life in its current form is limited. Although a permanent consent for redevelopment of the site exists it has not been implemented. LUL has done all it can to relocate the EB on the site in accordance with the Mayor's letter of 16 October 2003. Unfortunately continuity of operation would not be possible for technical reasons.

- 5.7.12. In terms of the overall health and prosperity of the town centre, the benefits of the proposal would far outweigh any harm which may or may not be caused by the closure of two of the markets. This could only be of great benefit to Camden Town as a whole and improve its vitality and viability.

Overall functioning of Camden markets

- 5.7.13. The appeal of Camden markets is the overall mix of markets, shops, cafes and bars and the attractive physical environment around the canal lock. It is as much a place to "hang out" as it is to actually shop¹¹⁶. It is the mix that is crucial rather than any one element. Objectors put too much emphasis on individual elements of the mix and too little on the overall attractiveness of the area. They consistently downplay the role of the cafes and bars, and of the shops along Camden High Street, as playing an important part in the overall attractiveness of the area. They see it as a very static model, rather than recognising the dynamic and multi-faceted nature of the retail offer, which is a crucial part of the attraction.
- 5.7.14. The history of the markets is that they became an attractive destination and grew most strongly when they were significantly smaller than at present. The markets were highly successful when the Canal Market was not open and the Stables Market was significantly smaller and had far less fashion offer than it does now¹¹⁷. There is every reason to believe that the markets as a whole would continue to prosper even if CLLL's and EB's markets were removed.
- 5.7.15. Evidence that the markets are in a steady state with some decline is wholly impressionistic with no financial material to support the view. Witnesses, including individual traders did not suggest that there had been a steady decline over a number of years. Station closures since the late 1990s do not indicate decline. Since 2000 entry counts for the station have declined but this is in line with a network wide trend.

The Role of Camden Market at Buck Street and the Electric Market

- 5.7.16. Camden Market at Buck Street is in a highly visible location and it is hardly surprising that a high proportion of visitors at least look at the goods on the Camden High Street frontage. However, this does not mean that it is a crucial part of the markets as a whole, or that it is essential for their overall success.
- 5.7.17. CLLL's assertion that Camden Market is the principal fashion market in the markets overall is difficult either to accept or refute¹¹⁸. What is certain is that large amounts of youth fashion are sold throughout the market area, on stalls and in the shops. Fashion items sold in parts of both Stables and Canal Markets, and in some of the shops, is very similar to those at Camden Market. They may not be identical but they have a similar appeal. Stalls selling unique products with a particular appeal are

¹¹⁶ 103/2/B JCL4, XX Mr Reynolds by LUL Day 35

¹¹⁷ XX Mr Reynolds by LUL Day 35

¹¹⁸ 103/1/A Para 9.5

highly likely to move elsewhere if Camden Market at Buck Street were to close. CLLL's assertion that its market is essential to provide the critical mass of fashion retailing is not backed up by evidence. There is no evidence that a particular square meterage of fashion stalls is essential or that such critical mass could not be provided by the remaining markets where the overall density of stalls varies so much within the very large trading area.

- 5.7.18. Whilst CLLL's and EB's markets account for about 21% of the traders in the six markets, they account for less than 9% of the total gross floor area. The removal of these areas would amount to a loss of less than 10% of the total gross retail floor space within the markets. This does not include the areas of the shops around the markets which provide something in the region of another 12,000 m² of retailing¹¹⁹. CLLL's evidence indicates that there is 51.36 m² per trader in the Stables Market, but only 9.5m² in Camden Market at Buck Street¹²⁰. These figures show that Camden Market at Buck Street is much more densely packed than the other markets with a large number of traders in a small space. However, in terms of overall retail provision it is a relatively small percentage of the total. The figures also show the potential to provide denser retail provision at the Stables and Canal Markets if Camden Market were to close.
- 5.7.19. It is not, therefore, accepted that Camden Market can properly be described as the major anchor of the markets because of its fashion draw. Without it, the fashion offer of the markets as a whole would retain its critical mass and the breadth and diversity of its offer. The focus of the markets, and the anchor if there is one, is Camden Lock Market and the ambience around the canal itself¹²¹.
- 5.7.20. It is suggested that Camden Market is crucial because of its location, which draws people up Camden High Street. In reality, when exiting the station, either on to Camden High Street or Reunion Street, it would be completely obvious which way the markets and attractions lie because of the clear, visible, line of shops with their instantly recognisable signage and, in many cases, goods displayed outside. These line the obvious route to the canal lock and there is no need for any other visual marker.

The Surveys

- 5.7.21. Both CLLL and EB rely on surveys. CLLL's survey has a modest sample size and only covers the area to the north of the station rather than the main part of the centre that is likely to be used by local residents and employees in the area. Although they might not use the markets it might be felt that their views were relevant. There could also be confusion as the market at Buck Street is referred to as Camden Market. WSP's survey for the EB was restricted to weekends and importantly refers to the Buck Street Market rather than Camden Market.
- 5.7.22. The results starkly contradict each other. CLLL's NOP survey states that 56% of those responding had visited Camden Market at Buck Street that day, with only 41% visiting Camden Lock and 21% the EM¹²². The NOP survey notably gives no information on where people bought items or how much they spent.

¹¹⁹ LUL/9/A1 Para 4.11, App R2

¹²⁰ 103/18 Para 60

¹²¹ 105/3/A1 Para 1.2.2

¹²² 103/2/B App 5

- 5.7.23. It therefore gives no support to the argument that Camden Market is the critical element of the markets. As for the 56% ‘visiting’ Camden Market, this may only reflect the fact that anyone who walked past and happened to look at the stalls would be recorded as having visited. This does not mean it is a critical element, or that the visit to the markets generally would not have occurred if Camden Market at Buck Street did not exist. Even if it were true that more people spend money there that may merely be a reflection of the fact that it is the first spending opportunity people come to¹²³. It does not support an ‘anchor role’ argument.
- 5.7.24. The WSP survey for EB paints a rather different picture¹²⁴. It indicates that approximately 32% of visitors on a Sunday visit Camden Lock, 31% visit EB, and only 21% visit Camden Market. Importantly for the Camden Market ‘anchor’ argument, only 2% said that they had made an exclusive visit to it, whereas 7% had made an exclusive visit to Camden Lock. Again the survey did not seek to establish whether visitors had purchased items in particular markets. Only average spend per market for those spending is recorded. This gives no indication of whether people found anything to buy, only a reflection of the relative price of items in the different markets.
- 5.7.25. LUL’s witness relies on observations from a number of personal visits rather than a survey which roughly accord with the WSP result on visits to Camden Market. Many people walk past and do not go into the market. WSP’s figures have to be treated with caution because certain pedestrian flows, such as those into Camden Lock, have been missed off. Its accuracy must be highly doubtful.
- 5.7.26. It is very difficult to see the EB as a crucial part of the mix at Camden Town. Although it doubtless plays a role, it does not have an attractive layout, is easy to miss and the goods do not appear to be particularly distinctive. An indication that it is not a particularly vibrant retail element is that the income from the market is not a significant element of the EB’s income¹²⁵.
- 5.7.27. For these reasons, the surveys do not support an argument that the removal of CLLL’s and EB’s markets would have a serious adverse impact on the overall functioning of the Camden markets.

Functioning of the markets if the LUL scheme proceeds

- 5.7.28. There is obviously a degree of speculation in trying to predict how the markets would respond to the removal of the Camden and Electric Markets. Some witnesses are overly pessimistic in their forecasts. The markets operated very successfully in the past with a considerably smaller retail offer. They are by their nature dynamic, the items that are sold change frequently and both individual stall holders and the market operators are quick to respond to trends and changes. The fact that stall holders are on short term licences and their overheads are relatively low means that they can be flexible. The markets are the single largest market attraction in London. The five other major markets, Covent Garden, Greenwich, Petticoat Lane, Portobello and Spitalfields are all considerably smaller according to stall numbers given on the National Market Traders Federation website, although a number are located where there are other tourist attractions in the area.

¹²³ 103/18 Para 47

¹²⁴ 105/1/B Fig ML3/33

¹²⁵ XX Mr Curtin by LUL Day 31

- 5.7.29. Although stall holders currently in Camden Market at Buck Street all said that was the place to be, EB's witness painted the picture of stallholders moving around fairly easily and of competition between markets for the most successful traders. Stallholders do move between markets¹²⁶. The only way that the stallholder's evidence could be verified was by producing financial evidence of turnover at different market stalls, or by financial evidence in the surveys. Neither of these were submitted.
- 5.7.30. If Camden Market at Buck Street closed then other market operators would be keen to find spaces for the most successful traders. Not all 98 traders would be able to move together to another site, but the element that makes Camden Market successful is highly likely to be accommodated elsewhere. This may partly be by some of the less successful existing stalls being taken over, or by a greater intensity of stalls within the same existing A1 use areas. That potential exists at both Stables and Canal Markets where there is the possibility of creating a greater critical mass of fashion wear appealing to the younger age group who currently go to Camden Market at Buck Street.
- 5.7.31. Inverness Street, where there are vacant stalls, provides another opportunity for relocating some of the traders and also has the potential to increase the intensity of trading. There are other opportunities for relocation, as yet uncertain, such as using Buck Street itself as the location for a weekend market, although it would be subject to cabling works, and Safeway's car park.

Future changes at Stables and Canal Markets

- 5.7.32. Future changes involve a great degree of speculation. Objectors consistently fail to acknowledge the obvious fact that a major, if not the major, constraint on any growth in the markets is the congestion at the tube station. UDP Policy CT1 states "The severe overcrowding around Camden Town underground station, Camden Lock and Chalk Farm is largely due to the concentration of a number of on and off street markets in the area..."¹²⁷.
- 5.7.33. The Officer's report on a planning application at Stables Market indicates that an earlier application for a scheme with more retail was unacceptable because of the impact that the potential increase in visitor numbers was likely to have on the congestion already experienced at Camden Town station¹²⁸. The same point emerges from the Hawley Wharf development brief¹²⁹.
- 5.7.34. Once the constraint of the congestion and closure at the station is removed, there may well be scope for more retail in and around the existing markets. The clientele that the operators of Stables Market wish to attract may well change once it is clear that a new station would be built, and given the commercial opportunity that would arise with the closure of Camden Market at Buck Street¹³⁰. The current permission at Stables gives a reduction in the amount of retail, but not so great as suggested. However, there is plenty of space for a much more intensive retail activity than at present within the terms of the current planning permission.

¹²⁶ XX Market Traders Day 25 and Mr Reynolds Day 35 by LUL

¹²⁷ CD25 Para 15.35

¹²⁸ 103/2/D App JCL11 Para 2.9 & 6.9

¹²⁹ 103/2/D App JCL12 Para 6.4

¹³⁰ LUL9/A1

- 5.7.35. The existence of the development brief for Hawley Wharf/Canal Market is used to suggest that at least some of the market use may shortly come to an end. The brief is dated April 2000 and yet there has not even been a planning application. The use of the site for a weekend market is lawful and the lack of an application indicates that the most profitable current use is for a market. It is highly unlikely that a light industrial use would be forthcoming on this site to displace all or some of the market use.
- 5.7.36. The bulk of the markets would remain, the main anchor (Camden Lock) would remain as would the overall mix. Pessimistic parallels, referred to by objectors, with places where the entire market has been moved and effectively had to start again are not apt.

New Indoor Market

- 5.7.37. LUL would accept a condition requiring a market to be provided in the proposed large unit on Reunion Street. Neither LUL, nor the Council consider such a condition necessary as the evidence of major impact on the markets is overstated. However, if the FSS disagrees, a market opposite the tube station entrance would largely remove such impact. As CLLL indicates, the most important matter for a successful market is its location, as is the case with all retailing. An indoor market, with some stalls possibly spilling into Reunion Street, would be the perfect location directly opposite the station entrance on a pedestrian street. It would be the first attraction that people would see when they came to Camden via the station and visitors would be highly likely to go in.
- 5.7.38. It is suggested that institutional investors would not want a market but this would depend on the terms of any development agreement. Investors have had to become more flexible with the emphasis on mixed use. If a market is required then it would have to be provided and would be a matter of financial negotiation between the developer and LUL. Whether the physical layout would allow a successful market would also depend on the terms of any development agreement.
- 5.7.39. Markets in Camden thrive in a variety of different situations and buildings. Even if the building is not ideal, and that would be a question of detailed design, the ideal location would more than make up for any drawback. If a market could successfully exist and grow into a 7 day a week operation in EB's alternative, as it believes it could, there is no reason why a market could not succeed with a better location and street frontage within the LUL scheme.
- 5.7.40. The character of Camden Market at Buck Street will change in any event, as it only exists on a temporary planning permission. The indoor market hall design for which CLLL has planning permission may or may not be preferable to the LUL unit on Reunion Street, but it would still be impossible to retain the existing Camden Market atmosphere in a covered market of any form. It is suggested that the indoor market hall at Buck Street may not happen if the LUL scheme is rejected¹³¹. However, the only reason LBC has been prepared to extend the temporary permission is the uncertainty over the LUL proposals. Once a decision is made there would be no reason to allow the present use of the open site, which has been found to be unattractive and detract from the appearance of the locality when not in use, to continue¹³².

¹³¹ 103/18 Para 119

¹³² 103/2/B App 1 Para 13

Impact on small traders

- 5.7.41. If the two markets close there would be an impact on the markets overall. There is no immediately available alternative site. However, the hardship which would be caused would be mitigated as many traders would be likely to find other places within the markets. Some may choose to go and trade at other markets in London. It is impossible to place substantial weight on the market traders' arguments that their businesses would fail without much more detailed evidence as to their financial position and trading opportunities elsewhere.

Provision for the EB

- 5.7.42. The Council has never sought a replacement venue space specifically for EB, nor suggested that such a provision is required by the UDP. The Mayor's letter does not require a venue space to be provided solely to EB's requirements or that the station should be re-designed to meet EB's aspirations¹³³. The key issue is whether the space proposed is a generally acceptable venue space, not whether it is acceptable to EB.
- 5.7.43. LUL's letter to the GLA dated 16 May 2003 sets out the view that to offer EB re-accommodation would set a precedent for other interests on the site¹³⁴. The Mayor's letter changed the situation and LUL has since sought to open discussions with EB. Whilst a proposal is made, EB cannot be obliged to take it nor could it be required to operate under the name 'Electric Ballroom' or to provide live music.
- 5.7.44. The starting point for LUL's proposal, which has been considered by experts from the music industry, is the provision of a high quality station. Other considerations in the balance are the retention of retail to protect vitality and viability, maximisation of development, including residential, and improved community safety and the quality of the public realm.
- 5.7.45. What will attract customers to a venue is the quality of the performance, the location, the quality and size of the performance space and the facilities provided. Wet sales are important to operators because of the income they generate. LUL's proposal would be better than the existing EB as it would have a larger stage, better lines of sight to the stage, better street presence and better facilities.
- 5.7.46. Although EB objects to LUL's proposal being in a basement, there are a number of venues that operate in basements and the matter was not raised by EB's music industry witnesses when they first gave evidence. The LUL proposed venue would be some 8 metres below ground level. EB accepts that the vertical circulation has been improved and might be improved further in detailed design. When people arrive the constraint on entry would be tickets, cloakroom and security rather than the capacity of the stairs. During a performance there would be two stairs available.
- 5.7.47. At the end of a performance people leave over a 30-40 minute period. There would be two staircases, and a lift for those who do not feel capable of using the stairs. There is no suggestion that the stairs would not meet the *Building Regulations* or that there would be inadequate escape capacity. If people do not want to wait to leave, a second lift such as EB seeks would not have the capacity to make an appreciable difference. If everyone needed to use the cloakroom that would be the constraint not the stairs and if many people left by the second stair there would be no waiting on the

¹³³ LUL/2/B2 Page 275

¹³⁴ 105/11/Ba Page 209

main stair. The possibility that people might have to queue on the main stair to leave is such a minor aspect of what is important that it would not make the proposal unsuitable as a venue.

- 5.7.48. Other concerns were raised such as the positions of bars. These are matters of detail that could be resolved. Ultimately, EB accepted that it was conceivable the venue might work. The Mean Fiddler, a comparable basement venue with worse facilities but a wider stair, operates successfully. The LUL proposal would be a substantial live music venue within the overall development.

Statutory Undertakers

- 5.7.49. There are no outstanding objections from statutory undertakers. Any impacts are fully dealt with in the terms of the draft Order.

Conclusion

- 5.7.50. Neither Camden Market at Buck Street nor the Electric Market are crucial to the overall success of the markets. Camden Market provides only a small part of the overall markets floor area and even less of the overall retail provision north of the station. What might happen at other markets is speculative but there is flexibility in the amount of floorspace that would remain and the markets overall are robust, flexible, and have thrived with a significantly smaller critical mass.

- 5.7.51. A new spacious station would benefit the markets and the town centre. The retail benefits alone would outweigh any harm from the loss of the two markets. Most successful traders would find space elsewhere in the markets and the dynamism of Camden Market could be retained in the other markets. If the loss were considered to have a serious impact on the town centre then a new indoor market could be provided on Reunion Street. There would therefore be no breach of UDP Policy SSH1 or PPG6. These arguments apply equally to any impact on tourism. The mix of uses currently on the site would be retained with provision for a D2 venue, a mix of A1, A2 and A3 uses and much needed residential accommodation.

5.8. Extent to which the Proposals are consistent with Policy

- 5.8.1. The provision of a new station at Camden Town which meets the project objectives is supported by national, strategic and local policy including the Government's *Integrated Transport White Paper 1997*; The Mayor's TS July 2001; and TLP. Express support is given, in paragraph 31 of PPG13, to ensuring public transport is accessible to disabled persons. The scheme also accords with PPG1 which supports sustainable transport choices.
- 5.8.2. Objective 5 of TLP includes the improvement of London's transport¹³⁵. TLP Policy 3C.9 states that the Mayor will work with strategic partners to increase capacity of public transport by up to 50% over the Plan period and to improve, amongst other things, the integration, quality, accessibility and attractiveness of the system. UDP Policy STR3 seeks to ensure an efficient transport system whilst Policies STR4 and STR6 seek to enhance the safety and security of the transport system and to ensure that it operates equitably.

¹³⁵ CD57C

- 5.8.3. UDP Policy TR5(g) indicates the Council's support for improvements to public transport including the early completion of congestion relief work. Camden Town is one of the stations listed at appendix TR3 as suffering from congestion. Improvements to relieve the congestion at Camden Town station are specifically sought by UDP Policy CT3. LBC's approach to Arup's alternatives is surprising in the light of these policies as they would be less good than LUL's scheme in terms of both community safety and MIP accessibility.
- 5.8.4. In terms of the overall balance of policy, the urgent need to provide a new station that meets LUL's transport objectives significantly outweighs other planning issues such as replacement of the EB or loss of CLLL's market. The station is a major strategic asset. It is not acceptable to leave it in a state whereby it cannot function adequately. The urgency is demonstrated by the fact that the station has to be closed.
- 5.8.5. The above ground development also entirely accords with national, strategic and local policies¹³⁶. In essence, these support making the most effective use of urban and previously developed land, particularly at places well served by public transport; supporting mixed use schemes; encouraging developments in town centres; and promoting sustainable transport choices.
- 5.8.6. The provision of office accommodation would be appropriate in such a high density mixed use development above a station. Camden is already attractive to companies in the creative sector and there is no reason why other office users in this category should not find the proposed offices attractive as a location. The GLA SDS Technical Report 9 *London Office Policy Review 2001* dated July 2002 estimates that around 43,500m² of office floorspace will be needed in that part of Camden outside Central London by 2011¹³⁷. Whilst this is a broad estimate the proposal would make a significant contribution to this figure in a highly accessible location.
- 5.8.7. TLP's Objective 1 is to accommodate London's growth within its boundaries. The first of the key policy directions for achieving this objective is to "make the most sustainable and efficient use of space in London and encourage intensification and growth in areas of need and opportunity". The theme of maximizing the use of previously developed land and optimizing the potential of sites occurs throughout TLP and particular reference is made to locations with high public transport accessibility¹³⁸. Separate policies support maximizing the amount of residential accommodation on sites¹³⁹. The LUL scheme would have a density of 283 habitable rooms per hectare.
- 5.8.8. It is accepted that the policies referred to above do not mean that limitless development can be put on the site, irrespective of the character of the area. However, the policies do show that in the planning balance the desirability of achieving the maximum acceptable development is a material factor. TLP creates a clear objective to maximize opportunities in order to build an urban renaissance and save greenfield land. Although the UDP does not expressly refer to the need to make the most sustainable and efficient use of space, TLP is the more recent and up-to-date document.

¹³⁶ LUL/9/A Sections 3, 4, 5 & 6

¹³⁷ LUL/9/A1 App 3

¹³⁸ CD57C Policy 2A.1 (p. 38), Policy 4B.1 (p. 173), Policy 3C.1 (p. 103)

¹³⁹ CD57C Policy 3A.1 (p. 55)

5.9. Powers Under the Order

Compulsory Purchase Powers

- 5.9.1. Although LUL's witness is not independent he is a member of the Royal Institution of Chartered Surveyors and has signed its declaration in respect of expert witness evidence¹⁴⁰. Paragraph 3 of Schedule 1 of the TWA makes it plain that the compulsory acquisition of land falls within the matters that can be dealt with by an Order under Section 1 of the Act. The SoST has held in the LIFFE decision that these powers could be used to purchase land for mitigation purposes, regarding them as 'ancillary' to the main transport purposes of the Order.
- 5.9.2. The test in *Circular 02/03:Compulsory Purchase Orders*, and *Circular 06/2004: Compulsory Purchase and The Crichel Down Rules*, is that powers should only be granted if there is a compelling case in the public interest. However, in *London Borough of Bexley v Secretary of State for the Environment Transport and the Regions* 2001 EWHC 323 Harrison J followed *R v Secretary of State for Transport ex p De Rothschild* 1989 1 All ER 933 in holding that "the use of compulsory purchase powers can be justified in order to achieve a better scheme of development in the public interest than an alternative scheme put forward by an objector that does not require compulsory acquisition"¹⁴¹. Therefore, if the LUL proposal is better than any other alternative that is sufficient to justify compulsory acquisition.
- 5.9.3. Harrison J also went on to consider whether the test had been changed by the *Human Rights Act 1998*. The application of Article 1 Protocol 1 means that the principle of proportionality is involved. The principle was considered in the context of a compulsory purchase in *Baker v First Secretary of State* 2003 EWHC 2511 where the dicta in *Samaroo v Secretary of State* 2001 EWCA 1139 was applied¹⁴². This identifies a two stage test. Firstly, "Can the objective of the measure be achieved by means which are less interfering of an individual's rights?" and secondly, "It is assumed that the means employed to achieve the legitimate aim are necessary in the sense that they are the least intrusive of the Convention rights that can be devised in order to achieve the aim. The question at this stage of the consideration is: does the measure have an excessive or disproportionate effect on the interests of affected persons?"
- 5.9.4. Order powers are only sought for the works set out in Schedule 1 of the Order. These are limited to the station, cross passages and an underground electricity cable to the new TSS. Article 3(3)(b) and 3(5) of the proposed Order, which refer to works not specifically described in Schedule 1, would not give powers to construct any part of the office, retail or residential development as they would only apply to works within the limits of deviation which do not exceed 5 metres upwards from the levels on the deposited plans. These do not include the above ground development which is only shown in dotted outline¹⁴³.
- 5.9.5. Article 4(2) of the Order would not allow the reconfiguration of the station to create a shopping mall, as one objector fears, as it only allows the redesign of operational

¹⁴⁰ LUL/10/A Section 10

¹⁴¹ LUL/62 Tabs 1 and 2

¹⁴² 105/29 Tabs 9 and 8

¹⁴³ LUL/10/D Paras 2.1-2.10.5

railway works as defined in Schedule 1 of the Order. It could not be used to vary the works to include commercial development¹⁴⁴.

- 5.9.6. The Arup alternative is claimed to ‘do the job’. However, ‘doing the job’ involves more than providing capacity at weekends. The objective in this case is providing and maintaining a station at Camden Town which would provide the appropriate quality in the long term. The station is seriously substandard in a number of respects and the LUL scheme would deal with all those problems. It would so far exceed the Arup proposal in terms of benefits that the case for compulsory purchase is made out. If there is a compelling reason in the public interest in proceeding with the LUL scheme then it follows that the aim could not be achieved by means that would be less intrusive and the requirements of Article 1 Protocol 1 would be satisfied.
- 5.9.7. LUL’s legal position starts with the premise that there is a compelling public interest in its scheme proceeding. It would therefore be necessary to take possession of the whole site, demolish the existing buildings, provide and operate a temporary station whilst a new permanent station was built, provide mitigation consisting of relocating the Church and replacing the venue space, and safeguard LUL’s interest as a transport operator by appropriate long term control of the site. In addition, because the scheme involves demolition in a Conservation Area, reassurance must be given that replacement buildings would be acceptable in planning terms. These objectives amply justify acquiring the freehold of the whole of the site.
- 5.9.8. Having constructed the station, including the ticket hall at ground and mezzanine floor levels, and mitigation in the form of the Church and replacement venue, Order powers are not relied on to construct the above ground development. As a subsidiary of TfL, LUL is bound by statutory restrictions on activities applying to TfL itself in accordance with Section 164 of the *Greater London Authority Act 1999* (GLA Act)¹⁴⁵.
- 5.9.9. TfL has powers to dispose of property, which in the opinion of the Mayor is not required for the discharge by TfL of any of its functions, under paragraph 12 of Schedule 11 to the *GLA Act*. It also has powers to develop land in accordance with paragraph 15 of Schedule 11 of the Act. By virtue, of Section 157(1) of the *GLA Act* and *The Transport for London (Specified Activities) Order 2000*, the development of land pursuant to paragraph 15(1), other than for the purposes of TfL’s functions, must be carried out by a subsidiary of TfL. In carrying out development under paragraph 15(2) (which applies to developing land for use by other persons) TfL or a subsidiary will have to comply with paragraph 29 of Schedule 11. This requires TfL or a subsidiary to act as if it were a company engaged in a commercial enterprise.
- 5.9.10. LUL would acquire the site under the Order powers for the purpose of constructing the station, and pay compensation to the owners in accordance with the *Statutory Compensation Code*. This is estimated to cost around £25.3 million. That would take into account any existing development value of the land that was not due entirely to the scheme itself. LUL would then need either to develop the site in accordance with the principle set out in paragraph 29 of Schedule 11 to the *GLA Act* and planning criteria governing redevelopment of the site, including the requirements relating to demolition in a conservation area, or to dispose of the interest to a commercial developer. Such a developer would require a commercially acceptable development and, as a body responsible for the expenditure of public funds, LUL would seek to

¹⁴⁴ LUL/10/D Paras 2.11-12

¹⁴⁵ LUL/10/D Pages 24-27

secure full value for any such disposal, subject to any other overriding considerations. It is estimated that this would generate approximately £12 million and therefore LUL would not make a profit from the above ground development¹⁴⁶.

- 5.9.11. Construction of the permanent and temporary stations would require demolition of the EB and it could not be replaced in the same position because of the new ticket hall. The market use would come to an end given the lengthy construction period where it would be off site. Both would be fully compensated for their freeholds.
- 5.9.12. It is possible, and in the case of deep level tunnels appropriate, for a stratum of land to be compulsorily purchased. However, it is common for Orders, including those for highway works, to authorise compulsory acquisition with no height limit. Where land is required for the permanent provision of a structure at ground level, the orthodox approach under the compensation code is for the freehold to be acquired and compensation paid. That would be the position here. The alternative would be to leave a mosaic of different freehold ownerships at the level of the transfer slab reflecting the previous land ownerships but bearing no relationship to the new structure. There is a plain public interest in avoiding such a sterilisation of land.
- 5.9.13. Neither EB nor CLLL deny that LUL has a vital interest in controlling what happens above the transfer slab. CLLL relies on *Infrastructure – LUL control of outside party operations and works*¹⁴⁷. This is a sensible system to have in place but it relies on the planning system being operated properly by third parties and the planning authority. Given the importance of the operational safety of major transport infrastructure, there is a public interest in LUL being in control of the issues and it has a public duty to seek to ensure this is the case.
- 5.9.14. Both objectors brush aside LUL's need to provide for successive reconstruction and maintenance of the transfer slab, station and structures beyond their 120 year life. However, it would be in the public interest that there are no substantial impediments to these requirements arising from land ownership issues. It is self evident that any precise requirements cannot be foreseen now.
- 5.9.15. EB accepts that a fire above the transfer slab would be a concern. LUL would have a substantial interest in ensuring the structural stability of any buildings above the slab and the best way of ensuring this is for the slab to be in LUL's single ownership. A covenant to keep in good repair is a positive covenant as established in *Rhone v Stephens* 1994 2 AC 310¹⁴⁸. CLLL advances no mechanism to deal with such a covenant.
- 5.9.16. EB suggests two solutions to the problem of positive covenants: firstly, by the creation of a rent charge; and secondly, by fresh covenants at every change of ownership¹⁴⁹. The latter was preferred by its witness but would be inherently less robust than ownership of the freehold by LUL.
- 5.9.17. It is axiomatic that the acceptability of loadings above the transfer slab depends on the design. Some legal relationship with any above ground owner is therefore plainly necessary and arrangements that do not provide such a relationship can be ruled out.

¹⁴⁶ LUL/10/C 3.3-3.3.5

¹⁴⁷ CD51

¹⁴⁸ LUL/62 Tab 3

¹⁴⁹ 105/20 & 22

No legal relationship between the two freehold owners at all is envisaged by the CLLL submissions, or by EB with the exception of its 'three lease' offer.

- 5.9.18. On the premise that there is a compelling public interest in the LUL scheme progressing and that it is necessary for LUL to own a permanent right in the whole triangle site to build and maintain the station, EB and CLLL would be required to vacate the site for a very substantial period of time. The question whether public benefit would outweigh private loss needs to be asked in that context. LUL's transport case undoubtedly outweighs the private loss and the remaining question is whether the additional private loss caused by acquisition of the freehold of the airspace is justified.
- 5.9.19. If the freehold of the transfer slab was in fragmented ownership it would deny LUL the robust protection of vital transport infrastructure. A flying freehold regime would not avoid the private loss caused by closure of the market during the lengthy construction period and would frustrate the use of the land to provide the replacement Church and the entrance to the proposed venue space. CLLL would not suffer any financial loss as it would be compensated for the acquisition of the freehold. Given the period that the market would be off site, the value of the flying freehold as an investment opportunity is clearly compensatable.
- 5.9.20. It is difficult to see what additional private loss EB would suffer from a failure to adopt a flying freehold approach as it too would have been fully compensated for the present value of its freehold. The nature of EB's offer demonstrates that there is no practical utility in preserving its ownership of the freehold other than an attempt to obtain development value that would not arise in the absence of the LUL scheme and the potential to financially benefit from redevelopment in say 120 years time. These matters do not represent anything that EB currently has but would lose through compulsory acquisition. It would only produce sums payable to EB higher than those payable under the *Compensation Code*. It would not be appropriate, on the principles of basic fairness, to give one objector special treatment in this way.
- 5.9.21. In any event, EB's 'three lease' offer suffers from a number of drawbacks¹⁵⁰. If accepted, it would mean the station was in different ownerships bearing no relation to the physical characteristics of the site. If extended to all freehold owners the station would be in a mosaic of different 999 year leases which would not be in the public interest.
- 5.9.22. Reference has been made to development above Underground stations where the freehold of the development is not owned by LUL. The situation at Euston Square differs from Camden as no compulsory purchase powers were involved. There was an historic, complex and unsatisfactory flying freehold relationship. As the result of a development agreement with a single owner LUL effectively occupies part of the basement of a much larger building. It received substantial operational benefits at no cost and retained and enhanced its existing freehold interest.
- 5.9.23. At Knightsbridge LUL inherited an unsatisfactory title and negotiated with a single adjoining landowner to modernise and regularise the respective tenures. The move was not initiated by LUL and did not involve compulsory purchase powers. Marble Arch is another example of an inherited flying freehold. It has not caused major problems to date but if the owners of the property above wish to redevelop it is likely

¹⁵⁰ LUL/10/D Page 9-11

that there would be lengthy legal and technical discussions. Bond Street is not an example of a freehold held by others. Grosvenor transferred its freehold interest in land that was to be used for an enlarged sub-surface ticket hall to LUL and took a long lease on the airspace above.

- 5.9.24. Both CLLL and EB argue that the compulsory purchase powers should not be applied to them but there are no grounds to differentiate between landowners. In every case the land would be cleared during construction and new development would go back on top of the transfer slab. The fact that CLLL's site is largely open at present should not put it in a more beneficial situation than other landowners. The site's relationship with surrounding buildings would be fundamentally changed by the LUL development.
- 5.9.25. An additional reason why the transfer slab should be in single ownership is that the FSS is entitled to reassurance that the replacement buildings would be compatible with one another before granting conservation area consent. This would be a direct consequence of the demolition necessary to construct the station. Single ownership would provide that comfort whilst any alternative would be likely to frustrate replacement. This is a further compelling reason to reject the flying freehold approach. The very limited private loss created by compulsory acquisition of the whole of the freehold interest would be decisively outweighed by the public interest.

Limits of Deviation

- 5.9.26. The proposed Limits of Deviation were amended on 17 December 2003 to reflect the need to slightly move the cross passages to avoid potential damage to the tunnels¹⁵¹. However, they have not been challenged by any objector. The Limits of Deviation for the station works would not extend beyond the triangular site, those for the cross passages would extend below Camden High Street and Kentish Town Road whilst those for Work 9, an electricity cable, would be in Buck Street extending into Camden High Street.
- 5.9.27. The Limits of Deviation for the cross passages now include areas outside those to be compulsorily acquired. However, Article 21 of the Order would give powers to appropriate and use as much of the subsoil of any of the surrounding streets as is required for the purposes of the works. Only subsoil would be required and compensation would be payable to the landowners concerned who would not therefore suffer any detriment¹⁵².

5.10. Costs and Funding

The Pass Mark

- 5.10.1. The reason why the SoST wishes to be informed on these matters is set out in *A Guide to TWA Procedures* which states "The Secretary of State's concern is to establish that there is a reasonable prospect of a scheme attracting the necessary funds to implement it"¹⁵³.
- 5.10.2. Considering whether the benefit:cost ratio (bcr) pass mark is relevant to the reasonable prospect of attracting the necessary funding, passages in LUL's *Business*

¹⁵¹ CD14/A Sheet 1

¹⁵² LUL/15 Paras 51-53

¹⁵³ CD131 Para 1.34

Case Development Manual (BCDM) make it clear that there is no absolute requirement that the recommended target of 1.5:1 be achieved before funds are provided¹⁵⁴. It would be wrong to treat the pass mark as a statutory requirement to be reached before the Order is made.

- 5.10.3. It is unrealistic to state that no evidence has been led to show that the circumstances at Camden are exceptional or that they fall within the circumstances in the last element of paragraph 5.2.2 of the BCDM. The circumstances are plainly exceptional. There is even less basis, due to the urgency of the problem at Camden, for saying that something more than 1.5:1 should be demonstrated on the basis that funds are limited.

Optimism Bias (OB)

- 5.10.4. OB is a new concept. The Mott MacDonald Report on which it is based is dated July 2002, HM Treasury's *Green Book* introduced it for public projects in early 2003 and the BCDM amendments incorporating it were drafted in January 2004¹⁵⁵. It is an evolving concept and should be applied with realism. The objectives, as set out in the Report, include reducing risks within project options and managing project risks during the project life cycle¹⁵⁶. Within the context of this case the underlying objective is to provide the SoST with a reasonable degree of confidence that the project would be funded.
- 5.10.5. The first step is to decide whether the project is standard or non-standard. The Mott MacDonald definition of non-standard has 3 elements¹⁵⁷. The only space constraint is the inner city location. Within that the site would provide a relatively generous work area compared to the Arup 1B option or the EB proposal for a temporary venue. The construction technique would be standard for a deep basement and it is accepted that 'bottom up' construction is less constrained than 'top down' which would be used by the Arup option.
- 5.10.6. The only special design consideration is the adits into the cast iron tunnels. Construction of the new cross passages is a highly complex sequence of activities each of which has a potential to damage the existing station tunnels¹⁵⁸. However, one special element within a large scheme would not make it non-standard, or put it in the same category as the Jubilee line extension or a nuclear power station. If the special element is standard for the body carrying it out then the project should be regarded as standard. LUL has undertaken such work many times including recently at Brixton, Angel and Old Street. Alternatively the project should be regarded as a hybrid and a starting point somewhere between 44% (standard) and 66% (non-standard) should be taken as the starting point.
- 5.10.7. There are no unusual output specifications in the project. Nor are there any innovative techniques such as the tunnelling technique and signalling used on the Jubilee Line extension. Only a limited amount can be learnt from the examples of the schemes Mott MacDonald considered. It would be unreasonable to put the building of a new Underground station in the same category as obviously non-standard schemes such as the Thames Barrier or Sizewell B.

¹⁵⁴ CD150 Paras 2.6.7 & 5.2.2

¹⁵⁵ LUL/1/M, CD151, CD150

¹⁵⁶ LUL/1/M Para 1.2.2

¹⁵⁷ LUL/1/M Para 2.1.2 sub para 4

¹⁵⁸ LUL/3/A Para 4.3.10

- 5.10.8. It is clear that OB of either 44% or 66% applies at inception. Risk will reduce as the project progresses and the risk contributors are understood and taken into account. The BCDM acknowledges that between inception and award of contract the OB will depend on how far the project team has moved towards the completion of all risk assessment and risk management in response to the risks identified¹⁵⁹. LUL's approach to mitigation has been criticised as not being based on empirical evidence or externally verified. However, the issue is only whether the project has a reasonable chance of being funded.
- 5.10.9. It is possible to form an objective view that there has been substantial mitigation simply by the existence of a detailed design for which planning permission could be granted. EB's approach seems to be that if there is no formal risk approval document then no reduction in optimism bias should be made. This is merely legalistic formalism. Many areas have been managed to the point where there is little risk. If this is not taken into account the SoST would get the wrong answer to the question posed in the TWA SoM.
- 5.10.10. The project is beyond RIBA Stage C and part way through detailed design. Mott's Report sets out a methodology for considering mitigation of risk¹⁶⁰. The note "Further Analysis of Optimism Bias" apportions risk and reaches a total mitigation of 58%¹⁶¹.
- 5.10.11. Considering each element in turn, the engineering staff at TLL, which is likely to be awarded the contract, have been involved throughout and therefore a mitigation factor of 0.5 is highly conservative. The discrepancy between the figures for standard and non-standard projects is difficult to understand but no reduction has been made for disputes and claims, although there is no reason to believe there would be a particular risk of such claims.
- 5.10.12. Design complexity is an area where there has been substantial reduction in risk due to the design, the detailed stage reached, and the amount of public scrutiny the scheme has received. A mitigation factor of 0.75 has been applied. There is no innovation in the design, one indicator that it is standard rather than non-standard and the mitigation factor is therefore 1.0. As far as environmental impact is concerned there is extensive knowledge of the site, exhaustive historical research has been carried out and there have been negotiations over a CoCP. These have been uncontentious indicating it is not a major risk area and mitigation of 0.75 has been applied. The Mott Report refers to "where project specific influencing factors are likely to affect the project outcome" in relation to the 'other' project specific category. This does not seem to apply to this scheme and so is fully mitigated.
- 5.10.13. In the client specific category, inadequacy of the business case has been given a mitigation factor of 0.75 as the Report describes it as "Where project scope changes are likely to occur as a result of the poor quality of requirement specifications and inadequate project scope definition". The parameters of the scheme are very clearly set. Funding availability and project management have both been given a factor of 0.5. This is a single indivisible project and once funding is approved then the entire project would have to be built. The project management team has been involved

¹⁵⁹ CD150 Para 3.14.3

¹⁶⁰ LUL/1/L Table 16 Page 81

¹⁶¹ LUL/1/E Page 269

throughout and have experience from other projects. The site is well known and so poor project intelligence has been mitigated by 0.75.

- 5.10.14. Environmentally, even for an uncontaminated inner city site it is not highly sensitive and so this element is fully mitigated. Consultation has been carried out and the public relations element has been mitigated by a factor of 0.75.
- 5.10.15. Of the external influences, apart from inflation, it is difficult to see how the economic element applies to Camden, all regulations have been taken into account and the only technological change that has been raised is the Oystercard or other ticketing arrangement. It is impossible to see how this would have any significant impact on the cost of the project.
- 5.10.16. The nature of the site and project are fixed, as is the extent and ownership of land. There is therefore no basis for applying any OB that fluctuates with the engineering complexity of the scheme to land acquisition costs. The only uncertainty is the valuation exercise. The variance between estimate and expenditure for land acquisition on the Jubilee Line extension was -4.0% and -2.5% on the Croydon Tramlink¹⁶². LUL's figures include a higher than normal contingency and this is a more appropriate way of dealing with the matter. Accordingly, OB has not been applied in LUL's business case summary. Arup's figures on the other hand include both OB and the higher contingency figure.
- 5.10.17. Another dispute is whether OB should be applied to the figure of £15 million for capital cost avoided agreed with CLLL¹⁶³. Even if informal advice given to CLLL is accepted, it seems OB should be applied where the capital costs avoided are not relatively well known. Given the origin of the estimate, a comparative exercise with emerging designs to which the addition of OB would undoubtedly be appropriate, it must be correct to add OB in this case. Notwithstanding this, OB has been removed from capital costs avoided in LUL's business case summary, although the legitimacy of the exercise is not accepted.
- 5.10.18. LUL has never before promoted an Underground scheme with a detailed planning application at the same time. The grant of planning permission would remove many of the risks inherent earlier in a project. Risks have been considered and it would be perverse to proceed on the basis that risks had not been substantially mitigated when planning permission is granted¹⁶⁴. The appropriate OB figure is therefore either 22% or 33% depending on whether the project is considered standard or non-standard¹⁶⁵.

Benefits and Costs

- 5.10.19. An appraisal period of 40 years has been used to reflect the long life of major civil engineering assets¹⁶⁶. This is consistent with advice in the BCDM for assets such as escalators¹⁶⁷ and agreed as appropriate by CLLL¹⁶⁸. Given the design life of the proposed station of 120 years, 40 years is appropriate. Indeed, it is common for such

¹⁶² LUL/1/D Para 4

¹⁶³ LUL/1/E Page 50 'Note on Station Modernisation'

¹⁶⁴ LUL/1/E Page 262 'Note on Further Analysis on Optimism Bias'

¹⁶⁵ LUL/1/Y

¹⁶⁶ LUL/1/A Para 10.1.3

¹⁶⁷ CD150 Para 2.6.1

¹⁶⁸ LUL/1/E Page 172

projects to have a longer appraisal period. Crossrail has an appraisal period of 60 years and 40 years could be considered a conservatism.

- 5.10.20. Looking at social benefits, CLLL accepts that the ‘rule of a half’ is not appropriate for those who use an alternative station during closure of Camden station as no change in mode is involved. However, CLLL maintains that the ‘rule of a half’ should apply to everyone else who cannot use Camden station on a Sunday but who would when it reopens¹⁶⁹. The assumption is that the preferred route for the 14,000 who would use the station, if it were open, would be the tube from Camden to a variety of end points. *Transport Analysis Guidance* states two cases, one where demand stays the same and the other where demand changes¹⁷⁰.
- 5.10.21. Considering a visitor to Camden who wants to go to Waterloo and would go all the way by tube if the station were open, they could go to Mornington Crescent or Euston by bus and change to the tube, or go by bus all the way. In both examples the demand stays the same but the time or money costs change. CLLL’s argument that the ‘rule of a half’ should be applied to the visitor taking the bus the whole way is misconceived as the traveller incurs the full disbenefit.
- 5.10.22. It is appropriate to assume the traveller would make the economically rational choice and take the most advantageous route. This would effectively cap the disbenefit incurred and this is what has been done in the LUL calculations. A visitor who is forced to make alternative travel arrangements would incur the full disbenefit even if those arrangements involve a change of mode.
- 5.10.23. Arguments about the ‘rule of a half’ do not affect the need to ensure the assumed time penalty is correct. The assumptions made in “Journey Time Assumptions for Alternative Travel By Bus” have not been challenged¹⁷¹. That note points out that the 18.2 minute assumption corresponds with Appendix B of the Scott Wilson Report¹⁷². Even allowing that some passengers would not suffer the 10.2 minutes disbenefit on entering Euston station, the calculation is robust. It follows that the business case assumptions in respect of bus users are also robust.
- 5.10.24. No work has been done on those who would use a taxi but the money cost of that choice would be substantial as confirmed by the note “Calculating Modal Values of Time” attached to a *Transport Economics Note* (TEN)¹⁷³. There is, therefore, no basis for changing assumptions about the calculation of benefits for those who use some other form of transport in place of the Underground.
- 5.10.25. Some people would deal with the station closure by changing the time they travel. The Scott Wilson Report highlighted the public’s ignorance about the station closure and many of the 14,000 who would use the station if it were open would not have sufficient information to adjust their plans in advance¹⁷⁴. The Saturday results from the Scott Wilson survey data give the best picture but even this is overstated because of the lack of knowledge about closure. LUL’s business case summary assumes 15% will be ‘time shifters’ on this basis and reduces the benefits to reflect the ‘rule of a

¹⁶⁹ 103/18 Appendix C Paras 53-73

¹⁷⁰ 103/5/F Paras 2.1.5-2.1.6

¹⁷¹ LUL/1/R

¹⁷² LUL/1/D

¹⁷³ LUL/1/K

¹⁷⁴ LUL/1/D Appendix A Para 5.3

half'. Again the 15% is considered to be conservative and enables the maximum impact of this argument to be assessed.

- 5.10.26. Of those who would travel via Chalk Farm, CLLL argues that the penalty of 18 minutes is overstated, as for some people Chalk Farm would incur a smaller penalty. However, it is important to remember that we are dealing with people who would prefer to use Camden but cannot do so. Those who would travel north on the relevant branch of the Northern line having visited the Stables Market would be going to Chalk Farm rather than Camden anyway.
- 5.10.27. The penalty for using Chalk Farm for a journey from the northern extremity of the Stables Market is 15.58 minutes¹⁷⁵. Very few people would be visiting the very northern part of the Stables so most would have a longer walk and would then have to ride south to Camden on the tube. The overall time taken would not be inconsistent with an average penalty of 18 minutes.
- 5.10.28. The value of time used in the appraisals is £7.31, derived from the BCDM¹⁷⁶. The figure is agreed by CLLL, subject to a lower rate for weekend time periods possibly being used in a sensitivity test, but not by EB. It argues that it is inappropriate to apply any adjustment to TEN values for non-working time to reflect the fact that London earnings are higher than average. It is apparent from TEN itself that there is a relationship between average earnings and the value of non-working time¹⁷⁷ but in any event, the £7.31 has been derived by a methodology which is standard within LUL business appraisals. LUL should not therefore be criticised for using it on this project.
- 5.10.29. A second point, which has more force, is that the proportion of working time within the figures used to calculate the £7.31 is too high as the peak period for the calculation of benefits is Sunday afternoon when the proportion would be lower than average. However, it is difficult to quantify the effect. It should be viewed in the context of the very substantial conservatism arising from applying 1% increase in the value of time rather than the higher figures suggested in TEN. Neither point affects the reliance that can be placed on LUL's business case appraisals.

Business Case Analysis

- 5.10.30. Detailed attacks by objectors on the assumptions made in the financial appraisal concentrate on areas that would lower the bcr. There is a danger that a line by line attack will provide a false answer on the reasonable prospect of attracting funding. No financial appraisal is exhaustive and will contain conservatisms as well as the reverse.
- 5.10.31. There are at least two substantial conservatisms in LUL's appraisal. Firstly, weekend and weekday peak growth of 17.9% and 14.4% has been assumed. CLLL agrees that forecasts of 17.9% growth at weekends and 14.4% for week days are 'robust' but not conservative for two reasons. The first is the derivation of the figure of 14,000 that would use Camden station if it were open on a Sunday afternoon. The Scott Wilson Report considers validation and refers to a study by Space Syntax in 1996¹⁷⁸. It suggests that on average 16,600 were entering Camden Town station between 1300

¹⁷⁵ 103/5/D Table 5

¹⁷⁶ CD150 App E. See also note attached to the back of LUL/1/K

¹⁷⁷ LUL/1/K Para 2.15

¹⁷⁸ LUL/1/D App C Para 3.5

and 1700 hours in 1996. The 14,000 figure is substantially less than this and so can be relied on.

- 5.10.32. Secondly, the general predictions in relation to population or tourism are not considered by CLLL to be a good guide to growth of visitors to the markets. This does not touch the conservatism inherent in the weekday figures, and the weekend forecast of 17.9% does no more than assume that weekend traffic would catch up with flows observed in 1999. The application of population, income and tourism elasticities produces a compound growth rate of 31.6% compared to the 17.9% actually used¹⁷⁹. These are directly relevant to the market and leisure uses that affect Camden Town station at the weekend. If the growth from the Mayor's TS had been used, the week day figure would have gone from 16% to 31% over twenty years. The assumed growth is therefore very conservative.
- 5.10.33. This conservatism forms the basis of sensitivity tests which produce bcrs of 6.07 (standard engineering project OB) or 5.07 (Non-standard engineering project OB)¹⁸⁰. A necessarily crude investigation indicates that each percentage increase in growth assumption increases the benefits by a considerable amount and would also increase the revenue¹⁸¹. It would plainly be possible to put forward, and defend, a higher growth figure.
- 5.10.34. The second major conservatism relates to the value of time. A growth in the value of time of 1% has been assumed, the figure suggested at Appendix E of the BCDM¹⁸². Paragraph 2.15 of TEN, relied on by EB, provides for increases more than double that assumed for the period 2005 to 2050. This substantial conservatism affects all lines in the business case where the value of time is relevant and has a knock on effect on revenue.
- 5.10.35. LUL's business case summary draws together the mathematics reflecting the arguments above¹⁸³. The adjustments made in Cases 8 and 9 are not accepted as correct, they simply recognise that the arguments have some force. The overall picture should be seen against the background of the substantial conservatisms that exist. Case 9, which can be considered a realistic worst case, still shows a bcr substantially above 1:1.
- 5.10.36. The importance attached to Camden is confirmed by a presentation on LUL's Station Capacity and Step-Free Strategy¹⁸⁴. The Mayor requires a programme of improvements to ensure greater levels of accessibility and create a core accessible network. There is no sensible reason why Camden, a station where "passenger costs of delay and the frequency and severity of control interventions to maintain safety are high", ought not to be included on a list of core stations or to doubt the priority to be attached to it. Whilst congestion relief was originally stated to be a disbenefit of -£3,611 million, this did not take account of the station movement time for entry passengers on Sundays. When this is added in congestion relief has a present value of £40,245 million. In addition the effect of reductions in time that trains would spend in the station would generate a present value benefit of £1.209 million¹⁸⁵.

¹⁷⁹ LUL/1/E Tab 1 Page 13

¹⁸⁰ LUL/1/Y Table 2

¹⁸¹ LUL/1/T

¹⁸² LUL/1/E Page 173

¹⁸³ LUL/1/Y

¹⁸⁴ LUL/1/E Tab 9

¹⁸⁵ LUL/1/C Paras 2.9.10-14

- 5.10.37. *The TfL Business Plan 2004/5-2009/10* includes a portfolio of station capacity schemes to meet demand with a total cost over the plan period of £475 million¹⁸⁶. This includes Camden Town. Most objectors accept that the problem at Camden, which is an important station at the weekend, during the week, and as an interchange, has to be addressed. Although EB has referred to TfL's *Interchange Plan – Improving interchange in London*, TfL confirms that document did not take capacity issues into account¹⁸⁷. No sophisticated analysis is necessary to reach the conclusion set out in *The TfL Business Plan*. The proposed scheme addresses a very significant current problem as well as providing benefits for interchanging passengers and MIPs. There is no reason, arising from EB's allegation that there is no transparency in the assessment of priority, to assume it would not be carried forward as a matter of urgency by LUL.
- 5.10.38. The scheme would be funded from LUL's Underground Initiative Programme which is listed in *The TfL Business Plan 2004/5-2009/10*¹⁸⁸. The totality of the business case evidence on a wide range of sensible assumptions demonstrates that there is much more than a reasonable prospect of securing the necessary funding.

Comparison with Option 1B

- 5.10.39. The Arup scheme should be considered to be at pre-inception stage. It should attract OB at the upper bound level of 44% or 66%. Not all the known elements have been priced. These include amendments to the north-west fire escape put forward as part of the fire strategy, adjustments to ease problems at level -4, measures to provide plant space at the lowest level and the southern end of the site, and the relationship between the plant space and the deep level shelter tunnels¹⁸⁹.
- 5.10.40. In addition, considerable expense would be needed to address fire issues such as acceptable separation between the lift and fire staircase at the southern end of the site, and the likely unacceptability of the existing spiral staircase as an escape stair in a substantial rebuild. In LUL's comparison business case summary, 25% has been added to the capital cost to reflect these items before applying any OB to reflect the early stage of the design.
- 5.10.41. The thrust of CLLL's case is that the LUL scheme compares adversely with the Arup scheme in terms of bcr and /or opportunity costs. However, the different rates of OB and level of costing must be borne in mind. LUL's financial appraisal takes as its base a detailed costing of the Stage C design by a firm of quantity surveyors who gave evidence¹⁹⁰. This was £94.9 million to which fees and external project management costs were added to give £112.9 million at 4th quarter 2002 which has been used in LUL's calculations¹⁹¹. The quantity surveyor has allowed 10% contingencies and design reserve and 7.5% risk/unmeasured items. OB at whatever rate would provide a further margin.
- 5.10.42. No such exercise has been carried out by Arup and CLLL did not call a quantity surveyor. With the exception of the lift/escalator issue, no detailed attack was made on LUL's cost plan. Instead the 'tone' of the costs was questioned on the basis that

¹⁸⁶ LUL/1/O Para 10.3.2

¹⁸⁷ LUL/1/N, 105/11/B3

¹⁸⁸ LUL/1/A Para 10.2

¹⁸⁹ 103/3/Z and 103/3/X

¹⁹⁰ LUL/22/A

¹⁹¹ LUL/1/C Para 2.3.2

the costs of the LUL scheme would be expected to be about double those of Option 1B. This is not accepted. The value of fixed costs such as escalators, lifts, mechanical and electrical plant and equipment is spread over a gross internal floor area that is a quarter of LUL's quadrupling the cost/m² of these elements¹⁹². There was substantial agreement to the accuracy of this list that has important consequences for the comparative argument in business case terms¹⁹³.

- 5.10.43. Whilst there has been some argument over the treatment of lifts and escalators, the Stage C design costing should be used unless some clear and manifest error that makes a substantial difference can be demonstrated. Again it must be borne in mind that the object is to demonstrate that there is a reasonable prospect of the scheme attracting the relevant funding.
- 5.10.44. CLLL's claim that its station refurbishment would deliver 56% of the ambient benefits is substantially too high¹⁹⁴. Any overlap would be very small. Refurbishment would not deliver the significant change that modernisation of the station would bring¹⁹⁵. LUL's business case summary therefore contains an adjustment downwards in ambience benefits of 10%.
- 5.10.45. LUL's business case summary demonstrates that the bcrs for the Arup scheme are not superior to those for LUL's proposal¹⁹⁶. CLLL's figures show a better range of values as it has adopted a fundamentally different approach to costs, made insufficient allowance for the more preliminary stage of its design, uncosted matters, and a higher OB due to lack of mitigation. When these are taken into account the position reverses. The equivalents of Cases 8 and 9 are 4b and 6b, which show bcrs below 1:1 and are inferior to LUL's scheme. The same point arises in relation to opportunity costs where the ranking is also reversed. In any event, the Arup scheme is not simply a different way of 'doing the job'.
- 5.11. **Traffic and Transportation**¹⁹⁷
- 5.11.1. The main roads surrounding the station generally operate efficiently as a one way system. Bus routes and bus stops are on Camden High Street and Kentish Town Road adjacent to the station.
- 5.11.2. Construction is expected to last for seven years and be undertaken in four phases. Temporary traffic management measures have been developed to ensure that the impact on road users, residents and businesses would be minimised. In addition, a CoCP, enforceable by the Council, would minimise disruption to the local community.
- 5.11.3. During Phase 1, certain parts of the footways around the site would have to be included within it by use of hoardings to provide safe working areas, including overhead works. The level of service on the footways during Saturday afternoons, the busiest time period, would be worse than exists at present although generally not significantly so. A short stretch of Camden High Street would move to Level of Service E which is described as equivalent to a busy sports stadium or station but the

¹⁹² LUL/22/A Para 3.1.4

¹⁹³ XX Mr Dobrovolsky by LUL Day 27

¹⁹⁴ 103/5/E

¹⁹⁵ LUL/1/C Para L.E.2.18

¹⁹⁶ LUL/1/Y

¹⁹⁷ LUL/5/A

footway on the opposite side of the road, which is less congested, would be available. Reductions in unnecessary street furniture would be sought to improve congestion levels. Access to the station would be maintained and there would be no reduction in facilities for MIPs during Phase 1.

- 5.11.4. There are no current measures to assist cyclists. The carriageway widths in the temporary traffic management design have been designed to accommodate cyclists safely and there would be no detrimental impact. A bus stop on Kentish Town Road would have to be temporarily relocated further north. Bus stop 326 on Camden High Street would be extended. It would be made wheelchair accessible and the bus stop would be able to cater for more than one service at a time. The existing taxi boarding and alighting area at Britannia Junction would be unaffected throughout construction work.
- 5.11.5. Pay and display parking on Buck Street would have to be suspended although a small number of bays would be retained at each stage. A designated lane for construction traffic on Kentish Town Road should ensure a neutral impact on general traffic as it is one way with a carriageway width for two lanes. Construction traffic would be limited to 45-50 loads a day which is a small percentage increase on existing traffic flows. Buck Street would be made one way west bound to allow hoarding lines to be established.
- 5.11.6. The loading bay outside 209 Camden High Street would be infilled to provide the larger bus stop and additional footway. Shops would load from the off peak footway loading just to the north of the bus stop. Two loading boxes on Kentish Town Road would be relocated north whilst the loading on the western side of the road would be removed as there would no longer be any shops there. Amendments would be required to Traffic Regulation Orders to reflect these changes. Kerb build outs and bay alterations may require statutory undertakers' equipment diversions but these would not cause any long term closure of footways or carriageways.
- 5.11.7. A construction vehicle standing area away from the site may be required for periods of high use such as concrete delivery. The nearest spoil tip site is in Bedford. Haulage vehicles would have to access Camden via the M1, A406, A41, B525 and A5205 although the return route would be more straightforward via the A400 and A1. Other modes of spoil removal have been considered but are not viable. Routes for construction traffic would be agreed using the mechanism of the CoCP.
- 5.11.8. Phase 2 works would be concentrated on demolition of the United Reformed Church. Hoarding lines around the Church would have to alter but otherwise all provisions would be as for Phase 1.
- 5.11.9. The above ground development would be constructed during Phases 3 and 4 and would require the footways on Kentish Town Road and Camden High Street adjacent to the site. Only short lengths of footway would suffer from worse levels of service than exists at present but generally these would not be significant. All other provision would be as for earlier phases.
- 5.11.10. On completion of the new station there would be wider footways on Camden High Street and Kentish Town Road and the new Reunion Street would provide a new pedestrian link between the bus stops on the two main roads. The new pedestrian crossing on Camden High Street, introduced during Phase 1, would be retained aiding interchange with bus services. The new station entrance on Reunion Street would

ease congestion on the footways and give improved levels of service on both main roads.

- 5.11.11. Cycle stands would be provided outside the station for those wishing to change mode or visit the markets area. All bus stops in the area would comply with the London Bus Initiative and be wheelchair accessible. A new inset taxi rank is proposed for Camden High Street to improve accessibility. The station itself would be fully wheelchair accessible with step free access to all platforms.
- 5.11.12. General traffic arrangements would be virtually the same as existing but lane markings would be refreshed and lane destination markings introduced to improve lane discipline. The new footway loading introduced during Phase 1 would be retained whilst loading for the new commercial development would be from the loading bay accessed from Kentish Town Road with the exit on Buck Street. Pay and display parking would be reintroduced on Buck Street.
- 5.11.13. The CRT proposals are at an early stage and details of routes and termini are not available. However, it is intended that there would be an interchange at Camden Town station. The proposed development would not prevent or inhibit any change required to introduce the CRT.
- 5.11.14. In sustainability terms the scheme would be excellent. The above ground development would be car free and would not generate any additional vehicular trips reducing reliance on the private car. The provision of public transport and the interchange between different public transport modes would be improved making its use more desirable.

5.12. **Legal Agreement and Conditions**

- 5.12.1. A Section 106 Agreement provides, amongst other matters, for a CoCP. This would provide a mechanism for ensuring the implementation of the mitigation for many of the environmental impacts of the scheme such as control of dust and noise, and construction traffic movements.
- 5.12.2. The only disagreement is in respect of education and town centre contributions. The proposal would be funded by over £100 million of public funds and is totally different from normal residential development where LBC seeks contributions. The Government's most recent statement on planning obligations recognises that it is relevant to take into account benefits that the development would bring to the community¹⁹⁸.
- 5.12.3. The purpose of the development is to benefit the community. LUL receives money to provide public transport and it should not be diverted to educational uses. The cost of education should be borne by the local community through the Council. LBC has treated LUL as a commercial developer and has not applied any flexibility. The proposal is one scheme and although some income would be derived from residential development the overall project requires a large public subsidy.
- 5.12.4. An acceptance of the need to provide affordable housing is a very different matter. That is a land use issue not a transfer of money and how the scheme would be funded is therefore irrelevant.

¹⁹⁸ CD157 Para 11

- 5.12.5. The same point applies to the town centre contribution. The proposed scheme would bring massive improvements to the town centre not just within the station but in the public realm outside. Given the scale of those improvements there is no reasonable basis for extracting a further financial contribution.
- 5.12.6. Turning to conditions, paragraph 4.29 of PPG15 indicates that it will often be appropriate to use a condition preventing demolition before a contract for carrying out the works of redevelopment has been signed to prevent ‘ugly gaps’ in the Conservation Area. It is agreed that such a condition should be attached to any consent to prevent demolition before a contract for the station is let as the demolition is required for the new station¹⁹⁹.
- 5.12.7. However, demolition would necessarily take place substantially in advance of the completion of the transfer slab and commencement of any above ground development. A developer is likely to carry out that development making it unlikely that a contract for that part of the works could be let before any demolition.
- 5.12.8. This is not uncommon with regard to development above an operational railway development. The *London Underground (Safety Measures) Act 1991* disapplied the requirement to obtain conservation area consent and required an undertaking to complete the development subject to obtaining planning permission and entering into a contract with a developer²⁰⁰. Whilst the Inspector at Thameslink recommended that the Order should not be approved until there was a replacement scheme at Blackfriars, the timescale there was only anticipated to be 2 years not some 7 years as in this case.
- 5.12.9. LBC suggests a Grampian condition requiring a contract to be let before occupation of the station. This would force LUL to enter into a contract on almost any terms to gain the benefit of the station. That would be unacceptable and it is inconceivable that if it were attached it would be enforced. EB suggests that the problem could be mitigated by an obligation to enter into an obligation in respect of the residential development, but not the office, removing part of the problem. However, the same fundamental difficulty would remain as the residential market can also change.
- 5.12.10. Accepting such a condition would bind LUL to carry out the development using public money where market conditions have changed. This could result in the station redevelopment never proceeding. The best way to deal with the concerns expressed in PPG15 is to rely on the strong financial incentive to proceed. Complete demolition would facilitate development and minimise any risk of delay.

5.13. **Unrepresented Objectors**

- 5.13.1. As well as the cases made by CLLL, EB and LBC, who were represented by Counsel, many of the principal concerns of unrepresented objectors are dealt with in the case set out above. Other matters are dealt with below.

¹⁹⁹ 135/1/E Condition 7

²⁰⁰ LUL/29

Nick Garrard (Objection 4)

- 5.13.2. The objection to the above ground proposal and the need for the station are addressed in LUL's general case.

J & M Enterprises – Mr Campbell (Objection 18)

- 5.13.3. The loss of Camden Market at Buck Street and its effect on Mr Campbell's business are dealt with under the effect on local businesses.

Nicola Quilter (Objection 24)

- 5.13.4. The loss of Camden Market at Buck Street is dealt with under the effect on local businesses.

Keep It Camden (KIC) – Mr Lucas (Objection 38)

- 5.13.5. A written response has been given to Mr Lucas's questions²⁰¹. His objection to the need for the station and the impact of the proposal on Camden Town are dealt with in LUL's general case.

Que Linda – Mr Alexander (Objection 47)

- 5.13.6. Although Mr Alexander was unable to comment on the technical position, he relied on CLLL's alternative. The loss of the market, where Mr Alexander has traded for 8 years, the displacement of traders and the alternative are covered in LUL's general case.

Mr Radley (Objection 67)

- 5.13.7. The loss of Camden Market at Buck Street and its effect on Mr Radley's business is dealt with under the effect on local businesses.

Camden Town Urban Design Improvement Society (Objection 127)

- 5.13.8. Although LUL's witnesses were cross examined, no case has been received from CaTUDIS. It agrees that improvements are needed at the station and its concerns about the impact on Camden are dealt with in LUL's general case.

Camden Civic Society (Objection 134)

- 5.13.9. Calculations indicate that two 16-person lifts would be adequate to cater for 3.9% of the current and forecast demand at the station and would provide flexibility during maintenance. These are standard size lifts. Larger lifts have not been considered as escalators are preferred by the majority of passengers and can handle greater passenger flows than the largest lifts, which have to be tailor made. Less than 4% of passengers are expected to use lifts in a step free network. Reusing the existing lift shafts would constrain the design of the station and would not achieve step free access to all four platforms.
- 5.13.10. The Society's objection to the above ground development is covered in LUL's case on the effect on the Conservation Area. The balloons, suggested by the Society, may have assisted in demonstrating the height of the proposal on site but the accuracy of

²⁰¹ LUL/46

the photomontages was not challenged by anyone and these are considered the most useful material to judge issues of scale etc²⁰².

Edis Street Area Association (ESAA) (Objection 161)

- 5.13.11. Although LUL's witnesses were cross examined, no case has been received from ESAA. It agrees that improvements are needed at the station and its concerns about the impact on Camden are dealt with in LUL's general case.

Simon Hughes MP (Objection 199)

- 5.13.12. The substance of Mr Hughes grounds of objection: conflict with UDP Policies; the loss of features such as the Church, station, Market and Ballroom; and whether the proposed buildings would be out of keeping with their surroundings are covered in LUL's case.

Councillor Sumner (Objection 235)

- 5.13.13. Councillor Sumner accepts the need for a new station but objects to the scale and provision of the office building, the loss of the Market and Ballroom, the length of time for construction, community safety, and the effect on Hawley School. All these matters are considered in LUL's general case.

Camden Town Conservation Area Advisory Committee (Objection 251)

- 5.13.14. The Committee objects to the design of the above ground development which is considered under the effect on the Conservation Area.

Councillor Bucknell (Objection 253)

- 5.13.15. Councillor Bucknell objects to the effect on Camden and the loss of the Market and Ballroom. He also has concerns about the office element of the scheme. These matters are all considered in LUL's general case.

Euston Trust – Mr Ewing (Objection 255)

- 5.13.16. Written responses have been made to Mr Ewing's written questions²⁰³. These deal with the suggestion that an additional escalator could be included in the existing station and the Bank be taken over to provide more space. The objection to the effect of the proposed building on the character and appearance of the Conservation Area is covered in that section of LUL's case.

Camden Town Speaks Residents Association (Objection 256)

- 5.13.17. The objection that the proposal would be out of keeping with the character of the area is considered under the effect on the Conservation Area.

Camden Square Conservation Area Advisory Committee (Objection 257)

- 5.13.18. The Committee acknowledged that the proposal could be a focus for regeneration in the area. Concerns about the quality of the above ground development, its effect on the immediate surroundings and Camden Town as a whole, and the loss of the Market and Ballroom are covered in LUL's general case.

²⁰² LUL/2/A Pages 36-39 and 103/4/G

²⁰³ LUL/25 and 60

Governors of Hawley Infants and Nursery School (Objection 287)

- 5.13.19. A detailed response to the school's concerns was sent on 22 April 2004²⁰⁴. Special provision for the school is justified by its sensitive use and proximity to the construction works. Everything possible has been done to mitigate any effects of the scheme. Certain noisy activities would be restricted to outside school hours, the method of construction and dust impacts would be strictly controlled under the CoCP, which is part of a Section 106 Agreement with the Council. This would be rapidly enforceable through the Magistrates Courts, the route preferred by the Council.
- 5.13.20. The reason for a fall in the school roll would be difficult to ascertain so compensation would not be appropriate. However, the Section 106 Agreement would make provision for a payment to the school in respect of a package of measures for marketing and publicity.

Barnet Transport Users Association – Mr Welby (Objection 288)

- 5.13.21. A written response has been made to Mr Welby's ten points, most of which were raised by other objectors²⁰⁵. The provision of new bus shelters is a matter for London Buses/TfL. The proposal would provide toilet facilities that do not exist in the existing station. Access to the Deep Level Shelter Tunnels is not a matter for the Inquiry but they are let to a company and are used for storage.

Statutory Written Objections

- 5.13.22. The transport case establishes the need to acquire the whole site for the purposes of constructing the improved station. The use of other stations in the area would not resolve all the objectives of the scheme. However, not all the statutory objectors would have their properties permanently acquired. Access to monitor during construction is sought in relation to some properties as a precaution. This would be in the interests of the objectors.
- 5.13.23. Planning matters such as the loss of the Market and the Ballroom, the provision of retail space for multiples, and the effect on the character of the Conservation Area and Camden generally are considered in LUL's general case.

Non-Statutory Written Objections

- 5.13.24. The five main topics raised in written objections, the effect on: local businesses, the markets and the Electric Ballroom; tourism and the economy; the character and appearance of the Conservation Area; the justification/need for the proposals; and the impact during the construction period are all covered in LUL's general case.

5.14. Conclusion

- 5.14.1. There can be no doubt about the strength of the transport case. The station cannot fulfil its function. It is closed to entry on Sunday afternoons, and on Saturdays use has to be made of an uncomfortable and unpleasant spiral staircase. The proposed improvements go beyond the requirement to meet the congestion crisis at weekends. Camden is a major interchange station on the Northern line. The existing infrastructure with its maze of cross passages, deficient run-offs at the base of the escalator and the poor ambience is used by interchanging passengers and weekday

²⁰⁴ LUL/45

²⁰⁵ LUL/47

commuters. As a station with these characteristics, it is a prime location for provision of step free access to meet the Mayor's aspiration for a core network of MIP accessible stations.

- 5.14.2. The proposal would meet all these objectives and has been designed for a 120 year life. In the context of capital investment on the scale proposed it would be wrong to have lower aspirations. The construction strategy requires a temporary station and all the land within the triangle site is required for transport purposes.
- 5.14.3. The provision of a station with these characteristics is strongly supported by relevant national, local, and strategic London planning policies. The improvements are in TfL's business plan and the SoST can have confidence they would be funded. The provision of the above ground development is also fully consistent with these policies. It is a prime site for high density development. The proposal would be a distinguished piece of modern architecture that would enhance the Conservation Area and is supported by the GLA and EH.
- 5.14.4. The improved station would enhance the town centre, as would the provision of a substantial amount of conventional retail space. The markets are robust enough to withstand the loss of Camden Market at Buck Street and the Electric Market and any residual concerns about the loss of market uses could be addressed by a condition, although neither LUL no LBC consider such a condition necessary.
- 5.14.5. The alternatives promoted by CLLL do not 'do the job' as they have substantial drawbacks arising from limiting the land take. They would not provide an appropriate ambience, meet MIP aspirations, or be better value for money than the LUL scheme. Finally, the proposal would provide a large, attractive live venue space in accordance with the Mayor's letter. The Order should be made and conservation area consent and planning permission granted.

6.0 The Cases for Supporters

- 6.1. This section of the report summarises the three written representations supporting the proposals.
- 6.2. **The Mayor of London's submission (Number 233)** consists of three committee reports and subsequent covering letters to LBC. Proposals were first considered in April 2001. Although redevelopment for mixed uses together with upgrading the public transport facilities were welcomed, the design of the buildings was considered unacceptable.
- 6.3. In response to a revised scheme, in May 2002, the designs were considered to be 'developing well'. The provision of Reunion Street would lead to a more open scheme with space for pedestrian use, and the subdivision of the building into two blocks would avoid the monolithic character of the original scheme. Interchange movements and integration with buses and other transport modes would be addressed, disabled persons access throughout the station would be provided, and the provision of 50% affordable housing on the site would meet emerging *London Plan* policies. Efforts to accommodate the existing Church use on the site were recognised and the relocation of the EB or the provision of a similar use within the redevelopment was encouraged.
- 6.4. LBC consulted the Mayor again in relation to the November 2002 planning application. The Mayor took into consideration the environmental information

available at that time and responded in a letter dated 26 June 2003. The letter indicates that the strategic aspirations set out in the Mayor's TS would be met by the proposal²⁰⁶. Whilst there would be some loss of market uses, it was not considered that this would undermine the character of the area given the size and scale of market uses nearby.

- 6.5. Given the cultural significance of the EB and its association with Camden Town, LUL were requested to relocate the use within the redevelopment scheme in consultation with expertise from the music industry to ensure its effectiveness as a live music venue. In the interim, LUL should seek to find a new venue for the Ballroom within the locality. On completion of the redevelopment, the EB should be given first refusal on the use of the new space at an affordable rent.
- 6.6. The design of the above ground element was considered an improvement giving a better relationship to the surrounding public realm. The housing block responded well to the surrounding townscape and the block at the apex of the site would provide a striking contemporary landmark building appropriate to its key corner site. The proposal would deliver high density, high quality development at a major transport interchange in line with the principles of TLP and urban renaissance. The proposal would be in the strategic planning interest of London.
- 6.7. The Mayor also wrote directly to LUL on 16 October 2003 stating that the case of the EB was exceptional, due to its cultural significance, and proposing principles that were not to form a precedent for other owners and/or occupiers²⁰⁷. The principles are:-
- i) LUL shall assist the EB in identifying a suitable alternative venue in the Camden area before construction works commence;
 - ii) LUL shall compensate EB in accordance with the compensation provisions incorporated within the draft Transport and Works Act (TWA) Order;
 - iii) LUL shall seek to provide a suitable alternative live venue within the design of the commercial redevelopment that is to take place on the land to be acquired. LUL should design this space in consultation with appropriate expertise from the music industry;
 - iv) EB shall be given the opportunity of returning to the vicinity of Camden Town Station from their alternative venue by LUL granting them an option to call for a new leasehold interest in the music and entertainment space contained in the new development immediately following the practical completion of the commercial redevelopment. The terms of such a lease shall reflect the standard commercial practice at the time;
 - v) The rent payable by EB if it exercises the option shall be affordable ie the open market value of the new premises for use as a live music and entertainment venue and not for any more valuable use;
 - vi) The benefit of the option to EB shall be personal.

²⁰⁶ CD28

²⁰⁷ LUL/2/B2 page 275 of bundle

- 6.8. **GLA Councillor Brian Coleman (Number 281)** believes that the redevelopment is long overdue. It should not be put off any longer as the station has insufficient capacity to cope with current, or future, passenger numbers. The above-ground development has much to commend it in terms of regeneration of the area, which has to cope with the demands of local residents and large numbers of visiting tourists. Reduction of crime and the creation of a more pleasant built environment with a range of new housing provision would be of great value to the locality.
- 6.9. **Mr Hume (Number 284)** considers that the current station cannot handle the number of passengers that have been attracted, in part, by the success of the Camden markets. There is no point LUL waiting for another incident like King's Cross that would be its fault. Objections from stallholders are laughable, as without redevelopment the market would eventually move to a location better served by modern transport facilities.

7.0 The Case for Nick Garrard (Objection 4)

- 7.1. Mr Garrard is a night worker who has lived at 5 Kentish Town Road for 24 years and is a protected tenant.
- 7.2. Compared to Kings Cross, Camden station is not too overcrowded and is not a problem. Indeed, it is less busy than it used to be and there are fewer tourists. Ticket Inspectors slow down flows of passengers and access could be improved by installing a lift on the section of the site that was bombed or where the chip shop is. Moreover, there are times when only one ticket window is open and there are long waits between trains. Trains could be held in the tunnel and South Kentish station could be reopened.
- 7.3. It is the uniqueness of Camden that pulls in the crowds. This includes the EB, a live music venue that could not be relocated. A compulsory purchase order at Hammersmith led to the loss of the Clarendon Hotel, a roller rink and pubs. It is no longer the same social area. In this case a thriving market, a Church, houses, the station façade, a bank and a boot shop that has been on the site for over a hundred years would be lost.
- 7.4. A new station could be erected quicker and cheaper but LUL wants to be a developer. Kings Cross is behind schedule and there has been the derailment at Camden. The company is not ready to embark on a scheme such as this. It is obscene to be asking for powers above ground in a Conservation Area which would lead to the loss of businesses when there are already enough empty offices.

8.0 The Case for J & M Enterprises (Objection 18)

- 8.1. The business, which manufactures and prints its own clothing designs, has traded at Camden Market at Buck Street for 6 years. The market is the sole source of income. In addition to the two partners, the business employs one permanent member of staff and hopes to take on a part time employee in the near future.
- 8.2. It is appreciated that Camden Town station needs to be modernised, but it must be possible to carry out the work whilst retaining the Market. The markets are why people come to Camden. They are a major tourist attraction providing an alternative shopping experience and contributing to diversity. Without the markets there would not be the need for the proposals. What our European counterparts have grasped is that the public want an efficient Underground network, not grand above ground gestures. The proposed development is grossly excessive and would be out of keeping with the surrounding buildings.
- 8.3. Camden Market at Buck Street is a major contributor to the character of the area and home to many small businesses. Closure of the market would lead to unemployment for many traders. It has been suggested that businesses could transfer to other Camden markets. Trading at the Stables market has been tried in the past but the rents were prohibitive, footfall is less than at Camden Market and the landlord/tenant relationship is not as good. Well known fashion labels such as Acupuncture, Red or Dead and Wale Adeyami all began at Camden Market. Small businesses need to be encouraged to allow future generations a similar chance. Eight years of major building works would also have a negative impact on the remaining traders who rely on attracting tourists.

- 8.4. Closure of the market would have implications beyond the financial one. The market has been a huge part of the partners' lives for the last 20 years or so. A place to meet friends and buy objects that are not available on the high street. Each week new customers are excited by what the market has to offer. This alternative shopping experience should be maintained for future generations.

9.0 The Case for Nicola Quilter (Objection 24)

- 9.1. Camden is about the individual. Ms Quilter came to London as an actress earning money but became a musician and broke. Through trading in Camden Market at Buck Street she got back on her feet and made a record. However, when a company making documentaries went broke she went back to the Market. A second record, funded by the market work, has now been made in Paris and is believed to be doing well and she has continued making small documentaries in Camden and has bought a house. There is no infrastructure to support artists. The market does that and so is invaluable.

10.0 The Case for Keep It Camden - Mr Lucas (Objection 38)

- 10.1. KIC provides a free information service about the proposed development. It encourages people to comment and seeks to aid democracy and the consultation process. It does not oppose the upgrade of the station but does object to the present proposals and the extent of the proposed land take.
- 10.2. Visitors find the contrast between the old and the new in Camden enriching. The attraction of Camden is that it captures the 'new'. Products and designs in the markets are not vetted by older people, as at Covent Garden, but left for the public to decide what is good. The atmosphere is that of a year round festival. Cyber culture maintains Camden's position as the 'new' as it is constantly changing. The EB is one of its rare homes and allows designer/manufacturer/retailers to cater for this minority group that does not dwell in modern buildings but needs old interiors. The Ballroom should be retained as a minimum. Camden is a place for fun and to relax. This is important in an increasingly stressful society. It should not be replaced with office blocks.
- 10.3. The market on the corner of Buck Street is called Camden Market. If this were to close, people would think all the markets had closed. Trade at the other markets would fall and they would also be lost. The effect would be more than local as many visitors are foreign tourists who contribute £11.8 billion per year to the UK economy²⁰⁸. Tourists come to sightsee and spend less money than the UK visitors they put off.
- 10.4. The site is in a Conservation Area and a Special Policy Area where there is no need for regeneration. A new building would not remove social problems or intolerance from the area. Indeed, the proposed new pedestrian street and a poorly designed building would lead to high profile problems such as street drinking, vandalism, mugging, drug dealing and prostitution that might become synonymous with the name Camden, affecting job prospects and property values in the area. The landscaped court for the flats would be a haven for drug dealers in the area with its numerous entrances and exits and would introduce intimidating circumstances onto the doorsteps of residents.

²⁰⁸ 38/1/C

- 10.5. The new development would not create new jobs. Businesses do that and the proposal would close many of them. In contrast, the markets are a launch pad for many businesses. The closure of Kensington Market caused many to move to the Electric Market.
- 10.6. Branding experts recognised that Camden was individual and eclectic and asked local people to write 'Camden Town' in their own handwriting to put on display. The existing character of Camden is small, colourful and individual. It is an unconventional, disorganised, informal, friendly place with an 'out of hours' atmosphere. The proposal brings this sharply into focus as it would jar with it so much.
- 10.7. The proposed shops and flats would be in a large uniform block whose design would not reflect most of the surrounding buildings. Market traders should be relocated in the immediate vicinity during construction and the proposed retail space should be given back to the owners of Camden Market at Buck Street for a market hall on completion of the station. This is possible under compulsory purchase powers and was done at Camden Lock when offices and shops were built. This showed it is possible to improve an area without stripping it of its character. Because of a technicality, the traders would not receive any compensation, which would be contrary to natural justice. The Stables Market is due to be redeveloped but would not be a suitable location for displaced traders, even if there were room, as trade is not as good there as the market at Buck Street.
- 10.8. The office block would become unsightly and any projections would pose a danger by enticing people to climb on them. The building would be far too high. The drum at the junction would be around twice the height of the neighbouring buildings. People either know the area, or have deliberately travelled to Camden, so there is no need for a large landmark building. A more suitable 'landmark' could go above the area currently occupied by the Bank. The proposed buildings would not fit into the character of the area.
- 10.9. The reason given for taking the whole site is that the station must remain operational and the platforms would not be altered. Instead, two large concourses would be provided where LUL believes passengers would wait for trains and allow arriving passengers to clear the platform. However, people do not wait in the middle of stations. They try and get as close to the doors as they can to get on and get a seat.
- 10.10. It is believed that the real reason for the land take is to create space for a below ground shopping mall. Examples of this exist elsewhere in the world including stations in Lisbon. Article 4.2 of the proposed Order would allow LUL to change the internal layout as it thought fit. There are already around forty spaces on the drawings labelled 'spare'. The station could be moved to the lower concourse levels yielding considerable space for commercial use. This Article needs to be removed from the Order for the proposed designs to be taken seriously. The extent of the land take seems to be for commercial gain, not transport need, contrary to the purpose of compulsory purchase powers.
- 10.11. High density development need not be encouraged at Camden as public transport is already the primary means of getting there. It is not clear whether the loading bay for the office would conflict with a terminus for the proposed Cross River Tram.

- 10.12. Limited information has been provided on the alternatives examined by LUL before selecting the proposed scheme. When the existing station was built it was done without demolishing the whole block. Improvements ought, therefore, to be possible without total demolition. The transport issue should be dealt with below ground, not above. There is space below ground and LUL already owns land at ground level sufficient to enlarge the station. Stairs below the Bank would provide a rapid route to the platforms and relieve pressure on the existing station. Simpler routes between the platforms could be created below the bank removing the need for the confusing tunnels below the ticket hall. That space could be used for a concourse or tunnels leading to a disused lift shaft. The ticket hall could be extended into the Bank area and the space above the station and Bank could house plant and equipment releasing more space for improvements at ground floor level. Indeed, the existing Leslie Green station design was produced to accommodate further building on top.
- 10.13. LUL has maintained a high level of use at the station to justify its proposed land take. Overcrowding could be reduced by dispersing passengers. Visitors to the markets could be spread over more days and more trains could prevent a build up of passengers. Nearby stations such as Chalk Farm, Mornington Crescent and Kentish Town could be publicised and South Kentish Town station could be reopened. Main line rail from Kentish Town, buses, the proposed Cross River Tram, canal river-bus, taxis and minicabs, not to mention TfL organised coaches, could all provide alternatives. The use of new technology and home working could reduce passenger numbers during the week.
- 10.14. LUL claims the impact on completion would be negligible. However, building work would take the best part of a decade during which there would be disruption. Some kind of management plan would be necessary to avoid blocking Kentish Town Road. There is no holding place identified for delivery vehicles but it is likely to be close to Hawley School which would be a safety concern. Poor air quality and construction noise would be off-putting to visitors and disruptive to local residents. Double glazing to prevent noise would lead to warmer interiors and people would not have the option of opening windows in hot weather. Children in the playground of the school would also be affected.
- 10.15. There is obviously a risk of subsidence as the surrounding buildings would have to be monitored. The fact that there would be a dedicated member of the management team to handle complaints demonstrates that LUL would not be able to control the adverse effects of the proposals. There should be two complaints managers so that there was one on site 24 hours a day. Even after completion, the nursery at the re-sited Church would be next to flats, some of which are likely to house night workers.

11.0 The Case for Que Linda - Mr Alexander (Objection 47)

- 11.1. Mr Alexander has been a market trader for 8 years and Que Linda is a family business that supports three people whose livelihoods totally depend on it. Other locations have been tried but Camden Market at Buck Street has proved the best spot to make a living. A block of three stalls is rented. There are around 100 stalls and 1-200 people on the market and the traders should not be thrown out. If Camden Market at Buck Street is closed the public will think all the markets are closed and business will drop off elsewhere.
- 11.2. The markets are the reason that people are attracted to the area, which is one of the top tourist attractions in the country. It is accepted that the station needs to be re-

developed but the proposal is larger than necessary and includes unallocated space. The Arup schemes, as promoted by CLLL (Objection 103), are supported as they would keep the market and the atmosphere in the area. It would be dreadful to see the area become one of drab office blocks and ubiquitous high street stores when it could remain as a unique area of small businesses offering a large selection of low-priced and handmade goods.

12.0 The Case for Mr Radley (Objection 67)

- 12.1. Mr Radley's business employs 3 people directly and 2 outworkers in Bethesda where it is difficult to get work. A large local employer has moved to the Far East and local farming is struggling. It is not a tourist town. The business started selling second-hand clothes but evolved to designing. It is not driven by costs, as it is design led, and so can charge more. A round trip of 500 miles to Camden Market at Buck Street has been made every week since 1988. A pitch on a corner of the market costs £110 a weekend. At one point the business over expanded and became unviable. It has not been an easy ride with approximately £3,000 a year profit from a turnover of around £80,000.
- 12.2. Some sales, on average 1 order every 2 weeks, are made to shops but these are not a reliable or viable alternative to the market. In any event feedback is needed from customers. It would not be possible to trade anywhere else as the cutting edge designs are geared to the type of customer that is attracted to Camden. These customers do not exist in sufficient numbers elsewhere to make the business viable. Even LUL pronounces Camden Market as the place the rest of the world follows in fashion. Whilst the business is growing, the overheads of a shop could not be sustained as not enough garments could be produced. To sell to other shops requires attending a trade show. This has been done previously, and £50,000 worth of orders taken, but the factories producing the garments were late and many orders were cancelled leaving the business with £20,000 worth of stock. This is too risky without a large credit line.
- 12.3. The market provides an opportunity. If it closes, the business would be bankrupt and ruined. People dependant on the business, and other traders, would also be affected and others would lose the opportunity the market provides to grow a business. The market is less busy now than in the early 90s and the most recent passenger figures should be used to justify the works which should be no more than modernisation. It is the markets that attract the people. The other markets at Camden are not orientated to fashion in the same way and whilst stalls are sometimes available the rents are high and there is no assurance they will stay the same or the pitches be available from one week to another. This style of management makes it impossible to plan a business. To remove the two most important markets in Camden and replace them with the proposed commercial scheme would be an act of deep insensitivity not only to the traders but to London and the country.

13.0 The Case for Camden Lock (London) Limited (Objection 103)

13.1. Introduction

- 13.1.1. CLLL owns and runs the Camden Market on the corner of Camden High Street and Buck Street. It accepts that there is a capacity problem at Camden Town Station. However, it is not necessary for LUL to take and retain the whole of the triangular site and demolish all the existing buildings on it. That proposition is fundamental to the

permissions that LUL seek. If the need cannot be demonstrated then both applications and the appeal must fail.

13.2. **Alternatives**

Introduction

- 13.2.1. The capacity problem at Camden is unusual in that it is not the weekday peaks but the higher weekend flows generated by the markets that cause congestion. CLLL's alternative approach would deal with the underlying capacity problem in a way that allows the market to be retained as well as a substantial element of the built fabric of the Conservation Area.
- 13.2.2. LUL has sought to promote its proposal as the only way to do the job. That is the justification for making exceptions to planning and conservation policy and for the extent of the compulsory purchase powers sought. That is the approach in the ES, in consultations with LBC and EH and is the only case put forward in its Statement of Case and in evidence²⁰⁹.
- 13.2.3. If the alternative approach can do the job without taking and demolishing the whole triangle then both applications and the appeal should be refused. It would be unfair and unsafe to do otherwise as the public and bodies such as LBC and EH have not had the opportunity to consider the proposals in the light of there being an alternative.

LUL's Consideration of Alternatives

- 13.2.4. LUL's first 'preferred option' was from the 1997 Feasibility Studies²¹⁰. The May study concluded that Option 3 "provides excellent opportunity for full redevelopment of the site, with potential funding contribution of over a third of the station construction costs". The study also recognised that retention of some of the existing buildings on the site might constrain the height and mass of the new above ground development²¹¹. The Business Case, dated November 1997, was based on two main areas of benefits: congestion relief and income from above ground property development and indicated a cost/benefit ration of 20:1²¹². The ticket hall was below ground.
- 13.2.5. This was developed through Stage C with reports in July and August 1998²¹³. It is clear from the brief in the August 1998 report that total demolition was put forward to achieve comprehensive redevelopment which would maximise the land value for the above ground commercial development. This is described as an 'overriding consideration'. The brief also suggests that operational requirements might be used to justify demolition and states that an architectural statement should confirm that replacement development would enhance the conservation area²¹⁴.
- 13.2.6. Of the two alternatives one had a below ground ticket hall. A longitudinal section shows the operational development at the northern end of the site to maximize space for the commercial development. References to minimising land take mean

²⁰⁹ LUL/14 Para 2.10

²¹⁰ LUL/18 & 19

²¹¹ LUL/18 Page 25

²¹² LUL/1/E Tab 25 Note on Chronological Review of Board Meeting Approvals and Associated Business Cases 6 January 1998

²¹³ LUL/20 & 21

²¹⁴ LUL/21 App B Briefing Information

minimising valuable space taken up by non commercial development at ground level, not the amount of land to be compulsorily acquired.

- 13.2.7. However, the increased distance from the street to the platform and the peak flows at weekends caused a problem for the business case²¹⁵. The business case at this time had a very different order of cost and had not adopted the alternative travel benefits approach following closures. Options X and Y were developed and reported in studies of April and July 1999²¹⁶.
- 13.2.8. Option X had a shorter street to platform distance and was chosen for its better business case and significantly higher commercial returns²¹⁷. The approach was still to minimise operational development at ground level and maximise commercial value. This option was developed into the 2000 application scheme and the form of the station remains largely the same in the current proposal. Both Option X and Option 15, which was the basis for the planning application, had below ground ticket halls. LBC informally requested a ticket hall at ground level which appeared in the application and has remained there since.
- 13.2.9. It can be seen that since the first option it has always been assumed that the whole triangle would be redeveloped. It is now clear that an above ground scheme of the scale proposed cannot make a significant contribution to the financing of the proposals. Indeed, the extra land take leads to a net financial loss²¹⁸.

Assessment of the Arup Alternative Approach

- 13.2.10. CLLL has concentrated primarily on Option 1B, prepared by Arup, which has a below ground ticket hall. However, Arup's Option 2 indicates that a ground level ticket hall is possible and would still retain a significant number of existing buildings. The alternative does not provide the same quantity of public and private space underground as LUL's scheme, only what is necessary. This minimises land take and demolition.
- 13.2.11. LUL's approach to CLLL's alternative has been partisan and negative. The rule book has been forensically thrown at the scheme. LUL has even sought to apply a more rigorous approach and consider a greater level of detail than has been applied to its own proposal. Modelling methods, such as extra barriers, very small blocks and eliminating areas of the ticket hall from the modelled area, have been used for the alternative that had not, and have not, been applied to the LUL scheme.
- 13.2.12. Section 2.1 of the SPSG makes it clear that the Fruin levels of service specified are to be used for space planning and that "they provide adequate levels of comfort without making stations uneconomically large. They also provide some resilience to surges in demand and train service disruption, and the need for temporary station closures"²¹⁹. SPSG also makes it clear that PEDROUTE is the model to be used to assess capacity in accordance with SPSG. It is agreed that the appropriate peak demand against which to test capacity is Sunday 1300-1700 hours +17.9%, with a sensitivity test of +35%.

²¹⁵ LUL/1/E Tab 25 Note on Chronological Review of Board Meeting Approvals and Associated Business Cases 25 May 1999 Paras 2 & 3.1

²¹⁶ CD29 & 30

²¹⁷ CD29 Pages 6 and 56

²¹⁸ LUL/10/C Para 3.3.2

²¹⁹ CD48

- 13.2.13. Just because Arup Option 1B is not as voluminous as the LUL scheme does not mean it is unacceptable. A PEDROUTE assessment of 1B shows acceptable results and the 1B approach achieves a more appropriate balance between 'adequate levels of comfort' and being 'uneconomically large'. LUL now seeks to argue 1B is unacceptable because of the 'philosophy' in the introduction to SPSG. However, LUL's assessment of its own scheme relies on PEDROUTE and does not contain any analysis of the way it complies with the 'philosophy'.
- 13.2.14. The Scott Wilson report of November 2003, which contains the original assessment of the LUL schemes, did not model any barriers. LUL has always tested its scheme without modelling any barriers and the original agreed basis for the PEDROUTE modelling of the Arup approach mentioned no barriers. The without barrier runs for the peak Sunday period show no significant difference between the LUL and the 1B schemes in terms of platforms or concourses. There are no differences in relation to passageways, escalators and stairs except in the southernmost passageways where there are 2 areas of very small blocks that show 'yellow' on a few occasions. It is agreed that there are now no areas of 'red' when appropriate runs are used.
- 13.2.15. The appearance of 'yellow' is an indication that investigation is necessary not that the design unacceptable. Indeed, the LUL scheme has 'yellow' blocks on the platforms. The correct approach is to see if there is an unacceptable problem such as blocking back. If there is no blocking back then several occurrences of 'yellow' during a modelling period may be acceptable, as in the LUL scheme²²⁰.
- 13.2.16. Further investigation of the passageways shows there is no blocking back. The blocks that turn 'yellow' are very small and it is accepted that in the areas at the top and bottom of escalators small blocks often show undue sensitivity. If slightly larger blocks are modelled there is no 'yellow'. LUL has not modelled small blocks at the top or bottom of any of its stairs. The blocks in question are within existing infrastructure that caters for only a relatively small proportion of passengers, mainly regular users interchanging. The passageways represent a sensible, sustainable and economically efficient re-use of existing infrastructure as part of the overall capacity of the station.
- 13.2.17. Now that normal PEDROUTE modelling shows acceptable results for 1B, LUL maintains that extra barriers would be required. Arup has modelled limited barriers to protect the 2 metre zones at the top and bottom of stairs in its normal PEDROUTE runs. These show no problems in the run-off areas. Even with the barriers suggested by LUL the only issue raised by PEDROUTE is the knock on effect of one block in the northbound concourse. Investigation may reveal this not to be a problem. If it became desirable to install some additional barriers it could be done without unacceptable effects. More space could also be provided by taking more land underground.
- 13.2.18. Cross examination revealed that double standards have been applied in relation to barriers. The extreme approach suggested late in the day by LUL has not been applied to its own scheme. Indeed, LUL's engineer expressed horror when questioned about a hypothetical layout that equated to the LUL scheme²²¹. If the extreme approach were applied to the LUL scheme it would also need extra barriers,

²²⁰ LUL/1/E Tab 22 Pages 207-8

²²¹ 103/15 Sketches 9 and 10

particularly at ground floor level where the ticket hall would be almost unworkable. The conclusion is that the Arup alternative would provide the necessary capacity.

Fundamental Elements of the Alternative Approach

- 13.2.19. Two key elements of the Arup approach are to have banked escalators aligned east-west and to utilise more of the existing underground infrastructure. These elements provide very significant cost savings, a much shorter construction programme and greatly assist the retention of existing buildings on the southern part of the triangle. Other features such as a sub-surface ticket hall and the retention of the whole market site are not fundamental to there being an alternative.
- 13.2.20. Banked escalators were initially contemplated by LUL but never in a scheme designed to minimise compulsory land take and demolition. They were discarded in the mistaken belief that the extra walk distance would result in the business case failing. However, this was on the basis of a business case approach long since abandoned and without the cost saving potential of a lower land take scheme.
- 13.2.21. The architects responsible for the development of the LUL proposals since around November 1999 were asked to check that preferred Option X was feasible but this did not include considering alternative concepts. A single run of escalators running north-south was fixed from that time. Indeed, the assumption was made that splitting the escalators was not acceptable²²².
- 13.2.22. The business case evidence shows that the reduced cost of the Arup approach counterbalances the extra walk time resulting from the banked escalators and there is no sound business case reason to rule out banked escalators. Indeed, the alternative approach is likely to have advantages in terms of the business case.
- 13.2.23. LUL has sought to use the extra walk distance as a reason to rule out banked escalators quite apart from its effect on the business case. However, it was quite happy to use banked escalators provided it was not unacceptable in business case terms. The extra walk distance is nothing to do with congestion. The walk distance resulting from the use of banked escalators is not dissimilar to the walk distance to be expected at a central tube station. The extra time to get to a platform would be insignificant in the context of the journey as a whole and there is no suggestion it would discourage people from using the tube.
- 13.2.24. SPSG does not require escalators to be provided between the northbound and southbound concourse levels as the difference in level is only about 3.5 metres. None of LUL's previous preferred options had escalators between those levels and the current scheme has an option not to provide them. Although 1B shows three escalators between the northbound and southbound levels it would not be necessary to provide more than the two that the LUL scheme might provide.
- 13.2.25. The SPSG require a minimum of 3 metres headroom over the escalator banks but allow localised lower heights in areas around the top and bottom of flights. Option 1B provides 3 metres except for two instances of localised obstruction in level areas away from the escalator banks. This is acceptable.
- 13.2.26. LUL's case was that the SPSG require a 12 metre run off at the top and bottom of all escalators. This is quite wrong as 12 metres is the maximum run off up to a gateline

²²² LUL/2/A Para 6.39 3

or where leading directly into another escalator. Apart from these specific situations the maximum run off is 6 metres²²³. Option 1B would provide a minimum of 6 metres in all cases and does not infringe any standard.

- 13.2.27. *Railway Safety Principles Part 2: Guidance on stations* (RSPG) also gives guidance on run offs²²⁴. The purpose of run offs is to avoid passengers being transported into an area already blocked by other passengers. Landings with multiple exits should be large enough to accommodate hesitant passengers seeking direction signs before proceeding. Option 1B does not have landings with multiple exits. The only location with choice is the top of the up escalator to the northbound concourse. Here the choice is limited to right or ahead and the space is significantly more than 6 metres²²⁵. In any event, none of the runoffs show unacceptable levels of service.
- 13.2.28. Escalators up from the southbound to northbound level face towards a platform. RSPG indicates that in such a situation barriers would be required if the platform edge is less than 5 metres from the escalator²²⁶. SPSG and Engineering Standard E1024 A2 state that escalators feeding directly onto a platform should be aligned along the length of the platform²²⁷. This clearly relates to access directly on to platforms. In 1B they do not feed directly onto the platform and would be about 10 metres from the beginning of the platform which is acceptable.
- 13.2.29. There was a potential issue about space in the lower escalator machine room at level - 5 in Option 1B if three escalators were provided. In practice no more than two escalators would be installed and the issue would not arise.
- 13.2.30. Reusing part of the existing infrastructure is a sensible and sustainable thing to do. The LUL scheme retains a significant amount in the form of the platforms. The reuse of the existing passageways avoids the need to take the whole triangle and the need for a temporary station. It also significantly reduces costs.
- 13.2.31. The problem with the central passageway is its relationship to the current escalators, and the fact that it provides the only route from the escalators to the platforms. In the Arup alternative the passageway has a different relationship with the escalators and only provides part of the capacity between them and the platforms. The southern passageways do not take a large proportion of passengers. They are not what would be built as new but play an acceptable part in the much increased capacity.
- 13.2.32. The extensive costs of the LUL scheme in terms of public finance, demolition of buildings in the Conservation Area, extent of compulsory purchase, and loss of the market is not justified to replace the southern passageways and is not necessary to solve the capacity problem.
- 13.2.33. Following Arup's further note on fire engineering there is little at issue in relation to fire²²⁸. Detailed designs for fire shafts and lobbies have not been produced but Arup's are confident that they can be provided in an acceptable way and have produced a

²²³ CD48 Page 18 and CD115 Page 4

²²⁴ CD47 Para 49 (b) & (c)

²²⁵ 103/3/AB Plan showing effect of 2 escalators only

²²⁶ CD47 Part 2 Para 49 (d)

²²⁷ CD48 Page 38 and CD115 Para 11.5.1

²²⁸ 103/3/W

sketch²²⁹. CLLL has already gone far further than would normally be expected of an objector in demonstrating the feasibility of an alternative approach.

- 13.2.34. Each platform has two means of escape for MIPs. One is completely step free and the other uses a refuge. The provision for MIP escape would be vastly improved and far better than large parts of the LUL network. The relatively small improvement in MIP access in the LUL scheme compared to Option 1B would not justify extensive extra cost, the additional compulsory purchase and demolition in the Conservation Area.
- 13.2.35. The provision of a below ground ticket hall is not currently LUL's preferred option²³⁰. However, for much of the development of the project it was. Although security has been raised as a concern, it is largely in relation to who would be responsible. The location of the ticket hall is a matter of preference not necessity and there are advantages and disadvantages with either location. There are many below ground ticket halls on the Underground including some new ones. A below ground ticket hall is certainly not a compelling public interest reason for rejecting an alternative.
- 13.2.36. There is much 'spare' underground space even after providing for a large number of staff who do not need to be below ground. Although Arup has not planned the details of staff provision, there is clearly potential to provide what is necessary below ground and to accommodate staff above ground. Extra below ground provision for staff and services is not necessary to deal with the capacity problem.

13.3. **Effect on Character and Appearance of the Area including the Camden Town Conservation Area**

Introduction

- 13.3.1. Conservation issues do not seem to have featured prominently in LUL's consideration of both the options for the below ground works, and the consequential need for demolition, or the above ground proposals. The options that resulted in a greater extent of demolition were seen as positively preferable because of the commercial opportunities created²³¹. Indeed, the selected option "provides excellent opportunity for full redevelopment of the site, with potential funding contribution of over a third of the station construction costs"²³². The Healey and Baker *Planning Brief* dated May 1998 makes clear that maximising land value was an overriding consideration²³³.
- 13.3.2. This was before the *Payne Report* or any evaluation of the merit or importance of the existing buildings. No advice on conservation issues was sought before the preferred option was selected. Nor was there any assessment of the townscape context into which any new buildings would have to fit.
- 13.3.3. The outcome of any forthcoming evaluation was predetermined. Recommending the retention of any buildings was not an option and the replacement buildings would have to be justified by enhancing the Conservation Area. Those retained by LUL to consider conservation issues were faced with a fait accompli. Its conservation expert confirmed some involvement in the design but it was so minor that LUL's architect had no recollection of it.

²²⁹ 103/3/AP & AQ

²³⁰ LUL/1/B App 8 Para 5.18.6 (c)

²³¹ LUL/18 Paras 8.4, 9.4 & 10.4

²³² LUL/18 Page 1

²³³ LUL/21

- 13.3.4. It is accepted that the Council's *Conservation Area Statement* and the extension of the Conservation Area boundary were done in accordance with the approach suggested by Government²³⁴. The case that the proposal would enhance the Conservation Area must be tested in the light of the definition of enhancement as "the reinforcement of the qualities providing the special interest which warranted designation" set out in EH's *Conservation Area Practice*²³⁵. This is endorsed in PPG15 and it was accepted that EH's guidance is sensible, balanced and applies to the site.

Character of the Conservation Area

- 13.3.5. The *Conservation Area Statement* makes plain that the commercial part of the Conservation Area has a general cohesion, despite more recent changes. The trend towards replacing terraces with higher bulkier buildings has been reversed since designation²³⁶. Indeed, the particular character is provided by "The early development, consisting of modest three-storey terraces on narrow plots"²³⁷.
- 13.3.6. It is agreed that the combination of terraces and the contribution made by the Underground station itself are features that justified the extension of the Conservation Area boundary and without which the boundary would not have been extended. The proposals would lead to the loss of those features. It was accepted that the replacement buildings would not reinforce the existing character of the Conservation Area and that there would probably be no sense in retaining the triangular site within the Conservation Area if the proposal were to proceed²³⁸. This is inconsistent with LUL's case that the proposals would enhance the Conservation Area or leave it unharmed.

Demolition

- 13.3.7. It is agreed that the ten questions set out in *Conservation Area Practice* provide suitable criteria for assessing whether a building makes a positive contribution to a Conservation Area. The *Conservation Area Statement* identifies the station as making a positive contribution. The 1998 *Camden Planning Guideline*, which records the joint view of LBC and EH, identifies the station, 1-23 Kentish Town Road and the Church as making positive contributions²³⁹. It is agreed that there has been no alteration to the relevant criteria or changes on the ground to affect the application of the criteria and that EH has never altered its view as to the positive contribution those buildings make.
- 13.3.8. LUL's first attempt at assessing the buildings on the site is the wholly inadequate *Payne Report*²⁴⁰. The section on the statutory and policy approach does not even mention PPG15. Moreover, the report does not express a clear view on whether individual buildings make a positive contribution. The words seem to have been chosen very carefully to avoid expressing an unhelpful conclusion on the issue. Very little weight should be attached to this 'assessment'. That carried out by LUL's current conservation expert does not apply the ten criteria and is also deficient.

²³⁴ XX Mr Bridges by CLLL Day 15

²³⁵ CD37 Para 8.1

²³⁶ CD152 Para 4.1

²³⁷ CD152 Para 4.14

²³⁸ XX Mr Bridges by CLLL Day 15

²³⁹ CD/43/3 Tab 28

²⁴⁰ CD43

- 13.3.9. CLLL’s conservation expert provided a detailed and systematic assessment following the ten criteria identified by EH²⁴¹. He was the only witness at the inquiry to do so and it was not challenged in cross-examination. The conclusion was that a positive contribution is made by 1-23 Kentish Town Road, the Church, the station, HSBC Bank and 184-190 Camden High Street. Apart from the Bank this mirrors the view of EH. The Council’s conservation expert agreed that the Bank made a positive contribution.
- 13.3.10. In summary, the shared view of EH, LBC, its conservation expert, CLLL’s conservation witness and even to some degree LUL’s expert witness is that a significant number of buildings on the site make a positive contribution to the character and appearance of the Conservation Area.
- 13.3.11. In addition, the market on the north side of the site provides vitality, interest, variety and a focal point of activity. The Inspector in a 1999 appeal decision relating to the CLLL site stated that the market formed part of a lively and varied commercial area and that when it was operating it became a significant focus for tourists and shoppers²⁴². It is a place within the definition set out in *Power of Place* which states “The historic environment is seen by most people as a totality. They value places, not just a series of individual sites and buildings. What people care about is the whole of their environment. This has implications for the way we identify and evaluate significance”²⁴³.
- 13.3.12. PPG15 contains a presumption in favour of retaining buildings that make a positive contribution. Proposals to demolish such buildings should be tested against the same broad criteria as proposals to demolish listed buildings set out in paragraphs 3.16 to 3.19 of PPG15, although not everything in those paragraphs would apply to unlisted buildings.
- 13.3.13. Advancing a transport engineering justification for demolition does not make the matter academic. LUL has not advanced such an argument in oral or written evidence nor is it suggested in the addendum to the ES dealing with conservation²⁴⁴. There is no exemption from the tests. Indeed, it is necessary to apply them to enable the requirement to preserve such buildings to be balanced against any engineering justification.
- 13.3.14. The addendum to the ES does not address paragraphs 3.16 or 3.17 of PPG15 which contain the following important guidance:
- 3.16 The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.
- 3.17 The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair or reuse of a historic building.

²⁴¹ 103/4/D App 9

²⁴² 103/2/B App JCL1

²⁴³ 103/4/A Para 3.10.2

²⁴⁴ LUL/8/B5 Tab 17

- 13.3.15. The proposed demolitions were not considered against the PPG15 criteria in the original ES, even though LBC had specifically requested it²⁴⁵. Indeed, LUL did not consider the criteria before the Secretary of State asked for it to be done in the Statement of Matters.
- 13.3.16. Turning to paragraph 3.19 of PPG15, LUL's only argument is that the proposal 'may be' the very exceptional case where the proposed works bring substantial benefits to the community, although it was accepted that argument only related to the below ground station development. However, paragraph 3.19 iii) goes on to say "Even here, it will often be feasible to incorporate listed buildings (or in this case buildings which make a positive contribution) within new development, and this option should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them". The Arup alternative demonstrates that it is feasible to avoid demolishing most of the buildings of merit.
- 13.3.17. UDP Policy EN32 also contains a general presumption in favour of preserving buildings which make a positive contribution to the character or appearance of a Conservation Area. Such policies are considered by EH as the most important development plan policies in Conservation Area terms save for the general intent regarding preserving or enhancing the character or appearance of a Conservation Area. LUL accepted that its written evidence on this policy was inaccurate and that where a building makes a positive contribution there is simply a straight presumption that it should be retained. Demolition of a building that made such a contribution would constitute a breach of this important UDP Policy.
- 13.3.18. Paragraph 1.2 of EH's *Conservation Area Practice* states that Conservation Areas "have a strong sense of place, and by suggesting continuity and stability provide points of reference in a rapidly changing world: they represent the familiar and cherished local scene"²⁴⁶. LUL agreed that demolition of those points of reference and the wholesale replacement of the familiar and cherished local scene would undermine that objective. It also agreed that demolition is the antithesis of preservation and that there is no suggestion in *Conservation Area Practice* that enhancement of a Conservation Area can be achieved through the demolition of buildings that make a positive contribution²⁴⁷.
- 13.3.19. It is therefore common ground that if any of the buildings make a positive contribution a strong policy presumption arises in favour of their retention. Their demolition constitutes harm to an interest of acknowledged importance and a breach of UDP Policy. LUL must establish an exceptional case to justify that harm and its extent. Its case rests on the necessity of their demolition in order to address the problems at the station.

The Merits of the Proposed Replacement Buildings

- 13.3.20. UDP Policy EN14 sets out criteria for determining whether development would be sensitive to, and compatible with, the scale and character of its surroundings. These include the scale and general proportions of surrounding development, bulk, massing, height, footprint and typical plot sizes. The supporting text makes clear that local and historic character and tradition will normally provide a guide and that buildings that

²⁴⁵ LUL/2/B1 Page 124

²⁴⁶ CD37

²⁴⁷ XX Mr Bridges by CLLL Day 15

are higher and bulkier than their surroundings can dominate or detract from buildings of townscape importance²⁴⁸.

- 13.3.21. There is a row of locally listed buildings on the opposite side of Camden High Street to the site. It was agreed that these were of townscape importance. The proposal would be roughly twice their height and strikingly modern. There can be no doubt that it would dominate and detract from the locally listed buildings and would breach the UDP Policy.
- 13.3.22. It is agreed that the substance of UDP Policy EN14 is reflected in paragraph 9.12 of the *Conservation Area Statement* and that these are good general principles²⁴⁹. It is suggested that the proposal be treated as an exception to them and logically it would therefore be in breach of Policy EN14. LUL's case is that there are other material considerations that outweigh the conflict with Policy EN14. What those 'other material considerations' might be is not apparent and none are suggested in the written conservation evidence.
- 13.3.23. Paragraph 4.19 of PPG15 indicates that if a development would conflict with the objective of preserving or enhancing a Conservation Area "there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest". LUL does not advance the case that any 'public interest' in the below ground station would justify the buildings above it doing anything other than preserving or enhancing the Conservation Area.
- 13.3.24. UDP Policy reflects advice in PPG15. Paragraph 2.14 says that new buildings should follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. Even in commercial centres paragraph 4.16 states that any new development should accord with the area's special architectural and historic past. The same consistent approach is enunciated in *The Historic Environment: A Force for Our Future*²⁵⁰ and *BS 7913:1998 Guide to the principles of the conservation of historic buildings*²⁵¹, which also adds that new buildings should not draw attention to themselves disproportionately.
- 13.3.25. The Council's 1998 *Planning Guideline* identifies the appropriate height along Camden High Street as 3 storeys and anticipates the highest element on the southern part of the triangular site as 3-4 storeys. The proposal bears no relationship to those heights.
- 13.3.26. LUL's conservation expert accepted that the proposed office building would be a 'High Building' as defined in the LPAC *Supplementary Planning Advice on Higher Buildings*²⁵². This is obviously correct, despite the contrary statement given in re-examination. Table One at paragraph 3.4 of the guidance sets out thresholds, and provides for extensive consultation for proposals of more than 30 metres high in London outside the City. The proposed building would be 30.70 metres high at its most prominent point and 29.20 metres for the rest of its length, significantly higher than the general building heights in the surrounding area. To suggest the guidance does not apply is merely to misunderstand the guidance.

²⁴⁸ CD25 Paras 4.41 and 4.43

²⁴⁹ CD152

²⁵⁰ CD42 Para 5.15

²⁵¹ 103/4/D App 15 Para 7.46

²⁵² CD125 Para 4.18

- 13.3.27. The area has not been identified in the UDP as being appropriate for a higher building and the guidance indicates that it is most unlikely that any high buildings would be appropriate if located within particularly sensitive locations. This includes Conservation Areas as set out in Table 2. Taller buildings in Parkway referred to by LUL are not seen in most views of the site and do not provide important reference points in terms of townscape.
- 13.3.28. The existing general heights in the area, including buildings on the site other than the TSS, range from approximately 10.5 metres to 13.7 metres. Even the taller buildings on the south side of Britannia Junction are only 16.2 and 17.7 metres high and on the western side of Camden High Street the 16.2 metres only occurs at the corner. The adjoining buildings are much lower. The proposals would rise to more than 29 metres high.
- 13.3.29. The proposals, particularly the office building, would be significantly too bulky, the footprints of both buildings would be too large and uncharacteristic, and the proposal would obliterate the existing plot sizes. EH, in a letter dated 25 January 1999 commenting on an earlier scheme, stated that “turning the site into a single building gives the development a very different form from the narrow plots of the terraces that form the bulk of the buildings in the Camden Town Conservation Area., especially this part of Camden High Street”²⁵³.
- 13.3.30. Moreover, the uncompromising use of modern materials, particularly the large glazed areas on the office building would exacerbate the impact of the other failings.
- 13.3.31. The proposal would be a jarring and alien feature in the townscape, entirely out of keeping with the built form, character and appearance of the Conservation Area. It would not reinforce the qualities that warranted designation and so would not enhance the Conservation Area. Nor would it leave the Conservation Area unharmed given the loss of buildings that make a positive contribution and the discordant nature of the proposed replacements.
- 13.3.32. The proposals would be in breach of UDP and national policy, the guidance in the *Conservation Area Statement, BS 7913*, the *1998 Planning Guideline* and the *LPAC Supplementary Guidance on Higher Buildings*. There are no weighty material considerations to outweigh that breach and the planning appeal should be dismissed. It follows that the conservation area consent for demolition should be refused.
- 13.3.33. Conservation area consent should be refused in any event in the absence of any mechanism or guarantee that satisfactory buildings would be erected following demolition. The adverse effect of a failure to promptly replace the lost buildings would be significant and was accepted by LUL in response to questions by the Inspector.

The Implications of the Arup Alternative Approach

- 13.3.34. Both LBC and EH would prefer to retain those buildings that make a positive contribution²⁵⁴. Both accepted the extent of demolition in the context of there being no alternative. If an alternative exists then a balance has to be struck between the harm caused by demolition, amongst other things, and any benefits claimed for a larger station.

²⁵³ 103/4/D App 13

²⁵⁴ 135/2/A Para 5.2.4

- 13.3.35. The principle advantage of the Arup alternative would be the reduced extent of demolition. All the buildings identified by LUL as making a positive contribution would be preserved and some of those that LUL considers to have a neutral or negative effect would be removed. It was accepted that it would represent the optimum position and present a better fit with national and local policies²⁵⁵. Retaining buildings would constrain the height and mass of any replacements. Whilst this might be a disadvantage in commercial terms, it is a clear advantage in terms of preserving or enhancing the character or appearance of the Conservation Area.
- 13.3.36. A criticism of the Arup alternative made by LUL is that it would leave some buildings that detract from the area. This is misconceived as none of these buildings, such as the TSS need to be retained. Similarly, whilst CLLL considers that development above the retained Bank would be harmful, the Arup alternative does not preclude it if any developer and the Council take a different view.
- 13.3.37. It was accepted that there was no reason why the station could not be refurbished and re-let for commercial use rather than left empty. This had been envisaged by LUL when considering other options. The bomb damaged site to the north of the station on Camden High Street could be incorporated into any scheme. Re-use of the station would accord with guidance in PPG15²⁵⁶.

13.4. **Effect on Local Residents, Businesses, the Town Centre and Statutory Undertakers**

Assessment of Camden Town Centre

- 13.4.1. A growing number of residents live in the area, which is one of the Borough's major employment centres. It has also become increasingly popular for its entertainment and tourism facilities. The markets have become the fourth most popular tourist attraction in London²⁵⁷. The ONS Annual Employment Survey 1991-1998 and the Annual Business Inquiry 1998-2001 show a significant expansion of bars and restaurants in the early 1990s many of which have since become established.
- 13.4.2. Experian's GOAD plan extends beyond the defined shopping centre boundary, particularly to the north and includes all the market locations. Multiple retailers are located within the prime retail frontage but, unusually for a modern shopping centre, are interspersed with local traders. Camden is a highly diversified retailing centre compared to the traditional profile, reflecting the influence of the markets. It has prospered and maintained its varied offer which sets it apart from neighbouring centres. Camden town centre not only retains expenditure within Camden but because of the markets draws on a wider area, including international tourists.
- 13.4.3. Figure 1 of PPG 6 sets out indicators of town centre health and includes a reference to street markets. In addition, the emerging PPS6 indicates that street and covered markets can make a valuable contribution to the vitality of town centres. Considering the factors in Figure 1 of PPG6, the August 2003 Goad Centre Report, which does not include the markets, indicates that the diversity of uses broadly reflects the UK average. However, male and female fashion representation is low, although footwear and general clothing is above average. There are significant gaps in the traditional shops with multiples only representing 19.49% compared with the national average of

²⁵⁵ XX Mr Bridges by CLLL Day 15

²⁵⁶ CD125 Para 3.8 & 3.9

²⁵⁷ 103/1/A Para 5.7

34.16%. The number of 'key attractors' is also low indicating that the draw of the centre lies elsewhere.

- 13.4.4. Retailer demand in Camden rose from a ranking of 210 in June 1993 to 54 in April 2001 but by October 2003 had fallen to 138. There is no particular development that would explain this fall but it could be due to uncertainty resulting from LUL's proposals. Shopping rents for Zone A are strong compared to other centres and compare favourably with some of the major Central London shopping streets and provincial capitals such as Bristol. Historic rental growth broadly corresponds with the growth and strengthening of the markets.
- 13.4.5. The proportion of vacant properties at 10 April 2003 was 6.43% compared to the national average of 10.51%. Commercial yields on non-domestic property in spring 2003 were 7%. This indicates an investor profile more likely to be private investors than institutional reflecting the main occupation by local rather than multiple tenants. A pedestrian flow count for Camden Town by PMRS shows the strongest flow movements are from the Underground station north to Camden Market at Buck Street and beyond up to the northern markets.
- 13.4.6. Accessibility is good with the Underground station and numerous bus routes along Camden High Street. Parking is restricted, although there are car parks in Kentish Town Road. Footways are narrow in places and heavy pedestrian flows lead to congestion. One of the Council's concerns about the area around the station is anti-social behaviour but no crime data has been submitted. Like a number of places that have a significant number of visitors, Camden suffers from graffiti, vandalism and litter. Most of the prime retail frontage is similar to many other city town centres but the three dimensional models over many of the shops north of the station but within the defined shopping centre provide unusual visual interest and reflect the vibrancy and uniqueness of the area.

Role of the Markets

- 13.4.7. CLLL commissioned "*The Camden Market Behaviour and Attitudes Study*" from NOP World. This not only indicates that Camden Market at Buck Street is the most frequently visited of all the markets but that 34% of visitors come from elsewhere in London, 10% from elsewhere in Britain, and 13% from abroad. This highlights the strategic and economic importance of the markets to Camden as a commercial centre.²⁵⁸
- 13.4.8. LBC has never undertaken any work to understand how the markets work, why they are popular, or what effect the loss of Camden Market at Buck Street and the Electric Market might have. Its view that the most important markets are those to the north is not founded on any evidence and should be accorded little weight. The GLA appears to have accepted LBC's view on this matter without question.
- 13.4.9. Nor has LUL investigated how the markets as a whole work or the role of Camden Market at Buck Street and the Electric Market within the attraction. It has not undertaken any survey and the only witness addressing this issue has no experience in the running and operation of markets or of tourist attractions generally, or of the type of merchandise sold in the various markets, particularly youth fashion.

²⁵⁸ 103/1/A

- 13.4.10. The first detailed analysis of the role and importance of the markets is provided by CLLL. The considerable strength and vitality of Camden town centre is in excess of what would normally be expected for a centre of this type. This is the case notwithstanding that fashion is underrepresented in the high street compared to the national average and there is little demand from traditional fashion retailers for representation²⁵⁹. The centre's strength does not lie in a strong traditional multiple high street shop offer but is dependent almost entirely on the markets²⁶⁰.
- 13.4.11. LUL agreed that Camden is an unusual town centre, that without the markets pedestrian flows would be lower, and that ordinary high street shops would not attract as many people. The wide draw of the town centre is attributable to the different offer and atmosphere in Camden. Local traders not only occupy secondary and tertiary positions but they are also interspersed amongst the multiple retailers in the prime pitch²⁶¹. The vitality is tied to the critical mass of the markets from the station northwards²⁶². There is a critical mass of alternative fashion, and the scale, variety and concentration of offer is not to be found elsewhere. Because of this unusual retail profile, Camden has prospered despite its proximity to the mass markets of the West End. Demand, rental rates and vacancies all demonstrate a strong robust town centre.
- 13.4.12. Camden Market at Buck Street is a critical market in the town centre²⁶³. It is the most important fashion market, which is the key attractor for visitors, and it helps promote the other sales that are undertaken in the markets area. Data illustrates that the strongest pedestrian flow movements are from the Underground station northwards along the eastern side of the road to the Electric Market and Camden Market at Buck Street and beyond to the Stables and Camden Lock markets²⁶⁴. Camden Market at Buck Street is an anchor because of its fashion use but also, because of its location and visibility, it acts as a beacon and guiding light to the other markets.
- 13.4.13. The traders themselves, both those who were called as part of CLLL's case and those who appeared on their own behalf, provide unchallenged, compelling evidence on how the markets work and the effect of the closure of Camden Market at Buck Street on their businesses and those who rely on them. The consistent picture is that not only is Camden Market at Buck Street the best place to trade, because more people go there, but also people tend to spend when they get there. The emphasis, particularly at weekends, is on young designer wear with much of the merchandise specifically designed and manufactured or imported from scarce or unique sources.
- 13.4.14. Camden Market at Buck Street is the first visible open-air fashion market one arrives at after leaving Camden Underground station. It is in a prime location on the same side of the road as the station and only a short distance to the north of it. It also has a frontage of over 30 metres to Camden High Street and operates seven days a week. At weekends it is rare for any of the stalls to remain vacant and during the week approximately 85-90% of them are in use and there is a waiting list for space²⁶⁵. LUL

²⁵⁹ 103/1/A Paras 6.13-6.19

²⁶⁰ 103/1/A Paras 6.8 & 6.20-6.27 & App 7 & 9

²⁶¹ 103/1A Para 5.10

²⁶² XX Mr Crook by CLLL Day 16

²⁶³ 103/1/A Section 9

²⁶⁴ 103/1/B App GFC8

²⁶⁵ 103/6/A Para 19

accepts that Camden Market at Buck Street is the most significant of the southern markets²⁶⁶. It also has the highest proportion of younger visitors.

- 13.4.15. The Inspector who determined CLLL's redevelopment scheme in 1999 stated "when the market is operating it becomes a significant focus for tourists and shoppers, contributing to the economic vitality of the area, including by providing employment for local stallholders"²⁶⁷. That conclusion was echoed by the UDP Inspector²⁶⁸. Other than more detailed evidence from CLLL that underlines the correctness of the conclusion, there has been no material change in circumstances since then.
- 13.4.16. Extracts from tourist guides also point to what attracts so many visitors to the area²⁶⁹. It is the scale of the market offer, the variety provided by the different markets and the latest fashions and young designers that are important.
- 13.4.17. The analysis is also reflected in the NOP Survey²⁷⁰. Even allowing for some margin of error, the results show that Camden Market at Buck Street is highly popular, at least on a par with any of the markets to the north. It punches well above its weight if one only looks at gross floorspace/number of stalls/number of traders. 76% of those polled visit Camden Market at Buck Street at least once a year with 55% visiting at least once every two months. Those drawn to the area because of the markets increases significantly as the age of the respondents decreases (80% of 16-24 year olds as opposed to 31% of the over 55s) and 71% would be less likely to visit Camden if the Market were replaced by a range of high street shops and offices.
- 13.4.18. NOP's independent professional advice in respect of survey size and methodology was followed. LUL's response to the evidence changed during the course of the Inquiry. Firstly, the methodology was criticised but following a detailed response that criticism was withdrawn²⁷¹. Next, oral evidence was given of observations suggesting the survey results overstated the position. When flaws in that approach were pointed out it was then suggested the survey was incomplete as visitors had not been asked whether they had made a purchase at Camden Market on Buck Street and that those who had looked at stalls in passing would say they had visited the Market.
- 13.4.19. The absence of a question about purchases was not a matter of design but evidence given to the Inquiry by market traders suggests that if such a question had been asked the answers would have supported CLLL's case. The evidence has the advantage of corresponding with common sense. Camden Market at Buck Street is the first open market people come to, and the first opportunity to spend, after leaving the station. LUL did not consider the information necessary to understand the relative importance of the markets or the role played by Camden Market at Buck Street or it would have sought to ascertain the position itself.
- 13.4.20. Questioning the number of people who said that they had visited Camden Market at Buck Street is insubstantial. The comparatively long frontage to Camden High Street represents a highly valuable trading opportunity reflected in the premium paid for those stalls. Other markets do not have that advantage, even though an additional entrance to the Stables Market has been created in recent years. Camden Market at

²⁶⁶ XX Mr Crook by CLLL Day 16

²⁶⁷ 103/2/B App 1

²⁶⁸ 103/2/B App 2 Para 14.181

²⁶⁹ 103.2.B App 4

²⁷⁰ 103/1/B App GFC10

²⁷¹ 103/2/D App JCL8 and XX of Mr Crooks by CLLL Day 16

Buck Street is popular throughout and the many entrances and exits spread the advantage of being near the street among a greater number of stalls.

- 13.4.21. The only other attack made on the NOP survey in evidence is the difference between it and the WSP survey results. Any comparison is meaningless given the different methodologies²⁷². There is an unexplained discrepancy between the WSP interviews that show, counter intuitively given its limited visibility from the street, that the Electric Market was the second most visited market, and the WSP pedestrian flow surveys that give an entirely different picture. The pedestrian flows show a footfall into Camden Market at Buck Street of approximately five times the number of people entering the Electric Market and at worst more than twice the number of people entering the next most popular market. The NOP results should be regarded as reliable.

Impact of LUL's Proposals on the Vitality and Viability of Camden Town Centre

- 13.4.22. LUL's proposals would involve significant changes to the Camden markets, which are the third or fourth most popular visitor attraction in London²⁷³. The changes would involve the extinguishment of Camden Market at Buck Street and the Electric Market. Together those markets comprise over 20% of traders, 25% of the current total number of stalls, and 36% of the fashion stalls in the markets as a whole²⁷⁴. 30% of the stalls at Camden Market at Buck Street cater for male and female fashion. A further 50% sell unisex clothing. If other clothing, shoes and boots and jewellery are added 92% of the stalls at Camden Market at Buck Street are fashion related. It is fashion that draws customers. Fashion shops in Camden are limited, and demand from fashion retailers is poor, reflecting the strength of the fashion offer in the markets with which the multiple retailers cannot compete. Camden Market at Buck Street specialises in fashion, provides the greatest diversity of sales and is therefore critically important as the principal fashion market²⁷⁵.
- 13.4.23. The use of gross floorspace figures as a measure of relative importance is inappropriate and misleading. If ten traders producing their own designs occupied an area equivalent to one high street shop, the loss of the former would have a greater impact than the latter. It is the number of traders and stalls, together with the range of goods sold and the levels of activity that are key²⁷⁶. Using LUL's figures, the Stables Market has 283 traders on 14,536 m² gross (51.36 m² per trader or 41.53 m² per stall). Camden Market at Buck Street has 108 traders on 1030 m² gross (9.5 m² per trader or 5.14 m² per stall) whilst the Electric Market has 48 traders on 1002 m² (20.87 m² per trader or 16.7 m² per stall).
- 13.4.24. LUL appears to have two reasons for dismissing the detailed evidence that Camden Market at Buck Street is the principal fashion market offering a variety of unique clothes and accessories designed in many cases by the traders themselves. The first is the belief that other markets sell a wide range of clothing. This ignores the fact that no other market has the same concentration of fashion sales. For those who are primarily attracted by fashion items, the concentration of offer is likely to be more attractive than an offer spread over a larger area amongst stalls selling other goods.

²⁷² 103/2/D App JCL8 Paras 13-21

²⁷³ LUL/9/A Para 7.3 & CD147 Para 4.5

²⁷⁴ LUL/9/A1 App R2

²⁷⁵ 103/1/A Sect 9

²⁷⁶ 103/1/D Para 4.11

- 13.4.25. The second reason could be characterised as “It all looks the same to me”. A trader gave evidence that her original designs were often copied by traders in other markets. This could lead to the garments sold being described as relatively standardised low priced clothing. The dangers of uninformed broad brush assumptions are obvious, as is the need for a proper detailed analysis.
- 13.4.26. LUL seeks to rely on the presence of shops and mini-markets along Camden High Street and Chalk Farm Road²⁷⁷. These are not the equivalent of market stalls. The experience of going into these shop units is very different from browsing through an open air market. The higher level of overheads tends to result in a greater offer of mass produced, standardised goods. They add little to the unique appeal of the area when compared to the markets themselves²⁷⁸.
- 13.4.27. The attraction of the markets is their scale and the variety of offer. LUL’s proposal would remove approximately a quarter of the stalls that currently make up the overall market offer. However, the impact is likely to be worse than that because of what is planned to happen at the Stables and Canal Markets.
- 13.4.28. The Stables Market is to be redeveloped, significantly reducing the market stall content. There would be a loss of 33% of A1 floorspace and the introduction of a number of new uses such as B1, B8, D1 and D2²⁷⁹. The Planning Officer’s report to Committee states “The main change for the current version of the scheme is a further shift in the nature and balance of uses away from retail and leisure to a ‘media village’ with a greater emphasis on studios and offices as employment based activities”.
- 13.4.29. In addition, the report indicates that the retail market would be more oriented to new fashion designers and antique/furniture traders to attract a more balanced and demographic cross-section of visitors. The nature of the A3 uses would also change from market stall catering units to wine bars, restaurants and a tea room. The applicants for planning permission predicted a decrease in visitors during the weekend peak hour from 1,360 to 800.
- 13.4.30. The Canal Market is also likely to be redeveloped. The site is allocated in the UDP for mixed use with residential, B1(*) and retail²⁸⁰. The Council’s planning brief identifies the site as particularly suitable for light industrial. B1 uses should remain the dominant land use and retail floorspace should be a subsidiary element in an overall mixed development²⁸¹. Although the brief states that a market use would not be acceptable, the Officer view seems to have been modified²⁸². Even if Members support the Officer view many, if not most, of the current market stalls would be lost.
- 13.4.31. LUL accepts that in any redevelopment of the Canal site most retail floorspace would be likely to go to conventional shops²⁸³. The suggestion that if the station were redeveloped any retail content would be allowed to increase is unlikely in view of the planning guidelines. The site is not in the primary or secondary shopping frontages. Indeed, it is outside the defined town centre. The locational factor is stated to be “highly significant” whereas the capacity of the public transport infrastructure is only

²⁷⁷ LUL/9/A1 Paras 4.12-4.15

²⁷⁸ 103/6/D Para 13

²⁷⁹ 103/2/D App JCL11 Page 3

²⁸⁰ CD25 Page 454, Site 3

²⁸¹ 103/2/D App JCL 12

²⁸² 135/1/C Para 11.1

²⁸³ XX Mr Crook by CLLL Day 16

a subsidiary point to be “recognised”²⁸⁴. Even adopting a conservative approach it seems fair to assume at least 50% of the current stalls would be lost.

- 13.4.32. With these developments, the number of stalls in the markets overall could reduce in a relatively short space of time from some 1030 to around 650. A reduction of nearly 40%. That reduction would be accompanied by 7 years of major construction at the station together with whatever construction works would be needed to achieve the redevelopment of the Stables and Canal Markets. The balance of a market is delicate.
- 13.4.33. LUL has referred to other major markets in London which it is claimed are smaller than the Camden markets. The National Market Traders Federation does not represent traders in specialist markets but more usually Council owned street markets and charter markets. Portobello Road is only listed as having 12 arts and craft stalls but these are only those in the lower part of the Council run part of the market nearest to Ladbrooke Grove. The total number of stalls, of which CLLL operate 80 within one indoor arcade, easily exceeds 1000.
- 13.4.34. CLLL’s witness also has first hand experience of Petticoat Lane where the Council cancelled the licences of those stalls not operated by the nominated licensee, forced the ‘mock auctioneers’ who attracted visitors to close and prosecuted traders playing music. These actions sterilized the market and together with the abolition of Sunday trading laws led to Petticoat Lane being only a shadow of what it was. Again there are well over 1000 stalls in total of which CLLL operate 200.
- 13.4.35. Looking at the triangle site itself, it currently offers some 1030 m² of gross retail space on the market site with approximately 1025 m² of gross retail floorspace in conventional units. At weekends there is an additional 1002 m² of gross retail floorspace in the Electric Market. The total A1 floorspace is therefore 2055 m² during the week and 3057 m² at weekends. In the LUL proposal this would be replaced with 1256 m² of A1/A3 together with the venue bar which has a similar floor area to the Ballroom. There would be a loss of retail floorspace on the site.
- 13.4.36. Camden Market at Buck Street plays an important retail role in qualitative terms. This is due to the nature and intensity of trading that takes place there, particularly the high concentration of fashion stalls, and the fact that it is a market. The NOP survey shows that the markets were the main reason for 67% of those questioned visiting Camden. The loss of Camden Market at Buck Street and the Electric Market would result in the loss of 36% of the total number of fashion stalls in the markets overall. If the loss at the Stables and Canal Markets is added the overall loss would be in the region of 52% of the fashion offer.
- 13.4.37. LUL’s proposal would not reproduce anything like the same level of retail activity. It would simply replicate the type of shops already available in the town centre and would be too small as conventional retail to act as any sort of ‘anchor’. LUL has suggested the retail space might be used for market purposes subject to planning permission and normal commercial considerations²⁸⁵. However, the space would be unsuitable for market use²⁸⁶. In any event, the length of time between displacement of the market stallholders and the provision of the new retail units would render any possibility of accommodating the traders academic.

²⁸⁴ 103/2/D App JCL12 Para 6.4

²⁸⁵ CD83 Para 4.22

²⁸⁶ 103/1/A Paras 10.2 & 10.3, 103/6/A Paras 33 to 36

- 13.4.38. Moreover, there can be no doubt that this is not what LUL intends. Both the Outline Statement of Case and the Statement of Case indicate that the development would place emphasis on the provision of amenities for the people who live in Camden rather than facilities primarily for visitors²⁸⁷. The *Camden Town Station Redevelopment Report* notes the limited number of multiples at the northern end of the High Street²⁸⁸. The absence of large retail spaces suitable for national multiples and the existence of markets and small shops north of the station are assumed to be a bad thing that the retail part of the scheme seeks to address²⁸⁹.
- 13.4.39. The loss of Camden Market at Buck Street would have a significant and highly detrimental impact on the vitality and viability of Camden Town centre whose strength is almost entirely dependant on the markets. The proposal would therefore conflict with Government policy in PPG6 and UDP Policy SSH1. In addition, the impact of LUL's proposal is likely to take place in the context of other market developments that would weaken the northern part of the markets. The cumulative impact would be even more significant and contrary to paragraph 4.15 of PPG6.
- 13.4.40. It is accepted that if the LUL proposal does not proceed, a successful market would continue to operate at Buck Street. The Council has a growing acceptance of the role and importance of the markets and this inquiry is the first time the importance of Camden Market at Buck Street has been properly investigated. The Market has operated in its current form under temporary permissions for many years and, in view of LBC's change in position in terms of Canal Market, a permanent permission might be obtained in due course.
- 13.4.41. In any event, planning permission exists for a market in a permanent building on CLLL's land. In the absence of a planning permission for an open market the extant permission, or an amended version of it, would be implemented. The permitted scheme would be suitable for a phased development allowing continuity of trading with a reduced number of stalls. It is common ground that there would only be a 5% reduction in stalls²⁹⁰. If a mezzanine floor and light well were provided in the new building there would be an increase in the number of stalls. In addition, the period of disruption for traders would be many years less than the LUL scheme.
- 13.4.42. The LUL proposal would also have a detrimental effect on Camden as a major tourist attraction. The NOP survey found that 71% of all respondents said they would be less likely to visit Camden if Camden Market at Buck Street were replaced by a range of high street shops and offices. This rose to 84% for visitors from abroad and 83% for visitors from elsewhere in the UK²⁹¹.
- 13.4.43. Enhancing London's world role through attracting tourism is identified in TLP as a key policy direction and Policy 3D.6 requires Boroughs to support existing tourist attractions which complement the wider policies of the plan²⁹². The importance of tourism is reflected in the UDP which states that "tourism can make a significant economic contribution both within the Borough and at strategic and national levels, and can stimulate investment in other activities, for example, arts, cultural and

²⁸⁷ CD15 Para 9.2, CD83 Para 9.2

²⁸⁸ CD4 Paras 3.79 and 3.82

²⁸⁹ LUL/9/A Para 7.7

²⁹⁰ 103/6/D and XX Mr Trott by CLLL Day 20

²⁹¹ 103/1/B App GFC10 Table 14

²⁹² CD57/A Pages 8 & 140

entertainment uses. Tourism also generates considerable revenue and employment and has a role to play in securing economic and environmental regeneration. The tourism sector sustains approximately 35,000 jobs in Camden, both directly and indirectly (1 in 7 of the working population)²⁹³.

Social and Economic Impact

- 13.4.44. The number and nature of jobs provided by Camden Market at Buck Street is accepted by LUL²⁹⁴. Of 109 traders at the market, 92 have no other business. Only 22 operate by themselves, 75 operate with the assistance of staff, and 12 with staff only. In all there are 239 staff employed during the week and weekends by traders at Camden Market at Buck Street²⁹⁵. Two thirds of the traders operate seven days a week and are not ‘largely part-time’ as suggested in the ES²⁹⁶.
- 13.4.45. The markets provide an excellent opportunity for those on the first rung of the trading ladder to enter the business world and gain experience of it at a cost which is reasonably low, and much lower than ordinary retail units²⁹⁷. There is considerable ethnic minority representation amongst the traders. TLP seeks to provide for small and ethnic minority businesses²⁹⁸. It is also necessary to take account of those employed indirectly, such as those manufacturing the goods sold to the design of the store holders, and the knock on effects of successful trading.
- 13.4.46. LUL has failed to find any room for displaced stallholders in the Stables Market²⁹⁹. There is no reliable basis to conclude that the Safeway site to the north of the Stables Market or trading on Buck Street itself would be available, even if they were adequate. No approach has been made to the owners of the Canal Market, Camden Lock Market or LBC in respect of Inverness Street. In short, no mitigation is offered for the loss of the markets³⁰⁰.
- 13.4.47. Without exception, all the traders who have given evidence say their business would fail if the market closed. The closure of so many businesses would be contrary to UDP Policy EC5. Paragraph 7.16 of the explanatory text in the UDP states “there is evidence to show that the local economy is dominated by small firms, suggesting a continuing demand for small premises. In 1997, 87% of all Camden’s firms employed no more than 10 people”.
- 13.4.48. The jobs associated with the proposal would be very different and of little, if any, use to those who would lose their livelihoods as a result of the Market closure. The new office accommodation is likely to result in the relocation of jobs from offices elsewhere, rather than providing entirely new jobs.
- 13.4.49. The closure of these small businesses would have a high human cost leading to loss of livelihoods and the ability to support families. It is unclear whether traders would receive any compensation at all. The Market runs on a casual basis with no formal written fixed term licences or leases. It is run on a ‘first come first served’ basis,

²⁹³ CD25 Para 11.2

²⁹⁴ XX Mr Crook by CLLL Day 16

²⁹⁵ 103/6/AParas 28 & 29

²⁹⁶ CD10 Para 14.3.2

²⁹⁷ 103/6/A Para 31

²⁹⁸ CD57/A Page 8

²⁹⁹ LUL/10/C Para 4.1.2 et seq

³⁰⁰ XX Mr Trott by CLLL Day 20

although regular traders are generally allocated the same stall so they can build up their business. In those circumstances, even if some traders were found to have a sufficient interest in the land to be in ‘lawful possession’ of it, any compensation they might receive would be restricted to a limited disturbance payment and would not offer anything like full compensation for the financial and personal loss that would be suffered through closure of the businesses³⁰¹.

13.4.50. Whilst LUL has referred to Section 37(5) of the *Land Compensation Act 1973*, which provides for a discretionary payment in certain circumstances, it has made no commitment to making any such payments or even suggested that it would be likely to do so. There is no evidence that the impact on the market traders would be adequately addressed by any compensation they might receive.

13.5. **Extent to which the Proposals are consistent with Policy**

13.5.1. There is policy support, in general terms, for improvements in public transport. There is also support for increasing the density of housing development at locations well served by public transport and providing commercial and retail uses but only in the right place, to an appropriate scale and when existing established uses are not necessarily displaced. Moreover, those policies are only a part of a range of policies that must be considered as a whole³⁰².

13.5.2. There are important policies that seek to:-

- i) protect the vitality and viability of town centres (PPG6 & UDP Policy SSH1);
- ii) ensure that proposals are well designed, sensitive to, and compatible with the scale and character of their surroundings (PPG1 & UDP Policy EN14);
- iii) preserve or enhance the character or appearance of conservation areas (PPG15 & UDP Policy EN31);
- iv) retain buildings that make a positive contribution to conservation areas (PPG15 & UDP Policy EN32);
- v) support the role that tourism plays in London’s economy (TLP Objective 3 & UDP Policies TM1, TM2 and TM3); and
- vi) protect accommodation for small businesses (PPG4 and UDP Policies SEC1, EC3(C) and EC5).

13.5.3. The LUL scheme would be contrary to those policies. CLLL’s alternative approach would overcome the problems at Camden Town station with much less policy conflict and less harm to interests of acknowledged importance.

13.6. **Powers Under the Order**

13.6.1. LUL confirms that it is not seeking compulsory purchase powers for the purpose of constructing commercial and residential buildings following completion of the station works³⁰³. Those powers could not lawfully be granted as the works would not be ancillary to the construction or operation of the railway. The TWA does not specify that the construction or operation has to be profitable or attractive to private sector

³⁰¹ LUL/10/A Para 6.2.4-6.2.6

³⁰² 103/2/A Section 5 and 6.11-6.14

³⁰³ LUL/10/A Para 3.6

developers. It is common ground that LUL must demonstrate a compelling case in the public interest to justify the compulsory purchase powers it seeks. It must be necessary not just desirable.

- 13.6.2. Compulsory purchase must also be considered in the light of the *Human Rights Act 1998*. Acquiring land against someone's will constitutes a breach of their right, under Article 1 of the First Protocol to the Convention, to the peaceful enjoyment of their property. LUL has to demonstrate not only a compelling need but that the degree of interference is proportionate. If a lesser degree of interference would achieve the public interest objective than no greater degree of interference should be allowed.
- 13.6.3. The burden of proof is on LUL. It was agreed that this applies as equally to the question of whether land should be returned to CLLL after the construction of the station as it does to whether the land should be taken at all³⁰⁴. Demonstrating a compelling reason must mean establish through clear, precise and reliable evidence. The LUL witness on compulsory purchase was not independent giving an impartial view and it was accepted that no independent assessment had been carried out prior to the inquiry. The justification advanced by LUL has not been consistent but seems to have developed and changed in response to objections.
- 13.6.4. Considering firstly the case for permanent acquisition, LUL's evidence identifies three reasons³⁰⁵. The first is the need to demolish all the existing buildings. However, it was agreed that this only requires the right to enter and carry out the works, not the permanent freehold interest. In any event, there is no need for demolition on the market site as there are no structures.
- 13.6.5. The second reason is the need to construct operational buildings above and below ground. It was agreed that the below ground works could be constructed with the benefit of temporary acquisition. All the operational elements of the station currently proposed to be permanently based above ground on the market site could be accommodated elsewhere³⁰⁶. Whilst LUL has not accepted that, CLLL's evidence was not challenged in cross-examination and LUL has not called evidence on the matter.
- 13.6.6. Two non-engineering obstacles were set out in a letter dated 9 March 2004³⁰⁷. The first was the relocation of the Church on the site. However, if the Church was temporarily relocated off-site for a longer period than currently envisaged, it could be rebuilt on its existing site. This would satisfy the Church's wish, expressed in its Statement of Case, to be in a prominent position with a major road frontage. In any event, LUL does not consider it essential to provide a replacement Church on the site³⁰⁸. Whichever approach is preferred, the Church does not present an obstacle to giving CLLL its land back after the station is constructed.
- 13.6.7. The second obstacle is the proposed entrance to the underground venue space. This is not an operational building and EB wishes to be relocated within the above ground development removing the obstacle. In any event, the obstacle is illusory as if the market land is returned to its owner the above ground non-operational scheme would have to be redesigned.

³⁰⁴ XX Mr Trott by CLLL Day 20

³⁰⁵ LUL/10/A Para 3.4

³⁰⁶ 103/3/E App LD V1.5

³⁰⁷ 103/17

³⁰⁸ LUL/10/A Para 8.4

- 13.6.8. The third reason for permanent acquisition is the requirement to build and operate a temporary ticket hall over a seven year period. It was accepted that by definition this only requires temporary acquisition.
- 13.6.9. Turning to the reasons for not taking a temporary interest in the market site, three points were again raised³⁰⁹. The first is control of any above ground development that might threaten the structural integrity of the below ground works. This is expressed as “the proper protection of the railway structures by use of the correct design loads”³¹⁰. LUL can establish what can safely be built above ground once the station is complete. Its engineers have satisfied themselves that the slab could safely support the proposed six storey housing and retail development and that it could be constructed by a third party without undue risk to the structural integrity of the station below. This is an indication of the scale of what could be safely built. On conservation/townscape grounds alone, no building of materially greater scale than that proposed would be allowed on the market site.
- 13.6.10. However, it is not necessary to rely on that assumption as LUL has a system that would ensure such a risk is unlikely. It is set out in *Infrastructure – LUL control of outside party operations and works*³¹¹. It was confirmed that if the guidance was followed LUL would have discharged its statutory duties as a railway operator pursuant to the *Railway (Safety Case) Regulations* by having “robust control of any operations or works of outside parties which could affect the safety and or operation of any of the LUL railway infrastructure”³¹². Nowhere does it state that ownership of land is necessary to achieve satisfactory control.
- 13.6.11. It is almost certain that any redevelopment on the market site would come under the CDM regulations. In those circumstances, standard conditions would be used to provide third parties with guidance to mitigate risks.
- 13.6.12. Under the LUL guidance a specific task is to review planning applications to identify those affecting LUL’s interests. If a proposal is considered to have a serious effect a formal objection could be lodged. It is common ground that this would be treated with the utmost seriousness by any responsible planning authority or the Secretary of State. If any objection could not be overcome that would be a compelling reason to refuse planning permission. If any proposal would be acceptable subject to some formal control over methodology, that could be ensured by condition. When asked whether more control was needed LUL’s witness could only say it was ‘highly desirable’. This does not meet the test of necessity.
- 13.6.13. An additional reason, the need to maintain and reconstruct the slab, was raised in the letter of 9 March. This consisted of two parts. It was agreed that there is no evidence that reconstruction and maintenance beyond the 120 year life expectancy of the station would require the use of the market land or that it could not be carried out using the remainder of the site. The buildings proposed for the market site are not part of the commercial development that is stated to have a design life of 30-50 years. It seems reasonable to assume that residential buildings would be expected to remain in situ for at least 120 years.

³⁰⁹ LUL/10/A Paras 9.3-9.20

³¹⁰ CD83 Para 4.6

³¹¹ CD51

³¹² CD51 Para 8.1.1

- 13.6.14. Secondly, it is suggested that there is a need for maintenance during the life of the station. No evidence was given on the need to maintain a 2 metre thick slab. As the slab would be covered by a six storey housing block in the LUL scheme it is fair to assume that whatever maintenance was contemplated would not prevent the construction of a building on the slab. If rights of entry were required they could be created under the TWA procedure. In the absence of evidence, 'maintenance requirements of the slab' do not provide any sort of justification for permanent acquisition.
- 13.6.15. Finally, it was confirmed that flying freeholds had not proved to be a problem at Marble Arch³¹³. There is no reason why a flying freehold should be a problem with the market site. It was accepted that any potential future inconvenience for LUL would have to be balanced against the draconian alternative of depriving CLLL of its land against its will.
- 13.6.16. The second reason for not taking a temporary interest is fragmented ownership. It was accepted that any future development agreement would simply reflect the above ground scheme. If that scheme did not include the market land the agreement would reflect that and so would not be a reason for acquiring the market land permanently. The only substantive point concerns fundamental alteration of the built environment. Uniquely amongst third party ownerships on the site, this simply does not apply to the market site. It is currently a concrete slab and following removal of the temporary station would revert back to a concrete slab. This is not a compelling reason in the public interest to retain freehold ownership of the market site.
- 13.6.17. The location within a Conservation Area is the third reason advanced by LUL. Again this does not apply to the market site. There are no above ground structures to demolish and the undeveloped site is part of the existing Conservation Area scene. To preserve the character and appearance, LUL only needs to return it to its current empty state. The site is not needed to build acceptable replacement buildings for those demolished and there is no evidence to show that the market site could not be subsequently redeveloped by CLLL in a sympathetic manner.
- 13.6.18. LUL has not demonstrated that it is necessary to acquire CLLL's land either permanently or temporarily in order to construct the new station and overcome the difficulties at Camden Town. Even if the Arup alternative is rejected, LUL has not demonstrated that it needs to retain the freehold of CLLL's land to overcome the problems at the station.

13.7. **Costs and Funding**

The Pass Mark

- 13.7.1. The object of bcr assessment is to ensure that scarce public funds are used efficiently. A pass mark ratio of 1.5:1 is used as a comparison. If a project is below the pass mark it means that scarce public funds could be used more efficiently elsewhere. The BCDM indicates that when funding levels are limited it may be necessary to achieve a higher mark³¹⁴.
- 13.7.2. If the ratio is below the pass mark there may still be exceptional cases where a project is allowed to proceed. One circumstance is where it is clearly justified by benefits

³¹³ LUL/10/C Para 5.4.14.3

³¹⁴ CD150 Para 2.6.7

that are not quantified in the business case calculation³¹⁵. That is not the case for the LUL proposal as demolition of buildings in the Conservation Area, the vitality and viability of the town centre, and employment are strong negative factors. The Arup alternative avoids most of these negative impacts.

- 13.7.3. Another exception is where the continuation of the service is essential to meet an established public transport need³¹⁶. It is accepted that this may be the case at Camden. However, the emphasis in the guidance is on the ‘most cost effective means’ which is doing the essential job for the least amount of public money. The emphasis on minimising the cost of the scheme is because each extra pound spent on the project could achieve more public benefits by being spent on another public project. This is the ‘opportunity cost’. The further below the pass mark the bcr is, the greater the opportunity cost.

Optimism Bias

- 13.7.4. Guidance was altered in January 2003 to require the use of OB as part of a package together with a lower discount rate³¹⁷. However, there was no attempt to assess OB until the omission was pointed out in CLLL’s evidence. The correct approach is set out in HM Treasury’s *Green Book: Appraisal and Evaluation in Central Government* and a report, *Review of Large Public Procurement in the UK*, July 2002 by Mott MacDonald³¹⁸.
- 13.7.5. The first step is to decide which project type to use. A project is non-standard if it satisfies any of a number of conditions, one of which is if the construction involves a high degree of complexity and/or difficulty. LUL has acknowledged the complexity of the project on a number of occasions including a memo to the Board in September 2000³¹⁹, the Design and Planning Report 2000³²⁰ and a memo to the Project Review Group in January 2004³²¹. Its quantity surveyor’s contention that there is no equivalent benchmark project does not sit easily with LUL’s view that this is a standard project.
- 13.7.6. The second step is to start with the upper bound figure, which is 66% for a non-standard project rather than the 44% for a standard scheme. Consideration of whether that figure can be reduced is the third step. LUL used the upper bound figure when it first introduced the concept of OB to its assessment. All LUL’s new cases for their scheme use 22% or 33%³²². It has assumed mitigation of 50% on the basis that the project is halfway through. This is the antithesis of the correct approach to OB.
- 13.7.7. Guidance indicates that the upper bound can only be reduced to the extent that contributory factors have been managed, clear and tangible evidence of mitigation has been produced as part of the business case, and the evidence has been independently verified³²³. LUL has not produced any proper evidence of mitigation, independent

³¹⁵ CD150 Para5.2.2

³¹⁶ CD150 Para5.2.2

³¹⁷ CD151

³¹⁸ CD151 Supplementary Guidance Pages 2/15 – 4/15 and LUL/1/L Pages 33-34

³¹⁹ LUL/1/E Tab 25 Page 238 Para 4.2

³²⁰ CD4 Paras 2.5-2.6

³²¹ LUL/1/E Tab 25 additional material Para 8.1

³²² LUL/1/Y

³²³ CD151 Paras 3.17, 3.22 and LUL/1/L Pages 34 & 39

verification, tender results or benchmarking. There is simply no basis for any reduction.

- 13.7.8. OB has not been applied to property acquisition and business compensation. In practice, these can vary substantially and so should be subject to OB. On the other hand OB has been applied to the capital costs avoided. Oral advice from the Department for Transport is that provided costs for refurbishment are relatively well known, OB should not be applied to capital costs foregone in an appraisal³²⁴.

Benefits and Costs

- 13.7.9. The social benefits of the scheme relate almost entirely to the weekend and are primarily reliant on ‘alternative travel benefits’. LUL has used a non-standard technique to try to assess these. It has assumed that all those who enter the new station at times when the old station would have been closed would have used the tube from Euston to go home in the no scheme world after taking a bus or walking to get there. In reality some people would go home by bus all the way, others would alter their time of departure to avoid the closure of the station and others would use the tube but get on at Chalk Farm rather than Euston.
- 13.7.10. Anyone wanting to go home from the north of the markets by tube would be better using Chalk Farm regardless of whether Camden Town station was open³²⁵. If closures persisted it would be reasonable to assume that additional measures would be taken to make people more aware of the benefits of using Chalk Farm. It is, therefore, inappropriate to assess the benefits for everyone at 18 minutes. The reference penalty for those not travelling home by tube in the no scheme world is too high.
- 13.7.11. It is legitimate to assume that those who would use the tube in both the scheme and no scheme worlds would suffer the full penalty. However, a report by Scott Wilson contains survey material showing that over 72% of people would do something other than use another station if Camden Town were closed.
- 13.7.12. For those who would change their time of departure to avoid closure and those who would use some other form of transport the ‘rule of a half’ is appropriate. This is because consumer surplus theory works on the assumption that people have a range of preferences, criteria and needs for travel which means there is a linear relationship between the cost of travel and demand. The penalty suffered by those who change means of transport or time of travel must be less than that which would be suffered by continuing to use the tube, otherwise they would still use the tube. The penalty suffered would vary from just less than the penalty for travelling by tube to zero. Because the theory assumes an even distribution, the benefit is the equivalent to the area of a triangle below the straight line graph. This area is half the base times the height hence the ‘rule of a half’.
- 13.7.13. An example of this assumes that of the 60% of people that did not use an alternative station half used other forms of transport and half changed their time of travel³²⁶. The effect is to reduce the alternative travel benefits by 30%. It would also reduce alternative station entry costs, which is the figure used by LUL to balance the lack of entries in the no scheme PEDROUTE results, by 30% and reduce weekend revenue

³²⁴ 103/5/D Paras 5.10-5.11

³²⁵ 103/5/D Table 5

³²⁶ 103/5/E 4.13-4.18 and Tables 4.1-4.6

growth benefits, which are derived from the alternative travel benefits by means of an elasticity factor.

- 13.7.14. Turning to costs, there are two areas of dispute: the proper comparison between the LUL and Arup scheme costs; and the appropriate absolute level of costs. In absolute terms the LUL costs are unrealistically low.
- 13.7.15. The objective is to predict the outturn cost once the project is completed, not what it is thought it ought to be or what it is hoped that it will cost. In advance of the tendering process the best way to achieve a reality check is to benchmark. LUL, which controls the relevant information, has not carried out any benchmarking but projects such as Kings Cross and the Jubilee line extension, about which there is some public information, cost far more than predicted.
- 13.7.16. LUL accepts that costs at Kings Cross are currently about £15,000/m². This compares with Arup's Option 1B estimate of about £9,000/m², LUL's original appraisal of its scheme of some £4,250/m² and Arup's assessment that LUL's scheme should cost at least £5,200/m². The scale of difference supports the contention that LUL's costing is unrealistically low.

Business Case Analysis

- 13.7.17. The assessment of the business case for this project has been very unreliable falling from 20:1 in January 1998³²⁷, to 6:1 in September 2000³²⁸, expected to exceed 3:1 in the Outline Statement of Case³²⁹, 2.2:1 in the Statement of Case³³⁰, 2.3:1 in written evidence in January 2004³³¹ and 1.6:1 in rebuttal evidence³³².
- 13.7.18. The method used by LUL is likely to overstate any benefits that might be achieved and the business case calculations should therefore be treated as significantly optimistic and uncertain. An illustration applying the rule of a half provides a reasonable, conservative demonstration of the sort of effect more appropriate assumptions would have on the level of benefits. None of the results show a cost benefit ratio anywhere near the pass mark of 1.5:1. Indeed, when OB or any of the Arup figures for the costs of the LUL scheme are used the bcr is at or below 1:1 and in some cases goes to 0.5:1 or below³³³.
- 13.7.19. Cases put in document LUL/1/Y should have been done on the central demand case of +17.9% not on the basis of an upward sensitivity test. The point of the pass mark is that it should be applied in the same way to all schemes. The only assessment using +35% includes a totally unrealistic assessment of benefits³³⁴. Cases 5 and 7 in LUL/1/Y cannot therefore be relied on at all. None of the LUL cases includes anything like the scale of reduction that is appropriate. The scale in cases 8 and 9 is only 15% and is only tested with no change in the tone of the costs and with a maximum of 33% OB.

³²⁷ LUL/1/E Tab 25 Board Report January 1998

³²⁸ LUL/1/E Tab 25 Memorandum to Board August 2000

³²⁹ LUL/13 Para 5.13

³³⁰ LUL/14 Para 5.13

³³¹ LUL/1/A Para 10.1.3

³³² LUL/1/C Table to Para 2.12

³³³ 103/5/E Column 5 of Tables 4.2 and 4.4

³³⁴ LUL/1/E Tab 29 Page 271 footnote

Comparison with Option 1B

- 13.7.20. It is important to make a fair comparison between the costs of the LUL and Arup designs. It is difficult to be precise but a broad based comparison sufficient for the purpose of the case can be achieved. There are three elements that broadly reflect the comparative scale of the LUL and Arup schemes. The LUL proposal has about twice the quantity of piling, five times the volume of excavation, and three and a half times the area of concrete floor slabs³³⁵. Some costs will not be proportionate to scale but overall the costs of the LUL scheme would be expected to be at least double those of Arup Option 1B.
- 13.7.21. Rates per square metre need to be used with caution but are a useful cross check if used sensibly. Some rates for the LUL scheme will be lower than for Option 1B due to economies of scale. However, Option 1B would have a total construction cost rate of about £9,000/m² whilst the LUL scheme (addressing the three elements noted above only) would have a rate of some £5,000/m²³³⁶. The value of fixed costs such as escalators lifts and plant, the amount of voids in the LUL scheme, the floor to wall ratio of the Arup alternative, the different methods of construction, and access problems of a smaller site might explain a difference but not of the scale claimed³³⁷.
- 13.7.22. LUL's cost plan underestimated the escalator costs but LUL's quantity surveyor now accepts that in both schemes the cost would be around £8.2 million³³⁸. Arup believes the cost for both schemes would be around £13 million. That is an example of the difference in tone of the costs. It is accepted that the escalators would cost more in the 1B scheme as there are more, shorter escalators. However, the difference would not be as great as the 50% claimed. In any event, the LUL proposal would have more lifts than the Arup option providing a balance.
- 13.7.23. Preliminaries are another example of the difference in tone. Both the LUL and Arup schemes are deep underground projects in a busy part of Central London that have to be carried out around a busy underground station that must be kept operational. Although the Arup scheme would use a more restricted area, the LUL scheme would involve two station openings and closings not one as the Arup alternative. The LUL proposal would be much larger than Option 1B and involve a significantly longer contract period. However, LUL has only included £11.3 million for preliminaries against 1B's £13.9 million. Some difference might be explainable but not to the extent that the absolute difference is lower for a much larger project.
- 13.7.24. Originally LUL applied the same operating costs to Option 1B as to its own scheme but later sought to suggest the Arup scheme costs would be significantly greater³³⁹. LUL's proposal has a far greater floor area and volume and although there may be some economies of scale, the cost would be expected to be more in terms of items such as running costs for services, staff, maintenance and cleaning than the smaller Arup scheme. Even if some areas of the Arup scheme required a higher level of staffing than the LUL proposal it is not reasonable to suggest that this would lead to the overall operating costs of the 1B station being far higher than the much larger LUL station.

³³⁵ XX Mr Wilson by CLLL Day 22

³³⁶ 103/3/AA Comparing Columns 1 and 3

³³⁷ LUL/22/A Para 3.1.4

³³⁸ XX Mr Wilson by CLLL Day 22

³³⁹ LUL/1/G

- 13.7.25. It is accepted that Option 1B would have less ambience benefits than the LUL scheme but the difference claimed is again too large. A deduction should be made to reflect the double counting of benefits allowed under the heading of capital costs avoided such as, amongst others, renewal of floor, ceiling and staircase finishes, relighting, major structural repairs and removal of obstructions to passenger flows. Benefits for improvements to the condition/appearance of the platforms should also be reduced as the platforms would be largely unchanged in the LUL scheme³⁴⁰.
- 13.7.26. Cases presented by LUL in document LUL/1/Y do not consider any of the higher costs for the LUL scheme put forward by Arup but have increased the cost of Option 1B by 25%. There is no basis for a cost increase of anything like that order. The material does not, therefore, provide for any fair comparison between the two approaches. If the correct 66% upper bound level of OB is used, LUL's proposal has a bcr of less than 1:1 in all scenarios³⁴¹. LUL has produced tables showing OB percentages of 22% and 33%. As set out above there is no justification for any reduction, let alone one of 50%. After adjusting the base figures to give a fair comparison between LUL's proposal and the Arup alternative the Option 1B bcrs are comparable or better than LUL's even if 44% is used for LUL and 66% for Option 1B.
- 13.7.27. The LUL scheme would therefore only be justified as an exception on the basis that it is essential to do something about the capacity problem at Camden. Emphasis should therefore be on choosing the most cost effective means of doing the job and minimising the cost to public funds. This is illustrated by applying simple calculations to the tables in 103/5/E³⁴². The LUL scheme would not be the most cost effective means of doing the job and minimising the cost to public funds and the Order should not be confirmed.

13.8. **Conclusion**

- 13.8.1. There is an alternative approach that does not require the permanent compulsory acquisition of CLLL's site. Moreover, LUL has not demonstrated that it is necessary to permanently deprive the market of its site. Even if that were not the case, the design of the above ground development is unacceptable and in the absence of an acceptable scheme both applications and the planning appeal should fail.

14.0 **The Case for Castle Rock Properties/Electric Ballroom (Objection 105)**

14.1. **Introduction**

- 14.1.1. The EB gave its evidence after CLLL and LBC. The cases of EB and CLLL have many similarities and are mutually supportive, although there are a number of important differences. Rather than duplicate points made by others EB relies on their evidence.
- 14.1.2. The EB has been a music venue since the 1930s and is of international renown. It consists of a two storey dance hall with related offices, areas for visiting acts and residential accommodation. Part of the site was once a Turkish bath and the access from Kentish Town Road still exists. Following bomb damage in the Second World War, Dewsbury Terrace was incorporated into the Ballroom and now acts as a private

³⁴⁰ 103/5/E App A Paras A1.1-A1.9

³⁴¹ 103/5/E All tables

³⁴² 103/18 paras 74-79

service access. The venue is also used as the Electric Market at weekends, contributing to the wider Camden markets, and has its main entrance on Camden High Street.

14.2. Need for and Objectives of the Proposals

- 14.2.1. It is accepted that visitors to the markets, particularly on a Sunday, create difficulties at the station that need to be addressed. The critical questions are: by how much will passenger numbers increase in the future; how large must the station be to be 'right sized' for that number; and how much land needs to be compulsorily purchased as a result.
- 14.2.2. LUL has been formulating proposals for Camden Town station for many years and submitted a planning application as long ago as December 2000. It does not suggest that the need is so pressing that it demands resolution in the next couple of years. This is significant as it would allow an alternative to be developed that would accommodate all existing occupiers who wish to remain on the site.
- 14.2.3. The scale of the transport need stated by LUL is not accepted. The 'considerable congestion' at Camden occurs for a very short period, only about 5% of its operating hours. It is a big step, requiring firm evidence, to move from a 'problem' to an 'overriding transport need'. Whilst no other station has a planned closure one day a week, other stations such as Covent Garden, and in the run up to Christmas Oxford Circus, do have planned closures.
- 14.2.4. In any event, Sunday afternoon closure at Camden may not affect local residents significantly as their main use of the station is likely to be on weekdays. Chalk Farm, which has its peak passenger flows during the week, is only 7 minutes walk away to the north and has significant spare capacity at all times³⁴³. Mornington Crescent to the south is even closer, although its Underground Ticketing System operates over capacity on Sunday afternoons due to passengers displaced from Camden. However, residents or visitors do not need to go far to reach an alternative station.
- 14.2.5. LUL has not considered the right method of congestion relief. Alternative solutions include signage, good management of the station and of the pavements in the vicinity. In 1996, the Camden Business Group raised congestion concerns with LUL but it failed to focus on the issue, even allowing kiosks to operate in the ground floor ticket hall, litter to accumulate, and people to sleep rough in the vicinity³⁴⁴. LUL has inflated a crowd management issue into justification to compulsorily purchase a complete block in a Conservation Area and Area of Special Policy.
- 14.2.6. LUL agrees that the strategic framework principles by which projects are selected should be as fair, consistent and as transparent as can be. However, its justification for selecting the Camden project is obscure. TfL's *Interchange Plan – Improving interchange in London* ranks Camden 12th in term of policy objectives but only 107th in terms of priority³⁴⁵. TfL's view that this does not take account of capacity issues at stations contradicts the Mayor's TS, which seeks seamless journeys, as capacity is part of interchange quality considerations³⁴⁶. The only evidence advanced by LUL to

³⁴³ 105/1/A Paras 3.5.40 & 3.5.74

³⁴⁴ XX Mr Reynolds by LUL Day 35

³⁴⁵ 105/11/B1-B8 Tab 3 Pages 36 & 43

³⁴⁶ LUL/1/N

justify a higher priority is a talk given to a technical interest group. This cannot be characterised as a transparent document and should be given little weight³⁴⁷.

14.3. **Scale & Configuration of the Works**

- 14.3.1. LUL relied on the evidence of the Head of Marketing Journey Time, who has experience of dealing with transport issues, rather than being a transport specialist. No distinct transport case, other than forecasts prepared for the business case, has been made.
- 14.3.2. Paragraph 7 of PPG3 identifies that regional transport strategies should cover a 15-20 year period. TLP takes 2020 as its end date but many of its targets and statistics relate to 2016 because the information is more readily available and reliable. Similarly, the Mayor's TS uses a 10 year design horizon to assess future passenger demand and a 15 year horizon for improvements to the network. *A Better Bus Network* uses 10 years for identifying future improvements whilst *Unlocking London for All* implies that 2020 is the long term planning horizon. 15-20 years is consistently used for transport planning policies in London and for major development and rail/underground schemes in the Kings Cross Area³⁴⁸. The period for data reliability is relevant to the period adopted by LUL for its passenger number forecasting to ensure 'right sizing' of the station. However, LUL has designed its station with a 120 year design life.
- 14.3.3. The proposed station has been designed to meet a forecast 50% increase in passenger numbers over its lifetime³⁴⁹. There is little explanation or documentation to justify the forecast, only LUL's assertion that it is reasonable³⁵⁰. There are four elements to the 50%. 17% is due to an increase in service on the Northern line and 11% is attributable to growth in the Camden area. There is a potential for double counting within these elements but in any event, LUL has provided little evidence to substantiate the 11% figure. A third element is 2% tolerance.
- 14.3.4. The fourth element is 20% for growth beyond a 20 year period. It was stated orally that the 20% margin adopted as part of the 50% was not a reliance on the *Engineering Standard* but was general practice based on experience³⁵¹. Despite this, it was suggested in cross-examination of EB's witness that the *Standard* permitted such a forecast if no other forecast demand was available. No evidence capable of being tested was adduced to substantiate this approach and the 20% claim should be disregarded.
- 14.3.5. Moreover, no PEDROUTE or fire evacuation analysis for a 50% increase was done until requested by EB. The maximum growth modelled was 17.9% suggesting that this is a more realistic growth forecast. The station has been tested with 35% growth but there is no evidence to explain why this growth figure is relevant to Sunday peaks. LUL's PEDROUTE analyses for 17.9%, 35% and 50% growth have not been undertaken using identical assumptions and so there are inconsistencies in the results. For example, train capacity has been increased from 700 to 770 passengers in the 50% growth runs reducing the level of congestion on the platforms which have a limited capacity. At 50% growth the model indicates that the station would experience

³⁴⁷ LUL/1/E Tab 9

³⁴⁸ 105/1/A Para 2.6.5-7, 105/1/A1 Section 3

³⁴⁹ CD9 Para 5.1.5, LUL/1/A Para 6.3.1

³⁵⁰ LUL/1/A Para 6.3.2

³⁵¹ CD115 Para 9.1.5

unacceptable congestion, although the number of passenger movements modelled are 30-35% lower than those given in LUL's September 2002 Design Report³⁵².

- 14.3.6. Things have moved on since the 1998 50% forecast and reference was made to a later appraisal *Note on Demand Growth*³⁵³. The 'Do-Minimum' and 'Do-Nothing' scenarios included in this appraisal show a 20 year growth of 16% and 31% respectively, which is significantly less than the 50% for which the station has been designed. Moreover, they relate to weekday am peak and not the much higher Sunday peak at Camden.
- 14.3.7. Sunday peak 3 hour passenger exit flows show a decrease of 15% between 1999 and 2002 and observed growth for Saturday and Sunday on the network as a whole is below the off peak growth forecast by LUL. It has also been reported that lower than expected passenger numbers could lead to the indefinite postponement of the second phase of the King's Cross Underground station upgrade. This casts doubt on LUL's forecasting methodology.
- 14.3.8. The reliance on population forecasts for London as a whole in the *Note on Demand Growth* for a project in Camden is a radical change of direction made after the start of the inquiry. LUL has assumed that forecast projections can be applied to Camden without any modification. If this is the correct approach then it is difficult to see why it was not used from the beginning. LUL has in any event overstated the growth of jobs in Central London³⁵⁴.
- 14.3.9. LUL's evidence is unsatisfactory in a number of ways. Forecasts for weekday growth are irrelevant for Sunday peaks when Camden is busiest and weekend peaks show peak spreading on Saturdays and Sundays. This could reduce the forecast of peak demand by 5-10%.
- 14.3.10. In addition, a centroid analysis shows that if Camden Market at Buck Street and the Electric Market were to close, the overall 'centre' of the markets would move north. Camden Town station would be around 70 metres further from the 'centre' of the markets whilst Chalk Farm station would be closer. This would be likely to change the distribution of passenger flows between the two stations and reduce the peak at Camden³⁵⁵.
- 14.3.11. The forecast growth figure must also reflect the impact of the Cross River Tram, which is included in TLP, and congestion charging. The former was considered in LUL's 2000 application but not in evidence to this inquiry other than a note late in the day³⁵⁶. These could reduce forecast growth by a further 10-15%³⁵⁷.
- 14.3.12. No evidence has been submitted to show that other network capacity constraints can accommodate 50% growth. In Hong Kong, the use of Smart Cards (Oyster Cards) has reached 50% of fares paid and increased passenger throughput by 20% demonstrating that new technology can optimise resources in terms of space planning³⁵⁸. The proposals seem to aim at improving the quality rather than capacity of interchange

³⁵² 105/1/A2 Section 2.4

³⁵³ LUL/1/E Tab 1

³⁵⁴ 105/1/A1 Section 5

³⁵⁵ 105/1/A Section 4.3.3

³⁵⁶ LUL/39

³⁵⁷ 105/1/J, 105/1/A Para 4.3.1 and 105/1/A2 Para 3.2

³⁵⁸ 105/1/A1 Section 9

with buses. At peak periods buses in the area are reasonably full and could not cope with a significant increase in the number of interchange passengers.

- 14.3.13. LUL accepts that the driver for the weekend peaks is the markets. Unlike LUL, EB produced a witness with considerable expertise in the highly specialised area of markets. The markets have been in a self regulating steady state since the early 1990s with fluctuations in the region of 15-20% depending on conditions and competing events. This was not challenged in cross-examination³⁵⁹. Even if the steady state trend of the last 10 years changed to give 50% growth, the width of the pavements and spaces between the stalls are finite and LUL could not identify anywhere for the additional visitors to go.
- 14.3.14. The above ground development is calculated to constitute 9% of the growth in passenger numbers at Camden Town station during weekday peak periods. However, growth as a result of proposed development should not be used to justify that development³⁶⁰. The transport case that LUL can justify is 17.9% going downwards to take account of Cross River Tram, congestion charging, fiscal measures and the fact that there is nowhere for extra people to go.
- 14.3.15. It follows from the above that the station has been designed for too large a capacity and is bigger than necessary³⁶¹. Even if LUL's 50% growth is accepted, the concourse and intermediate concourse requirements based on SPSG are only 392m² and 194m² whilst the provision would be approximately 580m² and almost 2000m². Even erring on the side of caution LUL's temporary station, rather than the final proposed station, would be the 'right size' and would amply cater for the number of passengers forecast to use it³⁶². This demonstrates that even on LUL's own case the amount of land take is unnecessary and another solution for a smaller alternative would be possible.

14.4. **Alternatives**

- 14.4.1. Five outline options have been developed by WSP for EB based on SPSG parameters. These preserve the EB, and in most cases allow the reinstatement of CLLL's market, although there may need to be some reallocation of land³⁶³. These were not considered by LUL as part of the ES but could satisfy LUL's overall objectives for the station. Option EB4 would have the least impact on land take. Options submitted by Arup on behalf of CLLL also indicate a lesser land take but involve the removal of the EB, although it could be reinstated in two of the options.
- 14.4.2. TLP Objective 2 seeks better designed buildings and to enhance London's cultural assets. EB has been on the site since the 1930s and is a cultural asset such as TLP seeks to enhance. LUL's approach would remove many ongoing business operations through the availability of compensation provisions despite the preference of some to remain operational. EB's alternative to LUL's above ground proposal would give effect to TLP Objective 2 by achieving more equivalence of reinstatement for existing occupiers, including EB, with a better designed building.

³⁵⁹ 105/3/A Paras 3.1.4, 5.1 to 5.8 & 6.2

³⁶⁰ 105/1/A Paras 4.4.7-8

³⁶¹ 105/1/B Table ML/5/1, 105/1/A Paras 5.2.8

³⁶² CD9 Para 11.2.2

³⁶³ 105/1/A Paras 7.1.1-7.1.15

- 14.4.3. A sophisticated approach to the Government's wish to make best use of land is provided in UDP Policy RE5. It encourages a mix of uses with secondary uses of premises in order to maximise use of land, not just building bigger. An example of this is the weekend use of the Ballroom as the Electric Market. LUL's deep basement proposal some 8.7 metres below ground would disable use of the proposed D2 space as a market as it would not be seen. The EB alternative of re-providing the EB at ground level in the northern block would accord with this Policy.
- 14.4.4. The aim in the design of the EB alternative was not to keep retail provision high but to see if the needs of all the existing occupiers, and the character of the Conservation Area, could be retained. The reason for moving the station entrance from Reunion Street to Kentish Town Road was to accommodate the market and retain the strong link with the other markets to the north that is part of the character of the area.
- 14.4.5. EB's alternative accommodates EB at ground level in the northern block and CLLL's market on Reunion Street, despite the difficulties of designing a scheme at a late stage to meet the limitations created by LUL's existing commercial development. Parking provision at the EB would have to be justified by a formal transport assessment at application stage but would be necessary for deliveries and would be essential for the normal operation of the venue. Although there would be less residential units in the EB alternative than the LUL scheme, there would still be more than currently exists on the site and acoustic design solutions would prevent any noise interference from the venue space.
- 14.4.6. There would be an increase in retail floorspace if a street market on Reunion Street was included and the retail spaces would be similar in size to unit shops at the Stables and Camden Lock Markets. LUL accepts that, despite their relatively shallow depth, these would be lettable due to their location. These would also provide active frontage. The ground floor D2 venue would also have a dual market use. The covered market area would be closed outside market hours but these are seven days a week and could be until 21:00 hours. Some changes to LUL's southern building would be preferable to achieve a better treatment of the Kentish Town Road frontage and maintain the vitality and viability of the street but it could be retained as the LUL scheme.
- 14.4.7. LUL's complaints about the design relate principally to the element of the design that would accommodate CLLL³⁶⁴. However, the alternative proposals relating to EB and CLLL could be provided separately and would not be interdependent. LBC were generally supportive of the alternative when consulted³⁶⁵. EB's approach would satisfy the strict obligation in the Mayor's letter and even LUL accepts that the alternative reinstatement of EB would not breach policy³⁶⁶.
- 14.4.8. The EB alternative would be the only scheme to provide for a temporary EB on the site. This would overcome difficulties in continuity of trading. The proposed northern building could be completed by the end of Phase 2 and could house the Ballroom with a temporary entrance structure from about three years after closure for demolition. The temporary accommodation would be smaller than the final space and include compromises to facilitate early occupation but this would be acceptable to the Ballroom. The effects on phasing, costs and programme are likely to be less than

³⁶⁴ LUL/2/C, LUL/9/A2

³⁶⁵ 105/5/B2 App 5.7 Pages 1 to 7

³⁶⁶ Mr Crook in answer to Inspector's question Day 34

LUL maintains and the difficulties have been overstated. The structural challenges would be similar to the temporary station proposed by LUL.

- 14.4.9. LUL's stance seems to arise from its reluctance to lose commercial retail space. Even though it accepts that if the bcr pass mark was reached the need for commercial development would not be a public interest justification, LUL argues that as a public body it is subject to the best value principle³⁶⁷. This principle has not informed the costly decision to attempt to acquire freeholds across the whole site.
- 14.4.10. If the Council does not object to the EB reinstatement at ground level then the only reason for LUL refusing to accept it would be commercial, contrary to the Mayor's letter. The alternative scheme should be considered on its merits. A suitable music venue substantially equivalent to the existing Ballroom should be located on the ground floor in the commercial development.

14.5. **Effect on Character and Appearance of the Area including the Camden Town Conservation Area**

Introduction

- 14.5.1. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 3.19 (iii) of PPG15 requires the merits of alternative proposals for the site to be considered³⁶⁸.
- 14.5.2. LUL's approach is entirely transport orientated. It has failed to appreciate the character of Camden and has failed to apply Government guidance in *By Design: Better Places to Live*, a companion guide to PPG3. The character and appearance of the Conservation Area has not been assessed using a proper methodology. As the character has not been analysed, it is not surprising that LUL's proposal would not be in keeping with the character of the area.

Conservation Area Character

- 14.5.3. Urban grain is defined in *By Design* as "The pattern of the arrangement of street blocks, plots and their buildings in a settlement. The degree to which an area's pattern of blocks and plot sub-divisions is respectively small and frequent (fine grain), or large and infrequent (coarse grain)". The introduction to TLP refers to the distinctive network of neighbourhoods and town centres and indicates the aim of strengthening them³⁶⁹. This would militate against the dilution of Camden's character.
- 14.5.4. The site stands at a transition between two areas. To the south of the site the buildings are generally 3-4 storeys high with a consistent mean parapet level with expressed variations to roofline, up to 20 metres. The plots at the end of the High Street nearest the site are indicated by LUL to be 5.5 to 9.7 metres wide and the buildings have relatively large floor plates³⁷⁰.
- 14.5.5. To the north of the site there is a discernable markets quarter to which the Inverness Street market and Camden Market at Buck Street form a gateway. There is a diversity

³⁶⁷ XX Mr McKenna by EB Day 10

³⁶⁸ CD125

³⁶⁹ CD57A Page ii

³⁷⁰ CD10 Figs 5.24-5.25

of uses and architectural styles. The *Conservation Area Statement* does not mention the markets but the extension of the Conservation Area boundary included within it both the market at Buck Street and the Electric Market. The properties along Camden High Street north of the site up to the canal exhibit a fine grain with narrow plot widths ranging from 5.5 to 7 metres. Buildings occupy the full plot width and are built up to the back edge of the pavement³⁷¹. The proportions of the buildings and their fenestration give a predominantly vertical emphasis.

- 14.5.6. Character has three strands: from PPG15, from the UDP Policies and from *By Design*. It embraces historical associations, which contribute to the EB's character. Famous bands and musicians have played there giving a stamp of approval and confidence. The dynamism of the area is 'bottom up' and the fine grain of the physical fabric supports the vitality of the area. The markets are part of the character of the area even when closed. LUL's assessment relies on the architectural form and not on the consideration of urban blocks or activities.

Demolition

- 14.5.7. PPG15 sets out a presumption against the demolition of buildings that make a positive contribution to a Conservation Area. An examination of the area, and the views of the Council, indicate that the station and Church on the site both make positive contributions due to their use and architectural character. Nos 1-23 Kentish Town Road, which form a reasonably complete terrace of consistent scale and grain, 184-190 Camden High Street, which is a surviving section of the original terraced development whose scale and use reinforces the legibility of the markets area and forms part of the Ballroom with its historic associations, and Camden Market at Buck Street because of its use and location as part of the markets area, also make positive contributions.
- 14.5.8. If these buildings that make contributions to the character and appearance of the Conservation Area are to be demolished, not only does there need to be exceptional justification but also the replacement development should be of the highest standard reinforcing the characteristics of the surrounding area.

Design

- 14.5.9. Assuming the transport justification for demolition is made, it is accepted that the site offers an opportunity for contemporary buildings on the whole site. The proposed design recognises the importance of the site as a transport interchange where planning policy encourages maximum use of the site and mixed development. However, there should not be a diminution of main use elements. The proposal would have a net deficit of market uses and a live music venue, both of which are important, one at the weekend and the other to the weekday evening economy. This would conflict with the uniqueness of the Special Policy Area. The EB alternative demonstrates that it would be possible to redevelop and to keep the EB and its market and to provide for reinstatement of a wider market use on the site. It cannot therefore be said that there is not an alternative approach.
- 14.5.10. In any event, the proposed development would not reflect the existing fine grain and scale that supports the distinctive character and activity in the area. The proposal would be monolithic in nature with only two development parcels creating a much

³⁷¹ 103/4/A Para 3.28

coarser grain with a likely loss of street vitality and activity. The proposal would be over twice the height of surrounding development with the tower at the apex around 30.7 metres high. Despite the introduction of a set back, the office block would be significantly higher than any building on Camden High Street or Kentish Town Road. The proposal would be visually intrusive, too large, overly massive and out of scale.

- 14.5.11. The proportions of the street space would also be radically changed. The ratio of building height to street width would be in the order of 1:0.89 whereas the *Urban Design Compendium* recommends a minimum of 1:1.5 for streets³⁷². The street is currently wider than the height of the buildings but this would be reversed. LUL has referred to larger buildings but none can be seen from the site. Whilst the *Compendium* recognises the contributions of tall buildings, it states that the desirability to build tall buildings must be weighed against any negative impacts and the need to create satisfactory street to building height ratios. The proposal would not establish any sort of relationship with its surroundings but would dwarf them.
- 14.5.12. The structural grid at 7.5 metre centres would be seen through the glazed elevations of the proposed office block, as would the 2.7 metre floor to ceiling heights. Because of the greater horizontal dimension the elevations would have a predominantly horizontal emphasis. This would be reinforced by the proposed brise soleil. Fine detail on the elevations would be too small to overcome the monolithic massing and horizontal emphasis. This would be in stark contrast to the vertical emphasis created by the proportions and fenestration of the buildings that characterise Camden both within the Conservation Area and beyond it along Camden High Street.
- 14.5.13. Whilst Reunion Street would aid permeability of the site to some extent, it would be compromised by the change in level at its junction with Kentish Town Road. The steps in this location would provide a focus for those intent on anti social behaviour. There would be little natural surveillance on Reunion Street, particularly when the station was closed, and the introduction of the shallow kiosks on Kentish Town Road would not compensate for the loss of the existing shops.
- 14.5.14. The support of EH is prayed in aid of the proposal. In January 2003 EH criticised the scheme for which planning permission was then sought on the grounds that: the 'prow' would be far too high and inconsistent with immediate context; the building would be "significantly higher than the surrounding context, in a location where it is not appropriate"; although a modern building was not ruled out, the design of the 'prow' was "jarring, insensitive, and at odds with the character and appearance of the Conservation Area"; the building would "damage important views in the Conservation Area"; and "would appear simply as a large curtain-walled office building"³⁷³.
- 14.5.15. All these comments focus on the physical appearance of the building rather than the broader issues in Conservation Areas such as historic interest and the mix of uses. LUL submitted sketches following these comments and EH considered these "encouraging". On 16 July EH wrote to LUL again stating that it considered that "relatively simple steps (were) required to resolve the design of the building over the station". It is hard to see how relatively simple steps could transform a proposal that were considered unacceptable in January 2003 into a development of the highest design quality. The revisions made do not change the image of the proposed building

³⁷² 105/4/B App 3 Para 5.1.3

³⁷³ 105/4/A2 Section 5

as “a large curtain-walled office building” and even with the set back it would still be “significantly higher than the surrounding context”.

- 14.5.16. The design is stated to take advantage of the landmark nature and position of the site. LUL’s Design Report shows the convergence of view cones from the surrounding streets onto the site³⁷⁴. The overlapping area represents that part of the site where a landmark structure would be most visible and effective. As the footprint of any landmark extends away from the apex of the site, as the proposed office building would, the effectiveness of the landmark would be reduced and the detrimental impact on the proportions of the street and the character of the area would be increased³⁷⁵. The proposal would be detrimental to the character and appearance of the Conservation Area and the wider surrounding area.
- 14.5.17. Policy encourages higher densities in locations well served by public transport. A station designed for 150% growth would provide a front door between the transport network and a very large building above it. If planning permission were granted for the LUL proposal, without a condition tying it to the station works, it would facilitate LUL redesigning the above ground proposal at a later date with significantly increased capacity against the benchmark of the current proposed height that would already be out of scale with the Conservation Area.
- 14.5.18. The thrust of UDP Policy TM3 is to encourage improvements to tourism infrastructure, such as the markets that are the third or fourth most visited attraction in London, but requires them to be in keeping with the character of the area and to maximise benefit without causing visual intrusion. TLP Objective 1 adds weight to this Policy by seeking ‘most sustainable...space’. Space is a broader term than development and would include the open air markets and the space around buildings encouraging intensification. EB’s alternative, including the Electric Market and general market use, would accord with this objective unlike LUL’s proposal.
- 14.5.19. Maximisation of use should not mean a blanket approach to pile development high. TLP states that UDPs should identify areas for that type of intensification and that it should be limited to those areas. LUL’s proposal seeks to circumvent that process in a Conservation Area. Intensification of use should be subject to other constraints such as respect for the character and appearance of the Conservation Area and the wider surroundings. LUL accepts that the creation of a large building would not add architectural variety and that if the markets shrink due to the removal of the southern markets from the site then Policy TM3 would be breached³⁷⁶.
- 14.5.20. In addition, the long term disruption that the works would cause would have significant effects beyond the local vicinity.
- 14.6. **Effect on Local Residents, Businesses, the Town Centre and Statutory Undertakers**
- Effect on the Electric Ballroom**
- 14.6.1. Cultural diversity is an important strand in TLP. Objective 3 seeks diverse economic growth and to sustain the rapid expansion of leisure and cultural industries whilst TLP Policy 5B.1 seeks to promote and protect the vital mix of culture that is one element

³⁷⁴ CD9 Section 12.2

³⁷⁵ 103/A Para 6.29

³⁷⁶ XX Mr Crook by EB Day 21

in London's unique attraction³⁷⁷. Sustaining the cultural industry and the promotion and protection of the vital cultural mix of leisure is promoted in the Mayor's CS, which is expressly included within TLP, a fact LUL failed to appreciate. It identifies the importance attached to the creative sectors in London's economy and distinguishes between music, TV and video. CS Policy 4 requires creativity, which the EB nurtures, to be recognised as a significant contributor to London's economy. LUL's failure to reinstate the EB and CLLL's market would cause the loss of important cultural facilities, contrary to TLP Policy 5B.1 and Objectives 1, 2 and 3.

- 14.6.2. Proposals that would create, or add, to a shortfall in buildings for leisure or cultural use will be resisted under UDP Policy LC1, which also encourages retention of such uses or suitable alternative provision. Further aspirational support for the retention, or enhanced reinstatement, of the EB is given by UDP Policy SLC1, which seeks to retain or enhance land and buildings in leisure and cultural uses.
- 14.6.3. The adoption of TLP and the Mayor's CS add weight to the UDP Policy and diminish support for major office schemes. Indeed, there have been few significant transactions in the Camden office market over the last year or so and there are a number of schemes on the market that have been there for some time. Moreover, planning permission exists for 20,000m² of offices and 9,000m² of retail in the Regents Quarter, which is only the first phase of an extensive development at Kings Cross.
- 14.6.4. With the CS in mind the Mayor wrote two letters, dated 26 June 2003 and 16 October 2003, in support of the EB³⁷⁸. The Mayor expressly recognised the particular importance of the Ballroom and requested its specific, personal reinstatement. The letters are a material planning consideration and urge the provision of an alternative venue for the EB having the general characteristics of the existing Ballroom.
- 14.6.5. The Ballroom is one of only two 1100 capacity venues on the ladder to stardom that cater for 'breaking bands'. It achieves a 50% success rate for breaking bands whereas other venues only achieve 8%. Moreover, a number of live music venues have closed over the years and are rarely replaced at the same rate. The importance of the Ballroom is emphasised by support from musicians such as Sir Bob Geldoff and Graham Coxon, formerly of Blur, a music promoter, a former club owner, and a music industry analyst³⁷⁹.
- 14.6.6. LUL accepts that the Mayor's view on reinstatement is a consequence of his Policy³⁸⁰. It regards reinstatement as very strongly encouraged by the Mayor. However, its view that if it proposed a suitable venue then it would be irrelevant whether EB proposed a better and more ambitious scheme is wrong as TLP Objective 1 seeks better design.
- 14.6.7. The internationally renowned and culturally significant Ballroom has some 30 live music events a year and is principally a rock venue. It is a cultural asset such as TLP seeks to enhance. The number of people who can see the stage is critical. Band facilities such as dressing rooms are also important, as are the wet sales facilities and

³⁷⁷ CD57A Page 227

³⁷⁸ 105/11/Ba/Page 228, LUL/2/B2 Page 275

³⁷⁹ 105/8A, 105/9A, 105/10A, 105/19A, 105/21

³⁸⁰ XX Mr Crook by EB Day 21

toilets. The character of the place should reflect the music and the EB's character and heritage are important to its success.

- 14.6.8. The Mayor's letter requires LUL to provide a 'suitable alternative' venue. Employment case law indicates that suitable means 'substantially equivalent' to the original although EB accepts that compliance with the Mayor's letter is not the same thing as providing an ideal alternative space. Nonetheless, EB's evidence is a strong indication that LUL's proposed deep basement would not be 'suitable' whilst its own alternative would be.
- 14.6.9. LUL's proposals for a basement D2 space were first presented to EB at a meeting on 8 August 2002. LUL's proposed D2 space was not suitable because its ceiling height of 4 metres was insufficient for a live music venue³⁸¹. In addition, the area was only around half the size of the existing EB and could not accommodate an audience of 1100. This proposal would have meant EB operating at or about break even point³⁸². This would be unattractive given the level of risks in the music industry. It is unrealistic for LUL to suggest that an agreement for an option on the space when it is completed would be sufficient to deal with the risk issue.
- 14.6.10. Whilst EB were told an outline planning application was to be made, a detailed application was submitted in November 2002. LUL did not act on the fact that the Ballroom has a 6 metre high ceiling with overlooking serviced balconies and has a capacity of 1100 people. Communications between EB and LUL ended in March 2003 until numerous meetings and correspondence during the inquiry. The Mayor's letter of 16 October 2003 led to the retention of EB's architect to design an indicative scheme to retain EB within LUL's commercial development. LUL first proposed a venue with an equivalent capacity of 1100 on 14 May 2004.
- 14.6.11. Reinstatement as envisaged by the Mayor would be on the land once the proposed works for improved infrastructure are complete, not within the station works as LUL propose. Even when the floor area was increased, the venue space was located in a highly constrained area. There is a risk that when the venue came to be occupied it could not be implemented satisfactorily in terms of wet sales areas and circulation. Within the timescale it has not been possible to verify structural issues independently, to give the proposal careful and considered reflection or to arrive at an agreed solution.
- 14.6.12. LUL's D2 basement provision would not provide an equivalent space to the existing Ballroom, nor would the deep basement location enhance its cultural use as a live music venue and market. It has been designed as a recorded and broadcast rather than a live music venue. The CS draws a distinction between these two sub-sectors of creative industry. Although LUL has relied on the evidence of a music expert it is someone who has experience of promoting events for MTV television broadcasts, not a promoter of live music events as EB's witnesses were.
- 14.6.13. The proposal to site the EB within a basement that is 8.7 metres below ground is unprecedented in live music venues³⁸³. Those that are below ground tend to be smaller venues and not so deep. The adequacy of the vertical access is also a substantial concern. Lifts tend to break down and be too small for band's equipment

³⁸¹ 105/11/A1 App 1 Page 7

³⁸² 105/17/A

³⁸³ 105/10/A1

putting them off the venue. Customers also like to see into a venue and feel safe. LUL's proposal would provide an enclosed stairway where the venue would not be visible and would be likely to put customers off. The proposal would be less attractive in terms of access than the Mean Fiddler, referred to by LUL, and that is less than ideal in any event. The proposal cannot possibly amount to compliance with the Mayor's letter and LUL's proposal would be in conflict with cultural and leisure policy objectives.

- 14.6.14. Moreover, even if a scheme acceptable to the EB were achieved there is no certainty it would be built as LUL intends to 'sell on' development of the above ground buildings. A requirement to build the northern block would follow Conservation Area guidance and would be low risk to LUL as it would be principally retail and residential. The retail would be in a prime location with little risk and the residential would effectively be 50% pre-sold to a registered social landlord. The occupant of the Church is established and the Ballroom would also occupy a significant area.

Effect on the Town Centre and Markets

- 14.6.15. UDP Policy SH8 allows change of use from A1 retail to a non-retail use in secondary shopping frontages in Major and District Centres provided the proposal would not be detrimental to the character, function, vitality and viability of the town centre. The UDP definition of a Major Centre includes the role of 'focal point for the community'. The Electric Market and Camden Market at Buck Street are within the town centre and form part of this focal point. Indeed, the combined markets are the equivalent of an anchor store as illustrated by The London Tourist Board website and entries in Guide Books such as *The Rough Guide to London*. They act as a destination increasing footfall and providing social cohesion between stall holders and market visitors.
- 14.6.16. The first market opened in 1974 with 40 stalls on a Saturday only. This did not have a critical mass and so entertainment was provided, an expansion into Sunday was sought and Camden was vigorously promoted as a "young person's place". Other markets opened south of the canal and High Street shops changed their focus to benefit from the new visitors to the area. By 1982 there were over 250 stalls at Camden Lock at the weekend. Numbers peaked by around 1992 with 70-80,000 visitors on a Saturday and 100,000 on Sundays. Camden Lock did not have a weekday retail planning permission and many shops were closed on Mondays and Tuesdays. The area therefore had two distinct employment and visitor patterns.
- 14.6.17. During the 1990s there was a decline in Saturday stall and visitor numbers and a move towards more midweek market activity. The number of stalls on a Saturday declined by around 10% and would probably have dropped further if Saturday attendance had not been made a requirement to secure a good Sunday place. The patterns of trade settled at a shorter day with a tidal flow of visitors north up the High Street until mid-afternoon and a reverse flow thereafter³⁸⁴.
- 14.6.18. Visitors to London started to add Camden to their itinerary and used public transport. This shift to public transport was increased as the age range of visitors moved to a majority below 25 years of age. Parking restrictions also had an effect on traders, many of whom sought local storage, as well as on visitors. A factor in the slowing down of the markets was the emergence of competing markets and the dramatic

³⁸⁴ 105/3/A Section 3

growth in Sunday retailing generally. The markets are now in a steady state or possibly even gentle decline.

- 14.6.19. The reasons for this are specific limits on the physical growth of the markets and a steady state in the patronage of specialist markets. There is a decline in ‘street markets’, such as Inverness Street Market, due to competition at the value end of the retail hierarchy from pound shops. Modest projections for population growth are unlikely to lead to a marked increase in customers visiting the markets and there is little increase in forecast tourist numbers for the foreseeable future. Customers avoid overcrowding and this provides a self regulating mechanism as people cease to visit if it occurs.
- 14.6.20. Although the proposal would allow an increase in the number of visitors passing through the station, there is nowhere for more to go. Indeed, LUL’s proposal would lead to the loss of over 250 stalls representing a 19-24% loss of stalls in the markets as a whole³⁸⁵. This would be a significant reduction concentrated in one area leaving only Inverness Street, which is a general market selling mainly food, in the southern part of the markets area. It also needs to be seen in the light of planning permission granted at the Stables Market which would lead to a 33% reduction in retail (market) floorspace there.
- 14.6.21. This would lead to a decline in visitor numbers. Cessation of the human conveyor belt from the station to the northern section of the markets would have a detrimental effect on the other markets. It is difficult to see how removing a positive attraction could be anything but detrimental. A critical mass is needed to maintain activity at a viable level and in a market the balance is delicate. The dynamics of the markets would be destabilised and the number of visitors and stallholders would decrease even further³⁸⁶. This would undermine the whole rationale of reconstructing the station.
- 14.6.22. Whilst some aspects of the market can be unattractive they are very positive forces that have contributed to the economic life of the area creating employment and raising the area’s sense of self worth. This is illustrated by residential property advertising that makes play of “being close to Camden Lock”.
- 14.6.23. Little information was provided by LUL on the markets so a series of surveys were undertaken in November and December 2003³⁸⁷. These were undertaken at a number of locations and the markets were identified by names and a map to avoid any confusion. Key pedestrian flows are along Camden High Street connecting all the markets. These were heavy with associated congestion. Over half the visitors questioned had arrived via Camden Town station with the remainder spread between other Underground stations, bus, walking or car. The data shows that the Electric Market is amongst the top three areas of the markets to be visited although a considerable amount of cross visitation takes place.
- 14.6.24. Those who made purchases in the 16-24 and 25-35 age groups spent on average £35 each at the markets in a weekend. As each age group accounted for around 35-40% of the sample they strongly influence the average spend figure although the 36-60 age group had the highest spend averaging £44 over the weekend. The largest single socio-economic group visiting the markets were students which together with the

³⁸⁵ 105/6/A Para 10.50

³⁸⁶ 105/3/A Paras 7.1&7.2, 105/3/A1 Paras 1.4.2-1.4.10

³⁸⁷ 105/1/A Para 3.10.11-3.10.35

professional and managerial/technical groups accounted for some 60% of the total number of visitors.

- 14.6.25. Although LUL has criticised the market survey information submitted by EB and CLLL, it has not seen fit to undertake any survey itself. Such evidence is important. Retail shops are very different to market stalls. Stallholders change more frequently and have a much closer relationship with customers, reacting to their needs. No LUL witness had experience to give expert evidence on the markets whose discontinuance, caused by LUL's proposal, would be in breach of UDP Policy SH8 and detrimental to the vitality and viability of the town centre.
- 14.6.26. LUL intends to allow demand to determine the type of retail unit in the proposed development when they are available. It also confirmed that the retail element would not include reprovision of a market use, although the use of Reunion Street as a market could be implemented if the Council agreed³⁸⁸.
- 14.6.27. LUL fails to appreciate the character of retailing in Camden. The reason for the success of Camden compared to other nearby centres is the existence of the markets and associated speciality retailers. Approaches that are valid in relation to general retailing have little application to the very specific field of specialist markets. There is little connection between an Electric Ballroom fashion retailer and a major retail chain that might replace them, although both are A1 uses.
- 14.6.28. It is unlikely that LUL's proposed retail space would be suitable for traders even if they could afford an institutional lease within the development. The "High Street anywhere" is what visitors to Camden are seeking to avoid³⁸⁹. The Council recognises that smaller units are precisely what local retailers require. Indeed, it felt so strongly about the need to preserve and protect small traders that it imposed a condition restricting unit sizes to less than 100m² when granting permission for new retail space at Camden Lock.
- 14.6.29. Standard retail units would be bland, squeeze out existing independents, and be out of keeping with Camden whereas the markets benefit Camden as a whole engendering spin off trade. LUL accepts that the markets increase choice and that the only evidence justifying the potential of multiples was the unsatisfied requirements for retail space. Inclusion of market uses in the EB alternative would preserve the fine urban grain and character of the Conservation Area and accommodate existing landowners.
- 14.6.30. Reunion Street could work as a market and a thoroughfare as happens at Covent Garden. Covered markets can be left open at night as at Leadenhall Market. The EB proposal would allow people to wander through it, unlike the vague promise of access in the LUL scheme. The Camden markets are linear as they need to be near the flow of people, hence the importance of the southern tip. The northern and southern parts, including Camden High Street in between, are interdependent. Peripheral markets, such as Jamestown Market, have failed and an extension of the Canal Market is developing as housing.
- 14.6.31. Redevelopment of a market hall at Buck Street need not seriously disrupt operation of the market. A similar development was carried out at Camden Lock whilst preserving

³⁸⁸ XX Mr Crook by EB Day 21

³⁸⁹ 105/3/A1 Para 1.13

the market operation and not losing a single trading day or stall holder. The development was also carried out without increasing rents above normal levels and there is no reason why development at Buck Street should lead to increased rents.

- 14.6.32. LUL's view that redevelopment of the site is needed to enable environmental improvements is at odds with the inclusion of the site within the Conservation Area. LULs retail witness admitted that the uses on Kentish Town Road had not been analysed and that Nos 21 and 23 Kentish Town Road were not in use due to the pending Order application³⁹⁰. Indeed, there is only a limited amount of space on the site that is not in active use, despite the blighting effect of the LUL proposals. The proposal would lead to the loss of retail units on Kentish Town Road and their replacement with three kiosks and an office entrance. The net result would be a loss of retail frontage to the road and it is difficult to see how an active office entrance could be guaranteed.
- 14.6.33. The street would become less attractive for pedestrians, particularly as the second entrance to the station would be relocated from Kentish Town Road to the new Reunion Street. This would be important as the road serves the densely populated residential area between Camden Town and Kentish Town to the north. This would also raise safety issues.
- 14.6.34. Although the LBC and GLA share LUL's view that there would be no adverse effect on the markets, there is little information as to what their views were based on and little weight can be attached to them. The proposed scheme would reduce the diversity of uses on the site by removing the market and the EB, which the Mayor has recognised as culturally important. The proposed retail accommodation has been designed for a large national multiple. There would be a reduction in legibility with the removal of the market at Buck Street which acts as one of the gate posts to the market quarter. The critical mass of the market and pedestrian flows would be threatened and the public realm along Kentish Town Road would be degraded by a reduction in passive surveillance.

14.7. **Extent to which the Proposals are consistent with Policy**

- 14.7.1. LUL has given little consideration to TLP and the Mayor's CS. However, they are the most up to date plans and should be given great weight. The Mayor's identified Objectives are reflected in the UDP even though it predates TLP. The UDP also predates PPG3 and PPG13 but would have taken account of other planning guidance. Where there is conflict between plans, the most up to date should be given greater weight.
- 14.7.2. Article 1 of the *Strategic Environmental Assessment Directive* obliges the adoption of plans and programmes with a view to promoting sustainable development. TLP states that all policies are set within an overarching policy of sustainable development and it has been the subject of a sustainability appraisal.
- 14.7.3. UDP Policy TR5(g), which is aspirational, indicates the Council's particular support for improvements to the Underground system to enable early completion of congestion relief work. The supporting text directs attention to Appendix TR3 which lists Camden Town as one of the stations suffering from acute levels of congestion.

³⁹⁰ XX Mr Crook by EB Day 21

UDP Policy CT3 specifically seeks improvements to Camden Town Underground station but again it is aspirational.

- 14.7.4. Planning has at its heart the matter of balance. LUL gives primacy to its transport need, even above the statutory duty required in a Conservation Area. In response to a question by the Inspector, LUL indicated that the overriding policy consideration was improvement to the Underground. This was followed, in order of importance, by the effect on the Conservation Area, then maximising the use of the site, then fitting the retail context of the town centre and meeting the Mayor's letter aims equally, and finally maximising the number of residential units. This view was not changed despite an opportunity for reflection.
- 14.7.5. This should be viewed with circumspection. No evidence has been led to support an 'overriding' transport need and some policies such as the CS have not been considered by LUL in the balance. In contrast, EB's evidence addressed all policies and considers the key priority in terms of weight to be the effect on the Conservation Area. This is followed by improvements to public transport, achieving a mix of uses, reinstatement of EB and the Church, maintaining an active frontage to Kentish Town Road and ensuring public safety.

14.8. **Powers Under the Order**

Introduction

- 14.8.1. *Circular 02/03: Compulsory Purchase Orders*, and *Circular 06/2004: Compulsory Purchase and The Crichton Down Rules*, indicate that an Order should only be made where there is a compelling case in the public interest. It also refers to Article 1 of the First Protocol and Article 8 of the *European Convention on Human Rights*. Any interference must be necessary and proportionate.
- 14.8.2. Both the Secretaries of State and LUL are public authorities and must act in accordance with Section 6(1) of the *Human Rights Act 1998*. In relation to its business, EB relies on Article 1 of the First Protocol and in relation to the residential accommodation, occupied for the purpose of managing the Ballroom, it relies on Article 8. Even if interference could be justified, the amount of interference must be proportionate. The implications of the principle have been considered in a number of legal decisions³⁹¹. The obligation on LUL to minimally impair EB's Convention Rights strengthens the obligation to reinstate the Ballroom. Failure to reinstate would breach the minimal impairment principle.
- 14.8.3. Consultations with statutory objectors prior to the inquiry were perfunctory. It is obvious from negotiations that there is a will to achieve compromise by accommodating EB within the development. This has been hindered by lack of time. Other promoters would have taken a realistic view on the lack of preparedness before embarking on a long and costly inquiry. Consensus would accord with the alternative dispute resolution (ADR) principles expressed in *Circular 02/03* and avoid the need for compulsory purchase.
- 14.8.4. Any justification advanced by LUL must be seen against the background of EB's compromise offer of 6 February 2004 of:
- i) a 999 year lease for the below ground area;

³⁹¹ 105/25, 105/29

- ii) a short construction lease to enable LUL to demolish the buildings and to construct the operational station (the construction lease); and
- iii) a long lease to facilitate LUL's commercial development (the development lease).

The offer remained open throughout the inquiry although it was modified on 19 May 2004 by deleting a request for reinstatement³⁹².

Whether there is a compelling case for permanent acquisition of EB's land

- 14.8.5. LUL's Statement of Case maintains that it is necessary for LUL to own the freehold interest in all operational structures, including the airspace above ground, to enable it to control design loadings, permit the replacement, maintenance and alteration of the station facilities and redevelopment of the air rights buildings, to protect the railway structures, and to ensure the operational integrity of the station³⁹³. However, LUL has not advanced any engineering evidence to support this case.
- 14.8.6. The proposed air rights building would impose loads on LUL's structure. LUL could make a table of permissible loads available to the engineer of any future air rights building redevelopment. Whilst there might be some risk during demolition or lifting structures into place, the 2 metre thick transfer structure could be designed as a crash deck. This would also protect the railway structures and ensure access to the station and its operational integrity. These are not reasons for LUL to own the freehold of the air rights building.
- 14.8.7. There is no reason why maintenance and alteration of the station facilities, such as escalator replacement, should have any impact on an air rights development. Replacement of the entire station structure would be very difficult and costly and it is likely that repair and improvement would be carried out even after the end of its 120 year design life. Individual structural elements could be replaced using propping and phased construction. Speculation about what might happen in 120 years time when the station might need to be replaced cannot amount to a compelling case for compulsory purchase now. Again there is no structural reason why the freehold would be required by LUL³⁹⁴. This engineering evidence was unchallenged by LUL.
- 14.8.8. Examples were given of LUL compulsorily acquiring land and then disposing of leasehold interests³⁹⁵. It was accepted that none of these were TWA Orders but were private acts considered by a Committee which gave no reasons for its conclusions. No examples could be given where the safety and operation of the railway had been threatened by an above ground occupier.
- 14.8.9. The location of the site within a Conservation Area is also cited as a reason for compulsory purchase as it is alleged that ownership would be necessary to ensure a satisfactory redevelopment in conservation terms. EB would not impede LUL's commercial development as, alone amongst the freeholders, it has offered a development lease. Permanent ownership is not necessary to ensure an acceptable redevelopment in planning terms. Indeed, that bald assertion is refuted by LUL's

³⁹² 105/11/Bc Pages 1277 & 1278

³⁹³ LUL/14 Para 4.6

³⁹⁴ 105/11/A Paras 4.13-4.40

³⁹⁵ LUL/10/A Para 9.3

design for the office building that in terms of bulk, scale and mass would be detrimental to the Conservation Area.

- 14.8.10. The question of whether permanent acquisition is necessary because of the difficulties of flying freeholds needs to be examined in the light of EB's three lease offer. It is accepted that flying freeholds can cause difficulties. However, legal submissions indicate that there are a number of satisfactory recognised conveyance mechanisms to control any problems and give speedy remedies if difficulties arise³⁹⁶. LUL has considerable experience with flying freeholds at other stations³⁹⁷. However, it was unable to identify any practical difficulties it had experienced as a result of them.

Whether EB's Three Lease Offer Meets LUL's Objectives

- 14.8.11. There is no evidence to demonstrate a compelling case in the public interest for compulsory purchase of EB's below ground freehold. With the offered 999 year lease EB would retain the freehold below ground and the arguments about flying freeholds would have no significance to the compromise offer.
- 14.8.12. LUL has virtually no experience or expertise in retail or commercial development and provided no expert evidence from anyone who has first hand experience of undertaking commercial development. Its evidence can only be theoretical and does not reflect the real world where any problems that might arise at Camden could be satisfactorily addressed.
- 14.8.13. EB is the only freeholder to make the three lease offer. There is no reason why it should be rejected just because no-one else has made the same offer. The other freeholders are not in a like for like position with EB and therefore it cannot sensibly be argued that EB are being given preferential treatment by acceptance of its offer. It is always open to a promoter to take different negotiating stances in relation to different objectors, it is purely that LUL does not consider it appropriate.
- 14.8.14. LUL accepts that the construction lease would not impede its ability to undertake the operational works for the station³⁹⁸. The criticism of it is as part of a three lease package. However, each lease should be considered individually. As the operational station works can be carried out there can be no compelling public interest in LUL acquiring EB's land permanently. The only relevant objection is the freehold fragmentation issue and that is only because LUL wishes to go into the office development business. It is therefore necessary to consider if it is lawful to use Order powers to acquire property to undertake such development.
- 14.8.15. Although LUL states that the Order does not authorise the construction of the above ground development that would be the only purpose served by compulsory purchase after the station had been completed under the construction lease³⁹⁹. Schedule 1 of the TWA does not permit compulsory purchase for the purposes of undertaking commercial development. It is accepted that if LUL compulsorily purchased property for the purpose of demolishing buildings and constructing the station then it would be entitled to proceed with the above station development. If compulsory purchase is not needed for the purpose of demolition and construction of the station it would be

³⁹⁶ 105/20

³⁹⁷ 105/7/A Para 4.11

³⁹⁸ XX Mr Trott by EB Day 24

³⁹⁹ LUL/10/D App 7 Para 1

unlawful. Powers may only be used for the public purpose for which they were conferred and not otherwise⁴⁰⁰.

- 14.8.16. LUL's major objection to the development lease is that EB is seeking more compensation than would be obtained under the statutory scheme by including an increase in value due entirely to the underlying scheme for acquisition. This is not accurate. LUL is seeking to make a profit by relying on a windfall resulting from the vagaries of the statutory compensation scheme of which Lord Nicholls said in *Water v Welsh Development Agency [2004] UKHL 19* "Unhappily the law in this country on this important subject is fraught with complexity and obscurity".
- 14.8.17. In reality, EB could only be deprived of its land by compulsory purchase for a lawful purpose. Since EB has offered a construction lease it would not be lawful for LUL to compulsorily purchase the land. LUL is therefore being offered something it could not lawfully acquire by compulsion. The price of obtaining that benefit is that LUL must share the development value of an office development it could not lawfully obtain through compulsory powers. Nothing in the nature of an agreement or estoppel between EB and LUL could confer jurisdiction on the SoST to act in a way beyond the powers granted by the TWA⁴⁰¹.
- 14.8.18. LUL's letter of 19 February 2004 rejecting EB's three lease offer raises concerns about complex and impractical lease arrangements⁴⁰². However, LUL accepts that it is normal for sites to be in fragmented ownership and that it does not prevent developers from buying land⁴⁰³. This is particularly the case in London.
- 14.8.19. It is a simple fact of life that owners may force an above market agreement. EB's offer does not impede development. Indeed, it is rare for a landowner to make a generous offer of such a long lease without seeking to exercise any control over the development⁴⁰⁴. Even if LUL were obliged to deal with 11 different freeholders there is no reason why leases or subleases drafted on commercial terms should impede a comprehensive redevelopment.
- 14.8.20. Indeed, LUL accepted that assuming that EB granted a lease for 125 years and a day to LUL and LUL granted a sublease for 125 years there would be no practical difference to LUL in respect of a lease and a sub-lease to a developer. LUL accepted that it could not say what risk there might be when the lease came due for renewal in 125 years time or how big a problem it might pose. The lease arrangement proposed by EB would not disadvantage LUL's office development.
- 14.8.21. If LUL is in breach of the Mayor's letter concerning reinstatement of the EB, that failure would breach a number of planning policies and would itself be a weighty factor in considering whether there was a compelling case in the public interest in compulsorily purchasing the Ballroom.
- 14.8.22. If the SoST considers that the Order should be confirmed then the EB land should be deleted from the Order. In return for exclusion EB would enter into a unilateral undertaking obliging it to enter into the three leases proposed. A draft undertaking

⁴⁰⁰ 105/25 Para 409

⁴⁰¹ 105/29 *Secretary of State for Employment v Globe Elastic [1980] AC 506*

⁴⁰² LUL/10/D App 2

⁴⁰³ XX Mr Trott by EB Day 24

⁴⁰⁴ 105/16/A Paras 4.3.3.1-4.3.3.4

has been submitted but is incomplete as it contemplates leases whose terms have not been agreed⁴⁰⁵.

- 14.8.23. The fundamental point is that LUL must make a compelling case to justify compulsory acquisition of each particular horizontal stratum of EB's freehold. The principle that compulsory purchase can be made in relation to a horizontal stratum is well established⁴⁰⁶. The TWA contains no definition of land and so it is necessary to examine the *Interpretation Act* as in *Sovmots*.
- 14.8.24. It is a basic principle of property law that the owner of soil owns everything down to the centre of the earth and up to the sky to such a height as is necessary for the ordinary use and enjoyment of the land and structures on it⁴⁰⁷. Assuming LUL can justify compulsory acquisition of the ground floor it does not follow that it is automatically entitled to the freehold above the slab where there is no compelling public reason for compulsory purchase.
- 14.8.25. Alternatively, if LUL can lawfully justify acquiring EB's freehold up to the full extent of the buildings contemplated it has no compelling interest to compulsorily purchase the air space immediately above the building.
- 14.8.26. LUL points out that it is common for TWA orders to be made without any vertical limit. However, unless the same arguments as EB puts forward were made, those cases tell us nothing about the legal position. Analogies with road schemes are far fetched and not to the point. Rhetoric about common sense is not a substitute for legal analysis.
- 14.8.27. On the evidence LUL has failed to make a compelling case in the public interest for the acquisition of EB's land.

14.9. **Costs and Funding**

The Pass Mark

- 14.9.1. LUL's BCDM states that "The benefit:cost ratio must be greater than one and should normally achieve the recommended target of 1.5:1. Since cash is limited, a higher target may be set to reflect current circumstances. However, a project failing to achieve the target (but achieving the DETR pass mark of 1:1) may, in exceptional circumstances, be submitted for consideration if it is supported by sufficiently clear unquantified or external benefits, which are additional to those that have been appraised".
- 14.9.2. No evidence was submitted of cases going forward on a 1:1 basis and LUL has not sought to justify its case on exceptional circumstances. Instead, the residual discretion to implement proposals, notwithstanding a failure to achieve the guidance criterion in respect of public funding, was highlighted. This approach should be viewed with caution.
- 14.9.3. The proposal is not an 'exceptional case' on the basis described in the BCDM and a pass mark of at least 1.5:1 should be applied due to the pressure on public funding. This view was not challenged by LUL. On the evidence provided, the scheme is almost certainly below the pass mark of 1.5:1.

⁴⁰⁵ 105/23

⁴⁰⁶ 105/29 *Sovmots v Environment Secretary* [1997] QB 411

⁴⁰⁷ 105/20

Optimism Bias

- 14.9.4. Optimism bias was not raised by LUL until rebuttal proofs of evidence and then mention was made of upper bound limits of 44% and 66%⁴⁰⁸. Later documents seek to reduce the upper bound figure without any fundamental reason for that change. This has the effect of greatly improving the bcr. It is difficult to see how, in 6 weeks, LUL was able to make such strides as to reduce the OB so dramatically. In any event, LUL has only considered CAPEX bias and not works duration bias, project duration bias and benefits shortfall bias.
- 14.9.5. A critical aspect of OB is whether the project is a standard or non-standard project. This is an engineering issue and a wealth of material shows that LUL regarded the project as complex until it was realised this was relevant to OB. The *Green Book* makes clear the importance of empirical data but LUL has not submitted any empirical evidence to show it regularly implements schemes with similar features.
- 14.9.6. LUL's view, from a witness who has only ever worked for LUL, appears to be that if an operator has experience of an engineering process and access to very specialist experts then a project could be described as standard⁴⁰⁹. Other witnesses take a much less optimistic view. LUL has not provided any other examples of projects similar to Camden that would provide transparent reassurance of its optimism. The project can only therefore be regarded as non-standard.
- 14.9.7. An oversight and pressure of work were cited as the reasons why a reduction in the upper bound figures for OB were not originally included in LUL's evidence⁴¹⁰. However, the basis for the later reduction is not even explained in LUL's *Note on Further Analysis on Optimism Bias*⁴¹¹. The basis for reducing the risks is subjective and not backed up with empirical evidence.

Benefits and Costs

- 14.9.8. The bcr has been significantly improved by extending the project appraisal period from 30 to 40 years⁴¹². However, the *Green Book* states the normal period is 30 years. There is no evidence that some project components have a life in excess of 40 years and they would therefore require either major refurbishment or replacement during this period. Reference has been made to Crossrail but this is a comprehensive scheme with a uniform network life whereas improvement at Camden would not affect the life of other components on the Northern line. In any event, Crossrail includes a large contingency (some 43%) to reflect uncertainty associated with a scheme with an increased project life.
- 14.9.9. Similarly, ambience benefits do not adequately reflect the 'Do-Minimum' replacement and refurbishment option and therefore represent an over-estimation of the relative benefits. LUL rely on the unsubstantiated belief that these would be insignificant. The upside has been considered without the consequences.
- 14.9.10. LUL has used generalised annualisation factors to convert results from three hour peak to full year values. However, due to non-typical trip characteristics at Camden

⁴⁰⁸ LUL/1/C Para 2.12 & L.E.2.8

⁴⁰⁹ XX Mr Collett by EB Day 23

⁴¹⁰ XX Mr McKenna by EB Day 11

⁴¹¹ LUL/1/E Tab 28

⁴¹² LUL/1/C Para 2.1.4

with peak passenger demand at weekends, generalised annualisation factors may have resulted in an overestimation of social benefits. The alternative travel benefits have also been seriously overestimated as LUL has assumed that all passengers diverted from Camden on a Sunday afternoon would experience a time penalty of 18 minutes. That is unrealistic as some would use buses or wait for the station to re-open thereby making a day of their visit.

- 14.9.11. The value of time has also been overestimated. The uplifts applied to the values in the *Transport Economics Note*⁴¹³(TEN) assume that non-working time on Sundays is valued more highly in London and that it is appropriate to apply it to visitors to the markets from outside of London. Inappropriate network wide values have been applied to Camden Town where there is a significantly higher level of non-work trips due to the attraction of the markets. 4% of trips have been assumed to be work trips (excluding commuting) which may be double the number of work trips to Camden during the Sunday Peak of 1300 to 1700 hours. Adopting 2% for work trips and not applying the London weighting would reduce the value of time by 20%.
- 14.9.12. The LUL approach to construction costs, planning and design costs, fraud reduction and the adverse impact on the station during construction, which has been ignored, is also unduly optimistic.

Business Case Analysis

- 14.9.13. The robustness of LUL's business case is critical as by its own admission projects compete for funding and will only go ahead if financially viable with a solid business case⁴¹⁴. *Circular 02/03: Compulsory Purchase Orders* requires acquiring authorities to provide as much information as possible about the resource implications of acquiring the land and implementing the scheme. LUL has not disclosed relevant information about other Underground station schemes where cost overruns are known to be spectacular, nor has it set out the reasons or underlying figures on which it relies. LUL's case emerged long after the inquiry began and would benefit from mature reflection rather than spontaneous fire fighting.
- 14.9.14. LUL's business case has altered substantially over time. In its Outline Statement of Case the bcr was 3:1 and the costs £130 million⁴¹⁵. In the Statement of Case the bcr was 2.2:1, in written evidence in January 2004 2.2 to 2.3:1 and in rebuttal evidence 1.6:1⁴¹⁶. Finally, LUL introduced its business case folder with yet more figures⁴¹⁷. These changes, which included a change in methodology at a late stage, cannot be characterised as refinements and must cast doubt on the robustness of the bcr for the project.
- 14.9.15. Furthermore, there are a number of errors that call into question the analysis and robustness of LUL's business case. The pass mark was stated to be 1.6:1 in the Outline Statement of Case, Statement of Case and initial proofs of evidence⁴¹⁸. This was changed to 1.5:1 in supplementary evidence and the explanation was that there was an error in the first three documents⁴¹⁹. LUL also applied a discount rate of 3.5%

⁴¹³ LUL/1/K, 105/2/A3 Paras 3.2-3.12

⁴¹⁴ LUL/2/B1 Page 9

⁴¹⁵ LUL13 Paras 5.13 & 5.15

⁴¹⁶ LUL14 Para 5.13, LUL/1/A Para 10.1.3, LUL/1/C Para 2.12

⁴¹⁷ LUL/1/E

⁴¹⁸ LUL/13 Para 5.13, LUL/14 Para 5.13, LUL/1/A Para 10.1.2

⁴¹⁹ LUL/1/C, XX Mr McKenna by EB Day 11

instead of 6% from May 2003 until January 2004 without applying OB, which is the justification for reducing the discount rate⁴²⁰. OB was then applied as a sensitivity test⁴²¹. This indicates a fundamental misconception of how OB works and is at odds with the *Green Book*, LUL's BCDM and the Mott MacDonald Report⁴²².

- 14.9.16. LUL cannot demonstrate that there are no financial impediments to the scheme going ahead as there is no developer to build the above station works, which would contribute around £12 million to the station project, and no development lease or agreement in place. There must therefore be doubts about whether the project would be funded.

14.10. **Legal Agreements and Conditions**

- 14.10.1. LUL has declined to guarantee to erect any above station development, contrary to the guidance in paragraph 4.29 of PPG15. This should in itself result in refusal to grant conservation area consent as to fail to provide redevelopment would harm the character and appearance of the Conservation Area by leaving almost all the 0.5 hectare site undeveloped. In any event, there would be a delay in the construction of the above ground development leaving a gap in the Conservation Area for a number of years.
- 14.10.2. It would be difficult to find a developer for a high risk office scheme to be built in 8 years time as the commercial market is cyclical there may not be a demand for offices then. LUL could take a risk and build out its development, which might not be viable and so stand empty, but this would be a poor use of public funds. An alternative scenario would be to choose a form of development to minimise the risk. A smaller building would lead to less exposure and an increase in the residential element would be less risky as there is always demand for residential development.
- 14.10.3. LUL is not a developer and the above ground development would only make a modest contribution to the overall scheme finances of around 10%, although the full figures have not been disclosed. There would, therefore, be little incentive for LUL to build out the development and there needs to be something to oblige completion of the whole development. If occupation of the new station were dependant on letting a contract, LUL could always come back to the Council to approve a revised above ground scheme or to remove the condition if it could demonstrate a public interest in doing so.
- 14.10.4. The absence of any commitment by LUL to its above ground proposals undermines any conviction that it would be implemented. Nonetheless, LUL seeks consent to demolish all the buildings on the site against the background of the factual character and appearance as it currently exists. If granted, the character and appearance would be irrevocably altered.
- 14.10.5. If a proposal were put forward some years ahead it would fall to be judged against the altered character and appearance and the benchmark of the height and bulk of the current proposal. Importantly this would set a precedent for the use of examples of what might, rather than what would, be erected in Conservation Areas. The reliance of LUL on an analogous approach at Dibden Bay is far removed from the scale of the

⁴²⁰ XX Mr McKenna by EB Day 10, CD151 Preface

⁴²¹ LUL/1/C Para 2.1

⁴²² CD150, CD151, LUL/1/L Section 1.1.2

proposal at Camden. The matter is a perennial problem often encountered by developers.

14.11. **Conclusion**

- 14.11.1. If, contrary to EB's case, the FSS and SOST consider LUL's proposals should go ahead then EB's principal objective is to secure reinstatement within the development. Alternatively, if the proposals proceed without a 'suitable alternative' venue the EB should be deleted from the Order.

15.0 **The Case for Camden Town Urban Design Improvement Society (Objection 127)**

- 15.1. Members of the Society agree that the station facilities are in urgent need of extension and the surrounding area in need of some degree of regeneration. However, the proposed timescale is unreasonably long in view of the existing overcrowding problem and weekend closure of the station to entry. The volume of the development is larger than necessary for the benefit of travellers and too large and tall in relation to the character of its surroundings. The proposal would destroy valued facilities for local residents and visitors. It would be an unsuitable answer to the existing problem for travellers and the socio-economic circumstances of this part of Camden⁴²³.
- 15.2. In a letter dated 2 June 2003⁴²⁴ the Society indicated its intention to have a number of specialists to give oral evidence at the Inquiry. The Society appeared on 31 March 2004 and questioned LUL witnesses but stated that it was not ready to present its case. It was agreed this would be done in writing but, despite reminders about the closing date of the Inquiry, no written case was received.
- 15.3. The Society asked questions about the operation of the station, in particular the positioning of information boards and whether the deep level tunnels below the station could be used as an alternative means of escape, and who was responsible for areas around the station. Concern was expressed about whether step free access would be provided in the proposed station and temporary station. The current proposal was compared unfavourably with earlier proposals that had worked well in transport terms. The lack of subway connections to areas such as Bayham Street would be a disbenefit to travellers and there is little detail of interchange with the proposed CRT. Few improvements would be made around the station other than some widening of footpaths and the provision of steps at the end of the new Reunion Street was a concern.
- 15.4. Detailed queries were raised about the height of spaces within the proposed design, the extent of staff and other accommodation that would be provided, the position of plant rooms, the size of the TSS, the thickness of the transfer slab, the positions of columns that might impede passenger flows, and lighting. Above ground, the problems of solar gain and cleaning the glass facades were highlighted and the methods of overcoming them questioned. The method for connecting new adits to the existing running tunnels and the need for provision of steps was queried as were the merits of the proposed 'bottom up' construction technique as opposed to 'top down'.

⁴²³ 127/1

⁴²⁴ 127/2

16.0 The Case for Camden Civic Society (Objection 134)

- 16.1. Camden Civic Society is the sole pan-Camden amenity and environment Society. Members have visited the various exhibitions held to explain the scheme which would have a significant effect on an important central Borough site in an area much in need of rejuvenation. It is recognised that there are two main aspects of the proposal, below ground and above it, but both should be right and not traded off against each other. If issues are not tackled now it could literally be another century before any failings could be remedied.
- 16.2. There is still room for improvement below ground. Train indicator boards at or near platform level should be easier to understand than the current boards. In addition, notices in several languages would be appropriate due to the international nature of visitors to Camden. The proposal would improve internal accessibility for all passengers, including the mobility impaired, but not enough. It is important that step free access routes are not affected by one way directional flows of passengers when the station reaches full capacity.
- 16.3. There would be two 16-person passenger lifts to give step free access. However, at nearby Chalk Farm, Belsize Park and Mornington Crescent stations there are 50-person lifts giving greater capacity than would be provided at Camden Town. Even Hampstead station has a 30-person lift. Moreover, the north and southbound platforms are at different levels. There could be three stops on the passenger waiting cycle and waiting times would therefore be long.
- 16.4. All political parties are committed to moving towards full mobility impaired access to the public transport system and more MIPs will therefore look to use Camden Station to start, finish or interchange on their journeys. Two 16-person lifts backed up by a service lift for emergencies would be a mean provision at present but a disaster for the potential expansion in passenger numbers over a 120 year life. It is vital for future expansion that there be two 50-person lifts. Nothing is more constraining than the dimensions of a lift shaft in a working Underground station. The statement that larger lifts cannot be accommodated within the design of Camden Station is an indictment of the design, not of the need for lifts.
- 16.5. The proposal has not been seen by the London Access Forum set up by the Mayor's Office to comment on disabled access issues. *Unlocking London for All* states that 16-person lifts have been adopted as standard by LUL but does not indicate why, or deal with the obvious need for more lifts and lift capacity at stations which are interchanges, have platforms on different levels and serve large numbers of passengers⁴²⁵.
- 16.6. *Unlocking London for All* indicates that at present 37 stations are step free but that there should be 74 more by 2020. Each step free station has 36 possible step free destinations giving 1,332 step free routes (ignoring inaccessible interchanges) or double that for both directions. When the extra 74 step free stations are operational there would be 12,210 journey routes, more than nine times the existing number. Many of the proposed upgrades are for interchange stations and so the number of

⁴²⁵ CD116

routes would be increased further. Even LUL accepts that 42% of journeys would be step free at this time⁴²⁶.

- 16.7. By the end of the stated 120 year life of the proposed station it would be reasonable to assume that all 275 underground stations would be step free, in line with the *Disability Discrimination Act 1995*. This would give 75,350 step free routes or 57 times the existing number. The addition of the Dockland Light Railway and North London line stations would increase the total even further. LUL is stuck in the mind set of lift stations and escalator stations rather than appreciating that the ‘next generation’ tube network should allow passengers choice to take account of their personal circumstances and the characteristics of their journeys.
- 16.8. Figures from LUL indicate that some 10% of passengers fall into groups that might use lifts but that less than 4% would actually use them⁴²⁷. Even if these figures are accepted for the network as a whole, they are not relevant to Camden Town which serves one of the foremost tourist attractions in London. Moreover, they do not take account of the principle that improved facilities generate extra journeys. This is born out by empirical evidence following improvements to the M25. Design passenger flows are given as 18,340 total entry and exit in the am peak hour⁴²⁸. The 1998 entry figure for the Sunday peak period 1300-1600 hours was 10,194⁴²⁹. There are no later figures as the station was subsequently closed on Sunday afternoons. However, it is reasonable to assume that the 1998 figure would be reached or exceeded on many Sundays.
- 16.9. LUL states that ‘The two lifts are expected to have a capacity of 346-478 persons/hour depending on intensity of use. This is adequate to cater for 3.9% of total current and forecast demand through the station’⁴³⁰. Even accepting the low estimate of only 3.9% choosing to use a lift and the optimistic assumption that each lift would perform 38 three stop round trips per hour and that there would be no demand for south-north interchanges, the two lifts would only have capacity for 3.8% of the peak hour design flow⁴³¹. The implication is that there would be insufficient lift capacity from the day the station opens. Massive tail-backs can be expected and that does not account for times when one lift has to go out of service for maintenance.
- 16.10. LUL gave evidence that the lack of flexibility is very expensive and stated that the design of the station should not be skimmed⁴³². However, two 16-person lifts are expected to cope with a ‘conservative’ increase of around 18% in the number of passengers and an over 900% increase in step free routes on the network by 2020. There is no reason why an escalator station could not be built with the lift capacity to cope with foreseeable demand for step free access.
- 16.11. Above ground, most of the main attractions are on the west side of Camden High Street but all entrances to the station will be on an island surrounded by busy one way roads. If Camden Market and the Electric Ballroom cease to exist or are scaled down then two of the major traffic generators on the island would be lost but people using the station would still have the dangerous need to cross roads.

⁴²⁶ CD116 Section 3.3

⁴²⁷ LUL/26 Table A

⁴²⁸ CD9 Section 5.1.6

⁴²⁹ LUL/33

⁴³⁰ LUL/26

⁴³¹ LUL/26 Table B

⁴³² XE Mr McKenna Day 13

- 16.12. More separation of pedestrians and traffic is needed and walkways under Camden High Street with exits near Inverness Street, Jamestown Road, or both should be possible with entry points for ticket holding passengers. The reasons given for not having subways are not persuasive⁴³³. Most major roads have water mains under them and crime can be designed out. An additional subway was planned at King's Cross as part of the station redevelopment. The extra cost could be off-set against the benefits of permanent enhanced access.
- 16.13. Insufficient thought has been put into making Camden Town a comprehensive public transport interchange. Little detail has been provided on any terminus for the proposed CRT. Both schemes would involve major investment, have overlapping operational lives and come under the umbrella of TfL. It is not satisfactory to cite co-ordination in support of one scheme when the other appears so little thought out. TfL did not appear at the inquiry but states that the scheme 'does little to enhance other modes'⁴³⁴ whilst LT Property notes 'the location of the taxi rank and loading bay is in potential conflict with the proposed tram route and stops'⁴³⁵. Although the GLA asserts that the scheme addresses interchange movements and integration with buses and other transport modes, the earlier criticisms seem entirely justified.
- 16.14. When one travels north up High Street, the buildings are set back up to Greenland which reduces their scale and impact. Looking north up Camden High Street, the site flanks the first 'gateway' for those heading out of Central London towards the green of the Heath. To the north of the site are some of the smallest buildings on any major traffic route in London. This gives the area a character that is more suburb than metropolis.
- 16.15. The existing station, the terraces on Camden High Street and Kentish Town Road, the Bank and the TURC all make a positive contribution to the character and appearance of the Conservation Area. However, whilst the loss of the buildings would be regretted, none of them are so important that they should frustrate the proper solving of the transport problem. This assumes their demolition is essential and is conditional on the above ground proposal being satisfactory.
- 16.16. The existing station has a strong and readily identifiable corporate image, shared with numerous sister stations. In contrast, the proposed station would be subordinate to the commercial building above, which would be alien to the established character of the area. Although the scheme would be a mixed use development, the proposal would rationalise and amalgamate the uses with the station/office in one block and retail/residential mainly in the other. The retail space could go to one large multiple retailer leaving no home for small traders. At present the multiples are mainly at the southern end of the High Street.
- 16.17. The attempt to provide an internal thoroughfare on the new Reunion Street that would be a destination in its own right is fanciful. It would only be used by drug dealers unless social or policing policies were introduced. The steps at the end would also highlight the change in levels between Kentish Town Road and the proposed street which would be uncharacteristic in the local townscape. Moreover, the two resulting blocks would be out of scale with their surroundings due to their height, the plot sizes and the unified architectural treatment. This might have commercial and management

⁴³³ LUL/1B App8

⁴³⁴ LUL/2/B1 page 30

⁴³⁵ LUL/2/B2 page 197

advantages but would fail to establish connections with the more complex pattern of established uses in an organic way. The existing character is fragmented and composed of individual buildings not monolithic.

- 16.18. The Peter Jones building is cited as a precedent for siting larger buildings next to smaller terraces. However, that building has structures of comparable scale on three sides. Planning policy gives weight to local distinctiveness. There is no other building with the character of the proposal anywhere on the walk north from Kingsway. It would be alien to the area as a whole. There are a number of modern buildings in the vicinity. The Sainsbury's building is unlike any other in the area but is outside the Conservation Area and is at least self-effacing in terms of its height. A glass house on Jamestown Road by Piers Gough, and the MTV building on Hawley Crescent, do not have the same impact or exposure as the station site. The use of different materials would not in itself make the proposal inappropriate. The station could be different but not at the proposed scale.
- 16.19. The character and distinctiveness of the area comes from the small, informal, intimate scale of the buildings. A strong contrast would not, therefore, be acceptable. The impact of the height of the proposed buildings is demonstrated by photographs of balloons flown to indicate the height of the proposal⁴³⁶. Part of the terrace on Kentish Town Road was demolished to build the existing station. The cornice line of the terrace is continued by the station building and also the rebuilt Bank on the corner. The bank demonstrates that a building does not have to have height and stick out like a sore thumb to have landmark quality. A large building would set a precedent and give hope value to nearby sites.
- 16.20. The House of Commons Transport, Local Government and the Regions Committee's report *Tall Buildings* (September 2002) warns that the mistakes of the 1960s should not be repeated. The proposal would not conform to the locational criteria in the EH/CABE guidance on tall buildings (2001) and would be contrary to the provisions in the LPAC guidance (1999), which is still the extant guidance on high buildings in London. Policy 4B.9 in the draft *London Plan* (and in TLP) indicates that all large scale buildings should be of the highest design quality and, amongst other matters, should be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private spaces, the waterways and other townscape elements.
- 16.21. In addition, the proposal would not comply with the longstanding advice set out in paragraph 17 of PPG1 or with policy in PPG15. It would also be contrary to a number of UDP Policies including EN13, EN14, EN15, EN17, EN18, EN31 and EN32.
- 16.22. Although not strictly a planning matter, special efforts should be made to mitigate the worst effects of construction noise, mess, danger and confusion on the Church, ABC Nursery and Hawley School where more than a generation of infants would pass through during the construction period.

⁴³⁶ 134/2/G

17.0 The Case for the London Borough of Camden (Objection 135)

17.1. Introduction

17.1.1. The Council objected to the proposed Order in a letter dated 30 April 2003⁴³⁷. The Appeal D scheme was refused by the Council on 19 December 2003 for reasons relating to opportunities for crime, reduced community safety and the effect of a blank frontage to Kentish Town Road, the effect on the pedestrian environment and levels of accessibility, and the effect on the character and appearance of the Conservation Area⁴³⁸.

17.1.2. During the inquiry a Memorandum of Agreement was signed by LUL and LBC avoiding the need to call two of the Council's witnesses⁴³⁹. The final amended scheme submitted to the inquiry on 18 June 2004 overcomes the Council's concerns about community safety, a view shared by the police. The provision of steps at the end of Reunion Street cannot be avoided within the current station design but a condition would allow details to be carefully examined to minimise any adverse impact.

17.1.3. However, there are two remaining concerns. Firstly, the design of the office building is considered unacceptable in this location. Everyone agrees that the site is important and any proposal needs to recognise that fact. Finally, whilst the need for a number of controls has been overcome by the provision of a S106 Agreement, there are two outstanding matters relating to educational contributions and town centre management payments⁴⁴⁰.

17.2. Need for and Objectives of the Proposals

17.2.1. The Council remains supportive of the ambition to relieve congestion and improve public safety at Camden Underground Station.

17.3. Scale & Configuration of the Works

17.3.1. The Council accepted that all the land within the triangular site would be required to construct the station and that all the buildings on the site would have to be demolished with a consequent loss of floor space and employment. LBC had little information to judge those effects but evidence has been presented to the inquiry and the Council does not seek to comment on it.

17.4. Alternatives

17.4.1. The **Electric Ballroom's alternative** is at an early stage of development and does not form part of any application. The Council's comments on it should be considered against that background. The alternative seeks to accommodate the Ballroom's ambitions in the most beneficial way and there is inevitably a different relationship between the Ballroom and its neighbours than in the LUL proposal. There are pros and cons compared to the LUL scheme⁴⁴¹. However, provided that fundamental acoustic separation could be achieved there should be no problem with its provision.

⁴³⁷ 135/5

⁴³⁸ CD139 Committee Report and Minutes, CD140 Appeal documentation including Council's Decision Notice

⁴³⁹ CD158

⁴⁴⁰ CD160/A

⁴⁴¹ 135/1/C App 3

- 17.4.2. It is unfortunate that LUL was not offered the opportunity to comment at an earlier stage like the Council. The Council's informal general comments on the scheme are the views of an officer and should be given their obvious and apparent meaning. Although the EB scheme includes less housing than the LUL proposal, both would provide considerably more than currently exists on the site. The EB alternative only therefore represents a loss of potential. If housing was considered to have such a high priority that it would justify criticising the loss of potential then residential units could be provided on the site of the office in the LUL scheme.
- 17.4.3. The Council does not have access to the expertise necessary to examine all the nuances of either LUL's or **Camden Lock's alternative** station proposals. However, if CLLL's alternative is capable of dealing with the problem of congestion it would have less impact on the Conservation Area and the nearby school by virtue of retaining some of the buildings on the site.
- 17.4.4. CLLL's scheme is not at the same design stage as LUL's proposal, but it is by well known and respected professionals who have been used by LUL elsewhere. Their design cannot, therefore, be dismissed out of hand. LUL's conservation expert considered it strange that the site had not been included in the Conservation Area originally but agreed that its subsequent inclusion was appropriate as it was a focus point at the northern end of the Conservation Area⁴⁴². He also accepted that if the LUL scheme went ahead and the special interest of the existing buildings were lost there would be no sense in retaining the site within the Conservation Area⁴⁴³. The Council considers that if a solution could be reached without the need to demolish all the buildings on the site that would be an important advantage in the context of the Conservation Area.

17.5. **Effect on Character and Appearance of the Area including the Camden Town Conservation Area**

Conservation Area Character

- 17.5.1. The site is important as it is at a focal point within the Camden Town Conservation Area which was designated in 1986 and extended to include the whole of the triangular site in 1997. Although one LUL witness suggests the boundary was extended in order to control development, there is nothing to support such a view. Indeed, another LUL witness accepted that the boundary had been correctly extended and LUL did not object to the boundary extension at the time.
- 17.5.2. The Council's *Conservation Area Statement* identifies two distinct areas, one almost exclusively residential and the other essentially commercial⁴⁴⁴. The site lies within the commercial area, which paragraph 4.14 of the *Statement* indicates gains its particular character from the 'modest three-storey terraces on narrow plots'. Subsequent paragraphs identify the simplicity of the design and the variety in the commercial area. The inclusion of the triangular site is justified as 'in townscape terms this corner forms an important part of the junction and its incorporation will complete the northern focus of the Conservation Area. The Victorian terraces along Kentish Town Road and Camden High Street are similar in appearance to other

⁴⁴² XX Mr Bridges by LBC Day 4

⁴⁴³ XX Mr Bridges by CLLL Day 15

⁴⁴⁴ CD152

buildings in the town centre and share the character of this section of the commercial part of the Conservation Area’.

- 17.5.3. It is accepted that the *Conservation Area Statement* ‘gives an understanding of the different characters and general qualities throughout the Conservation Area’⁴⁴⁵. There is a general consistency of rhythm and proportion and an emphasis on smaller plot sizes and three/four domestic storey heights. There are taller buildings around the junction but few of them are on larger plots. The overwhelming sense is one of a scale consistent with a small individual town centre. Local distinctiveness is an important consideration that is supported by policy at all levels. New buildings in the Conservation Area are generally of a height consistent with their neighbours.

Demolition

- 17.5.4. The ambition of the Council, and EH, is to see buildings that make a positive contribution to the Conservation Area retained. Those buildings include the Underground station, the Church, the Bank, 1 to 23 Kentish Town Road, and 184 to 190 Camden High Street. LUL agrees the position in relation to the station, the Church to a lesser extent and the Bank to an even lesser degree. However, although the heights, rhythm and proportions of the terrace are accepted as having a positive benefit, any value of the terraces was rejected due to their physical condition⁴⁴⁶. This approach should not find much support as it would be a green light to allow decay in Conservation Areas that would ultimately lead to the removal of buildings.
- 17.5.5. There is no ‘public interest’ justification for the office block put forward by LUL arising from the station below and the exception in paragraph 4.19 of PPG15 does not therefore apply. Similarly, it has not been suggested that dismissing the appeal would unacceptably delay the station improvements. The sole link between the two elements is that once the station has been built a deck will exist that will need to be developed to avoid a particularly unsightly gap appearing in the Conservation Area. LUL also seeks a financial return from the space. More than one LUL witness agreed that it is therefore appropriate to consider the station and what is built above it separately.
- 17.5.6. Paragraph 3.19 (iii) of PPG15 acknowledges that there may very exceptionally be cases where the proposed works would bring substantial benefits for the community which would have to be weighed against the arguments in favour of preservation. LBC accepts that the constraints of the site, rather than any conservation guidelines, make the demolition of the unlisted buildings on the site necessary to construct the proposed station. This is the basis on which the demolition of the existing buildings is justified. The Council does not consider that those constraints relieve LUL from its obligations to comply with national and local policy when considering the above ground redevelopment.

Design

- 17.5.7. UDP Policy EN32 indicates that the demolition of an unlisted building in a Conservation Area will normally only be granted where, amongst other matters, the contribution of the proposed replacement when compared to that of the existing building would be of more or equal benefit to the Conservation Area. The most

⁴⁴⁵ LUL/8/A Para 4.1.4

⁴⁴⁶ XX Mr Bridges by LBC Day 4

relevant policy in any assessment of the proposal is UDP Policy EN14. This requires all proposals to be sensitive to, and compatible with, the scale and character of their surroundings. Amongst considerations to be taken into account EN14(c) mentions the scale and general proportions of surrounding development, including bulk, massing, height, footprint, typical plot sizes and the relationship to any nearby 'landmark' building. In addition, paragraph 9.12 of the *Conservation Area Statement* states that new development should respect existing features such as building lines, roof lines, elevational design, and where appropriate the architectural characteristics, detailing, profile and materials of adjoining buildings.

- 17.5.8. No assessment of the merits of the buildings on the site, no townscape context assessment, or advice on conservation issues was sought before the preferred option was selected⁴⁴⁷. Not until the 1998 report by the Malcolm Payne Consultancy were conservation issues considered⁴⁴⁸. That report has been severely criticised by all those qualified to comment on it and even LUL has not seen fit to rely on it to any great extent. Not until its current expert was appointed in July 2003 were conservation matters thoroughly examined. By then all decisions had been made and the position was set in stone. It is difficult to see how the proposed above ground development could reflect the characteristics of the Conservation Area in the absence of a thorough, accurate and informed assessment of them prior to the design.
- 17.5.9. The correct approach when considering the above ground development is the normal statutory test of whether the character or appearance of the Conservation Area is preserved or enhanced. A modern building using modern materials could be acceptable provided it respected its surroundings and was of a quality design. Indeed, the Council would favour a modern solution and does not seek to prescribe a given height or number of storeys. The site has been within the Conservation Area throughout the development of the scheme and that should have been a major driving force in the design. Any judgement has to be made against the background that LUL accepts that the office building would be significantly different in height and scale to any of its neighbours in the vicinity⁴⁴⁹.
- 17.5.10. LUL's design evidence indicates 23 objectives to meet the brief⁴⁵⁰. Twenty-two relate to the station and the remaining objective only requires whatever is done above ground not to frustrate the station works below. LUL's response to a request to identify policy and conservation issues considered in the design process was also unconvincing⁴⁵¹.
- 17.5.11. Assuming all the buildings on the site need to be swept away for engineering reasons, it is agreed that what is needed is a building of the highest quality to mark its place⁴⁵². A building that would become a 'landmark'. At the same time any proposal should sit comfortably within the Conservation Area. No expert evidence at the inquiry, with the exception of LUL's, was able to describe the proposals in such glowing terms.
- 17.5.12. EH and the GLA have found the proposals acceptable, but neither attended the inquiry to explain their positions which appear to be inconsistent, in part at least, with earlier

⁴⁴⁷ XX Mr Bridges by CLLL Day 15

⁴⁴⁸ CD43/2, 3 and 4

⁴⁴⁹ XX Mr Bridges by LBC Day 4

⁴⁵⁰ LUL/2/A Page 7

⁴⁵¹ LUL/2/J

⁴⁵² LUL/14 Para 7.36

stated views. It seems that the GLA may not even have appreciated that the site is within a Conservation Area⁴⁵³. In a consultation response dated 23 January 2003 EH stated that “It is regrettable that there remains in this scheme a desire to build significantly higher than the surrounding context, in a location where it is not appropriate”. Little has changed since that comment although EH has subsequently accepted that the revised scheme addresses its concerns sufficient to make the scheme acceptable. This is a far cry from a landmark building.

- 17.5.13. The Council does not object to the design of the residential block. However, the office block is unacceptable. The December 2000 application scheme had an eaves level of around 17 metres and rooftop cinemas which were substantially set back and had heights of some 27 metres and 24.3 metres respectively. This was considerably higher than the surrounding buildings. The excessive height and bulk was criticised and the application was withdrawn.
- 17.5.14. Despite this, the height of the current scheme has been increased to some 29.2 metres with a shallow set back at approximately 22.5 metres. The set back was welcomed by EH but would only be effective from a very limited number of viewpoints as it is so shallow. This is demonstrated in the photomontages⁴⁵⁴. In terms of bulk, scale and massing there is nothing in the locality that would compare with the size of the proposed building. It would cover the whole of the southern part of the triangle at a height across the site about twice that of its neighbours⁴⁵⁵.
- 17.5.15. The narrow plots that currently characterise the area would be lost. Although it was suggested that the vertical divisions in the design reflected the existing plot widths, the horizontal emphasis of the brise soleil dilutes that argument. The proposed curtain walling would be ‘run of the mill’ which is surprising given its claimed ‘landmark’ status. This is in contrast to Piano’s ‘Shard’ and Grimshaw’s Minerva Tower that illustrate how sustainable buildings can be achieved. The prominence of the building would lead to the inappropriateness of its materials and style becoming far more oppressive and detrimental to the character and appearance of the Conservation Area.
- 17.5.16. At ground level, the orange columns and blue intermediate strip are a feature of the entire building and do not assist the traveller to identify entrances to the station, unlike the existing coloured faience. The existing entrances were positioned with great care and a special regard for their visibility. They could be seen from all directions. The proposed accesses would be inefficient by comparison. That on Buck Street would be concealed from almost all viewpoints whilst that at the apex of the site could only be seen full face when looking north up High Street and would be hardly visible when seen from the north.
- 17.5.17. The site is visible from a wide area and the proposed building would be very obvious. Landmarks can be achieved by a variety of means and, like the statue of Eros, do not have to be large. Similarly, Marsham Street demonstrates that not all landmarks are beneficial. The proposed landmark drum would front a substantial and equally tall block behind it. It would add to the bulk of the building, which would be over dominant, incongruous, and completely out of character with the locality. Because of the block behind the drum, its silhouette would not be seen against the sky and it would be ineffectual as a landmark.

⁴⁵³ 103/4/H

⁴⁵⁴ LUL/2/A Pages 37-39

⁴⁵⁵ 135/2/A Section 5

- 17.5.18. Camden is a town centre that has managed to avoid the ravages of change felt in many other centres. The change that has taken place has been sympathetic and that approach must continue. The proposal would impose its own distinctive authority to the disadvantage of the town centre. It would be contrary to policy and highly damaging to the character and appearance of the Conservation Area.
- 17.5.19. Reference has been made to other tall buildings in the area. However, no assessment has been undertaken of whether those buildings were in the Conservation Area and if they were whether they were detractors from its character and appearance. Not all are in Conservation Areas and even Shirley House (now known as Camden Point) that is has been described in the *Conservation Area Statement* as a building that doesn't preserve or enhance the Conservation Area and offers scope for development⁴⁵⁶.
- 17.5.20. The driving force behind the scheme is the desire to maximise the commercial return by maximising the use of the site. That would be consistent with national policy, TLP and the UDP. However, it should not lead to an unacceptable impact on the surrounding area. If the approach was not restricted in that way every available site would have a tower block on it and that does not happen in reality. LUL accepted that if a smaller office was all that was allowed then it would have to live with that⁴⁵⁷.
- 17.6. **Effect on Local Residents, Businesses the Town Centre and Statutory Undertakers**
- 17.6.1. With the exception of the market on Buck Street, all uses currently on the site would be reintroduced within the proposal. LUL has suggested a condition that could be attached to any planning permission requiring part of the proposed A1 space to be used for a market, although it does not consider such a condition necessary. Before hearing any evidence from other objectors concerning the markets, LBC formed the view that the main area for the markets at Camden was close to the canal and that the loss of markets close to the station would not therefore harm the overall character of the market use. In the absence of any application necessitating a re-examination of that view, its position has not changed but it is accepted that a careful examination of Camden Lock's evidence and LUL's response is required in order to make a judgement about the situation.
- 17.6.2. In relation to the EB, the Council's starting point has always been to seek the replacement of the existing floorspace. That is protection of the use not the user. The Council did not check the floor area figures provided by LUL which have proved to be incorrect. However, LUL has brought forward amendments. Whilst an equivalent floor area is sought it would not be proper to require particular features such as a double height volume and a balcony, despite the current occupier's view that they are a commercial necessity⁴⁵⁸. The Mayor's letter goes beyond that and seeks to retain the existing user⁴⁵⁹.
- 17.7. **Extent to which the Proposals are consistent with Policy**
- 17.7.1. The problems at Camden Town station arise from the expansion of the markets in the 1980s. Visitor numbers have reached around 100,000 at weekends. The Council has carried out measures such as widening the pavements but it is recognised that

⁴⁵⁶ 135/9

⁴⁵⁷ XX Mr McKenna by LBC Day 13

⁴⁵⁸ 135/1/C App 3

⁴⁵⁹ LUL/2/B2 Page 275 of bundle

improvements are needed to the Underground station. The problem commands a dedicated section of the UDP and Policy CT3 indicates that improvements to the Underground station will be sought to relieve congestion. Amendments to the station element of the scheme, including step free access to the lower platforms, have improved the proposal.

- 17.7.2. No objection is raised to the proposed uses on the site. However, whilst there is a huge need for residential accommodation in the Borough, the same cannot be said for office accommodation. Office accommodation on this site above a station would not be inappropriate as part of a mixed use scheme, but that is not the same as being 'needed'. There is currently an over provision of offices and many nearby office buildings remain empty. Moreover, there are a number of recently approved or constructed developments that include additional B1 space⁴⁶⁰.
- 17.7.3. Contrary to its original stance, LUL has agreed to make 36 of the proposed flats available as affordable housing⁴⁶¹. This would meet the policy requirements of both TLP and UDP. LUL intimated that the change of mind was a result of the adoption of TLP which did not exist when the earlier schemes were commented on⁴⁶².
- 17.7.4. However, LUL is reluctant to volunteer payments for education and town centre management, although a S106 Agreement includes covenants that would be activated if the Secretary of State considers them necessary⁴⁶³. This approach is inconsistent as the requirement for contributions arises from the development of the commercial element of the scheme as does the obligation to make affordable housing available.
- 17.7.5. The policy basis for planning obligations is provided in UDP Policy RE6 and paragraphs 3.3, 3.11 and 3.13 of the SPG⁴⁶⁴. Policy RE6(d) applies to education, RE6(e) to affordable housing and RE6(f) to town centre management. The Policy basis is not challenged and it has not been suggested that the Policy conflicts with relevant Government guidance or that it is not valid in applications of this sort. The amounts sought reflect the SPG which LUL has not criticised. LUL's reluctance is based simply on a matter of principle.
- 17.7.6. The requirement and justification for both the town centre management and educational contributions is clearly set out in the guidance, just as it is for the affordable housing provision. The need for all the contributions arises from the above station element of the development where the desire is to provide as much office and residential accommodation as possible to maximise the commercial return.
- 17.7.7. The educational contribution arises directly from the inclusion of private residential flats of sufficient size to accommodate families with children that will require state education. That provision places an additional burden on the Council as Education Authority that arises solely from, and as a direct result of, the redevelopment proposals. There is currently very little spare capacity in Camden's schools and Annexe 1 to section 3.13 of the SPG shows that some years have no spare capacity.
- 17.7.8. Section 3.13 explains that the contribution reflects a proportion of the cost of providing additional school places in a way that reasonably reflects the scale and kind

⁴⁶⁰ 135/1/C Section 9

⁴⁶¹ CD160/A

⁴⁶² XX Mr McKenna by LBC Day 13

⁴⁶³ CD160/A

⁴⁶⁴ CD25 & CD146

of likely child population that would be generated by the proposed residential development. The average number of children likely to be accommodated in the proposed development is reduced by the proportion of those who would not have their schooling costs met by the Education Authority. The contribution required is half the cost of providing each additional school place for the calculated child yield. This generally reflects Government advice in *Circular 1/97: Planning Obligations*.

- 17.7.9. LUL identifies three reasons why the education contribution should not be paid⁴⁶⁵. No detail has been produced to substantiate the first claim that it is not necessary. The second reason is that the station proposal would benefit Camden Town and so a contribution would not be appropriate. The benefits of the station improvement would arise in any event. The need for the contribution arises entirely from LUL's desire, like any other developer, to maximise the commercial return.
- 17.7.10. The third reason is that it would not be appropriate for public facilities to be funded from public funds that have been allocated for LUL to carry out improvements to the station. However, it was accepted that there was no reason why the policy should not bite on a public body, although the circumstances of each case would have to be considered⁴⁶⁶. A failure to pay would be tantamount to asking the Council to subsidise the commercial element of the scheme to the extent of the lost payment. That would be wholly inappropriate, particularly where the Education Authority is under severe pressure and LUL has made clear its intention to sell off the development site for construction by others.
- 17.7.11. The only reason put forward for not paying the town centre management contribution is that it is neither necessary nor justified as the station redevelopment would, in itself, bring about a significant improvement to the attractions of Camden Town centre and would also improve public transport interchange facilities. Given the nature of the Policy and the lack of criticism of it, it is hard to see how a refusal to pay could be justified. A failure to do so would render the scheme unacceptable. An acknowledgement to the contrary in relation to such a huge commercial development would be a green light for others to make identical claims in the future.

17.8. **Powers Under the Order**

- 17.8.1. The Council takes no issue with the CPO implications of the Order.

17.9. **Costs and Funding**

- 17.9.1. The Council accepts LUL's business case and has not sought to investigate it as this was done by others at the inquiry.

17.10. **Traffic and Transportation**

- 17.10.1. Consensus on highway matters has been reached supported by a Section 106 Agreement.

17.11. **Legal Agreement and Conditions**

- 17.11.1. A S106 Agreement would overcome a number of the Council's concerns⁴⁶⁷. It would provide for affordable housing and, if the Secretary of State considers it appropriate,

⁴⁶⁵ LUL/9/A Para 9.9

⁴⁶⁶ XX Mr Crook by LBC Day 16

⁴⁶⁷ CD160/A

for financial contributions to education and town centre management. It would also ensure associated highway works as set out in Schedule 5 of the Agreement and management of the construction phase including a CoCP, a telephone complaints service and the convening of a Community Working Group to monitor and comment on the impact of the construction phase.

- 17.11.2. The Agreement would endeavour to ensure that 25% of the workforce consisted of residents of the Borough and provide for a display of public art in the glazed drum at the apex of the site. In addition, Hawley School would have an opportunity to be represented on the Community Working Group. There would be specific measures for washing down the playgrounds and windows at the school, a package of measures to prevent a fall in school pupil numbers arising from the development and a package of educational measures such as trips to the London Transport Museum and other local facilities and painting competitions.
- 17.11.3. A number of conditions have been suggested, many of which are agreed by LUL⁴⁶⁸. The southern part of the site lies in an Archaeological Priority Area and a programme of archaeological work should be approved and carried out. Similarly, a programme of recording and analysis of the buildings on the site should be carried out before demolition. There may be some ground contamination in the vicinity of the sub-station and a programme of ground investigation and, if necessary, remediation is necessary.
- 17.11.4. A number of details are outstanding and need to be submitted for approval. These include the design and materials of elevations and shopfronts, the landscaping of the residential amenity area, details of sound insulation measures for the residential accommodation, lighting of public areas, CCTV cameras, refuse areas, entrance security grills, the entrance to the church and the steps and ramp at the end of Reunion Street. In addition, a BREEAM report should be submitted for approval to demonstrate that the building is as sustainable as is reasonably practicable. Plant and machinery noise should also be limited by condition due to the inclusion of residential accommodation.
- 17.11.5. Controlling uses on the site is the subject of a number of agreed conditions. Limiting the use of the basement would ensure that a D2 use was reprovided on the site, requiring the replacement Church to be constructed before the demolition of the existing would ensure continuity of that use, and the size of retail units and the proportion of A3 uses allowed would safeguard the vitality and viability of the shopping centre.
- 17.11.6. A condition requiring details of on- and off-site drainage works would address concerns raised by the Environment Agency.
- 17.11.7. Finally, although not agreed by LUL, to ensure that the site is not left partially developed following the completion of the station a condition requiring the exchange of contracts for the construction of the above ground development before the opening of the new station to passenger use is necessary.
- 17.11.8. LUL accepts that in relation to the conservation area consent, the demolition of the buildings on the site should be prevented until a contract for constructing the new station has been let to ensure demolition does not take place before redevelopment is

⁴⁶⁸ 135/1/E

ready to start leading to a vacant site for an extended period that would be harmful to the character and appearance of the Conservation Area.

17.12. Conclusion

- 17.12.1. The objections remaining in relation to the Order overlap with the issues pertinent to the planning appeal. The two applications and the appeal stand or fall together. The unacceptable design of the office block would be damaging to the Conservation Area and contrary to policy. In the absence of an acceptable replacement scheme for the above ground development it is inconceivable that conservation area consent for the demolition of the buildings on the site should be granted. Without demolition the station could not be constructed and the TWA Order powers should not therefore be granted.

18.0 The Case for Edis Street Area Association (Objection 161)

- 18.1. Residents agree that improvements to the station are necessary but consider that they should be achieved in other ways and sooner than outlined in the application. The proposed redevelopment would have a negative impact on the neighbourhood in terms of loss of amenities, access to public transport, road traffic and environmental impacts and on the building, structure and historic features of the Conservation Area.
- 18.2. In a letter dated 9 December 2003 Edis Street Area Association asked that its letter of objection dated 30 April 2003 be taken as its Statement of Case. This indicated that it would submit detailed information and oral evidence at the Inquiry. The Association appeared on 31 March 2004 and questioned a LUL witness but stated that it was not ready to present its case. It was agreed this would be done in writing but despite reminders about the closing date of the Inquiry no written case has been received.
- 18.3. The Association was concerned to know whether LUL had considered closing the station during the works and what effect this would have on nearby stations. It was pointed out that in addition to the LBC and GLA there were other stakeholders interested in the development. Questions were asked about the operation of the existing station, particularly the escalators, and whether existing disused tunnels could be brought back into use. A particular concern was the existence of blind corners in the proposed design at concourse level. In addition, it was suggested that a second entrance would be a good idea given the number of passengers that would use the station, similar to proposals for Canary Wharf.

19.0 The Case for Simon Hughes MP (Objection 199)

- 19.1. Mr Hughes indicated that he also spoke on behalf of Sarah Ludford MEP and Councillor Jonathan Simpson. They objected to the proposals for three reasons.
- 19.2. Firstly, Government, Regional and Local Policies are relevant to the proposals. The Camden UDP is sufficiently recent to carry considerable weight and the proposal would be in breach of UDP policy in terms of leisure uses. Whilst there is a case for improving the facilities at Camden Underground station, other routes could be used to ease congestion.
- 19.3. Secondly, the proposed scheme would be out of keeping with its surroundings, including the Conservation Area. The buildings surrounding the site are considerably lower than the proposed scheme and the area differs from other communities in London where there are high buildings. Indeed, the area has generally retained a low

height of 3-5 floors. Recent developments have all been within that parameter. A high building could act as a 'bookend' but there is no need. The location of the site at a junction means a building of a similar height to its neighbours would be adequate. The disadvantage of a larger building would be that it would become a dominant characteristic.

- 19.4. Camden Town is not a City or town centre community with a commercial office area. Its attraction is that it has shops and retail outlets in accessible buildings that have a friendly human scale. Oxford Street and Regents Street have higher buildings but the streets are wider and the buildings do not create a sense of oppression. The high proposal alongside relatively narrow streets would change the human, friendly nature of Camden and make it oppressive compared to the current atmosphere.
- 19.5. LUL has carried out many developments but none where there would be such a change in the character of the area. The Jubilee line extension stations fit in with the character of their surroundings and at Fulham, the proposals fit within the shape of the previous building and work within the existing context.
- 19.6. Finally, although buildings on the site are not listed, they are historic. The Victorian tube station has heritage value and it is important that old stations should be kept where physically possible. This is similar to keeping the old engine sheds at London Bridge. Similarly, the Church is a well used facility in a pleasant building whose characteristics should be kept.
- 19.7. There are two other important activities that would be affected by the proposal. The EB is internationally recognised as an important music venue and the markets in the area are the main reason why people visit Camden. The market at Buck Street is close to the Underground station and contributes to the vibrancy of the area. Few communities in this country have markets that attract people as Camden does. Other markets have gone. These markets have a unique character not found elsewhere in London and it would be sad if this were put at risk. These are London, not just Camden, possessions.
- 19.8. Preserving the character of the area is a valid planning ground for objecting to the scheme. LUL has looked at a number of alternative schemes. The analysis of all of them has not been made available, but should have been, as part of a proper consideration of the solution. It is surprising the Arup 1B alternative has not been more readily pursued as it would retain the Church and the existing station building. The proposal is not driven by the need to provide the station alone but also by the desire to maximise the commercial return. This is an improper justification and the proposal should be turned down.

20.0 The Case for Councillor Sumner (Objection 235)

- 20.1. Councillor Sumner, a keen advocate of public transport, is Ward Councillor for Camden Town with Primrose Hill and sits on LBC's Planning Committee. He is Chair of the London Transport Liaison Group in Camden which works with LUL and London Buses to improve public transport in the Borough.
- 20.2. The proposals would be visually out of keeping with the character of Camden Town. It is the above ground scheme that has created most of the controversy and objection yet LUL has indicated that it would only provide a small return within the overall scheme. Building less would cost less and would be likely to receive much more

widespread support. The proposed new building would be twice the size of those around it and would dwarf everything, destroying the culture and fabric of Camden Town. Camden Point by the Regents Canal is an existing high building but it is a distance away from the main Camden Town area and is described in the Conservation Area Statement as not making a contribution to the area. It should not therefore set a precedent. The proposal would set a precedent and encourage the general raising of building heights from the low levels that exist. Tourists, local residents, Ward Councillors, the Planning Committee and heritage groups all have deep concerns.

- 20.3. There is no single market, rather each part of the shopping area has a role to play. It is the variety which creates the economic climate that attracts people. The proposal would remove the first market reached after leaving the tube. This market provides employment for many people and offers some of the smallest stalls giving traders and small businesses the initial start opportunity. It would be replaced by a different type of retailing with increased rents and office space, of which there is a glut in the area. This would undermine the retail function of the area and change its character. If the proposal were to be allowed then the new retail units should be restricted in size to cater for small traders and prevent multiple retailers moving in.
- 20.4. The loss of the EB would be short sighted. Not only are there few music venues with a similar capacity but it is ideally placed being well served by public transport and located away from residential areas. It also holds markets at the weekends. Whilst pressure from the Mayor has led to space being offered within the proposed development, it is smaller and unsuitable for EB's needs. Moreover, construction would take around seven years, which is an impossibly long time for a business to cease operating.
- 20.5. It is accepted that there must be change and a new station would be beneficial. Indeed, Camden Town is evolving all the time. Camden Market at Buck Street has planning permission for a market building on its site, there are developments at the other markets, the Ballroom want to make improvements but are blighted by the proposals, and Camden Council are looking to invest significantly in the area to create a better public realm. However, the proposal is not evolving change but a complete new vision. A lesser scheme would be quicker to build, less costly and cause less disruption. The proposal seems to be about increasing LUL's property portfolio and the business case does not seem to be proven.
- 20.6. Community safety is a pressing issue in Camden Town and needs to be designed in. The nearby Sainsbury's building has had to have additional works to remove gaps and nooks that attract dealers and addicts. The proposal would create dead frontage on Kentish Town Road making things worse. Moreover, there are steps proposed at the end of Reunion Street, which seems short-sighted. The existing steps at the station are often used by street drinkers and encourage loitering and criminal activity. These matters need to be addressed and improvements secured by condition.
- 20.7. The proposals would potentially threaten the existence of Hawley School which is an oasis in Camden Town. Whilst the effects of building works are normally dealt with by condition, this scheme is a different proposition. The excavation and disposal of 300,000 cubic tonnes of spoil would create persistent noise at the school for several years and is likely to jeopardise the schooling of two or three cohorts of children. The building would also restrict light to the school and playground. The viability of the school could be threatened if parents choose not to send their children there. Whilst

agreement could be reached on working hours, pile driving at weekends and holidays, things could change. Contractors might not be so flexible. If delays transpire there could be pressure to extend working hours. This has happened at the Kings Cross development but has been resisted. A lesser scheme would lead to issues surrounding Hawley School falling away.

- 20.8. The scheme is too grand but would only provide about 10% of revenue. It would dwarf and dominate the area destroying the existing character and creating its own. The scheme is not founded in the community but turns LUL into a property developer. This scale of development would take longer to build than a smaller scheme and gives rise to a myriad of objections from the market, school and church. There are alternatives but LUL has had tunnel vision.

21.0 The Case for Camden Town Conservation Area Advisory Committee (Objection 251)

- 21.1. The Committee has been in existence for some time and Ms Auletta, its representative, is an architect. She has worked for Michael Hopkins and other cutting edge architectural practices, is a member of the Society for the Protection of Ancient Buildings and now runs her own practice.
- 21.2. Camden has a unique mix of uses, including the markets that give ‘grittiness’ to its character which is difficult to define due to its variety. The committee is not looking for this to be mirrored. It does not want pastiche but a contextual modern design that takes something from the existing environment. It is accepted that the TURC would be reprovided in the LUL scheme. Some of the buildings on the site do not merit protection, provided they are replaced by an excellent scheme. The EB is of no architectural merit but the use reflects the character of the area. It is flawed to think it could easily move across to a generic space in the proposal.
- 21.3. The analysis in LUL’s design report is deeply flawed⁴⁶⁹. Paragraph 12.2.18 refers to the Peter Jones store at the end of King’s Road in Chelsea. That building is not aggressive on its site, is finely proportioned and detailed with what was, at the time, a cutting-edge curtain wall system. Notwithstanding that, it fits the visual context of the street and maintains the scale of adjacent smaller buildings. The quality of the Camden proposal does not do justice to its setting nor does it ameliorate the proposed scale by being innovative and aesthetically pleasing. The area has not been analysed correctly and contradicts the *Conservation Area Statement*.
- 21.4. The committee has grave doubts about both the original and revised schemes, particularly the elevations and materials. The render, brick and glass proposal would be anywhere architecture. The glass façade would be completely the wrong solution, even if the use of glass was supported by the Council. It would refocus the area into an office environment which is not characteristic of Camden. Moreover, the use of full height glazing on a southern elevation without using a double skin to allow removal of warm air by a stack system seems unjustifiable in sustainability terms.
- 21.5. Whilst there might be a visual connection through the station it would not be a public realm and so there would be no physical connection. There are buildings in the Conservation Area that are taller than their neighbours but they detract considerably from the setting of the Conservation Area through their bulk and visibility. Similarly,

⁴⁶⁹ CD9

the proposed northern residential block does not respect the scale or treatment of the terraced houses in Inverness Street despite the vertical proportions of the proposed windows.

- 21.6. Other than when the markets are in full flow, there is an even spread of people approaching the station from all directions. Many will be less well catered for by moving the entrance from Kentish Town Road to Reunion Street. If this street had active frontages on both sides and was wide enough to receive some sunlight and have benches/tables and trees it could become a public space but it is a lost opportunity.
- 21.7. The eastern end of Buck Street should also be pedestrianised to ameliorate the loss of amenity to the Infants School through noise, dust and disruption. The Alpha Beta Nursery would lose significant sunlight and seems to be considered expendable. No wind tunnel tests have been undertaken and there should be some reassurance that Camden would not be turned into a bleak windswept environment. The proposed kerb build-outs are welcomed but might lead to rat-running in adjacent residential streets which would not be acceptable.
- 21.8. The advisory committee endorses the case put by the Civic Society. The below ground proposal is being used to justify the above ground scheme so both should be examined. The Committee commends the alternative scheme put forward by Arups on behalf of CLLL and accepts that the EB would be lost in this scenario. Although the committee has not seen any elevations relating to the Arup scheme, it would only occupy part of the site, would not require as much demolition, and so would have less bulk.
- 21.9. The proposal would be a missed opportunity rather than a landmark building. It is not an excellent scheme and so would not justify demolition of the existing buildings.

22.0 The Case for Councillor Bucknell (Objection 253)

- 22.1. The opinion that 'trade and competition could improve if there were fewer traders' given by an expert paid by only one party at the inquiry should be questioned. Retail traders do not want to be alongside an empty unit but alongside other retailers. To have a thriving market place, a variety of retail outlets is needed.
- 22.2. Camden has evolved in the teeth of opposition, there is a lack of parking and a ruthless anti-car enforcement regime exists. The momentum has come primarily from the markets specializing in niche goods that attract people who use public transport. The enterprise is almost anti-capitalist, in contrast to out of town developments with large car parks catering for the 'Middle England' market. The Camden markets are spread out and people meander between them looking at what is on offer. The shops between have adapted to this niche market by selling complementary products creating a 'golden half mile' that brings in a large amount of foreign currency and is one of the largest tourist markets in Europe. If this micro economy is adversely affected then there may be no need for a larger station.
- 22.3. The downside of this thriving economy is the drugs market where major dealing takes place at bus stops in the area of the station. Much money has been spent in combating this, including police blitzes and CCTV. However, the biggest factor in reducing crime was the Northern line derailment. Without the ability to slip into the Underground system, crime dropped. Although the proposals have been under the

spotlight for security, the development would not affect the drugs market but might displace it to somewhere else.

- 22.4. Councillor Bucknell manages a property company in Primrose Hill that rents out office space. The proposal would probably be the only high rise office block in the area, totally out of character with the homogenous character of Camden. When heights go up rents come down and the proposal could be a financial disaster. It is doubtful that a commercial developer would enter into such a scheme without it being driven by LUL. Moreover, it is unlikely that any proceeds from this scheme would be noticed in the wider public transport picture.
- 22.5. The EB is a vital part of Camden's music economy that sits alongside the niche markets, restaurants and pubs. Again, the removal of one part will have an impact on the whole. The Government is so concerned about the demise of the British music industry that it has appointed a music czar.
- 22.6. Engineering techniques have improved over the years such that engineers can do almost anything. It is probably feasible to rebuild the station under ground and the additional cost has to be outweighed by the reduced disruption and preservation of the micro economy above. Camden Town's unique flavour should be kept and the ugly proposal rejected.

23.0 The Case for Euston Trust (Objection 255)

- 23.1. The Euston Trust is a heritage, environmental and nature preservation society⁴⁷⁰. Evidence is given as 'the man on the Clapham Omnibus' but reference is made to a number of legal cases relating to Conservation Area policy⁴⁷¹.
- 23.2. LUL's ES is wholly inadequate, although as the Trust does not have anyone sufficiently qualified to comment in detail it leaves this to other objectors. Under the *Human Rights Act 1998* interference with property, such as the proposed compulsory purchase of land on the site, should be demonstrably in the public interest and proportionate to the objectives it is sought to achieve. The burden of proof is on LUL to demonstrate that the extent of the proposed development is necessary to relieve the congestion at the station and that there is no other solution that would achieve this aim.
- 23.3. The appeal site lies within the Camden Town Conservation Area. There is, therefore, a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whether the setting of nearby listed buildings would be preserved or enhanced must also be considered. Whilst the DCMS has declined to list Camden Underground station, the Bank, TURC and the Deep Level Shelter on the site, those buildings and others in the vicinity do make a positive contribution to the character and appearance of the Conservation Area⁴⁷².
- 23.4. Modernisation at Paddington and Liverpool Street stations demonstrates that the best of the old can be blended with the new. Increased usage of Camden station and the prevention of overcrowding could be achieved by works below ground that retained the best of the existing tile work and lettering into the design. Tunnels that have been closed could be reopened and widened if necessary, as could the existing southern

⁴⁷⁰ 255/4

⁴⁷¹ 255/3

⁴⁷² 255/1, 6 & 7

access tunnels. There is ample room to provide additional escalators and extend the lower concourse, and the area of the Bank could be used to provide additional entrances and ticket hall space if considered necessary. Office and staff accommodation could be provided in the unused upper parts of the existing station building, which could also have an additional floor added. This would not cause any more disruption to passengers than the proposed development and could be carried out at night.

- 23.5. There is no need for extravagant office premises in this part of London. Indeed, LUL may be acting contrary to its memorandum and articles of association under the *Companies Act 1985* by venturing into property speculation. The proposal is a pretext for demolishing the facades of the existing Leslie Green station that is part of a series. The loss of any one building would be akin to breaking part of a tea set and would create a precedent for the demolition of other period stations.
- 23.6. The proposed ultra modern glass building is a poor design with little or no architectural merit. Its height alone disqualifies it from being the right building for the Conservation Area. The proposed residential block is equally uninspired. The development has been designed purely for profit and would be totally out of place in the context of its surroundings. Every witness, other than LUL's own, has criticised the design. They can't all be wrong and the public and local residents would have to live with the design.
- 23.7. In view of the contribution made by the buildings that would be demolished, and the detrimental effect of the proposal on the character and appearance of the Conservation Area, conservation area consent and planning permission should not be granted.

24.0 The Case for Camden Town Speaks Residents Association (Objection 256)

- 24.1. Camden Town Speaks is a group of residents associations.
- 24.2. The site is a landmark and a central focus. The proposal would dominate the area and stick out like a sore thumb. The Sainsbury's development is disastrous. It replaced a bakery leaving residents fuming. The markets developed in the 1970s and it is their uniqueness that attracts visitors. At Camden Lock, the building has been designed to reflect the lock area. This proposal would not be in keeping with the area. If LUL wants to generate revenue it should do it at the end of the line out of the old town area.
- 24.3. The experience of Kings Cross demonstrates that there will inevitably be noise nuisance and dust, a danger to foundations, and day and night working. Living opposite such development is exhausting. Residents have put their heart and soul into the area. It is accepted that there is a need for change but that does not give LUL the right to destroy the area.

25.0 The Case for Camden Square Conservation Area Advisory Committee (Objection 257)

- 25.1. The Camden Square Conservation Area Advisory Committee has been in existence for around a year. It tries to encourage development that would enhance the conservation area but tries to be objective and is not against modern architecture. Although the development would lie outside the Camden Square Conservation Area, the station is at the heart of Camden Town and is the gateway to the area. The

proposal would therefore impact significantly on the life and character of the surrounding Conservation Areas.

- 25.2. The proposal should provide a focus for the regeneration of the whole area. A landmark building of quality is therefore required. It should make a positive statement about, and be synonymous with, Camden as a whole similar to the Jubilee line extension stations.
- 25.3. Commercial pressures are not conducive to good above ground development. Although the massing of the housing blocks is appropriate to an urban situation and helps to mediate between the larger office building and nearby buildings, the main elevations of the office block make little attempt to relate to nearby buildings and would harm the continuity and integration with the surroundings. The curved sculptural form is unsuccessful and would harm the focus of the junction.
- 25.4. Conversely the broad sweep of the Camden Road façade into Reunion Street treats a minor access as if it was a major thoroughfare and needlessly disturbs the continuity of the street frontage. At ground level, extensive blank areas on the Kentish Town Road frontage would be a poor substitute for the existing rhythm of small shop fronts.
- 25.5. The Conservation Areas in the vicinity include a wide range of materials, colours and surface treatments. The proposed materials reflect the different functions of the buildings but the extent of the glazing in the office building may contravene energy conservation regulations and require environmental concessions elsewhere in the scheme. Fire escape provisions may not meet the requirements of the fire brigade.
- 25.6. Pollution and noise would create a poor environment for the residential buildings, and flats on the north side would receive no direct sunlight. The landscaped podium would make a strong contribution to the flats but would be of little benefit to the Conservation Area. Indeed, the gaps in the two main road frontages needed to achieve the landscaping concept could be seen to dilute the consistency of the frontages, although planted bamboo screens of adequate height could provide a striking infill.
- 25.7. The loss of existing amenities such as the EB, Camden Market at Buck Street and the Church, together with the loss of other undistinguished but not unattractive buildings would endanger the character and economic vitality of the area. Such losses would only be justified by a distinguished building that would relate well or be a dramatic contrast. Whilst the proposal would have many positive aspects and provide a badly needed enlarged Underground station, it would not be distinguished, would never be a landmark building, and should be rejected.

26.0 The Case for the Governors of Hawley Infant and Nursery School (Objection 287)

- 26.1. The area around Hawley School is in need of improvement, especially in Kentish Town Road where the pavements are narrow and some of the buildings are in need of repair. The proposal to redevelop Camden Town Underground station is acknowledged as a unique opportunity to improve the area and provide a station fit for the needs of users.
- 26.2. Hawley School occupies a Victorian building on the corner of Buck Street and Kentish Town Road to the north of the station. TOD-AO (Cartoon Network) adjoins the site to the rear and Gray's Auction Rooms, which has recently gained planning

permission for redevelopment, lies to the west. The School is thought of as a village school in the heart of the inner city. The classrooms, hall and library occupy the ground floor and the school offices and staff room are situated on a small upper floor. Playgrounds surround the school on both sides and at the rear.

- 26.3. The School is one form entry. There are 39 nursery pupils aged 3-4½ and 89 infants aged 5-7. In addition to the Head Teacher, there are 7 teaching staff and 11 support staff. In November 2003 33% of pupils received free school meals compared to a national average of 17.9%, 34% of pupils spoke English as an additional language and 19.3% had special educational needs as opposed to the national average of 17.5%. The last OFSTED report, in March 2000, commented that Hawley was a good school that made good provision for its diverse community and provided good value for money. Local businesses have supported the school and see it as a positive presence in the area. The children have been able to contribute to the area through music and art.
- 26.4. For many of the children the playground is their only opportunity to play outside in safety. Play is important in the development of the whole child and the playgrounds have been enhanced with planted areas, play equipment and colourful murals. Any diminution of the play facilities would be detrimental to the pupils' wellbeing.
- 26.5. The school would be overlooked by a four storey building on Buck Street, on the site of the present ground level market and Church. This would cause a loss of daylight and sunlight to the school, and playgrounds. It is unreasonable to argue that because it is an urban inner city site such a loss is acceptable. Whilst the loss might be marginal, it would have a significant impact as children need daylight and sunlight, especially if they live in the crowded conditions prevalent in Camden.
- 26.6. The entrance to the school used to be in Kentish Town Road. When Sainsbury's developed its store opposite the school, the entrance was moved as it was recognised that it was unacceptable for a school entrance to be opposite a loading access. The proposal would introduce a loading bay opposite the school in Buck Street. The effect on noise, vibration and safety is self evident. The pavement in Kentish Town Road is always crowded with people waiting for buses making it difficult for parents coming to the school pushing buggies. Widening the pavement would help a little but the building of a new station complex is an opportunity to provide a true transport interchange similar to the new station at Hammersmith.
- 26.7. It is accepted that there will be a need for a temporary station during construction. However, the proposed location opposite the school in Buck Street would bring with it increased pedestrian and vehicular traffic, despite what LUL states, together with some of the worst aspects of the present station such as fast food stalls, illegal mini-cabs, drug dealers and people handing out leaflets. This would have a deleterious effect on the school and LUL should detail how it will ensure these effects would be kept to a minimum.
- 26.8. Construction would last for eight to nine years. During this time two cohorts of children will experience the whole of their time at Hawley School and other cohorts a lesser time. Research highlights the pivotal part the first few years of a child's education has on their future success and wellbeing and it is important to ensure the impact of construction is kept to a minimum.

- 26.9. LUL has sought to mitigate the impact of construction by means of a CoCP. This would seek to control noise, dust and vehicle movements and prevent certain activities during school hours. If these are ineffective, the school would be relocated. In addition, a Community Working Group would monitor the work. These would be legally enforceable by the Council through a Section 106 Agreement. However, relocating or closing the school should be avoided at all costs.
- 26.10. Whilst the provisions appear generous, they do not include an independent adjudication process for disagreements over the CoCP. This would be simpler, cheaper and quicker than adjudication via the Courts. Residents close to the Channel Tunnel Rail Link site at Kings Cross have had to contend with contractors seeking to work outside the hours previously agreed. Moreover, LUL should provide a new pedestrian access to the school on Kentish Town Road and guarantee that the fire gates in Buck Street would always be accessible.
- 26.11. The net result of the works may be that the school would be less popular with local families and that the roll would reduce. The finances of a small school are precarious at the best of times due to the formula for funding schools. The loss of even a few pupils would represent a significant percentage and have a critical effect on the whole school budget. Compensation should be offered for any reduction in numbers due to construction. The extent to which the loss is attributable to construction would be debatable but an adjudication process could be agreed. A positive benefit for pupils during construction would be if LUL were to provide transport for pupils to local parks and leisure facilities.
- 26.12. Nothing should be left to judgement in the future. Young children are incredibly receptive and keen to learn but if there were any disruption the moment would be lost. The Governors do not seek to prevent development but merely to safeguard the wellbeing of the children at the school.

27.0 The Case for Barnet Transport Users Association (Objection 288)

- 27.1. The area for compulsory purchase is excessive and the proposal would effectively provide a large building filling the site. The residential building would be higher than the existing terraces and well above the building line. Environmental provisions are not apparent although the proposal would have an impact on the area. Proposals should be sustainable but glass buildings deteriorate and need maintenance.
- 27.2. Land would be taken from the Church, shops and the market would be lost, as would the leisure use at the EB. This would remove local amenities. Although it has been suggested that a market could be provided in the new pedestrianised Reunion Street, it is understood that the Council would not approve of that. A community hall should be included within the proposals. A large development has begun at Kings Cross which is a more modern area. This would be in competition with the proposed above ground development and would be preferable to some people for shopping.
- 27.3. Not all visitors to the markets want to return via Camden Town station. Some would use Chalk Farm or Mornington Crescent stations. In addition, the economic situation has changed and passenger numbers may not increase as predicted by LUL. The costs given by LUL are not accurate as they are not current prices.
- 27.4. Lift provision within the proposed station would not be adequate. There should be two 16 person lifts plus a fire lift. The station would be at a major transport

interchange but there would be no all-weather shelters with doors and heating for inclement weather and there would be no payment or public facilities within the scheme to replace any lost.

- 27.5. Finally, the deep level shelter tunnels are part of our World War II heritage and access to them should be provided.

28.0 Written Representations

28.1 Introduction

- 28.1.1. This section of the report summarises the written representations made by statutory and non-statutory objectors to one or more of the Order, conservation area consent application or the two planning appeals. The statutory representations are reported individually whilst the non-statutory representations are summarised under the following topics:-

- i) Effect on local businesses, the markets and the Electric Ballroom;
- ii) Effect on tourism and the economy;
- iii) Effect on the character and appearance of the area;
- iv) Lack of justification/need for the proposals;
- v) Impact during the construction period;
- vi) Other matters.

The five main topics were raised by a significant number of objectors whilst the other matters were raised in less than 10 of the objections received. The brevity of the summary does not reflect the importance of the objections but rather the fact that similar considerations were raised in greater detail at the inquiry and are detailed in other sections of this report.

28.2 Statutory Objections

- 28.2.1. **Buffalo Boots Limited (Objection 001)** has had a leasehold interest in the property at 190 Camden High Street and traded there since July 1999. It believes the proposed redevelopment would be detrimental to its business.
- 28.2.2. **Christo & Co (Objection 002)** is the freeholder of the property at 186 Camden High Street. It believes that the proposed development would bring an end to the unique shopping experience that exists at Camden Lock which extends from Parkway up Chalk Farm Road. This has taken over 20 years to build up. A healthy mix of retailers has been sought even to the extent of excluding multiples, although these are now edging into the area. Camden is already saturated with vacant office and residential space and the business is personally involved in a number of vacant projects in the area. The lower part of Camden High Street from Delancey Street south to Mornington Crescent has been neglected. It would be more practical to develop Mornington Crescent Station for one way entry with Camden Town as one way exit forcing large numbers of shoppers to walk down Camden High Street. This would help revitalise the lower part of Camden High Street through increased footfall.
- 28.2.3. **Mr Ly Coong Voong (Objection 003)** is the tenant of 7 and 9 Kentish Town Road. If the property were purchased, he would suffer substantial loss and lose his means of livelihood.

- 28.2.4. **Digital Media Creations (Objection 013)** occupies 10 Stucley Place and considers there is no justification for including its property in the Compulsory Purchase Order. The property is new, of acclaimed architectural merit, and purpose built for its use. The business is established in the building and eight jobs depend on its continuation. The building is on the outer periphery of the proposed demolition site and the system and sequence of building could be altered to enable it to be excluded from the Order. The size of the proposed development is excessive and beyond that needed for the rebuilding of the tube station.
- 28.2.5. **Stable Finance Limited (Objection 020)** is the freeholder of 3 Buck Street. The Compulsory Purchase Order would be an infringement of its human rights, especially as the property would not be needed. The Compulsory Purchase Order will also blight the property and prevent it being sold on the open market.
- 28.2.6. **British Boot Company (Objection 021)** is one of the oldest shoe shops in the country. It is believed to have been established in the 1880s and was well known for selling clogs and then hobnail boots to the road and canal builders in Camden. Over the last 40 years it has come to represent icons such as Madness. It continues to attract and serve the gay, skinhead, punk and goth communities that make Camden what it is today. Foreign visitors swell the numbers and, with other tourists, contribute a large amount of revenue to the area.
- 28.2.7. The Company considers that the proposed development would be completely out of character with the surrounding area. The proposal would, in the long run, price small businesses out of the area turning it into the same type of monotonous shopping centre that can be found throughout the country. During the long construction period tourists would learn to go elsewhere and on completion the proposal would no longer be different and people would not travel to Camden.
- 28.2.8. **Mr Shahid Mirz (Objection 112)** is the tenant of the ground floor lock-up shop and basement of 11 Kentish Town Road. **Mr J S Toor and Mr A K Toor (Objection 113)** occupy 17 Kentish Town Road and trade as Camden Wines. They object to the fact that compulsory acquisition is being considered before plans for the development are approved. **Yiascom Limited (Objection 114)** is the freeholder of Nos 15-17 Kentish Town Road and **St Charles Property International Limited (Objection 115)** is the freeholder of Nos 7, 9 & 11 Kentish Town Road. The latter properties consist of lock-up shops on the ground floor with basements and self contained flats above. St Charles spent around £250,000 in 1998 refurbishing the upper parts of its property and this would not be recompensed under compulsory purchase.
- 28.2.9. The modernisation of the station is being used to push through a grandiose scheme which is not dependent on the below ground works and would be much higher than its surroundings. Any new development should be 5 storeys high and in keeping with the surrounding Conservation Area. Large sums of money have been spent on preserving the Victorian details of the properties to preserve the character of the Conservation Area. This would not be compensated either. This is not a City Centre development and should not be designed as such. The area is already congested and there would be inadequate provision for parking and servicing.
- 28.2.10. The northern end of the site is not fully developed and the station could be sited there where LUL propose a temporary station. The existing station could be used whilst a new one is built on the northern part of the site. This would retain many of the buildings on the site within the Conservation Area. The alternatives 'considered' by

LUL include a similar scheme but there is little detail as to why it was shelved. The current proposal would seem to be driven by the need to generate more finance.

28.2.11. LUL has had little contact or regard for the objectors but seems intent on making money from the site. Flats and shops in the proposals should be made available to the objectors who have no wish to lose their investments, similar to the flats that would be provided as affordable housing. LUL has no reason to hold luxury flats and shops and is only creating them to fund their redevelopment. The existing flats provide social housing for the Camden area but any difference in value could be paid. Alternative accommodation should be provided by LUL during construction to avoid the businesses and investments being extinguished.

28.2.12. **Anglo Scottish Developments Limited (Objection 125)** is the freehold owner of 221 Camden High Street. It considers that the proposed works would affect the long term structural integrity of the building, the freehold value and the short term rental value of the premises. It considers that the proposed safeguarding of access would compromise the security of the building and put the company in breach of the covenant it has made to its tenant regarding quiet enjoyment of the premises.

28.3. **Non-statutory Objections**

The Effect on Local Businesses, the Markets and the Electric Ballroom.

28.3.1. A large majority of the non-statutory written objections were concerned about the effect of the re-development on local businesses, many of which are traders at the markets. Numerous well established small businesses and independent designers contribute to the rich and vibrant atmosphere in Camden and add to the quality of life of people in London. These businesses provide the sole source of income for many of the people, and their families, who own or work for them. They are also a source of employment for the local area.

28.3.2. The redevelopment of Camden Town Station would result in the closure of the extremely popular EB and its clothing market. This, and the loss of the market at Buck Street, would have an adverse effect on other small businesses in the surrounding area. Small traders are unable to compete with chain store prices but their rents would increase due to a growing demand for space.

28.3.3. The re-location arrangements for the substantial numbers of traders that would be displaced are unsatisfactory or non existent. Despite the suggestion that the Stables Market could provide an alternative location for traders, it is not considered acceptable due to the lack of space and high rents.

28.3.4. The EB is also an important live music venue. Where unique establishments have been lost elsewhere they have not been replaced. London can ill afford to lose such a well known and important venue.

The Effect on Tourism and the Economy.

28.3.5. Almost 150 non-statutory written objections concerned the effect on the tourist industry. Due to their diversity and individuality, the Camden markets are one of the most important tourist attractions in London. Despite Government policy actively encouraging and promoting tourism, LUL proposes to destroy the very thing which creates the tourism demand in the area. The proposal would replace the markets with the sort of homogenized shopping centre that can be found in every other city in the

country. This would have a devastating effect on the economy as the number of tourists would decrease reducing the amount of money spent, the number of businesses operating in the area, and the number of people these businesses employ.

The Effect on the Character and Appearance of the Area.

- 28.3.6. Over 120 non-statutory written objections concerned the effect of the development on the character and appearance of the surrounding area. The proposed scheme would have a detrimental impact on the area as it would be completely out of character in townscape, architectural and design terms. The scheme would be insensitive and incompatible with the scale and height of the existing buildings. The development would therefore conflict with numerous townscape policies contained within the UDP, specifically SEN3, EN1, EN14 and EN31. The design of the new scheme would result in Camden becoming completely indistinguishable from any other area in London. It is the existing layout of the buildings that makes Camden what it is and any new development should be designed to complement the existing buildings and surrounding area.

Lack of Justification/Need for the Proposals.

- 28.3.7. Some 69 non-statutory written objections question LUL's justification for such an extensive redevelopment of Camden Station. Many do not dispute the need for the modernisation and improvement of the station, but believe that the proposed development is oversized considering the fact that the station is only closed due to congestion for around 5% of its total operating time.
- 28.3.8. LUL is a public transport company and should not act as a property developer. Although it is suggested that the income generated from the scheme would offset a proportion of the development costs and allow for money to be ploughed into public improvements, there has been no explanation of what financial contribution the over-site development would provide, or why this particular development should be self financing.
- 28.3.9. LUL's documents state that 16 alternative schemes were considered before one was chosen. However, none of these have been put to public scrutiny and there has been no specific justification given for the chosen scheme. The alternative schemes could produce the much needed improvement to the station without utilising the land which houses the markets, the EB and the Church. In any event, the market land would not be used permanently for the construction or operation of the station or ancillary matters and its permanent purchase would therefore be outside the scope of the TWA. The temporary uses earmarked for the market land could easily be accommodated elsewhere. Shops and residential accommodation are also outside the scope of the Act as generating funding cannot be a purpose ancillary to the construction of a railway.

Impact during the Construction Period

- 28.3.10. Construction impact was raised in more than a dozen non-statutory written objections. The time scale for the construction of the proposal would be very long. During most of this time there would be extra noise, dirt and traffic. Not only would this be detrimental to the environment enjoyed by local residents and workers, but it would also discourage people from visiting the area.

Other Matters

- 28.3.11. Other public transport options could be pursued that might help reduce the congestion experienced at the station. Kentish Town Road, Mornington Crescent and Chalk Farm tube stations could be actively promoted by LUL as 'stations to access the markets', along with the use of London Bus, main line trains and the Waterbus. The benefits of promoting the use of Mornington Crescent station would be felt in the surrounding area through increased footfall along the High Street. Kentish Town Road, an escalator station, could easily sustain a 30% increase in flow and thus would be an excellent alternative to Camden Town station in helping reduce congestion at peak times. Advertising could be used to disperse shoppers over all the days that the market is open, rather than just the weekend.
- 28.3.12. It is possible to design a new station without using the market land even for a temporary station. Station related uses proposed for the market site could also be provided elsewhere.
- 28.3.13. Despite the need for affordable housing, no one should be pushed into homes at the junction of five roads, next to a busy market, the tube and dozens of drinking spots that are open until the early hours. Whilst it is a good site for a mix of offices, commerce and leisure there could not be a worse site for housing. The redevelopment would also result in the removal of the Church which is a highly valued community resource and has existed on the same site for very many years.
- 28.3.14. Insufficient thought has gone into making Camden Town a comprehensive public transport interchange. The site is already over-congested and the roads unsafe. There is a need to separate pedestrians and traffic. A pedestrian underpass could be constructed to Chalk Farm Road, which would provide traffic free pedestrian access from the station to the markets. It would not be safe to have a major entrance/exit from the station on a corner adjacent to a major road junction. The loss of a pedestrian access from Kentish Town Road and the failure to maximise circulation through the proposed Reunion Street would minimise safety improvements. Access across and between the existing north and south bound platforms needs to be improved as well as the signage at or near platform level before any new development takes place.
- 28.3.15. RADAR London Access Forum consider that the redevelopment of Camden Town should become an example of best practice in access to the Underground as it will be the first station redevelopment in the planned 111 station step-free network. If the proposal were to be made now an access statement would be requested. Consultation is important. The Jubilee line extension is the only part of the tube system built to be accessible to all. However, audits by access groups have found that lack of consultation and access expertise has led to the gap between the platform and the train being too wide to be safely negotiated by independent wheelchair users, inadequate colour contrast on walls, flooring and features throughout the system and signage that is too small even for people without visual impairment.
- 28.3.16. The redevelopment will have failed if in a few years time disabled, elderly and encumbered people are unable to use the tube quickly and safely. However, the planned lift provision is of the minimum standard. 16 person lifts are hardly appropriate for the third busiest underground station other than those at main line stations. No arrangements for emergency evacuation have been described,

particularly for when one or both lifts are out of service. It would be expensive and unacceptable if decisions at this stage perpetuated discrimination against disabled people in access to transport and thwarted any hope of success in developing an accessible tube network.

- 28.3.17. The proposal is widely opposed because there has been little grass roots consultation with the market traders, the local community and owners of surrounding small businesses who are directly affected by the development. To allow the scheme would set a bad precedent.

29.0 Inspector's Conclusions

[The references in square brackets are to earlier paragraphs in this report]

29.1. Procedural Matters

TWA Order

TWA SoM

9. The purpose and effect of any substantive changes to the TWA Order proposed by LUL since the application was made; whether anyone likely to be affected by such changes has been notified; and whether any proposed changes to the Order either on their own or taken together would amount to a substantial change in the proposals for the purposes of section 13(4) of the TWA.

- 29.1.1. The application for *The London Underground (Camden Town Station) Order* was made on 14 March 2003. Details of how statutory requirements relating to the proposed Order have been met are set out in the Order application and in a statement of compliance with the requirements for publicity relating to the proposed Order.^[5.6.1]
- 29.1.2. Prior to the Inquiry, the draft Order was amended to include a number of minor drafting changes suggested by the Department for Transport. In addition, revised works plans and sections (sheets 1A, 2A and 2B) were submitted reflecting amended descriptions of the Scheduled works. These are a minor repositioning of some cross passages, and the inclusion of a new cross passage, below ground (Work No 10) requested by Her Majesty's Railway Inspectorate, and references to a public lift and public toilet in Work No 1 to address concerns raised by the Mayor of London.^[1.2]
- 29.1.3. Transco originally objected to the proposed Order (Objection 22) but withdrew its objection subject to a number of minor amendments to Schedule 8 Part 1 of the Order. These amendments, and the previous alterations, are included in a draft filled up Order dated 3 June 2004.^[1.2]
- 29.1.4. The limits of deviation of the cross passages now include land beneath the surrounding streets outside the compulsory acquisition area. However, Article 21 of the proposed Order would give powers to appropriate and use as much of the subsoil beneath the surrounding streets as is necessary for the works. Whilst the extent of subsoil to be appropriated might be slightly different to that in the original Order, all the landowners affected had been notified previously, many were represented at the Inquiry, and compensation would be payable for any additional subsoil taken. The Transco changes are minor amendments to the protection provisions for its equipment. In my view, the changes, taken together, would not amount to a substantial change in the proposals for the purposes of Section 13(4) of the TWA.^[5.9.26-27]

Planning Appeals

- 29.1.5. Planning Appeal C was withdrawn on 18 June 2004. The scheme subject of Appeal D was amended on the same date. The new cross passage and the revised positions of the other cross passages are included in this amendment as are the provision of three kiosks on Kentish Town Road, an extended footprint to the replacement Church, a revised music venue layout and minor consequential changes^[1.4, 1.6].
- 29.1.6. The mix of uses would be unaltered, although the relative proportions of each use type would differ slightly. The provision of the kiosks is in response to a concern raised by LBC which welcomes the change, and the amendment to the Church has enabled it to withdraw its objection by a letter dated 9 June 2004 (Objection 124). Whilst the revised music venue would now more accurately reflect the floor area of

the existing EB and is accepted as an improvement, the Ballroom still has other concerns and maintains its objection. The amendments reduce the matters in dispute and are not, in my view, significant within the overall scheme. Their consideration would not, therefore, disadvantage anyone [1.6, 17.1-2].

Conservation Area Consent Application

- 29.1.7. The application made on 21 November 2002 included copies of the then proposed above ground scheme. Following amendments to that scheme LUL requested that these drawings be omitted from the application, which is still for the demolition of all the buildings and structures on the site. 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 redevelopment drawings.
- 29.1.8. My recommendations on Applications A and B and Appeal D are therefore based on the latest amended documents as set out in Appendices 1, 2 and 3 relating to the Order, conservation area consent application and planning appeal respectively.

Environmental Statement

TWA SoM

7. The adequacy of the environmental statement submitted with the application for this Order and the supplementary environmental information subsequently submitted and whether statutory procedural requirements have been complied with.

PP SoM

(vii) The adequacy of the Environmental Statement submitted with the planning application and whether statutory procedural requirements have been complied with.

- 29.1.9. A scoping opinion was requested from the FSS on 24 July 2002. Consultations took place with the LBC, the Countryside Agency, English Nature and the Environment Agency. Comments were also received from EH, the London Transport Users Committee and CABE. An ES and a non-technical summary were submitted with the Order application and the planning applications. When the amendments to the above ground scheme were submitted they were accompanied by an addendum to the ES dated October 2003. All these documents were advertised and made available in accordance with statutory requirements.[5.6.1]
- 29.1.10. Whilst a number of objectors have commented on the ES there have been no significant objections relating to its adequacy, or otherwise. Most of the points raised in the scoping opinion dated 23 September 2002 are clearly addressed in the ES but clarification on three matters was requested at the Pre-Inquiry Meeting.[5.6.1, 23.2]
- 29.1.11. The concern about contaminated land relates to the TSS. A survey, to be carried out when the sub-station has been taken out of service, could be required by a condition attached to any planning permission. The subsequent remediation of any contaminated land found would be required to be in accordance with current legislation by a Section 106 Agreement. EH confirmed that no further archaeological information is required at this stage and, in a letter dated 20 October 2003, suggested conditions reflecting advice in PPGs 15 and 16. Chapters 4 and 5 of the ES refer to PPG15 and in general terms address the tests for demolition in a Conservation Area. I have taken the ES and other environmental information into account, including comments and representations made by statutory consultees and members of the public. I consider that the ES and the Addendum ES together are adequate and that statutory procedural requirements have been complied with.[5.6.8 & 21]

29.2. **Need for and Objectives of the Proposals**

TWA SoM

1. The need for and objectives of the proposed reconstruction of Camden Town underground station ("the station works")

Need

- 29.2.1. Passenger demand, particularly at weekends, puts an enormous strain on the Camden Town station infrastructure that is nearly 100 years old. Whilst the station may be less overcrowded than Kings Cross and not quite as busy as it was a few years ago, congestion can still be severe in the lower concourse, interchange passageways, and ticket hall.^[5.2.1-3, 7.2]
- 29.2.2. The station is closed to entries on Sunday afternoons and a one way system restricts all passenger access to a spiral stair for part of Saturdays. Although the station is only currently closed due to congestion for around 5% of its total operating time, there are few other regular planned closures on the network. I consider that the station fails to meet the fundamental objective of running an efficient and effective transport network. In addition, the frequency of train services through Camden Town are planned to increase by 20-25% by 2012 and it is likely that the station might also have to be closed to entries completely on a Saturday afternoon in the foreseeable future.^[5.2.4, 14.2.3, 28.3.7]
- 29.2.3. There may be times when Ticket Inspectors slow down passenger flows and when some ticket windows are closed. However, there are insufficient windows and ticket machines to cope with peak demand and an insufficient number of ticket gates. Parts of the station do not meet current standards for run off space at the foot and head of escalators and stairs. The passageways at the southern end of the station are narrow, have blind bends and changes of level and the spiral staircase that is used for all passenger access on Saturday afternoons is inadequate for routine operational use.^[5.2.6, 7.2]
- 29.2.4. Passenger circulation and staff areas do not comply with the requirements of the *Disability Discrimination Act 1995*. There is no step free access to any of the platforms, no independent or secondary means of escape from any part of the station complex and parts of the narrow platforms are more than 20 metres from a protected means of escape route.^[5.2.6]
- 29.2.5. Unsurprisingly, therefore, it is almost universally accepted that there is a problem at Camden Town station. The Council remains supportive of the ambition to relieve congestion and improve public safety at the station and the EB and CLLL, who between them own significant areas of the proposal site, accept there are difficulties that need to be addressed.^[5.2.7, 13.1.1, 14.2.1, 17.2.1]
- 29.2.6. A number of objectors suggest that the transport issues should be dealt with below ground, similar to when the station was built and the escalators were later installed. I accept that LUL already owns land other than the station at ground level. However, I do not consider that the network of sub-standard tunnels at the southern end of the station could be improved sufficiently to significantly reduce congestion and provide step free access using existing access points. Reopening existing tunnels and inserting additional escalators alongside the existing ones could not, in my view, be achieved without either closing the station or providing a temporary station that would require additional land to that already in LUL's ownership.^[5.3.2, 10.12, 23.4]

- 29.2.7. There are other possible means of getting to Camden such as the use of Chalk Farm, Mornington Crescent or Kentish Town Underground stations, Kentish Town main line railway station, buses, canal river-bus, taxis, minicabs, the proposed CRT and the re-opening of South Kentish Town Underground station. With the exception of the latter two, all are available now. Although LUL have not addressed this point directly I consider that assuming passengers act in a rational manner these alternative means of getting to Camden would already be used if they were more convenient than using Camden station.^[5.10.22, 10.13]
- 29.2.8. Moreover, I consider that whilst additional publicity might increase the use of these other modes of transport, it would be unlikely to have such a significant impact as to avoid the need for improvements at Camden station. In any event, they would only address the congestion problem and not improved access for all or improved fire escape provision. Weekends are the busiest period as many people work during the week and cannot arrange their visit for a week day. In my view, improved technology and home-working is unlikely to lead to a significant shift in visitor numbers to week days in the foreseeable future.^[10.13]
- 29.2.9. The principles by which projects are selected should be fair and consistent. Reference has been made to TfL's *Interchange Plan – Improving interchange in London*, which ranks Camden 12th in terms of policy objectives but only 107th in terms of priority. However, TfL confirms that the *Interchange Plan* does not deal with capacity relief schemes. I do not consider that the document, which primarily addresses interchange rather than capacity relief, contradicts the Mayor's TS.^[5.10.37, 14.2.6]
- 29.2.10. Whilst the lack of transparency in project selection has been criticised, the scheme, which would address the obvious congestion problem as well as contributing to the Mayor's requirement for a programme of improvements to ensure greater levels of accessibility and the creation of a core accessible network, is included in TfL's *Business Plan 2004/5-2009/10* as one of a portfolio of station capacity schemes. Regular planned closures are few on the network and the current regular Sunday closures and the planned increase in train services lead, in my view, to a self evident need for improvements.^[5.10.37-38, 14.2.6]
- 29.2.11. Proposals have been in development for a number of years with a first planning application in December 2000. I accept that the need, which arises from congestion at weekends rather than in the week as at some other stations, may not be so pressing that it requires immediate resolution.^[14.2.2]

Objectives

- 29.2.12. To meet the need and provide a station suitable for the 21st century LUL has identified the following objectives:
- i) to relieve passenger congestion;
 - ii) to reduce overall journey times from the street to the train;
 - iii) to upgrade safety for passengers to meet current standards;
 - iv) to improve accessibility, including for the mobility impaired, to all parts of the station, with step free access from the street to platform;
 - v) to provide added safety improvements and improved staff accommodation;

- vi) to upgrade the quality of interchange from the station to adjacent bus services and other transport modes, and provide some environmental improvements to the adjacent highways; and
- vii) to better serve the local community and to meet long term needs presented by future growth in demand.^[5.2.8]

29.2.13. These objectives have generated little detailed comment. However, with the exception of improved interchange and better serving the local community, they relate to the below ground station development and do not address the above ground development which is an integral part of the scheme.

Conclusion

29.2.14. In my view, there is a compelling need in the public interest for improvements to bring the station up to modern standards and address step free access and improved fire escape provision, as well as the congestion problem. The objectives for the station works are reasonable given the problems identified.

29.3. Scale & Configuration of the Works

TWA SoM

2. The justification for the particular proposals in the TWA Order including

- the scale and configuration of the station works, having regard to LUL's operational needs and to any statutory or other requirements as to safety, accessibility and capacity.

Design Life

29.3.1. The proposed station has a design life of 120 years. This is in accordance with LUL's Engineering Standard *Stations, subways and other structures*. Although many transport policy documents use a planning horizon of 15-20 years, I consider a planning horizon to be very different to the design life of an expensive piece of transport infrastructure. Indeed, the station would take eight or nine years to build. That a 120 year design life would be reasonable is demonstrated, in my view, by the fact that the existing station is approximately 100 years old.^[5.2.10, 14.3.2]

Growth

29.3.2. The station has been designed for a 50% growth in passenger numbers, a figure given in relation to LUL's business case rather than as part of a transportation justification. However, I consider the forecast to be relevant for both purposes.

29.3.3. The 50% is composed of four elements. 2% is to allow for sampling error in the original survey data. This has not been challenged and in my view is reasonable. Two elements relate to growth over 20 years. 15-20 years is used as a planning horizon partly because beyond that period forecasts become less reliable. 17% is attributable to growth on the Northern line and 11% to growth in the Camden area. Little evidence has been submitted to support the 11% figure or demonstrate that there is no double counting between the two elements.^[5.3.4, 14.3.3]

29.3.4. The final element is a 20% margin to allow for growth after 20 years and higher than expected growth. The 20% margin was stated to be based on experience and not derived from SPSSG, which indicates that 20% be used as a margin in the absence of demand figures. I note EB's submission that there is no evidence to support the 20% margin. However, I consider that experience is very relevant to planning for projects with a long design life. Lessons have been learnt from schemes where flexibility was not built in, such as the Victoria line where, after less than 40 years, demand is well in

excess of its designed capacity and both trains and Victoria station suffer from extreme congestion. Elsewhere LUL maintains that Angel has seen 200% growth in weekend passenger numbers since its rebuild 15 years ago, albeit from a lower base figure.^[5.3.5, 14.3.4]

- 29.3.5. Off peak growth figures for 1999-2002 were below LUL's forecast. Little evidence was submitted to explain why but I note the period includes 9/11 which may have had some bearing on the shortfall. In my view, the precise growth figure is only relevant if it affects the amount of land take required by the station design. CLLL, which owns land at the extreme northern end of the triangular site, has not challenged the forecast growth. Despite the lack of evidence to substantiate some of the figures, and EB's doubts about LUL's forecasting methodologies, a number of other forecasting methods also indicate what growth might be expected.^[5.3.1, 14.3.3, 14.3.7]
- 29.3.6. Weekend growth trends over the last 15 years, used as a sensitivity test, show Saturday growth of 35% and Sunday growth of 64%. The 50% growth adopted is midway between these recorded growth figures but would apply to 120 years not 15. A calculation based on LUL's demand model elasticities for income, population and tourism growth gives a figure of 31.6% growth for a 17 year period.^[5.3.6&9]
- 29.3.7. Long term journey forecasts indicate off peak growth over the network as a whole of around 37% in 20 years and in excess of 50% over 25 years. These figures are criticised as being network wide figures, rather than just Camden, but as the Camden markets attract visitors from all over London and beyond, the use of a network wide growth figure would, in my view, be relevant. In any event, I note LUL's comment that if Camden only figures were used the increase in growth would be greater. In my view, all these figures support the use of a 50% growth figure over the 120 year design life of the station.^[5.3.7&9, 14.3.8]

Other Factors That Might Affect Growth

- 29.3.8. I accept that there would be some peak spreading as passengers shift their journey times to avoid the worst of the congestion. However, the peak on a Sunday is already more spread than on weekdays and so peak spreading would be more limited. Reference has been made to constraints elsewhere on the network that might affect growth of 50% at Camden. I consider that it would be unrealistic to expect the network as a whole to move forward in unison. As the worst constraints to growth are addressed and improved, other areas will become constraints. In my view, it would be short-sighted to design for the most constrained part of the network.^[5.3.15, 14.3.9 & 12]
- 29.3.9. Congestion charging does not apply at weekends, the markets lie outside the congestion charge zone and little evidence was adduced to indicate that the charging period would be altered or the zone extended to include the markets area. At present it is difficult to disentangle the effect of congestion charging during the week from the short term effects of Central line closures and the after effects of 9/11 but even if it were relevant I do not consider that the effect would be significant.^[5.3.12, 14.3.11]
- 29.3.10. Improvements in technology, such as the introduction of Oyster Cards, may well increase passenger throughput at ticket gates but they would still have to wait for trains. In my view, a greater throughput without a consequential increase in train capacity would be likely to lead to a greater number of people within the station at peak times and a greater need for waiting space. Similarly, EB cites the lack of bus capacity for interchange as a factor that might restrict passenger growth. However,

survey information indicates that most passengers at the weekend peak are visitors to the markets. Whilst some have to interchange between bus and tube at present for their inward and outward journeys due to the station closure, the station improvements leading to an open station on a Sunday might reduce the number of passengers interchanging to buses.^[5.3.15, 14.3.12]

- 29.3.11. The effect of the proposed Cross River Tram was also cited. However, apart from feasibility studies the project is currently unfunded and is unlikely to be constructed within the present rolling TfL Business Plan period. A terminus is currently planned for Camden so the CRT would only compete with the Underground on journeys south. Moreover, the speed and frequency of the service would be more akin to buses and therefore it would be less attractive the longer the intended journey. I therefore consider that the likely effect on growth figures, should the project go ahead, would be closer to LUL's estimate of 1-2% than EB's suggested 10-15%.^[5.3.13, 14.3.11]
- 29.3.12. EB referred to a centroid model based on the geographic centre of each market and Camden High Street weighted by the number of stalls/shops at each. The closure of the Electric Market and Camden Market at Buck Street was calculated to move the overall centroid around 66 metres closer to Chalk Farm station. In my opinion, this calculation needs to be treated with some caution. Site visits at various times on various days indicate that the stalls at the northern end of the Stables market do not appear to attract the same number of visitors as those at the southern end. A sensitivity test moved the centroid of the Stable Market around 28 metres further south.
- 29.3.13. Even using EB's figures, the overall centroid after the closure of the two southern markets would be some 620.9 metres from Chalk Farm station compared to around 380.9 metres from Camden Town station. Although closer to Chalk Farm than previously, the centroid would still be far closer to Camden Town. Chalk Farm would still be less attractive than Camden, particularly as the route to Chalk Farm from Stables Market has far less retail attraction than the route south towards Camden Town. Because of this lack of attraction, I consider the change in passenger flows calculated by EB to be optimistic. Any shift in passenger flows away from Camden to Chalk Farm would, in my view, be insignificant.^[5.3.14, 14.3.10]
- 29.3.14. I accept that using growth generated by the proposed above ground office development to justify the size of the proposed station would be suspect. Particularly as any growth generated by office development above the station would primarily be during the week and not at the weekend when the station experiences its greatest passenger flows.^[14.3.14]
- 29.3.15. The loss of market stalls at Camden Market at Buck Street and the Electric Market might have an impact on the attractiveness of the markets overall. This is considered at Section 29.5 of this report. This could be offset in the longer term by the provision of a market use either in the retail units on Reunion Street and/or on Reunion Street itself.
- 29.3.16. The markets are stated to be in a steady state and I note the concern that with the existing congestion in the markets and on the pavements there is nowhere for additional visitors to go. The congestion at Camden Town station appears to be at least a part of the reason why LBC has been reluctant to countenance any further market developments. Indeed, proposals at the Stables Market were altered to reduce the amount of retail provision prior to planning permission being granted. It is only

possible to speculate what might happen in the future. The improvement at the station might alter attitudes to further market development. However, I do not consider that uncertainty about where additional visitors might go would justify reducing the size of the proposed station.^[14.3.13]

- 29.3.17. To plan for only 17.9% growth or less, as the EB maintains would be the right size, would in my view be totally unrealistic for a piece of major infrastructure which would have a design life of 120 years. Indeed, a significant part of the 17.9% growth predicted to occur in the next 20 years would have taken place before the new station was brought into operation giving little resilience to further growth in the next 100 years. The proposed temporary station would not therefore be the right size.^[14.3.14-15]

Space and Configuration

- 29.3.18. The design of the station is affected by the spatial requirements in the SPSG. From the 1998 base passenger flow data identified by LUL, EB calculates that even if 50% growth is assumed 392m² of open concourse and 194m² of intermediate concourse would be justified to meet SPSG requirements. It estimates the LUL scheme to provide in the region of 580m² and 2000m².^[5.3.2, 14.3.15]
- 29.3.19. These standards relate to new stations but at Camden the running tunnels, which diverge as they run north, and the platforms would be retained. Notwithstanding differing assumptions in the various PEDROUTE runs they indicate, particularly for the 50% growth run requested by EB, that the narrowness of the existing platforms leads to some congestion at peak periods. Although regarded with more than a little scepticism by some objectors, I consider that the large intermediate concourse, which would be in excess of the SPSG standard, would provide some resilience to overcrowding on the platforms during peak periods and at times of other service problems.^[5.3.10-11, 10.9, 14.3.5]
- 29.3.20. Moreover, it would allow additional access points to the platforms encouraging a more even spread of passengers along the platforms and overcoming the 'dead end' problem in terms of fire escape routes. The increased number of escalators from the ticket hall would also arrive at the wider end of the concourse which would provide space for passengers, away from the base of the escalators, for assessing train information. This is important as trains heading south could be from either of the southbound platforms and passengers need space to decide which platform to head for to catch the next train. Although the diverging space between the existing tunnels leads to some spaces being noted as 'spare' on the plans, in my view the measures to overcome the constraints created by the retention of the existing tunnels and platforms would justify the size of the proposed station.^[5.2.10-11]
- 29.3.21. There is also a requirement to provide a safety construction zone around the existing infrastructure. Increasing the platform sizes or the route of the running tunnels would obviously have a major impact on the scope and cost of the scheme and on the amount of disruption that would be experienced. As the station would be maintained in operation a temporary station is proposed. This would have to be constructed within the site to avoid disruption to the local road network and so has to be sited to the north of the existing station. I therefore consider the size and configuration of the proposed station design to be acceptable.^[5.3.2]

MIP Access Provision

- 29.3.22. RADAR London Access Forum has not had an opportunity to raise queries about the design as it would have if the application were to be made now. Step free access would be provided to all platforms, primarily by two 16-person lifts backed up by a further lift during periods of maintenance or repair. These are stated to be standard sized lifts and would have a capacity of 346-478 persons/hour depending on intensity of use. As the platforms are on two levels, the lifts could be required to carry out three stop round trips. LUL figures indicate that whilst some 10% of passengers fall into categories that might use lifts, less than 4% actually use them.^[5.13.9, 28.3.15]
- 29.3.23. Camden Civic Society calculates that the lift provision would barely be adequate to cope with demand. Moreover, the situation would be compounded by increases in step free routes on the network. *Unlocking London For All* states that there are 37 step free stations but that there will be 74 more by 2020. The current 1,332 step free routes would therefore increase to 12,210, more than nine times the existing number. 42% of journeys would be step free by this time. By the end of the 120 year design life of the proposed station it is possible that all 275 Underground stations would be step free giving 75,350 step free routes. Improved access on the Docklands Light Railway and the East London line would lead to even more step free routes.
- 29.3.24. Against this background, it would be reasonable to expect the number of people wanting to use lifts as part of the step free route from street to platform to increase from just below 4%. The proposed station design would have difficulty coping with any substantial increase and the design of the proposed station is such that the location of any additional holes in the slabs for lift shafts is severely constrained. I consider that whilst not in itself a reason to reject the proposed design, it would appear to be a short-sighted approach to providing a step free network. ^[16.3-10, 28.3.16]

Conclusion

- 29.3.25. In the light of the move towards a step free network the capacity of the lift provision in the proposed station appears short-sighted but would not in itself justify dismissing Appeal D or not confirming the Order. The existing station is around 100 years old. A design life of 120 years for an expensive piece of infrastructure that would sit underneath a new development in a Conservation Area would be sensible, and would also be in accordance with LUL's Engineering Standard for stations, subways and other structures.
- 29.3.26. Growth forecasts beyond a 15-20 year horizon become increasingly speculative. However, I consider that LUL's experience at other stations and various methods of forecasting all point to 50% being a reasonable growth assumption over the life of the station. In my opinion, this growth, together with the positions of the existing running tunnels and the limitations of the existing platforms, lead to the scale and configuration of the proposed station works that would be 'right sized' for a station meeting standards in the twenty-first century. It follows that, provided there are no acceptable alternatives to the proposed scheme, the whole of the site would be needed to construct the station works.

29.4. **Alternatives**

TWA SoM

2. The justification for the particular proposals in the TWA Order including -

- the main alternatives considered for achieving the objectives of the scheme and LUL's main reasons for adopting the proposals in this application.

LUL Alternatives

- 29.4.1. LUL's current proposal has had a lengthy gestation period. Although some objectors maintain that only limited information has been provided on the alternatives considered by LUL, numerous feasibility and design reports were submitted in evidence. In my view, sufficient information is available to understand both the options considered and the decisions made on them.
- 29.4.2. Feasibility Studies in 1997 concluded that Option 3, which had a below ground ticket hall, "provides excellent opportunity for full redevelopment of the site, with potential funding contribution of over a third of the station construction costs". It was recognised that retention of some of the existing buildings on the site might constrain the size of any new development. The Business Case in November 1997 identified two main areas of benefits: congestion relief and income from above ground development.^[13.2.4]
- 29.4.3. The brief in an August 1998 report describes the maximisation of land value for above ground redevelopment as an 'overriding consideration'. Total demolition was put forward as a means to achieve this. The brief suggests that operational requirements might be used to justify demolition and states that an architectural statement should confirm that replacement redevelopment would enhance the conservation area.^[13.2.5]
- 29.4.4. The increased distance from street to platform and the fact that the peak flows were at the weekends caused problems for the business case. Options X and Y were developed and reported on in 1999. Option X, which had a below ground ticket hall, was selected for its shorter street to platform distance and significantly higher commercial returns. This was developed into Option 15 which formed the basis of the first planning application in 2000. LBC informally requested a ticket hall at ground level which appeared in the application scheme and has remained there since.^[13.2.7-8]
- 29.4.5. This application was withdrawn following criticism of the above ground development and the November 2002 planning application scheme was developed. This has also been withdrawn and a duplicate application, which was subsequently amended and is the subject of Appeal D, is now the only proposal.
- 29.4.6. Notwithstanding the 'overriding consideration' of maximising land value, LUL has reviewed 21 options against a set of comparison criteria. These include: travel time from street to platform; the position of the ticket hall; the adequacy of vertical capacity, run offs, circulation space etc; whether the station would have to be closed during construction; and the adequacy of MIP provision. All but three of the options had longer journey times from street to platform. Each additional 10 seconds adds £19 million disbenefit over the life of the station and so these options were not viable. Of the remaining three options only the promoted scheme met all the criteria.^[5.4.1-6]
- 29.4.7. Whilst maximising the commercial return was identified at an early stage, and has obviously had an influence on the above ground development, the scale of commercial development now proposed would only contribute up to 10% of the

capital cost of the scheme rather than the original estimate of over a third. Indeed, LUL would not make a profit as the estimated cost of land acquisition far exceeds the anticipated return from the above ground development. There is no financial incentive for a larger than necessary land take.^[5.4.6]

- 29.4.8. Two objectors, CLLL and the EB, have put forward other alternatives with reduced land takes. I consider that these alternatives test the proposition that the whole of the site is necessary for the provision of a station that would meet the objectives already set out.

CLLL Alternatives

- 29.4.9. A number of alternatives have been produced for CLLL by Arup who have been used by LUL on schemes elsewhere. I therefore agree with LBC that these alternatives cannot be dismissed out of hand. Arup's Option 1B has been progressed further than its other alternatives. This option would provide a below ground ticket hall. Option 2 is a similar design but with a ground level ticket hall.
- 29.4.10. Two key elements of the options are the use of banked escalators rather than a straight run, and the re-use of more of the existing infrastructure. Claimed advantages are significant cost savings and a shorter construction period. If these options meet the stated objectives for the project they would have the advantage of retaining a number of the existing buildings on the site. This would reduce the impact on the surrounding townscape and the Conservation Area.^[5.4.9, 13.2.19, 17.4.4]
- 29.4.11. Banked escalators have been considered by LUL but never in the context of a reduced land take. Indeed, although the architects were asked to check the feasibility of Option X in November 1999 this did not extend to considering alternative concepts. The single north-south run of escalators has been fixed in the LUL designs since that time under the assumption that splitting the escalators was not acceptable.^[13.2.19-20]
- 29.4.12. Although the 1B option would be smaller than the LUL proposal, CLLL maintains that PEDROUTE runs show that it would still be adequate. A number of points were raised by LUL relating to the size and layout of motor rooms for the escalators and the possible need for barriers at the head and foot of the escalators in certain positions. In my view, these are detail points that could be resolved.^[5.4.15-18, 13.2.13-18]
- 29.4.13. However, there are other elements of the 1B design that are more fundamental. Firstly, the journey time from street to platform would be increased. It might be similar to the walk distance at other central London Underground stations but the daily commuters using Camden Town station would be penalised in the attempt to solve the weekend congestion problem with a constrained land take. There is no hard evidence that people would be discouraged from using the tube and the difference may be only a very small addition to overall journey times but I believe that daily commuters would perceive a 'disadvantage'.^[5.4.11, 13.2.23]
- 29.4.14. The relationship of the banked escalators to the existing cross passage that would be retained would be different to that of the existing escalators. However, at level -4 passengers would arrive at the foot of the escalators facing a wall some 6 metres away. They would then have to turn left to face towards a 'funnel' giving access to the retained cross passageways. At this point they would have to make a decision as to whether to turn left, right or go straight on and turn left or right.^[5.4.15-18, 13.2.31]

- 29.4.15. This location is one where CLLL and LUL differ in their conclusions on the PEDROUTE runs. In my opinion, PEDROUTE does not fully demonstrate what would happen in practice with people hesitating and milling around looking for an indicator board to inform them which way to go. Indeed, in my view there is no obvious position for an indicator board in the Arup alternative and one was not shown on the plans. The space would be constrained in a similar way to the current situation at the bottom of the escalators, which is a fundamental part of the problem with the existing station despite an obvious position for its indicator board right opposite the bottom of the escalators.^[5.4.17, 13.2.27]
- 29.4.16. Escalators up from the southbound concourse would also arrive at level -4 facing towards the entrance to platform 3. The distance from the head of the escalators might comply with SPSP requirements but the arrangement is not ideal as passengers on the way down would also be using the narrow gap between the escalators and the tunnel wall to platform 3. I acknowledge that there is no need to provide three escalators, or even to have escalators at all given the difference in level, but a similar situation albeit slightly less constrained would also apply to staircases.^[5.4.18, 13.2.24 & 28]
- 29.4.17. At ground level, a long passageway between Camden High Street and Kentish Town Road would be open to the public and would have areas, particularly the MIP lift, that would have little natural surveillance. There may be similar covered areas at other Underground stations but the level of antisocial behaviour in this area of Camden would, in my view, make this an undesirable element of the design. Another disadvantage of the subsurface ticket hall would be the need for MIPs to take a lift down to the ticket hall and then a second lift to the platforms. Option 2 would overcome these two problems but would still exhibit many of the others mentioned.^[5.4.14, 13.2.35]
- 29.4.18. I accept that reusing part of the existing infrastructure would be a sustainable option. Indeed, the LUL scheme would reuse the existing running tunnels and platforms. Option 1B would also use the southern tunnels and cross passageways. CLLL accepts that these are not what would be built today. They are narrow, have changes of level and blind corners and do not comply with modern standards. Whilst the two parties differ in their interpretation of the PEDROUTE runs, I consider that they reflect the accepted substandard nature of the old tunnels. This would be made worse by the provision of refuges for MIPs that would provide 'hiding places'. In my view they are not acceptable in a refurbished station that has a design life of another 120 years.^[5.4.10, 13.2.30-31]
- 29.4.19. The MIP lift would be close to the access to platform 3 and people waiting for the lift would block access to the platform. There would be no natural route to the southern part of the platforms and there would be little resilience to crowding unlike that which would be provided by LUL's concourse. The passageway to platform 2 does not have a uniform width and its constraints would require the fire lift and stair to move north onto CLLL's site. The circular core at the southern end of the station would not comply with standards and would, in my view, be unacceptable as a means of escape in a station that has been the subject of major refurbishment. MIPs would be provided with refuges in the event of fire but this would put additional burdens on LUL staff. Although Arup's have supplied sketches of proposals it is not clear that the deficiencies could be readily overcome. The situation might not be worse than existing but would in my view be unacceptable when large amounts of money have been spent on refurbishment.^[5.4.19-23, 13.2.33-34]

- 29.4.20. The alternative might prevent the need to close the station periodically. However, in my opinion, it would not provide clear way-finding or an open and spacious ambience with clear lines of sight even in the new infrastructure never mind the retained substandard southern tunnels. More importantly it would not provide the same level of MIP facilities, particularly in the event of a fire.^[5.4.12]

EB Alternatives

- 29.4.21. Five alternatives have been produced by WSP for the EB. These were not examined in detail at the inquiry and are at a very early stage. All re-use the southern passageways, similar to the Arup Option 1B, and the same criticisms about the re-use of substandard infrastructure in a major station refurbishment would apply. The schemes seek to retain the EB but its central location within the site means that in my opinion the schemes are again contrived, like the far more developed Arup options.^[14.4.1]
- 29.4.22. LUL's proposals for re-accommodating the EB in accordance with the spirit of the Mayor's letter of 16 October 2003 are discussed at Section 29.6.

Conclusions

- 29.4.23. I consider that Option 1B, and the other alternatives produced by CLLL, would be far less successful in solving the congestion problem at Camden Town than the LUL proposal. Moreover, it would not provide the same level of MIP access and facilities and there remain some questions about fire escape provision that might not be easily overcome. In my opinion, it would be a 'make do and mend' solution reflecting the contrived land take restrictions that seek to preserve the CLLL site and would not be acceptable as a 'new' or refurbished station meeting standards in the twenty-first century. The five alternatives put forward by the EB would also re-use the substandard southern tunnels and passageways and would also be unacceptable in a station that has been the subject of major refurbishment.

29.5. Effect on Character and Appearance of the Area including the Camden Town Conservation Area

TWA SoM

2. The justification for the particular proposals in the TWA Order including:-
 - The extent to which they are consistent with national, regional and local transport and planning policies.
5. The likely impact of the station works on local residents, businesses and the environment including
 - the effects of the loss of existing buildings as a result of the station works on the townscape and the built heritage.

PP SoM

- (i) The conformity of the proposed development to the development plan for the area, to the emerging UDP and the emerging London Plan,
- (ii) The extent to which the development complies with Government policy advice in Planning Policy Guidance (PPG) Notes 1 "General Policy and Principles" and 15 "Planning and the Historic Environment" in relation to:-
 - its siting; scale; height; bulk and massing; architectural design; revised street pattern & pedestrianisation; relationship and context with surrounding buildings; impacts on existing views and skylines; environmental improvements & impacts on street frontages;
 - whether the proposals would preserve or enhance the character or appearance of the conservation area; and
 - the appropriateness of location for a landmark (office use) building.

CAC SoM

1. The regard that has been had to the desirability of preserving or enhancing the character or appearance of the Conservation Area, taking into account the part played in the architectural or historic interest of the area by the buildings for which demolition is proposed and in particular of the wider effects of demolition on the buildings surroundings and on the conservation area.
2. If there are acceptable and detailed plans for the proposed redevelopment to warrant granting consent.
3. Whether the proposals to demolish the building have been assessed against the same broad criteria as apply to proposals to demolish listed buildings (paras 3.16-19 and 4.27 PPG 15)

General

- 29.5.1. The boundary of the Camden Town Conservation Area was extended in December 1997 to include the triangular site covered by the Order and applications. LUL did not object to the boundary extension at the time and does not question the process. The reason for including the site in the Conservation Area is that “in townscape terms this corner forms an important part of the junction and its incorporation will complete the northern focus of the Conservation Area”.^[5.5.2, 13.3.4]
- 29.5.2. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes a duty requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In addition, Section 66(1) of the *Act* imposes a similar duty in relation to listed buildings and their settings.
- 29.5.3. The Healey and Baker *Planning Brief* for the LUL proposal dated May 1998 states that “The development principles are based on commercial considerations.....the maximisation of land value to be an overriding consideration”. The *Brief* goes on to state that “The redevelopment of the site should be comprehensive” before it goes on to mention that “An appraisal of the existing buildings on the site should be undertaken, to establish whether they make a contribution to the Conservation Area. If it is considered that any buildings do make a contribution to the Conservation Area, a justification will be required for their demolition”. The *Brief* also highlights that “Any design within the Conservation Area should be supported by an architectural statement..... The statement should confirm that the replacement development would enhance (the test being harm) the Conservation Area”.^[13.3.1]
- 29.5.4. Little evidence has been submitted to indicate that conservation issues were considered before the preferred option was selected. The first evidence of any sort of evaluation is the 1998 report by the Malcolm Payne Consultancy which was severely criticised by expert witnesses. Not until LUL’s current conservation expert was appointed in July 2003 is there evidence of any detailed examination of conservation matters. By then the important decisions had been made. Indeed, although LUL’s conservation expert confirmed some involvement in the design process, its architect had little recollection of it. I therefore agree with CLLL and LBC that conservation issues do not seem to have featured prominently in LUL’s consideration of the options for the site.^[13.3.2-3]

Conservation Area Character and Settings of Listed Buildings

- 29.5.5. The Council has prepared a *Conservation Area Statement* in accordance with guidance. It is agreed that the *Statement* provides an assessment of the character and appearance of the Conservation Area, although this is of necessity brief and does not look at every site in detail.^[17.5.3]
- 29.5.6. The site stands at a transition between larger commercial premises to the south and a discernable market quarter to the north. The *Conservation Area Statement* identifies that the trend of open shops spilling onto the forecourt and the display of three dimensional advertisements attached to the upper floors of buildings, influenced by the market activities, has not, apart from a few exceptions, spread to shops within the Conservation Area.^[14.5.4-5]

- 29.5.7. Section 4 of the *Statement* identifies two distinct areas within the Conservation Area. The site lies within the ‘essentially commercial’ area. Camden Market at Buck Street and the Electric Market are both within the Conservation Area although other markets are not. The early development, consisting of modest three-storey terraces on narrow plots, is stated to give the area its particular character although it is noted that in the proximity of the Underground station buildings were replaced during the first decade of the 1900s.^[13.3.5]
- 29.5.8. These buildings are stated to break with the modest scale of the early development introducing higher, bulkier buildings with a rich elevational treatment. Despite this, the statement notes that “the prevalence of the terraces continues to dominate and their modest scale and simplicity of design give its character to the commercial part of the Conservation Area”.
- 29.5.9. I note that LUL’s expert does not agree with the judgement in the *Statement* that “The Victorian terraces along Kentish Town Road and Camden High Street are similar in appearance to other buildings in the town centre and share the character of this section of the commercial part of the Conservation Area”. However, in my view, despite the variety of shop fronts at ground level and the fact that the brickwork of some of the buildings has been painted, the terraces on the site are only slightly less modest in scale than others in the Conservation Area. Although less simple in design they contribute to the prevalence of terraces and by providing a consistency of rhythm, proportion and emphasis on smaller plots they contribute to the character and appearance of the commercial area.^[5.5.23]
- 29.5.10. Indeed, the predominance of narrow plots is highlighted in LUL’s architectural evidence with “fairly consistent plot widths” of around 7.5 metres to the south of the site and 4.5 metres with wider 7.5 metre plots at the corners of blocks to the north. The predominant height is around three to four domestic storeys and this again is identified in LUL’s architectural evidence. There are taller buildings around Britannia Junction but again they are on relatively narrow plots. Camden has avoided the ravages of development that have affected many town centres and the trend of replacing terraces with higher bulkier buildings has been reversed since designation. Even modern buildings in the Conservation Area are of a height consistent with their neighbours. Change has generally been sympathetic and the preservation of this local distinctiveness is supported by policy at all levels.^[14.5.4-5, 17.5.3]
- 29.5.11. Heritage also forms an element of character. The Electric Ballroom, although not of particular architectural interest, provides historic associations with famous bands. I agree that the dynamism of the area is ‘bottom up’ and the appearance of a ‘fine physical grain’ supports the ‘vibrant’ character and essentially human scale of the area.^[14.5.6]
- 29.5.12. Little comment has been made about the effect on listed buildings. St Michael’s Church on Camden Road to the east of the site is listed Grade II* and the terraced houses opposite are listed Grade II. These buildings have an urban setting on a relatively busy road with an uncompromisingly modern development by Sainsburys next to the Church and opposite the terrace. Only glimpses of the proposed ‘drum’ at the apex of the site would be visible from the western end of Camden Road as illustrated on the additional photomontages. In my view, there would be no significant impact on the urban setting of the listed Church and terrace which would be preserved.

- 29.5.13. Similarly, the proposal would be two blocks to the east of houses on Inverness Street and Gloucester Crescent that are listed Grade II. From this distance the proposal would be masked, by buildings on the north-west and south-east corners of Arlington Road, in many views and again there would be no significant impact on the settings of the listed buildings.
- 29.5.14. In addition to the statutorily listed buildings, there are a number of Buildings of Local Interest on the east side of Camden High Street immediately to the south of Britannia Junction, on the north side of Parkway immediately to the west of Britannia Junction, and on the west side of Camden High Street on the opposite side of the road to the Order site. The character and appearance of the townscape and Conservation Area around the site provides the setting for these buildings. Any impact the proposals might have on the character and appearance would have a similar effect on the setting of the Buildings of Local Interest.^[13.3.21]

Demolition

- 29.5.15. Paragraph 4.26 of PPG15 indicates that account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. Whilst LUL consider that substantial change is required to realize the potential of the site, this is not the same as preserving or enhancing the character or appearance of the Conservation Area as a whole. Substantial change might not only remove buildings that detract from the character and appearance of the Conservation Area, but also some that might make a positive contribution.^[5.5.2]
- 29.5.16. Paragraph 4.27 of PPG15 states that the general presumption should be in favour of retaining buildings that make a positive contribution to the character or appearance of a Conservation Area. UDP Policy EN32 puts the issue more strongly by stating that demolition of an unlisted building in a Conservation Area will only normally be granted where it can be shown that the building detracts from the character of the area or where the contribution of the proposed replacement, when compared with that of the existing building, would be of more or equal benefit to the Conservation Area.^[17.5.7]
- 29.5.17. The earliest assessment of buildings on the site by LUL is the *Payne Report*. However, this does not mention PPG15 and does not express a clear view on whether any individual buildings make a positive contribution. Indeed, little reliance was put on the report by LUL in the presentation of its case and I consider that little weight should be given to it.^[13.3.8]
- 29.5.18. Many of the parties at the Inquiry expressed different views as to which buildings on the site make a positive contribution. The views of LBC and EH are set out at paragraph 4.1 of the 1998 *Camden Planning Guideline*. The terrace at 1-23 Kentish Town Road, the Church and Church Hall at the corner of Kentish Town Road and Buck Street and the Underground station itself are identified as making a positive contribution whilst 184-190 Camden High Street were considered worthy of retention although not of the same architectural quality. A number of objectors also consider that the Bank at the southern apex of the site makes a positive contribution.^[5.5.3, 13.3.7 & 9, 14.5.7, 17.5.4, 23.3]

- 29.5.19. There was general consensus that paragraph 4.4 of EH's *Conservation Area Practice* sets out suitable criteria for making an assessment. EH's view is that any one of the characteristics could provide the basis for considering that a building makes a positive contribution provided that its historic form and qualities have not been seriously eroded by unsympathetic alteration.^[13.3.9]
- 29.5.20. The criteria from *Conservation Area Practice* were applied by LUL's conservation witness. I agree that Leslie Green's station and Lethbridge's Church make positive contributions to the character of the Conservation Area. The station, although altered, has a strong appearance. The Church may not be one of Lethbridge's best but, like a number of the buildings on the site, it reflects the gradual development that has led to the character of the Camden Town Conservation Area today. Its use of brick also reflects the predominant material in the Conservation Area, although there are a variety of brick colours.
- 29.5.21. The Victorian terrace at 1-23 Kentish Town Road is a modest row of three storey buildings with mansard roofs. In my view, although they may be later in date than other terraces in the Conservation Area, they are similar to other buildings in the town centre in that they are of a similar material and they reflect the repetitious nature of the relatively narrow plots. They have a number of features such as dentil eaves details and a consistent roofline with party walls and dormer windows that reinforce this characteristic. I therefore agree with EH and LBC that the terrace makes a positive contribution.
- 29.5.22. I note LUL's view that the terrace makes little contribution as some of the properties are in need of maintenance and repair. However, if this view were to be adopted it would be a green light to unscrupulous owners to allow decay in Conservation Areas that would ultimately lead to the removal of buildings.^[5.5.2, 17.5.4]
- 29.5.23. I consider that the Bank makes a lesser contribution. Its biggest failing is that whilst maintaining cornice lines, its height exposes the blank flank wall of the station behind when viewed from the important junction and when approaching up Camden High Street. The terrace at 184-190 Camden High Street has undergone alteration and, in my view, makes little contribution to the appearance of the area. However, it includes the entrance to the Electric Ballroom. I consider that the Electric Ballroom with its historic music industry associations makes a contribution to the vibrant character of Camden Town. This is as a result of the particular use in this location rather than any great contribution made by the buildings themselves, although I acknowledge the attraction of 'treading the stage' in the footsteps of bands that are now household names.
- 29.5.24. There are a number of buildings on the site that detract from the character and appearance of the Conservation Area. These include the Traction Sub-station and the ventilation shaft from the deep level tunnels that have a very utilitarian appearance and present blank faces in an area that is characterised by its vibrant atmosphere. I agree with the view of the Inspector in the 1999 appeal decision relating to the market site at the corner of Camden High Street and Buck Street that the market, which operates 7 days a week, forms part of a lively and varied commercial area and that when it is operating it becomes a significant focus for tourists and shoppers. However, I accept that when the market is closed its open site would make little contribution to the character and appearance of the Conservation Area.^[5.5.2, 13.3.11]

- 29.5.25. Guidance in paragraph 4.27 of PPG15 also indicates that the Secretary of State expects proposals to demolish buildings that make a positive contribution to be assessed against the same broad criteria as proposals to demolish listed buildings. These are set out in paragraphs 3.16 to 3.19 of PPG15, and by cross reference paragraph 3.5. In my opinion, the most relevant criterion is in paragraph 3.19(iii) which states that “There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation”.^[5.5.4]
- 29.5.26. Paragraph 3.19(iii) goes on to say that “Even here, it will often be feasible to incorporate listed buildings within a new development, and this option should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them”. In relation to demolition in a Conservation Area this applies equally to buildings that make a positive contribution.^[13.3.16]
- 29.5.27. There is a compelling need in the public interest to improve the station. The requirement to maintain the station in operation throughout the construction period requires the provision of a temporary station and the scale and configuration of the proposed station works would be ‘right sized’ for a station meeting twenty-first century standards. Despite considering a number of alternatives the proposal is the only one to meet the objectives of the project. These factors need to be balanced against the fact that whilst a number of the buildings that would be demolished make a positive contribution, only the station is worthy of even local listing.^[13.3.34, 29.2.14, 29.3.25-26, 29.4.6 & 23]
- 29.5.28. An alternative proposal by CLLL would retain many of those buildings on the site acknowledged to make a positive contribution. However, the alternative would not meet all the objectives of the scheme. It would retain tunnels that do not meet current standards and would not provide the same level of step free access as the LUL proposal. I do not consider that retaining buildings that make a positive contribution to the character and appearance of the area would justify accepting these deficiencies in an important public transport infrastructure building.
- 29.5.29. Alternatives put forward by EB would have similar failings. A further alternative based on the LUL proposal but retaining a D2 use for the Electric Ballroom and a market is considered in Section 29.6. Whilst this might retain most of the uses currently on the site it would require the same amount of demolition as it is a variation on the LUL scheme.
- 29.5.30. The CLLL alternative would also dispense with the requirement to demolish some of the buildings that detract from the character and appearance of the Conservation Area. I do not consider that this would be a failing as the detractors could be redeveloped as part of any above ground redevelopment. The difference between the schemes is that their demolition is not a prerequisite.^[5.5.24-25, 13.3.35-37]
- 29.5.31. I agree with LUL that the proposal is a classic example of the exceptional case where the substantial community benefits of an improved station would outweigh the loss of some unlisted buildings that make a positive contribution to the character and appearance of the Conservation Area. I also note that EH and LBC both accept that improvements to the station justify the demolition of the buildings.^[5.5.4-5]

Design

- 29.5.32. No public interest is claimed for the proposed above ground development, although it would provide a return to partly offset the cost of the project. In my view, it is the substantial benefits arising from the improved station, rather than the above ground proposals, that justify demolition. I consider that the above and below ground elements are essentially separate schemes. Powers under the Order are sought for the station, not the above ground development, the programme for the works does not include the above ground scheme that is likely to be sold to a developer and could not be commenced until the transfer slab over the station was complete, and LUL is reluctant to enter into any arrangement that would ensure the above ground development was implemented.^[5.6.2, 5.9.4, 5.12.7-10, 13.3.23, 17.5.5]
- 29.5.33. Paragraph 4.27 of PPG15 indicates that consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment and that decision makers are entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a Conservation Area. Paragraph 3.19 iii) of PPG15 notes that the merits of alternative proposals are a material consideration, although not in themselves a justification for demolition. Moreover, the proposal would be contrary to UDP Policy EN32 unless the contribution of the proposed replacement, when compared with that of the existing buildings, would be of more or equal benefit to the Conservation Area.^[14.5.1, 17.5.7]
- 29.5.34. The setting of new development generally is addressed by UDP Policy EN14. This sets out a number of considerations including the scale and general proportions of surrounding development, bulk, massing, height, footprint, typical plot sizes and the relationship to any nearby ‘landmark’ building and the impact of the proposal on existing views and skylines. These criteria generally reflect the advice in paragraphs 13-19 of PPG1 and paragraph 2.14 of PPG15 and are consistent with advice in *The Historic Environment: A Force for Our Future* and *BS 7913:1998 Guide to the principles of the conservation of historic buildings*.^[13.3.24, 17.5.7]
- 29.5.35. The site was included in the Conservation Area as it would “complete the northern focus of the Conservation Area”. It would also include an important piece of public transport infrastructure with interchange to other modes such as bus and possibly tram at some time in the future. Policy indicates that density of development should be greater at such points. However, whilst density should be maximised I consider that this needs to be balanced against other considerations.^[5.5.10, 14.5.9 & 17, 17.5.20]
- 29.5.36. I agree with most parties at the inquiry that the site including a public transport interchange at the northern focus of the Conservation Area adjacent to an important junction would be suitable for a ‘landmark’ building. Not all ‘landmarks’ have to be tall and bulky as demonstrated by the statue of Eros in Piccadilly Circus. Unfortunately large bulky buildings with little merit such as Marsham Street can also become ‘landmarks’. However, it is effectively common ground that a building of the highest quality is required on this important site.^[5.5.8-12, 17.5.11 & 17]
- 29.5.37. LUL’s design evidence sets out 23 objectives to meet the brief. However, the majority relate specifically to the station or its ancillary facilities such as the TSS and staff accommodation. Two require improvements to the urban environment at street level and a design that does not inhibit the future provision of the Cross River Tram.

Only two relate to the above ground development and even these are phrased in terms of station design. They require a station solution that 'is fully integrated with an overstation development' and 'a station design which is capable of facilitating commercial uses including: Residential, Commercial (Office and Retail), Leisure and Community activities'.^[17.5.10]

- 29.5.38. Although much was made of consultations that had taken place with LBC, EH and the GLA, little reference was made in LUL's design evidence to published advice and guidance such as *By Design* and the *Planning Guideline* for the site.^[13.3.25, 14.5.2-3]
- 29.5.39. The human scale of the Conservation Area is reflected in the heights of existing buildings on and around the site. These range from approximately 10.5 to 13.7 metres. There are taller buildings around Britannia Junction but these are only some 16.2 to 17.7 metres high. The height also only occurs at the corners and adjoining buildings are lower. Not surprisingly in the light of the prevailing building heights, and policy guidance, the Council's 1998 *Planning Brief* identifies that undeveloped elements of the Camden High Street frontage could be rebuilt to three storeys whilst a building of three to four storeys could replace the Bank adjacent to the junction.
- 29.5.40. The scheme for which LUL sought planning permission in December 2000 was withdrawn following criticism of its bulk and the fact that it was considerably higher than surrounding buildings. That proposal had an eaves level of around 17 metres and rooftop cinemas that were substantially set back and had heights of some 27 and 24.3 metres. The current scheme has an eaves level of approximately 22.5 metres with a shallow set back rising to 29.2 metres and the drum at the apex rising to 30.7 metres. The proposed office building would be more than twice the height of most buildings in the vicinity.^[5.5.16, 13.3.24-28, 14.5.10, 17.5.13-14, 19.3-4]
- 29.5.41. In my view, although the setback of around 2 metres was welcomed by EH, it would have little practical effect in reducing the apparent height and mass of the proposal. The highest point of the building would still be seen against the skyline except from viewpoints very close to the building. In long views, both from the south when approaching the completed northern focal point of the Conservation Area and from the north down Camden High Street and Kentish Town Road, the small set back would seem insignificant as demonstrated in the photomontages.^[5.5.17, 17.5.14]
- 29.5.42. Moreover, the increased height would not just occur at the apex of the site but would extend across the whole of the southern part of the site. The drum at the southern end would not read as an elegant feature as it would be seen against a monolithic block of similar height. I consider that the overlapping areas of view cones from surrounding streets, set out in LUL's Design Report, indicates where a taller structure would have greatest impact. Extending significantly away from this area at a similar height would reduce the impact of any 'landmark' and increase the monolithic appearance of the proposed building.^[14.5.16]
- 29.5.43. Whilst LUL made reference to a number of tall buildings in the surrounding area it had not assessed whether they made a positive contribution to their surroundings. Indeed, the Amphill Estate and Arlington House are not in Conservation Areas, Fairfield House and Shirley House, now known as Camden Point, are 1960s' buildings and the latter is identified as an 'undistinguished' office building that doesn't preserve or enhance the Conservation Area in the *Regent's Canal Conservation Area Statement*.

- 29.5.44. Greater London House is an attractive 'art deco' office building that is listed in recognition of its quality. However, even this building constructed in the 1920s on the former open gardens of Mornington Crescent is, in my view, out of keeping with the scale of the Regency crescent behind it and the surrounding Conservation Area. I do not, therefore, consider that these buildings would justify the proposed tall office block in this important location. Other taller buildings referred to by LUL, such as those in Parkway, are not visible in most views of the site and would not therefore provide a reference point.^[5.5.21, 17.5.19]
- 29.5.45. LPAC's *Supplementary Planning Advice on Higher Buildings* sets out thresholds and provides for extensive consultation for proposals more than 30 metres high in London outside the City. The 'drum' at the apex of the site at 30.7 metres high would technically fall within the scope of the guidance. This was accepted by LUL's witness in cross-examination, although retracted in re-examination. Most of the building would only be marginally below the 30 metres at 29.2 metres high. Notwithstanding this, the area has not been identified in the UDP as being suitable for a higher building. Indeed, the *Planning Brief* suggests the opposite. LPAC's guidance indicates that it is likely that any high buildings would be inappropriate if located within particularly sensitive locations, which includes Conservation Areas.^[5.5.22, 13.3.26]
- 29.5.46. The proposal would repair the urban grain to some extent by reintroducing a link between Kentish Town Road and Camden High Street. However, the impact the proposal would have is illustrated by the fact that currently the main streets are wider than the height of the buildings. This would be reversed giving a much greater sense of enclosure and a less human scale. Indeed, English Partnership's *Urban Design Compendium* recommends a minimum ratio of height of building to width of street of 1:1.5 whereas the proposal would be in the region of 1:0.65. LUL's evidence appears to have got the ratio the wrong way round.
- 29.5.47. In addition to this change in the sense of enclosure of the street, the existing regular, relatively narrow, plot widths that exist both in the Conservation Area and to the north of it would be destroyed by the proposed office building. Although some of the existing buildings on the site are less 'fine grained' than those to the north and south of the site, no other building in the vicinity occupies a whole block and, in my view, the proposal would appear monolithic and completely out of scale and keeping with its surroundings. ^[5.5.18-21, 13.3.29-31, 14.5.11-13]
- 29.5.48. Whilst I agree with many parties at the Inquiry that a good modern building could be suitable in this location, the uncompromising use of modern materials would only serve to highlight the failings of the proposed office block to respect the scale and general proportions of surrounding development, its bulk, massing, height, footprint, and typical plot sizes as required by UDP Policy EN14 and PPG15. Rather than reinforcing the qualities that contribute to the special interest of the Conservation Area the building would fly in the face of them.^[5.5.8 & 12, 13.3.30, 21.4, 25.5]
- 29.5.49. Although LUL maintains that the vertical divisions of the proposed building would repeat the regular plot widths I consider that this would at best read only at ground floor level where columns would set a rhythm of sorts. However, above ground floor level the claimed transparency of the glass building would lead to the floors and brise soleil creating an impression of horizontality that, in my view, would overwhelm any regular vertical impression created at ground floor level. The effect would be far

removed, in my view, from the Urbis building in Manchester referred to by LUL. The transparency of the glass depends on the angle of view. From many angles it would appear solid and reflective.^[5.5.16 & 20, 14.5.12, 17.5.15]

- 29.5.50. LUL referred to the Peter Jones' building. This has structures of comparable height on three sides. Moreover, it is well detailed and had what was at the time a cutting edge curtain wall system. Piano's 'Shard' at London Bridge, Grimshaw's Minerva Tower and Foster's 30 St Mary Axe demonstrate what can be achieved in a modern design. In contrast, I consider that the proposal would have a 'run of the mill' commercial glass appearance unbefitting its 'landmark' location and emphasising its bulk that would be uncharacteristic of the Conservation Area.^[5.5.21, 16.18, 21.3]
- 29.5.51. LUL prays in aid of its design its acceptance by the GLA, and especially EH. Although CLLL sought to cast doubt on whether the GLA appreciated the site was in a Conservation Area, I consider that its report indicates that it did. However, even EH's muted 'acceptance' of the proposal is difficult to reconcile with its earlier comments. In a letter dated 25 January 1999, commenting on an earlier scheme, it stated that "turning the site into a single building gives the development a very different form from the narrow plots of terraces that form the bulk of the buildings in the Camden Town Conservation Area, especially this part of Camden High Street". Whilst Reunion Street has been introduced dividing the whole site into two, in my opinion the same comment would apply to the present proposal on the southern part of the site.
- 29.5.52. More importantly, in a response dated 23 January 2003, EH stated that "It is regrettable that there remains in this scheme a desire to build significantly higher than the surrounding context, in a location where it is not appropriate". Little has changed since that date, other than EH's stance, which it did not appear at the Inquiry to clarify.^[5.5.8-11 & 14, 13.3.29, 14.5.14-15, 17.5.12]
- 29.5.53. For the reasons set out I consider that the proposed office block would neither enhance nor preserve the character or appearance of the Conservation Area. Indeed, by virtue of the demolition of buildings that make a positive contribution and their replacement by a building that fails totally to respect its surroundings it would have a significant detrimental impact.
- 29.5.54. Relatively little comment has been made about the northern block that would include much needed residential accommodation above retail space. Indeed, LBC does not object to that part of the proposal. The height of the northern block would be lower than the eaves level of the office building. However, in my view, the northern block would not provide a gradation in height between the buildings to the north and the office. Both blocks would introduce significant steps in height above the surrounding buildings.^[17.5.13]
- 29.5.55. The proposed materials and fenestration in the northern block would provide a vertical emphasis reminiscent of the narrow plots of the terraces. This would to some extent ameliorate the impact of its greater height. However, I agree with the Camden Square Conservation Area Advisory Committee that the gaps in the two main road frontages above ground level, needed to achieve the landscaping concept for the residential court, would dilute the consistency of the frontages. Moreover, I do not consider that the northern block can be considered in isolation. It is the impact of the proposals in total that should be considered. If one part were altered or reduced in height it could impact on the acceptability or otherwise of the other.^[25.6]

Conclusion

29.5.56. Whilst the station below ground would provide an important public benefit and justify the proposed demolition in the Conservation Area, it would not justify the proposed above ground development. A landmark modern building could be appropriate at this northern focus of the Conservation Area. However, the proposal would have an overwhelming impact on the surrounding area by virtue of its significantly greater height, the mundane use of modern materials, and completely ignoring the fine grain of the surrounding townscape and creating a more enclosed feel in the surrounding streets. It would be completely at odds with the character and appearance of the surrounding area, and detrimental to the Camden Town Conservation Area, contrary to national and development plan policy objectives.

29.6. Effect on Local Residents, Businesses, the Town Centre and Statutory Undertakers

TWA SoM

1. The justification for the particular proposals in the TWA Order including:-
 - The extent to which they are consistent with national, regional and local transport and planning policies.
5. The likely impact of the station works on local residents, businesses and the environment, including
 - the social and economic effects of the proposals in the TWA Order, including the loss of the Buck Street market, the Electric Ballroom and Trinity United Reformed Church;
 - the effects of the proposed works on the operations of electricity, telecommunications, water and sewerage undertakers;
 - noise and vibration caused by construction and operation of the station works;
 - the impact of the proposed works on air and water quality, land contamination and soil stability; and
 - the timescale for implementing the station works.
6. LUL's proposals for mitigating any adverse effects of the station works on residents, businesses and the environment, including
 - the proposed arrangements for the protecting the interests of statutory undertakers;
 - any measures to avoid, reduce or remedy any major adverse environmental impacts of the station works;
 - any measures to avoid, reduce or remedy any other adverse environmental impacts likely to arise from those works; and
 - whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation measures had been put in place.

PP SoM

- (i) The conformity of the proposed development to the development plan for the area, to the emerging UDP and the emerging London Plan.
- (iv) The extent to which the development complies with Government policy advice in PPG6 "Town Centres and Retail Developments" in particular
 - the extent to which proposals maximise efficient use of land and are easily accessible by public transport;
 - the scale, density and mix of uses;
 - sustainability considerations arising from the uses; and
 - the extent to which proposals would sustain and enhance the vitality and viability of Camden town centre
- (vi) The Impact on the appearance of the area and on tourism and jobs of the loss of existing uses, particularly the loss of Buck Street market and the Electric Ballroom music venue and the adequacy / suitability of proposals to replace the church.

Local Residents

29.6.1. The construction of the proposed station works would take around eight to nine years to complete with four below ground phases. Works to the above ground development could not be commenced until the respective transfer slabs were complete. There would obviously be disruption for local residents during this lengthy period.[5.6.2-3]

29.6.2. Whilst the area is predominantly commercial there are some residential properties both on the site and in the area on the opposite side of Camden High Street from Inverness Street northwards, on the opposite side of Buck Street above the Bucks Head Public House and at 25-27 Kentish Town Road, and on the opposite side of Kentish Town Road from the junction with Camden Road northwards.[5.6.4]

- 29.6.3. Those living on the site, including Mr Garrard (Objection 4) who is a protected tenant and has lived at 5 Kentish Town Road for 24 years, would lose their homes. I appreciate the disruption this would cause to their lives, particularly in view of the *Human Rights Act*, but consider that in the light of the provisions of the statutory compensation code the substantial public benefits that improvements to the station would bring would outweigh any personal loss.^[7.1]
- 29.6.4. Any impacts that might be expected are assessed in the Environmental Statement and its addendum and proposed mitigation measures are also set out. Implementation of the proposed mitigation measures would be ensured by a Section 106 Agreement that includes a CoCP.^[5.6.1, 5.12.1]
- 29.6.5. The greatest risk to air quality would be in the early stages due to dust from demolition. Screening would be provided during demolition and in dry weather water spraying would be carried out to ensure surface material remained damp. Although not completely eliminated, dust emissions would be greatly reduced under most weather conditions. Construction plant would emit exhaust fumes but these would be controlled through the CoCP and there would be no significant difference to air quality as a result of the construction. On completion, building plant would have reduced energy emissions in line with the *Building Regulations* and as the proposal would improve public transport accessibility and discourage use of the car there might be a slight air quality benefit.^[5.6.5-6]
- 29.6.6. The site is on a layer of impermeable London Clay extending well below the level of excavation and the geology and hydrology characteristics of the site would minimise any risk of groundwater pollution. Again, measures are set out in the CoCP. Oil spillage and polychlorinated biphenals (PCBs) associated with the electrical sub-station might lead to some special waste, which would be disposed of in accordance with current legislation. New electrical equipment would be PCB free.^[5.6.7-8]
- 29.6.7. During construction, prior consents would be obtained under Section 61 of the *Control of Pollution Act 1974*. The local authority could ensure that best practicable means for controlling noise and vibration were used. There would be no adverse noise or vibration effects due to the completed development.^[5.6.9-11]
- 29.6.8. UDP Policy EN19 refers to BRE's *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 1991*. Although Nos 8, 10 and 10A Kentish Town Road would suffer an appreciable reduction in Vertical Sky Component, the remaining Average Daylight Factor would be reasonable for its location. In terms of sunlight only one first floor window in 25-27 Kentish Town Road would lose more than 20% of its Annual Probable Sunlight Hours but the values would only be 1% less than the recommended BRE criteria in winter. I therefore consider these impacts acceptable.
- 29.6.9. There would be minor solar glare at certain times of day when looking north-west and south-east along Camden High Street. However, the glare would not be in the direct field of view of pedestrians and car drivers and should not therefore cause visual impairment on roadways or road crossings. Measurements indicate that the area around the station suffers light pollution above the 25 lux recommended in the ILE's *Guidance notes for the reduction of light pollution*. The proposed office is estimated to add no more than 2-3 lux to existing vertical lux levels but the level at the windows of surrounding properties would be in the order of 2-20 lux which is below the recommended maximum level.^[5.6.13-19]

29.6.10. There may be some moderate increases in wind speeds at pedestrian levels but these are estimated to be acceptable based on criteria in BRE's *Digest 390 January 1994* and *BREEAM for Office Buildings version 1/93 1993*.^[5.6.20]

29.6.11. There was little challenge to LUL's proposed mitigation measures and none of the expert witnesses giving evidence on the impacts were cross examined by anyone at the inquiry. In my view, the use of the CoCP, which has become common practice in large construction projects, would provide adequate safeguards for local residents during construction and there would be no significant adverse effects on completion.

Trinity United Reform Church

29.6.12. The proposal includes re-locating the Church further west on Buck Street. During Phase 1, after which the existing Church would be demolished, construction noise levels would be high for the west façade of the Church and sound insulation would be required. Mitigation measures would be introduced through the CoCP.

29.6.13. Temporary piling on the western boundary of the existing Church would create vibration that would be likely to cause cracking to finishes and some plaster may be dislodged. The Church would therefore have to be vacated for a period, estimated at 4-6 weeks, whilst this was carried out. LUL indicated that it would assist in finding suitable short term accommodation and any associated costs. After the piling, excavation would be carried out, floor slabs cast and the new Church building completed. Its occupation would be the first activity in Phase 2.^[5.6.10-11]

29.6.14. Whilst the Church originally objected to the proposals, negotiations have led to amendments to the new Church building and the withdrawal of the Church's objection. I therefore consider that the proposal would adequately safeguard the Church and the community facilities it provides.

Hawley Infant and Nursery School

29.6.15. The school occupies a Victorian building on the corner of Buck Street and Kentish Town Road and has playgrounds on both sides and at the rear. It is a small school with one form entry. With such a small roll it would be very susceptible to any fall in pupil numbers. The classrooms, hall and library occupy the ground floor with the school offices and staff room on a small upper floor. The special sensitivity of the school has been identified by LUL.^[5.6.9, 26.2 & 11]

29.6.16. During construction vibration from piling operations would be perceptible at Hawley School and could reach levels that would be unacceptable in a teaching environment. Percussive methods of piling would therefore be avoided during school hours. Measurements of the ambient external noise levels at the school indicate that L_{A01} may not exceed 70 dB. Construction noise would not exceed 63 dB except at the start of Phase 1 during demolition work and the construction of a 7 metre high noise barrier. The barrier would be built outside school hours.^[5.6.10-11]

29.6.17. Three rooms at the school would suffer an appreciable loss of Vertical Sky Component, which does not take into account room or window size. However, the Average Daylight Factor would be greater than that recommended by the BRE guidelines and there would therefore be no noticeable loss of light. The school would lose more than 20% Annual Probable Sunlight Hours but the summer values are at least 50% greater than the ideal recommendation. Six windows would lose sunlight in

winter but the total number of Probable Sunlight Hours would exceed that recommended as acceptable in the guidance by 25%.^[5.6.15-16]

- 29.6.18. Overshadowing plots indicate that the area covered by permanent overshadowing would be less than a quarter of the total amenity area. The BRE guidance indicates that this is considered to be adequate sunlight. There would be almost no overshadowing in spring, summer and autumn. Some overshadowing in winter when the sun is low in the sky is only to be expected and evidence demonstrates that the amount of overshadowing would be similar to that experienced at other schools. Wind speeds at street level adjacent to the school would be unlikely to exceed 5 m/s (approximately a moderate breeze) for more than 5-6% of the time compared to the current frequency of 3-4% of the time. Despite the understandable concerns of this inner city school where sunlight and daylight are at a premium I consider that the impacts would be acceptable.^[5.6.17 & 20]
- 29.6.19. I note the school's concerns about the location of the temporary station opposite the school and the length of the construction period, which would see two cohorts of pupils pass through every year group at the school with other intakes affected for a lesser time. In my view, the provisions in the CoCP would mitigate as far as possible the impacts on the school.^[26.7-9]
- 29.6.20. In addition, a Section 106 Agreement would make other provisions for the school. There would be arrangements for washing down the playground and cleaning windows if there was any failure to control dust nuisance. In addition, a package of measures to publicise the school to address any risk of falling roll numbers would be submitted for approval and a sum of £15,000 would be paid to the school. Educational measures such as visits to the London Transport Museum, painting competitions and local trips to other facilities would also be submitted for approval.^[5.13.19-20, 17.11.2]
- 29.6.21. The school would be likely to be one of the places worst affected by any failure to control noise, dust or any other effects of the construction site. In addition, the entrance to the temporary station would be exactly opposite the gates to the playground on the east side of the school. The measures are an acknowledgement of these factors and, in my view, appropriate in this case.
- 29.6.22. The Alpha Beta Nursery on Kentish Town Road is not subject to the same formal noise controls as the school but has still been considered as a sensitive receptor. Measurements indicate that L_{A01} exceeds 70 dB. This level would not be exceeded during construction, except for a slight possibility during Phase 2 when the existing Church would be demolished. I consider this to be acceptable as any impacts would be subject to the CoCP.^[5.6.11]

The Music Venue

- 29.6.23. The EB occupies premises in the centre of the site with a main entrance off Camden High Street and secondary exits and service access from Kentish Town Road. It not only provides around 30 live music events a year but also has club nights with DJs as well as housing the Electric Market at weekends.^[2.7, 14.1.2, 14.6.7]
- 29.6.24. The importance of the music industry is highlighted in the Mayor's CS and is reflected by the Government's appointment of a 'music Czar'. Objective 3 of TLP seeks, amongst other matters, to sustain the rapid expansion of the leisure and cultural

industries. Policy 4 of the Mayor's CS requires creativity to be recognised as a major contributor to London's economy whilst TLP Policy 5B.1 seeks to promote and protect the vital mix of culture that is one element in London's unique attraction. The CS distinguishes between music, TV, and video and between live music and recorded and broadcast music. The general thrust of UDP Policies SLC1 and LC1 is to retain land or buildings in leisure and cultural use or to seek suitable alternative provision.^[14.6.1-2 & 13]

- 29.6.25. Against this policy background, LBC has sought to protect the existing uses, but not the specific users, on the site. Indeed, with the exception of an open air market, all uses currently represented on the site would be reprovided within the proposal.^[17.6.1-2]
- 29.6.26. However, letters from the Mayor dated 26 June and 16 October 2003 draw attention to the international renown of the EB, its cultural significance to London, and its special association with Camden. A music venue has operated on the site since the mid-1930s and since 1978, in its current guise, the EB has presented such artists as Sid Vicious, Iggy Pop, The Clash, Joy Division, Madness, U2, Boy George and The Pogues amongst others. It has a success rate better than other venues in identifying 'breaking bands' and it is one of very few venues of a size that provides a stepping stone between the pubs and clubs and the larger 2000 capacity venues.^[14.6.4-5]
- 29.6.27. Given this importance, the Mayor requested LUL to assist EB in identifying a suitable alternative venue in the Camden area before construction works commence, to compensate EB in accordance with provisions in the Order, to seek to provide a suitable alternative live music venue within the commercial redevelopment in consultation with appropriate expertise from the music industry, and to grant EB a personal option to take a lease on the new music and entertainment space at standard commercial terms for such a space and not that of any more valuable use. The Mayor considered the case of the EB to be exceptional and that it would not form a precedent for other owners who would be dispossessed.^[5.7.43]
- 29.6.28. Whilst LUL originally considered that offering re-accommodation to the EB would set a precedent, it accepts that the Mayor's letter of 16 October 2003 changed the situation. The latest amendments to LUL's proposals seek to provide a generally acceptable venue space for the EB.^[5.7.42-43]
- 29.6.29. LUL's proposal for a basement D2 space, presented to EB in August 2002, was only around half the size of the existing EB and would not accommodate 1100 people which is approximately the current capacity. In addition, it had a ceiling height of around 4 metres, unlike the double height space with balconies in the existing Ballroom. A venue space with an equivalent capacity of 1100 was not proposed until during the Inquiry. In the time between then and the close of the Inquiry the two parties have been unable to agree on a mutually acceptable design.^[14.6.9 & 11-13]
- 29.6.30. The latest LUL proposal for a replacement venue space has some advantages over the existing Ballroom. Facilities for performers would be improved, the stage would be slightly larger and the lines of sight to the stage would be better from more of the floor area. Whilst it might provide better facilities for broadcasting I do not consider that necessarily prevents it being acceptable for live music performances.^[5.7.45, 14.6.11-12]
- 29.6.31. However, there would also be some disadvantages. Foremost amongst these is the location in a very deep basement. Whilst there are clubs in basements, and the

existing Ballroom is half a level below its entrance, there are very few, if any, that are so deep. Coupled with this is the design of the entrance stairs and lifts. These have been severely constrained by the adopted structural design and the attempt to include a venue space of equivalent size at a very late date rather than as an integral part of the original design.^[5.7.46, 14.6.13]

- 29.6.32. The proposed arrangement has improved since the earliest proposals and it is not suggested that the stairs would not meet emergency escape requirements or the *Building Regulations*. However, as a main entrance stair descending over eight and a half metres, the width is not overly generous and the turns in the staircase and its enclosure mean that the end destination would not be seen. In my view, this would be an unattractive proposition for customers of all of the Ballroom's existing revenue streams.^[5.7.46-47]
- 29.6.33. Equipment would have to be transported to the stage using a lift or stairs, which would be less than ideal. Mixing desks used by live bands can be large and cannot be tipped on end to move so do not always fit easily into lifts. The parties disagree over the suitability of the bar positions shown on LUL's proposal drawings. I acknowledge the importance of wet sales as a source of revenue to operators but consider that the arrangement of bars is a detail point capable of resolution.^[5.7.48, 14.6.11 & 13]
- 29.6.34. I conclude that the deep basement location, coupled with the proposed access arrangements, gives rise to some doubts about whether the proposed venue space could be operated successfully. I accept that EB are not obliged to take the space, to operate under the name of 'Electric Ballroom' or to provide live music. However, in my view the doubts about successful operation of the deep basement space would not assist in retaining an important live music venue on the site whoever the operator.
- 29.6.35. The EB has provided an alternative proposal, based on the LUL above ground scheme. This would retain the design of the southern block but provide for a replacement venue space at ground level in the northern block, together with a market use on, and adjoining, Reunion Street. There would be a consequent loss of some residential units compared to the LUL scheme, although residential provision would still be greater than currently exists on the site.^[14.4.4-6]
- 29.6.36. I note that LUL maintains that market use of Reunion Street could be provided in its scheme if the local authority was agreeable. LBC informally commented that the EB proposal would inevitably provide a different relationship between the Ballroom and its neighbours but provided that fundamental acoustic separation of the Ballroom could be achieved there should not be a problem.^[5.4.28, 17.4.1-2]
- 29.6.37. The EB alternative is not a proposal for consideration by the Secretaries of State but does indicate what could be achieved, albeit at a reduced commercial return for LUL. In my view, seeking suitable alternative provision of a music venue in accordance with the objectives of TLP and UDP policies would outweigh the relatively small public benefit of an increased commercial return from retaining commercial space at ground level whilst providing a D2 space in a very deep basement.

The Markets

- 29.6.38. In addition to almost 50 stallholders in the Electric Market at weekends, CLLL's site at the corner of Buck Street and Camden High Street provides space for over 100

stallholders and operates 7 days a week. 92 of these traders have no other business, 75 operate with the assistance of staff and in all 239 people are employed trading at the market during the week and at weekends. Two thirds of traders operate 7 days a week and so are not 'largely part-time' as suggested in the ES.^[13.4.23 & 44]

- 29.6.39. For some, such as Mr Campbell of J & M Enterprises, Mr Alexander of Que Linda and Mr Radley of Longford Rockers, the markets are their main, if not sole, source of income, or like Ms Quilter it allows them to pursue other less predictable careers. In addition, these businesses provide employment for others. J & M Enterprises has two partners and a full time employee manufacturing as well as selling its own clothing designs, Que Linda supports three people in a family business whilst Mr Radley employs three people directly and two outworkers in an area of Wales where employment is difficult.^[8.1-4, 9.1, 11.1-2, 12.1-3]
- 29.6.40. Although most of the stallholders, including those who gave evidence on behalf of CLLL, did not provide any financial evidence in relation to their businesses, Mr Radley indicated that his annual profit was approximately £3,000 a year from a turnover of around £80,000. Even if other traders made a significantly larger profit I consider that the jump from a stall, costing some £110 for a weekend, to a shop would be beyond the resources of many. The fashion designs at Camden are 'cutting edge' and it is acknowledged as a place the rest of the world follows. In my view, this is what attracts many of the customers and visitors who might not exist in sufficient numbers elsewhere to keep these small businesses viable.^[5.7.41, 10.2-3, 12.1-2]
- 29.6.41. The market provides an opportunity for those on the first rung of business and well known fashion labels such as Acupuncture, Red or Dead and Wale Adeyami began at Camden Market. There is also considerable ethnic minority representation amongst traders.^[8.3, 13.4.45]
- 29.6.42. Discussions with the owners of the Stables Market confirmed that they could not help to offset the loss of market stalls, attempts to discuss the possible use of a piazza that would be part of a residential development of the Safeway car park to the north of the Stables Market have come to nought, and short term occupation of Buck Street, if that were acceptable, would be difficult due to the need to lay the power supply cable to the new TSS. No approach has been made to the owners of the Canal Market, Camden Lock Market or to LBC in respect of Inverness Street Market. No mitigation is therefore offered for the loss of the markets.^[3.2, 5.7.30-31 & 41, 13.4.46]
- 29.6.43. Jobs that would be provided within the new development would be very different to those on the market and, in my view, would be of little use to those who might lose their livelihood. Indeed, rather than entirely new jobs the office building is likely to provide for the relocation of jobs from elsewhere although some new jobs would be likely further back in the chain of relocation.^[13.4.48]
- 29.6.44. The traders have no formal written fixed term licences or leases as Camden Market at Buck Street is run on a casual 'first come first served' basis. At best, even if traders were found to be in 'lawful possession' of their stalls, any compensation they might receive would be restricted to a limited disturbance payment. Whilst LUL has referred to discretionary payments, as provided for in Section 37(5) of the *Land Compensation Act 1973*, it has made no commitment to making any. I consider that there would be a high social cost to these traders on the first rung of business, many of whom would lose their livelihoods and the ability to support their families.^[5.7.41, 13.4.49-50]

Other Businesses

- 29.6.45. A number of other businesses that own or occupy properties on the site, including **Buffalo Boots Limited** (Objection 1), **Christo & Co** (Objection 2), **Ly Coong Voong** (Objection 3), **Shahid Mirz** (Objection 112), **J S Toor and A K Toor** (Objection 113), **Yiascom Limited** (Objection 114), **St Charles Property International Limited** (Objection 115) and the **British Boot Company** (Objection 21), would be directly affected by the proposed demolition. The latter has been established for over 100 years and was well known for selling clogs and hobnail boots to the road and canal builders in Camden.^[28.2.1-12]
- 29.6.46. Whilst I sympathise with those who would be affected, I consider that the proposal would bring substantial public transport benefits that would outweigh any personal loss. This would be offset by compensation that would be payable in accordance with the statutory compensation code, although I note the concern of St Charles Property International Limited in particular that not all the money it spent on refurbishment in 1998 would be recompensed.^[5.13.22, 28.2.8]

Camden Town Centre

- 29.6.47. The defined major shopping and service centre that effectively forms Camden town centre extends from the junction immediately north of Mornington Crescent in the south up to the southern side of the Regent's Canal in the north on both Camden High Street and Kentish Town Road. It is one of six town centres in the Borough. Stables, Camden Lock and Canal Markets lie to the north of the canal and are outside the defined shopping centre. The primary retail frontage is defined as both sides of Camden High Street from its junction with Plender Street in the south to the junction with Hawley Crescent in the north. Both the Electric Market and Camden Market at Buck Street are in the primary retail frontage.^[4.3, 5.7.6]
- 29.6.48. The general aim of protecting the vitality and viability of town centres is a central theme in PPG6 and is echoed by UDP Policy SSH1. UDP Policy SH2 seeks improvements in the quality of the shopping environment and facilities provided. Figure 1 of PPG6 sets out indicators for measuring the health of town centres. Under retailer representation the guidance indicates that it may be helpful to look at the existence and changes in representation, including street markets. The consultation draft of PPS6, which at this point in its emergence can only be given little weight, states that "Street and covered markets (including farmers' markets) can make a valuable contribution to local choice and diversity in shopping as well as the vitality of town centres. As an integral part of the local authority's vision for their town centre, markets should be retained and enhanced".^[4.8, 13.4.3]
- 29.6.49. Camden Town's central area has become a favoured residential and commercial location popular for its cosmopolitan character. Figures show a significant expansion of bars and restaurants in the early 1990s many of which have become established. The markets are the third or fourth most popular tourist attraction in London.^[5.7.6, 13.4.1]
- 29.6.50. Experian's GOAD plan for the town centre extends beyond the defined shopping centre boundary, particularly to the north. Considering the indicators of health in Figure 1 of PPG6, the August 2003 Goad Centre Report, which does not include the markets, indicates that although the diversity of uses broadly reflects the UK average, male and female fashion is less well represented. Unusually for a modern shopping

centre multiple retailers are interspersed with local traders. The number of 'key attractors' is also low indicating that the 'draw' of the centre lies elsewhere.^[13.4.2-3]

- 29.6.51. Retailer demand for representation needs to be treated with care but shows a lack of fashion requirements although other demand exists. Zone A rents are strong compared to other centres and historic rental growth broadly corresponds with the growth and strengthening of the markets. The proportion of vacant properties is also lower than the GB average. Commercial yields of 7% in spring 2003 indicate an investor profile more likely to be private investors than institutional. A PMRS pedestrian flow count for Camden Town shows the strongest flow movements are from the Underground station north to Camden Market at Buck Street and beyond up to the northern markets.^[13.4.4-5]
- 29.6.52. Accessibility is good with the Underground station and numerous bus routes along Camden High Street. Parking is restricted although there are car parks in Kentish Town Road. Footways are narrow in places and heavy pedestrian flows lead to congestion. One of the Council's concerns about the area around the station is anti-social behaviour but no crime data have been submitted. Like a number of places that have a significant number of visitors, Camden suffers from graffiti, vandalism and litter. Most of the prime retail frontage is similar to many other city town centres but the three dimensional models over many of the shops north of the station, but within the defined shopping centre, provide unusual visual interest and reflect the vibrancy and uniqueness of the area.^[5.7.6-7, 13.4.6]
- 29.6.53. All these factors indicate a strong, healthy town centre. However, it is unusual in its lack of fashion representation and the presence of local traders amongst the high street multiples. Tourism figures and pedestrian flows indicate the importance of the markets. Although LUL maintains that the Council knows the markets, LBC has done little work to understand how they work or why they are popular. LBC acknowledges that it formed its view on the markets before the evidence of CLLL and EB, which is highly relevant, was heard. In the absence of any further planning applications the Council indicated that it had not re-examined its position.^[5.7.2, 17.6.1]
- 29.6.54. Practically no work to understand the markets had been undertaken prior to preparation for this Inquiry. Both CLLL's and EB's witnesses have many years' experience of markets and much of the EB evidence is not disputed. Although CLLL's witness appeared on behalf of the owner and operator of the market I see no reason why his evidence should be afforded any less weight than other retail witnesses. Similarly, I do not doubt the knowledge and experience of the LUL witness in retail matters, some of which has included markets.^[5.7.5]
- 29.6.55. Surveys were carried out on behalf of both CLLL and EB. LUL firstly criticised CLLL's survey methodology, then on the basis of observation suggested that the results overstated the position, and finally suggested it was incomplete as respondents had not been asked whether they had made a purchase at Camden Market at Buck Street. In my view, these criticisms carry little weight. NOP provided independent professional advice to CLLL in respect of survey size and methodology. Moreover, neither LUL itself, nor the Council, had seen fit to carry out any detailed survey of how the markets work.
- 29.6.56. The full results of the survey for EB have not been submitted. Although there are some differences between the results of the two surveys, I consider these are generally explained by the different methodologies; the fact that the NOP survey covered

weekdays as well as weekends whereas the EB survey only covered Saturday and Sunday, and possible confusion about the name of Camden Market which is clearly signed as such but was referred to as Buck Street market in the EB survey questionnaire. However, there does seem to be an unexplained anomaly in the survey results from EB in that pedestrian flows appear to give a different picture to the interview responses that indicate that the Electric Market was the second most visited market despite its limited visibility from the street. Despite this anomaly I consider that the surveys give a broad picture of how the markets work.

- 29.6.57. The NOP survey and the pedestrian flows recorded by WSP for EB indicate that Camden Lock Market and Camden Market at Buck Street and the Stables market are the three most visited markets despite the WSP interviews indicating otherwise. These three markets are on a par with the general shops in terms of visits by responders to the survey. Both surveys confirm the draw of the markets for people outside the Camden Town area and show that the 16-24 age group is by far the most numerous. Many of the visitors go to more than one of the markets and 39% of the responders visit the markets at least once a month. 85% of those living or working in the area consider the markets a valuable amenity to the local community.^[5.7.21-27, 13.4.7-10 & 17-21, 14.6.24-26]
- 29.6.58. All the markets have a range of stalls but each has a different character. Inverness Street is primarily a fruit and vegetable market, Electric Market has numerous stalls selling clothing and records/CDs, Camden Market at Buck Street is mainly youth fashion. Camden Lock has a variety of food stalls and ‘alternative lifestyle’ goods, Stables Market has old furniture, antiques and collectables as well as food and clothing and the Canal Market has fashions, accessories and gifts.^[5.7.1]
- 29.6.59. Evidence from traders, although not backed up by financial evidence, indicates that Camden Market at Buck Street is one of the best to trade from. This is not surprising given its visibility and location. Although the Electric Market is the first market reached after leaving the station it is only open at weekends and has little street presence. By contrast, Camden Market, which is the next market reached heading north, has a lengthy frontage to the street, greater even than the larger markets to the north. It is not surprising therefore that it is well patronised. Whilst I accept that the shops on Camden High Street leading north from the station are very different from a market, they also sell clothing and footwear and, in my view, are an integral part of the shopping experience in Camden which is mixed and multi-faceted.^[5.7.13 & 16, 8.3, 11.1, 12.3, 13.4.12-14]
- 29.6.60. Although the mix of stalls is important, 30% of the stalls at Camden Market at Buck Street cater for male and female fashion. A further 50% sell unisex clothing. If footwear and jewellery is added 92% of the stalls are devoted to fashion and fashion accessories. I consider that this fashion element of the markets, and Camden Market in particular, fills the gap in fashion that is a feature of the conventional shops in the town centre. This factor, together with the draw of the markets, leads me to the conclusion that the markets are a fundamental element in the vitality and viability of Camden town centre as a whole as well as being an important tourist attraction.^[13.4.22]
- 29.6.61. The proposed scheme would remove Camden Market and the Electric Market. Over 20% of traders and 25% of stalls would be lost. 36% of fashion stalls would be lost. Although LUL has analysed the markets in terms of gross floorspace, I consider that would distort the effect of the loss. The loss of a number of traders some of whom

might produce their own design but occupy the space of one retail shop would have a greater impact than the loss of the latter. The number and variety of traders is in my view more important than gross floorspace.^[5.7.17-18, 13.4.22-24]

- 29.6.62. Other markets might have a lower density of stalls than Camden Market but space is required for access and browsing between the stalls. In my opinion, whilst some additional stalls might be provided at other markets, the physical constraints of structures at other markets and the requirement for access would dramatically affect the ability to introduce a greater density. Indeed, if a greater density was considered desirable then it is likely that there would already have been pressure to introduce it.
- 29.6.63. During the course of construction there might be other changes to the markets, although what they might be is a matter of speculation. However, planning permission has been granted for changes at the Stables Market. Somewhere in the order of 33% of the A1 floorspace would be lost and it is anticipated that there would be a significant reduction in visitor numbers to that market. The Canal Market only has planning permission for a market use at weekends. A planning brief indicates that the site would be suitable for mixed use and retail but particularly for light industrial use. This brief has been in existence for some time but there has been no planning application for such uses. I accept that the planning view of the site might change but as it is outside both the primary and secondary retail areas there must be considerable doubt the site would be granted planning permission for a lawful market retail use throughout the week.^[5.7.32-36, 13.4.27-32]
- 29.6.64. Camden Market at Buck Street operates under a temporary planning permission. It has been suggested that LBC might take a different view if the proposed station development did not proceed and allow full planning permission. This is a matter of pure speculation but I note that full planning permission has been granted for a market hall on the CLLL site which it maintains could be implemented in phases to ensure market uses were able to continue at least in part during construction. Indeed, it believes that a mezzanine floor might be possible that would lead to an increase in the number of market stalls that could be provided. I therefore consider it likely that in the absence of any station development the site would continue in market use.^[5.7.40, 13.4.40-41]
- 29.6.65. Developments at other market sites might compound the impact of the loss of Camden Market and the Electric Market. I note the view that the markets have been in a steady state over recent years. Passenger figures at Camden station show a decline over the last few years but this reflects a network wide trend and station closures are still carried out on a regular basis. However, I have some sympathy with the view of some traders and local people that the loss of Camden Market might lead some prospective visitors to think that the Camden markets as a whole had closed. Moreover, whilst the markets grew when they were smaller, that change was positive and at a time when there were restrictions on Sunday trading. In the current, more competitive, climate I consider that if the markets were seen to be reducing then the perception of decline could become self fulfilling.^[5.7.15, 10.3, 11.1, 14.6.19-21]
- 29.6.66. Regardless of what might happen at other markets, I consider that the loss of roughly a quarter of the stalls in the six markets, a significant number of which provide fashion goods that are under-represented in the town centre as a whole, in a location that is closest to the station would have a detrimental impact on the vitality and viability of Camden town centre and on its function as a tourist attraction.

- 29.6.67. LUL's expressed intention is to be flexible in the subdivision of retail floorspace within its proposal depending on market conditions at the time it was completed. Larger floorplates would appeal to multiple retailers rather than independent traders. Although LUL believes that institutional investors have to be more flexible nowadays, I consider that larger floorspaces would be of greater interest to them and hence to whoever might develop the above ground scheme. This would have the effect of forcing out independent traders who are currently well represented in the town centre and on the site. The effect would be contrary to the general thrust of PPG4 and UDP Policies SEC1, EC3(C) and EC5 which seek to protect accommodation for small businesses.^[13.4.37-38, 14.6.29-30]
- 29.6.68. The retail floorspace would have a prime location opposite the northern station entrance. Even if it were feasible to use at least part as an indoor market hall, I consider that market pressures would preclude such a use. I note LUL's willingness to accept a condition requiring part of the retail floorspace to be used only as an indoor market. *Circular 11/95* indicates a presumption against conditions that would restrict uses that would otherwise be allowed by the *Use Classes Order*. The space proposed might not be suitable for use as a market hall as it has been designed with a height suitable for normal retail use. More importantly, in the absence of any suggested sites for use by the market during construction, the loss of 25% of the market stalls for a period of 8 or 9 years is likely to have taken its toll on the markets as a whole and on the vitality and viability of the town centre. I therefore consider that such a condition would not be appropriate in this case.^[5.7.37-39, 13.4.37, 14.6.29]
- 29.6.69. EB, in an alternative to the LUL proposal, has suggested that Reunion Street itself could be used for a market. This could also happen in the LUL scheme. Although this is not a matter for consideration as part of the applications and appeal, I note that Reunion Street would be a major pedestrian route to and from the station which would have one of its two entrances onto it. The need to maintain a free flow of pedestrians would at least restrict the provision of any market stalls.^[14.6.30]

Statutory Undertakers

- 29.6.70. The proposed works, including works in the public realm to move and alter bus stops, would be likely to require some diversion of services provided by statutory undertakers. However, whilst there were originally some objections from statutory undertakers all have now been withdrawn following amendments to the proposed Order which contains protective provisions in Schedule 8. In the absence of any objections, I see no reason why the proposed works should have any significant impact on the operations of electricity, gas, telecommunications, water or sewerage undertakers.^[5.7.49, 29.1.3]

Conclusion

- 29.6.71. The considerable length of the construction programme would lead to disruption for local residents and businesses but the impacts have been assessed and would be mitigated through a CoCP implemented through a S106 Agreement. I therefore consider that there would be no unacceptable impact on the Church, Hawley School, Alpha Beta Nursery or residents around the site either during or after construction. The substantial public benefits arising from the station improvements would outweigh the personal loss of residents on the site who would lose their homes.

- 29.6.72. The late inclusion of a replacement space of equivalent size to the existing EB in a deep basement location coupled with the structural restraints on the access arrangements lead to some doubts about whether it could be successfully operated as a music venue. This could lead to the loss of a facility that is of world renown, and important to the music industry. An alternative arrangement for the LUL northern block indicates that provision could be made but at the expense of commercial return. The loss of a music venue would be contrary to the objectives of TLP and UDP Policies and the intent of the Mayor's letter of 16 October 2003.
- 29.6.73. Whilst CLLL, and other businesses in buildings on the site, would be compensated for the loss of their land and the LUL proposal would provide replacement retail floorspace, this would be unlikely to be used for a market and no mitigation has been proposed for its loss. Due to the nature of their tenure, stall holders are unlikely to be compensated. Although some might be able to relocate, I consider that a number of businesses would be likely to fail with significant social and economic effects for those who run or depend on them.
- 29.6.74. Camden is a healthy town centre but unusual in having a lower than average fashion representation in conventional shops. In my view, the scale of the fashion offer in the markets, together with their attraction to tourists, means that they act as an anchor at the northern end of the town centre making a significant contribution to its overall strength. The loss of a significant proportion of the total stalls within the markets, particularly the high proportion of fashion stalls would in my opinion 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.
- 29.6.75. The proposed Order contains provisions for safeguarding the interests of statutory undertakers and in the absence of any outstanding objections I consider that these would be adequate.

29.7. **Extent to which the Proposals are consistent with Policy**

TWA SoM

2. The justification for the particular proposals in the TWA Order including

- the extent to which they are consistent with national, regional and local transport and planning policies.

PP SoM

(i) The conformity of the proposed development to the development plan for the area, to the emerging UDP and the emerging London Plan.

(iii) The extent to which the development complies with Government policy advice in PPG 3 "Housing" in particular in relation to

- the proposed density;
- the provision of affordable housing.

(iv) The extent to which the development complies with Government policy advice in PPG6 "Town Centres and Retail Developments" in particular

- the extent to which proposals maximise efficient use of land and are easily accessible by public transport;
- the scale, density and mix of uses;
- sustainability considerations arising from the uses.

- 29.7.1. All the main parties accept that the proposals would generally be in accordance with national, strategic and local transport policies. Improvements to public transport are general themes of TLP Policy 3C.9 and UDP Policies STR3, STR4 and STR6. UDP Policy CT3 specifically seeks improvements at Camden Town station to relieve congestion problems.[5.8.1, 13.5.1, 14.7.3, 17.7.1]
- 29.7.2. PPG13 seeks to promote more sustainable transport choices and accessibility to jobs, shopping, leisure facilities and services by public transport, amongst other means. It

notes that maximum use should be made of the most accessible sites. These aims are also generally reflected in PPG1 and TLP Policy 2A.1. The proposal undoubtedly seeks to make the best use of land in a location well served by public transport but this should not be at the expense of other considerations.^[5.8.5 & 8, 14.7.4-5]

- 29.7.3. UDP Policy RE3 reflects advice in both PPG1 and PPG13 in requiring buildings to be designed to facilitate access for and use by people with disabilities. The proposal would provide step free access to all platforms, although the adequacy of lift provision over the life time of the station has been questioned, and all bus stops in the vicinity would be wheelchair accessible.^[3.5, 5.8.3, 16.3-10]
- 29.7.4. Little reference has been made to housing policies but LBC acknowledge there is a huge need for residential accommodation. TLP Policy 3A.1 reflects the guidance in PPG3 to make the best use of previously developed land and to maximise the provision of additional housing. The proposal would provide more residential accommodation than currently exists on the site at a density of 283 habitable rooms per hectare, and would ensure by means of a Section 106 Agreement that 50% would be 'affordable housing' in accordance with the aspirations of TLP Policy.^[4.12, 5.8.7, 17.7.2]
- 29.7.5. PPG1 and PPG13 both encourage mixed use developments and are reflected in UDP Policy RE5. The proposal would provide a mixed use development including office accommodation. I agree with the Council that office use would not be inappropriate. However, there is currently an over provision of office accommodation in the area and office premises near to the site remain empty. In addition, a number of office developments have recently been approved by the Council.^[5.8.5-6, 17.7.2]

Conclusion

- 29.7.6. I agree with many of the objectors that transport and housing are only part of a range of policies that must be considered as a whole. Housing provision and MIP access would be improved and dense development would be provided on a site close to public transport. Congestion would be eased although this is predominantly a weekend problem causing the station to be closed for around 5% of its operating time.^[13.5.2, 14.7.4]
- 29.7.7. In solving this problem some inconvenience would be caused to local residents, visitors and Hawley School. A live music venue space would be provided but due to its location in a very deep basement with less than ideal access arrangements I consider that there must be doubts as to whether the internationally renowned Electric Ballroom, or any other operator, could successfully operate in it.
- 29.7.8. Many market traders would be displaced with all the social consequences to them, their families and employees and other workers who manufacture goods for them. The markets make a vital contribution to the health of the town centre as a whole. In displacing the markets, and making no provision for temporary market use in the area, the proposal would have a significant adverse impact on the vitality and viability of Camden town centre, contrary to national and local planning policy.
- 29.7.9. In addition to this, the proposal would remove a number of buildings that make a positive contribution to the character and appearance of the Conservation Area. Moreover, 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 national and local planning policy objectives.

- 29.7.10. On balance, I consider that the housing, sustainability, and transport benefits would be far outweighed by the detrimental impacts on the vitality and viability of the town centre and the character and appearance of the Conservation Area.

29.8. **Powers Under the Order**

Compulsory Purchase Powers

TWA SoM

3. The case for conferring on LUL compulsory acquisition and temporary possession powers under the proposed TWA Order, including

- whether any or all of the land over which such powers have been sought is necessary for implementing the station works; and
- whether it would be within the Secretary of State's powers under section 1 of the TWA (which among other things authorises the making of Orders relating to, or to matters ancillary to, the construction or operation of a railway) to confer on LUL powers compulsorily to acquire land for the purpose of constructing commercial, residential and community buildings following completion of the station works.

6. LUL's proposals for mitigating any adverse effects of the station works on residents, businesses and the environment, including

- the compensatory measures proposed for residents, businesses and community organisations that would be displaced by implementation of the station works.

8. The justification for the limits of deviation for the station works prescribed in article 4 of the proposed TWA Order.

- 29.8.1. LUL's witness on compulsory purchase is an employee of TfL and confirmed that no independent assessment had been undertaken prior to the Inquiry. However, the witness has over 28 years experience in the property profession and is a member of the Royal Institute of Chartered Surveyors' Compulsory Purchase and Compensation Policy Panel. His evidence included the RICS declaration that the expert witness's duty to the Inquiry was understood and had been complied with, and that the facts stated and opinions expressed were correct. I have no reason to believe otherwise.^[13.6.3]

- 29.8.2. *Circular 02/2003: Compulsory Purchase Orders*, and *Circular 06/2004 Compulsory Purchase and The Crichel Down Rules* indicate that an Order should only be made where there is a compelling case in the public interest. They also refer to Article 1 of the First Protocol and to Article 8 of the *European Convention on Human Rights*. Not only must the power be necessary, it must also be proportionate. The *Human Rights Act* reinforces that basic requirement.^[5.9.2-3, 13.6.2, 14.8.1-3]

- 29.8.3. The works proposed consist of two elements: the operational station works and the residential and commercial development above the station. Notwithstanding the wording of Articles 3(3)(b) and 3(5), which refer to works not specifically described in Schedule 1 of the Order, LUL confirms that the justification for the compulsory purchase in this case is the transport need and it is not seeking compulsory purchase powers for the purpose of constructing commercial and residential buildings following completion of the station works.^[5.9.4]

- 29.8.4. The works listed in Schedule 1 of the proposed Order are limited to the station, cross passages and an underground electricity cable to the new TSS. I consider that this would include facilities such as staff accommodation within the operational station. Indeed, the section depicting Works No 1 shows the station in detail differentiating it from the proposed commercial development above that is only shown as a dotted outline. Powers would be limited to works within the limits of deviation which only extend up to 5 metres above the station works. However, the location within a

Conservation Area leads to a planning need to ensure that the site would be redeveloped to preserve or enhance the character or appearance of the Conservation Area.^[5.9.4]

- 29.8.5. I have already concluded that there is a compelling need in the public interest for improvements to bring the station up to modern standards and address the congestion problem, that planning for 50% growth is justified and that the proposed station is not significantly larger than necessary to accommodate that growth. I do not consider that Article 4(2), which states “Without prejudice to the generality of paragraph (1), in constructing or maintaining Work No 1 the Company may deviate from the design of the internal layout of that work shown on the deposited section as it thinks fit”, could be used to vary the works to include commercial development as one objector believes might be the case. Work No 1 is defined in Schedule 1 of the Order. In my opinion, any deviation from “that work” would specifically relate to operational railway works. I consider this would be reasonable as it would allow internal rearrangement of the station works.^[5.9.5, 10.10]
- 29.8.6. The proposal is the only scheme that meets all the objectives for the project. The alternatives put forward by CLLL and EB would reuse the substandard southern tunnels and have a worse provision for MIPs. The Courts have held that “the use of compulsory purchase powers can be justified in order to achieve a better scheme of development in the public interest than an alternative scheme put forward by an objector that does not require compulsory acquisition”. I therefore conclude that all of the land within the site is necessary for implementing the operational station works.^[5.9.2]
- 29.8.7. LUL is bound by statutory restrictions applying to TfL. It has the powers, under paragraphs 12 and 15 of Schedule 11 of the *Greater London Authority Act 1999*, to dispose of property not required for the discharge of its functions and to develop land. However, development has to be carried out by a subsidiary and paragraph 29 of Schedule 11 requires TfL and its subsidiaries to act as if engaged in a commercial enterprise. Although Objectors claim that LUL is intent on making money from the above ground development, which is expected to generate approximately £12 million, this would not be realised until several years into the project and would only partly offset the up front cost of acquisition of the land required to construct the station works that is estimated to be around £25.3 million.^[5.9.9-10, 7.4, 10.10, 20.8, 23.5]

The Electric Ballroom’s Land

- 29.8.8. The land owned by the **Electric Ballroom** (Objection 105) is located roughly centrally within the site and is necessary for the construction of the proposed works. Alone amongst the statutory objectors the EB has made a three lease offer, which remained open throughout the Inquiry. Any justification for compulsory purchase must be viewed against this background. The leases are:
- i) a 999 year lease for the below ground area;
 - ii) a short lease, referred to as the construction lease, to enable LUL to demolish the buildings and to construct the operational station; and
 - iii) a long lease, referred to as the development lease, to facilitate the above ground development.^[14.8.4]

- 29.8.9. Parties are entitled to take differing negotiating stances and the fact that other land owners have not made similar offers does not mean that this offer should be dismissed out of hand. EB maintains that the three leases should be considered separately.^[14.8.13-14]
- 29.8.10. Considering the lease for the below ground areas, the footprint of the Ballroom covers a position that would be occupied by part of the escalators, part of the concourse area, and part of the staff facilities below ground⁴⁷³. The 999 year lease would therefore leave a central part of the operational station, which was not discrete and bore no physical relationship to the boundaries of the EB land, outside LUL's ownership. In my view, there is self evidently a compelling public interest in LUL having full ownership and control over its operational station in these circumstances. The EB's proposed arrangement would be a disbenefit to the public interest should any future problems arise. The EB would be compensated for the loss of its below ground land in accordance with the *Compensation Code* and any private loss would not, in my view, outweigh the public interest.^[5.9.11-12, 14.8.14]
- 29.8.11. Turning to the construction lease, this would allow the existing buildings on the site to be demolished. The Ballroom as an operational venue would cease to exist and the new station could be built. However, at ground level part of the ticket hall and some of the space occupied by the escalators would be within the footprint of the existing Ballroom, as would the central part of the proposed Reunion Street that would give access to the station entrance. As with the below ground area, I consider that there is a compelling public interest in LUL having full ownership and control over its operational station and access to its entrance. Again, the EB would receive compensation.
- 29.8.12. The third lease is intended to facilitate any above ground redevelopment and would effectively create a flying freehold over part of the station. Flying freeholds are not uncommon. LUL has experience of them at other stations and was unable to identify any practical difficulties experienced as a result of them. EB accepts that they can cause difficulties but referred to a number of recognised conveyancing mechanisms to control problems and give remedy if difficulties arise. Stratification of interests as a result of Orders do occur, although in my experience this is more usually in relation to development below ground, such as tunnels, where existing development above ground would be physically unaffected. LUL has compulsorily acquired land and disposed of leasehold interests in the past, but not under TWA Orders. The examples were private Acts considered by Committee and there are no reasons for the decisions.^[5.9.18-24, 14.8.18-20]
- 29.8.13. LUL would have the freehold of the below ground area and at least a significant part of the ground floor area of the land currently owned by the Ballroom. The proposed development lease would provide for arbitrary fragmentation of the proposed above ground development similar to that at ground level and below under the other leases. The boundaries between ownerships would bear no relationship to the physical development. Although developers routinely deal with complicated land assembly, I consider that the only consequence of the proposed arrangement would be to make redevelopment in the Conservation Area more unlikely by making the proposal less attractive to any prospective developers. Moreover, the retention by the EB of airspace above the proposed above ground development would have no useful

⁴⁷³ 105/5/B Appendix 4

purpose other than to frustrate any future redevelopment. The very limited loss by the EB of airspace above the station, for which it would receive compensation in accordance with the statutory code, would in my view be decisively outweighed by the public interest in ensuring redevelopment in the Conservation Area both now and in the future.^[5.9.7 & 12, 14.8.18-19 & 24-26]

- 29.8.14. Although the SoST has held in the LIFFE decision that powers could be used to purchase land for mitigation purposes, regarding them as ancillary to the main transport purposes of the Order, that is not the justification for compulsory purchase in this case and LUL would not make a profit from development.^[5.9.1 & 10]
- 29.8.15. EB maintains that since it has offered the leases it would not be lawful to compulsorily purchase the land. However, I consider that there is a compelling need in the public interest for the compulsory acquisition of the whole of the Electric Ballrooms interest in the land that would not be satisfied by the three lease offer. The need for repairs and maintenance over the life of the station, which LUL advances as additional justification for compulsory purchase, is therefore irrelevant in relation to the EB land.^[5.9.13 & 21, 14.8.17]
- 29.8.16. EB submits that its land should be deleted from the Order, if confirmed, and that in return it would enter into a Unilateral Undertaking obliging it to enter into the three leases. Even if the leases were an acceptable arrangement, there is no mechanism to ensure that they are entered into. Despite reminding all parties at the Inquiry on a number of occasions that any Undertakings were to be completed and submitted before the close of the Inquiry, only a draft of the Undertaking has been submitted as it contemplates leases whose terms have not been agreed. In any event, I consider that a Unilateral Undertaking would be inappropriate as it contemplates leases the terms of which would need agreement.^[14.8.22]
- 29.8.17. Although the EB maintains that lack of time has hindered agreement over reprovision of the EB in the proposed redevelopment, and consensus would accord with the ADR principles set out in *Circular 02/2003*, there is no certainty that agreement could be reached. I note LBC's desire to ensure that all uses are re-provided on the site and that LUL accepts that the Mayor's letter of 16 October 2003 requesting reinstatement of the Ballroom in a suitable alternative live music venue within the design of the commercial redevelopment is a material consideration. I consider that reprovision for the Ballroom would constitute minimal impairment of its rights under the HRA. However, for reason set out in Section 29.6 of this report I consider that the proposed D2 space gives rise to doubts about whether the space could be operated successfully.^[14.8.21]

The Market Land

- 29.8.18. **Camden Lock (London) Limited** (Objection 103) owns land used as an open air market at the north-western corner of the triangular site. A number of reasons were advanced to justify permanent acquisition of the market land. However, there would be no need for demolition as CLLL's land is effectively an undeveloped slab. The proposed temporary station would occupy the northwest corner of the site but by definition would only require temporary acquisition of the market land. Although I consider that the LUL proposal would be the only scheme to satisfy all the objectives for the project and that therefore the operational station would require all the land within the site below ground level, the construction of operational structures below ground could also be achieved with temporary acquisition.^[5.9.6 & 11, 13.6.4-5 & 8]

- 29.8.19. At ground level in the LUL scheme a fire escape core is proposed from the station below, together with the relocated Church and entrances to the D2 venue space and residential accommodation. CLLL's assertion that all operational elements on CLLL land could be relocated elsewhere is not accepted by LUL. However, whilst escape routes are constrained by allowable travel distances to protected areas, little evidence was submitted to demonstrate that the fire escape core could not be relocated off CLLL's land.^[5.9.7, 13.6.5]
- 29.8.20. The Church would have to move off site for a short period under LUL's proposed construction sequence before returning to a replacement building that would encroach on CLLL's land. This arrangement has enabled the Church to withdraw its objection to the proposed Order. However, if the Church were off site for longer, the replacement Church could be built on the existing Church site or elsewhere in a redesigned above ground proposal. This could be in the prominent position that the Church would prefer to occupy. Moreover, LUL has expressed a willingness to acquire land elsewhere to construct the new Church although it has not suggested a site.^[13.6.6]
- 29.8.21. Similarly, the entrances to the residential development and venue space could also be relocated. Indeed, I share the Ballroom's doubts about whether the deep basement proposal could be operated successfully as a venue space, although I do not necessarily consider that a replacement venue should be at ground level as the Ballroom has suggested.^[13.6.7]
- 29.8.22. It is likely that there will be a need for repairs and maintenance to the structure and the station facilities during its 120 year life and there may also be redevelopment of the above ground development. However, many elements of the station could be replaced or repaired without any interference with above ground development and little evidence was submitted as to what repair or maintenance of the 2 metre thick slab over the station might be required.^[5.9.14-15, 13.6.13-14]
- 29.8.23. The 2 metre thick slab over the station would be designed as a crash deck. In addition, a table of permissible design loads could be made available to the engineer of any future above ground redevelopment whilst *Infrastructure – LUL control of outside party operations and works* provides a system for notification of works allowing LUL to comment. Indeed, LUL accepted that if the guidance were followed it would have discharged its duties as a railway operator under the *Railway (Safety Case) Regulations*. LUL's witness was only able to say that greater control would be highly desirable. That is far from being necessary.^[5.9.13-19, 13.6.9-15]
- 29.8.24. A redesign of the above ground development excluding CLLL's site would not result in fragmented ownership, as the land would not be part of any development. LUL was unable to identify any practical difficulties experienced as a result of flying freeholds. The requirements for maintenance and repair do not preclude LUL's proposal for a 6-storey building over the crash deck slab and I do not see why it should preclude CLLL using its site for an open market as it does now or even redeveloping the site with some form of building under a flying freehold.^[5.9.13-19, 13.6.9-15]
- 29.8.25. Each plot that would be acquired needs to be considered on its own merits. The CLLL site differs from the EB site in that it is currently an open site and if returned to CLLL after construction of the station would still be an open site, albeit that its surroundings would have changed. It would not therefore be detrimental to the

character and appearance of the Conservation Area. Any redesign of LUL's above ground development, omitting CLLL's site, would be able to take that fact into consideration. I do not therefore consider that LUL has provided a compelling reason in the public interest why the CLLL site should be permanently acquired. The only compelling justification is for temporary acquisition. Anything more would be a greater degree of interference than was necessary to achieve the improvement of the station.^[5.9.3, 13.6.16-18]

Other Land

- 29.8.26. The properties owned or occupied by **Buffalo Boots Limited** (Objection 1), **Christo & Co** (Objection 2), **Ly Coong Voong** (Objection 3), **Nick Garrard** (Objection 4) **British Boot Company** (Objection 21), **Shahid Mirz** (Objection 112), **J S Toor and A K Toor** (Objection 113), **Yiascom Limited** (Objection 114) and **St Charles Property International Limited** (Objection 115) would all have to be demolished to construct the improved station and replacement development in the Conservation Area would be required. Their lands should therefore should be included in the Order. I note the concerns of the owners and occupiers about the effect on their businesses and livelihoods. However, in this case I consider that the public interest would outweigh any personal loss. Although St Charles Property International Limited states that it would not be recompensed for around £250,000 spent on refurbishment in 1998, compensation would be due in accordance with the *Statutory Compensation Code*.^[7.1-4, 28.2.1-3 & 6-11]

Other Powers

- 29.8.27. **Digital Media Creations** (Objection 003), **Stable Finance Limited** (Objection 020) and **Anglo Scottish Developments Limited** (Objection 125) own or occupy properties that are solely within the limit of land for safeguarding works. The Order would give LUL the power to enter the properties to survey or monitor and to carry out any safeguarding work. Notice would be given and compensation would be payable in accordance with the Order. In my view, these powers would be in the interests of the objectors whose properties would be close to the deep excavations necessary to construct the station and should be retained within the Order.^[28.2.4-5 & 12]

Limits of Deviation

TWA SoM

8. The justification for the limits of deviation for the station works prescribed in article 4 of the proposed TWA Order.

- 29.8.28. Little evidence has been submitted in relation to the justification for the proposed limits of deviation. Works No 1, the station, would involve excavation within the triangular site. The limit of deviation proposed roughly follows the back edge of the footways surrounding the site and effectively would allow little if any deviation. The proposed limits for Works No 9, an electricity cable running from an existing cable under Camden High Street beneath the length of Buck Street to the proposed TSS at the north-eastern corner of the site, extend the width of the carriageway in Buck Street and to a point just beyond the centre of the Camden High Street carriageway. I consider that this would be justified to allow for avoidance of other existing services within the carriageways.
- 29.8.29. The limits of deviation for Works Nos 2-8 were amended in December 2003 when Works 10 were added. These all relate to cross passageways connecting the proposed

station to the existing running tunnels. These works would be beneath the carriageways of Camden High Street and Kentish Town Road.

- 29.8.30. The original proposals were found to require extensive temporary propping that would have necessitated excessive line closures. A revised design and location for the cross passages removes the need for all but a number of weekend closures affecting one platform at a time. The additional cross passage, the subject of Works No 10, was included following discussion with HMRI and would reduce the travel distance to a place of safety for mobility-impaired people in the event of a fire.
- 29.8.31. The original limits of deviation for Works Nos 2-8 extended under the carriageways of Camden High Street and Kentish Town Road but were limited to lengths around the position of each cross passageway. The revised limits of deviation proposed would extend under the carriageways but would run the length of the site on the east and west sides and include a number of crosspassages rather than individual passages. This would allow for slight lateral adjustments of the works and in my view would be justified.^[5.9.26-27]

Conclusion

- 29.8.32. All the land within the site is needed for the construction of the station works. Powers are sought only for the construction of the railway works and not for the construction of commercial, residential and community buildings following completion of the station works. Even if the powers were for the above ground development that is required as mitigation for the demolition in a Conservation Area and the Secretary of State for Transport has held in the LIFFE decision that powers can be used for mitigation purposes as that would be ancillary to the main transport purpose of the Order. It would therefore be within the Secretary of State's powers to authorise the making of the Order. However, I consider that LUL has only demonstrated a compelling need in the public interest to temporarily acquire the market land owned by CLLL although a compelling need for the permanent acquisition of all other land in the Order has been demonstrated. If the SoS considers that the Order should be confirmed and conservation area consent and planning permission granted the land would be required immediately for the works to commence. Most of those displaced by the implementation of the works would receive compensation in accordance with the Statutory Compensation Code. The exception would be numerous stall holders as discussed in Section 29.6.

29.9. Costs and Funding

TWA SoM

4. LUL's proposals for funding the cost of implementing the station works, including LUL's financial appraisal of the scheme, the extent to which contributions to the cost of the scheme would be required from other bodies and the prospects for securing the necessary funding.

The Pass Mark

- 29.9.1. *A Guide to TWA Procedures* states that "The Secretary of State's concern is to establish that there is a reasonable prospect of a scheme attracting the necessary funds to implement it". Projects within LUL compete for funds and a bcr pass mark of 1.5:1 should normally be achieved but must be more than 1:1. Projects with bcrs of between 1 and 1.5:1 may, in exceptional circumstances, be considered but they should be supported by sufficiently clear unquantified or external benefits, which are additional to those that have been appraised. When funds are limited the BCDM indicates that it may be necessary to achieve a higher mark.^[5.10.1, 13.7.1-2, 14.9.1]

29.9.2. LUL maintains that the circumstances at Camden are exceptional. However, no evidence was submitted of cases going forward without meeting the pass mark although the residual discretion to implement proposals was highlighted. Notwithstanding the need to do something at Camden, I consider that there are a number of unquantifiable negative factors such as the demolition of all the buildings on the 0.5 hectare site in a Conservation Area, some of which make a positive contribution to its character and appearance, and the effects on the vitality and viability of the town centre and employment and small businesses in the area. In these circumstances I consider that the pass mark should be achieved to give any certainty that the project would be funded.^[5.10.3, 13.7.2, 14.9.2]

Optimism Bias

29.9.3. HM Treasury's *Green Book* introduced the concept of OB for public projects in early 2003, based on a 2002 report by Mott MacDonald. Amendments to LUL's BCDM incorporating OB were put forward in January 2004. Two of the main changes identified in the preface to the *Green Book* are the 'unbundling' of the discount rate, introducing a rate of 3.5% rather than the old rate of 6%, and applying OB as an explicit adjustment effectively to offset that reduction.^[5.10.4, 13.7.4]

29.9.4. The starting point for capital cost OB is to decide whether the project is standard or non-standard. The Mott MacDonald report indicates that standard civil engineering projects are those not requiring special design considerations, such as most new roads and some utility projects, whilst non-standard civil engineering projects are those which require special design considerations due to space constraints or unusual output specifications. Examples of non-standard projects include innovative rail, road, utility projects, and upgrade and extension projects.^[5.10.5, 13.7.5, 14.9.5]

29.9.5. Although LUL maintains that the project is standard, it is an upgrade project and the platforms and running tunnels would be retained. A major constraint, acknowledged by LUL to be particularly onerous, is that the station would be maintained in operation. The project would be carried out in phases, including the construction, opening and operation of a temporary station. A new traction sub-station to provide power to the Northern line in the vicinity and to a group of stations including Camden would also be provided. Moreover, the site is bounded by roads, two of which are very busy 24 hours a day, and immediately to the south is a strategic road junction. The basement would be extremely large, covering much of the 0.5 hectare site and require excavation to a depth in excess of 20 metres. The horizontal forces required to be resisted would mean extensive propping of the temporary pile walls and the amount of spoil would necessitate numerous vehicular movements on the busy roads.^[5.6.2-3, 5.10.5-7]

29.9.6. LUL accepts that the construction of the adits into the existing cast iron tunnels is a special design consideration. Although cast iron tunnels are not uncommon on the Underground, and LUL has carried out work to them at Brixton, Angel and Old Street, the process is described by LUL's engineer as "a highly complex sequence of activities each of which has a potential to damage the existing station platform tunnels". The process would require temporary propping and limited weekend platform closures of each platform in turn.^[5.10.6]

29.9.7. Moreover, the complexity of the project has been acknowledged by LUL on a number of occasions: in a memo to the Board in September 2000; in the design and planning report 2000; and most recently in a memo to the Project Review Group in January

2004. In my view, the comment by LUL's quantity surveyor that the project was not suitable for benchmarking as Underground projects are unique does not sit easily with LUL's view of the project as standard.^[13.7.5]
- 29.9.8. In closing, but not in evidence, LUL suggested that alternatively the project should be considered as a hybrid, an approach mentioned in the Mott MacDonald report. However, I consider that it is not just the construction of the adits but also retaining the operational station during the whole of the construction period that lead to complexity in this project. I consider, as did two expert engineering witnesses, that the scheme should be considered as a non-standard civil engineering project and the starting point should therefore be an upper bound figure of 66%.^[5.10.6, 14.9.6]
- 29.9.9. The next step is to consider whether the upper bound figure could be reduced. I acknowledge that realism should be applied, rather than a legalistic approach. However, the purpose of reducing "the systematic optimism that historically has afflicted the appraisal process" must be borne in mind.^[5.10.8-15 & 18, 13.7.6, 14.9.4]
- 29.9.10. The Mott MacDonald report indicates that the upper bound OB should be reduced to the extent to which the project risk areas are managed. However, it goes on to note that "clear and tangible evidence must be observed, and independently verified, for the mitigation of risks in project risk areas before reductions in optimism bias should be made". Whilst there has been internal review there has not been any independent verification of mitigation. This is the antithesis of the approach required in the guidance. Whilst I accept that there is likely to have been some mitigation, LUL's assessment is subjective. However, for the purposes of assessing whether the project is likely to be funded or not it would be reasonable to assume some mitigation of the upper bound figure.
- 29.9.11. Other differences between LUL and objectors are the application of OB to items such as property acquisition costs and capital costs avoided. The extent of acquisition is fixed by the site boundary bordered by roads. Valuation is the only uncertainty and the variance between LUL's estimate and expenditure on the Jubilee line extension was -0.4% and on the Croydon Tramlink -2.5%. I therefore consider that not applying OB to the property acquisition figures can be justified.^[5.10.16, 13.7.8]
- 29.9.12. Informal advice from the Department for Transport is that OB should not be applied to capital costs forgone provided that the costs of refurbishment are relatively well known. In this case, the figure arose from a comparative exercise with emerging designs and, in my view, the application of OB would be relevant. However, I note that whilst not accepting the legitimacy of the exercise, LUL removed OB from capital costs avoided.^[5.10.17, 13.7.8]

Benefits and Costs

- 29.9.13. When LUL's business case was 'updated' in a document dated 6 February 2004 the appraisal period was adjusted from 30 to 40 years due to the longevity of the main asset, the station. 30 years would be consistent with guidance from the Department for Transport and is the normal period for TfL projects. Although LUL's BCDM notes that some items such as escalators and lifts could have an asset life of 40 years, the January 2004 amendments state that "The period following implementation ('project life') will normally be a maximum of 30 years with long-life assets such as tunnels being assigned a residual value".^[5.10.19, 14.9.8]

- 29.9.14. Reference has been made to Crossrail where the appraisal period was 60 years but this is a comprehensive scheme with a uniform network life and in any event includes a large contingency (some 43%) to reflect uncertainty associated with increased project life. Whilst I consider that an asset life of 40 years for the station would be reasonable, I do not consider it a conservatism as LUL claims.^[14.9.8]
- 29.9.15. The 'positive side' of the business case depends to a large extent on social benefits that would arise primarily at weekends in the form of 'alternative travel benefits'. These arise due to the fact that those passengers who would use the station when it is closed have to use other means of travel or alter their time of travel. LUL has assumed that passengers would have to walk to either Mornington Crescent or Chalk Farm stations or travel by bus to Euston and change to Underground. These passengers would experience an additional journey time that can be expressed as a social cost. LUL has applied a weighted journey time penalty of 18 minutes to both categories.^[5.10.23, 13.7.9]
- 29.9.16. Objectors maintain that it is inappropriate to assume 18 minutes for all travellers using the tube, mainly because the walk from the northern part of the markets to Chalk Farm station is estimated to be less than 16 minutes. In my view, many of those heading north would have headed for Chalk Farm rather than Camden in any event and so would not be in the sample under consideration. Observation indicates that the northern part of the markets is less busy and therefore many people would have to walk further than the distance from the northern extremity of the markets to Chalk Farm. There is then an additional 2 minutes riding the train south to Camden Town for those passengers going south. Moreover, the journey time from Camden to Euston by bus less the time saved riding the train south from Camden would give a total 'penalty' of some 21.8 minutes. The use of Mornington Crescent would incur a total penalty of around 18 minutes. On this basis, an average penalty of 18 minutes appears a reasonable assumption.^[5.10.26, 13.7.10, 14.9.10]
- 29.9.17. Not everyone would use another station and the tube to go home. Some would use other modes of transport or 'time shift' their journey to avoid the closure. A survey by Scott Wilson for LUL indicates that in excess of 72% planned to do something other than use another station on both Saturdays and Sundays.^[13.7.11]
- 29.9.18. In my opinion, the majority of those who arrive by tube but who change their means of transport or time of travel to return home would do so because the penalty for them would be less than continuing to use the tube. If it were not then rational travellers would use the tube for the return journey. The penalty would vary from just less than that of using the tube to zero. If the penalty were more than using the tube they would use the tube and if it were less than zero they would not use the tube anyway. Consumer surplus theory assumes the variation is evenly distributed giving rise to the 'rule of a half'.
- 29.9.19. Whilst CLLL considered an example where 60% of people used other forms of transport or changed their journey time, many people are unaware of the station closure and so would not have the option of planning to time shift. Many of these would therefore walk from Camden to another station or catch a bus. I consider that 60% would therefore be an unrealistic assumption and note that LUL has used a figure of 15% in some business case scenarios.^[5.10.20-23, 13.7.12-13]
- 29.9.20. Criticism has also been levelled at the value of time used by LUL on the basis that London uplifts in TEN have been applied to weekend visitors from outside London

and to the non-working value of time for Londoners. It is also claimed that inappropriate network wide proportions for working versus non-working time have been used as there would be less working time trips to Camden at the weekends due to the adjacent land uses including the markets. It is suggested that reducing the percentage of working time from 4% to 2% and not applying the London weighting to the non-working value of time would reduce the overall value of time by around 20%.

- 29.9.21. I accept that there may be a lower percentage of work trips at Camden, particularly at the weekends. However, the £7.31 value of time used in LUL's business case is set out in Table E1 of Appendix E of the BCDM and I do not consider that LUL should be criticised for using its standard methodology. In any event, any difference would be offset, at least in part, by the fact that the BCDM uses an annual rate of growth in the value of time of 1% whereas TEN indicates more than double that rate of growth for the period 2005-2050. Whilst one factor offsets the other I do not consider the use of the BCDM guidance should be considered a conservatism as LUL suggests.^[5.10.28-29 & 34, 14.9.11]
- 29.9.22. Turning to absolute costs, works at Kings Cross are currently around £15,000/m². This compares with an assessment of approximately £9,000/m² for the Arup Option 1B, LUL's original appraisal of its scheme at about £4,250/m² and Arup's view that the LUL scheme should be at least £5,200/m². Whilst these figures might seem to suggest the LUL costs are on the low side, comparisons between rates per m² should be used with caution. A detailed cost plan had been prepared for the LUL scheme by a firm of quantity surveyors. In my view, this provides the most detailed and accurate cost figures available and has been used as the basis for the LUL business case.^[5.10.41-42, 13.7.16]

Business Case Analysis

- 29.9.23. LUL's early evidence referred to a pass mark of 1.6:1 but this is now acknowledged as an error. The business case has also changed dramatically. The bcr has fallen from 20:1 in January 1998 to 6:1 in September 2000, 3:1 in LUL's Outline Statement of Case, and 2.2:1 in its Statement of Case.^[13.7.17, 14.9.14-15]
- 29.9.24. In business cases from May 2003 until January 2004, LUL applied the reduced discount rate of 3.5% but did not apply OB. 'Sensitivities' for OB in costs and reduced benefits were only introduced in rebuttal evidence at the start of the inquiry. OB was applied at the upper bound limit and gave a bcr of 1.6:1.^[13.7.18, 14.9.15]
- 29.9.25. Later evidence introduced 50% mitigation of the upper bound limit of OB on the basis that the project "has been developed beyond RIBA Stage C and has had a very considerable amount of work undertaken on the project". Increased demand and other slight changes were also introduced. These alterations produced a bcr of 1.9:1 for the mitigated OB and 6.1:1 for mitigated OB with higher demand. An oversight and pressure of work were the reasons given for not including mitigation of the upper bound limit of OB originally.^[13.7.6, 14.9.7]
- 29.9.26. In its first proofs of evidence LUL indicated that congestion relief would, in this case, form a small disbenefit over the life of the station as any congestion that might occur would do so at times when the station is currently closed. By the time of its rebuttal proof of evidence this disbenefit of -£3,611 million had become a benefit of £41,454 million as the original appraisal had not included the station movement time for entry

passengers on Sundays or the effect of reductions in the time trains would spend in the station.^[5.10.36]

- 29.9.27. I consider the pass mark to be an important indicator of the prospect of funding being made available. However, LUL's constantly changing business case hardly reflects the comment in the preface to the *Green Book* which indicates that appraisal, done properly, is crucially important and needs to be carried out carefully. In my view, it undermines the level of confidence in LUL's business case and does not indicate that 'systematic optimism' has been reduced.
- 29.9.28. There is no developer for the above ground works that are currently anticipated to contribute up to 10% of the construction costs. The works are some years in the future and it is accepted that the market might change. However, in my experience, a development above a public transport interchange would be highly likely to generate a considerable return.^[14.9.16]
- 29.9.29. An illustration by CLLL indicates that if only 60% of people changed mode or 'time shifted', rather than more than 72% as indicated by the Scott Wilson survey, then the alternative travel benefits would be reduced by 30% (half of 60%). There would also be a consequent reduction in alternative station entry costs, as those using other forms of transport would not enter an alternative station, and in weekend revenue growth benefits that are derived from alternative travel benefits using an elasticity factor. This would have a significant effect on the bcr and may mean the pass mark is not met.^[13.7.13]
- 29.9.30. I note EB's suggestion that generalised annualisation factors might have resulted in an overestimation of social benefits and that LUL's approach to construction costs, planning and design costs, fraud reduction and the adverse impact on the station during construction, which has been ignored, is unduly optimistic.^[14.9.10 & 12]
- 29.9.31. I consider that the line by line attacks on the business case have concentrated on areas that would lower the bcr. Whilst some benefits might be over estimated there would also be some conservatism in the assumptions. An example is the growth assumption of 17.9%. This merely assumes that weekend flows would catch up with observed flows in 1999. The application of population, income and tourism elasticities produce a growth of 31.6% whilst the growth assumed in the Mayor's TS would take the weekday figure from 16% to 31% over 20 years. Each percentage point in growth has a significant effect on the benefits and would also increase revenue.^[5.10.30-32]
- 29.9.32. Whilst I acknowledge EB's concern about the lack of transparency in the assessment of priority, all scenarios need to be viewed in the light of the need to do something at Camden and the provision of £475 million for station capacity schemes in *The TfL Business Plan 2004/5-2009/10*.^[5.10.37, 14.2.6]
- 29.9.33. Whilst I do not consider that the OB should be mitigated without independent verification, for the purposes of assessing whether or not the scheme would be funded I accept that there would be some mitigation. I do not consider that any of the scenarios in LUL's business case summary give an accurate bcr. However, in broad terms the various scenarios do give an indication of the likelihood of the pass mark being reached and funding achieved. An optimistic scenario assuming a mitigated OB of 33% and higher demand (Case 7) gives a bcr of 5.07:1. Omitting the higher demand but assuming mitigated OB of 33% (Case 6) could be considered a middle of the road scenario and gives a bcr of 1.72:1. A worst case scenario with mitigated OB

of 33%, reduced benefits and increased capital costs (Case 9) still has a bcr above the pass mark. Scenarios by CLLL with costs approximating to the LUL cost plan values indicate bcrs of 2.03:1, 1.15:1 and 0.94:1 with OBs respectively at 0%, 44% and 66%. In my view this indicates that with a sensible assumption for mitigation at this stage the project would meet the pass mark.^[5.10.45, 13.7.26]

Comparison with Option 1B

- 29.9.34. I do not agree with CLLL's view that the difference in level of ambience benefits between the LUL scheme and its Option 1B is too great. The retention of the sub-standard southern tunnels that are narrow with bends and changes of level would, in my view, drastically reduce any ambience benefits from that scheme whilst the LUL proposal would effectively provide a new station.^[13.7.25]
- 29.9.35. The LUL scheme has been costed by a firm of quantity surveyors and I consider this the best cost evidence available. However, the scale of difference between the LUL scheme and Option 1B seems large given that the LUL scheme would have approximately twice the amount of piling, five times the amount of excavation and three and a half times the amount of concrete slabs. Similarly, there would be a difference between the comparative figures for operating costs and preliminaries but the scale of difference suggested by LUL appears larger than might be expected.^[5.10.41-42, 13.7.20-24]
- 29.9.36. Notwithstanding these differences, I do not consider the Arup scheme would necessarily represent better value for money. Whilst it might deal with congestion, ambience improvements and step free access would not be achieved as they would with the LUL scheme and Option 1B would not meet the project objectives. As I consider that the LUL scheme would also meet the bcr pass mark a comparison between the schemes and the consideration of opportunity costs would be irrelevant.

Conclusion

- 29.9.37. The evolving nature of LUL's business case and the accepted oversights and omissions give little confidence that it has been carried out carefully as required by the *Green Book*. Although there is no certainty that £12 million would be realised from the above ground development there would be some return and there is provision of £475 million for a range of station capacity schemes in TfL's Business Plan. Moreover, on a wide range of assumptions the bcr for the scheme would meet the pass mark of 1.5:1. I therefore consider that there is a reasonable prospect that the scheme would attract the necessary funds for implementation.

29.10. Traffic and Transportation

TWA SoM

5. The likely impact of the station works on local residents, businesses and the environment, including

- the traffic and transportation impacts of the station works;

PP SoM

(iii) The extent to which the development complies with Government policy advice in PPG3 "Housing" in particular relation to

- car parking

(iv) The extent to which development complies with Government policy advice in PPG6 "Town Centres and Retail Developments" in particular

- the extent to which proposals maximise efficient use of land and are easily accessible by public transport;
- sustainability considerations arising from the uses.

(v) The extent to which the development complies with Government policy advice in PPG13 "Transport" in relation to

- the adequacy of the public transport infrastructure and the extent to which the proposals will facilitate improved transport interchange / integration, including interface with Cross River Tram northern terminus;
- impacts on traffic generation / circulation;
- the extent to which proposals promote sustainable transport choices and accessibility to jobs, shopping, homes & leisure facilities; and
- the impacts on travel patterns and car use.

- 29.10.1. The London Borough of Camden has reached consensus with LUL on highway matters. Indeed, LUL's traffic and highway witness was not cross examined by anyone. Temporary measures for traffic management during construction would be enforceable by the Council through a CoCP implemented through a Section 106 Agreement.[5.11.2, 17.10.1, 17.11.1]
- 29.10.2. The construction period would be long and there would undoubtedly be some disruption, including the loss of some of the footways at various stages of the construction process. The removal of unnecessary street furniture would help slightly to relieve congestion and the provision of a new pedestrian crossing on Camden High Street would encourage people to cross over to the less congested footways on the west side of the road. I sympathise with those objectors who consider the construction period would be too long. However, in my view, the complexity of the project, including keeping the station open, requires phasing and the lengthy construction period envisaged.[5.11.2-3]
- 29.10.3. The proposed station would, like the current station, be on an island in the middle of roads, two of which are very busy. I appreciate the desire of objectors to have subway connections to nearby streets to increase safety and aid interchange with buses. Whilst this might be ideal, the proposal would improve the current situation by increasing the width of the footways on Camden High Street and Kentish Town Road, retaining the new pedestrian crossing on Camden High Street on completion of the station and providing a pedestrian link and 'milling space' between the main roads in the new Reunion Street.[5.11.10, 16.11-12, 28.3.14]
- 29.10.4. There are currently no measures for cyclists in the area surrounding the station. Carriageway widths during construction would be designed to accommodate cyclists and cycle stands would be provided in the completed scheme. Bus stops would be moved temporarily during construction but on completion would all be wheelchair compatible, as would the station. The existing taxi boarding area at Britannia Junction would be retained during construction and an inset taxi rank would be provided on Camden High Street on completion. Whilst the project would not result in a fully integrated public transport interchange, the new pedestrian street and the crossing on Camden High Street together with step free access to all platforms and wheelchair compliant bus stops would, in my view, improve interchange facilities for everyone in the area around the station.[5.11.4 & 11]
- 29.10.5. Similarly, whilst the CRT is at an early stage, and there are no details of the terminus proposed at Camden, the proposals would not inhibit any CRT arrangements, although some of the changes in the highway layout may have to be altered depending on CRT requirements.[5.11.13, 16.13]
- 29.10.6. Pay and display parking on Buck Street would be suspended during construction but reinstated on completion. Similarly Buck Street would be made one way westbound during construction to allow for hoardings to be erected on the footway. A lane

would be provided on Kentish Town Road for construction traffic to access the site but the number of vehicles would be limited by the CoCP. In addition, a standing area for construction vehicles would have to be provided away from the site. This arrangement would be agreed with the Council and I see no reason why it would have to be close to the school on Buck Street.^[5.11.5 & 12]

- 29.10.7. There would be some changes to loading areas for the surrounding shops. General highway arrangements would be the same on completion of the project with the exception of refreshed and improved lane markings to aid drivers. I note the concern of some objectors that the proposed kerb buildouts, whilst welcomed in themselves, would lead to rat running. However, if that occurred the Council could take measures to control it. The above ground development would be car free and so would not have any significant effect on additional use of the private car. The mixed use proposals above a public transport interchange would accord with the objectives of policies seeking more sustainable development.^[5.11.6]
- 29.10.8. The provision of steps at the end of Reunion Street is a concern to the Council and other objectors due to the anti social behaviour and street drinking in the area. The steps are unavoidable in the proposed arrangements but a condition has been agreed that would require details to be submitted for approval. The Council would therefore be able to ensure that any possible problems were minimised.^[10.4, 16.17, 17.11.4]

Conclusion

- 29.10.9. I consider that the proposals would improve transport interchange and integration, including interface with the proposed northern terminus of the Cross River Tram. The above ground development would be car free and so would not generate any significant additional car journeys. On completion the road network would be virtually unchanged. By concentrating development above a public transport interchange the proposals would promote sustainable transport choices and accessibility to jobs, shopping, homes & leisure facilities. The proposal would therefore accord with policy advice in PPG13 and the aims of UDP Policies.

29.11. Legal Agreement and Conditions

PP SoM

- (iii) The extent to which the development complies with Government policy advice in PPG3 "Housing" in particular in relation to
- The provision of affordable housing.
- (viii) Whether any permission should be subject to a legal agreement and/or conditions.

Legal Agreement

- 29.11.1. A signed Section 106 Agreement overcomes a number of LBC's concerns relating to the proposals and precluded the calling of two of its witnesses. The Agreement covers a number of subjects. Firstly, it makes provision for 50% of the proposed residential units to be social/key worker housing in accordance with TLP Policy 3A.7 and in excess of UDP Policy HG11 requirements. The units are shown on plans in Schedule 2 of the Agreement and Schedule 3 is an agreement that the owner of the land is required to enter into prior to implementation of the non-station development. In my view, this provision is entirely appropriate and would accord with policy objectives.^[5.12.4, 17.7.3, 17.11.1]
- 29.11.2. Two contributions have been requested by LBC. LUL does not consider them to be appropriate but the signed Agreement makes clear that should the Secretary of State

consider the covenants appropriate then LUL would not implement planning permission until the contributions had been received by the Council.^[5.12.2, 17.7.4, 17.11.1]

- 29.11.3. The first contribution of £105,376 would be towards education. The general policy basis for the contributions is set out in UDP Policy RE6. SPG3.13 specifically addresses education contributions and indicates the lack of capacity in the Borough's schools and the method for calculating contributions. In this case the affordable housing and one bedroom flats have been excluded on the basis the former would be likely to accommodate children in housing need already resident and educated in the Borough and the latter are unlikely to accommodate families with children. The contribution required is a percentage, rather than the full, cost of providing each school place.^[5.12.2-3, 17.7.7-10]
- 29.11.4. Whilst the proposal is one scheme that would require public subsidy, LUL indicates that the above ground development would be carried out by a commercial developer and provide a contribution towards the construction cost of the station. Moreover, the *GLA Act* and *The Transport for London (Specified Activities) Order 2000* requires LUL to act as if it were engaged in a commercial enterprise. In these circumstances, I consider that LUL should be treated as a developer. If the contribution were not paid by LUL, the residents of Camden would effectively be subsidising the station improvements that would provide them with some benefits but which are aimed primarily at weekend visitors and MIPs. In my view, the need for additional education facilities would arise directly from the above ground development and the education contribution should be required.^[5.9.9, 17.7.7-10]
- 29.11.5. The second contribution of £10,000 would be towards Town Centre management. Paragraph 3.11.7 of the SPG states that "Where an otherwise acceptable development proposal is considered to be likely to result in an adverse or unacceptable impact on any of Camden's Town Centres, (whether individually or cumulatively), which would affect the quality of the local environment or economy, the Council will seek a financial contribution".
- 29.11.6. The Council considers that a contribution is still required, despite the benefit to the wider town centre that the proposal would bring, as it would include a high-density commercial development in addition to the new station. A contribution lower than those from other similar sized schemes is sought to reflect the benefit of an improved station.
- 29.11.7. The proposal would improve the pedestrian environment in the vicinity of the station, a fact recognised by LBC in withdrawing some of its objections. Moreover, improvements to the station would improve the facility for visitors, whose numbers are predicted to grow. In my view, this would benefit rather than have an adverse or unacceptable impact on the local environment. A contribution would not therefore be justified by the SPG in this case. ^[5.12.5, 17.7.11]
- 29.11.8. Schedule 5 to the Agreement lists the various highway works to be carried out and Schedule 6 is an example of the agreement that would have to be entered into to carry out the works that arise as a direct result of the station proposals and interchange improvements.^[17.11.1]
- 29.11.9. The Agreement includes a provision for LUL to use reasonable endeavours to ensure that 25% of the construction workforce are residents of the Borough. Much of the mitigation during the construction phase would be ensured by a CoCP that is set out

in Schedule 4 of the Agreement. The Agreement includes convening a Community Working Group from people nominated by the Council and having a direct interest in the development, setting up a telephone complaints service, and requiring the development to be carried out in accordance with the CoCP. The CoCP covers, amongst other matters, noise, vibration, dust and air pollution, and working hours.^[17.11.1-2]

- 29.11.10. Particular measures for the protection of Hawley School are contained in the Agreement and have been discussed above. In addition, the school would have an opportunity to be represented on the Community Working Group. In my view, these are appropriate measures necessary to mitigate the impact on the school.^[17.11.2]
- 29.11.11. I conclude that with the exception of the requirement to make a contribution towards Town Centre Management the provisions of the Agreement would be in accordance with the guidance given in *Circular 1/97* and are necessary to make the scheme, if approved, acceptable.

Conditions

- 29.11.12. LUL and LBC agree that a number of conditions should be attached to any planning permission. Some relate to matters that should be carried out before any development takes place. Part of the site lies within an Archaeological Priority Area therefore it would be appropriate to require a written scheme for a programme of archaeological work to be submitted, approved and carried out. All the buildings on the site, including one designated as of local importance, would be demolished and a programme of recording, historic analysis and a photographic survey would also be appropriate. Lastly, there may be ground contamination in the vicinity of the TSS that cannot be investigated until the sub-station is taken out of service. A condition requiring investigation, and remediation if necessary, is therefore necessary.^[17.11.3]
- 29.11.13. In my opinion, although the proposal has been submitted for full planning permission there are some details that would require approval. These include the external elevations, shopfronts, station entrance security grills, the ground floor entrance to the Church and samples of the external facing materials as the drawings are at a relatively small scale and the site is within a Conservation Area.^[17.11.4]
- 29.11.14. In addition, details should be required of the landscaping for the proposed residential courtyard, the design of the steps and ramp on Reunion Street, the location and design of street furniture and lighting, and the location and design of CCTV cameras, none of which are detailed in the application drawings. Sound insulation measures for the proposed residential accommodation are necessary, as it would be above the proposed D2 venue space, and plant noise should be limited by condition due to the proximity of residential units. The drawings show refuse areas but are small scale and more details of refuse storage areas and recycling facilities should be provided.^[17.11.4]
- 29.11.15. A BREEAM report would ensure the proposals were as sustainable as reasonably practicable in accordance with UDP Policies EN1 and EN12. Likewise, continued operation of the Church and the community facilities it provides should be safeguarded by a condition requiring the replacement Church to be constructed, as currently envisaged by the LUL phasing of the construction programme, before the demolition of the main two storey structure of the existing Church.^[17.11.4-5]

- 29.11.16. The basement use should be limited to D2 with a daytime market use to ensure that the entertainment use is reprovided on the site. The character of the area derives to a significant extent from the diversity and small, independent nature of the retail businesses mixed with A2 and A3 uses in some locations. I therefore consider that the size of the retail units proposed should be limited to ensure a variety of uses and activities. PPG6 states that it is appropriate to restrict primary shopping frontages to a high proportion of retail uses. I agree with LBC that a limit of 50% on A3 uses in the retail space, as suggested by LUL, would not ensure a high proportion of A1 uses. I note that LBC has sought a limit of 20% elsewhere but accepts that may be unduly restrictive in this location. I therefore agree that a reasonable proportion of A3 uses would be 35% as in the suggested condition.^[17.11.5]
- 29.11.17. Although a condition has been agreed between the parties concerning drainage to meet the concerns of the Environment Agency, drainage is covered by other legislation. The guidance in *Circular 11/95* is that a condition that duplicates the effect of other controls will normally be unnecessary. I therefore consider that the agreed condition would fail the tests in the Circular and should not be attached.^[17.11.6]
- 29.11.18. Turning to conditions to be attached to any grant of conservation area consent, paragraph 4.29 of PPG15 indicates that it will often be appropriate to impose a condition preventing demolition in a Conservation Area until planning permission has been granted for redevelopment and a contract for the carrying out of the works has been made. The purpose is to prevent ugly gaps appearing in Conservation Areas. In this case the proposal would not just create a gap. Half a hectare of the Conservation Area at the northern focal point between two major traffic routes would be demolished. In addition, the setting of locally listed buildings on the west side of Camden High Street would be adversely affected.^[17.11.8]
- 29.11.19. LUL accepts that a condition should be attached preventing any demolition until a contract has been made for the construction of the new station in accordance with a scheme for which planning permission has been granted. However, the station is mostly below ground and this condition would not, in itself, prevent an unsightly expanse in the Conservation Area.^[5.12.6]
- 29.11.20. Although LUL stresses that the scheme is one project, its intention is that the above ground scheme would be undertaken by a developer. I appreciate LUL's reluctance to have to enter into a contract for the above ground works. Indeed, it may well be difficult at this stage, a number of years before the above ground development could begin. However, I note that the Secretary of State agreed with an Inspector who recommended that the Thameslink 2000 Order should not be approved until there was a replacement scheme at Blackfriars, albeit that the timescale there was different to this case.^[5.12.7-8]
- 29.11.21. Reference was also made to the *London Underground (Safety Measures) Act 1991*. An undertaking to complete the development subject to obtaining planning permission and entering into a contract with a developer was required in that case. No undertaking has been offered in relation to Camden. Commercial markets can change and the proposed commercial office development might not be viable when it came to be built. In those circumstances, there would be no financial incentive for LUL to complete the development. Its own witnesses accepted that if the above ground development were not completed there would be a detrimental impact on the Conservation Area. This would be a direct result of the station works and LUL

should be required to mitigate the effects of its redevelopment below ground as required by PPG15. I therefore consider that there needs to be a mechanism to ensure that some form of above ground development is also constructed.^[5.12.8]

- 29.11.22. The Council suggested a Grampian condition precluding passenger use of the new station until a contract had been made for the construction of the above ground development other than the station. Although LUL objects on the grounds that it could be held to ransom by a developer and considers it inconceivable that such a condition would be enforced, I consider that the circumstances would be similar to the situation in the *London Underground (Safety Measures) Act 1991* where LUL gave an undertaking. I consider that the condition would be enforceable, although there should be no need to enforce it if there is a financial incentive to build out the above ground development as LUL claims. In my view, such a condition is necessary and would be an appropriate way, given the timescales, of addressing the mitigation needed.^[5.12.9-10, 17.11.7]
- 29.11.23. I do not consider that allowing LUL to come back at a later date with a revised scheme would set a precedent for the gradual erosion of the character and appearance of Conservation Areas by using examples of what might, rather than what would, be built to justify demolition. An application for a revised scheme could be submitted at any time in any event. Demolition might have changed the character and appearance of the Conservation Area but any revised scheme would have to be considered in the light of the approved scheme it would replace.^[14.10.4-5]
- 29.11.24. Another alternative suggested by the EB, was to require a contract to be made for the residential development, but not the office block, as the residential market would be less prone to fluctuations than the commercial office market. However, that arrangement would still leave the possibility that the southern part of the site could be left undeveloped apart from the station ticket hall at ground floor. Moreover, that part of the site is the most prominent. It is visible in views up Camden High Street and adjoins the strategic Britannia Junction.^[5.12.9, 14.10.1-3]

Conclusion

- 29.11.25. With the exception of the requirement to make a contribution towards Town Centre Management 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, if approved, acceptable. Most of the suggested conditions have been agreed between LUL and LBC and I agree that most would be necessary and meet with the tests in *Circular 11/95*. In addition, because of the extensive demolition that the station works would require in the Conservation Area, I consider that a Grampian condition precluding passenger use of the new station until a contract had been made for the construction of the above ground development other than the station is necessary to mitigate the effects of LUL's scheme as required by PPG15. A list of the conditions that should be attached if the Secretary of State is minded to grant planning permission and/or conservation area consent is at Appendix 8.

30.0 Inspector's Overall Conclusions and Recommendations

30.1. Appeal D Appeal against Refusal of Planning Permission

Overall Conclusion

- 30.1.1. Notwithstanding the public benefits that the improved station would provide, the station works are effectively separate from the above ground redevelopment that would take place after completion of a crash deck slab over the station works. Whilst the proposed above ground scheme would increase density of development at a public transport interchange and provide much needed housing it would have a devastating impact on the character and appearance of the Conservation Area. In addition, it would be detrimental to the vitality and viability of Camden town centre and have unfortunate far reaching social and economic consequences. I consider that these detrimental impacts would far outweigh any benefits of the above ground scheme and the proposals overall.

Recommendation

- 30.1.2. **I recommend that the appeal should be dismissed.**
- 30.1.3. If the Secretaries of State disagree with my recommendation and are minded to allow the appeal, notwithstanding my recommendation in relation to the proposed Order, I recommend that the conditions listed in Appendix 8 should be attached. In addition, I recommend that the FSS should find that the education contribution in the S106 Agreement would relate to the proposed development and properly address the community considerations set out in the UDP but that the town centre management contribution would be unjustified in this case.

30.2. Application B for Conservation Area Consent

Overall Conclusion

- 30.2.1. The public benefits of the improved station would justify the loss of all the buildings on the site, some of which make a positive contribution to the character and appearance of the Conservation Area. However, in the absence of an acceptable above ground redevelopment scheme the demolition of all the buildings on the site would have a devastating impact on the character and appearance of the Conservation Area.

Recommendation

- 30.2.2. **I recommend that conservation area consent should not be granted.**
- 30.2.3. If the Secretary of State disagrees with my recommendation in relation to the planning appeal and is therefore minded to also grant conservation area consent, I recommend that not only should the conditions listed in Appendix 8 be attached to the conservation area consent but that condition 12 should also be attached to the planning permission, despite LUL's reluctance to accept any enforceable mechanism, to ensure implementation of the permitted scheme.

30.3. **Application A for *The London Underground (Camden Town Station) Order***

Overall Conclusion

- 30.3.1. In the absence of an acceptable above ground scheme neither planning permission nor conservation area consent should be granted. In those circumstances the scheme could not proceed immediately and would therefore not comply with the justification requirements in paragraph 15 of *Circular 02/2003: Compulsory Purchase Orders* and paragraph 18 of *Circular 06/2004: Compulsory Purchase and The Criche Down Rules*.

Recommendation

- 30.3.2. **I recommend that the Order should not be confirmed.**
- 30.3.3. Even if the Secretary of State disagrees with my recommendations on the planning appeal and conservation area consent application, I consider that LUL has only demonstrated a compelling need in the public interest to temporarily acquire the market land owned by CLLL, although all other powers would be justified. If the land is not compulsorily acquired, LUL's proposal for the above ground development would have to be redesigned. I therefore recommend that the Order should still not be confirmed, and that the conservation area consent and planning permission should not be granted.



K.D. Barton

APPENDIX 1 – DOCUMENTS COMPRISING THE ORDER - APPLICATION A

1. Application letter March 2003 (CD 11)
2. Draft Order (CD11)
3. Filled-up Order, 3 June 2004 (LUL/51)
4. Explanatory Memorandum (CD 11)
5. Affidavit of compliance with rule 5 (CD 11)
6. List of consents, permissions or licences required under other enactments (CD 11)
7. Scoping opinion given by the Secretary of State under rule 8 (CD 11)
8. Waiver direction given under rule 18 (CD 11)
9. Estimate of costs (CD 11)
10. Funding proposals (CD 11)
11. Environmental Statement – Environ (CD 10)
12. Non-Technical Summary – Environ (CD 10)
13. Supplementary Environmental Information– submitted December 2003 (CD 155)
14. Plans and sections referred to in the Order (CD 14) (Note: Sheets 1 and 2 are superseded)
15. Amended plan and sections sheet nos. 1A, 2A and 2B – submitted December 2003 (CD 14A)
16. Book of Reference (CD 13)

APPENDIX 2 – DOCUMENTS COMPRISING THE CONSERVATION AREA CONSENT - APPLICATION B

1. Covering letter dated 22 November 2002 (CD 6)
2. Conservation Area Consent Application Forms (CD 7)
3. Supporting Planning Statement – Cushman & Wakefield Healey & Baker (CD 8)
4. Environmental Statement – Environ (CD 10)
5. Non-Technical Summary – Environ (CD 10)
6. Design Report – Jestico + Whiles (CD 8)
7. The following drawings:

1760/AR/939	Rev 01	Application Site Boundary
1760/AR/340	Rev 00	Existing Elevations Sheet 1 of 2
1760/AR/341	Rev 00	Existing Elevations Sheet 2 of 2
1760/AR/342	Rev 00	Existing Ground Floor Plan
1760/AR/343	Rev 00	Existing Plan Station Level
1760/AR/344	Rev 00	Existing Station Plan Northbound Platforms
1760/AR/345	Rev 00	Existing Station Plan Southbound Platforms
1760/AR/346	Rev 00	Existing Plan Deep Level Tunnels

Note: The application in November included drawings for the proposed above ground scheme. Mr Drabble QC for London Underground Limited agreed at the end of Day 4 (25 February 2004) that only the drawings listed above should form part of the conservation area consent application.

APPENDIX 3 – DOCUMENTS COMPRISING APPEAL D

1. Covering letter July 2003 (CD 136)
2. Planning Application Forms (CD 136)
3. Supporting Planning Statement – Cushman & Wakefield Healey & Baker (CD 8)
4. Environmental Statement – Environ (CD 10)
5. Non-Technical Summary – Environ (CD 10)
6. Addendum to Environmental Statement – submitted October 2003 (CD 138)
7. Design Report – Jestico + Whiles (CD 9)
8. Covering letter October 2003 (CD 136)
9. Addendum to Design Report – Jestico + Whiles – submitted October 2003 (CD 137)
10. Planning Appeal documentation – submitted January 2004 – (CD 140)
11. The following drawings (LUL/50)

1760/AR/939	Rev 01	Application Site Boundary
1760/AR/340	Rev 00	Existing Elevations Sheet 1 of 2
1760/AR/341	Rev 00	Existing Elevations Sheet 2 of 2
1760/AR/342	Rev 00	Existing Ground Floor Plan
1760/AR/343	Rev 00	Existing Plan Station Level -1
1760/AR/344	Rev 00	Existing Station Plan Northbound Platforms
1760/AR/345	Rev 00	Existing Station Plan Southbound Platforms
1760/AR/346	Rev 00	Existing Plan Deep Level Tunnels
4530/RE/10502	Rev R6	Permanent Station Plan Level A Mezzanine Level
1760/AR/10503	Rev B	Permanent Station Plan Level 1
4530/RE/10504	Rev R5	Permanent Station Plan Level 2
4530/RE/10505	Rev R05	Permanent Station Plan Level 2a and 3
4530/RE/10506	Rev R8	Permanent Station Plan Level 4
4530/RE/10507	Rev R05	Permanent Station Plan Level 5
4530/RE/10508	Rev R05	Permanent Station Plan Level 6
4530/RE/10509	Rev R6	Permanent Station Plan Level 7
4530/RE/10520	Rev R6	Permanent Station Section A-A
4530/AR/401	Rev 01	First Floor
1760/AR/402	Rev R01	Second Floor Plan
4530/AR/403	Rev 01	Third Floor Plan
4530/AR/404	Rev 01	Fourth Floor Plan
4530/AR/405	Rev 01	Fifth Floor Plan
4530/AR/406	Rev 01	Roof Level Plan
1760/AR/410	Rev R2	North Elevation Buck Street
1760/AR/408	Rev 01	East Elevation Kentish Town Road
1760/AR/411	Rev 01	South Elevation Camden High Street
1760/AR/409	Rev 01	West Elevation Camden High Street
1760/AR/412	Rev 01	Reunion Street Elevation
1760/AR/371	Rev 01	Residential Courtyard Elevations
4530/SC/10035	Rev R2	Permanent Station Proposed Elevations Platforms 1, 2, 3 & 4
4530/RE/15002	Rev R5	Temporary Station Plan Level 1
4530/RE/15003	Rev R6	Temporary Station Plan Level 2
4530/RE/15004	Rev R6	Temporary Station Plan Level 2a and 3
4530/RE/15005	Rev R6	Temporary Station Plan Level 4
4530/RE/15006	Rev R6	Temporary Station Plan Level 5
4530/RE/15007	Rev R6	Temporary Station Plan Level 6
4530/RE/15008	Rev R5	Temporary Station Plan Level 7
4530/EL/15012	Rev R3	Temporary Station West Elevation
4530/EL/15015	Rev R4	Temporary Station Section DD

APPENDIX 4 - APPEARANCES

FOR LONDON UNDERGROUND LIMITED:

Richard Drabble QC and Nathalie Lieven of Counsel	Instructed by Winckworth Sherwood, 35 Great Peter Street, Westminster, London SW1P 3LR
They called	
Philip McKenna BA(Hons) (Justification & Transport)	Head of Marketing Journey Time, London Underground Limited, 55 Broadway, London SW1H 0BD
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Martin Collett BEng(Hons) CEng MICE MStructE RCEA (Engineering)	Project Engineering Manager, Tube Lines Limited, 15 Westferry Circus, Canary Wharf, London E14 4HD
Rupert Thornley-Taylor FIA (Noise & Vibration)	Director, Rupert Taylor Limited, Spring Garden, Fairwarp, Uckfield, East Sussex TN22 3BG
Rory Poole BEng MSc MILT (Traffic & Highways)	Regional Director, FaberMaunsell, Marlborough House, Upper Marlborough Road, St Albans, Hertfordshire AL1 3UT
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Nicholas Bridges RIBA (Conservation)	Partner, Ettwein Bridges Architects, 16 Duncan Terrace, London W1C 1AU
Gordon Ingram RICS (Daylight & Sunlight)	Principal, Gordon Ingram Associates, The White House, Belvedere Road, London SE1 8GA
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Michael Crook FRICS (Planning)	Chairman, Planning & Environment Department, Cushman & Wakefield Healey & Baker, 43/45 Portman Square, London W1A 3BG
Howard Collins (Station Operations)	Service Director, London Underground Limited, Room 710 1 st Floor, Baker Street Offices, 13 Allsop Place, London NW1 5LJ
Kim Wilson FRICS (Costs)	Partner, George Corderoy & Co, Chartered Quantity Surveyors and Construction Cost Consultants, 9 Marshalsea Road, London
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Geoffrey Randall (Standards)	Premises Architect, Station Systems Group, Chief Engineers Directorate, London Underground Limited, 84 Eccleston Square, London SW1V 1PX

FOR CAMDEN LOCK (LONDON) LIMITED (Objection 103):

William Hicks QC and Hereward Phillpot of Counsel Instructed by Bircham Dyson Bell Solicitors, 50 Broadway, Westminster, London SW1H 0BL

They called

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Leszek Dobrovolsky (Engineering)	Lead Station Planner, Infrastructure Transport Group, Arup
Jeremy Clark-Lowes MA FRICS (Planning)	Principal, JCL Planning, 38 Brunswick Place, Hove, East Sussex BN3 1NA
Leo Eyles BA(Scon) MSc(Eng) DIC (Cost/Benefit)	Associate, Steer Davies Gleave

FOR LONDON BOROUGH OF CAMDEN (Objection 135):

Simon Randle of Counsel	Instructed by Head of Legal Services
He called	
Robert Brew BSc(Hons) DipTP (Planning)	Principal Planning Officer, Major Developments Team, London Borough of Camden
Giles Quarme BA(Hons) DipArch DipConStudies RIBA ICOMOS ASCHB FRSA FRAS (Design Considerations)	Principal, Giles Quarme & Associates

FOR CASTLE ROCK PROPERTIES/ELECTRIC BALLROOM (Objection 105):

Richard Clayton QC and Christiaan Zwart of Counsel	Instructed by Hughmans Solicitors, 59 Britton Street, London EC1M 5UU
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Marcus Wilshere RIBA MRTPI (Urban Design)	Director, Urban Initiatives
Finbarr Curtin (Accountant)	Partner, Messrs Goldblatts Chartered Accountants
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Jason Brooks BSc(Hons) CEng MICE MIHT (Justification & Costs)	Director, WSP Development, Mountbatten House, Basing View, Basingstoke, Hampshire RG21 4HJ
Craig McDonald (Property)	Partner, King Sturge, 7 Stratford Place, London W1C 1ST
Peter Thompson DipArch RIBA (Architecture)	Director, Norman & Dawbarn, 9 Kean Street, London WC2B 4AY
Peter Black (Requests for Information & Offer)	Partner, Hughmans Solicitors, 59 Britton Street, London EC1M 5UU

UNREPRESENTED OBJECTORS:

Camden Civic Society (Objection 134)	
Martin Morton	Chairman, Camden Civic Society, 32 Hillway, London N6 6HJ
Tony Tugnut DipArch MRTPI	
Aileen Hammond MCIT	
Councillor J Bucknell (Objection 253)	
Terence Ewing (Objection 255)	The Euston Trust, 105 Woodside Road, Tonbridge, Kent TN9 2PB
Councillor Jake Sumner (Objection 235)	
Martin Campbell (Objection 18)	Partner, J & M Enterprises, Unit F8, Lea Valley Trading Estate, 1 Hawley Road, London N18 3SB
Simon Hughes MP for North Southwark and Bermondsey (Objection 199)	Liberal Democrat Spokesman for London, House of Commons, London SW1A 0AA
James Alexander (Objection 47)	Director, Que Linda, 88/90 Camden Road, London NW1 9EA
David Blagborough & Dale Loth (Objection 257)	Camden Square Conservation Area Advisory Committee, 160 Camden Road, London NW1 9HJ
Louisa Auletta (Objection 251)	Camden Town Conservation Area Advisory Committee, 72 Gilbey House, Jamestown Road, London NW1 7BY
Herman Tribelnig (Objection 127)	Camden Town Urban Design Improvement Society (CaTUDIS), PO Box 10850, London NW1 8WF
Herman Tribelnig (Objection 161)	Edis Street Area Association, 14 Edis Street, Primrose Hill, London NW1 8LG
Steve Lucas (Objection 38)	Keep It Camden, 34 Park Avenue, Wood Green, London N22 7EX
Kevin Radley (Objection 67)	Longford Rockers, Unit 4, Pantdreiniog Industrial Estate, Carneddi Road, Bethesda, Gwynedd, North Wales LL57 3LP
Nick Garrard (Objection 4)	5 Kentish Town Road, London NW1 8NH

Abigail Keith (Objection 256)	c/o Josie Kelly, Secretary, Camden Town Speaks Residents Association, 140 Bayham Street, London NW1 0BA
Nicola Quilter (Objection 24)	114 Mill Lane, London NW6 1NF
Anthony Stoll & Ann Fontaine (Objection 287)	Hawlet Street Infants and Nursery School, Buck Street Camden
Mr Welby (Objection 288)	Barnet Transport Users Association, 12 Merlin Crescent, Edgware, HA8 6JE

APPENDIX 5 - DOCUMENTS

Core Documents

CD1	Planning application forms, drawings and covering letter to London Borough of Camden, December 2000 (A3)
CD1A	Letter dated 27 April 2001 from GLA regarding planning application (See p38 LUL/2/B1)
CD1B	LBC Committee report on planning and conservation area applications and minutes of meeting of Development Control Committee on 21 June 2001
CD2	Conservation Area application 2000
CD3	Environmental Statement, December 2000
CD4	Design/planning Statement, 2000
CD5	Planning Appeal Documentation, July 2003
CD6	Planning Application forms, drawings and covering letter, November 2002
CD6A	LBC Committee report on planning and conservation area applications and minutes of meeting of Development Control Committee on 27 November 2003
CD7	Conservation Area Consent Application, November 2002
CD8	Planning Statement in Support of Planning Application, Cushman & Wakefield Healy & Baker, November 2002
CD9	Design Report, September 2002 (A3)
CD10	Environmental Statement and Non-Technical Summary, November 2002 (A3)
CD11	Application under the Transport and Works Act 1992, Draft Order and Supporting Documents
CD11A	Note on amendments to Transport and Works Order (Draft filled up Order dated 6 February 2004)
CD12	Statement of Matters, letters dated 18 August 2003
CD13	Transport and Works Act 1992 – London Underground (Camden Town Station) Order – Book of Reference
CD14	Works Plans and Sections and Land Plan, March 2003 (A1)
CD14A	Amended Works Plans Sheets 1A, 2A & 2B December 2003
CD15	Outline Statement of Case, LUL October 2003 – See Document LUL/13
CD16	Scoping Opinion of the London Borough of Camden – 12 September 2002
CD17	Guide to the Approval of Works Plant and Equipment. WPE
CD18	PPG1: General Policy and Principles, February 1997
CD19	PPG3: Housing, March 2000
CD20	PPG6: Town Centre and Retail Development
CD21	PPG13: Transport, March 1994 and revised March 2001
CD22	PPG16: Archaeology and Planning, November 1990
CD23	PPG4: Industrial, Commercial Development and Small Firms
CD24	RPG3: Strategic Planning Guidance for London Planning Authorities, 1996
CD25	London Borough of Camden, Unitary Development Plan
CD26	London Borough of Camden, Replacement Unitary Development Plan: Deposit Draft June 2003
CD27	Integrated Transport White Paper, 1998
CD28	Mayors Transport Strategy for London, July 2001
CD29	Alternative Options Feasibility Study, Chris Wilkinson Architects, July 1999 (A3)
CD30	Alternative Options Feasibility Study, Chris Wilkinson Architects, April 1999 (A3)

CD31	Alternative Design Options for Revised Commercial Development, Jestico & Whiles, September 2001 (A3)
CD32	City of London Shop Survey 1992 – Information Report
CD33	Camden Town Station Upgrade Design Review: Chronological Order, 20 November 2001
CD34	Camden Town TFL Interchange Review. Matthew Yates, December 2001
CD35	Camden High Street, Buck Street and Kentish Town Road. An Archaeological Assessment – MoLAS August 1998
CD36	Conservation Area Appraisals – Defining the special architectural or historic interest of Conservation Areas. English Heritage, March 1997
CD37	Conservation Area Practice – English Heritage guidance on the management of Conservation Areas. English Heritage, October 1995
CD38	Building in Context – New development in historic areas. English Heritage/CABE, 2001
CD39	By Design: Urban design in the planning system: towards better practice. Thos Telford, 2000
CD40	Urban Task Force. Towards an Urban Renaissance. E & FN Spon, 1999
CD41	DETR – Our Towns & Cities: the future. Delivering the Urban Renaissance. TSO, November 2000
CD42	DCMS – The Historic Environment: A Force for the Future. December, 2001
CD43/1	Application for a Certificate of Immunity from Listing, July 2003
CD43/2	Malcolm Payne Consultancy Report to support Application for Certificate of Immunity
CD43/3	Appendix A to Malcolm Payne Consultancy Report
CD43/4	Appendix B to Malcolm Payne Consultancy Report
CD43/5	Correspondence clarifying properties for which Certificate of Immunity is sought
CD44	Camden Town previous brochure, December 2000
CD45	Camden Town Station comments received by LUL at Public Exhibition 22-25 January 2003
CD46	Camden Brochure, November 2002
CD47/1	HMRI Railway Safety Principles and Guidelines (RSPG), Part 1 – Railway Safety Principles
CD47/2	HMRI Railway Safety Principles and Guidelines (RSPG), Part 2 – Railway Safety Principles Guidance on Stations
CD47/3	Guidance on the provision of equipment and arrangements for evacuation and escape from trains in an emergency, HMRI
CD48	Station Planning Standards and Guidelines M1024
CD49	Design Package 1A Progress Report (December 2001) (A3)
CD50	LT Unit for Disabled Passengers: Accessible Stations – a planning and design guide
CD51	Infrastructure – LUL Control of Outside party Operations and Works – P3600 a2
CD52	Daylight Sunlight Report. Gordon Ingram Associates, March 2003 (A3)
CD53/1	Building Research Establishment Report – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice
CD53/2	Environmental Considerations for External Lighting, Chartered Institution of Building Services Engineers, Factfile No7 November 1998
CD53/3	Guidance Notes for the Reduction of Light Pollution, The Institution of Lighting Engineers
CD54	British Standard BS 8206 Part 2: 1992 Lighting for Buildings – Code of practice for daylighting
CD55	Draft Code of Construction Practice – COCP, May 2003
CD56	Infraco JNP Ltd, Trinity Reform Church (May 2002)
CD57	The Draft London Plan – Mayor Office, June 2002
CD57A	Extract from the London Plan – February 2004
CD57B	The London Plan: A Summary
CD57C	The London Plan

CD58	Camden Town Study – Provided by LSE, Sept 1999
CD59	LUL, Corporate Engineering Standards – on disc
CD60/1	Unitary Development Plan Alteration No2: Affordable Housing and Mixed Use Policies, Deposit draft for consultation Nov 2001 – Jan 2002
CD60/2	Unitary Development Plan Alteration No2: Affordable Housing and Mixed Use Policies, Revised deposit draft for consultation Mar 2002 – April 2002
CD61	Wrexham Maelor Borough Council v MacDougall and others (1993) 49EH115
CD62	Camden Town Underground Station – Draft Report, November 2003 – FaberMansell
CD63	Guidelines for Providing for Journeys on Foot (p55 Footway Level of Service Measurement, Fruin, 1971) 2000 – Institute of Highways and Transportation
CD64	Transport Planning Design Manual v2.3 for Hong Kong
CD65	Bus Stop Layouts and Low Floor Accessibility, London Bus Initiative – June 2000
CD66	Preliminary Design Options for Revised Station and Commercial Development (29 February 2002) (A3)
CD67	Bus Stop Layouts for Articulated Buses, TfL, July 2002
CD68	Design Standards for Signal Schemes in London, TTS6 Guidelines (formerly TCSU6)
CD69	London Borough of Camden Streetscape Design Manual
CD70	Preparation of Environmental Statements for Planning Projects that require Environmental Assessment – A Good Practice Guide, DOE 1995
CD71	DETR Circular 02/99 – Environmental Impact Assessment
CD72	Control of Pollution (Oil Storage) (England) Regulations 2001
CD73	Pollution Prevention Guidelines PPG2 Above Ground Oil Storage Tanks
CD74	PPG8 Safe Ground Storage and Disposal of Used Oils
CD75	PPG21 Pollution Incident Response Planning
CD76	PPG26 Storage and Handling of Drums & Intermediate Storage Containers
CD77	SP 122: Waste Minimisation and Recycling in Construction – A Review
CD78	SP 98: Environmental Handbook for Building and Civil Engineering Projects – Part 2 Construction
CD79	DETR, A New Deal for Transport: Better for Everyone – 1998
CD80	DETR, Transport 2010: The 10 Year Plan – 2000
CD81	GOSE, GOEE, & GOL, Regional Planning Guidance for the South East (RPG9) 2001
CD82	GOL, Regional Planning Guidance: Strategic Guidance for London (RPG3) 1996
CD83	Statement of Case of London Underground Limited, December 2003 – See LUL/14
CD84	Strategic Planning Advice on High Buildings and Strategic Views in London, London Planning Advisory Committee, 1999
CD85	BS 5228: Part 4: 1992 Noise Control on Construction and Open Sites Part 4 – Code of Practice for Noise and Vibration Control Applicable to Piling Operations.
CD86	BS 5228: Part 1: 1997 Noise and Vibration Control on Construction and Open Sites Part 1 – Code of Practice for Basic Information and Procedures for Noise and Vibration Control
CD87	PPG24 Planning and Noise, DOE now ODPM, HMSO London 1994
CD88	BS 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas
CD89	Transport Traffic and People in Camden
CD90	BS 5720: 1979 Code of Practice for Mechanical Ventilation and Air Conditioning in Buildings
CD91	BS 6472: 1992 Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz)
CD92	Calculation of Road Traffic Noise. HMSO London 95pp DoT and Welsh Office (1988)
CD93	London Borough of Camden – Air Quality in Camden, 2001 Annual Review
CD94/1	Camden's Draft Air Quality Management Action Plan

CD94/2	SI 2002 No 3043 The Air Quality (England) (Amendment) Regulations 2002
CD95	Report of the Airborne Particles Expert Group: Source Apportionment of Airborne Particulate Matter in the United Kingdom, prepared for the DETR, Jan 1999
CD96	Defra: Report on the Review of the National Air Quality Strategy Proposals to Amend the Strategy
CD97	UK National Air Quality Strategy, DOE March 1997
CD98	The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (AQS) DOE 2000
CD99	SI 2000 No 928 The Air Quality (England) Regulations 2000 (AQR00)
CD100	Guidelines for the Environmental Assessment of Road traffic, IEA 1993
CD101	DETR Guidance Document, Planning for Sustainable Development – Towards Better Practice – October 1998
CD102	SERPLAN, The Use of Business Space: Employment Densities and Working Practices in South East England, March 1997
CD103	Policy and Practice for the Protection of Ground Water, Thames Regional Appendix. The National Rivers Authority (NRA)
CD104	Nature Conservation in Camden: Ecology Handbook 24, London Ecology Unit – 1993
CD105	Sketchbook of recent design proposals Ref No A29 (June 2002) (A3)
CD106	BREEAM for Office Buildings Version 1/93, 1993
CD107	BS 5588-11: 1997 Fire precautions in the design, construction and use of buildings – Part 11 Code of Practice for Shops, Offices, Industrial, Storage and Other Similar Buildings
CD108	Sustainable Development: The UK Strategy, 1994
CD109	BS 6031: 1981 Code of Construction Practice for Earthworks
CD110	Advisory Leaflet 72 Noise Control on Building Sites
CD111	Building Bulletin 93, Acoustic Design of Schools
CD112	WHO Guidelines for Community Noise
CD113	BS 7385: Part 2: 1993 Evaluation and Measurement of Vibration in Buildings Part 2 Guide to damage levels from groundborne vibration
CD114/1	LUL Customer Service Delivery Standards, June 2001
CD114/2	LUL Customer Service Delivery Standards Reference Manual
CD115	LUL Engineering Standard E1024 A2 Station Planning, Sept 2000
CD116	DDA Unlocking London for All – Our plans for a more accessible Underground Network, August 2002
CD117	Intermodal Transport Interchange for London
CD118	LUL, CED Standard E3306 A2 Waterproofing
CD119	LUL, CED Standard E3309 A3 Stations subways and other structures
CD120	HSG88 HSE Hand & Arm Vibration 2001
CD121	SI 1989: No 1401 The Fire Precautions (Sub-surface Railway Stations) Regulations 1989
CD122	Construction (Design and Management) Regulation 1994
CD123	BS 8102: 1990 Code of Practice for Protection of Structures against Water from the Ground
CD124	BS 8007: 1987 Code of Practice for the Design of Concrete Structures for Retaining Aqueous Liquids
CD125	PPG15: Planning and the Historic Environment
CD126	Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
CD127	Environment Circular 14/97 Planning and the Historic Environment – Notification and Directions by the Secretary of State
CD128	SI 1990 No 1519 Planning (Listed Buildings and Conservation Areas) Regulations 1990
CD129	Camden Town Station Design Siting Report, November 2001
CD130	Consultation Paper: Proposed Changes to Crichel Down Rules

CD131	A Guide to TWA Procedures, February 2001
CD132	SI 1992 No 2817 The Transport and Works (Inquiries Procedure) Rules 1992
CD133	SI 2000 No 2190 The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000
CD134	SI 1992 No 3138 The Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992
CD135	SI 2000 No 1624 The Town and Country Planning (Inquiries Procedure) (England) Rules 2000
CD136	Planning application form, drawings and supporting letter for duplicate planning application dated 25 July 2003 and revised drawings and covering letter dated 6 October 2003
CD137	Design Report 2003 Addendum to planning application dated 25 July 2003 (A3)
CD138	Environmental Statement Addendum October 2003 (A3)
CD139	LBC Committee report on planning application and minutes of meeting of Development Control Committee on 18 December 2003
CD140	Planning Appeal documentation Jan 2004
CD141	Town and Country Planning Act 1990 (as amended) – Not Included
CD142	Circular 5/2000 Planning Appeals Procedures – Not Included
CD143	Transport and Works Act 1992 – Not Included
CD144	Circular 5/94: Planning Out Crime – Not Included
CD145	Circular 1/97: Planning Obligations – Not Included
CD146	London Borough of Camden Supplementary Planning Guidance, July 2002
CD147	London Borough of Camden Supplementary Planning Guidance regarding Food, Drink and Entertainment Uses in Camden Town, May 2003
CD148	Statement of Common Ground
CD149	Statement of Compliance with Statutory Procedures
CD150	TfL Business Case Development Manual
CD151	HM Treasury Green Book
CD152	Camden Town Conservation Area Statement
CD153	Regents Canal Conservation Area Statement
CD154	Primrose Hill Conservation Area Statement
CD155	Environmental Statement – Supplementary Environmental Information (A3)
CD156	Code of Construction Practice (draft)
CD157	Contributing to Sustainable Communities – A new approach to planning obligations, Statement by the ODPM 30 January 2004
CD158	Memorandum of Agreement between London Borough of Camden and London Underground Limited
CD159	Jestico & Whiles Report on Scheme X, December 1999
CD160	Draft S106 Agreement
CD160/A	Signed S106 Agreement
CD161	Update to description of proposals to reflect amendments submitted to the Inquiry on 18 June 2004

London Underground Limited's Documents

LUL/1/A	Proof of Evidence of Philip McKenna (Justification and Transport)
LUL/1/B	Appendices to Proof of Evidence of Philip McKenna
LUL/1/C	Explanation and Updating of Business Case and Rebuttal Evidence of Philip McKenna
LUL/1/D	Appendix to Rebuttal Evidence of Philip McKenna (Scott Wilson Pedroute Modelling Report)

LUL/1/E	Bundle of Documents relating to the Business Case for the Project (including addendum to Tabs 13,20 & 25)
LUL/1/F	Summary of Proof of Evidence of Philip McKenna
LUL/1/G	Note on LUL alternative business case for Arup scheme 1B (within LUL/1/E as Tab 30)
LUL/1/H	Note on relationship between Benefits and Revenue for Accessibility (within LUL/1/E at page 49A)
LUL/1/J	Note on Arup Pedroute report
LUL/1/K	Transport and Economics Note
LUL/1/L	Mott MacDonald Review of Large Public Procurement in the UK
LUL/1/M	Further Pedroute Printouts
LUL/1/N	Letter from TfL dated 22 March 2004
LUL/1/O	TfL Business Plan 2004/5-2009/10 (Extract in LUL/1/B App 6)
LUL/1/P	Note on Demand Growth, Revenue and Benefit Calculations in LUL Business case
LUL/1/Q	Note on Response to Arup's Further Pedroute Note (103/3/V) and Note on LUL 22 Door Modelling
LUL/1/R	Note on Journey Time Assumptions for Alternative Travel by Bus
LUL/1/S	Response to Mr Eyles Update – Ambience Benefits
LUL/1/T	Impact on Business Case of Higher Demand
LUL/1/U	Response to Arup Note on Operating Costs
LUL/1/V	Comparison of Benefits/Costs
LUL/1 W	Note re Pedroute Issues 5 May 2004
LUL/1/X	Notes of Meeting between LUL and Arup 29 April 2004
LUL/1/Y	Summary of LULs Position on Business Case for LUL and Arup 1B Schemes
LUL/2/A	Proof of Evidence of Andrew Costa (Architecture)
LUL/2/B1	Appendices to Proof of Evidence of Andrew Costa
LUL/2/B2	Appendices to Proof of Evidence of Andrew Costa
LUL/2/B3	Appendices to Proof of Evidence of Andrew Costa
LUL/2/B4	Appendices to Proof of Evidence of Andrew Costa
LUL/2/C	Rebuttal Proof of Evidence of Andrew Costa
LUL/2/D	Note on areas and gate numbers
LUL/2/E	Accommodation Schedule
LUL/2/F	Summary of Proof of Evidence of Andrew Costa
LUL/2/G	Minutes of Meeting 8 August 2002 and bundle of subsequent correspondence
LUL/2/H	Query leading to LUL/1/N
LUL/2/J	Note following cross-examination on 23 March 2004
LUL/2/K	Rebuttal to Evidence of Mr Thompson
LUL/2/L	Letter from Hughmans dated 24 May & Response from Winkworth Sherwood dated 28 May 2004
LUL/2/M	Letter dated 1 June from Fiona Duerden
LUL/2/N	Details of Other Venues
LUL/2/O	Drawings 10227, 8 & 9 Revision R6
LUL/3/A	Proof of Evidence of Martin Collett (Engineering)
LUL/3/B	Appendices to Proof of Evidence of Martin Collett
LUL/3/C	Rebuttal Proof of Evidence of Martin Collett
LUL/3/D	Standard LEE-ST-1411-A2 Escalator machine room layout
LUL/3/E	Three drawings of escalator machine rooms, 01-02-04A, 01-02-07A, 01-02-09A

LUL/3/F	Summary of Proof of Evidence of Martin Collett
LUL/3/G	Response to 105/7/E
LUL/4/A	Proof of Evidence of Rupert Thornley-Taylor (Noise and Vibration)
LUL/4/B	Appendices to Proof of Evidence of Rupert Thornley-Taylor
LUL/4/F	Summary of Proof of Evidence of Rupert Thornley-Taylor
LUL/5/A	Proof of Evidence of Rory Poole (Traffic and Highways)
LUL/5/B	Appendices to Proof of Evidence of Rory Poole
LUL/5/B1	Appendices to Proof of Evidence of Rory Poole (A3)
LUL/5/F	Summary of Proof of Evidence of Rory Poole
LUL/6/A	Proof of Evidence of Gordon Ingram (Daylight and Sunlight)
LUL/6/B	Appendices to Proof of Evidence of Gordon Ingram (A3)
LUL/6/F	Summary of Proof of Evidence of Gordon Ingram
LUL/7/A	Proof of Evidence of John Towner (Environment)
LUL/7/B	Appendices to Proof of Evidence of John Towner
LUL/7/F	Summary of Proof of Evidence of John Towner
LUL/8/A	Proof of Evidence of Nicholas Bridges (Conservation)
LUL/8/B1	Appendices to Proof of Evidence of Nicholas Bridges (A3)
LUL/8/B2	Appendices to Proof of Evidence of Nicholas Bridges (A3)
LUL/8/B3	Appendices to Proof of Evidence of Nicholas Bridges
LUL/8/B4	Appendices to Proof of Evidence of Nicholas Bridges
LUL/8/B5	Appendices to Proof of Evidence of Nicholas Bridges
LUL/8/B6	Appendices to Proof of Evidence of Nicholas Bridges
LUL/8/B7	Appendices to Proof of Evidence of Nicholas Bridges
LUL/8/C	Rebuttal Proof of Evidence of Nicholas Bridges
LUL/8/F	Summary of Proof of Evidence of Nicholas Bridges
LUL/9/A	Proof of Evidence of Michael Crook (Planning)
LUL/9/A1	Rebuttal Proof of Evidence of Michael Crook
LUL/9/A2	Supplementary Proof of Evidence of Michael Crook
LUL/9/B	Appendices to Proof of Evidence of Michael Crook
LUL/9/F	Summary of Proof of Evidence of Michael Crook
LUL/10/A	Proof of Evidence of Andrew Trott (Compulsory Purchase and Property)
LUL/10/B	Appendices to Proof of Evidence of Andrew Trott
LUL/10/C	Rebuttal Proof of Evidence of Andrew Trott
LUL/10/D	Supplementary Rebuttal Proof of Evidence of Andrew Trott
LUL/10/F	Summary of Proof of Evidence of Andrew Trott
LUL/11/A	Proof of Evidence of Howard Collins (Station Operations)
LUL/11/B	Appendices to Proof of Evidence of Howard Collins
LUL/11/C	Rebuttal Proof of Evidence of Howard Collins
LUL/11/F	Summary of Proof of Evidence of Howard Collins
LUL/12/A	Rebuttal Evidence of Geoffrey Randall
LUL/12/B	Supplement to Rebuttal Evidence of Geoffrey Randall
LUL/12/C	Response to Arup Note on Potential Accommodation for Services (103/3/X)
LUL/13	Outline Statement of Case (also listed as CD/15)

LUL/14	Statement of Case (also listed as CD/83)
LUL/15	Opening Submissions
LUL/16	List of Appeal Plans
LUL/17	Copy of Certificate of Immunity from Listing dated 11 February 2004-02-16
LUL/18	Camden Town Station Upgrade Feasibility Studies, Feasibility Study Report, May 1997 (A3)
LUL/19	Camden Town Station Upgrade Feasibility Studies, Feasibility Study Stage B Report Conclusion Report, September 1997 (A3)
LUL/20	Camden Town Station Upgrade Outline Design, Outline Design Study Stage C Report, July 1998 (A3)
LUL/21	Camden Town Station Property Development, Outline Design Study Stage C Report, August 1998 (A3)
LUL/22/A	Proof of Evidence of Kim Wilson (Costs)
LUL/23/A	Proof of Evidence of Thomas Keeper (Fire Strategy)
LUL/23/B	Extract from Building Regulations Approved Document B
LUL/24	Extract from Circular 6/98 Planning and Affordable Housing
LUL/25	Written Answers to Euston Trust's Written Questions
LUL/26	Note on Type and Capacity of Lifts Proposed at Camden Town Station
LUL/27	Note on Barriers at Tottenham Court Road Station
LUL/28	Precedents for Options for Leaseback
LUL/29	Note on Conservation Area Consent Condition
LUL/30	Measurements across Reunion Street
LUL/31	Paper on Redevelopment of Knightsbridge Crown Court for Harrods
LUL/32	Extract from ENV 1997-1:1994 'Basis of Geotechnical Design'
LUL/33	Response to Matters Raised in Mr Lee's Supplementary Proof of Evidence
LUL/34	Impacts Monitoring on Congestion Charging, Second Annual Report April 2004
LUL/35	GLA Population and Household Forecasts Based on the First Results from the 2001 Census
LUL/36	Demand And Capacity For Hotels And Conference Centres In London
LUL/37	Note Regarding Fire Evacuation
LUL/38	Sunday Entry Count Data
LUL/39	Note on Cross River Tram
LUL/40	Response to Arup Note on Fire Lobbies
LUL/41	Extract from The Law of Real Property
LUL/42	Draft Condition not agreed with L B Camden
LUL/43	Extract from Compulsory Purchase & Compensation
LUL/44/A	Written Evidence of Fiona Duerden
LUL/45	Response to Submissions by the Governors of Hawley Infants School
LUL/46	Response to Mr Lucas's written questions
LUL/47	Response to Mr Welby's concerns
LUL/48	Response to 103/3/AQ – Fire Lobbies Note
LUL/49	Response to RADAR London Access Forum
LUL/50	Set of amended drawings (A1)
LUL/51	Note on Amendments to the Transport and Works Order
LUL/52	List of TWA Orders authorising compulsory purchase of airspace above transport development
LUL/53	Note on Planning Applications before the Inquiry
LUL/54	Objection Schedule – Response to written objections (CD)

LUL/55	Closing Submissions
LUL/56	Changes to Closing Submissions
LUL/57	LULs written response to Camden Lock's written application for an award of costs
LUL/58	LULs written response to Electric Ballroom's written application for an award of costs
LUL/59	LULs written response to London Borough of Camden's written application for an award of costs
LUL/60	Written response to Mr Ewing's Supplementary Questions
LUL/61	Addendum to LUL Closing Submission (Updated cross references to EB Closing Submission)
LUL/62	Legal Authorities relied on in Closing

Objector 4 Mr Garrard's Document

4/1	Letter of objection dated 28 March 2003
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Objector 18 J & M Enterprises' Documents

18/1	Proof of Evidence of Martin Campbell
18/2	Letter of Objection dated 22 April 2003
18/3	Change of Address dated 15 January 2004
18/4	Further Objections dated 4 February 2004

Objector 24 Ms Quilter's Document

24/1	Letter of objection dated 14 April 2003
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Objector 38 Mr Lucas (Keep It Camden)'s Documents

38/1/A	Proof of Evidence of Steve Lucas
38/1/B	Living Britain Report
38/1/C	Treasury E-mail
38/1/D	Goad Plans
38/1/E	Original Station Layout
38/1/F	Why does LUL need to develop the station?
38/1/G	Underworld, p26 of Tube Magazine
38/1/S	Summary of Proof of Evidence of Steve Lucas
38/2	Bundle of E-mails of objection and clarification dated between 28 April and 29 October 2003
38/3	Mr Lucas's Statement of Case
38/4	Written Questions Submitted 4 June 2004
38/5	Closing Submission

Objector 47 Que Linda (Mr Alexander's) Documents

47/1	Letter of objection dated 28 April 2003
47/2	Outline Statement of Case and covering letter
47/3	Further letter of Objection dated 6 February 2004

Objector 67 Kevin Radley's Documents

67/1/A	Proof of Kevin Radley
67/2	Letter of objection dated 29 April 2003
67/3	Letter from Workwear Supplies Limited dated 30 March 2004 submitted by Mr Radley

Objector 103 Camden Lock (London) Limited's Documents

103/1/A	Proof of Evidence of Graham Chase (Retailing)
103/1/B	Appendices to Proof of Evidence of Graham Chase
103/1/C	Summary of Proof of Evidence of Graham Chase
103/1/D	Supplementary Proof of Evidence of Graham Chase
103/2/A	Proof of Evidence of Jeremy Clark-Lowes (Planning)
103/2/B	Appendices to Proof of Evidence of Jeremy Clark-Lowes
103/2/C	Summary of Proof of Evidence of Jeremy Clark-Lowes (Note number changed)
103/2/D	Supplementary Proof of Evidence of Jeremy Clark-Lowes
103/3/A	Proof of Evidence of Leszek Dobrovolsky (Engineering)
103/3/B	Appendices to Proof of Evidence of Leszek Dobrovolsky
103/3/C	Summary of Proof of Evidence of Leszek Dobrovolsky
103/3/D	Supplementary Proof of Evidence of Leszek Dobrovolsky
103/3/E	Appendices to Supplementary Proof of Evidence of Leszek Dobrovolsky Volume 1 (A3)
103/3/F	Appendices to Supplementary Proof of Evidence of Leszek Dobrovolsky Volume 2 (A3)
103/3/G	Appendices to Supplementary Proof of Evidence of Leszek Dobrovolsky Volume 3
103/3/H	Option 1B drawings (A3)
103/3/J	Option 2 drawings (A3)
103/3/K	Option 3 drawings (A3)
103/3/L	Comparison of Arup's Scheme with Jectico & Whiles' scheme
103/3/M	Graph of penalty against switching
103/3/N	Section 106 Agreement relating to Stables Market Planning Permission
103/3/O	Arup response to Andrew Costa review Comments received on 4 March 2004 and response to Jectico & Whiles Schedule 20 February 2004 (LD V2.2)
103/3/P	Arup – Escalators Note on Option 1B
103/3/Q	Arup response to Andrew Costa review Comments received on 8 March 2004 (LD V2.3)
103/3/R	Arup response to Tube Lines review comments received on 5 March 2004 (LD V2.6)
103/3/S	Arup response to Andrew Costa review Comments received on 8 March 2004 (LD V2.3)
103/3/T	Arup response to schedule of Jectico & Whiles (LD V2.3)
103/3/U	Arup response to schedule of non-compliances (LD V2.5)
103/3/V	Arup – Further Note on Pedroute
103/3/W	Arup – Further Note on Fire Engineering
103/3/X	Arup – Note on Potential Accommodation for Services
103/3/Y	Arup – Further Note on Pedroute 2-4-04 Draft C
103/3/Z	Arup – Additional Fire Engineering Note
103/3/AA	Arup – Additional Costing Note
103/3/AB	Arup – Note on Run-Offs

103/3/AC	Arup – Note on ‘supervision’ in terms of costing
103/3/AD	Arup – Errata on Proof of Evidence of Mr Dobrovolsky (103/3/A)
103/3/AE	Arup – 2 nd Additional Fire Engineering Note
103/3/AF	Not Used
103/3/AG	Arup – Operating Costs
103/3/AH	Arup – Additional Costs Note – Lifts
103/3/AJ	PEDROUTE Discussion Forum 5
103/3/AK	PEDROUTE Diagrams Option 1B Aup Barriers
103/3/AL	PEDROUTE Diagrams Option 1B LUL Barriers
103/3/AM	Notes of Pedroute Discussion Forum 6
103/3/AN	Pedroute Methodology
103/3/AO	Arup Response to LUL Note on Operating Costs
10303/AP	Arup – Note and Sketches on Fire Lobbies
103/3/AQ	Arup – Fire Lobbies
103/4/A	Proof of Evidence of Jonathan Edis (Conservation)
103/4/B	Appendices to Proof of Evidence of Jonathan Edis
103/4/C	Summary of Proof of Evidence of Jonathan Edis
103/4/D	Supplementary Proof of Evidence of Jonathan Edis
103/4/E	Notes of meeting held on 19 May 1998
103/4/F	Documents relating to Camden Town Congestion Relief
103/4/G	Bundle of 10 additional photomontage views
103/4/H	Question to Mayor re Camden Station Development and Response
103/5/A	Proof of Evidence of Leo Eyles (Cost/Benefit)
103/5/B	Not allocated
103/5/C	Summary of Proof of Evidence of Leo Eyles (Note number changed)
103/5/D	Supplementary Proof of Evidence of Leo Eyles
103/5/E	Update of Supplementary Proof of Evidence of Leo Eyles
103/5/F	Transport User Benefit Calculation
103/5/G	Congestion Relief Benefits
103/5/H	Response to LUL/1/Y - LUL Costs
103/6/A	Proof of Evidence of Henry Lennard (Market)
103/6/B	Appendices to Proof of Evidence of Henry Lennard
103/6/C	Summary of Proof of Evidence of Henry Lennard (Note number changed)
103/6/D	Supplementary Proof of Evidence of Henry Lennard
103/6/E	Weather reports for W/C 2 & 9 May 2003
103/7/A	Proof of Evidence of Philomena Card (Market Trader)
103/8/A	Proof of Evidence of Bril Mohan (Market Trader)
103/9/A	Proof of Evidence of Bed Nath Pahari (Market Trader)
103/10	Letter of Objection dated 30 April 2003
103/11	Outline Statement of Case
103/12	Statement of Case
103/13	Opening Submissions
103/14	Figures relating to number of market stalls/fashion stalls

103/15	10 Sketches of barriers at escalator run offs
103/16	Extract from EN115 referred to in LUL/3/D Table 1
103/17	Letter from Winkworth Sherwood dated 9 march 2004
103/18	Closing Submissions
103/19	Addendum to Closing Submissions
103/20	Written Application for Costs against LUL
103/21	Written Reply to LUL Response to Costs Application

Objector 105 Electric Ballroom's Documents

105/1/A	Proof of Evidence of Michael Lee (Transport)
105/1/A1	Supplementary Proof of Evidence of Michael Lee
105/1/A2	Second Supplementary Proof of Evidence of Michael Lee
105/1/A3	Third Supplementary Proof of Evidence of Michael Lee
105/1/B	Appendices to Proof of Evidence of Michael Lee
105/1/B1	Appendices to Supplementary Proof of Evidence of Michael Lee
105/1/B2	Appendices to Supplementary Proof of Evidence of Michael Lee (Ring Binder)
105/1/C	Summary Proof of Evidence of Michael Lee
105/1/D	Summary of LUL Pedroute Modelling
105/1/E	Graph of Sunday Peak Period Growth Rate v Non Peak Period Growth Rate
105/1/F	Comments on LUL/33
105/1/G	Summary of Camden Market Centroid Assessment
105/1/H	Peak 15 Minute Entry & Exit Flows – Comments on LUL/38
105/1/J	Comments on LUL/39
105/2/A	Proof of Evidence of Jason Brooks (Justification and Costs)
105/2/A1	Supplementary Proof of Evidence of Jason Brooks
105/2/A2	Second Supplementary Proof of Evidence of Jason Brooks
105/2/A3	Third Supplementary Proof of Evidence of Jason Brooks
105/2/B	Appendices to Proof of Evidence of Jason Brooks
105/2/C	Summary Proof of Evidence of Jason Brooks
105/3/A	Proof of Evidence of Eric Reynolds (Market)
105/3/A1	Supplementary Proof of Evidence of Eric Reynolds
105/3/C	Summary Proof of Evidence of Eric Reynolds
105/4/A	Proof of Evidence of Marcus Wilshere (Urban Design)
105/4/A1	Supplementary Proof of Evidence of Marcus Wilshere
105/4/A2	Second Supplementary Proof of Evidence of Marcus Wilshere
105/4/B	Appendices to Proof of Evidence of Marcus Wilshere
105/4/F	Summary Proof of Evidence of Marcus Wilshere
105/5/A	Proof of Evidence of Peter Thompson (Architecture)
105/5/A1	Supplementary Proof of Evidence of Peter Thompson
105/5/A2	Second Supplementary Proof of Evidence of Peter Thompson
105/5/A3	Third Supplementary Proof of Evidence of Peter Thompson
105/5/A4	Fourth Supplementary Proof of Evidence of Peter Thompson

105/5/B	Appendices to Proof of Evidence of Peter Thompson
105/5/B2	Further Appendices
105/5/C	Drawing of Ground Level indicating retention of entrance to station on Reunion Street
105/6/A	Proof of Evidence of Philip Robin (Planning)
105/6/A1	Supplementary Proof of Evidence of Philip Robin
105/6/A2	Second Supplementary Proof of Evidence of Philip Robin
105/6/A3	Rebuttal Proof of Evidence of Philip Robin
105/6/B	Appendices to Proof of Evidence of Philip Robin
105/6/B1	Appendices to Supplementary Proof of Evidence of Philip Robin
105/6/F	Summary Proof of Evidence of Philip Robin
105/7/A	Proof of Evidence of John Parker (Engineering)
105/7/A1	Supplementary Proof of Evidence of John Parker
105/7/A2	Second Supplementary Proof of Evidence of John Parker
105/7/A3	Third Supplementary Proof of Evidence of John Parker
105/8/A	Proof of Evidence of Paul Hutton (Music)
105/8/A1	Supplementary Proof of Evidence of Paul Hutton
105/9/A	Proof of Evidence of Jack Barrie (Music)
105/9/A1	First Supplementary Proof of Evidence of Jack Barrie
105/9/A2	Second Supplementary Proof of Evidence of Jack Barrie
105/10/A	Proof of Evidence of Anthony Morgan (Music)
105/10/A1	First Supplementary Proof of Evidence of Anthony Morgan
105/10/B	Appendices to Proof of Evidence of Anthony Morgan
105/10/F	Summary Proof of Evidence of Anthony Morgan
105/11/A	Proof of Evidence of Peter Black (Requests for Information & Offer)
105/11/A1	Supplementary Proof of Evidence of Peter Black
105/11/A2	Second Supplementary Proof of Evidence of Peter Black
105/11/B1-B8	Appendices to Proof of Evidence of Peter Black
105/11/Ba	Appendices to Proof of Evidence of Peter Black
105/11/Bb	Appendices to Proof of Evidence of Peter Black
105/11/Bc	Appendices to Proof of Evidence of Peter Black
105/11/Bd	Non-Core Documents supplied by LUL Vol 1 of 3
105/11/Be	Non-Core Documents supplied by LUL Vol 2 of 3
105/11/Bf	Non-Core Documents supplied by LUL Vol 3 of 3
105/12	Letter of Objection dated 30 April 2003 from Hughmans Solicitors
105/13	Letter of Objection dated 1 October 2003 from King Sturge
105/14	Statement of Case
105/15	Opening Submissions
105/16/A	Proof of Evidence of McDonald (Property) Originally numbered as 105/12/A
105/17/A	Proof of Evidence of Curtin (Accountant) Originally numbered as 105/13/A
105/17/B	Letter from Winkworth Sherwood dated 28 May 2004 and Note from Mr Curtin responding
105/18	Notes of Second Opening Submissions
105/19/A	Written Proof of Evidence of Graham Coxon
105/20	Legal Submission on Land Law Aspects

105/21	Written Evidence of Bob Geldoff
105/22	Second Legal Submission on Land Law Aspects
105/23	Options for the Inspector to Consider
105/24	Letters from Barfly and The Dublin Castle (Competitors to Electric Ballroom)
105/25	Closing Submissions (Revised version with corrected cross references etc)
105/26	Written Application for Costs against LUL
105/27	Written Reply to LUL's Response to Costs Application
105/28	Response to LUL Note on TWA Orders
105/29	Legal Authorities relied on in Closing (2 Lever arch files)

Objector 127 Camden Town Urban Design Improvement Society (CaTUDIS)'s Documents

127/1	Letter of Objection dated 30 April 2003
127/2	Letter of Objection dated 2 June 2003
127/3	Letter of Objection dated 9 December 2003

Objector 134 Camden Civic Society's Documents

134/1/A	Proof of Evidence of Aileen Hammond (Transport)
134/1/B	Supplementary Note dated 31 March 2004 submitted by Aileen Hammond
134/1/C	Further Note on Lift Capacity dated 31 May 2004
134/1/D	Further Note on Lift Capacity dated 3 June 2004
134/2/A	Proof of Evidence of Tony Tugnutt (Urban Design)
134/2/B	Appendices to Proof of Evidence of Tony Tugnutt
134/2/C	Extract from Guidance on Tall Buildings; English Heritage/CABE
134/2/D	Street Maps indicating approach to site from Southampton Row
134/2/E	Extract from Design Matters in Westminster on Local Distinctiveness
134/2/F	Bundle of photographs of site and its surroundings
134/2/G	Additional photographs of site with balloons flying
134/3	Letter of Objection undated but received 28 April 2003

Objector 135 London Borough of Camden's Documents

135/1/A	Proof of Evidence of Robert Brew (Planning)
135/1/B	Appendix to Proof of Evidence of Robert Brew
135/1/C	Supplementary Proof of Evidence of Robert Brew
135/1/D	Lists of UDP Policies and Conditions
135/1/E	Note on Suggested Planning Conditions
135/2/A	Proof of Evidence of Giles Quarme (Design)
135/2/B	Supplementary Proof of Evidence of Giles Quarme
135/3/A	Proof of Evidence of Laurence Baker (Transport) Witness Withdrawn
135/4/A	Proof of Evidence of Quentin Given (Environment) Witness Withdrawn
135/5	Letters of Objection dated 30 April and 26 September 2003
135/6	Outline Statement of Case
135/7	Statement of Case

- 135/8 Opening Submissions
- 135/9 Note on High Buildings
- 135/10 Bundle of documents (some extracted from other Core Documents)
- 135/11 Closing Submissions
- 135/12 Written Application for Costs against LUL
- 135/13 Written Reply to LUL's Response to Application for Costs

Objector 161 Edis Street Area Association's Documents

- 161/1 Letter of Objection dated 30 April 2003 + Clarification
- 161/2 Letter of Objection dated 9 December 2003

Objector 199 Simon Hughes MP's Documents

- 199/1 Letter of Objection dated 31 December 2003
- 199/2 Letter of Objection dated 26 January 2004

Objector 235 Councillor J Sumner's Documents

- 235/1 Letter of Objection dated 30 December 2003
- 235/2 Notes of Objection Speech by Councillor Sumner

Objector 251 Camden Town Conservation Area Advisory Committee's Document

- 251/1 Letter of Objection dated 3 October 2003

Objector 253 Councillor J Bucknell's Document

- 253/1 Submissions read by Councillor Bucknell

Objector 255 Euston Trust's Documents

- 255/1 Letter of Objection and photographs dated 30 September 2003
- 255/2 Letter dated 13 October 2003
- 255/3 Letter and legal precedents dated 19 October
- 255/4 Proof of Evidence of Terence Ewing
- 255/5 Letter dated 29 December 2003 – Change of address
- 255/6 Additional photographs submitted 9 March 2004
- 255/7 Additional photographs submitted 10 March 2004
- 255/8 Letter dated 25 February 2004
- 255/9 Closing Submissions
- 255/10 Supplementary questions submitted 19 June 2004

Objector 256 Camden Town Speaks Residents Association's Documents

- 256/1 Letter of Objection dated 25 September 2003
- 256/2 Submissions made on behalf of Camden Town Speaks Residents Association

Objector 257 Camden Square Conservation Area Advisory Committee's Document

- 257/1 Letter of Objection dated 1 October 2003
- 257/2 Submissions made on behalf of Camden Square CAAC

Objector 287 Governors of Hawley School's Documents

- 287/1 Letter of Objection dated 16 February 2004
- 287/2 Submissions made on behalf of the Governors of Hawley Infants School

Objector 288 Barnet Transport User Association's Document

- 288/1 List of Concerns received 3 June 2004

Inspector's Documents

- ID/1 Advice on Closing Submissions – amended verbally during course of Inquiry
- ID/2 Guidance for Document Preparation and Numbering
- ID/3 Notes of Pre-Inquiry Meeting 12 November 2003
- ID/4 Ruling on the status of Objector No 38 Mr Lucas (Keep It Camden)
- ID/5 Ruling on Requests for a Transcript of the Inquiry
- ID/6 Ruling on Procedure relating to the case of Objector No 103 Camden Lock (London) Limited
- ID/7 Statement of Matters – London Underground (Camden Town Station) Order revised 6 January 2004
- ID/8 Statement of Matters – Conservation Area Consent Application
- ID/9 Statement of Matters – Non-Determination Planning Application
- ID/10 Ruling on Requests made on 10 February 2004
- ID/11 Ruling on Requests made on 12 February 2004
- ID/12 Letter 17 December 2003 from TfL to PINS amending the 'Non determination' Appeal (A1121801)
- ID/13 Draft of Procedural Paragraphs of the Inspector's Report - Superseded by withdrawal of appeal
- ID/13A Revised Draft of Procedural Paragraphs of the Inspector's Report
- ID/14 List of Attendances at the Inquiry
- ID/15 Representations at Application Stage provided by the Council of the London Borough of Camden
- ID/16 Written Objections to TWO, Conservation Area Consent Application and Planning Appeals (Lever Arch File)
- ID/17 Extracts from the Mayor's Cultural Strategy, April 2004 (Corresponds with extracts in 105/6/B1 App PR8 from draft Cultural Strategy –Extracts from adopted document not provided by Electric Ballroom despite requests)

APPENDIX 6 - SITE VISITS

9 February 2004 13:30 – 16:30	Site and its surroundings including all 6 markets and Camden High Street from Chalk Farm to Mornington Crescent Underground Stations.	Unaccompanied
11 February 2004 10:00 – 12:45	Electric Ballroom, Camden Town Underground Station including staff side facilities, and Deep Level Shelter tunnels beneath the site. LUL – Mr Stimpson, Mr Trott Electric Ballroom – Ms Fuller, Ms Gibson (Ballroom only) L B Camden – Mr Brew, Mr Baker Camden Civic Society – Ms Hammond Euston Trust – Mr Ewing Camden Lock (London) Ltd – Sofia Johar + 2 interns from office (Station & Tunnels only) Keep It Camden – Mr Lucas (Station & Tunnels only)	Accompanied
13 February 2004 10:00 – 10:30	Trinity United Reform Church, Camden LUL – Mr Anderson L B Camden – Mr Brew Camden Civic Society – Ms Swain Euston Trust – Mr Ewing Keep It Camden – Mr Lucas URC – Representative + Caretaker	Accompanied
8 March 2004 11:00 – 12:00	Traction Sub-Station, Camden High Street LUL – Mr Melling Keep it Camden – Mr Lucas Camden Lock (London) Ltd – Mr Slater TLL – Ms Bradley Seeboard Powerlink – Mr Blackwell Seeboard Powerlink – Mr Reilly	Accompanied
8 March 2004 12:00 – 12:40	Views of Site with Balloons flying to indicate height of proposed building (no balloons on Kentish Town Road elevation and breeze blowing balloons to angle of around 45°) LUL – Mr Anderson Camden Civic Society – Mr Tugnut Keep It Camden – Mr Lucas	Accompanied
10 March 2004 11:30 – 17:15	Visit to look at the following Underground Stations and their surroundings: Holborn, Charing Cross, South Kensington, Bond Street, Westminster, Waterloo, Southwark, Stratford, West Ham, Canning Town, North Greenwich, Canary Wharf, Canada Water, Bermondsey, London Bridge, Vauxhall	Unaccompanied
16 March 2004 21:30 – 22:30	Concert at Electric Ballroom Electric Ballroom – Mr Clayton, Mr Schwarz, Ms Johar, Mr Lee, Ms Fuller, Mr Fuller, Mr Morgan LUL – Mr Costa L B Camden – Mr Brew	Accompanied
30 March 2004	Visit to look at barriers at the following Underground Stations: London Bridge, Tottenham Court Road and Euston	Unaccompanied
3 April 2004 13:00-16:30	Visit to Camden Station and the Markets (Saturday)	Unaccompanied
4 April 2004 14:00- 17:00	Visit to Camden Station and the Markets (Sunday)	Unaccompanied
28 April 2004 17:00-18:30	Visit to look at barriers at Victoria Underground Station (also looked at London Bridge)	Unaccompanied

19 May 2004 13:30-14:10	Views of Site with Balloons flying LUL – Mr Anderson Camden Civic Society – Mr Tugnutt	Accompanied
20 May 2004 06:30-07:15	Views of Site with Balloons flying (2 balloons missing and 2 balloons on Camden High Street entangled and not showing correct height. 2 remaining balloons subject to wind.	Unaccompanied
16 June 2004 09:30-10:00	Visit to Hawley Infants School Hawley Infants and Nursery School – Ms Fontaine LUL – Mr Anderson	Accompanied
Various	Other visits to the markets and surrounding areas were carried informally in the evenings and during adjournments in the inquiry. The purpose of these visits was to appreciate the area at different times of day, on different days of the week, and in a number of weather conditions	Unaccompanied

APPENDIX 7 – GLOSSARY

ADF	Average Daylight Factor
ADR	Alternative Dispute Resolution
APSH	Average Probable Sunlight Hours
BCDM	Business Case Development Manual
bcr	Benefit:cost ratio
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
CABE	Commission for Architecture and the Built Environment
CAC SoM	Conservation Area Consent Application Statement of Matters
CAPEX	Capital Expenditure
CaTUDIS	Camden Town Urban Design Improvement Society
CCTV	Closed Circuit Television
CDM	Construction (Design and Management) Regulations
CLLL	Camden Lock (London) Limited
CoCP	Code of Construction Practice
CRT	Cross River Transit
CS	The Mayor’s Culture Strategy
DCMS	Department of Culture Media and Sport
EB	Electric Ballroom
EH	English Heritage
ES	Environmental Statement
ESAA	Edis Street Area Association
FSS	First Secretary of State
GLA	Greater London Assembly
GLA Act	Greater London Authority Act 1999
ILE	Institute of Lighting Engineers
KIC	Keep It Camden
LBC	London Borough of Camden
LPAC	London Planning Advisory Committee
LUL	London Underground Limited
MIP	Mobility Impaired Persons
OB	Optimism Bias
PCBs	Polychlorinated Biphenals
PMRS	Professional Marketing Research Society
PPG	Planning Policy Guidance
PP SoM	Planning Appeal Statement of Matters
RADAR	The Royal Association for Disability and Rehabilitation
RSPG	Railway Safety Principles Part 2: Guidance on stations
SCG	Statement of Common Ground
SoM	Statement of Matters
SoST	Secretary of State for Transport
SPG	Supplementary Planning Guidance
SPSG	Station Planning Standards and Guidelines
TEN	Transport Engineering Note
TfL	Transport for London
TLL	Tube Lines Limited
TLP	The London Plan
TS	The Mayor’s Transport Strategy
TSS	Traction Sub-Station
TURC	Trinity United Reformed Church
TWA	Transport and Works Act
TWA SoM	Transport and Works Order Statement of Matters
UDP	Unitary Development Plan
VSC	Vertical Sky Component

APPENDIX 8 – CONDITIONS

Conditions that should be attached to any grant of Planning Permission

1. The development hereby permitted shall begin before the expiration of five years from the date of this decision.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved by the local planning authority.
3. No development shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence, and shall include a photographic survey. This shall be taken in accordance with a written scheme of investigation submitted to and approved by the local planning authority.
4. No development shall take place until:
 - (a) A programme of ground investigation for the presence of soil and ground water contamination and land fill gas has been submitted to and approved by the local planning authority;
 - (b) The investigation has been carried out in accordance with the approved details and the results and remediation measures (if necessary) have been submitted to and approved by the local planning authority. All approved remediation measures shall be implemented strictly in accordance with the approved details.
5. The following details shall be submitted to and approved by the local planning authority before the relevant part of the works is begun, and the development shall be completed in strict accordance with the approved details:
 - (a) Detailed drawings of the external elevations of the proposed buildings;
 - (b) Details, including samples where appropriate, of the external facing materials for the proposed buildings;
 - (c) Details of the shopfronts for the proposed ground floor commercial space;
 - (d) Details of the landscaping for the proposed residential deck;
 - (e) Details of the location and design of the proposed street furniture, including details of the lighting of all public areas;
 - (f) Details of the location and design of CCTV cameras;
 - (g) Details of the refuse storage areas and recycling facilities;
 - (h) Details of the sound insulation measures for the proposed residential accommodation;
 - (i) Details of the station entrance security grills;
 - (j) Details of the ground floor entrance to the church;
 - (k) Details of the steps and ramp on the proposed pedestrian street.
6. The construction of the over ground elements of the proposed development shall not be commenced until a BREEAM report for the proposed above ground buildings, that

demonstrates that the development is as sustainable as reasonably practicable, has been submitted to and approved by the local planning authority.

7. The proposed replacement church shall be constructed and be available for occupation before the main two storey structure of the existing church is demolished, unless otherwise agreed in writing by the local planning authority.
8. The difference between the rating level of all plant and machinery installed within the development and the background level, obtained by subtracting the background level from the rating level as determined 1 m outside the facade of any lawfully occupied residential building, shall not exceed +5 dB. The levels shall be determined using the method defined by BS 4142:1997 and the specific noise source defined therein shall mean all the mechanical plant and machinery installed and operated in any location within the development hereby permitted.
9. The use of the proposed commercial space at basement level shall be limited to uses within the D2 Use Class, together with a daytime market use.
10. No single unit within the proposed ground floor commercial space for occupation within the A1 and A3 Use Classes shall occupy more than 20% of the total frontage area, with the frontage area comprising the floor area to a depth of 6m from the adjoining highway, and the commercial space shall not be occupied otherwise without the prior written agreement of the Council.
11. The amount of floorspace used for purposes within the A3 Use Class within the ground floor commercial space shall not exceed 35% of the total ground floor commercial space, and the commercial space shall not be occupied otherwise without the prior written agreement of the Council.
12. The new station hereby permitted shall not be opened for passenger use until a contract has been exchanged for the construction of the above ground parts of the development hereby permitted other than the station.

Conditions that should be attached to any grant of Conservation Area Consent

1. The works hereby authorised shall begin not later than five years from the date of this consent.
2. The demolition of the existing buildings on the site shall not be undertaken before a contract for the carrying out of the works of the construction of the new station has been made in accordance with a scheme for which planning permission has been granted.

APPENDIX 9 – CROSS REFERENCES BETWEEN STATEMENTS OF MATTERS AND INSPECTOR’S CONCLUSIONS

Statement of Matters	Report Section
TWA SoM	
1. The need for and objectives of the proposed reconstruction of Camden Town underground station ("the station works").	29.2.1-14
2. The justification for the particular proposals in the TWA Order including -	
<ul style="list-style-type: none"> • the extent to which they are consistent with national, regional and local transport and planning policies; 	29.5.1-56 29.6.1-75 29.7.1-9
<ul style="list-style-type: none"> • the scale and configuration of the station works, having regard to LUL's operational needs and to any statutory or other requirements as to safety, accessibility and capacity; and 	29.3.1-26
<ul style="list-style-type: none"> • the main alternatives considered for achieving the objectives of the scheme and LUL's main reasons for adopting the proposals in this application. 	29.4.1-23
3. The case for conferring on LUL compulsory acquisition and temporary possession powers under the proposed TWA Order, including	
<ul style="list-style-type: none"> • whether any or all of the land over which such powers have been sought is necessary for implementing the station works; and 	29.8.1-32
<ul style="list-style-type: none"> • whether it would be within the Secretary of State's powers under section 1 of the TWA (which among other things authorises the making of Orders relating to, or to matters ancillary to, the construction or operation of a railway) to confer on LUL powers compulsorily to acquire land for the purpose of constructing commercial, residential and community buildings following completion of the station works. 	29.8.3-4
4. LUL's proposals for funding the cost of implementing the station works, including LUL's financial appraisal of the scheme, the extent to which contributions to the cost of the scheme would be required from other bodies and the prospects for securing the necessary funding.	29.9.1-37
5. The likely impact of the station works on local residents, businesses and the environment, including -	
<ul style="list-style-type: none"> • the social and economic effects of the proposals in the TWA Order, including the loss of the Buck Street market, the Electric Ballroom and Trinity United Reformed Church; 	29.6.1-75
<ul style="list-style-type: none"> • the effects of the loss of existing buildings as a result of the station works on the townscape and the built heritage; 	29.5.1-56
<ul style="list-style-type: none"> • the effects on the proposed works on the operations of electricity, telecommunications, water and sewerage undertakers; 	29.6.70
<ul style="list-style-type: none"> • the traffic and transportation impacts of the station works; 	29.10.1-9
<ul style="list-style-type: none"> • noise and vibration caused by construction and operation of the station works; 	29.6.7
<ul style="list-style-type: none"> • the impact of the proposed works on air and water quality, land contamination and soil stability; and 	29.6.5
<ul style="list-style-type: none"> • the timescale for implementing the station works. 	29.6.1
6. LUL's proposals for mitigating any adverse effects of the station works on residents, businesses and the environment, including -	
<ul style="list-style-type: none"> • the proposed arrangements for the protecting the interests of statutory undertakers; 	29.6.70
<ul style="list-style-type: none"> • any measures to avoid, reduce or remedy any major adverse environmental impacts of the station works; 	29.6.4-11

- any measures to avoid, reduce or remedy any other adverse environmental impacts likely to arise from those works; and 29.6.4-11
 - whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation measures had been put in place. 29.6.4-11
7. The adequacy of the environmental statement submitted with the application for this Order and the supplementary environmental information subsequently submitted and whether statutory procedural requirements have been complied with. 29.1.9-11
8. The justification for the limits of deviation for the station works prescribed in article 4 of the proposed TWA Order. 29.8.28-31
9. The purpose and effect of any substantive changes to the TWA Order proposed by LUL since the application was made; whether anyone likely to be affected by such changes has been notified; and whether any proposed changes to the Order either on their own or taken together would amount to a substantial change in the proposals for the purposes of section 13(4) of the TWA. 29.1.1-4

CAC SoM

1. The regard that has been had to the desirability of preserving or enhancing the character or appearance of the Conservation Area, taking into account the part played in the architectural or historic interest of the area by the buildings for which demolition is proposed and in particular of the wider effects of demolition on the buildings surroundings and on the conservation area. 29.5.1-56
2. If there are acceptable and detailed plans for the proposed redevelopment to warrant granting consent. 29.5.32-56
3. Whether the proposals to demolish the building have been assessed against the same broad criteria as apply to proposals to demolish listed buildings (paras 3.16-19 and 4.27 PPG 15). 29.5.15-31

PP SoM

- (i) The conformity of the proposed development to the development plan for the area, to the emerging UDP and the emerging London Plan. 29.5.1-56
29.6.1-75
29.7.1-9
- (ii) The extent to which the development complies with Government policy advice in Planning Policy Guidance (PPG) Notes 1 "General Policy and Principles" and 15 "Planning and the Historic Environment" in relation to
- its siting; scale; height; bulk and massing; architectural design; revised street pattern & pedestrianisation; relationship and context with surrounding buildings; impacts on existing views and skylines; environmental improvements & impacts on street frontages; 29.5.32-56
 - whether the proposals would preserve or enhance the character or appearance of the conservation area; 29.5.32-56
 - The appropriateness of location for a landmark (office use) building. 29.5.35-36
- (iii) The extent to which the development complies with Government policy advice in PPG 3 "Housing" in particular in relation to
- the proposed density; 29.7.4
 - the provision of affordable housing; and 29.7.4
29.11.1
 - car parking. 29.10.7
- (iv) The extent to which the development complies with Government policy advice in PPG6 "Town Centres and Retail Developments" in particular

<ul style="list-style-type: none"> • the extent to which proposals maximise efficient use of land and are easily accessible by public transport; 	<p>29.6.47-69 29.7.2 29.10.1-9</p>
<ul style="list-style-type: none"> • the scale, density and mix of uses; 	<p>29.7.4-5 29.6.47-69</p>
<ul style="list-style-type: none"> • sustainability considerations arising from the uses; and 	<p>29.6.47-69 29.7.2 29.10.1-9</p>
<ul style="list-style-type: none"> • the extent to which proposals would sustain and enhance the vitality and viability of Camden town centre 	<p>29.6.47-69</p>
<p>(v) The extent to which the development complies with Government policy advice in PPG13 "Transport" in relation to</p>	
<ul style="list-style-type: none"> • the adequacy of the public transport infrastructure and the extent to which the proposals will facilitate improved transport interchange / integration, including interface with Cross River Tram northern terminus.; 	<p>29.10.1-9</p>
<ul style="list-style-type: none"> • impacts on traffic generation / circulation; 	<p>29.10.1-9</p>
<ul style="list-style-type: none"> • the extent to which proposals promote sustainable transport choices and accessibility to jobs, shopping, homes & leisure facilities; and 	<p>29.10.1-9</p>
<ul style="list-style-type: none"> • the impacts on travel patterns and car use; 	<p>29.10.1-9</p>
<p>(vi) The Impact on the appearance of the area and on tourism and jobs of the loss of existing uses, particularly the loss of Buck Street market and the Electric Ballroom music venue and the adequacy / suitability of proposals to replace the church.</p>	
	<p>29.6.12-14 29.6.23-46</p>
<p>(vii) The adequacy of the Environmental Statement submitted with the planning application and whether statutory procedural requirements have been complied with.</p>	
	<p>29.1.9-11</p>
<p>(viii) Whether any permission should be subject to a legal agreement and/or conditions.</p>	
	<p>29.11.1-25</p>