



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

HEARING STATEMENT OF CASE

APPEAL SITE

71 Avenue,
London,
NW8 6HP

APPELLANT

Mrs and Mr Susan and Meir Noo
Noo Gareh

SUBJECT OF APPEALS

1. Appeal against refusal of planning application on 2022/2529/P for:

Erection of a two storey, single family dwellinghouse (Class C3) with basement and accommodation in the roof space, following the demolition of existing

COUNCIL REFERENCES:

2022/2529/P

PLANNING INSPECTORATE REFERENCES:

APP/X5210/W/24/3346714

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1.0 This statement is to be read in conjunction with the Delegated Report, see Appendix 1.

1.1 SITE AND SURROUNDINGS

1.2 The site is a two storey property located on the south side of Avenue Road. The site is not listed nor located within a conservation area. It is, however, adjacent to the Elsworthy Conservation Area. It is within a historically flooded street.

1.3 The site benefits from a deep side garden and a garage which is accessed via a crossover on Queens Grove. The front of the property is served by a carriage driveway.

2.0 APPEAL PROPOSAL

2.1 The appeal is against the London Borough of Camden's refusal of application for planning permission

2.2 The application for planning permission (ref: 2022/2529/P) was received by the Council on 13/06/2022 and was registered on 21/10/2022

2.3 A Site notice was displayed on the 26/10/2022 and the consultation period expired on the 19/11/2022. .

- 2.4 Two letters of objection were received from local residents. These responses are all summarised in the consultation section of the officer delegated report (attached in Appendix). A copy of all representations received during the course of the application was sent to the Planning Inspectorate with the Questionnaire.
- 2.5 An appeal was lodged against the refusal of the application.
- 2.6 The application was reported for a decision under officers' delegated powers. A copy of the officer's delegated report is attached as **Appendix 1**. A copy of the decision notice is attached as **Appendix 2**.
- 2.7 The reasons for refusal on the decision notice for the planning application are as follows:
1. *The proposed development, through insufficient evidence to justify the demolition of the existing building, would result in an unsustainable development that fails to contribute to a low carbon future through efficient use of resources, contrary to policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023.*
 2. *The proposed development fails to achieve sufficient carbon savings by minimising embodied carbon through sustainable design decisions, resulting in an unsustainable development contrary to policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023*
 3. *The proposed development, in the absence of a legal agreement securing a construction management plan and construction impact bond, would be detrimental to the amenity of neighbouring occupiers contrary to policies A1 (managing the impact of development) and A5 (basements) of the Camden Local Plan 2017.*
 4. *The proposed development, in the absence of a legal agreement securing an Approval in Principle Plan and associated monitoring fee, would be likely to be detrimental to general highway and pedestrian safety, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*
 5. *The proposed development, in the absence of a legal agreement securing financial contributions towards highways works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of London Borough of Camden Local Plan 2017.*

3.0 RELEVANT PLANNING HISTORY

- 3.1** 8401986 – The erection of extensions at ground, first, and second floor levels on the south-west wing of the house (amendment to planning permission (Regd.No.31020(R1) dated 13th January 1981) – Granted 06/02/1985; and
- 3.2** 9005089 – The erection of extensions at ground, first, and second floor levels on the south-west wing of the existing residential house to provide additional habitable floorspace – Granted 08/01/1991.

4.0 PLANNING POLICY FRAMEWORK

4.1 National Policy Documents

The National Planning Policy Framework (NPPF), which was first published in 2012 was last updated in 2023. The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Chapters 12, 14, 15, 16 and 17 are applicable in the commitment to a low carbon future.

Paragraph 157. In particular states the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

4.2 Regional Policy Documents

The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London. The current London Plan was adopted in March 2021. Chapters 3 (Design), 4 (Housing), 7 (Heritage and Culture), 8 (Green Infrastructure and Natural Environment), 9 (Sustainable Infrastructure) and 10 (Transport) of the London Plan 2021 are most applicable to the determination of this appeal and contribute to the commitment of a low carbon future.

4.3 GLA Supplementary Planning Documents

Whole Life Cycle Carbon Assessment guidance

Page 4 Whole Life Carbon principles – Principle 1 Reuse and retrofit of existing built structures “Retaining existing built structures for reuse and retrofit, in part or as a whole, should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option. Significant retention and reuse of structures also reduces construction costs and can contribute to a smoother planning process.”

Circular Economy Statement guidance

“2.4.2. To follow the approach set out in Figure 3 (London Plan Policy D3 Figure 3.2), retaining existing built structures totally or partially should be

prioritised before considering substantial demolition, as this is typically the lowest carbon option.

2.4.3. The CE statement should set out the justification for whichever of the four approaches set out in Table 4, above, is being proposed for the development. 12 Proposals that are further down the hierarchy will require more detailed and compelling justification.

2.4.4. There may be other planning reasons that necessitate the demolition or retention of existing buildings, such as heritage considerations, which the process set out in Figure 4 cannot and does not override.

2.4.5. When assessing whether existing buildings are suited to the requirements for the site, applicants should robustly explore the options for retaining existing buildings (either wholly or in part). Where disassembly or demolition is proposed, applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted; and show that the proposed scheme would be a more environmentally sustainable development.”

4.4 Local Policy Documents

The Camden Local Plan was adopted on 3rd July 2017 and sets out the Council’s planning policies. The plan is currently being reviewed. The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Policies CC1 (Responding to the climate emergency) and CC2 (Repurposing, Refurbishment and Re-use of Existing Buildings) of the new emerging local plan are clear in their support for retrofitting and retention of existing buildings, following circular economy principles and minimising waste. CC2 also clearly sets out the process of justifying demolition which needs to be followed as the Council priorities repurposing, refurbishment and re-use of existing building/s is prioritised over demolition. This process is also clearly set out in the Energy Efficiency and Adaption CPG.

Having looked at the relevant emerging policies, I am of the opinion that there is no material difference that would alter the Council's decision.

4.5 The following policies in the Local Plan are most relevant to the determination of the appeal:

Policy G1 – Delivery and Location Growth
Policy H1 – Maximising Housing Supply
Policy H3 – Protecting Existing Homes
Policy H6 – Housing Choice and Mix
Policy H7 – Large and Small Homes
Policy C1 – Health and Well-Being

Policy C5 – Safety and Security
Policy C6 – Access for All
Policy A1 – Managing the Impact of Development
Policy A3 – Biodiversity
Policy A4 – Noise and Vibration
Policy A5 – Basements
Policy D1 – Design
Policy CC1 – Climate Change Mitigation
Policy CC2 – Adapting to Climate Change
Policy CC3 – Water and Flooding
Policy CC4 – Air Quality
Policy CC5 – Waste
Policy DM1 – Delivery and Monitoring

4.6 Supplementary Guidance

Camden Planning Guidance (CPG) provides advice and information on how the Council will apply its planning policies. The Council has recently updated a number of CPGs in January 2021. The following CPG documents are relevant to this case-

- CPG Home Improvements
- CPG Design
- CPG Amenity
- CPG Basements
- CPG Biodiversity
- CPG Developer contributions
- CPG Energy efficiency and adaption
- CPG Housing
- CPG Transport
- CPG Trees
- CPG Water and Flooding

4.7 Elsworthy conservation area appraisal and management strategy (2009)

This Conservation Area Statement was adopted in 2009. The statement defines and analyses what makes the conservation area 'special' and provides important information about the types of alterations and development that are likely to be acceptable or unacceptable in the conservation area. This document is used in the assessment of planning applications for proposed developments in the area. To be clear the site is located outside the Conservation area however is adjacent to the boundary

5.0 SUBMISSIONS

- 5.1** This section sets out the Council's Case in respect of the 1 and 2 reasons for refusal on the planning application decision and comments on the appellants' Statement of Case.
- 5.2** Reasons for refusal 3 to 5 on the planning application decision are discussed later in this statement as they relate to the absence of a Section 106 legal agreement and could be overcome by entering into such an agreement.
- 5.3** The background to the proposals, negotiations on revising the scheme and the issues for consideration of the applications are comprehensively discussed in the Assessment section of the officer's report, attached in

Appendix 1.

- 5.4** Additional reasons for refusal are based on the lack of a S106 legal agreement, which would be required for any acceptable development here, to secure car-free housing, CMP and impact bond, Approval in principle and highways contribution

Reason for refusal 1 and 2 (2022/2529/P)

5.5 Reason 1 and 2 (on planning application)-

- (1) The proposed development, through insufficient evidence to justify the demolition of the existing building, would result in an unsustainable development that fails to contribute to a low carbon future through efficient use of resources, contrary to policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023.*
- (2) The proposed development fails to achieve sufficient carbon savings by minimising embodied carbon through sustainable design decisions, resulting in an unsustainable development contrary to policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023.*

- 5.6** The policy context for this scheme is set by the policy CC1 (climate change mitigation) of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023. This context is summarised in paras 12.3 to 12.08 of the officer report attached.

- 5.7** CPG Local Plan policy CC1 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policies CC2 and CC3 are also relevant with regards to sustainability and climate change because these echo the commitment to a low carbon future set out in the NPPF.
- 5.8** Policy CC1 of the Camden Local Plan promotes zero carbon development and requires the steps in the energy hierarchy to be followed. It also requires all proposals involving substantial demolition to demonstrate that it is not possible to retain or improve the existing building and expects all development to optimise resource efficiency. Policy CC2 ensures development will be resilient to climate change, including measures to reduce the impact of urban and dwelling overheating, including the application of the cooling hierarchy, and encourages the incorporation of green roofs. Active cooling will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all the measures in the cooling hierarchy have been followed.
- 5.9** Regarding the principle of demolition, CPG on Energy and efficiency suggests a condition and feasibility study of the existing building outlining the condition of the existing structure should be provided. There should be exploration of development options: renovation and extension; and new framed construction. Considering reuse, retrofit, partial retention and refurbishment, and partial disassembly are important steps to consider and echoed in the London Planning Guidance for Circular Economy. The applicant has submitted a structural assessment and whole life carbon assessment. It should be noted that the structural assessment is very limited and it sets out that it focuses solely on the condition of the external brickwork and does not include other aspects of the existing structure. The report simply sets out that paint was removed from the external bricks which may leave bricks more porous.
- 5.10** Without a detailed and complete feasibility study it has been difficult to ascertain whether the existing condition of the building would allow it to be retained and improved or retained and extended or with replacement being the only end result. This is crucial in ensuring the efficient use of resources, and in minimising release of embodied carbon in order to move to a low carbon economy. This hierarchy and decision flow is set out within the London Plan Circular Economy guidance – and summarised in Figure 4 of the guidance. The information provided in support of the application does not clearly demonstrate or justify why it is not possible to retrofit the existing building through a whole house holistic approach. There is no evidence to support an assertion that this building cannot be retained and improved like other homes of its age. Given this, officers consider a case for demolition has not been demonstrated to the Council's satisfaction and therefore would not support demolition of the existing dwelling.
- 5.11** As a result, there is insufficient information to support the demolition of the

existing building justification for the demolition of the existing building, contrary to Local Plan policy CC1 and London Plan policy SI7.

5.12 Furthermore, the applicants have gone on to provide a whole life carbon assessment (WLC) to justify a replacement building.

	Sequestered Carbon	Module A1 – A5	Module B1 – B5	Module B6 – B7	Module C1 – C4	Module D	TOTAL*
Assessment 1 – New Build Scheme (including module B6)							
TOTAL kg CO ₂ e	-105,741	1,514,584	95,385	114,479	367,452	-23,897	1,871,680
TOTAL kg CO ₂ e GIA	-88	1,263	80	95	306	-20	1,561
Assessment 2 – Refurbished Scheme (including module B6)							
TOTAL kg CO ₂ e	-88,791	396,652	28,566	72,301	131,697	5,675	468,123
TOTAL kg CO ₂ e GIA	-224	999	72	182	332	14	1,179

**Total excluding module D*

Table 1: Estimated Embodied and Operational Carbon Emissions (taken from the whole life carbon assessment comparative study submitted by the applicant).

5.13 It is noted that the operational carbon is not considered in the GLA WLC benchmarks as this is considered separately. The new build option (assessment 1) does not meet the GLA benchmark of 1200 kgCO₂e/m² GIA. Also, it is noted that the results provided in the assessment do indicate that refurb would have had a significantly lower impact than a rebuild scheme. Additionally, the finding set out when operational energy emissions are included within the modelling, it is demonstrated that the new build scheme has total carbon emissions higher than that of the refurbished option over a predicted 60-year lifespan.

5.14 Therefore, the applicant has demonstrated through the submitted information that the proposed replacement building performs worst for embodied carbon when considering whole life carbon. The development would fail to contribute to a low carbon future through efficient use of resources and by minimising embodied carbon through sustainable design decisions. This would therefore form a reason for refusal as it is contrary to Policy CC1 of the Local Plan and Policy SI7 of the London Plan.

5.15 It is important to note that paragraph's 5.36-5.40, of the appellant's statement of case, also confirm that the application documents did not contain sufficient information in order to comply with policy CC1 of the Camden Local Plan 2017, policy SI7 of the London Plan 2021, and the NPPF 2023. It also confirmed that the results provided in the original WLC assessment do indicate that a refurb scheme would have had a significantly lower impact than a rebuild scheme. This was requested to be removed from the statement of common ground.

Comments on appellant's Statement of Case, June 2024

- 5.16** Section 5 of the above document provides the appellant's case against reasons for refusal which will be commented on in turn.
- 5.17** At para 5.2 the appellant asserts that the 'only point of contention' relates to the 'insufficient evidence' provided in relation to the proposed demolition. As demonstrated above, this is not the 'only point' as the supporting documents of the application demonstrate that the proposed dwelling performs worst for embodied carbon when considering whole life carbon as opposed to refurbishment scheme which therefore forms the second reason for refusal.
- 5.18** In paras 5.05 to 5.34 the appellant discusses each element of the scheme and the position of the Council. This summary is also accepted by the Council.
- 5.19** In para 5.36 this summarises policy CC1 and states that this policy requires proposals involving substantial demolition to demonstrate that it is not possible to retain or improve the existing building. The application documents failed to do this in any meaningful way and confirms its lack of compliance with policy.
- 5.20** Para 5.37 confirms that a detailed and complete feasibility study of the existing building had not been provided within the original application making it difficult to ascertain the existing condition of the building and therefore whether the building could be reused in some capacity. This confirmation aligns with the first reason for refusal which states 'insufficient information' had been provided on this subject.
- 5.21** Para 5.38 reiterates this point and confirms that the Whole Life Carbon (WLC) statement was of poor quality. There is also the assertion that because the new build scheme was larger than the assessment was flawed and was the reason for the results as outlined. This assertion is incorrect. As per Council policy and guidance we do not use 'comparison WLCs' to approve or refuse applications but only to check if once demolition is justified that a replacement is within the benchmarks for WLC. It should also be noted that the WLC results we consider are by m2 and therefore the size does not matter.
- 5.22** In paras 5.42 – 5.46 the appellant discuss the updated brick condition study and claiming that this demonstrates the poor condition of the bricks and that the work to restore is not proportionate to the value of the property. Firstly the value of the property is not a material consideration to the planning assessment. It is noted that the brick condition study confirms that a proportion of the bricks would need to be replaced within the next ten years. However this work is part of the general maintenance and repair of buildings it does not, as CC1 requires, demonstrate that the existing building cannot be retained or improved upon.
- 5.23** A refurbishment and extension option could improve facing brickwork, and

the sustainability of the building through insulating walls, floors, and roof. No details of this has been provided

- 5.24** Retaining existing buildings provides greater environmental benefits. Retention should be the starting point as this will usually be the most sustainable option as it can make an immediate contribution toward the Mayoral objective of London becoming a zero carbon city by 2030, as well as reflecting the need to both move towards a low-carbon circular economy (set out in Good Growth objective GG6 – Increasing efficiency and resilience) and to push development up the waste and energy hierarchies (see Policy SI 2 – minimising greenhouse gas emissions; and Policy SI 7 – reducing waste and supporting the circular economy).
- 5.25** A climate emergency has already been declared and that means action needs to be taken now. Buildings that can be repurposed, refurbished and / or extended can reduce the upfront embodied carbon emissions over building new. New building construction is responsible for a great deal of emissions due to the extraction of raw materials, processing into products, transport, and construction. Transforming or refurbishing an existing building prevents demolition and can keep resources that have already been processed in use for longer. This reduces the need to extract and process additional virgin materials reducing carbon emissions as well as minimising waste.
- 5.26** It is usually possible to retrofit existing buildings to a high energy efficient standard and install low carbon heating systems without demolition. With the electrification of heat and decarbonisation of the grid the in use carbon of the building for heating and lighting is a declining proportion of the carbon impact of the building. Research from Heritage Counts ([There's no place like old homes: Reuse and recycle to reduce carbon](#)) noted that the carbon emissions of historic buildings could be reduced by over 60 percent by 2050 through refurbishment and retrofit. A whole house approach to retrofit can identify balanced solutions that save energy, sustain heritage significance, and maintain a comfortable and healthy indoor environment (Historic England).
- 5.27** If there are no significant structural issues, and there are no reasons to suggest that the building cannot be retained or improved upon, or the site forms part of a wider scheme which seeks to significantly increase capacity for homes the proposal should be dismissed in accordance with Local Plan Policy CC1 e.
- 5.28** Paras 5.47 – 5.55 then discuss the updated WLC statement which has been provided to the Council in an attempt to demonstrate the sustainability credentials of the building. To be clear the appellants have failed to followed the development option hierarchy as outlined in the Council's Energy and Efficiency CPG and policy CC1. This is also outlined in London Plan policy D3. Before any WLC statements are assessed the applicants need to make the case to demolish the building and need to explore other development options. If it has been demonstrated to the Councils satisfaction, that the other development options are not feasible and demolition is the only viable

option then, and only then, the Council can accepted the principle of demolition and then look to assess the WLC statements of new build schemes. It is clear this process has not been followed and therefore the Council cannot accept the principle of demolition. It is also important to note that pre-demolition audit should be provided as well however the Council was not sent this.

- 5.29** In any case the WLC statement confirms that the refurbishment is in fact a little less whole life carbon intensive than the new build option.

Should the inspector be minded to allow the appeal, the following S106 matters and conditions are recommended

S106 reasons for refusal 3-5 (2022/2529/P)

- 5.0** Reasons for refusal (RfR) 3-5 could be addressed by an appropriate S106 planning obligation. The Council is liaising with the appellant to prepare a legal agreement which addresses these RfR in respect of the planning appeal.
- 5.1** Council demonstrates below that the requirements are justified against relevant planning policy and meet the tests laid out in the National Planning Policy Framework (particularly paragraphs 54-57) and the Community Infrastructure Levy (CIL) Regulations 2010 (in particular Regulation 122(2) which requires that for a planning obligation to constitute a reason for granting planning permission it must be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development).
- 5.2** Given this context, at the time of writing the Council has not resolved the legal agreement document and therefore the Council reserves the right to comment further upon its contents at a later stage of the appeal proceedings.

5.3 Reason 3- Construction Management Plan and Impact bond

“The proposed development, in the absence of a legal agreement securing a construction management plan and construction impact bond, would be detrimental to the amenity of neighbouring occupiers contrary to policies A1 (managing the impact of development) and A5 (basements) of the Camden Local Plan 2017..”

- 5.4** The Local Plan policy A1 states that Construction Management Plans (CMPs) should be secured to demonstrate how developments would minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The appeal proposal would involve significant works due to the construction of large buildings on the site. A CMP would be required in order to address the issues around how the demolition and construction work would be carried out and how this work would be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The failure to secure a CMP by S106 would give rise to conflicts with other road users and be detrimental to the amenities of the area generally.
- 5.5** Given the location of the site, construction of the proposed development will need to be carefully managed. This would be best achieved by securing a Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500 by means of the Section 106 Agreement. This will help to ameliorate the impact of construction activities on the operation of the local highway network and neighbouring

amenity.

- 5.6** A planning obligation is considered to be the most appropriate mechanism for securing compliance with a CMP in this case simply because a considerable extent of the activity during construction could cause conflict with other road users and users of both car parks. It would also be detrimental to the amenity of the area and will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed demolition/construction works which should be controlled by a CMP include traffic generation from removal and delivery of materials to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users.
- 5.7** Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and/or highway safety on the nearby roads, hence using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.
- 5.8** Conditions can only lawfully be used to control matters on land within the developer's control. Many of the CMP provisions will relate to off-site requirements, particularly public highway (which is not land within the developers' control). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism. This is in accordance with Planning Practice Guidance which states that conditions requiring works on land that is not controlled by the applicant often fails the tests of reasonability and enforceability.
- 5.9** *CIL Compliance:*
The CMP and associated contribution is considered to be CIL compliant as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. It is also directly related to the development and fairly and reasonably related in scale and kind as it relates to managing impacts to neighbours and on the surrounding highways from construction at the site.

5.10 Reason 4- Approval in Principle

"The proposed development, in the absence of a legal agreement securing an Approval in Principle Plan and associated monitoring fee, would be likely to be detrimental to general highway and pedestrian safety, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017..

- 5.11** Given the proximity of the proposed light wells to the public highway, it will be necessary to secure an Approval in Principle (AiP) and corresponding fee of £1,938.83 by means of the section 106 agreement. This will help ensure that the structural integrity of the footway is maintained through the

construction process.

5.12 CIL Compliance

The Approval in Principle contribution is considered to be CIL compliant as it ensures that the development is acceptable in planning terms to necessarily account for the impact on the public highways in relation to construction

5.13 Reason 5- Highways Contribution

The proposed development, in the absence of a legal agreement securing financial contributions towards highways works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of London Borough of Camden Local Plan 2017.

- 5.14** The appeal scheme would lead to the existing vehicle crossover becoming redundant. The adjacent footway could also be damaged during construction works and it will therefore be necessary to secure a Section 106 Highways Contribution for removing the crossover, reinstating the footway over and repaving the adjacent footway to repair any damage caused. A highways cost estimate will be sent at final comments stage.

5.15 CIL Compliance

The Highways contribution is considered to be CIL compliant as it ensures that the development is acceptable in planning terms to necessarily account for the impact on the highways in relation to construction.

6.0 CONCLUSION

- 6.1** The Council has set out above the reasons why planning permission should not be granted and why the scheme is unacceptable in terms of the lack of justification for demolition and proposed unsustainable development. It is thus considered to be contrary to policies CC1 of the Camden Local Plan 2017. Furthermore, a S106 legal agreement would be required to secure a CMP and impact bond, highways contribution and Approval in principle

- 6.2** The Inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning application.
- 6.3** Without prejudicing the outcome of the appeal, should the Inspector be minded to approve the appeal, the Council suggest conditions that would that would mitigate the impact of the development in appendix 3. A draft legal agreement will be forwarded in due course.

7.0 LIST OF APPENDICES

Appendix 1 – Officers’ delegated report for appealed application (2022/2529/P)

Appendix 2 – Application Decision Notice

Appendix 3 – Suggested conditions

Council Contacts:

Lead Officer – Ewan Campbell

Email:

Ewan.campbell@camden.gov.uk

Tel: 020 7974 5458