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Appeal site: 139-147 Camden Road, Camden, London , NW1 9HJ
Appeal by: Mr Vijay Pindoria

Proposal: Erection of 3 storey residential building comprising 5 flats, with ground floor bin and bicycle stores and frontage paving and planting

I refer to the above appeal against the Council's refusal to grant planning permission dated 06/06/2024. The Council's case is set out in the Officer's delegated report. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1. Background

- 1.1. There is a history of planning applications for residential development at the site. The history can be viewed within the Officer report for the application the subject of this appeal. In 2010 and 2011 planning applications were submitted and refused for a 6 storey and a 5 storey building, both to provide 9 residential units. The reasons for refusal are set out in the report.
- 1.2. However, of major significance to the application the subject of this appeal is 2022/4293/P for the 'Erection of 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting' which was refused on 06/03/2023 and dismissed on appeal on 05/01/2024. There were 8 reasons for refusal (3 substantive and 5 relating to items required by way of a S.106 agreement). In

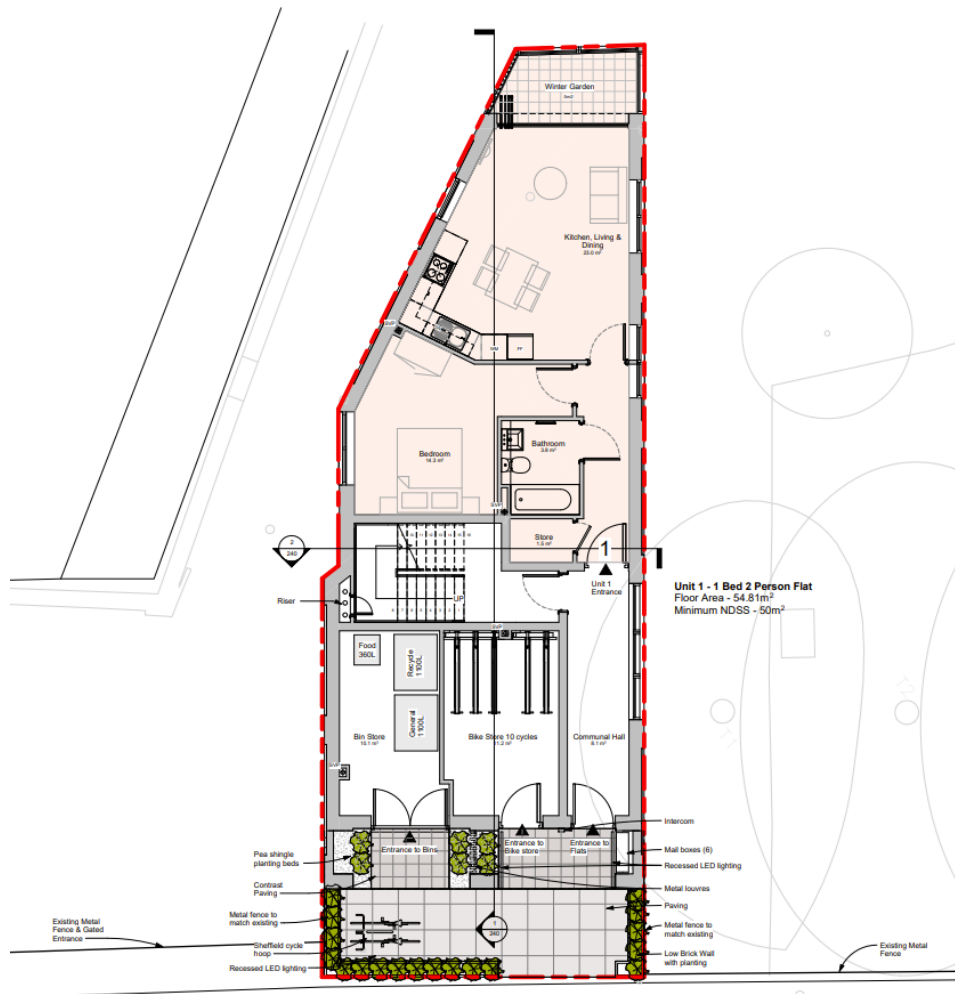
dismissing the appeal, the Inspector agreed with the first two substantive reasons for refusal (namely, harm to the character and appearance of the area, including Camden Square Conservation Area and Canteloves Gardens and unsatisfactory living conditions for future occupiers with regard to access and the layout of units. Note: The proposed level of public benefits were not assessed to outweigh the minor harm to the Conservation Area). The Inspector did not agree with the Council on the third substantive reason for refusal, vis: *'The proposed development, in the absence of an air quality assessment, and appropriate mitigation therein, is likely to be harmful to the living conditions of future occupiers. It may also result in emissions which would impair the air quality in the area'*.

- 1.3. It is fair to say that the application the subject of this appeal principally attempts to address the reasons for the dismissal of the appeal of application 2022/4293/P by reducing the height of the proposal by one storey and amending the configuration of the units to address the Council's concerns in relation to the standard of residential accommodation and requirements for accessibility for all users. However, as will be seen, the proposed amendments are not considered to overcome the Council's concerns in relation to design and the effects on the character and appearance of the area, including the Camden Square Conservation Area and Canteloves Gardens, and there are also now concerns over the lack of large units and non-compliance with the Council's dwelling size priorities (in addition to the 5 items of infrastructure which are required by way of a S106 agreement which has not been completed).

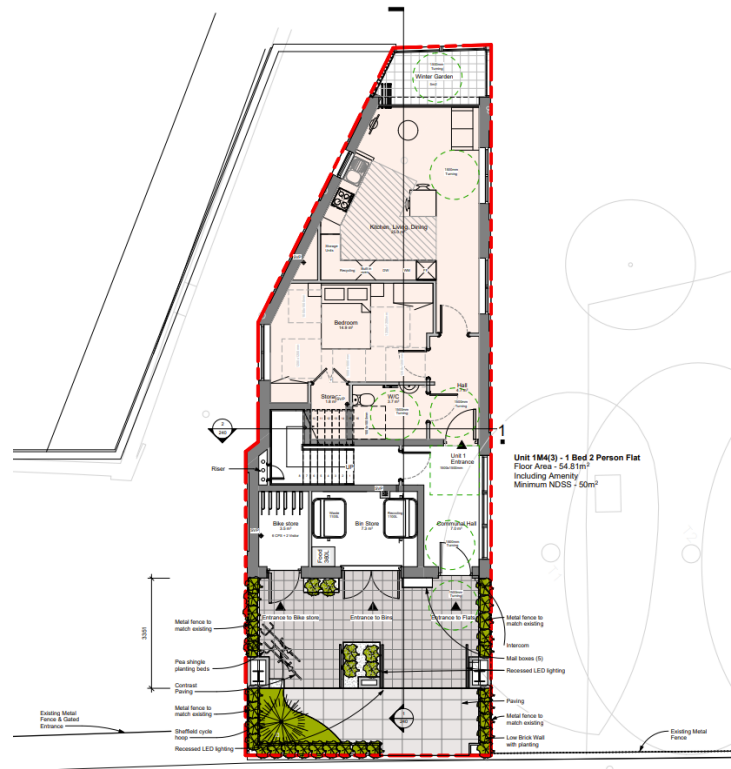
The refused application the subject of this appeal, i.e. 2024/1014/P:

1.4. On 06/06/2024 planning permission was refused for the 'Erection of 3 storey residential building comprising 5 flats, with ground floor bin and bicycle stores and frontage paving and planting'. The development would comprise: 3 x 1 bed 2 person flats and 2 x 1 bed 1 person studios. The building would also include a 7.3 sq m bin store and a 3.5 sq m bicycle store for 6 cycles, both situated on the ground floor at the front. The front of the site would be paved and planted and 2 visitor cycle spaces would be provided.

1.5. The footprint of the building would be similar as for the previous application:



Proposed ground floor plan – Application - 2022/4293/P



Proposed ground floor plan – Appeal proposal – 2024/1014/P

- 1.6. As per the previous application, the proposed building would occupy the full width of the site (importantly, extending up to the boundary with Cantelowes Gardens) and it would effectively extend to the rear of the site (also abutting the park). Also, like under application 2022/4293/P it would be set back 2m from the front of the site and the back edge of the pavement.
- 1.7. The building itself would be 3 storeys in height with a 3.35m paved/landscaped undercroft on the ground floor.
- 1.8. In terms of design it would also be similar to the previous application. At the rear it would include small winter gardens for the rear flats on all levels. The first and second floor flats would have inset side terraces (onto Cantelowes Gardens). The walls would be of grey brick with soldier courses and recessed darker brick bands on all four elevations. A variety of rectangular windows would be formed on all elevations, with full height glazed windows/doors on all elevations. The front elevations of the previous application (2022/4293/P) and current proposal (2024/1014/P) are below:



Proposed North West Elevation

2022/4293/P – Proposed Front Elevation



Proposed North West Elevation

2024/1014/P – Proposed Front Elevation

1.9. The application was refused for two substantive reasons and five reasons relating to the lack of items required to be secured by way of a completed S.106 agreement.

1.10. The first reason for refusal of the application the subject of this appeal was identical to the first reason for the refusal of the previous application, 2022/4293/P (also dismissed at appeal), vis:-

‘The proposed development, by reason of its combined height, mass, extent of site coverage and its detailed design would fail to respect the context and character of the area, including the adjacent Camden Square Conservation Area and it would harm the setting, character, landscape value and openness of the adjacent open space and trees of Canteloves Gardens contrary to policies A2 (Open Space), A3 (Biodiversity), D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies D3 (Design Principles), GO1 (Local Green Spaces) and SSP7 (Small sites and infill developments) of the Kentish Town Neighbourhood Plan 2016’

1.11. The second substantive reason for refusal of the application the subject of this appeal relates to the proposal to provide all 1 bedroom flats and failing to contribute to the creation of mixed, inclusive and sustainable communities and addressing the mismatch between housing needs and existing supply.

1.12. The items required to be secured by way of a completed S106 agreement, detailed in reasons for refusal 3 to 7 were: affordable housing, car free development, highways contribution, a vehicle maintenance unit operational statement and a construction management plan (CMP).

2. Planning history

2.1. As stated above (Background) there is a history of planning applications for residential development at the site. However, the KEY application and decision is 2022/4293/P which was refused on 06/03/2023 and dismissed on appeal on 05/01/2024, for 'Erection of 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting'. This application will be referred to below under the reference number, 2022/4293/P.

3. Status of policies and guidance

3.1 Please see Officer report.

3.2 Please also note: 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. It is not considered that there would be any material amendments in relation to this appeal.

4. Council Statement of Case on Reasons for Refusal

4.1 Reason for refusal 1 : *The proposed development, by reason of its combined height, mass, extent of site coverage and its detailed design would fail to respect the context and character of the area, including the adjacent Camden Square Conservation Area and it would harm the setting, character, landscape value and openness of the adjacent open space and trees of Canteloves Gardens contrary to policies A2 (Open Space), A3 (Biodiversity), D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies D3 (Design Principles), GO1 (Local Green Spaces) and SSP7 (Small sites and infill developments) of the Kentish Town Neighbourhood Plan 2016.*

4.2 In the first instance please see paras 2.3.1 to 2.3.13 of the Officer report. The underlying message is that the appeal proposal (notwithstanding a reduction in

height by one storey from application 2022/4293/P) is still considered to result in significant harm to the local character due to the proximity to the back of the pavement and the occupation of the full width of the plot. These features affect the dominance of the proposal on the streetscene and enclosure to the open space to the north, in conflict with Local Plan Policies D1f. And D1j. The proposed development presents a sheer 9.2m high, 19.5m long elevation to Canteloves Gardens. Whilst the height reduction affects the overall scale, it does not adjust the location and site coverage, which were previously identified as contributing towards significant harm to the character and appearance of the area.

- 4.3 Another change is the inwards adjustment of the ground floor, however the frontage line of the building remains unchanged from the previous application, set back 2m from the pavement edge and including a 1m deep projecting canopy. This continues to create a harmful impact on the street scene and causes enclosure of the neighbouring open space. The enclosure provided by the columns at ground level combined with the bulk of the floors above mean that this change at ground floor has minimal impact on the bulk and site coverage. It does however increase the size and therefore prominence of the undercroft which is considered to present a risk of anti-social behaviour.
- 4.4 The design of the layout and form of the building is considered to conflict with Policy D1. In line with Policy D1e, the elevational design should show a respect for local context and character with details and materials of the highest quality. The local character is predominantly of a singular 'London stock' brickwork treatment, often with large areas of stucco render. Window openings are of a domestic scale and expressed simply as openings within the brickwork, or framed with render to present a subtle hierarchy to the elevation.
- 4.5 The design proposal includes two colours of brickwork; grey brickwork and buff brick, which is not labelled on elevation drawings but assumed from the example projects included. The selection of a grey brick and the contrast between materials across the facades shows a lack of respect to the locality and creates a façade expression that is out of keeping with existing character, acting to exaggerate the overall bulk. To the front elevation, grey brickwork surrounds the first and second floor window openings leaving a narrow grid of buff brick that does not complement the local character, where openings are smaller and simply framed. The decorative 'feature brickwork' details included may provide relief from the single planes of brickwork, but their ad-hoc locations are unsympathetic and contribute to the confused architectural language compared to the simple honesty of the buildings found locally.
- 4.6 The ground floor facing on to Camden Road does not contribute positively to the street frontage, as required under Local Plan Policy D1f. The detailed design of the entrances leaves a significant proportion of inactive frontage through blank

doors and an undercroft that has no surveillance from within the building. This fails to address Local Plan Policy D1i regarding security.

4.7 Local Plan Policy D1o. requires the careful integration of building services equipment. The design drawings show solar panels on the roof as the only building services equipment. It is suspected that further equipment would be required to service the proposals and that these have not been included within the submission. The design of the materials and details for the building is considered to conflict with Policy D1e., D1f., D1i. and D1o.

4.8 The Council expects excellence in architecture and design as outlined in Policy D1, and on such prominent sites a careful scrutiny of design is required. The applicant has not had any preapplication advice addressing design since the previously refused application. The applicant has previously been advised that proposals are assessed by Camden's Design Review Panel (DRP), an independent and impartial panel of built environment experts. Neither this application, or the previous application have received a DRP review

Comments in response to appellant's grounds of appeal against Reason for Refusal 1

4.9 Paras 2.1 – 2.34 of the appellant's statement of case relate to the first reason for refusal. Within paras. 2.3 – 2.9 the appellant seeks to establish the context and character of the area. It is a matter of fact that the site sits adjacent to the Camden Square Conservation Area which, as the appellant correctly points out, is characterised primarily by period 3-4 storey residential properties with Victorian features such as front bays, large timber sash windows with architraves, hipped tiled roofs, upper ground floor entrances with stone steps, pilasters and canopies etc. The buildings have distinctive, traditional gaps at the side, soft landscaped front gardens and low level brick boundary treatments, with some hedges. This character, complemented by the neighbouring natural open space and landscaping of Canteloves Gardens, sets a strong identity to Camden Road of low-scale semi-detached pairs and greenery, with set-back frontages that include planted space between the pavement and building line. Directly to the north, within Canteloves Gardens, sit a row of 5 trees and wildlife area. The closest tree is sited in very close proximity to the site boundary with a canopy that overhangs the boundary.

4.10 The setting of Conservation Areas is a policy consideration at national, London and local (LB Camden) level. The glossary of the NPPF notes that 'Significance derives not only from a heritage asset's physical presence, but also from its setting'. The London Plan policy on Heritage Conservation notes that 'Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental

change from development on heritage assets and their settings should also be actively managed'. Finally, policy D2 (Heritage) of the Camden Local Plan indicates the need to preserve the 'settings' of heritage assets: 'The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets'. As such, the significance and character of the Conservation Area should not be under-played and has been rightfully taken into consideration in the Council's case.

- 4.11 The Council is also of the view that the significance of the site on the north side of Camden Road is also down-played. The site occupies a prominent location, immediately alongside the open and prominent park, with high visibility both within the immediately neighbouring area and within long views up and down Camden Road. The appellant has referred to neighbouring commercial and 3 - 4 storey development. However, the site does not sit within an established, defined pattern of commercial or 3 – 4 storey development. The site relates much more closely to the immediately adjoining park and the immediately adjoining Conservation Area. Certainly, the Council does not agree (para 2.9) that the site sits within a patchwork of 3 – 4 storey buildings.
- 4.12 The Council would urge the Inspector not to be side-tracked by the linguistics within paras. 2.11 – 2.13 of the Statement of Case. Policy D1 (Design) of the Local Plan (alone) calls for high quality design which incorporates high quality design and materials and complements the character (as described above). This is also followed up in paragraph 7.3 and 7.4 of Policy D1. It is clear that the Council expects high quality architecture and design and that this is enshrined in Local Plan policy. The notion that the proposal complements the area raises serious questions about both how policy compliant the scheme and how much attention and duty was paid to providing a high quality design.
- 4.13 With regard to the height, mass and extent of site coverage, and its detailed design, these matters are discussed in the Officer report (and above section). In their Statement of Case, the appellant appears to suggest (paras. 2.24 – 2.25) that in reducing the height of the building the previous design concerns are (substantially) overcome. This is a very simplistic argument which fails to address the relevant design criteria. The Officer report clearly indicates that the height alone is not the concern. It is the culmination of height, mass, extent of site coverage and detailed design which is inappropriate. So merely looking at the height does not tell the whole story.

4.14 In terms of layout and site coverage, the appellant indicates (paras 2.26 – 2.30) that the proximity to the pavement is partly due to the need accommodate size and space standard compliant units on the site. However, this argument runs counter to the requirement to determine planning applications in accordance with all the relevant considerations. The constraints of the site are not a valid reason for disregarding certain policies, i.e. those relating to urban design. The Council's concerns in relation to the siting at the front and the inappropriate appearance, sense of enclosure and inappropriate spacing are detailed in 4.3 above. The proximity to the pavement and the siting and treatment of the building are inappropriate to the prominent and open nature of the site opposite the Conservation area and next to the park. It is for the development to respond to the context and character of the site. The limitations of the site and the analytics of the development should not be factors which result in the erosion of the design criteria which the Council is seeking to uphold.

4.15 Reason for refusal 2: The proposed development, by reason of only providing 1 bedroom units and failing to contribute to the creation of mixed, inclusive and sustainable communities and addressing the mismatch between housing needs and existing supply is contrary to policy H7 (Large and small homes) of the London Borough of Camden Local Plan 2017.

4.16 The Council's case is set out in paras. 2.6.1 and 2.6.2 of the Officer report.

4.17 The appellant, in his Statement of Case, notes that 1 and 2 bedroom units are defined as smaller units in the Local Plan. However, the Dwelling Sizes Priorities table in policy H7 provides greater detail on the housing needs in the Borough and classifies dwelling needs by 1 bedroom, 2 bedroom, 3 bedroom and 4 or more bedroom units, according to household sizes in the Borough. The previous application included 2 bedroom units which are noted as being of higher priority in the Dwelling Sizes Priorities Table. The appeal proposal proposes 100% 'lower priority' one bedroom units.

4.18 The argument that, regardless of the dwelling sizes, the development would meet housing needs, does not tick the boxes. The need for 2 and 3 bedroom units is clearly identified in paras. 3.186 – 3.188 of the Local Plan. Para 3.191 of the policy confirms: 'However, we consider that each development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall'.

4.19 Furthermore, it is not accepted that a larger unit cannot be provided. On the ground floor it is acknowledged that it may not be possible to provide a 2 or more bedroom unit given the need for a communal entrance/access/ waste and recycling store and cycle store but the first and second floors should be big enough

to enable the provision of a two or more bedroom unit even given any design amendments which the Council is seeking to overcome the first reason for refusal.

Reasons for refusal 3 – 7 :

4.20 Reasons for refusal 3 - 7 all relate to items of 'off-site' infrastructure or contributions towards such items which are required off-site, in accordance with relevant Development Plan policies.

4.21 A S106 agreement is considered the most appropriate mechanism for securing planning obligations that are outside of the development site. The level of control is considered to go beyond the remit of a planning condition, partly because the obligation is registered under the property, and not just by way of a condition to be complied with under the planning permission. The use of a legal agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that the planning obligations are secured to the property. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed.

4.22 The appellant's Statement of Case, indicates that reasons for refusal 3 - 7 could be overcome by completing a legal agreement to secure the provision of the items mentioned therein. The Council has drafted a draft legal agreement which has been sent to the applicant. At the time of writing while they have indicated that they would be prepared to enter into a S106, the legal agreement has not been signed by the applicant and therefore reasons for refusal 3 – 7 remain. PINs will be updated at Final Comments stage.

4.23 The Officer report sets out the need for the S106 matters, as follows:

- Affordable housing contribution (£79,500) – Sections 2.7.1 – 2.7.3 of Officer report
- 'Car free development' – prevention from obtaining car parking permits – Section 2.8.4 of Officer report
- Highways contribution (£11,653.71) – Section 2.8.5 of Officer report
- Vehicle Maintenance Unit Operational Statement – Section 2.8.6 of Officer report
- Construction Management Plan and Implementation Support Contribution (£4,194) and Impact Bond (£8,000) – Section 2.8.7 of Officer report

4.24 Current government guidance on the application of Section 106 is contained within the Planning Practice Guidance (NPPG) on Planning Obligations and the Use of Planning Conditions. The planning obligations identified by the Council comply with the guidance in that they are:

- necessary to make the development acceptable in planning terms as identified by the relevant development plan policies;
- directly related to the occupation of the residential units being part of the development; and
- fairly and reasonably related in scale and kind to the residential units.

4.25 Further commentary on the S106 matters if provided below:

Reason for refusal no.3 (Affordable Housing)

4.26 The GIA of the building is measured at 265 sq m. This floorspace equates to capacity for three dwellings to be provided, and a contribution equating to 6% of the floorspace towards affordable housing should therefore be made. The payment-in-lieu in the Council's Housing CPG is £5,000 per sqm. 6% of 265 sqm is 15.9 sqm and a contribution of 15.9 sqm x £5,000 = £79,500 is therefore required.

4.27 The contribution is necessary in planning terms as identified in the development plan to mitigate against the increased impact that will be generated by the development. The contribution has been calculated taking into account the particular characteristics of the development, it is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Reason for refusal no.4 (car-free)

4.28 The Council's adopted policies T1 and T2 seek to limit the opportunities for parking within the borough as well as prioritise the needs of pedestrians and cyclists to ensure that sustainable transport will be the primary means of travel, reduce air pollution and local congestion. The appeal site is located within a Controlled Parking Zone (CA-D) and has a PTAL rating of 4. Therefore, the development should be secured as car-free through via a covenant under s.16 of the Greater London Council (General Powers) Act 1974 and other local authority powers if the appeal were allowed.

4.29 A planning obligation is considered the most appropriate mechanism for securing the development as car-free as it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car-free. The level of control is considered to go beyond the remit of a planning condition. Furthermore, a legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car-Free". The Council's control

over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council's control is derived from Traffic Management Orders ("TMO"), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The Council could not practically pursue an amendment to the TMO in connection with every application where an additional dwelling/use needed to be designated as car-free. Even if it could, such a mechanism would lead to a series of disputes between the Council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a "Car-Free" legal obligation. The TMO sets out that it is the Council's policy not to give parking permits to people who live in premises designated as "Car-Free", and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car-Free".

- 4.30 Use of a legal agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

Reason for refusal no.5 (Highways Contribution)

- 4.31 A highways contribution of £11,653.71 should be secured by means of a Section 106 Agreement. This is for removing the vehicular crossover which serves the site, reinstating the footway and repaving the footway adjacent to the site.
- 4.32 The Highways contribution is considered to be NPPG 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.

Reason for refusal no.6 (Vehicle Maintenance Unit Operational Statement)

- 4.33 A Vehicle Maintenance Unit Operational Statement has been submitted, in which it is confirmed that the site is used for car parking in association with the existing adjoining MOT/vehicle servicing garage which is owned by the applicant. The Vehicle Maintenance Unit Operational Statement then explains that the existing MOT/vehicle service operator (Autodeutsche) will cease operating at the site and that the applicant will then take over and operate the building as a satellite site to their existing site at 387 Camden Road (Holocene Motors). The intention is to dedicate the site to Electric Vehicle maintenance. The Vehicle Maintenance Unit Operational Statement confirms that the business will be undertaken in the building only. The long established vehicular access to the building from Sandall Road will be used and the vehicular access, manoeuvring and parking which will be necessary for the business to operate will all be accommodated within the building

4.34 The Vehicle Maintenance Unit Operational Statement is considered sufficient to overcome concerns regarding the loss of the existing car park and the potential for vehicle parking to be displaced onto the adjacent roads, in particular Sandall Road. The Vehicle Maintenance Unit Operational Statement should be secured by means of the Section 106 Agreement as it covers matters outside the red line boundary, namely the prevention of overspill parking on adjacent roads.

Reason for refusal no.8 (Construction Management Plan)

4.35 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.

4.35 Given the location of the site immediately adjacent to a Red Route, where no stopping is permitted at any time, 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 £4,194 and Impact Bond of £8,000 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.

4.36 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 carparks. 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.

4.37 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.

4.37 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 Conclusion

5.1 Based on the information set out above, and having taken account of all the appellant's arguments and additional information submitted, the Council maintains that the proposal is considered to be unacceptable for the reasons given.

5.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

5.3 For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions below and a draft S106 is to follow.

APPENDIX A – Suggested conditions

Conditions

1	<p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:</p> <p>a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, Juliet balconies, external doors and gates;</p> <p>b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).</p> <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing Nos: 100, 101, 200, 210, 211, 212, 213, 220, 240, 241, 250, 251, 252, 253, 254, 255, 256, 257</p> <p>Arboricultural Impact Assessment (Landmark Trees - October 2022) Construction Management Plan Pro-forma GEA Desk Study Report (September 2022) Energy and Sustainability Statement (EEABS - September 2022) Design & Access Statement (Engine Room - February 2024) Noise and Vibration Assessment (Venta Acoustics - September 2022) Vehicle Maintenance Unit Operational Statement</p>

	<p>Planning Statement (Bell Cornwell - February 2024) Air Quality Assessment (Ardent Engineers - June 2023) Camden Air Quality Pro-forma</p>
4	<p>All habitable rooms exposed to external transport/commercial noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.</p> <p>No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.</p> <p>Reason: To ensure that the amenities of future occupiers are protected in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017</p>
5	<p>The maximum day time noise level in outdoor living areas exposed to external transport noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.</p> <p>Reason: To ensure that the amenities of future occupiers are protected in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017</p>

6	<p>No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s^(1.75) 16 hour day-time nor 0.26 m/s^(1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.</p> <p>Reason: To ensure that the amenities of future occupiers are protected in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017</p>
7	<p>Enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ shall be at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.</p> <p>Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017</p>
8	<p>Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays No works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.</p> <p>Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017</p>

9	<p>Prior to the first occupation of the development hereby approved, the 6 long stay cycle parking spaces and 2 short stay cycle parking spaces shown on drawing 210 shall be provided. The aforementioned cycle parking spaces shall be permanently retained thereafter.</p> <p>Reason: To ensure the provision of adequate cycle parking spaces in accordance with policy T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.</p>
10	<p>Part A: No development shall commence until a site investigation is undertaken and the findings are submitted to and approved in writing by the local planning authority. The site investigation should assess all potential risks identified by the desktop study and should include a generic quantitative risk assessment and a revised conceptual site model. The assessment must encompass an assessment of risks posed by radon and by ground gas. All works must be carried out in compliance with LCRM (2020) and by a competent person.</p> <p>Part B: No development shall commence until a remediation method statement (RMS) is submitted to and approved in writing by the local planning authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This document should include a strategy for dealing with previously undiscovered contamination. All works must be carried out in compliance with LCRM (2020) and by a competent person.</p> <p>Part C: Following the completion of any remediation, a verification report demonstrating that the remediation as outlined in the RMS have been completed should be submitted to, and approved in writing, by the local planning authority. This report shall include (but may not be limited to): details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil and waste management documentation. All works must be carried out in compliance with LCRM (2020) and by a competent person.</p> <p>Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other</p>

	<p>offsite receptors, in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.</p>
11	<p>Prior to the commencement of development, details of a solar panel array and associated Energy & Sustainability Statement to achieve a 20% reduction in carbon emissions below Part L of 2013 Building Regulations shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the development and permanently retained thereafter.</p> <p>Reason: To comply with LB Camden and London Plan carbon reduction targets in the interests of climate change mitigation, in accordance with policy CC1 (Climate Change mitigation) of the Camden Local Plan 2017 and the London Plan 2023.</p>