

**TOWN & COUNTRY PLANNING ACT 1990
(AS AMENDED)**

**THE TOWN & COUNTRY PLANNING (INQUIRIES
PROCEDURE) (ENGLAND) RULES 2000 (SI 2000/1625)**

**PROOF OF EVIDENCE
of
JOE CUNNANE**

In connection with an appeal lodged by Zen Developments Ltd against the refusal of the London Borough of Camden Council to grant planning permission for the erection of a five storey building comprising 9 residential units, at;

**4 St. Augustine's Road
London
NW1 9RN**

PINS ref: APP/ X5210/A/13/2204277
LPA ref: 2013/1210/P
CTP ref: PR/CJ/5450/St Augustine's /Appeal/Proof

Date: November 2013

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1.0 Introduction

Qualifications and Experience

1. I am Joseph Christopher Cunnane. I have an honours degree in Urban Geography, a Diploma in Town Planning and I am a corporate member of both the Royal Town Planning Institute and the Irish Planning Institute. I have over 30 years of experience within the town planning field. I am Senior Partner in Cunnane Town Planning (“CTP”), a town planning consultancy practice I founded in 1985.
- 1.2 CTP advises a number of national and international clients and local planning authorities (“LPAs”) in the UK from offices in London and Manchester. CTP’s sister company, Cunnane Stratton Reynolds Ltd, of which I am a founding Director, also advises a similar range of private and public sector clients from offices in Dublin, Galway and Cork.
- 1.3 I have represented commercial client companies and local planning authorities throughout England on a wide range of public local inquiries for S78 appeals and local plan inquiries over the past 30 years.
- 1.4 The evidence which I have prepared and provide for this appeal reference APP/X5210/A/13/2204277 (in this proof of evidence) is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed herein are my true and professional opinions.

2.0 Site and Surrounding Area

- 2.1 The appeal site (“the Site”) is a triangular parcel of land measuring 0.06 hectares. The Site is situated in a prominent corner location at the junction of Agar Grove and Murray Street, and originally housed a pair of 19th Century Villas which were demolished in 1898 after the widening of the tunnel and railway which runs beneath the western part of the Site. It is now a vacant area of hardstanding which is enclosed by a 1.8 metre brick wall with two access points on Agar Grove and St. Augustine’s Road. A plan detailing the location of the Appeal Site is included at Appendix 10.
- 2.2 The topography of the Site is such that both Agar Grove and St. Augustine’s Road slope uphill from their junction with Murray Street. In the context of the Site, this represents a 0.4 and 0.8 metres difference respectively in height between the east and west ends of the Site.
- 2.3 The surrounding area is characterised by large four storey, semi-detached Victorian Villas raised above street level by their basements. The buildings date back to the 1860s and use a varied palette of materials which result in an interesting mix of brick and stucco rendered buildings. The absence of a building at 4 St. Augustine’s Road leaves a significant void in the visual coherence of the area, and exposes the side wall of 6 St. Augustine’s Road.
- 2.4 The Site is located within the Camden Square Conservation Area and is identified as a gateway location marking the entrance to the Conservation Area, but its derelict appearance makes a negative contribution to the character and appearance of the Conservation Area.

3.0 Planning History

- 3.1 The Site has been vacant for many years with no authorised or established use. The only lawful use of the site was as a builders yard on a temporary planning consent which expired in 1996. Since this time, the site has been subject to a number of unlawful uses, and was investigated by the London Borough of Camden (“the Council”) under reference EN11/0727. It was found that the site was used for the storage and repair of motor vehicles and the parking of caravans and porta-cabins for residential purposes. The site was substantially cleared following pressure on the tenant from the Council and freeholder. However, the site continued to be used for waste transfer and was in an untidy state. An ‘Untidy Land’ Notice was therefore issued under section 215 of the Town and Country Planning Act 1990 on 01/06/2012. Further details of this unlawful use are included at Appendix 15.
- 3.2 A number of planning applications have been made in relation to the site. In 2005, an application was made (ref: 2005/5127/P) proposing the use of the site for car and van hire, with an ancillary single-storey office building. The application was refused on 03/05/13 as the proposal would result in the loss of existing vacant and underused brownfield land and because the Council considered the Site to be suitable for residential use and that it should contribute to the Borough’s housing needs.
- 3.3 A further application was made (ref: 2005/0872/P) proposing the same use, but instead proposing a temporary porta-cabin. This application was refused on 31/08/05 as it was considered unacceptable with regards to visual amenity.
- 3.4 An application was then made in 2011(ref: 2011/6045/P) proposing use of the site for a car valet business. The application was refused on 13/02/12 as there was insufficient detail to prove whether the proposal could preserve or enhance the conservation area, whether it would affect highway and pedestrian safety, and whether the development would result in levels of noise detrimental to residential amenity.
- 3.5 Following the refusal of these applications, and a further period of the site being vacant, an application was made for the erection of a basement and part three, four and five storey building to create nine residential units (Class C3) plus associated disabled parking, cycle and refuse stores and landscaping (2008/4783). This application was

recommended for refusal by the Case Officer (Appendix 5) and refused planning permission (Appendix 6), for the following reason:

“The proposed development, by reason of its scale and design, would appear as an incongruous feature on this prominent site, failing to preserve or enhance the character of the Camden Square Conservation Area or the wider area contrary to policies B1 (General Design Principles) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006, guidance within the Camden Planning Guidance (2006) and Camden Square Conservation Area Statement”.

- 3.6 A further seven reasons for refusal related to the absence of a legal agreement for: car-free housing, affordable housing, a construction management plan, an open space contribution, an education contribution, a highway contribution, and a post-construction review to ensure compliance with the Code for Sustainable Homes Assessment.
- 3.7 A subsequent appeal (ref: APP/X5210/A/09/2110690) (Appendix 7) was dismissed on 28/01/2010. The Inspector concluded that having regard to its materials, window treatment, height and scale, the development would be a discordant and incongruous building that would detract from the street scene and overwhelm the junction, thus harming the character and appearance of the conservation area. The Inspector agreed that without a car free agreement the proposal would put the Controlled Parking Zone under further stress and upheld that reason for refusal. The Inspector stated that the absence of a legal agreement relating to the need for a construction management plan, off-site highway improvements and the absence of affordable housing did not justify dismissing the appeal. He further considered that there was not enough information to justify a highways contribution or open space/education contribution. It was considered that a sustainability assessment and post-construction review could be achieved by means of a suitably worded condition.
- 3.8 A revised application was submitted in 2010 by Damsonetti UK Ltd which proposed the erection of a basement and part three and four storey building of 1,214 sqm to create nine (7x 2 bed and 2x 3 bed) residential units (Class C3). The application was

recommended for refusal by the Case Officer (Appendix 3) and refused planning permission (Appendix 4) on 08/04/2011 for the following reason:

“The proposed development, by reason of its scale and design, would appear as an incongruous feature on this prominent site failing to preserve and enhance the character and appearance of the Camden Square Conservation Area or the wider area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of the London Borough of Camden Local Development Framework Development Policies”.

- 3.9 A further five reasons for refusal related to the absence of a legal agreement for: car-free housing, open space contribution, an education contribution, a highway contribution, and post-construction review to ensure compliance with the Code for Sustainable Homes. This refusal was not appealed.
- 3.10 The Appellant submitted an application on 01/03/13 proposing the erection of a five storey (lower ground floor + 4) building containing nine apartments (2x 2 bedrooms and 7x 3 bedrooms). The application (ref: 2013/1210/P) was recommended for approval by the Case Officer (Appendix 1), but was refused planning permission at Committee. The subsequent decision notice (Appendix 2), dated 22/08/13 set out nine reasons for refusal. Again, reasons 2-9 refer to the absence of a legal agreement and can be resolved by way of a Unilateral Undertaking. It is therefore considered that the primary reason for refusal is:

“The proposed development, by reason of its scale, massing and detailed design, would appear as an unsympathetic addition to the street scene and would fail to achieve the necessary quality of architectural design befitting of this prominent site. As such it would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s Heritage) of the London Borough of Camden Local Development Framework Development Policies.”

- 3.11 Following the refusal of the Appellant's original application (ref: 2013/1210/P) (Appendix 2), a revised application was submitted to the Council on 13 September 2013 (ref. 2013/5863/P) which sought to address the issues of scale and massing which were raised, for the first time, at the Committee Meeting. These issues were not raised over the course of the application process.

4.0 Planning Policy

- 4.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan, against which the appeal scheme is to be determined, comprises the London Plan, the Camden Core Strategy and the Camden Development Policies. Policy LU1 of the Camden UDP remains part of the development plan but is not relevant to this appeal as the site is not included in the Schedule of Land Use Proposals contained in this policy. The following policies of the development plan are relevant for present purposes:

The London Plan

Policy Description

3.4 Optimising Housing Potential

Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

3.5 Quality and Design of Housing Developments

Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and its attractiveness as a place to live. LPAs may, in their Local Development Frameworks, ("LDFs") introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

The design of all new housing developments should enhance the quality of local places, taking into account physical context, local character, density, tenure and land use mix. Account should also be taken of relationships with, and provision of, public communal and open spaces, having particular regard to the needs of children and older people.

LDFs should incorporate the minimum space standards that generally conform to Table 3.3. Both the Mayor, and LPAs should seek to ensure that new development reflects

these standards. The design of all new dwellings should also take account of factors relating to ‘arrival’ at the building and the ‘home as a place of retreat’, have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process.

Policy Description

CS1 Distribution of Growth

The Council will seek to focus development in suitable locations and achieve sustainable development, opportunities and benefits to make Camden an attractive place to live, work and visit. It will promote appropriate development in highly accessible locations and limit growth elsewhere. The Council will encourage development to make full use of its site, while still taking into account its overall impact.

CS4 Areas of More Limited Change

Parts of the Borough outside of the growth areas and other highly accessible locations will experience more limited growth. Development within these areas will need to respect the character, heritage and other important features of the area.

CS5 Managing the Impact of Growth and Development

Development will need to meet the full range of objectives set out in the Core Strategy and other LDF documents, with particular consideration given to uses that meet the needs of Camden’s population, provide infrastructure and facilities needed to support Camden’s population, providing sustainable buildings of the highest quality, and by protecting and enhancing the environment, heritage and amenity of the area. The impact of a proposed development will need to fully consider its impact on neighbours, and where required, provide mitigation measures.

CS6 Providing Quality Homes

The Council will make full use of Camden's capacity for housing by maximising the supply of additional housing, providing 4,370 self-contained homes between 2007 and 2017 and 6,550 self-contained homes between 2010 and 2025. It will seek to secure

high quality affordable homes, with at least 50% of these targets providing affordable homes. A contribution to affordable homes may be required where it is found that it is not feasible to provide them on site.

Camden Development Policies

DP2 Making Full Use of Camden's Capacity for Housing

The Council will seek to maximise the supply of additional homes by expecting the maximum appropriate contribution to the supply of housing on sites that are underused or vacant, and by resisting alternative development of sites considered particularly suitable for housing.

DP3 Contributions to the Supply of Affordable Housing

The Council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. The Council considers that a floorspace of 1,000 sq m (gross) is capable of accommodating 10 family dwellings, and will expect that all residential developments that would provide an additional floorspace of 1,000 sq m (gross) to make a contribution to the supply of affordable housing.

DP5 Homes of Different Sizes

The Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes. All residential development should contribute to meeting the priorities set out in the Dwelling Size Priorities Table.

| Dwelling Size Priorities Table | | | | | |
|--------------------------------|--------------------------|------------|------------|-----------------------|-----------|
| | 1-bedroom (or studio) | 2-bedrooms | 3-bedrooms | 4-bedrooms or more | Aim |
| Social Rented | Lower | Medium | High | Very high | 50% large |
| Intermediate affordable | Lower | Very high | Medium | Medium | 10% large |
| Market | Lower | Very high | Medium | Medium | 40% 2-bed |

DP6 Lifetime Homes and Wheelchair Housing

All housing developments should meet Lifetime Homes standards. 10% of homes developed should either meet wheelchair housing standards, or be easily adapted to meet them.

DP16 The Transport Implications of Development

The Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links. Developments should make appropriate connections to highways and street spaces, in accordance with Camden's road hierarchy, and to public transport networks. Developments will need to assess and address any need for additional transport capacity off-site.

DP17 Walking, Cycling and Public Transport

The Council will promote walking, cycling and public transport use, and developments should make suitable provisions for this. Where appropriate, development will also be required to provide for interchanging between different modes of transport. This may include improvements to footways and cycleways, signage, seating, cycle parking, workplace showers and lockers, safe road crossings, bus stops, shelters and timetable information. The council will resist development that would be dependent on travel by motor vehicles.

DP18 Parking Standards and Limiting the Availability of Car Parking

The Council will seek to ensure that developments produce the minimum necessary car parking provision. The Council will expect car free development in the Central London Area, the town centres, and other areas within Controlled Parking Zones that are easily accessible by public transport.

DP19 Managing the Impact of Parking

The Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment.

DP22 Promoting Sustainable Design and Construction

The Council will require development to incorporate sustainable design and construction measures. Schemes must demonstrate how sustainable development

principles have been incorporated into the design and proposed implementation. Development should also include green or brown roofs and green walls wherever suitable. New build housing should meet Code for Sustainable Homes Level 4 by 2013 and for developments of 500 sqm or 5 or more residential dwellings to achieve “excellent” in EcoHomes assessments from 2013. The development should be resilient to climate change and include appropriate adaptation measures.

DP24 Securing High Quality Design

The Council will require all developments to be of the highest standard of design and will expect developments to consider the character, setting, context, form and scale of neighbouring buildings. It should also consider the quality of materials used, the provision of a visually interesting frontage, the appropriate location for building services and equipment, existing natural features, hard and soft landscaping, the provision of amenity space and overall accessibility of the development.

DP25 Conserving Camden’s Heritage

In order to maintain the character of Camden's conservation areas, the council will take account of the conservation area statements, appraisals and management plans. The Council will only permit development that preserves or enhances the character or appearance of the area.

DP26 Managing the Impact of Development on Occupiers and Neighbours

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to the amenity of both its occupants and neighbours.

Supplementary Planning Documents

Camden Square Conservation Area Appraisal and Management Strategy (2011)

Camden Planning Guidance 2: Housing (2013)

London Plan SPG: Housing (2012)

National Guidance

National Planning Policy Framework (2012)

Para Description

- 11 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 14 At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- 50 To deliver a choice of high quality homes, local planning authorities should plan for a mix of housing based on current and future demographic trends, and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
66. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 131 In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 135 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement

will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 137 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 187 Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 204 Planning obligations should be necessary, acceptable, fair, and directly related to the development.
- 206 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.0 Planning Assessment

- 5.1 Although this site has a history of intermittent commercial uses, the only one of those uses that was lawful was as a builders' yard which has now expired. The LPA have also refused planning permission in 2005 for use of the site for car and van hire with ancillary office building on the grounds that it would result in the loss of an existing vacant and under-used site which the Council considered suitable for residential use and should contribute to the borough housing needs.
- 5.2 It is also clear from the planning history that this site has a history of unlawful uses and enforcement action (Appendix 15). The site is therefore in need of redevelopment in order to obviate any further unlawful uses and, even more importantly, to make a contribution to housing provision in the borough.
- 5.3 All through the history of the site including the appeal in 2010, the principle of the redevelopment of this site for residential use has been accepted.
- 5.4 Policy 3.4 of the London Plan requires that development should optimise housing output for different types of location within the relevant density range in Table 3.2. The scheme proposes 150 u/ha within the 65-170 u/ha for this site in the paragraph 3.2 matrix. In habitable room terms the density is 555 habitable rooms within the 300-650 range in the paragraph 3.2 matrix.
- 5.5 Policy CS1 requires that development makes full use of its site while still taking into account its overall impact. This proposal seeks to make full use of the site whilst taking account of its overall impact.
- 5.6 This site is not located within a growth area so Policy CS4 applies. This requires that development needs to respect the character, heritage and other important features of the area. Mr Gough and Mr Warshaw address these issues and demonstrate that the scheme complies with these policy requirements.
- 5.7 Policy CS6 states that the Council will make full use of Camden's capacity for housing by maximising the supply of additional housing. This site has the capacity to make a small but nonetheless significant contribution to this. CS6 sub-paragraph (e) also states

that housing is the priority land use for Camden's LDF. Once again, there is strong policy support for use of this site for housing.

- 5.8 In summary, in relation to the principle of use of this site for housing, all relevant policies in the development plan are supportive. The density proposed is appropriate and in accordance with the London Plan density matrix. Policy DP2 of Camden Development Policies states that the Council will seek to maximise the supply of additional houses by expecting the maximum appropriate contribution to the supply of housing on sites that are under-used or vacant.
- 5.9 It is also worthy of note that London Borough of Camden are challenging the new Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This amendment has been put in place by Parliament in order to enable obsolete offices to make a contribution to the housing stock in order to improve the supply of housing. If the London Borough of Camden succeeds in this challenge, this source of housing supply will be cut off making it even more necessary to make full and best use of all land resources to meet the housing needs of the borough. In addition to the changes to Class J, I am aware of other changes which the Government intend to introduce, for example to Class A uses to enable more flexible changes of use to residential and proposed changes to neighbourhood plans to make them more simple and effective for local communities. All of these changes are primarily aimed at increasing the ability to deliver additional residential development through the planning system thereby contributing to the chronic under-provision of housing in England and, at the same time, stimulating the construction sector of the economy whilst making it easier for workers to access housing when taking up new job opportunities.
- 5.10 In terms of housing quality, London Borough of Camden Policy DP5 requires a range of self-contained houses of different sizes. The proposal complies with this policy by providing a range of self-contained flats comprising 2 x 2-bed units and 7 x 3-bed units. This mix meets the very high and medium mix priority as set out in the table in Policy DP5. Policy DP6 requires that all development should meet Lifetime Homes Standards and 10% should meet wheelchair standards. Both these requirements are met in this case as set out in Mr Gough's Proof.

- 5.11 All of the flats meet London Plan floorspace standards in London Plan Table 3.3, Standard 4.1.1 of the London Plan and paragraph 4.14 of Camden Housing Guidance Plan SPG. Amenity space in excess of the London Plan SPG 4.10.1 Standard and paragraph 4.29 of Camden Planning Guidance paragraph 4.29 is also provided. Policy DP22 requires all new housing to comply with the Code for Sustainable Homes Level 4 by 2013. This proposal would so comply, as set out in Mr Gough's Proof.

Transport

- 5.12 The site enjoys a PTAL level of 3 which is moderate. One electric car space would be provided on-street and each apartment would have two cycle spaces. This level of provision ensures compliance with Policies DP16, 17 and 18.
- 5.13 Compliance with the requirements of Policies DP24 and 25 is demonstrated in the Proofs of Mr Gough and Mr Warshaw.
- 5.14 Policy DP26 requires that new developments protect the quality of life of occupiers and neighbours. In terms of sunlight and daylight, the planning application was accompanied by a sunlight and daylight report. In accordance with the BRE guidelines the report (Appendix 18) demonstrates that the proposal would have a limited impact on neighbouring properties and would not materially affect their sunlight and daylight amenity. This secures compliance with Policy DP26. In terms of overlooking and privacy, the Officer's report at paragraphs 6.27, 6.28 and 6.29 concluded that the scheme would not cause a significant loss of privacy or outlook. I agree with that assessment and conclude that the proposal complies with Policy DP26.
- 5.15 In conclusion, Section 5 of my Proof demonstrates compliance with the development plan.

The NPPF

- 5.16 Paragraph 14 of the NPPF advises LPAs to approve development proposals which accord with the development plan without delay. In my evidence, and that of my colleagues Mr Gough and Mr Warshaw, we demonstrate compliance with the

development plan. I conclude therefore that this proposal should be approved without delay.

5.17 Paragraph 50 advises LPAs to plan for a mix of housing. London Borough of Camden has done just that and this proposal accords with the mix that London Borough of Camden policy advises.

5.18 Paragraphs 61, 66, 131, 135 and 137 are all addressed in the evidence of Mr Gough and Mr Warshaw. In relation to paragraph 66, the process of public consultation is set out in detail in Mr Gough's Proof.

5.19 Paragraph 187 advises LPAs to look for solutions rather than problems. Local authorities should work proactively with applicants to secure developments which improve the economic, social and environmental conditions of their areas. In the spirit of the advice of this paragraph, the appellant has submitted a fresh application with revisions to meet the concerns of Members of the Planning Committee as expressed at their meeting on 15 August 2013. It is important to note that at no point during the consideration of the application did any consultee, resident or third party raise such objections. It is hoped that this application will be approved without delay on 28th November this year.

5.20 I turn now to address the advice in paragraphs 203, 204 and 206 of the framework in relation to conditions and Section 106 obligations.

5.21 ***Conditions and Section 106 Obligations***

5.22 The appellant accepts the conditions listed in the Officer's report to Committee (Appendix 1).

5.23 The five tests of a planning obligation are as follows:

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development;

- (v) Reasonable in all other respects.

Regulation 122 of the CIL Regulations repeats the first three of these tests. I will now assess each of the obligations sought in the Officer's report to Committee against these tests.

- a) ***Managing the impacts of construction on the surrounding highway network***

This obligation meets all five tests.

- b) ***Highway and Public Realm Improvement Works***

This obligation meets all the tests.

- c) ***Pedestrian, Cycling and Environmental Improvements***

The obligation meets all the tests.

- d) ***Open Space Contribution***

This obligation meets all the tests and complies with CPG8 paragraph 11.

- e) ***Education Contribution***

This obligation meets all the tests and the requirements of CPG8, paragraph 4.

- 5.24 The appellant will present a Unilateral Undertaking incorporating all of the above obligations at the Inquiry.

6.0 CONCLUSION

- 6.1 In this Proof I have demonstrated that the proposal subject of this appeal accords fully with the development plan and supplementary guidance. In accordance with the advice of paragraph 14 of the NPPF I conclude that the development should be approved without delay and therefore that this appeal should be allowed.