



**ADN Planning Ltd**

**Chartered Town Planners**

## **APPEAL STATEMENT**

**THE LEIGHTON ARMS,  
101 BRECKNOCK ROAD, LONDON N7 0DA**

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## **CONTENTS**

- 1 DESCRIPTION OF THE APPEAL SITE & SURROUNDING AREA
- 2 THE PROPOSAL
- 3 RELEVANT HISTORY OF THE APPEAL SITE
- 4 PLANNING POLICIES
- 5 PLANNING ISSUES
- 6 CONCLUSION
- 7 APPENDICES

## **1 DESCRIPTION OF THE APPEAL SITE AND THE SURROUNDING AREA**

- 1.1** The appeal property comprises land between the Leighton Arms public house and Number 135 Torriano Avenue. It currently comprises an empty storage concrete yard, having been detached from the public house operation. Fronting Torriano Avenue is a brick wall that contains three openings infilled with metal grills and a gate. There is also a raised brick planting bed behind this wall. The pavement in front of the wall to the rear yard is not within the ownership of the applicant.
- 1.2** The adjoining public house comprises a three storey Edwardian building that is located on the corner of Brecknock Road and Torriano Avenue. The upper two floors of the front façade are of cream painted London stock bricks with plastered architraves. Some stucco detailing is missing from window architraves as a result of previous low maintenance of the building. The ground floor is finished in stucco, which is painted grey/blue, with pilasters marking corners on the doorways. The large shop-front type windows and door have timber boarding surrounding them, both below and between. Number 135 Torriano Avenue and the public house sit forward of the notional building line that runs along Brecknock Road and Torriano Avenue. This setting forward of the corner buildings is a feature common to the local area and helps to define the entrance to the side streets. This can be seen on the opposite side of the road where the first few properties sit forward of the main building line
- 1.3** The character of the immediate area is predominantly residential. Brecknock Road forms the boundary between the original Edwardian streets and the generally 1950s blocks of flats to the east. These flats are typically set within gardens, set back from the pavement edge and vary in design and quality. Many of the properties in Torriano Avenue, and surrounding streets, are three storeys in height and although built as single family dwellings have subsequently been converted to flats. This includes the building on the opposite corner, which has an additional floor within the roof space built behind the parapet wall. In addition, many have mansard roofs, which vary considerably in quality. Number 135 Torriano Avenue comprises a four storey

building and has a single storey extension that wraps around the rear area of the property. It accommodates a kitchen/dining area.

- 1.4** Neither the existing building, nor the surrounding area, has been classed as Heritage Assets (Conservation Area/Listed Building).

## **2 THE PROPOSAL**

- 2.1** Planning permission is sought for the erection of two, three storey plus mansard, 4 bedroom houses within land that was previously used as part of the pub garden for the adjoining public house. Each house will be four storey and has been designed with a mansard roof set back from the main façade. The design of the houses has been largely informed by the style and form of the adjoining houses, and is very much in keeping with this style. The last few properties at the eastern end of Torriano Avenue form a distinctive feature within the urban grain of the street and sit in line with the elevations of the corner buildings set by 99 and 101 Brecknock Road. These properties sit forward of the rest of the terrace along Torriano Avenue. The two proposed houses follow this street pattern

- 2.2** The two houses will be constructed using London stock brick with modern white timbered windows and surrounds, traditional lead dormer windows and slate roofs. The existing architrave line of the terrace will be extended along the front elevation with white painted parapet walls. The houses will be three storey with a mansard roof and will follow a very similar design to the houses adjoining in Torriano Avenue. The ground floor of each house will comprise a kitchen/ dining area on the ground floor with a bin storage area accessing off the entrance hall. To the rear a bicycling store has been provided. Above, on the first floor, is a living room with dual aspect to the front and rear, and two bedrooms on the first floor with bathroom. On the third floor, and set within the mansard roof area, are two additional bedrooms with an ensuite to the master bedroom and a closet.

### **3 RELEVANT HISTORY OF THE APPEAL SITE**

**3.1** There is no relevant planning history. Planning permission was refused by the Council's Planning Committee against the recommendation of the planning officer to approve. The reasons for refusal are as follows:

*"1) The proposed development of the site would result in the loss of an important townscape gap between the rear of the properties facing Brecknock Road and the flank of those facing Torriano Avenue that defines the historic urban grain, contrary to Core Strategy Policy CS14 (promoting high quality spaces and conserving our heritage) and Development Policy DP24 (Securing high quality design) of Camden's adopted Local Development Framework 2010;*

*2) The rear windows on the proposed new houses would result in direct overlooking to a private habitable room to the rear of 135 Torriano Avenue and cause loss of privacy to the occupiers contrary to Core Strategy Policy CS5(Managing the impact of growth and development) and Development Policy DP26 (managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010;*

*3) Inadequate information has been submitted to adequately demonstrate that the proposed new houses would not cause a material loss of daylight and sunlight to the windows on the extension of 135 Torriano Avenue, which would result in a loss of amenity to the occupier contrary to Core Strategy Policy CS5 (Managing the impact of growth and development) and Development Policy DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010;*

*4) The proposed new houses would result in the loss of external space associated with the existing public house which would cause additional activity, disturbance and obstruction in the street and prejudice the long term retention of the public house which is an important local community facility contrary to Core Strategy Policies CS10 (Supporting community facilities and services, CS11 (promoting sustainable*

*and efficient travel), CS5 (Managing the impact of growth and development) and Development Policies DP15 (Community and leisure uses) DP 21 (Development connecting to the highway network), DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010."*

## **4 PLANNING POLICIES**

### **National**

- 4.1** The basis on which planning applications are to be determined is set out in S.38 (6) of the Planning and Compulsory Purchase Act 2004, which requires:

**"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."**

### **National Planning Policy Framework (NPPF)**

- 4.2** The NPPF re-iterates at paragraph 11 that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However, paragraph 12 states that development that accords with an up-to-date Local Plan should be approved, and proposed developments that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up- to-date plan in place.
- 4.3** The NPPF at paragraph 17 sets out a number of what is described as Core Planning Principles. Those relevant to this application include:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

**4.4** Paragraph 49, under the heading of Delivering A Wide Choice Of High Quality Homes, states, “Housing applications should be considered in the context of the presumption in favour sustainable development.” Paragraph 60, of Chapter 7 (Requiring Good Design), states, “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

**4.5** Section 7 of the NPPF is entitled Requiring Good Design and at paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 60 states, ***“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”***

**4.6** Paragraph 70, under the heading Promoting Healthy Communities states that planning policies and decisions should deliver the social, recreational and cultural facilities the community needs. This involves planning positively for the provision and use of shared space, community facilities etc. and also to guard against the unnecessary loss of valued facilities and services.

**4.7** Under the heading Decision-taking the NPPF at paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. This is re-iterated further at paragraph 187, which states:

*“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.”*

## **Local**

### **The London Plan – Spatial Development Strategy for Greater London – July 2011**

- 4.8** The London Plan provides a strategic framework for planning policies within the London Boroughs. Paragraph 3.13 states that the Mayor is clear in that London desperately needs more homes in order to promote opportunity and real choice for all Londoners. This is further supported in paragraph 3.14, which recognises that with a growing population and more households, delivering more homes for Londoners, and meeting a range of needs with high design quality is important.

### **The London Borough of Camden – Local Development Framework – Core Strategy 2010**

- 4.9** A full list of the relevant planning policies is set out in the officer’s delegated report. For convenience these are listed as follows:

- CS5 – Managing the impact of growth and development;
- CS6 – Providing quality homes;
- CS10 – Supporting community facilities and services;
- CS11 – Promoting sustainable and efficient travel;
- CS14 – Promoting high quality places and conserving our heritage;
- CS15 - Open space and biodiversity;
- CS17 – Making Camden a safer place;
- CS18 – Dealing with our waste and encouraging recycling.



## The London Borough of Camden – Development Policies 2010

- DP1 – Mixed Use Development;
- DP2 – Making full use of Camden’s capacity for housing;
- DP6 – Lifetime Homes and wheelchair homes;
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses;
- DP15 – Community and Leisure Uses;
- DP16 – The transport implications of development;
- DP17 – Walking, cycling and public transport;
- DP18 – Parking standards and limiting the availability of car parking;
- DP 22 – Promoting sustainable design and construction;
- DP24 – Securing high quality design;
- DP26 – Managing the impact of development on occupiers and neighbours;
- DP28 – Noise and vibration;
- DP29 – Improving access.

### Supplementary Planning Documents

**4.10** The Council have adopted a number of documents that assist in the determination of planning applications. Of relevance to the appeal are:

- CPG1 – Design;
- CPG2 – Housing;
- CPG3- Sustainability; and
- CPG6 – Amenity.

## 5. PLANNING ISSUES

### Introduction

**5.1** The proposal results in development in a sustainable location. The NPPF at paragraph 14 states that there is a **presumption in favour of sustainable development**. In addition it states that for decision- taking this means approving development that

accords with the development plan without delay. It will be shown during the course of this statement that the proposals very clearly accord with the development plan and that planning permission should be granted accordingly.

**5.2** The Council refused planning permission for the proposal on four grounds. Firstly, the proposal would result in the loss of an important townscape gap. Secondly, the rear windows of the proposed new houses would result in direct overlooking to a habitable room to the rear of number 135 Toarriano Avenue. Thirdly, inadequate information has been submitted to adequately demonstrate that there would not be a loss of daylight and sunlight to the windows on the extension of 135 Torriano Avenue. Fourthly, the loss of external space associated with the existing public house would cause additional activity, disturbance and obstruction in the street and prejudice the long term retention of the public house.

**5.3** It will be demonstrated in the course of this statement that the proposals, as well as bringing much needed additional residential accommodation to the area, will create a form of development that will enhance the character and appearance of the building and the area. Through the submission of a revised plan (Appendix 1) it will be shown that there is sufficient space to provide the required refuse space for the public house. In addition, it will be demonstrated that the proposals will not have an adverse impact upon the availability of the pub to attract trade and remain a viable proposition, and it will not result in a loss of amenity to adjoining properties and future occupiers of the flats by way of increased noise and disturbance. As such, the proposal will be in compliance with the stated policies and in these circumstances the Inspector will be requested to allow the appeal.

#### **Reason for Refusal 1 – Townscape Gap**

**5.4** Policy CS14 seeks to promote high quality places and conserving our heritage and requires development of the highest standard of design that respects local context and character. Policy DP 24 also supports high quality design. No objection is raised concerning the design of the proposed houses. Indeed, the officer's report (Appendix 2) acknowledges at paragraph 6.3.3., "The proposed houses adopt the architectural style of those existing in the street, being almost identical in scale, bulk, massing and

detailed design...As such, the proposed pallet of materials and general appearance of the houses are considered to be appropriate to the area.”

**5.5** Of particular note is that the immediate area, or individual buildings within the area, does not enjoy any special protection by being designated assets. As such the Council have not seen fit to apply any special protection to preserving or enhancing that character. However, the appellant recognises the quality of the area in designing buildings that will fit in with that character. The current gap between number 135 Torriano Avenue and the rear of 101 Brecknock Road (the Leighton public house) does not make a sufficiently case to be retained. The “gap” is not part of the urban character, or urban grain, within the local area, and the streets were not laid out to include such gaps. The loss of this gap would certainly alter the arrangement of buildings, but as acknowledged by the planning officer, “It is not considered that the alteration would be out of keeping with the general character of the area, which comprises ‘closed’ corners.” This reference to ‘closed’ corners is evidenced on the opposite corner where number 134 Torriano Avenue immediately abuts the rear of 99 Brecknock Road. This arrangement also occurs on other junctions within the immediate locality of the site.

**5.6** Consequently, the current gap does not define the urban grain as stated in the reason for refusal, and as acknowledged by the planning officer, “There is some flexibility with regard to the urban grain, which can accommodate additions to existing terraces without any harm to heritage assets.” As previously stated, the development will not impact upon any heritage assets, and the proposal will allow for future sympathetic development without harm to the overall character and quality of the existing townscape and character of the area. The proposal is therefore in accordance with policies CS14 and DP 24.

### **Reason for Refusal 2 – Impact on privacy of 135 Torriano Avenue**

**5.7** Policy CS 5 of the Council’s Core Strategy deals with managing the impact of growth and development. Part of this policy deals with protecting the amenity of Camden’s residents and under part e) states that the Council will make sure that the impact of developments on their occupiers is fully considered and f) requiring mitigation

measures where necessary. Policy DP26 of Camden's Development Policies seeks also to protect the amenity of existing and future developments by only granting permission for development that does not cause harm to amenity. Factors included by the policy include visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels and the inclusion of appropriate attenuation measures.

**5.8** The Council's wording in the decision letter refers to "direct overlooking to a private habitable room to the rear of 135 Torriano Avenue". The window referred to, in the reason for refusal, forms part of a single storey ground floor extension to the adjoining property and occupies a large part of the rear amenity space for this property. This extension is used as a kitchen/dining area for this dwelling and its approved layout can be found at Appendix 3 to this statement. The extension has been designed with six clear glazed windows facing north, with glazed door facing eastwards (to the rear of the host property). The windows face out onto a two metre high brick wall, on top of which has been positioned a 1 metre high trellis. Planting has been trained up and around this trellis. The area between the extension and the wall/trellis appears to be used for the storage of bicycles. Photographs of the extension can be found on the Daylight Diagram (Appendix 4).

**5.9** The approved layout shows the kitchen layout comprising the hob/oven and sink located on the internal wall with tables and chairs set back to the rear of the extension. The proposed two houses will have habitable room windows facing to the rear of the site, but it is clear that, because of the oblique angle of sight to the adjoining extension and the intervening wall/trellis and landscaping from these windows, it would not be possible to have a direct view into the habitable space. The Planning Officer's report to committee makes no reference to any effect whatsoever to the habitable room window of number 135 Torriano Avenue. His conclusion, however, was that "Neighbouring residential properties would be adequately protected." There would, therefore, be no loss of privacy to the occupier of number 135 Torriano Avenue and, as such, there would be no breach of the aforementioned Policy CS5 of the Core Strategy and Policy DP26 of the Development Policies.

**5.10** Despite the above, and should the Inspector still have possible concerns in connection with this issue, the appellant has shown the use of louvers that would be positioned on the outside of the rear facing windows of the two houses. This would restrict views from the rear facing windows of the proposed houses to the ground floor extension of number 135 Torriano Avenue. The details are shown on the revised elevations drawing (Appendix 5), and if it was felt appropriate this matter could be controlled by an appropriately worded condition.

**Reason for Refusal 2 – Loss of daylight and sunlight to the extension of 135 Torriano Avenue**

**5.11** The Council are of the view that inadequate information has been submitted to adequately demonstrate that the development would lead to a material loss of daylight and sunlight to the extension of number 135 Torriano Avenue. Policies CS 5 of the Core Strategy DP26 of the Development Policies document seek to ensure that the impact of development on neighbours is fully considered. Policy DP 26 seeks to protect adjoining properties from overshadowing and outlook in addition to sunlight, daylight and artificial light levels.

**5.12** The appellant, as part of the planning submission, commissioned a daylight assessment (Dixon Payne). This was considered to be sufficient by the planning officer, who states at paragraph 6.4.2 of his report, “The assessment indicates that none of the nearest neighbouring windows with an outlook facing the site would result in a VSC of less than 27% target enshrined in BRE guidance. Therefore in terms of daylight matters, it has been sufficiently demonstrated that the proposed development will maintain an adequate amount of daylight to all adjoining windows.” However, to deal with this late concern raised by the planning committee, the appellant has commissioned a further survey from Dixon Payne, which is contained in the architect’s Appeal Design Statement’s Appendix 1 submitted as part of the appeal, that clearly demonstrates there would be no material loss of daylight and sunlight to the windows of the extension to number 135 Torriano Avenue, and as such, the proposal will not breach Policies CS 5 and DP26 of the Development Plan.

#### **Reason for Refusal 4 – Future Viability of Public House and Noise Impact**

- 5.13** Policy CS10 of the Council’s adopted Core Strategy relates to supporting community facilities and services, and supports the retention and enhancement of existing community, leisure and cultural facilities. Policy CS 11 is concerned with promoting sustainable and efficient travel. One of the objectives of this policy is to continue to improve facilities for cyclists, which includes increasing the availability of cycle parking. Policy CS5 of the Core Strategy promotes high quality sustainable buildings, but also seeks to ensure that impacts of development upon adjoining properties is fully considered, and that new development contributes towards strong and balanced communities by balancing the needs of development with the needs and characteristics of local areas and communities. Policy DP15 seeks to protect existing community uses by resisting their loss, unless adequate alternative facilities are available in the area or the leisure facility is no longer required. Supporting paragraph 15.7 states, “We will also resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless alternative provision is available nearby or it can be demonstrated to the Council’s satisfaction that the premises are no longer economically viable for pub use.”
- 5.14** Policy DP21 is entitled Development connecting to the highway network. Part of the policy (h) seeks to ensure that works should avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter. Lastly, Policy DP 26 seeks to protect the quality of life of occupiers and neighbours by only granting permission that does not cause harm to amenity. Factors that will be considered include noise and vibration levels, and the inclusion of appropriate attenuation measures. It is also of note that developments will be required to provide outdoor space for private or communal amenity space, wherever practical.
- 5.15** The reason for refusal includes a number of issues and this statement will examine each one against the respective policy. A public house is recognised by the Council as a community facility and is a protected use under Policy CS10 and DP15. As noted by the officer in his report to committee at paragraph 6.2.2, the proposal does not result

in the loss of the existing pub, which will be retained at ground and basement levels. As set out in the Architects Statement of Use (November 2014), appended to this statement (Appendix 6), in order for the public house to survive it has to be run on an efficient and simple business model. To remain viable it has to shed areas that were not generating income, against a backdrop of small customer numbers and dwindling numbers of regulars in a nationwide environment where many public houses have closed. The operation of the Leighton Arms Public House facilitated by the proposed changes is now such that it can continue to run efficiently with a comfortable amount of space and facilities.

a) The Beer Garden

**5.16** Importantly there is no reference in the policy or text to the loss of a beer garden as a community facility. This is recognised by the planning officer in his report to the Planning Committee at paragraph 6.2.2 wherein he states, *“The resulting 231.9 sqm. (GIA) would adequately provide for viable ongoing use of the premises as a pub,”* and continues at paragraph 6.2.3, *“Submitted comments do not suggest that the loss of the garden would result in the inability for any community group to continue functioning. Taking all comments and information into account, the proposed loss of the pub garden would not result in the loss of any community use. The pub itself would remain, as would the availability of internal space for informal and social meetings. As such the proposal is not contrary to the requirements of policy DP15 and is considered acceptable in this respect.”*

**5.17** The issue is, therefore, whether the pub is dependent upon the beer garden in order to continue to operate as a viable concern. To make such an assessment it is important to review how this space was used prior to the application submission and then assess how the pub can continue to operate should permission be granted. The beer garden over the past few years, because of its location sandwiched between the back of the main pub building and the flank wall of the adjoining house at Torriano Avenue, has not afforded a particularly attractive space, with no outlook and limited direct sunlight for visitors of the pub to enjoy a drink or meal. It has therefore attracted very little to the viability of the public house. Indeed, the opposite has occurred, because of its

location and lack of natural surveillance it has generated a high degree of anti-social behaviour.

**5.17** This is endorsed in the officers committee report, which confirms, “*Officers in the Licensing team have confirmed that the Council have until very recently received complaints regarding the use of the pub garden and the resulting disturbances to local residents,*” (paragraph 6.2.4). Whilst this issue is very much a management problem, in order to try and contain the problem the pub landlord has had to employ additional support staff to monitor the area in order to reduce disturbances; and the additional resources required has had a direct impact upon the viability of the pub. The area of land, which was previously used as a beer garden, has subsequently been sold and therefore, irrespective of the outcome of this appeal, the beer garden will not be returned to the pub. The loss of the beer garden since it was severed from the pub in the summer of 2014 has meant that the current tenants can operate a more economically viable business. Consequently, the beer garden, far from being an asset to the public house, has in fact been a burden.

**5.18** Appended to this statement (Appendix 7) are two appeal decisions relating to the loss or partial loss of a beer garden. Whilst it is understood that each planning application should be treated on its own individual planning merits, these decisions have been included to show how previous Inspectors have dealt with the subject matter. Both Inspectors considered that a beer garden was not an essential requirement in order to operate a viable Public House operation. These decisions can be summarised as follows:

- i. The Swan, Waters Upton, Telford. This appeal related to residential development on part of the car park and beer garden. The inspector notes at paragraph 17 that the public house closed despite having the benefit of a car park and beer garden and that other factors play a part in the closure of pubs which include the economic downturn, higher rents, the smoking ban and the increasingly popularity of drinking at home. He also comments that there are many other reasons why a public house would continue to be successful, including location, quality of food and drink offered, character, comfort and value for money. He further states, “ I accept the appellants argument



that only rarely will the size of the car park or beer garden be the main deciding factors when a choice is being made about which public house or restaurant to visit.” The appeal was allowed.

- ii. The Axe and Compass Public House, Ringstead, Kettering, Northants. Two dwellings were proposed on the area of the pub beer garden. The Inspector noted that a beer garden was not specifically referred to in the policy or the text as a community facility (P. 4). He states at paragraph 6, “Council has not been able to provide any firm evidence that the availability of the beer garden actually increases the overall number of customers or the frequency of visits. Indeed the evidence of the appellant at the Hearing was that even during the hot summer of 2003 there was only limited use of the area.” The appeal was allowed.

b) Increased noise in the street.

- 5.19** As previously stated the public house has not in the past, and is not expected to in the future, attract a large clientele, and the resulting floorspace will, to a degree, ultimately control customer numbers. To partly compensate for the loss of the beer garden a limited number of table and chairs will be set out on the forecourt to the premises. This will be subject to a successful license application to the Local Authority. It is, however, not likely to accommodate a significant number of customers (3 tables and six chairs) and their conduct will be controlled by the pub management to prevent any anti-social behaviour occurring. This is a situation which is not uncommon in London, or large urban areas, where public houses do not have a beer garden. Notwithstanding this point, the street area (as opposed to the former beer garden) enjoys a high level of natural surveillance from neighbouring properties and this would prevent, or reduce, the likelihood of the occurrence of any anti-social behaviour. In order to retain the license on the premises, it would also be necessary for the applicant to demonstrate that there is no significant loss of amenity to adjoining properties through the operation of the public house.

- 5.20** It is clear from the foregoing that the proposal will not prejudice the long term viability of the public house nor will it result in additional noise and disturbance on the street or require excessive noise limiting measures within the building. The

proposal, put in place, will ensure the long term longevity of the public house, will improve neighbour amenity by removing the rear bar garden, which was a source of anti-social behaviour, and provide sound insulation in accordance with Environmental Health Officers recommendations so that the two uses can coexist together. The proposal is therefore in accordance with Core Strategy Policies CS5, CS10, CS11 and Development Policies DP15, DP21 and DP26.

### **Other Issues**

#### Highways and Transport

- 5.21** The site is located within a sustainable location with a Public Transport Accessibility Level (PTAL) of 4. Policy CS11 of the Core Strategy promotes sustainable and efficient travel and part of this policy seeks to minimise the provision for private parking in new developments and in particular car free development in the boroughs most accessible locations. The site does not currently provide any off-street parking and the new development will also be car free. This is in accordance with the aforementioned policy given the high PTAL.
- 5.22** Policy CS11 also seeks to promote cycling facilities within new developments and in accordance with this policy the proposal provides secure cycle storage will be provided for each dwelling and in accordance with adopted standards.
- 5.24** Lastly, the appellant has agreed with the LPA to make a financial contribution towards Pedestrian, Cycling and Environmental Improvements in the local area. This will be secured by way of a Section 106 contribution. No objections are raised by the LPA or Highway Authority to highway and transport issues that accrue from this development.

#### Sustainability

- 5.25** An Energy Statement was submitted with the planning application to demonstrate that the proposal meets London Plan policy 5.2, which requires that all development makes the maximum contribution towards minimising carbon emissions. The proposal will meet this target through an investment in high performance building fabric and energy efficient engineering systems.

Financial Contributions (Section 106)

- 5.26** The Officer's report to committee sets out a requirement for the development to make financial contributions towards open space, education, highway works and the Mayor of London Community Infrastructure Levy (CIL). A signed section 106 will be submitted during the course of the appeal that will deal with these issues.

## **6 CONCLUSION**

- 6.1** The site is located in a sustainable brownfield location where the NPPF advocates that there should be a presumption in favour of granting permission. As well as bringing much needed housing, the development will also make a positive contribution to the appearance of the street scene in terms of its overall design, style, form and use of material. It has been shown that it will not adversely effect the amenity of the adjoining properties, particularly number 135 Torriano Avenue, by way of loss of privacy or loss of daylight/sunlight. The proposal will also retain the public house, an identified community facility and remove a previously identified area that formed the subject of anti-social behaviour and neighbour nuisance. It also allows for the pub to be redesigned internally and to continue operating as a viable business for the benefit of its current clientele and wider community.
- 6.2** The proposal will also make a sizeable contribution towards infrastructure provision, as well as offering green credentials. The proposal is therefore in compliance with the NPPF, The London Plan and Camden's adopted Core Strategy and Development Policies. For these reasons the Inspector is respectfully requested to allow the appeal.

## **7.00 Appendices**

- Appendix 1: Drawing BRE-PL-GA-04B proposed ground floor plan
- Appendix 2: Officer's report
- Appendix 3: Approved layout for ground floor extension to 135 Torriano Avenue
- Appendix 4: Daylight diagram

Appendix 5: Louver Detail

Appendix 6: Statement of Use of Public House (Martin Evans)

Appendix 7: Appeal decisions –

a) The Swan, Waters Upton, Telford

b) The Axe and Compass Public House, Ringstead, Kettering