



**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 ISSUES
5. CONCLUSION
6. APPENDICES

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

- 1.1** The appeal property 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 constructed from 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.
- 1.2** The ground floor of the building is in use as a public house with the basement used as a cellar to the use above. Two upper floors of the building have a residential use and, due to the internal stairway, were undoubtedly previously used by the publican as living accommodation. The kitchen is part of the self-contained residential unit on the first and second floors. To the rear (south-west) of the building there is an open space that was previously used as an outdoor terrace for customers. This land, which is now in separate ownership, was severed from the public house in 2014. . A mature tree, which is located in the south west corner of the site, will be retained as part of the proposal.
- 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. Development in Torriano Avenue, and surrounding streets, comprises largely of four storey buildings 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. On the opposite side of Brecknock Road there is a five storey block of flats. 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 demolition of the existing single storey and two storey rear additions, existing staircase and some interior partitions. The facades and floors of the building will be retained. It is also proposed to extend at the rear of the building and at roof level to accommodate 5 flats. Internal alterations to the building will be made to provide a total of 5 flats within the building, comprising a mix of 4 x 2 bed and 1 x 1 bed. The entrance to the flats will be provided from the proposed two storey rear extension. This extension is designed in a contemporary style and will occupy the width of the rear of the building and, as with the flats, will be separate from the retained public house. The flats have been designed to comply with Lifetime Homes standards.
- 2.2** Amenity space is provided for each flat together with space for bike storage and bins and recycling storage. The revised drawing (Appendix 1) demonstrates how a separate space for refuse and recyclable waste can be provided for the public house.

## **3 RELEVANT HISTORY OF THE APPLICATION 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 rear extension, by virtue of its excessive bulk, scale and massing would dominate the existing building and cause harm to its appearance, contrary to Core Strategy Policy CS 14 (Promoting high quality spaces and conserving our heritage) and Development Policy DP24 (Securing high quality design) of Camden's adopted Local Development Framework;*

*2) The proposed conversion and change of use of residential use would result in a smaller public house space at ground floor without access to private external space which would preclude provision for a commercial refuse space, contrary to Core*

*Strategy Policy CS7 (Promoting Camden's centres and shops) and Development Policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of Camden's adopted Local Development Framework 2010;*

*3) The general disposition of the proposed residential flats in relation to the retained public house floorspace would reduce its available trading space, remove access to private external space (the pub garden) and introduce noise sensitive and noise generating uses in close proximity that would result in additional activity, disturbance and obstruction in the street, require excessive noise limiting measures 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) DP21 (Development connecting to the highway network), DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010."*

- 3.2** A separate planning application and appeal has been made for the erection of two houses (LPA ref: 2014/4554/P) to be located in the former beer garden of the public house.

## **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** 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.

- 4.6** 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**

- 4.7** 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**

- 4.8** A full list of the relevant planning policies are set out in the officers 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**

**4.09** 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 three grounds. Firstly, the proposed rear extension would cause harm to the appearance of the building due to its bulk, scale and massing. Secondly, the proposals would result in a smaller public house space at ground floor and this, without the access to the external space, would preclude provision for a commercial refuse space. Thirdly, the “general disposition of the proposed residential flats” would reduce the available trading space and viability of the public house, remove access to the pub garden and would result in additional activity, disturbance and obstruction in the street.
- 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 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 – The Proposed Rear Extension**

- 5.4** The National Planning Policy Framework (NPPF) states clearly at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes. Policy CS 14 of the Camden Core Strategy requires “development of the highest standard of design that respects local context and character”. This aim is replicated in Policy DP24 of the Camden Development Policies, where a number of criteria are set out that should be adhered to in new proposals. Paragraph 24.6, which supports the policy, states under the heading Promoting Good Design that the Council will seek to encourage outstanding architecture and design, both in contemporary and more traditional styles. It further states, “Innovative design can greatly enhance the built environment and, unless a scheme is within an area of homogenous architectural style that is important to retain, high quality contemporary design will be welcomed.”
- 5.5** In terms of respecting local character, Policy DP24 at paragraph 24.13 requires extensions that are subordinate to the original building in terms of scale and situation, to avoid overly large extensions that can disfigure a building and upset its proportions. Careful regard was had to this policy advice when the proposal was being designed. In terms of functionality, the new extension will be used to provide the internal terrace for each flat. It will be set back from the existing building line to create a different architectural language between the existing building and the extension. In addition, the proposal will result in the removal of bulky and unsympathetic rear additions and, having regard to the aforementioned design, which is “welcomed” by Policy DP 24, it could not in any way be described as having “excessive bulk, scale and massing”.
- 5.6** The design approach taken by the appellant was also supported by the Planning Officer in his report to committee (Appendix 2), wherein he states in relation to the materials, “*The proposed powder coated aluminium facing material for the extensions would present the additions as secondary elements of the host building...The rear extension would be set back from the corner of the host building, both to retain the existing quoins on the upper floors and to provide some relief in the street scene...In addition to glazing the proposed aluminium material of the rear extension would be a relatively minor element of the overall appearance. Adopted design policy and*

*guidance does not preclude the use of contrasting materials, but it does require that they are of good quality.”*

- 5.7** The extension, as clearly shown on the existing and proposed context elevations, proposes an appropriate design approach to the building. It will remove bulky unsympathetic extensions and replace them with a contemporary designed subordinate addition that will preserve the appearance of the original building. Whilst there is some uniformity of design in dwellings to the south in Torriano Avenue, it is not evident in this part of the road; and the contemporary design, welcomed by Policy DP24, serves to bridge the appearance of the appeal property with the adjoining dwellings. The proposal will therefore accord with Policy CS14 of the Core Strategy, Policy DP24 of the Camden Development Policies and the Design SPG.

#### **Reason for Refusal 2 – Provision of Refuse Facilities for Public House**

- 5.8** Policies C7 of the Council’s Core Strategy and DP12 of the Development Policies seek to promote Camden’s centres and shops, which looks to ensure that a range of shops, services, food, drink and entertainment are provided, and also makes sure that these uses do not have a harmful impact upon residential amenity. Paragraph 12.11, supporting Policy DP12, sets out a number of controls available to the LPA to ensure that such uses do not harm amenity or the character of an area. One of these relate to the storage and disposal of refuse and litter. Over many years the bins for the public house have been located outside of the building on Torriano Avenue. To deal with this issue, which could in any event be conditioned, a revised plan has been issued and submitted with this appeal (Drawing Number: BRE-PL-GA-04B – Appendix 1) that shows the provision of a separate refuse storage area for the commercial use of the site. The storage area will be accessed directly from Torriano Avenue to the side of the public house and will be able to accommodate the standard Council bin size for refuse and recycling. Further details of this provision could be the subject of a condition. This will represent a significant visual improvement to the appearance of the road and area generally. It is therefore considered that the proposal will not preclude external space for commercial refuse space and accords with the Council’s Core Strategy Policy CS7 and Development Policy DP12.

### **Reason for Refusal 3 – Future Viability of Public House and Noise Impact**

- 5.9** 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.”
- 5.10** 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, 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.
- 5.11** 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.

The rear extension, which would result in the demolition of some single storey extensions, would prevent access to a rear yard area. In addition, the area above the pub, which comprised two floors of accommodation, was originally used as part of the pub in order to provide accommodation for the landlord. However, since at least 1996 three landlords/landladies have lived off site and sub-let the upper floors. This area will be converted to self-contained flats. As set out in the Architects Statement of Use (November 2014) submitted with the planning application, 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.

#### The Beer Garden

- 5.12** 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 ground floor pub premises,”* and continues at paragraph 6.2.4, *“In assessing this application per se, severing the garden space from the internal bar would not result in any change to the existing arrangement in terms of its availability for community purposes. Notwithstanding this, 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.”*
- 5.13** 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.

**5.14** 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 6.2.5). The complaint history, which has been obtained from the Council's Environmental Health Department under the Freedom of Information Act, reveals that from a period from the 21/06/2014 until the 2/11/2104 there were nine complaints made from residents about the pub, of which 5 complaints mentioned the beer garden. A further complaint referred to general noise and anti social behaviour (Appendix 3). 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, had in fact become a burden.

**5.15** Appended to this statement (Appendix 4) 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 appellant’s 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 (paragraph 4). He states at paragraph 6, “The 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.

Increased noise in the street

- 5.18** 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, the applicant has applied to the Council to have a limited number of table and chairs set out on the forecourt to the premises. This has historically been the case, but tables and chairs have been removed in recent times and these will be re-instated once a license has been issued by the Council. Confirmation of the licence agreement will be submitted as soon as notice has been received. The proposed seating area is not likely to accommodate a significant number of customers (see drawing at Appendix 1) whose conduct will be controlled by the pub management to prevent any anti-social behaviour occurring. This is a situation that 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 within the public house 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.

- 5.19** 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 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

##### a) Roof extension to existing building

- 5.20** Policy DP 24 (securing high quality design) seeks the highest standard of design and states that it will expect developments to consider the character and proportions of the existing building, where alterations and extensions are proposed. As discussed elsewhere in this statement the area displays a mixed character in terms of the architectural characteristics of the surrounding buildings. Supporting paragraph 24.6 welcomes high quality contemporary design in such locations. The extension was subject to revisions during the course of the application that resulted in it being pulled back from the parapet of the host building, and the architect has produced drawings to demonstrate the line of sight in views from the pavement on the opposite sides of Torriano Avenue and Brecknock Road, from which only the fascia of the extension would be visible. As acknowledged by the planning officer in his report to committee, “Even in the most prominent views the extension would be a very minor and subordinate element of the overall appearance of the building,” (paragraph 6.3.3).



**5.21** In terms of materials the officer's report opines, "The proposed powder coated aluminium facing material for the extensions would present the additions as secondary elements of the host building. In the case of the roof extension, the material would not be widely appreciated." This is a matter that, in the event that the Inspector considered the design to be acceptable, could be conditioned for consideration at a further time.

b) Impact upon Neighbour Amenity.

**5.22** Policy DP 26 of the Camden Development Policies seeks to ensure that the quality of life of occupiers will be protected from new development. In terms of privacy to neighbouring properties, there would be little change from the current situation. The present situation provides overlooking from the upper floors of the building to the adjoining property, Number 135 Torriano Avenue. This property has a blank windowless facing flank elevation and this situation will not materially change in relation to the proposed extensions. As noted in the officer's report, the proposed roof alterations would comprise a rear facing window and terrace that, "*Would provide oblique, almost perpendicular views towards neighbouring windows in Torriano Avenue, which would not present any significant change to the privacy of neighbouring occupants.*" The appellant has, however, in negotiation with the LPA, offered to improve privacy to adjoining gardens through the introduction of privacy screens to the rear facing first and second floors, and this can be secured through condition.

**5.23** The appellant has commissioned a daylight/sunlight test, submitted with the application, which demonstrates, when assessed against the BRE guidelines, that none of the adjoining properties would be adversely affected by the development. The assessment, using the Vertical Sky Component (VSC) test, demonstrates that none of the nearest facing windows would suffer a reduction of daylight/sunlight below 27%. As such, none of the immediately adjoining properties will suffer a loss of daylight/sunlight as a result of the proposed development.

**5.24** The proposals would therefore not result in a loss of amenity to the adjoining residential properties and would therefore be in accordance with Policy DP26.

c) Amenity for Future Occupiers of the Development

**5.25** The proposed residential flats will provide a good quality environment for future occupiers. They all meet, and are in excess of, Camden's minimum internal space standards for individual room sizes. In addition, the proposal has been designed such that, where possible, it meets the Lifetime Homes Standards. However, due to the constraints of the building, it has not been possible to adapt the units to meet wheelchair standards. The planning officer report (P.6.5.1) acknowledges this when it states, "*Given the proposal relates to upper floors within an existing building, this is considered to be acceptable.*"

**5.26** All the proposed units will be dual aspect, and all the habitable rooms will be well lit in excess of 20% of their respective floor areas, and, with the exception of a one bedroom flat, have access to a private amenity space. All of the new units will also have access to dedicated waste and recycling facilities, which are located within the communal entrance area. As such, the proposal will provide a high quality of residential dwellings for the future occupiers of the development and accord with policy CS6 of the Council's Core Strategy.

d) Highways and Transport.

**5.27** 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.

**5.28** Policy CS11 also seeks to promote cycling facilities within new developments, and in accordance with the requirements of this policy the proposal provides secure cycle storage within the building with one cycle space per unit (total of 5).

**5.29** 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.

e) Sustainability

- 5.30** 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.

f) Financial Contributions (Section 106 )

- 5.31** 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 with well-designed extensions, which respect the style and form of neighbouring properties. Its reduction in height also addresses the concerns raised by the Council officers in design, scale and massing, as well as impact upon the amenity of adjoining properties, all of which are considered acceptable. 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 APPENDICES**

Appendix 1: Drawing BRE-PL-GA-04B proposed ground floor plan

Appendix 2: Planning Officers report to Committee

Appendix 3: The Leighton Arms – complaint history (21/6/2014 – 2/11/2014)

Appendix 4: Appeal decisions –

a) The Swan, Waters Upton, Telford

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