

TOWN AND COUNTRY PLANNING  
ACT 1990 (AS AMENDED)

STATEMENT OF CASE IN SUPPORT  
OF SECTION 78 APPEAL

St Paul's Mews  
NW1 9TY

Kowloon Pacific

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## 1 SITE AND SURROUNDINGS

This appeal site relates to an area of hardstanding located on the north side of St Paul's Mews. To the south is a terrace of dwellings, which were built in the early 1990's.

The area falls within the Camden Square Conservation Area. The site is neither listed nor located near a listed building.

The site is bounded to the rear by Nos. 126, 128, 130 and 132 Agar Grove, each of which are noted within the Camden Square conservation area appraisal and management strategy as making a positive contribution to the character and appearance of the conservation area.

The London Borough of Camden designated the appeal site as an Asset of Community Value (ACV) on the 3<sup>rd</sup> January 2014.

## 2 RELEVANT PLANNING HISTORY

### Early History

St Pauls Mews from the 1930's until the 1960's was used for the industrial manufacturer of tiles and was primarily a yard with individual buildings, which housed amongst others a tile pressing shop, sanding shop and pump room.

In the 1960's until the late 1980's St Pauls Mews was used as a yard with ancillary buildings for the storage of plant and materials and for the operation of heavy goods vehicles. It was during this time that the actual appeal site was acquired to enable vehicles to turn around in order to enter and egress the site safely. This area was previously part of a garden of a property located to the north of the site

Minor planning applications were approved during this time for additional / replacement buildings within St Pauls Mews. For the whole period this land was gated at either end and was for private use only.

### St Pauls Mews Development

On the 23rd July 1987 (LB Camden Ref: 8701220) planning permission was granted for the provision of gated development, which consisted of 28 No. 3 bed & 2 bed houses with integral garages and six external parking spaces.

A subsequent application to increase this to eight spaces was refused planning permission by LB Camden in 1989. Clearly planning policies related to car parking in urban areas have moved on and for at least the last twenty years planning policy has sought to reduce car parking rather than encourage it.

The freehold of St Pauls Mews and application site have remained in private ownership and access to St Pauls Mews is controlled by gates at either end of the development therefore access to this area by the 'local community' (i.e. people living outside of the Mews development) is at best challenging.

In terms of parking, local transport and servicing, as well as the provision of integral garages for off street parking, St Pauls Mews is located only 12 minutes walking distance from National Rail and LU underground stations and only 8 minutes walking distance from 5 bus routes. Access for servicing is controlled at either end of the Mews.

The appeal site has previously been used as a car park without the appellant's knowledge or approval and our client had to put in appropriate measures to stop the use of his land for that purpose prior to the nomination as an ACV. (Please see photographs in the D & A Statement). Given the proximity of the site to public transport nodes and existing parking arrangements within St Pauls Mews, any proposed parking within the appeal site is considered excessive and not in accordance with current national and local planning policy which seeks to promote more sustainable forms of transport.

The planning history suggests that the ‘community value’ of the site is rather tenuous and it should be noted, has only recently been promoted.

Following an application to LB Camden the site was nominated as an Asset of Community Value (ACV) on the 11th November 2013 and approved by the LB Camden on the 3rd January 2014.

The planning application subject to this appeal was submitted and validated on the 3rd April 2015 for the provision of the erection of a two-storey house following extensive pre-application discussions and draft submissions with LB Camden. The matter of the ACV was not discussed at this stage.

The case officer in the pre-application process defined the main issues for consideration, which included:

- Design related issues/ townscape;
- Excavation of basement level;
- Standard of residential accommodation and Lifetime Homes Standards
- Residential Amenity;
- Transport;
- Trees; and
- Sustainability.

Following the submission of this non-determination appeal the application was subsequently refused planning permission on the 28<sup>th</sup> August 2015 for the following reasons:

#### Reason(s) for Refusal

1. The existing site, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed development would severely compromise the potential future use of the site and would no longer be of benefit to the community, which would fail to enhance the sustainability of communities, contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policies DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

Without prejudice to any future application or appeal, the applicant is advised that reason for refusal No.2 could be overcome by entering into a S106 legal agreement with the Council for a scheme that was in all other respects acceptable.

In summary LB Camden's Planning Officer accepted that the proposals were in harmony with local regional and national planning policies in terms of the matters raised in the pre-application discussions and the proposals overcame the concerns of local residents in all aspects apart from its impact on the ACV.

### 3. PLANNING POLICY CONTEXT

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act, the 'Development Plan' now comprises of the National Planning Policy Framework, The London Plan and LB Camden's Core Strategy and Development Policies (adopted November 2010). On the 24<sup>th</sup> June 2016 the Camden Local Plan was formally submitted to the Secretary of State. We are not aware as to when the examination in public will commence.

#### The National Planning Policy Framework

The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and has replaced the majority of the existing Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) with immediate effect. The NPPF is a material consideration in determining planning decisions.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). It states, at paragraph 17, that planning should proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs. High quality design and a good standard of amenity for all existing and future occupants of land and buildings should be sought.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed use communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

With regard to decision taking, the NPPF advises that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible (paras. 186 and 187). The presumption in favour of sustainable development is the golden thread that runs through the NPPF. One of the core principles of the NPPF given in paragraph 17 is that planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

It is considered that guidance set out in the NPPF is specifically applicable to this appeal statement and as such reference is made to its content.

#### Regional and Local Planning Policy

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Sections 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990)



The main policies that need to be considered in the context of this appeal are as follows:

## National Planning Policy Framework (2012)

- Chapter 6 'Delivering a wide choice of high quality homes'
- Chapter 7 'Requiring good design'

## National Planning Practice Guidance (2014)

- Design (ID: 26)
- Noise (ID: 30)
- Health and wellbeing (ID: 53)

## London Plan (2016)

- 3.1 Ensuring equal chances for all;
- 3.4 Optimising housing potential;
- 3.5 Quality and design of housing developments;
- 3.6 Children and young people's play and informal recreation facilities;
- 7.4 Local character;
- 7.6 Architecture; and
- 7.8 Heritage Assets and archaeology.

## LDF Core Strategy and Development Policies

- CS5 - Managing the impact of growth and development;
- CS6 - Providing quality homes;
- CS10 - Supporting community facilities;
- CS11 - Promoting sustainable and efficient travel;
- CS13 - Tackling climate change and promoting higher environmental standards;
- CS14 - Promoting high quality places and conserving our heritage;
- CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity;

- CS19 - Developing and monitoring the Core Strategy;
- DP2 - Making full use of Camden's capacity for housing;
- DP5 - Homes of different sizes;
- DP6 - Lifetime homes and wheelchair homes;
- DP15 - The transport implications of development;
- DP17 - Walking, cycling and public transport;
- DP18 - Parking standards and limiting the availability of car parking; and
- DP19 - Managing the impact of parking.
- DP20 - Movement of goods and materials
- DP21 - Development connecting to the highway network
- DP22 - Promoting sustainable design and construction
- DP23 - Water DP24 Securing high quality design
- DP25 - Conserving Camden's heritage
- DP26 - Managing the impact of development on occupiers and neighbours
- DP27 - Basements and lightwells
- DP28 - Noise and vibration
- DP32 - Air quality and Camden's Clear Zone

**Other Planning Policies / Guidance**

- CPG1 (Design) 2015 – Sections 2, 3, 4 and 10
- CPG2 (Housing) 2016 – Sections 4 and 5
- CPG3 (Sustainability) 2015 – Section 2, 3 and 10
- CPG4 (Basements and lightwells) 2015 – Section 2 and 3
- CPG6 (Amenity) 2011 – Sections 4, 6, 7, 8 and 11
- CPG7 (Transport) 2011 – Sections 5, 6, 7, 8 and 9 CPG8 (Planning Obligations) 2015 – Section 10

**Camden Square conservation area appraisal and management strategy (2011)**

**Emerging Planning Policy - Draft Camden Local Plan 2015 –**

Policy C3 - Cultural and leisure facilities

Assets of Community Value List

Community Right to Bid:

Non-statutory advice note for local authorities - Department for Communities and Local Government (October 2012) Government response to the Communities and Local Government Select Committee Inquiry into the Community Rights (March 2015)

#### 4 GROUNDS OF APPEAL

The planning application subject to this appeal for non-determination was for the erection of a two-storey dwelling identified in the accompanying plans. Following the submission of this appeal the Local Planning Authority refused the application on the grounds previously outlined and consider that the matter of the ACV to be the only outstanding issue and the main reason for the delay in the Council determining this application.

In assessing the merits of the proposed scheme, although at the time of the submission of this appeal no decision had been made by the Council, the use and the built form of the application was considered to be acceptable (which is confirmed by planning officers at LB Camden who suggested in their accompanying delegated report, that it provides a high quality development that is of an exemplary design and appearance with regard to its surrounding environment and townscape context).

Rather than providing an assessment of matters that we are broadly in agreement with LB Camden we will respond in turn to each of the Council's recent reasons for refusal.

- 1 The existing site, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed development would severely compromise the potential future use of the site and would no longer be of benefit to the community, which would fail to enhance the sustainability of communities, contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policies DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.*

In order to clarify LB Camden's position the officer's recent delegated report identified that under the Localism Act 2011, voluntary and community organisations can nominate an asset to be included on a list of 'assets of community value' (ACV). By definition an ACV is a building or piece of land, which currently, or in the recent past, furthers the social wellbeing or cultural, recreational or sporting interests of the local community and is expected to do so in the future.

According to the LB Camden Officer's Report, the St Paul's Mews Residents Association, nominated the appeal site on 11th November 2013, as an ACV for the following reasons:

*'St Paul's Mews is a thriving, Camden, local community of 30 houses which close to 100 people call home. Residents support and look out for one another and hold regular meetings and social functions. The street is a gated, cobbled road in a conservation area containing high quality homes. The square is an area half way along the street which children often play in and which the residents association, use on a regular basis for social functions. Residents look after the area to see that it stays tidy and that the plants are looked after. We are all very proud of our street, its appearance and the incredibly friendly atmosphere. If the square were ever to be lost to the community it would do lasting damage to the area and negatively impact the wellbeing of residents.'*

The St Paul's Mews Residents Association advised the Council that the appeal site has been used for resident's events, parties and barbecues on at least 6 occasions in 2013 and 2014.

On 3rd January 2014, the nomination was successful and the Council designated the appeal site as an ACV, which apparently furthered social wellbeing and social interest encouraging a wide range of social activities taking place for the local community. It should be noted that the appellant as landowner was not consulted at any time during this process and was unaware that the site had been nominated let alone approved by LB Camden as an ACV.

If the appellant were notified that the site had been nominated as an ACV they clearly would have been in position to raise some valid concerns.

For example, when assessing the nomination as an ACV the Council is required to consider two pertinent issues. Firstly is the site ancillary to the main use of the ACV and secondly is the category of land excluded from the operation of the listing regime in accordance with Schedule 1 to the Assets of Community Value (England) Regulations 2012 (“the 2012 Regulations”).

In terms of the first matter the appeal site was clearly ancillary to the main use of the site.

Secondly in accordance with Schedule 1 of the Assets of Community Value (England) Regulations 2012, the principal exclusion relates to residences. The other two exclusions are caravan sites and land held by a statutory undertaking for its operations.

The exclusion of a residence extends to the land connected with it but probably not other buildings, save for those, ancillary to the residence.

It therefore appears that the ACV is both ancillary to the main use of St Pauls Mews and given that the primary use is residential, it remains unclear as to whether these important factors were taken into account when the listing was originally submitted and approved.

As per, paragraph 14 of the Government response to the Communities and Local Government Select Committee Inquiry into the Community Rights, *‘current legislation allows local authorities to take ACV status into account as a material consideration when determining planning applications. This is a matter for local planning authorities and other decision makers who will take a view on what is a material consideration and the weight to be accorded on a case-by-case basis’*.

Within this context the Council considered the designation was adjudged to be relevant and shall be apportioned a reasonable degree of weight as an indication of the significance of the current use to the local community.

Policy CS10 sets out Camden’s overarching approach to protecting and providing the community facilities that meet the needs of Camden’s growing population. Part F of Policy CS10 states that the Council will *‘support the retention and enhancement of existing community, leisure and cultural facilities’*.

In conjunction with Policy CS10, Policy DP15 helps to deliver the Core Strategy by providing a detailed approach to the protection of existing community and leisure facilities and on contributions towards the provision of new facilities.

It is acknowledged by LB Camden that Policies CS10 and DP15 do not contain any reference to car parks or hardstanding amongst the community facilities mentioned. LB Camden have noted however, that many types of facilities that are not mentioned perform a

community function and the omission of a specific reference in the policy would not mean that they cannot be a community facility. Clearly this is a matter of fact and degree and could be open to a wide range of interpretation diminishing the specific aims and objectives of this policy.

LB Camden advise that a community facility provides an opportunity for people, amongst other things, to meet and socialise which is an important function of an ACV and indeed are for the community to congregate. Therefore Policies CS10 and DP15 are considered by the Council to be relevant and should be apportioned a reasonable degree of weight. In this instance does this infer that that any open space where people can meet and socialise be considered a community facility?

LB Camden has also suggested that the provisions of the NPPF needed to be taken into account when determining the planning application. In particular, paragraph 70, which seeks to deliver the social, recreational and cultural facilities and services the community needs, therefore planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

However the paragraph 70 of the NPPF also advises that planning decisions should:

*“...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;”*

Given that the appeal site has not been in use on a daily basis by the community prior or post the nomination of the ACV being accepted, it is nebulous to suggest that the appeal site plays a significant role in meeting the local community's day-to-day needs.

LB Camden consider that the proposal to develop the appeal site to provide a single dwelling with associated external space would result in the potential to host future community events detrimentally compromised and undermined, leaving the closest areas of designated open space, for example, located to the south east (North London Line approximately 200m as the crow flies) and the west (Agar Grove Open Space approximately 220m as the crow flies).

It should be noted that St Pauls Mews is gated and the residents control access.

Moreover there are other similar areas to the appeal site of hardstanding within the boundary of the Mews. Rather than using the appellant's land - if the residents so wished surely they could allocate another area within the mews to hold regular meetings and social functions and therefore a replacement facility that meets the 'needs of the local community'

could easily be provided if the residents so wished. Clearly there is no requirement for the community to host gatherings elsewhere outside of the locality given that potential facilities already exist within the Mews.

It is therefore considered that proposal does accord with the requirements as set out in policy CS10 and DP15 of Camden's Local Development Framework.

Although the emerging Local Plan being prepared by Camden seeks to safeguard ACVs, particularly Policy C3, at this stage the Plan has limited weight in decision-making as it has yet to be examined in public by a Planning Inspector.

We understand that local planning authorities can determine whether or not ACV status is a material consideration in terms of a planning application. However this stance contrasts with the Government's response to a Select Committee Inquiry into community rights (March 2015), in which it refused a recommendation to make ACV status a material consideration in planning applications, except for minor works. Accordingly this proposal is clearly a development, which cannot be regarded as minor works in terms of definition within planning legislation.

Furthermore LB Camden's Solicitor and Assistant Chief Executive's Report to Cabinet 13th June 2012 – Localism Act - Implementation Information stated that:

*'The assets of community value provision (also known as the community right to bid) aims is to give local voluntary and community bodies and parish councils the opportunity to buy buildings or land such as pubs, post offices and libraries when current owner wants to sell. These groups may nominate assets of community value to go on a list held by the Council.*

*If the owner of the listed asset wants to sell it, they would be required to notify the Council, who would in turn notify the interested parties. If a group then want to buy the asset, they must inform the Council, triggering a six month moratorium on the sale, to give them a chance to prepare a bid to buy. However at the end of the six months, the landowner is under no obligation to accept their offer.*

*The regulations which bring this provision into force are expected during the summer. Officers are preparing for implementation as far as is possible before publication of the regulations. Nominations to the list will be submitted through a page on the Council's website. **The Government has indicated that the process is purely administrative so no Councillor involvement in decision-making is required.***

Clearly this report advised that there was a strong emphasis on the central tenant of the Localism Act 2011 that local communities should be given the opportunity to buy buildings or land when the current owner wishes to sell.

Moreover as it was purely administrative, 'no Councillor involvement in decision making would be required' - this statement is rather at odds with the current assessment of planning applications if the ACV issue is to be material consideration, both in LB Camden and every other LPA within the country.

It is accepted that in some instances the listing of an ACV may be treated as a material consideration for planning purposes. There is little official guidance as to the consequence of

listing in the context of planning. Government guidance states that it is for the authority to decide whether ACV listing is a material consideration for planning purposes. However ACV listing's primary role brings in controls relating to the disposal of the ACV but should not extend as to the use of the listed ACV. The owner retains the unfettered ability to change the use of the listed ACV. Moreover listing does not impose any restrictions on the use to which a listed ACV can be put.

There is no direct case law on what weight may be attached to the ACV listing and the weight to be given to a material consideration is a matter for the decision-maker subject to this decision being reasonable and rational in all the circumstances.

The significance of an ACV listing in the context of planning has recently been raised in *R (oao Loader) v Rother DC* [2015] EWHC 1877 (Admin) which involved judicial review proceedings over a planning permission to carry out a residential development at the listed Gullivers Bowling Club. The allegation was that the planning committee had been misled as to the effect of the listing. In rejecting this contention Mrs. Justice Paterson without any criticism set out (at para. 87) in full the minutes of the advice given by the authority's planning lawyer. This set out the workings of the ACV regime and then went on to say:-

*“With regard to this, planning applications have to be determined in the normal way in accordance with the development plan unless material considerations indicate otherwise. At present there is no direct case law on what weight is attached to ACV listing. The weight to be given to any material consideration is a matter for the decision-maker, subject to his decision being reasonable and rational in all the circumstances. Each case depends on its merits.... In making your decision here you will be doing the usual balancing act to see what weight you attach to material considerations in question.”*

When considering what weight should be attached to listing, this generally varies from case to case. It may be a reason for refusing permission as with the refusal of the planning application to change the use. For example the Friendship pub in Plymouth was the first ACV to be listed in 2013 by the authority. It was sold to a developer and an application for planning permission made for a flat to be constructed on each of the three floors. Permission was granted for the first and second floors but not for the ground floor. On appeal the Inspector overturned the refusal and allowed the conversion of the pub on the ground floor to a flat because there was nothing to show that future use, as a pub was viable.

Secondly the ACV listing has been accorded negligible weight, which results in the grant of planning permission even if the proposed development did not include replacement community facilities.

An example of the latter is the decision of the Planning Inspector (APP/Y5450/W/14/3001921 - 12th May 2015) in respect of a planning application for permission to convert the 'Alexandra' pub in Haringey into two three bedroomed dwellings. It had loose associations with the Davies brothers of Kinks fame and had been listed as an ACV. The refusal by the Council was overturned by the Inspector who stated at para. 22 that the

*“...relevant ACV legislation sets out specific tests which are narrower than the planning considerations before me. The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise*



*acceptable development. Accordingly, whilst I afford it some weight in this case it is not determinative.”*

In determining planning applications we understand that there is a balancing act but the central tenant of the NPPF is the presumption in favour of sustainable development (Para 14 and para 197)), thus any proposed development, which is sustainable, should be approved without delay (Para 15).

The proposals clearly provide a sustainable development that delivers effective use of brownfield land in accordance with the core planning principles (Para 17) of the NPPF. Furthermore we have demonstrated through the accompanying planning application submission that the proposal fully complies with the overall objectives of national, regional and local policy guidance, and in so doing, delivers a scheme that will contribute to the supply of homes in Camden and London.

In summary the development will give rise to the following key planning benefits by:

- Optimising the use of a previously developed brownfield site which would otherwise fall vacant and be under-used;
- Replacing an underused site with a development of the highest quality design that responds to the constraints of the site and its surrounding townscape
- Delivering the benefits arising from the proposed development without causing harm or detriment to the character of the surrounding area and the amenity of those who live in close proximity to the development, as demonstrated through the detailed assessments accompanying the planning application; and
- Contributes to national, regional and local housing targets through the provision of a new, high quality home.

Although considered by LB Camden to be worthy as an ACV, this brownfield site is an urban hard landscaped area that is not considered of high environmental value as it was previously used as a car park.

In accordance with Government planning advice, it is considered that the overall planning merits of the proposal far outweigh the material considerations of the ACV and therefore the matter of the ACV should not be considered a planning risk in this instance.

- 2 The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*

*Informative(s):*

## Kowloon Pacific

*Without prejudice to any future application or appeal, the applicant is advised that reason for refusal No.2 could be overcome by entering into a S106 legal agreement with the Council for a scheme that was in all other respects acceptable.*

Currently the appeal site area is not used for service vehicles / disabled parking / cycle parking and therefore there will be no resultant shortfall in minimum parking spaces for non-general car parking. As such any development would not displace vehicles to 'stressed' controlled parking zones on street.

Following negotiations with the Council, a parking space was removed from the initial scheme to make the new dwelling car free in accordance with policies DP18 and DP19.

Although highlighted in the pre-application response to our client's scheme, the Council did not raise the matter of the S106 Agreement throughout the application process. However in order to respond positively, the appellant would be willing to enter into a S106 legal agreement to secure a car free development as the appeal site is located only 12 minutes walking distance from National Rail and LU underground stations and only 8 minutes walking distance from 5 bus routes.

## 5 CONCLUSIONS

This Statement has been prepared in support of an appeal for the non-determination of a planning application submitted to LB Camden for the redevelopment of a small vacant site located within St Pauls Mews, Camden. The proposals are considered in the context of relevant national, regional and local planning policy, and other best practice guidance.

The site was previously part of neighbouring garden and has been used since the 1960's as a logistics yard, a car parking area and most recently a hardstanding. In accordance with local, regional and National Planning Policy an opportunity therefore exists to redevelop the site for residential use.

A core principle of the planning system is to proactively drive and support sustainable economic development and encourage the effective use of land (NPPF para.17). The optimum use of developable land is therefore a worthwhile planning objective (NPPF para.58). In assessing and determining development proposals, Section 197 of the NPPF requests that local planning authorities apply the presumption in favour of sustainable development.

The proposals were the subject of comprehensive pre-application consultation and following submission, extensive discussions with the case officer. After thorough analysis and evaluation the proposed form of development was supported as it represents sustainable development in accordance with the terms of the NPPF and the objectives of the development plan.

This Statement and the planning application submission together with the LB Camden's officer delegated report demonstrate that the proposed development fully complies with the overall objectives of national, regional and local policy guidance, and in so doing, delivers a sustainable development of the site that will contribute to the supply of homes in Camden and London.

Overall the proposed development will give rise to the following key planning benefits by:

- Optimising the use of a previously developed brownfield site, which would otherwise fall vacant and be under-used;
- Provision of a development of the highest quality design that responds to the constraints of the site and its surrounding townscape;
- Delivering the benefits arising from the proposed development without causing harm or detriment to the character of the surrounding area and the amenity of those who live in close proximity to the development, as demonstrated through the detailed assessments accompanying the planning application;
- Contributing to national, regional and local housing targets through the provision of a range of new high quality homes; and
- Delivering a new home that will also be of an exemplary standard and will comply with the standards set out locally by the borough and by the Mayor in his Housing SPG.

In summary, the application is considered to provide a high quality development that is of an exemplary design and appearance with regard to its surrounding environment and townscape context. The proposals will optimise the use of the site and deliver an appropriate form of development without harming the amenity of existing residents in the area.

In terms of the ACV, in its current state it is considered that the appeal site provides negligible value to the community and there is little prospect of this changing in the near or distant future. It is clear from recent ACV case law that in terms of material considerations when assessing an application, the ACV needs to be balanced against the planning merits of the application.

Whilst it may be argued that the ACV should afford some weight in this instance it should not be determinative as the planning merits of the proposals are significantly greater. Moreover the primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development.

It cannot be a desirable outcome of the planning process to limit development on grounds that do not accord with National, Regional and Local planning policies.

It is therefore considered that the overall planning merits of the proposal as set out above signify that the council should have applied the presumption in favour of sustainable development in this instance and granted planning permission.

Accordingly the appeal should be allowed.