

INTRODUCTION

- 1.1 This appeal follows the refusal of the London Borough of Camden for my Client's scheme to redevelop the site for:

Redevelopment of the site including multiple storey rear extensions, a basement extension (to include toilets and a commercial kitchen), mansard roof addition and associated works to 9 Hargrave Place; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 3 residential flats (C3)

- 1.2 The proposals have been revised and refined following an earlier appeal dismissal, resulting in a positive recommendation from Officers before being overturned at Committee.

2 SITE AND SURROUNDS

- 2.1 The site and surrounds, the local context and the area of search are all identified within the Design and Access Statement.
- 2.2 The site is located on a short cul-de-sac off Brecknock Road (A5200) in west Kentish Town. It is approximately 0.02ha in area and contains a Public House with associated residential accommodation. The building covers a total of 190 sq.m (GEA).
- 2.3 The Admiral Mann PH has been registered as an asset of community value (ground floor public areas only) but it is not located within a Conservation Area. The residential unit to the rear has been confirmed as lawful by the grant of an LDC.
- 2.4 The site is located on Hargrave Place which is a small cul-de-sac leading from Brecknock Road. Hargrave Place finishes at a gated entrance to Brecon Mews. Adjoining to the east of the site is the newly constructed scheme of 6 residential flats with ground floor commercial unit.

2.5 Opposite, to the north, is 2 Hargrave Place, a four storey residential and live/work building, 1-16 Landleys Field, a four storey residential building which forms part of a larger local authority housing estate. Set back to the west is another local authority housing estate. Immediately south of the property is Brecon Mews, comprising of three storey residential properties arranged around a parking area in a gated development, with access from Brecknock Road and passed the Admiral Mann PH off Hargrave Place.

3 THE PROPOSAL

3.1 The proposals involve the retaining and modernising of the existing Public House all in line with planning policy DP15, with the provision of residential on the upper floors and in the extended rear building.

3.2 The works proposed to the pub include:

- A fully accessible toilet has been proposed at ground floor level.
- Additional toilet accommodation will be added within an extended basement,
- The retention of the existing two bar service
- An increase in the tradeable floor area.
- The inclusion of

3.3 For the residential element:

- Utilising the existing core to access the upper floors
- adding an additional set back mansard roof level.
- Extending the pub building to the rear to of the rear
- Extend 9a upwards and outwards to facilitate an additional unit.
- Shared communal facilities to be provided on the ground floor.

4 LEGISLATION

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: "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."

- 4.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that: "If to any extent a policy contained in a Development Plan for an area conflicts with another policy in the plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)."
- 4.3 The Planning Act 2008 provides for an amendment to S39 of the Planning and Compulsory Purchase Act 2004, to identify neighbourhood plans as part of the Development Plan.
- 4.4 The enactment of the Planning Act 2008 provides for an amendment to S39 of the Planning and Compulsory Purchase Act 2004, to require LPA's, when complying with their S.39 duty to achieve sustainable development, to have regard (in particular) to the desirability of achieving good design.
- 4.5 Section 106 of the Town and Country Planning Act 1990 does not restrict the types of arrangements which can be entered into: relevant general provisions are that the s.106 obligation can be used for "restricting the development or use of the land in a specified way" (s.106(1)(a)) and "requiring a sum or sums to be paid to the authority on a specified date or dates or periodically" (s.106(1)(d)).
- 4.6 The Community Infrastructure Levy Regulations 2010 prevents planning obligations being reasons to grant permission unless they are (1) necessary to make the development acceptable in planning terms, (2) directly related to the development, and (3) fairly and reasonably related in scale and kind to the development (regulation 122(2)).
- 4.7 S89(1) of the Localism Act 2011 states that land may only be included in a Local Authority's list in response to a community nomination.

5 PLANNING POLICY

National Planning Policy Framework

- 5.1 The 'introduction' of the Presumption in Favour of Sustainable Development ("the Presumption") in the NPPF is not a new concept to planning, but now takes on a much more prominent role. In the Foreword, Greg Clarke MP states:

“Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.” He continues: “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

5.2 Firstly, commenting on the presumption itself. For decision making, it means (for sustainable development):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be Restricted.

5.3 The Presumption is also caveated with “unless material considerations indicate otherwise” so given the very wide remit of what constitutes a material consideration, it remains with the decision maker to identify assess and apply any known considerations.

5.4 There are two other aspects to bear in mind. Firstly, the Presumption is for “sustainable development” only. This has a lengthy definition at paragraph 7, listing an economic role, social role and an environmental role as the three dimensions to the definition. However, clarity for decision makers is still lacking, and the three “roles” are bound to conflict with each other. In addition, somewhat unhelpfully, at paragraph 6, it states:

“The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”

5.5 The Applicant would commend the application scheme as being epitome of sustainable development.

5.6 Secondly, is the issue of when a development plan might be considered not to be “up-to-date”. This is specifically dealt with at paragraphs 211 to 216 in Annex 1. In short, for the 12 months following the publication of the NPPF, any local plan adopted after the 2004 Planning Act came into force will not be considered out of date as applied in this instance.

- 5.7 It is also important to consider the material change of policy brought about the introduction of the NPPF, and its considerations of heritage matters.
- 5.8 The NPPF maintains the spirit of the PPS and its predecessors in upholding the general principle that heritage assets should be "sustained" and "enhanced" for the benefits they bring to the community. There is a clear direction to local authorities in paragraph 126 that these general aspirations should be linked into a positive strategy for conservation within local plans.
- 5.9 The statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:-
- The London Plan being the Spatial Development Strategy for Greater London adopted by the Mayor of London ('Mayor') in July 2011, hereinafter referred to as the London Plan. This is to be regarded as an up to date development plan to which significant weight should be accorded.
 - The Camden Core Strategy (Nov 2010)
 - The Camden Development Management Plan (Nov 2010)

The London Plan (Early Revision Oct 2103)

- 5.10 The London Plan is the statutory plan for London and sets out the strategic, citywide guidance for London, to which individual boroughs' planning policies are required to be in broad conformity. The original London Plan was published in 2004, and was revised in 2008 before being replaced this year.
- 5.11 In summary the London Plan sets out to:
- Meet the needs of a growing population with policy on new homes, including affordable housing, housing design and quality, and social infrastructure, which will promote diverse, happy and safe local communities;
 - Support an increase in London's development and employment with policy on: outer London, inner and central London; finding the best locations for development and regeneration, and

- protecting town centres; encouraging a connected economy and improving job opportunities for everyone, so that London maintains its success and competitiveness;
- Improve the environment and tackle climate change by: reducing CO2 emissions and heat loss from new developments; increasing renewable energy; managing flood risk, ensuring water supply and quality; improving sewerage systems; improving London's recycling performance and waste management; and protecting our open spaces making London a green and more pleasant place to live and visit;
- Ensure that London's transport is easy, safe and convenient for everyone and encourage cycling, walking and electric vehicles.

- 5.12 Policy 1.1 sets out the parameters for delivering the strategic vision and objectives for London. The policy sets out growth and change management and how this will be supported across all parts of London. Policy 2.15 sets out the London Plan's approach to Town Centre development and seeks to support development which supports and enhances the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, and other consumer and public services.
- 5.13 Policy 4.1 sets out the policy for development London's economy; to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London. Policy 4.6 seeks to support London's range of arts, cultural, professional sporting and entertainment enterprises. The policy requires developments: to fulfil a sequential approach and where necessary, complete an impact assessment; be located in sustainable locations; be accessible to all and address deficiencies in facilities.
- 5.14 Policy 4.7 aims to bring forward capacity for retail, commercial, culture and leisure development in town centres. The scale of development proposed should relate to the size, role and function of the town centre and should be focused on sites within town centres. Policy 4.8 requires that LPA write a *policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence*

- 5.15 Policy 5.3 aims to achieve the highest standards of sustainable design and construction. Developments should demonstrate that sustainable design standards are integral to the proposal and major development proposals should meet the minimum standards outlined in the Mayor's SPG and this should be outlined within a Design and Access Statement. The standards include minimising carbon dioxide emissions, avoiding internal overheating, the efficient use of natural resources and minimising pollution and the generation of waste.
- 5.16 Policy 6.13 seeks to achieve a balance between promoting new development and preventing excessive car parking. Developments should reference the maximum parking standards set out in Table 6.2. Developments must also ensure that 1 in 5 spaces provide an electrical charging point, provide parking for people with disabilities, meet minimum cycle parking standards and provide for the needs of businesses for delivery and servicing.
- 5.17 Policy 7.3 sets out that developments should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy 7.4 aims to protect local character by requiring developments to respect the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.
- 5.18 Policy 7.6 seeks for buildings and structures to be of the highest architectural quality, utilising appropriate proportion, composition, scale and orientation. The development must not cause unacceptable harm to the amenity of the surrounding land and buildings. Policy 7.8 sets out that development should identify value, conserve, restore, re-use and incorporate heritage assets where appropriate.

Camden Local Plan

- 5.19 The Camden Local Plan was adopted on the 3 July 2017 and replaces the Camden Core Strategy (2010) and Development Management Policies. The policies relevant to this application are as follows:
- 5.20 Policy G1 states that the Council will create the conditions for growth to deliver facilities to meet Camden's identified needs and harness the benefits for those who live and work in the borough. The Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings.

- 5.21 Policy H2 requires non-residential development to promote the inclusion of self-contained homes as part of a mix of uses. The proposal takes into account the compatibility with the character and operational requirements of the proposed non-residential uses and other nearby uses.
- 5.22 Policy C1 specifies that the Council will improve and promote strong, vibrant and healthy communities through ensuring a high-quality environment with local services to support social and cultural wellbeing.
- 5.23 Policy C3 seeks to protect cultural and leisure facilities and manage the impact of adjoining uses where this is likely to impact their continued operation. If a replacement facility is provided, it should be the same or better standard than the facility which is lost and accessible to its existing users. The Council will also seek opportunities for new cultural and leisure facilities in major, mixed use developments and expect the siting of new facilities to take into accounts its associated impacts. Large-scale facilities should be located where as many people can enjoy their benefits.
- 5.24 Policy C4 seeks to protect public houses which are of community, heritage or townscape value. The Council will grant planning permission where it can be demonstrated that the proposal would not result in the loss of pubs which are valued by the community unless there are equivalent premises available capable of meeting the community's needs. The Council will also seek the retention of significant features of historic or character value where a public house is converted to an alternative use.
- 5.25 Policy C5 aims to make Camden a safer place. The policy will require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in Camden Town. The Council will promote safer streets and public areas and address the cumulative impact of food, drink and entertainment uses in Camden Town and ensure Camden's businesses take responsibility for crime through effective management and design.

- 5.26 Policy C6 requires proposals to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. This will be achieved by expecting all building and places to meet the highest practicable standards of accessible and inclusive design; locating facilities in the most accessible parts of the borough and expecting spaces, routes and facilities between building to be fully accessible.
- 5.27 Policy E1 sets out to secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. The Council will (where relevant to this proposal) support businesses of all sizes, encourage the creative and cultural businesses in the borough and recognise the importance of employment generating uses including leisure and tourism.
- 5.28 Policy A1 seeks to protect the quality of life of occupiers and neighbours. Planning permission will be granted unless it causes unacceptable harm to amenity.
- 5.29 Policy A4 will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration Thresholds. Planning permission will not be granted if development is likely to generate unacceptable noise and vibration impacts or, if development sensitive to noise is proposed in locations which experience high levels of noise, unless appropriate attenuation measures can be provided. The Council will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.
- 5.30 Policy A5 states that the Council will permit basement development where it is demonstrated it will not cause harm to neighbouring properties; the structural, ground, or water conditions; the character and amenity of the area; the architectural character and the significance of heritage assets.
- 5.31 Policy D1 sets out the design requirements to secure high quality design in development. The Council will expect excellence in architecture and design and resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.32 Policy D2 states that that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings. This policy reiterates the requirements of the NPPF.
- 5.33 Policy CC1 requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The policy sets out several requirements including the promotion of zero carbon development and the encouragement of sensitive energy efficiency improvements.
- 5.34 Policy CC2 requires development to be resilient to climate change and should adopt appropriate green infrastructure. The Council will also promote and measure sustainable design and construction.
- 5.35 Policy CC3 will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible.
- 5.36 Policy CC4 states that the Council will ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough. Development that involves significant demolition and construction will also be required to assess the risk of dust and emissions impacts in an Air Quality Assessment and include appropriate mitigation measures to be secured in a Construction Management Plan.
- 5.37 Policy CC5 seeks to make Camden a low waste borough. The Council aims to reduce the amount of waste produced and make sure that development include facilities for the storage and collection of waste and recycling.
- 5.38 Policy TC2 will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The Council will seek to protect and enhance the role and character of each of Camden's, ensuring that new development is of an appropriate scale and character for the centre in which it is located. It will also provide for and maintain food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice and make sure that they do not have a harmful impact on residents and the local area.

5.39 Policy TC4 states that the Council will ensure that the development of town centre uses, including food, drink and entertainment uses, do not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The Council will determine the impact using the criteria set out within the policy.

6 PLANNING MERITS

PRINCIPLE OF DEVELOPMENT

6.1 It is relevant and material to understand the substantial areas of common ground on the appeal scheme :

- There is priority policy support for the provision of permanent residential accommodation in the Development Plan.
- There is no planning policy that protects locally listed buildings within the Development Plan.
- No amenity objections relative to neighbours are raised by the appeal scheme, subject to conditions.
- No issue is raised as it relates to density of development or unit mix.
- The application received the full
- No other development control issues (highways, noise, air quality) are raised by the appeal scheme, subject to conditions.

6.2 The Proposed Development is considered to offer the following benefits:

- A sustainable development in accordance with the Development Plan, the NPPF and all material considerations
- A development which optimises the potential of the site providing 5 residential units, contributing to meeting the priority housing needs of the Borough
- The provision of high quality residential units and provide high levels of amenity for the proposed occupants; and
- The re-provision of Class A4 floorspace in an enlarged space and with updated facilities.

- 6.3 In the case of *North Wiltshire DC v Secretary of State for the Environment* [1991] 2 P.L.R. 67; [1991] E.G. 25 (C.S.) states that a decision in an earlier appeal relating to the same land is capable of being treated as a material consideration. The Court held the inspector has a duty to consider all material considerations and an earlier decision can be a material consideration since like cases should be decided in a like manner. It did not follow that like cases had to be decided in the same way, the inspector had to exercise his judgment but, where he chose not to follow an earlier decision, but he had to give his reasons for doing so.
- 6.4 This appeal decision, and moreover, its finding of facts and principles becomes a significant material consideration unless there is a material change in circumstance or policy. Although there has been a change to the Development Plan, the policy criteria regarding development control remains very similar as to that within the previous UDP, and the Borough's charge is to be deliver significantly more housing.
- 6.5 Having considered the appeal decision, it is considered that the Inspectors concerns with the scheme were limited to:
- Inadequate unit size on the top floor
 - The quality of the accompanying acoustics report
 - The cycle and refuse provision
 - The works to the non-designated heritage asset
 - The lack of food service reducing the quality of the offer for customers
- 6.6 This is confirmed at para 7.2 of the Report to Committee dated 15 June 2017. A copy of the Appeal decision and report to Committee are attached to this statement.
- 6.7 In determining this harm, and whilst some of these elements were already common ground between the parties, the following principles can be elicited from the decision letter:

- The ACV listing only extended to the public parts of the pub
- There was no objection to toilets being provided within the basement
- There was no other objection to impacts on amenities of any surrounding property
- There was no objection to the mass or design of the proposal above the public house
- There is no objection to the proposed height of the development
- There is no requirement for staff accommodation to be provided on-site

Relevance of ACV to the appeal proceedings

- 6.8 The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development . The ground floor only of the pub is listed as an Asset of Community Value. No change of use is sought for this part of the floor area, and indeed the appeal scheme seeks to enlarge the floor area for A4 use.
- 6.9 We also note that the nomination was of a pre-emptory nomination making a reference whatsoever to the nominators intention or ability to bid for the property should my Client make what would under the Localism Act constitute a relevant disposal.
- 6.10 The purpose of part five, chapter 3 of the Localism Act is to provide *an achievable time frame for community interest groups to organize themselves and to raise¹ finance* should they wish to bid for land of community value at a time when the owner wishes to enter into a relevant disposal.
- 6.11 This position was supported by an Inspector on APP/Y5420/W/14/3001921 where in allowing the appeal, the following was noted:
- 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.*

¹ Hansard, HC Public Bills Committee

6.12 There is no indication on the face of the nominating parties that the nominators have any interest in raising finance to purchase the property and this has been proven twice over when my client went through a relevant disposal event and this attracted no bids from any member of the community. Without any intention to bid for a nominated property, the weight to be accorded to the ACV registration in the determination of the appeal must be reduced.

6.13 A report pertaining to the marketing of the property by AG&G is attached to this appeal statement.

Land Use Principles

6.14 The proposed mixed/residential use is compliant with national, regional and local policy and will help Camden reach their annual housing targets. The brownfield site is entirely appropriate for residential development in accordance with the above policies of the Development Plan and would provide much needed residential development in an accessible and sustainable location.

6.15 It is considered that the proposals comply with all relevant core planning principles as identified at Para 17 of the NPPF. The Class A4 use will be re-provided on the ground and basement floor, and the previous Inspector raised no issue with the re-configuration of the toilets or enlarged pub area. Officers opined within the report to committee in relation to these matters:
This loss of space was not raised as an issue by the Inspector and is not considered to harm the function of the public house.

6.16 The material change of circumstance in the appeal scheme is the provision of a kitchen. There is no objective evidence of a kitchen being located within the pub as previously configured, but the previous Inspector concluded that food was provided within the pub and that the loss of this opportunity would harm its function. If this had have been the only reason for dismissal it would have been pursued via judicial review on the basis of it being *Wednesbury* irrational.

6.17 The kitchen is to be located within an enlarged basement area, and will be served by a duct that will be housed within the extended building and whose design has not been raised in the reason for refusal.

- 6.18 The Borough's reason for refusal does not identify the 'ancillary space' which is of concern, and no help is provided by watching the member's deliberations before refusing the application as none were identified at that event. If they seek to argue against the previous Inspector's findings on the first floor, the appropriate route available to them was judicial review but that was not pursued within the relevant time.
- 6.19 Officers of the Borough, who also represented it appeal, made the following comments in the report to committee.

As part of the appeal under APP/X5210/W/16/3147248 the Inspector made it clear that the proposal 'would not provide staff accommodation and therefore the opportunity for food to be provided, even informally, would be lost which would restrict the function of the PH'. The objection from the Inspector was seemingly due to the loss of the ability to provide food, not to the loss of the floorspace itself. When addressing the matter of the loss of staff accommodation, the Inspector did not see these as being significantly detrimental to the pub and noted that there is a 'number of other PHs in the area where staff accommodation is not provided on site. As such I do not consider it would be essential for staff to live at the site, and the lack of staff accommodation in the development would not necessarily affect the attractiveness of the PH to potential managers. Indeed if a manager wished to live on site it is not unfeasible that one of the flats could be made available to them'.

Based on the above it is considered that the only community value gained from the upper floors of the pub were due to its ability to provide food (my emphasis)

- 6.20 Based on this Officer's three year involvement with the appeal site, the provision of a kitchen space not previously seen on the premises would overcome this concern. In determining to reject this full recommendation, the members did not seek any alternate view nor even visit the premises themselves to ascertain facts about its internal configuration.
- 6.21 The evidence pertaining to the amplified music point is pursued within the Acoustician's report which accompanies this statement.

6.22 The introduction of additional residential use onto the site is deemed appropriate as is located close to local facilities within the local centre and to the existing public transport network which will reduce the need to travel and reliance on the private car. The land use consequences of an allowed appeal are the re-provision of a Class A4 use, albeit in an improved fashion and the delivery of permanent housing. Any benefit derived from the previous A4 use on the site would be achievable within the re-configured A4 space.

Quality of Accommodation – Noise

6.23 The technical elements of the reason for refusal are discussed in the note prepared by the Acoustician whose report was submitted with the application, and who lead discussions with the LPA's EHO.

6.24 Comments in this statement will be limited to the law applicable to conditions. As all parties to this appeal will be aware, the authority on the imposition of conditions is Merritt v SSETR and Mendip District Council, which amended SOS policy to state that only where there are no prospects at all of a condition being discharged should an application be refused on a matter which can be resolved via condition. The EHO and retained Acoustician had agreed the wording of the condition which was presented to Committee.

6.25 As referred to in the previous appeal decision, other schemes within Camden were consented subject to conditions and there is simply no planning reason why this would not apply in this instance. As it stands, this reason for refusal is the subject of a partial costs award and the Borough would be sensible to immediately drop

Legal Agreement

6.26 The Borough advise through the reason for refusal that the following matters should be heads of terms within any legal agreement:

- Affordable Housing
- The inability to obtain a parking permit
- A financial requirement towards highways rebuilding

6.27 The first head is agreed and the quantum of circa £31k is a material consideration which weighs in favour of the appeal scheme. The second head is agreed in principle, but the Appellant is cognisant of the findings of the Court of Appeal in *Khodari, R (on the application of) v Cedarpark Holdings Inc [2017] EWCA Civ 333 (11 May 2017)* and so awaits advice from the Borough as to how this is resolved by way of legal agreement. Until the Borough explains how this relates to planning control, it would fail the tests of Reg 122 of the CIL Regs.

6.28 As to the highways contribution, the Borough may wish to review their request. There is primary legislation which entitles a Local Authority to reclaim against any costs to the public highway. Furthermore, no evidence is adduced that other S106 has been signed on similar terms, noting the legislative restriction that no more than 5 can be signed. It should be noted that costs have been awarded against the Borough for seeking S106 on this head, albeit during the life of the previous Development Plan.

6.29

7 CONCLUSION

7.1 National, strategic and local planning policies all place strong emphasis on the need to re-cycle urban land in order to safeguard Greenfield sites and land in other sensitive areas. The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability". They properly maximise the use of this central "brownfield" site without giving rise to any planning problems – in particular, by avoiding compromising the living and working of adjoining residents and businesses.

7.2 It is considered that the proposal is acceptable in land use terms and it:

- Re-uses previously developed land

- Optimises the use of the Site, by providing a high density and quality of development in a location that benefits from an excellent level of public transport facilities
- Encourages the use of public transport and energy-efficient transport
- Promotes reduced levels of car parking
- Provides a safe, accessible, efficient connection to the local area and pedestrian network
- Assists in meeting the recognised Borough and London need for housing including mix
- Will enhance the viability of the existing public house by the provision of a kitchen

7.3 In accord with the development plan, the LPA's priority is for the provision of permanent housing, and this scheme achieves that laudable aim. The proposal is therefore the epitome of compliance with the Development Plan and it deserves the presumption in favour of its approval.

APPENDIX A