



**Lambert
Smith
Hampton**

www.lsh.co.uk

Planning Summary Statement

On

31 Daleham Gardens

On behalf of

Camden Borough Council

Prepared by
Lambert Smith Hampton
United Kingdom House
180 Oxford Street
London W1D 1NN

Tel: 020 7198 2000
Fax: 020 7198 2001
Date: 4 November 2020

Table of Contents

1.0 Executive Summary	1
2.0 Introduction	2
3.0 Additional Report Summary	3
4.0 Planning Policy Context	6
5.0 Planning Assessment	7
6.0 Further Considerations.....	16
7.0 Public Benefits	18
8.0 Conclusions	20

1.0 Executive Summary

- 1.1. This Planning Summary Statement has been prepared by Lambert Smith Hampton on behalf of London Borough of Camden (LBC) to support a current planning application in relation to the demolition of an existing fire damaged building at 31 Daleham Gardens, London (application reference 2020/2087/P).
- 1.2. Due to the fire damage to the property, the site is currently unsafe and presents an on-going public safety risk which, if not swiftly actioned, could result in escalating costs, mitigation measures and eventually LBC (the site owner) exploring other avenues to make the site safe, such as taking direct action under the powers granted by Section 77 and 79 of the Building Act 1984 which are further detailed in Section 6.
- 1.3. The site is located within a Conservation Area and therefore consent is required to demolish the existing building under the Planning (Listed Buildings and Conservation Areas) Act 1990. Following an initial assessment by the Local Planning Authority (LPA) further reports have been procured to assess the: state of the existing building through a structural survey; the existing and future environmental risks through an asbestos report and air quality report; and the heritage merits of the building and surrounding area.
- 1.4. This report summarises that for a range of reasons, the building in its current form does not have a positive impact on the character and appearance of the Conservation Area. Its loss would therefore amount to less than substantial harm on the designated heritage asset, in line with an assessment undertaken against the principles outlined within the National Planning Policy Framework (NPPF).
- 1.5. The public benefits associated with the demolition are numerous and include the demolition of a building that has potential public safety risks; the re-provision of housing on the site; the future provision of affordable housing with nominations to LB Camden; and securing greater sustainability credentials than the existing building.
- 1.6. It is therefore considered that the public benefits and on-going risk to public safety fundamentally and significantly outweighs any harm to the Conservation Area as a result of its loss. The requirement to demolish and make safe the site is of paramount importance.

2.0 Introduction

2.1. Application reference number 2020/2087/P for the “*Demolition of the existing fire-damaged building*” was validated on 12 May 2020 and is currently awaiting a decision by LB Camden. The application has submitted along with the documents listed below.

- Covering Letter
- Conservation Area Consent Application Form
- Site Location Plan
- Site Plan
- Existing Floor Plans
- Demolition Method Statement
- Planning & Heritage Statement

2.2. As way of a recap, the existing building at the subject site was badly damaged by a fire in November 2017 and the site is only safe by virtue of extensive works to maintain the buildings structural integrity. The building is located within the Fitzjohns/Netherhall Conservation Area and therefore permission is required for its demolition.

2.3. The fire caused significant structural damage, which resulted in the roof, upper floor and some chimneys collapsing into the building. This debris remains within the building and whilst emergency works were carried-out to make the site safe in the immediate aftermath of the fire, there is still an on-going concern for public safety should any unauthorised third party gain access to the site.

2.4. Since the application submission, it has become clear that further information has been required to support the proposed demolition of the building and this Planning Summary Statement will summarise the further submissions including a Heritage Report; Structural Report; Asbestos Survey and Air Quality Assessment.

2.5. A detailed summary of the proposed development, the application site and site history can be found within the Planning and Heritage Report dated May 2020.

3.0 Additional Report Summary

3.1. A number of further reports have been commissioned to demonstrate the acceptability of the proposals and provided evidence that the public benefits of the demolition outweigh the potential impacts to the wider Conservation Area. The reports are summarised below.

Heritage Statement

3.2. A Heritage Statement, undertaken by Whymark Moulton, has been submitted to LB Camden Planning Department in support of the proposal to demolish the existing building.

3.3. The report methodically sets out the building history; an assessment of the heritage credentials of the property; planning policy considerations; and the report conclusions.

3.4. Critically, the report sets out the merits of the fire damaged building and the social history of the site, summarised as per the below:

- The property was originally constructed in the late 1880's as a single-family dwelling house, commissioned by and built for sisters Annie E Ridley (1839-1923) and her younger sister Jane Taylor Ridley. The property was designed by Horace Field.
- Since being built, the property has undergone substantial alterations, including conversions and large extensions including two storey rear extensions and alterations to the porch and windows with all elevations altered in some way.
- In its present damaged condition, the property detracts from the character and appearance of the Conservation Area and results in a negative contribution;
- Harm to the Conservation Area will be, in part, mitigated by the demolition of the building and leaving a cleared site until a suitably design replacement scheme is agreed.

-
- 3.5. An application was made to Historic England by a third party to assess the merits of placing a Statutory Listing on the property (HE reference 1471612). The application was rejected for listing on 22 October 2020.
- 3.6. The Historic England *Initial Assessment Report* summarised that whilst the building had made a positive contribution to the area, the building ‘*does not survive well and does not meet the criteria for listing in a national context*’.
- 3.7. In summary, the Heritage Statement provides a comprehensive overview of the building and documents in detail its physical and social history to conclude that the building as a result of its present condition no longer has a positive impact on the Conservation Area. The document can, and should, be used by a future developer when taking a design approach to a development on the existing site. Finally, the *Initial Assessment Report* undertaken by Historic England confirms that the building does not meet the criteria for listing.

Structural Report

- 3.8. To assess the risks posed by the building in its existing form, L+C Consulting Structural Engineers have undertaken a structural survey of the property. The report has assessed the condition of the existing structure and made recommendations on the requirements for stabilising the structure, façade and external walls during a future demolition.
- 3.9. The report summarises that due to the loss of the main roof and part of the second floor, the external walls and two remaining chimneys are considered to be unstable. The rear gable wall and chimney have previously been removed.
- 3.10. The report concludes with the below points:
- The building should be soft stripped and demolished as soon as possible due to its current unsafe condition, continuing deterioration and risk of asbestos contamination;
 - All unrestrained chimneys, walls and severely fire damaged areas should be demolished as a matter of urgency as they are considered to be unstable and at risk of collapse in high winds or if subject to additional imposed loads; and

- The external walls of the main building could be retained but this would require the construction of an external facade retention system all-round the property.

Asbestos Survey

- 3.11. An Asbestos Survey undertaken by Ayerst Environmental Ltd, was procured to identify the on-going risk of contamination to the wider area. The survey has confirmed that there is asbestos present in the building in several areas, including the bay window panels and the insulating boarding (doors and floors). These are categorised as medium priority.
- 3.12. As such, there are a range of recommendations; including ensuring care is taken during demolition, the safe disposal of any contaminated areas and remediation guidelines.

Air Quality Assessment

- 3.13. An Air Quality Assessment, undertaken by ARUP, has reviewed the existing air quality conditions at, and in the vicinity of, the site; undertaken an assessment of the potential changes in air quality arising from the demolition activities on the site; and suggested mitigation measures, where appropriate, to ensure any adverse effects on air quality are minimised.
- 3.14. The construction dust effects have been assessed using a qualitative approach described in the latest Institute of Air Quality Management (IAQM) and Greater London Authority (GLA) guidance and it was concluded that with appropriate best practice mitigation measures for a low risk site in place, there is likely to be a negligible effect from the dust-generating activities on site.
- 3.15. The report outlines a list of mitigation measures in Section 7 which should be followed during the demolition stages to minimise any air quality impacts in the surrounding area.
- 3.16. We recommend that mitigation measures outlined within the report are secured by a compliance condition.

4.0 Planning Policy Context

- 4.1 In accordance with the provisions of the Planning and Compulsory Purchase Act 2004, regard has been given to relevant planning policy in the preparation of this application. A summary of the most relevant national and local planning policies to the assessment of this application are outlined in this section.
- 4.2 The adopted development plan in this instance is outlined below.
- *The London Plan (2016)*
 - *London Borough of Camden Local Plan (adopted: 2017)*
- 4.3 The emerging development plan consists of the *draft London Plan (Intend to Publish) (December 2019)*. The draft London Plan has been subject to consultation and is therefore is considered to hold significant weight.
- 4.4 Material considerations in the assessment and determination of the planning application include the National Planning Policy Framework (NPPF) (2019) which provides overarching advice on how proposals affecting designated heritage assets should be assessed.
- 4.5 The Fitzjohns/Netherhall Conservation Area Statement is also a material consideration. The Statement aims to provide a clear indication of the Council's approach to the preservation and enhancement of the Conservation Area.

5.0 Planning Assessment

5.1 There are two principle issues to consider in respect of the proposal to demolish the existing building. Firstly, whether the loss of residential floorspace without replacement floorspace being proposed within the same application is acceptable; and secondly whether the impact of demolition in a Conservation Area would amount to substantial or less than substantial harm, and what public benefits are proposed to offset that harm.

Loss of existing residential use

5.2 There are a range of policies within the Development Plan which guard against the loss of residential accommodation. In this instance, it is important to state that the building has not been in use as residential accommodation since late 2017 and is currently unsuited to the provision of residential accommodation due to its present condition.

5.3 Policy H3 of the Local Plan (Protecting existing homes) states that the Council will protect existing floorspace by “...*resisting development that would involve a net loss of residential floorspace*”. The Intend to Publish draft London Plan Policy H8 (Loss of existing housing and estate redevelopment) outlines that the “*loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.*”

5.4 Critical to the consideration of this issue is that the existing building is not presently in residential use and there is little prospect of the site being re-occupied in its present state. The Local Planning Authority can effectively control a future use to ensure policy objectives for the area are met, including the provision of much needed housing. The site is situated in a predominantly residential area, is not located within a town centre or situated in an area where alternative uses, such as industrial or employment, would be considered acceptable. It is therefore considered that on the balance of probability the site will return to residential use when a future planning application is submitted.

5.5 Secondly, the Council has recently (16 September 2020) gained approval for a Regeneration Strategy at the site, to investigate the disposal of the site to a

Community Land Trust (CLT) to test an emerging housing delivery model on the site. The report recommendations as set out within the report are to:

- *Seeking a CPO to purchase the remaining leasehold interest, if an agreement to acquire voluntarily cannot not be reached;*
- *Demolition of the existing building on site on the grounds of health and safety; and*
- *Redevelopment of 31 Daleham Gardens subject to approval by Non-Key Executive Decision of a detailed business case and delivery strategy.*

5.6 Further information relating to the recent Cabinet Report is provided at 7.2 of this report.

5.7 In summary, the proposal for demolition will accelerate the process for new development on the site, which given its location is likely to comprise wholly residential floorspace. The loss of residential floorspace in the short term already exists and the loss will not be permanent. A recent Cabinet Report relating to the site outlines a preferred option for a sale to a Community Land Trust to develop for residential purposes.

Demolition in a Conservation Area

5.8 The NPPF (Section 16) sets out the overarching approach to the conservation and enhancement of the historic environment. In determining planning applications, Local Planning Authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

5.9 The site is located within the Fitzjohns/Netherhall Conservation Area. As such, the setting of the property is within a designated heritage asset, namely the Conservation Area. It must therefore be considered if, in respect of the building in question, demolition would lead to substantial harm or less than substantial harm to a designated heritage asset (NPPF Paragraphs 195 and 196).

5.10 This position is re-enforced within NPPF Paragraph 201 and 202 which states:

Para 201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Para 202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

5.11 On a secondary point, the existing building could be considered to be a non-designated heritage asset in its own right, given its age and historic credentials. However, the policy tests for the loss of a non-designated heritage assets are less than for proposals affecting designated heritage assets and therefore an assessment will only be made against the more onerous policy test.

5.12 The Intend to Publish draft London Plan policy HC1 (Heritage conservation and growth) states:

“Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development

proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.”

5.13 Policy D2 (Heritage) outlines a range of criteria and conditions regarding the preservation and enhancement of heritage assets that includes conservation areas. The policy is outlined below with key sections highlighted in **bold** (our emphasis).

“The Council will preserve and, where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;**
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

5.14 The Fitzjohns/Netherhall Conservation Area Statement also outlines that:

"The Council will seek the retention of those buildings which are considered to make a positive contribution to the character and appearance of the Conservation Area and will only grant consent for demolition where it can be shown that the building detracts from the character of the area."

5.15 The consideration, therefore, rests on whether the demolition of the building would have a significant detrimental impact on the heritage asset (i.e. The Fitzjohns / Netherhall Conservation Area) and if the building in its existing condition makes a positive contribution to the character and appearance of the Conservation Area.

5.16 In this regard, the Heritage Report outlines in great detail the significance of the existing building, the historic context and the social history. The building clearly had some historic merit and in its pre-fire condition would likely have been a positive

presence to the Conservation Area, despite its multiple unsympathetic alterations and extensions.

- 5.17 The Heritage Statement details the alterations and extensions, and summarises that they detract from the significance of the individual building to the point where the property has not been considered suitable for a national or local listing. This is not to say that the building is without historical merit nor can positively contribute towards an area, only that the contribution it makes to the Conservation Area is partially diminished by virtue of the numerous alterations to the property.
- 5.18 Regarding the building in its existing condition, there is irrefutable visual and technical evidence that outlines the impact the fire in November 2017 has had on the external and internal appearance of the building. The property is shrouded in scaffolding and the burnt remains are visible from the street. Some demolition has already been undertaken, which was considered wholly necessary and critical at the time due to an immediate and serious threat to public safety.
- 5.19 With regards to what would replace the existing building, this application is solely for the demolition which is both warranted and necessary. The building in the short term would be replaced by hoardings, to secure the site whilst a planning application for a replacement building is progressed. The consideration is therefore, whether a building with extensive fire damage, scaffolding abutting the street, potential health and safety issues and a visual reminder of a tragic incident presents a materially better situation than a cleared site. It is strongly argued that it would not.
- 5.20 Summarising the above, in its present state, the property no longer makes a positive contribution towards the Conservation Area and its loss is considered to result in less than substantial harm.
- 5.21 At this point, considerations must turn to if any part of the building could feasibly be retained; if retention is warranted; and if retention is viable. This requirement is stated within Policy CC1 (Climate change mitigation):

The Council will require 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.

e. require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building;

5.22 Part e. of Policy CC1 requires all proposals involving demolition to demonstrate it is not possible to retain and improve the existing building. As outlined within the Structural Report, the extent of the damage is such that there is almost no realistic prospect of the building being brought back into viable use without substantial and costly works to further secure the site and safeguard it for future development. The present site and remaining structure is considered to be increasingly unsafe and to pose a health and safety risk. This is stated within the Structural Report, which summarises:

- *We consider that the building should be soft stripped and demolished as soon as possible due to its current unsafe condition, continuing deterioration and risk of asbestos contamination to surrounding areas; and*
- *We recommended that all unrestrained chimneys, walls and severely fire damaged areas be demolished as a matter of urgency as they are considered to be unstable and at risk of collapse in high winds or if subject to additional imposed load.*

5.23 The report goes on to state that the external walls could potentially be retained, subject to a number of considerations including cost, safety and feasibility. The report concludes that:

- *We would therefore recommend the walls be taken down and the bricks could be retained for reuse if required.*

5.24 Additionally, retention of parts of the property which are not subject to substantial fire damage, water damage or general decay would likely place unrealistic and undue constraints on the development of a high quality replacement building. The sustainability credentials of a future building would almost certainly be higher than the existing building, through improvements to building fabric, modern insulation, layout,

energy provision and water usage. This would be secured in any future planning application through the Council's sustainability policies within the Local Plan.

- 5.25 In all probability, should the walls be retained, a future development would result in a constrained and poorly configured new design. Additionally, it is understood that construction costs would likely be increased by having to retain the walls whilst undertaking foundation works, for example.
- 5.26 It is therefore considered that, on the balance of planning merit and public safety, the demolition of the entire building is necessary.

Assessment summary

- 5.27 In accordance with Paragraph 199 of the NPPF, the applicant has recorded and advanced the understanding of the significance of any heritage asset to be lost through the production of a Heritage Statement which has outlined the contribution of the building through its physical and social history. Whilst this is not a factor in deciding whether such loss should be permitted, this report will provide a very strong basis for any future proposals to reflect that history through future design. We recommend this is included as an informative.
- 5.28 Both regional and local planning policy seeks to resist the net loss of residential floor space. The proposed demolition of the existing damaged building is merely a short-term situation for the site whilst a developer (proposed to be a CLT) is procured. The land use is highly likely to be residential in nature and therefore the lost residential floorspace will be replaced.
- 5.29 Whilst the remaining structure on site does not negatively impact on the character and appearance of the Conservation Area, it does not positively contribute in its current form either. The loss of the building, as such, will result in less than substantial harm.
- 5.30 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. These public benefits are discussed in Chapter 6.

Demolition

- 5.31 The process of demolition itself requires consideration, as there are London Plan and Local Plan policies that seek to ensure that demolition waste will be diverted from landfill through reuse, recycling and recovery of materials.
- 5.32 There are also requirements to ensure that the proposals will not unduly impact on the amenity of neighbours or result in environmental impacts. As such, a condition requiring the submission of a Demolition Method Statement relating to all parts of the building that are not at risk, is secured so that the demolition of the property is undertaken in a proper manner in accordance with Policy A1, CC3 and A4 of the Local Plan.
- 5.33 It is clear that a substantial part of the building is unable to be reused, recovered or recycled due to fire damage, potential wet-rot and asbestos. It is therefore necessary that these elements are removed immediately. We consider that the Demolition Method Statement should be submitted prior to the demolition of the main external walls, and the report shall include measures for the retention of and recycling of materials (such as the re-use of existing bricks) along with environmental measures.

6.0 Further Considerations

- 6.1 There are a number of further considerations that are not material in the determination of the application but require explanation for the purpose of providing context and background on the proposed demolition of the property.
- 6.2 In September 2020, the Council took a paper to the Cabinet for Investing in Communities and an Inclusive Economy (SC/2020/89). This paper, titled the “Redevelopment of 31 Daleham Gardens NW3 5BU” set out the ambitions for the site following demolition.
- 6.3 The report outlines the proposals for a residential led development which would create new homes to support the Camden 2025 ambition that *‘we will focus on building communities that are mixed, with well-designed homes and infrastructure that encourage integration, cohesion and active lifestyles’*. It is the intention of the Council to procure a community-led housing developer, providing high levels of affordable housing in a building demonstrating high quality design credentials. The aim of the Heads of Terms outlined in the previous section is to replicate these commitments and secure them with the land.
- 6.4 The question of why the application is not accompanied by a replacement scheme has been raised by objectors to the demolition proposals. In this instance, the time taken to prepare a detailed scheme, work through the pre-application and application processes, additional procurement and a potential site sale may take a substantial period of time. During that time, the site continues to be a risk to the general public, including on-going anti-social behaviour concerns. The decision was therefore made to progress with the demolition, make safe the site and secure a range of public benefits that can be tied to the land for when a future planning application is submitted.
- 6.5 It is understood that the Council, to date, has chosen not to pursue a Dangerous Structures Order or any emergency measures as outlined within Section 77 or Section 78 of the Building Act 1984 which is understood to unlikely secure the public benefits outlined within this application.

-
- 6.6 Section 77 of the Building Act 1984 enables local authorities to apply to a magistrates' court for a Dangerous Structures Order requiring the owner to make a building safe, or to demolish it. In this case, the Council itself is the freeholder. Section 78 of the Building Act 1984 enables the local authority to, if a building or structure is in such a state, undertake immediate action to remove the danger however the applicant in this case prefers to secure public benefits on the site through the planning system.

7.0 Public Benefits

- 7.1 It has been concluded in Section 5 that the existing fire-damaged building does not have an overtly positive relationship with the character and appearance of the Fitzjohns/Netherhall Conservation Area. The demolition would present a materially improved situation, albeit limited and the building loss would amount to less than substantial harm.
- 7.2 In line with the NPPF, the demolition of the building relating to less than substantial harm to the heritage asset is required to present public benefits. These are summarised in the table below.

Public Benefit	Commentary
Public Safety	The structural report outlines the potential risk to the public if the building is not removed in a timely and safe manner. To allow the demolition of the building is considered to be a public benefit.
Replacement Residential Floorspace	Secured within the Heads of Terms are for a replacement building to provide, as a minimum, the same quantum of residential floorspace as has been lost. Future proposals will be assessed against the Councils policies relating to affordable housing and will provide the maximum, reasonable amount possible on the site in accordance with Policy H4 of the Local Plan.
Affordable Housing	In accordance with planning policy, Camden Council will retain nomination rights (in perpetuity) on replacement social rent homes. Additionally, the affordability of any intermediate homes will be secured in perpetuity so they remain affordable for future generations.

Design

Any future development proposal will be required to be high quality, having due regard to Policy D1 of the Local Plan. High quality design is considered to be a public benefit.

Sustainability

Where feasible and viable, the bricks from the demolition shall be retained and re-used within a future development proposal. Any future building will also be required to meet or exceed sustainability requirements as outlined within the Local Plan.

7.3 The Local Planning Authority is in a beneficial position with regards to the location of the site within a Conservation Area and has a substantial number of policy tools to ensure that any site redevelopment is high quality. This provides assurance that any replacement building will need to be of a high quality design.

7.4 In terms of securing these benefits, a shadow s.106 (to run with the land) is proposed and the Heads of Terms are below. The future developer will be required to submit a statement or report confirming how the Heads of Terms will be met with in any future application.

- The proposed approach to **replacing the lost residential floorspace**
- The proposed delivery of **affordable housing**
- The proposed approach to **sustainability measures**
- The proposed approach to securing **high quality design**

7.5 The public benefits outlined within this section are considered to outweigh the less than significant harm cause by the demolition of the existing building. Any shadow s.106 will be tied to the land and will be required to be incorporated into a future development.

8.0 Conclusions

- 8.1 The submission of this application for the demolition of an existing building has been required following the tragic circumstances of a fire in November 2017. The decision to demolish the existing building has not been taken lightly however following a review of available options and the assessment of the site as outlined within the specialist technical reports, this action is considered to be necessary,
- 8.2 The report has confirmed that there are clear and immediate dangers associated with the building. The planning justification outlines that the building in its existing condition does not positively contribute towards the character and appearance of the Fitzjohns/Netherhall Conservation Area and its loss would amount to less than substantial harm to the heritage asset.
- 8.3 In arriving at that conclusion, this report has also set out a range of public benefits which will be secured to the land and in turn will bind any future developer (in this case a Community Land Trust is preferred) to a range of criteria.
- 8.4 In terms of the process of demolition itself, it is of paramount importance that the damaged areas of the building are removed and secured to avoid any contamination or safety issues at the site. From that point, a condition is suggested to secure a Demolition and Circular Economy Statement to demonstrate the demolition methodology of the main structure and secure the re-use of existing materials at the site. This could be secured prior to the demolition of the main external elevations.
- 8.5 The evidence submitted in support of this application is therefore clear in demonstrating that the proposal to demolish the existing building is considered both acceptable in planning terms and necessary, on the basis of public safety. The proposals for demolition should therefore be approved.