

**SECTION 247 OF THE TOWN & COUNTRY PLANNING ACT 1990**

**STOPPING UP OF PART OF FOOTWAY AT THE SIDE OF  
73-75 AVENUE ROAD LONDON NW8 (ON QUEEN'S GROVE)**

**LONDON BOROUGH OF CAMDEN**

**EVIDENCE BUNDLE**

| <b>Planning Application ref. 2020/3796/P Documents</b>                                      | <b>Page</b>  |
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| Application Form dated 20.08.20   | <b>4-7</b>   |
| Approved Plans  | <b>8-18</b>  |
| Planning Statement  | <b>19-30</b> |
| Boundary Wall Design Statement  | <b>31-32</b> |
| Method Statement for the avoidance of physical damage to roots                              | <b>33-35</b> |
| Consultation response from Highways dated 17.09.20  | <b>36-38</b> |
| Officer Delegated Report  | <b>39-45</b> |
| Decision Notice dated 3 March 2021  | <b>46-49</b> |
| S106 Agreement dated 3 March 2021   | <b>50-69</b> |
| <b>Stopping Up Order Documents</b>  |              |
| Plan showing area to be stopped up  | <b>70</b>    |
| Original Draft Stopping Up Order  | <b>71-72</b> |
| Amended Draft Stopping Up Order (following Thames Water Objection)                          | <b>73-74</b> |
| Photos showing the Wall and Temporary Hoarding (attached to letter to Mayor dated 13.03.23) | <b>75</b>    |
| Site photos taken on 21.10.24   | <b>76-80</b> |
| <b>Objections which are withdrawn</b>   |              |
| Correspondence with Thames Water  | <b>81-90</b> |
| <b>Remaining Objections</b>   |              |
| Objection dated 25.08.22  | <b>91-92</b> |
| Objections from Town Legal LLP on behalf of Sir Stuart Lipton, 40 Queens Grove              |              |

|   |                |
|---|----------------|
| a) Letter dated 08.08.22  | <b>93-94</b>   |
| b) Letter dated 16.08.22  | <b>95</b>      |
| c) Letter dated 24.08.22  | <b>96-98</b>   |
| d) Email with photo sent 10.10.22   | <b>99-102</b>  |
| <b>Objection from Nick Ritblat, 37 Queens Grove</b>   |                |
| a) Emails sent 17.08.24 and 24.08.22  | <b>103-105</b> |
| b) Email sent 30.09.24  | <b>106-107</b> |
| Objection from Lady Irene Hatter, 38 Queens Grove – email sent 26.09.24   | <b>108-109</b> |
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| <b>Correspondence with the GLA/ Mayor of London</b>   |                |
| Letter dated 13.03.23   | <b>111-112</b> |
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| <b>125Notices</b>   |                |
| Notice of Draft Stopping Up Order sent to adjoining land owners and utilities on 25.07.22 and displayed on Site | <b>129-133</b> |
| Notice published in Camden New Journal and London Gazette on 28.07.22   | <b>134-137</b> |
| Correspondence to Interested Parties in relation to Local Inquiry   | <b>138-141</b> |
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| <b>Legislation, Case Law and Guidance</b>   |                |
| s.247 and s.252 Town and Country Planning Act 1990  | <b>143-153</b> |



|  |                |
|--|----------------|
| Ashby v Secretary of State for the Environment [1980] 1 WLR 673  | <b>154-163</b> |
| Relevant Extracts from Camden Streetscape Design Manual  | <b>164-205</b> |
| Relevant Extracts from Camden Transport CPG  | <b>206-216</b> |
| Relevant Extracts from Department for Transport Inclusivity Mobility a Guide to Best Practice on Access to Pedestrian and Transport Infrastructure | <b>217-252</b> |
| Relevant Extracts from TfL Pedestrian Comfort Guidance for London  | <b>253-258</b> |

Email: [planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
Phone: 020 7974 4444  
Fax: 020 7974 1680

Development Management  
Camden Town Hall Extension  
Argyle Street  
London WC1H 8EQ

## Householder Application for Planning Permission for works or extension to a dwelling. Town and Country Planning Act 1990

### Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### 1. Site Address

|                |  |
|----------------|--|
| Number         | <input type="text"/>                     |
| Suffix         | <input type="text"/>                     |
| Property name  | <input type="text" value="73-75"/>       |
| Address line 1 | <input type="text" value="Avenue Road"/> |
| Address line 2 | <input type="text"/>                     |
| Address line 3 | <input type="text"/>                     |
| Town/city      | <input type="text" value="London"/>      |
| Postcode       | <input type="text" value="NW8 6JD"/>     |

Description of site location must be completed if postcode is not known:

|              |                                     |
|--------------|-------------------------------------|
| Easting (x)  | <input type="text" value="526882"/> |
| Northing (y) | <input type="text" value="183887"/> |

Description

### 2. Applicant Details

|                |   |
|----------------|---|
| Title          | <input type="text"/>                                |
| First name     | <input type="text"/>                                |
| Surname        | <input type="text" value="Deroda Investments Ltd"/> |
| Company name   | <input type="text"/>                                |
| Address line 1 | <input type="text" value="73-75 , Avenue Road"/>    |
| Address line 2 | <input type="text"/>                                |
| Address line 3 | <input type="text"/>                                |
| Town/city      | <input type="text" value="London"/>                 |
| Country        | <input type="text"/>                                |

## 2. Applicant Details

Postcode

Are you an agent acting on behalf of the applicant?

Yes  No

Primary number

Secondary number

Fax number

Email address

## 3. Agent Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

Country

Postcode

Primary number

Secondary number

Fax number

Email

## 4. Description of Proposed Works

Please describe the proposed works:

Has the work already been started without consent?

Yes  No

## 5. Materials

Does the proposed development require any materials to be used externally?

Yes  No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material):

|  |                     |
|--|---------------------|
| Walls  |                     |
| Description of existing materials and finishes (optional): |                     |
| Description of proposed materials and finishes:            | Red handmade bricks |

## 5. Materials

Boundary treatments (e.g. fences, walls)

Description of existing materials and finishes (optional):

Brick

Description of proposed materials and finishes:

Red handmade bricks and Portland stone

Are you supplying additional information on submitted plans, drawings or a design and access statement?

Yes  No

If Yes, please state references for the plans, drawings and/or design and access statement

Refer to architects drawings and Design Statement

## 6. Trees and Hedges

Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?

Yes  No

If Yes, please mark their position on a scaled plan and state the reference number of any plans or drawings:

Refer to drawings

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

Yes  No

## 7. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

Yes  No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes  No

Do the proposals require any diversions, extinguishment and/or creation of public rights of way?

Yes  No

If Yes to any questions, please show details on your plans or drawings and state their reference numbers:

Refer to drawings

## 8. Parking

Will the proposed works affect existing car parking arrangements?

Yes  No

## 9. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent  
 The applicant  
 Other person

## 10. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First name

## 10. Pre-application Advice

Surname

Reference

Date (Must be pre-application submission)

Details of the pre-application advice received

## 11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 12. Ownership Certificates and Agricultural Land Declaration

**CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14**

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner\* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding\*\*

\* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. \*\* 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

**NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.**

Person role

- The applicant  
 The agent

Title

First name

Surname

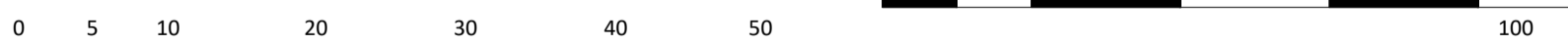
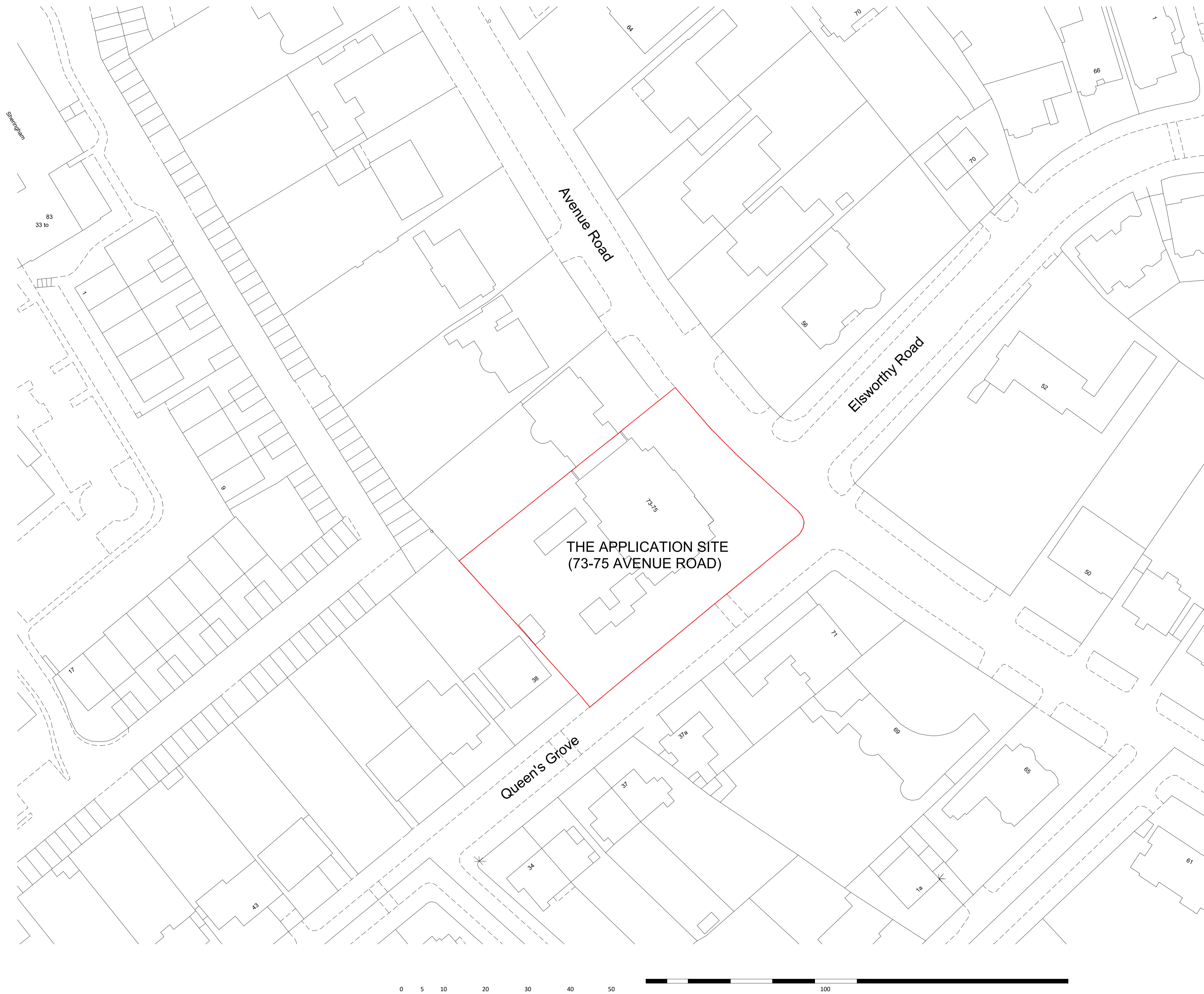
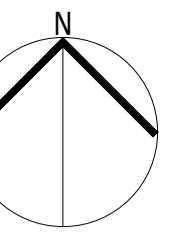
Declaration date (DD/MM/YYYY)

Declaration made

## 13. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)



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| P1  | 19.08.2020 | AN     | ISSUED TO PLANNING CONSULTANT |

**Client**  
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**Address**  
 73 - 75 AVENUE ROAD, NW8 6JD

**Drawing Title**  
 LOCATION PLAN

**Date**  
 AUGUST 2020

**Scale**  
 1:500 @ A1; 1:1000 @ A3

**Dwg By**  
 RT

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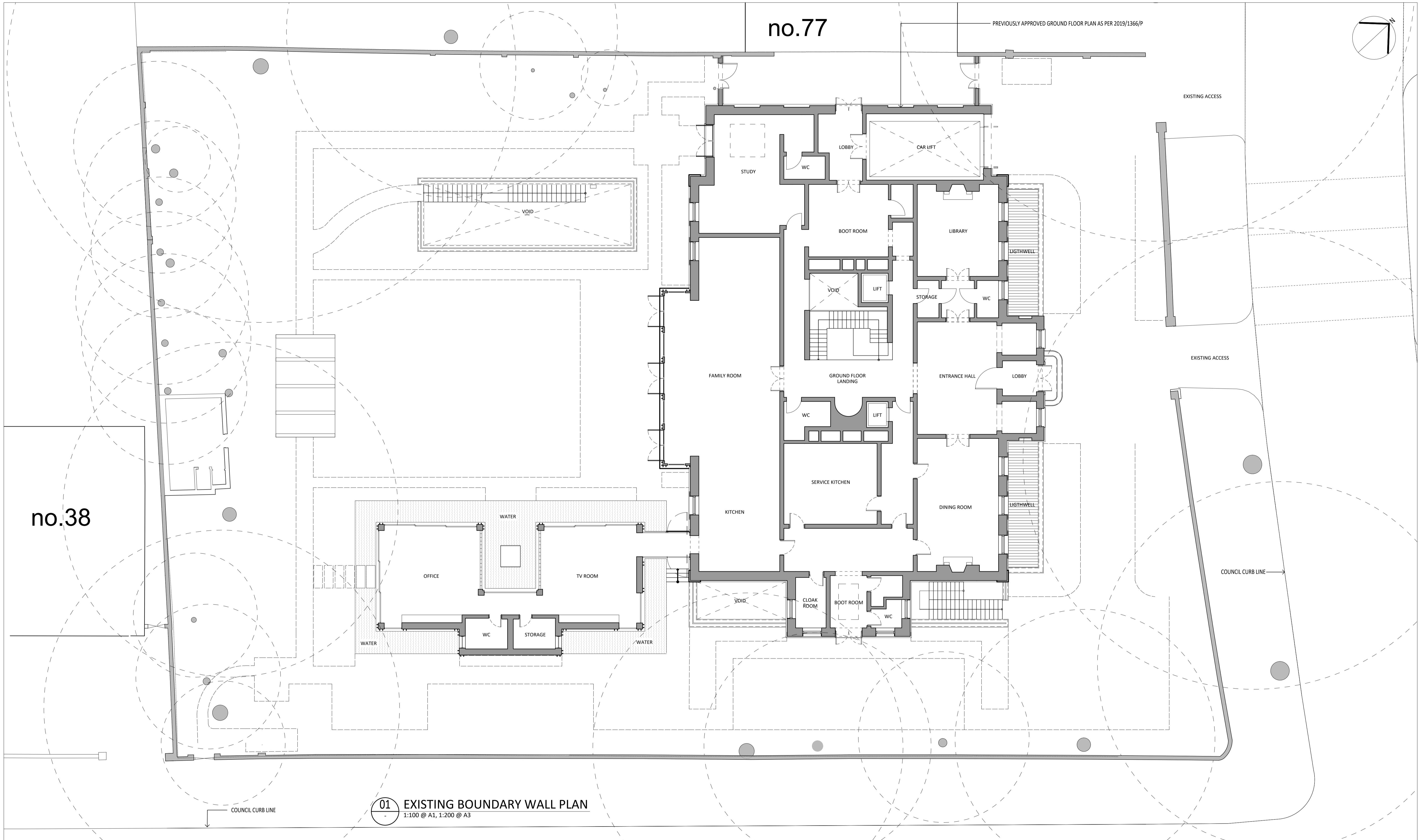
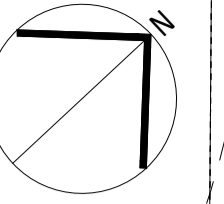
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| Project Number | Drawing Number | Revision |
|----------------|----------------|----------|
| 3680           | A0-010         | P1       |



no.77

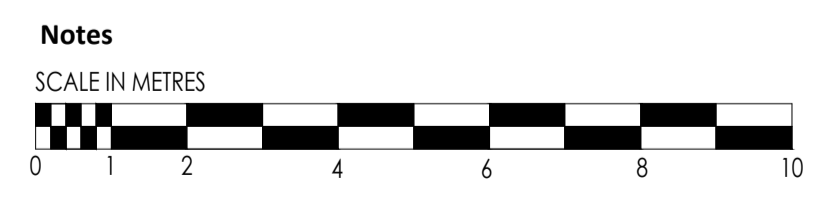
PREVIOUSLY APPROVED GROUND FLOOR PLAN AS PER 2019/1366/P



no.38

**01 EXISTING BOUNDARY WALL PLAN**  
1:100 @ A1, 1:200 @ A3

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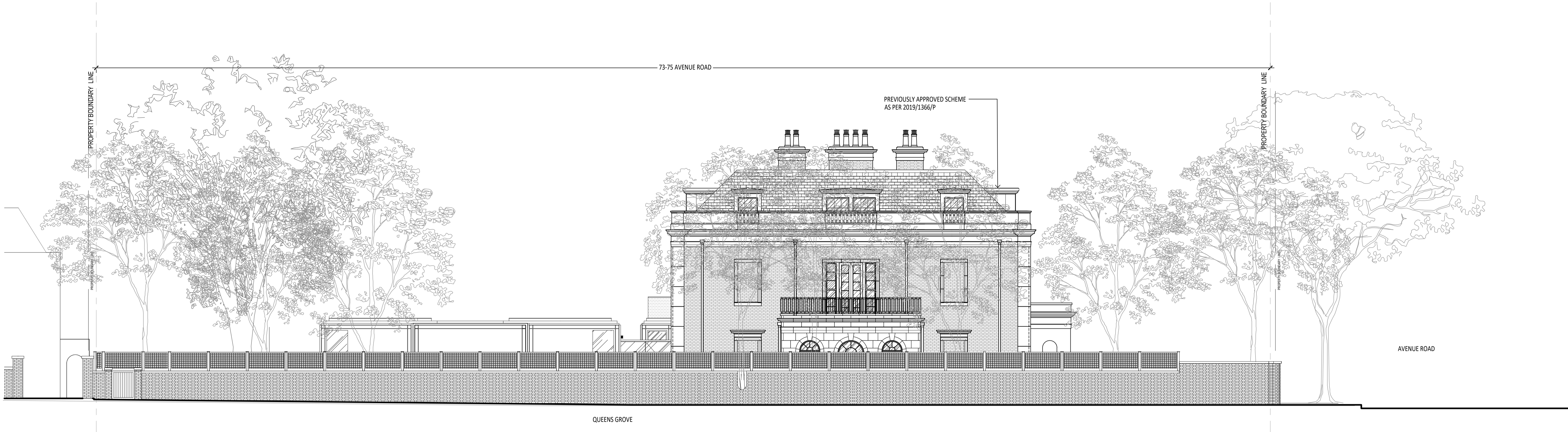
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Drawing Title  
**EXISTING BOUNDARY WALL PLAN**  
  
Date  
**SEPTEMBER 2020**  
Scale  
**1:100 @ A1 & 1:200 @ A3**  
  
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**AN**

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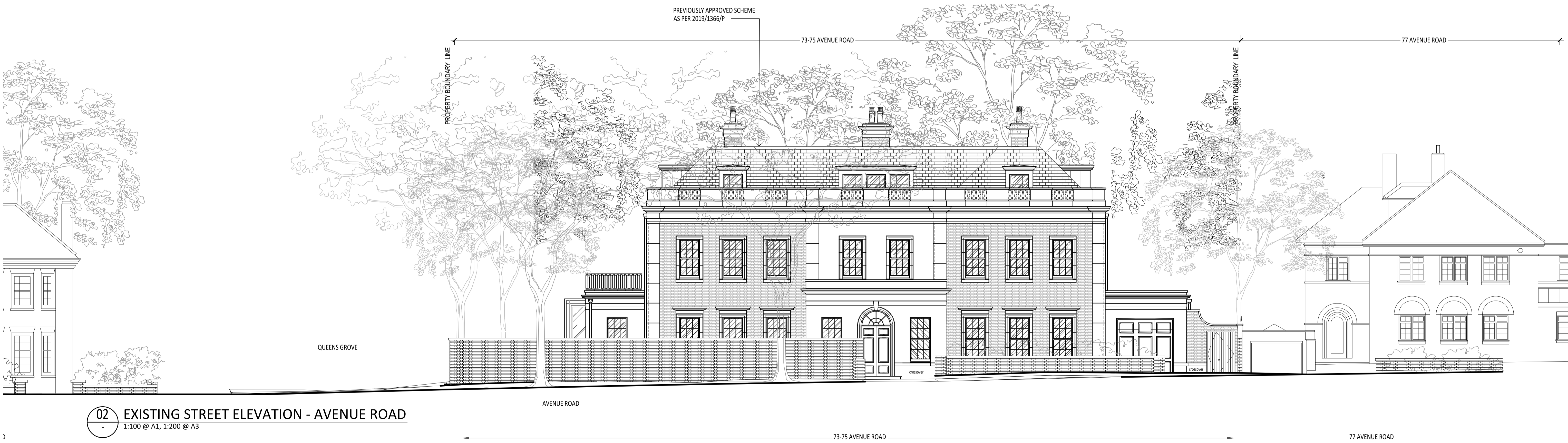
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Project Number **3680** Drawing Number **A2-005** Revision **P1**





**01 EXISTING STREET ELEVATION - QUEEN'GROVE**  
 1:100 @ A1, 1:200 @ A3

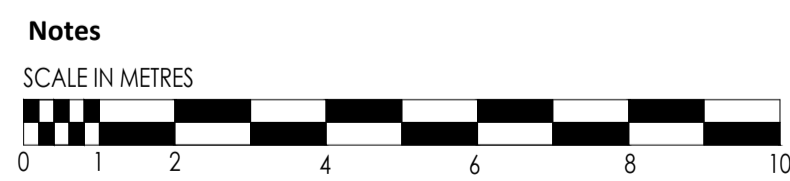


**02 EXISTING STREET ELEVATION - AVENUE ROAD**  
 1:100 @ A1, 1:200 @ A3

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 EXISTING STREET ELEVATIONS

**Date**  
 AUGUST 2020

**Dwg By**  
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**Scale**  
 1: 100 @ A1 & 1:200 @ A3

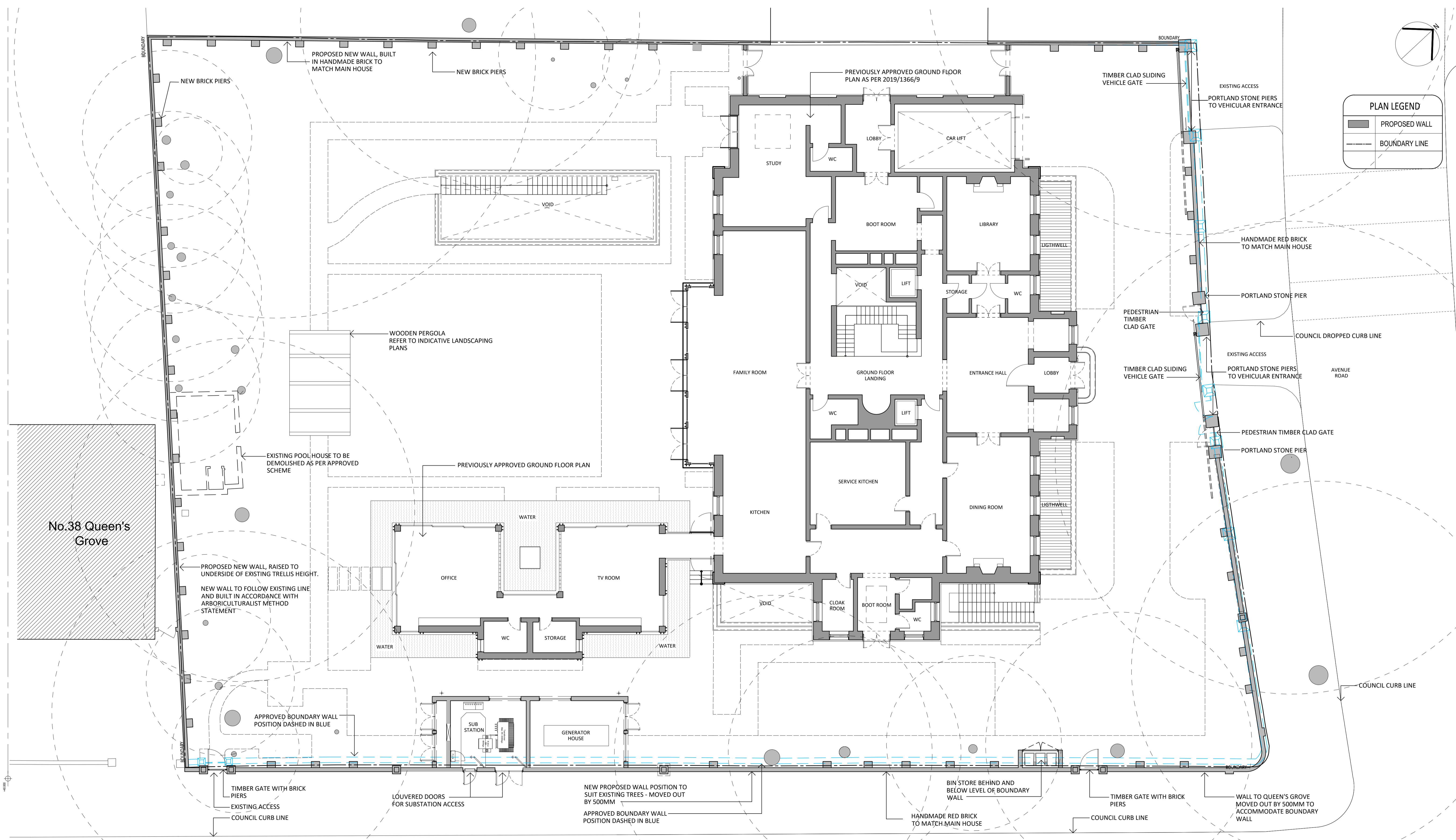
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**Project Number** 3680  
**Drawing Number** A3-050  
**Revision** P1

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**PLAN LEGEND**

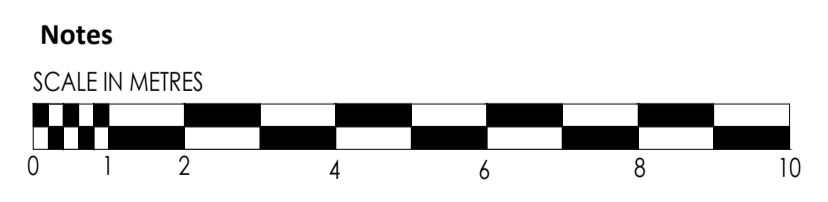
- PROPOSED WALL
- BOUNDARY LINE

**01 PROPOSED BOUNDARY WALL PLAN**  
 1:100 @ A1, 1:200 @ A3

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**Drawing Title**  
 PROPOSED BOUNDARY WALL PLAN

**Date**  
 AUGUST 2020

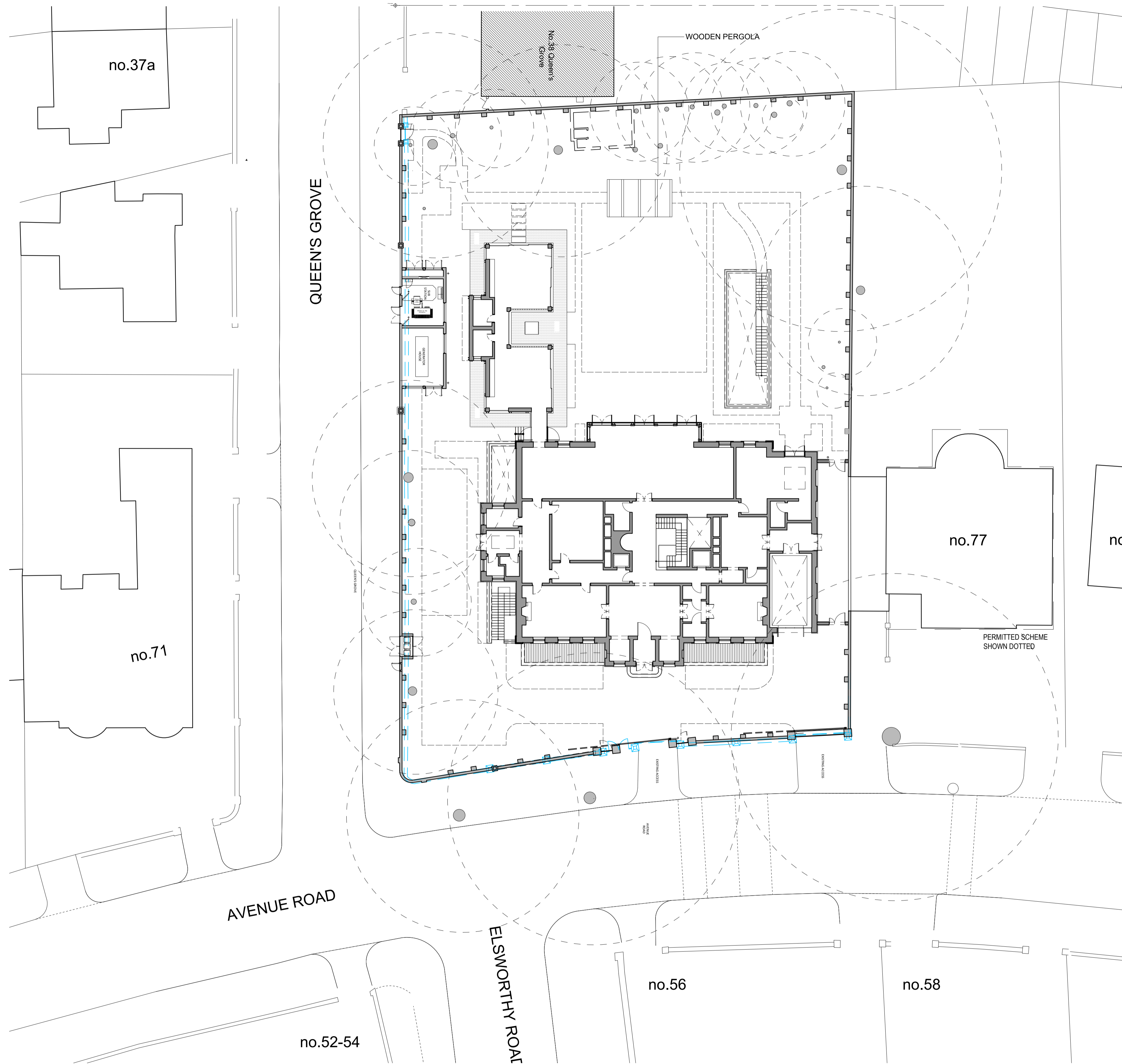
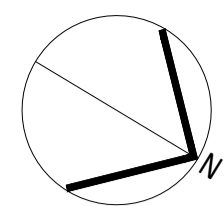
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| 3680           | A2-110         | P2       |

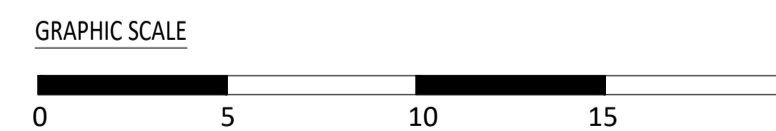


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Drawing Title  
**PROPOSED SITE PLAN**

Date  
**AUGUST 2020** Dwg By  
**RT**  
 Scale  
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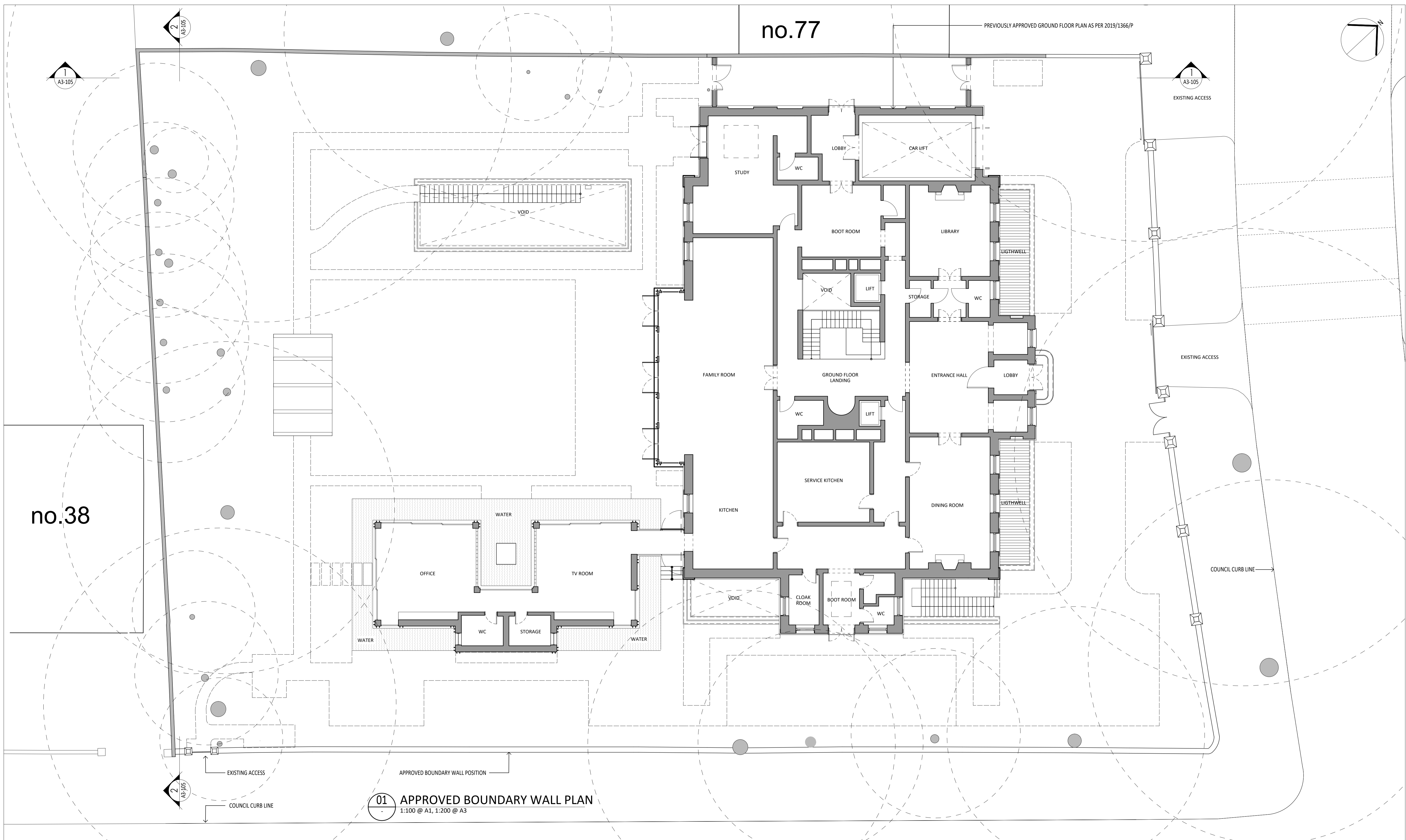
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|                |                |          |
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| 3680           | A1-020         | P1       |

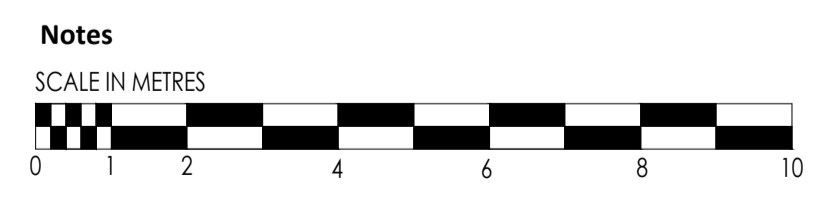




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**Client**  
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 73-75 AVENUE ROAD, LONDON, NW8 6JD

**Drawing Title**  
 APPROVED BOUNDARY WALL PLAN

**Date**  
 AUGUST 2020

**Scale**  
 1:100 @ A1 & 1:200 @ A3

**Dwg By**  
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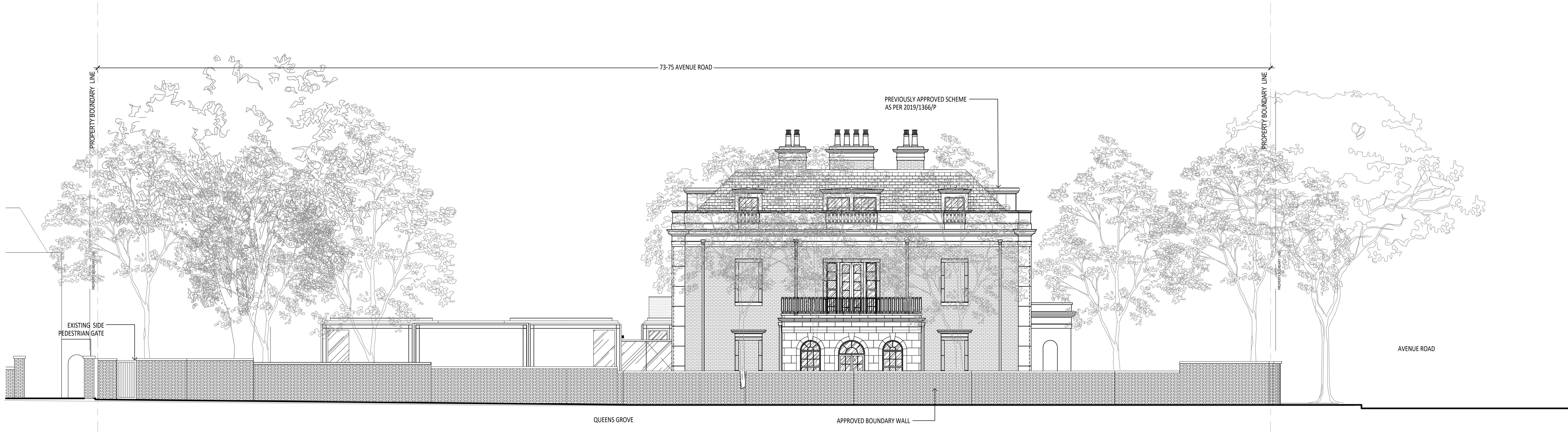
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**Project Number**  
 3680

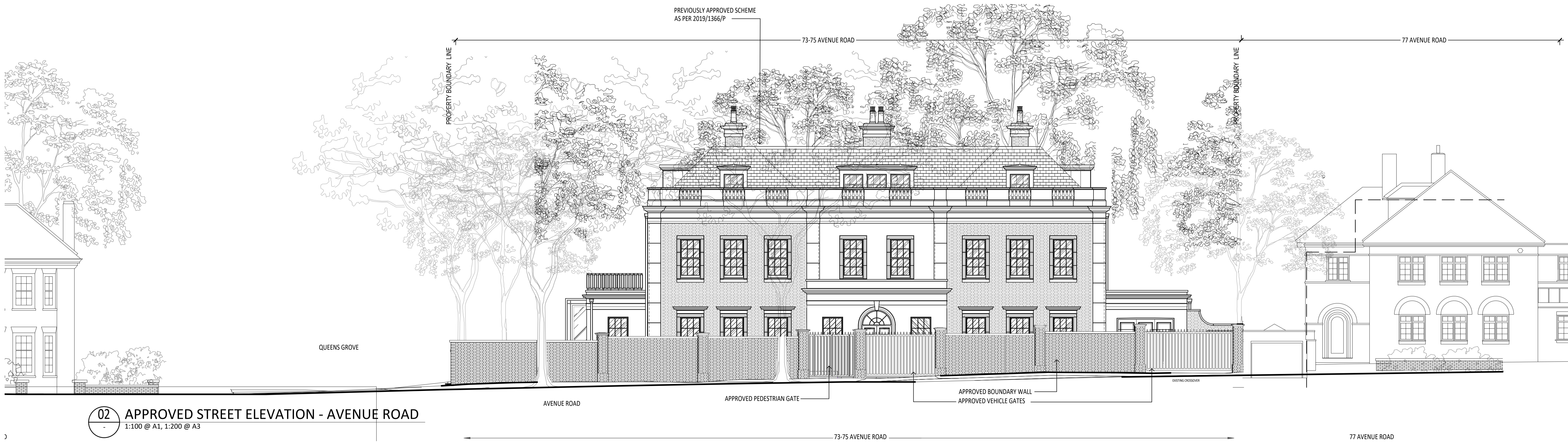
**Drawing Number**  
 A2-010

**Revision**  
 P1





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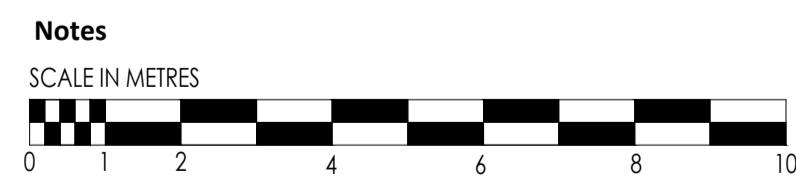


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 1:100 @ A1, 1:200 @ A3

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**Drawing Title**  
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**Date**  
 AUGUST 2020

**Dwg By**  
 AN

**Scale**  
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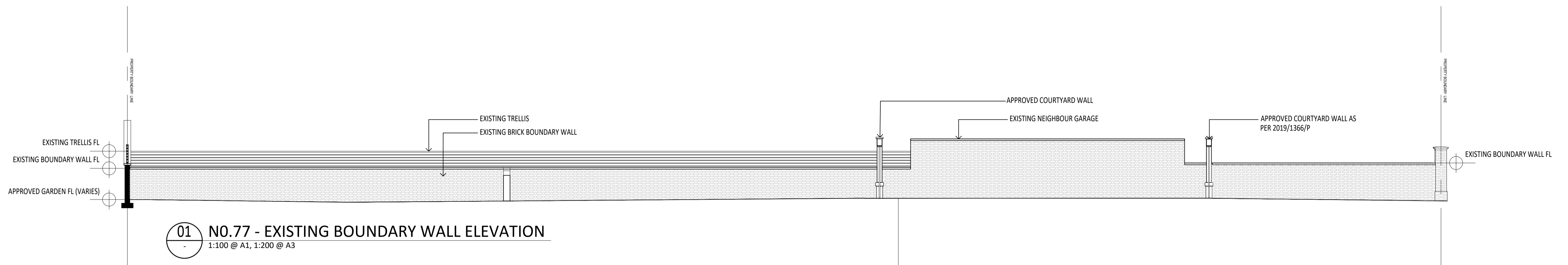
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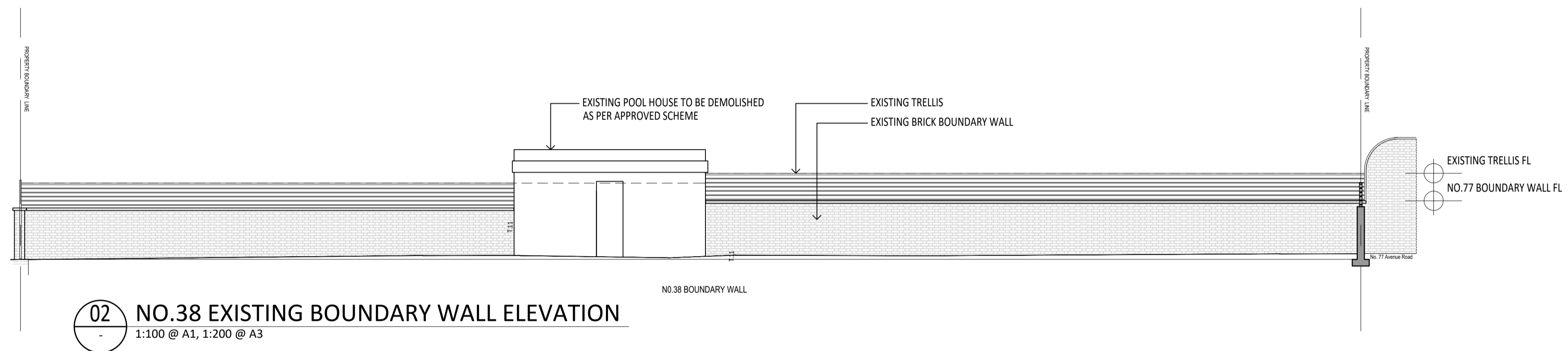
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**Drawing Number** A3-100  
**Revision** P1

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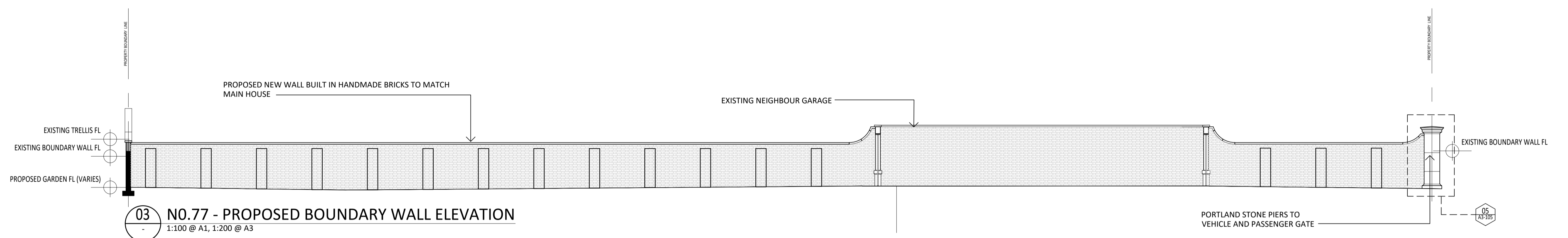




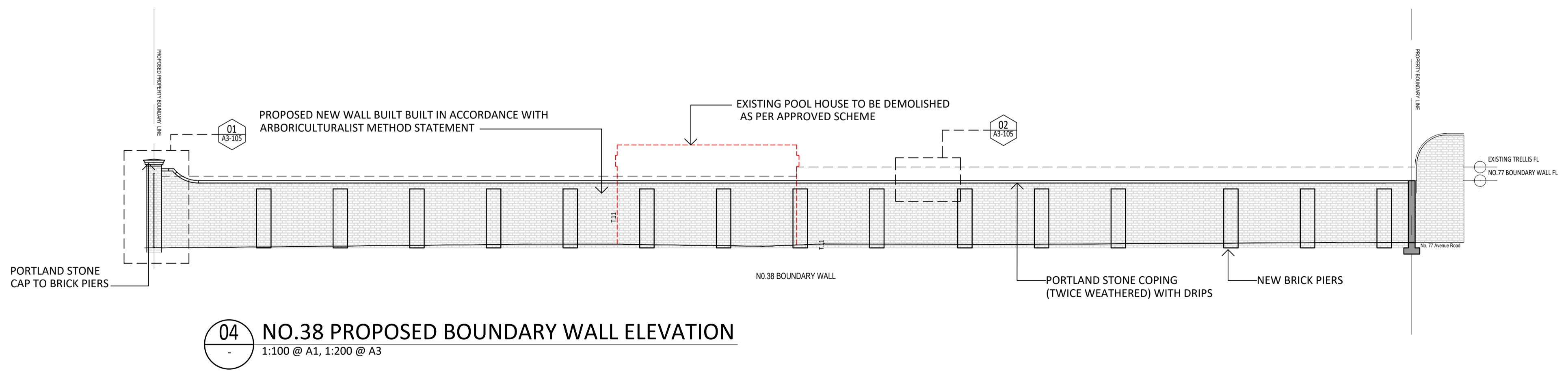
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1:100 @ A1, 1:200 @ A3



**02 NO.38 EXISTING BOUNDARY WALL ELEVATION**  
1:100 @ A1, 1:200 @ A3



**03 NO.77 - PROPOSED BOUNDARY WALL ELEVATION**  
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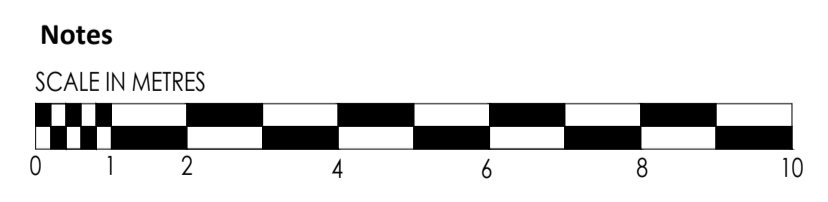


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EXISTING & PROPOSED NO.38 & NO.77 BOUNDARY WALL ELEVATIONS  
**Date**  
AUGUST 2020  
**Scale**  
1: 100 @ A1 & 1:200 @ A3

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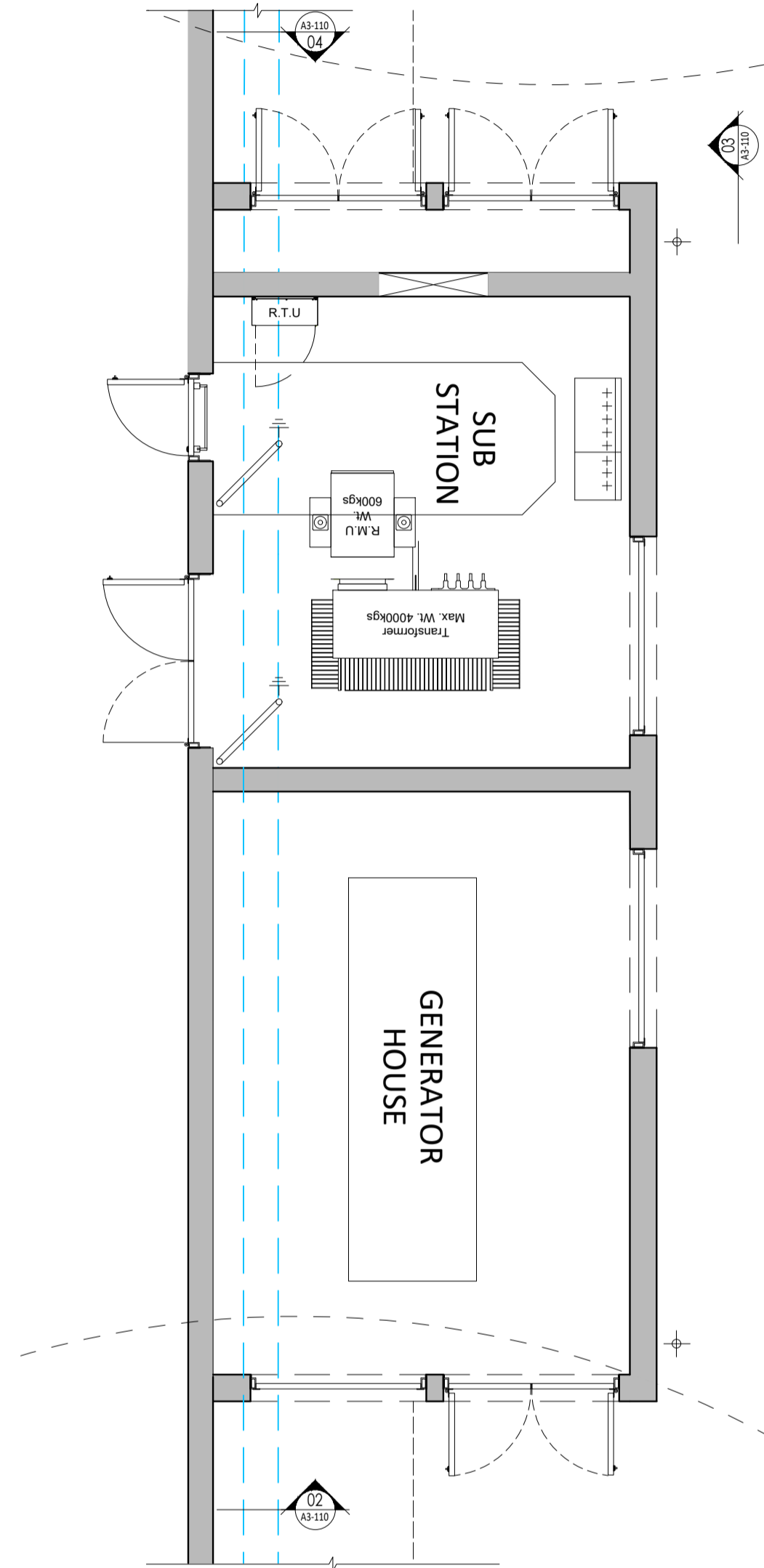
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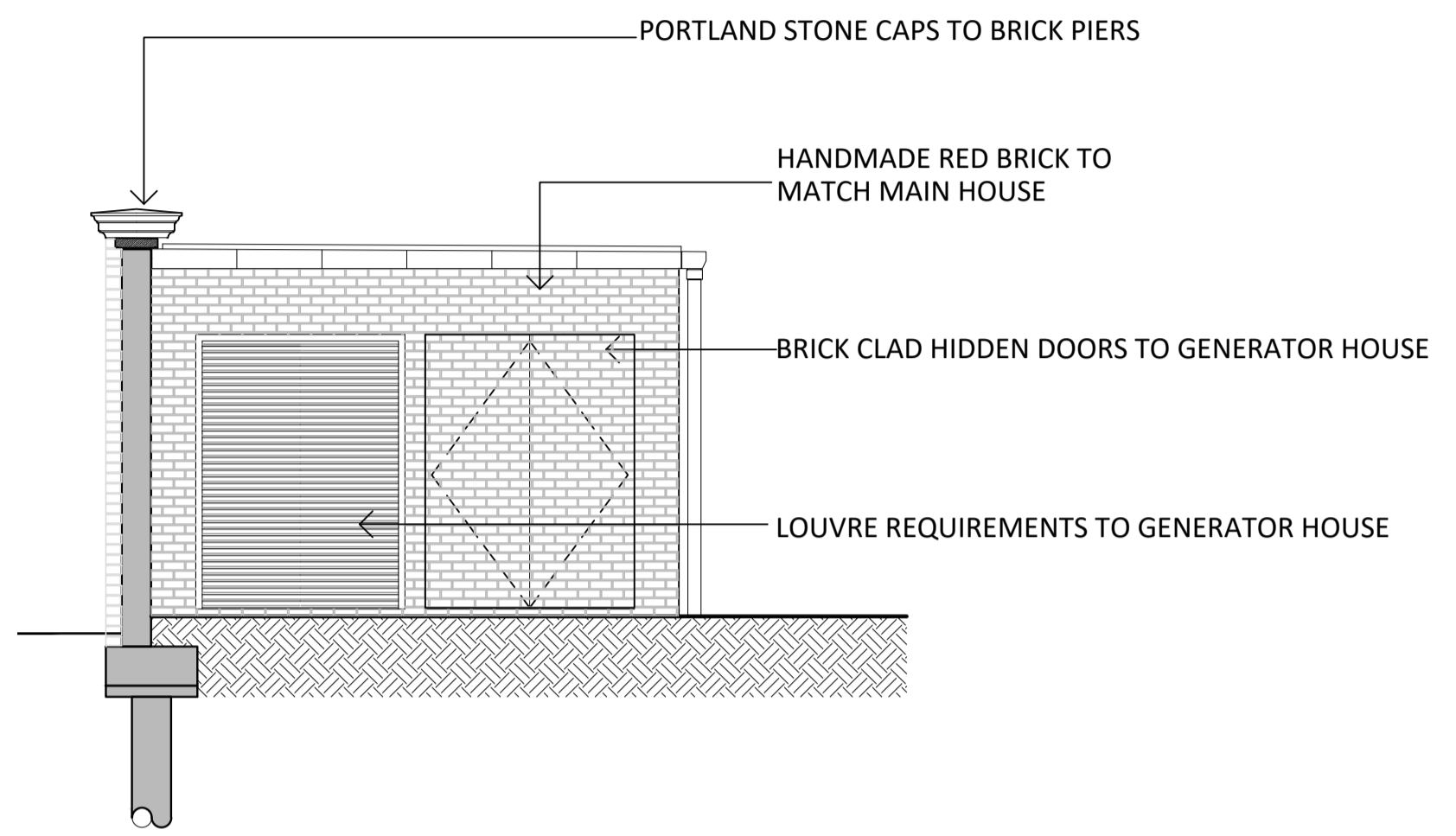
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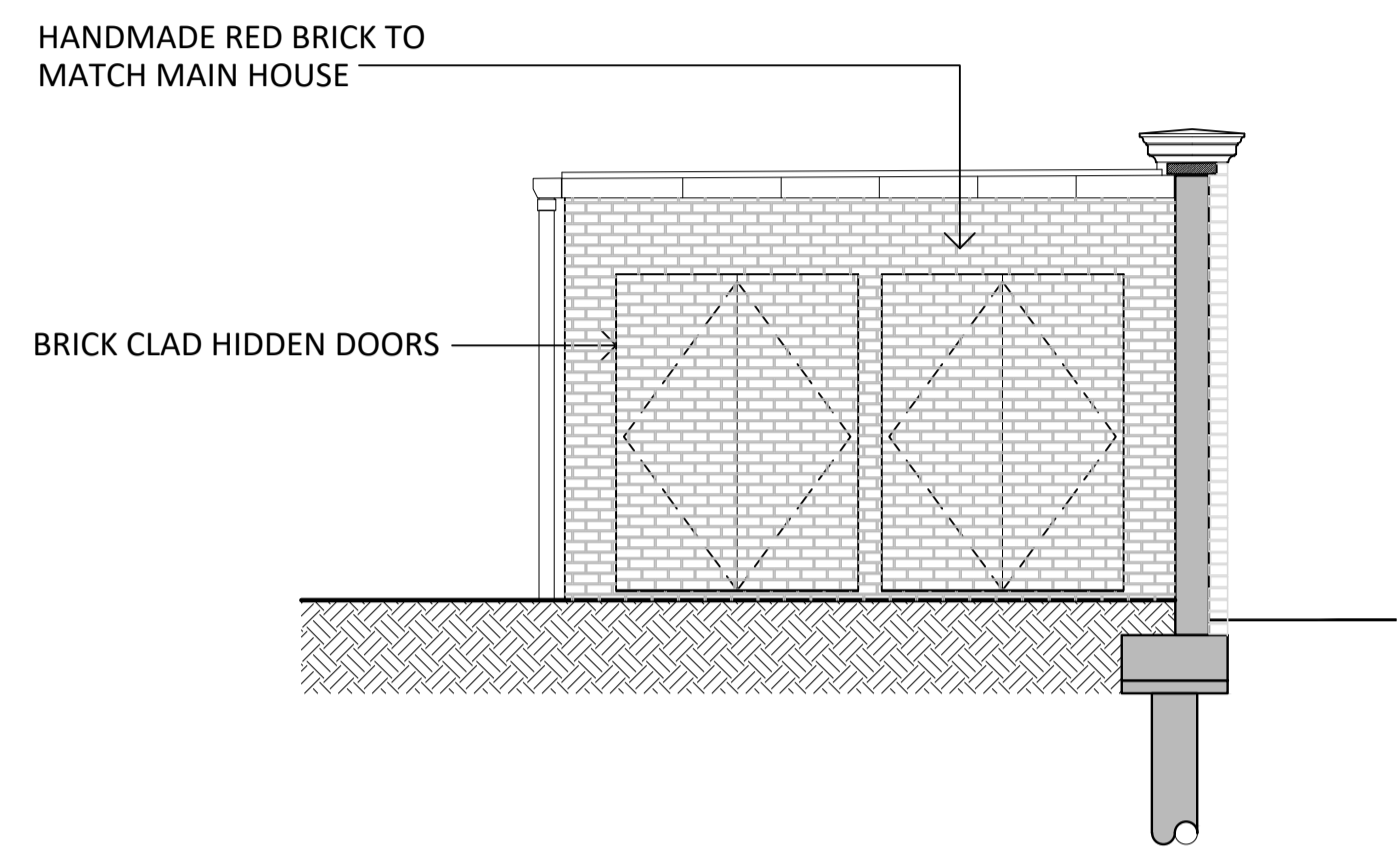
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P1



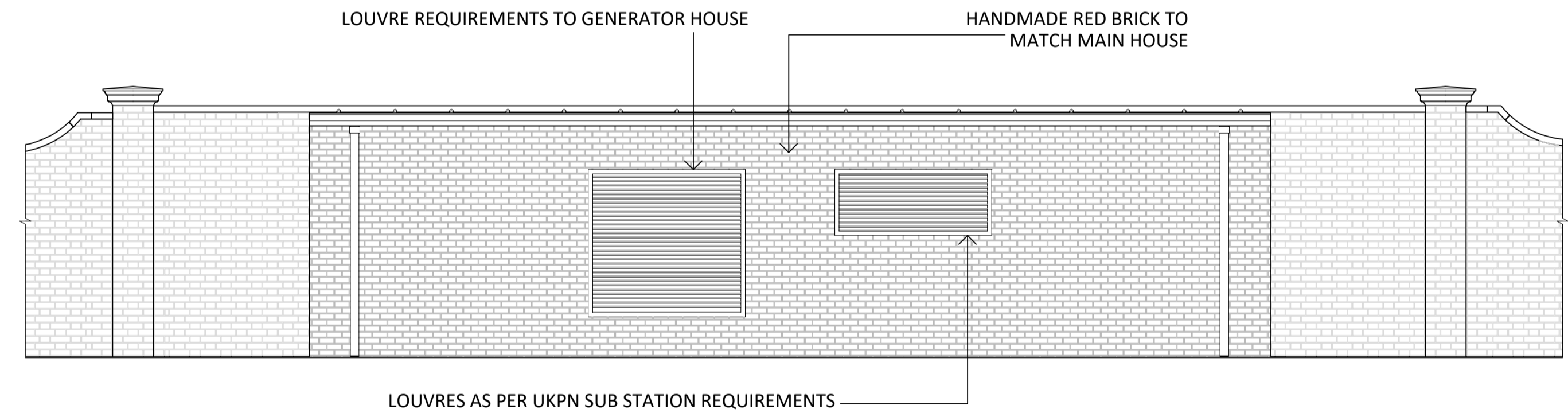
**01** GENERATOR & SUB STATION HOUSE PLAN  
1:50 @ A1, 1:100 @ A3



**02** GENERATOR & SUB STATION HOUSE SIDE ELEVATION 01  
1:50 @ A1, 1:100 @ A3



**04** GENERATOR & SUB STATION HOUSE SIDE ELEVATION 02  
1:50 @ A1, 1:100 @ A3

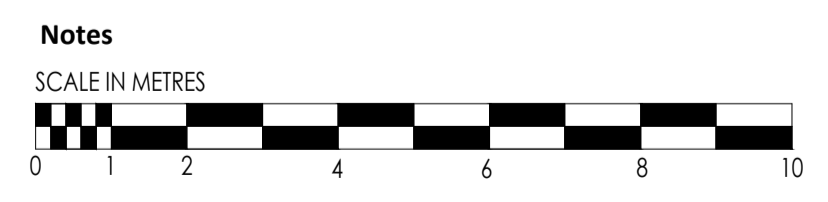


**03** GENERATOR & SUB STATION HOUSE ELEVATION  
1:50 @ A1, 100 @ A3

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PROPOSED SUB-STATION/GENERATOR ELEVATIONS  
**Date**  
AUGUST 2020  
**Scale**  
1: 50 @ A1 & 1:100 @ A3

**Dwg By**  
AN

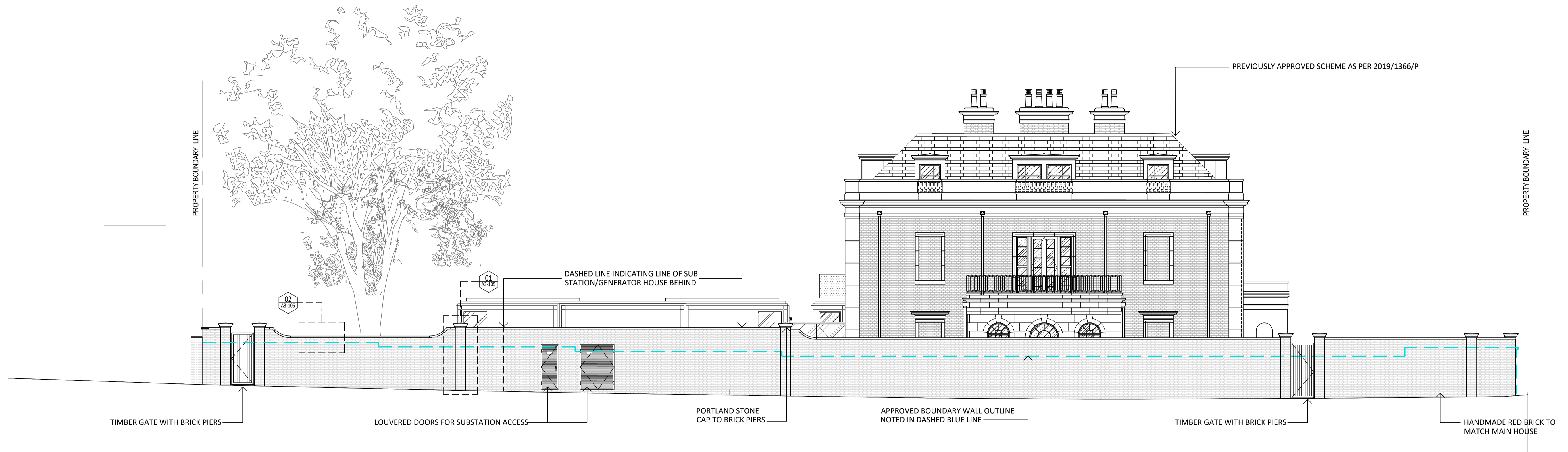
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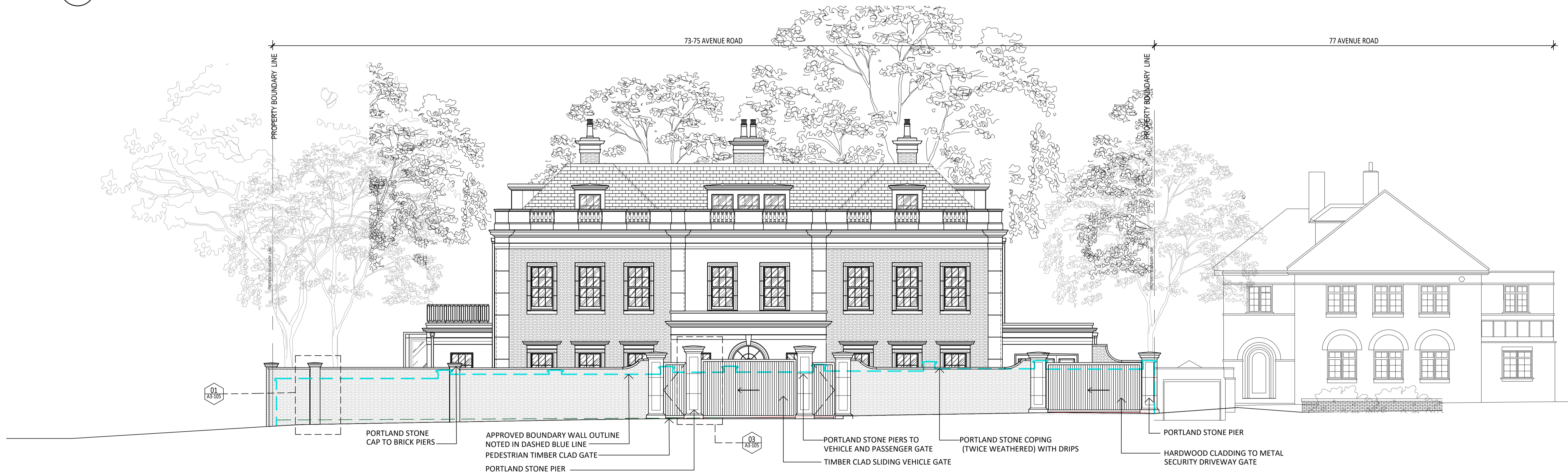
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| P1  | 19.08.2020 | AN     | ISSUED TO PLANNING CONSULTANT |

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|----------------|----------------|----------|
| 3680           | A3-110         | P1       |





**01 PROPOSED STREET ELEVATION - QUEENS GROVE**  
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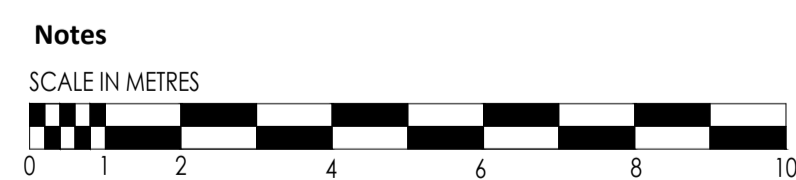


**02 PROPOSED STREET ELEVATION - AVENUE ROAD**  
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**Drawing Title**  
PROPOSED STREET ELEVATIONS

**Date**  
AUGUST 2020  
**Scale**  
1: 100 @ A1 & 1:200 @ A3

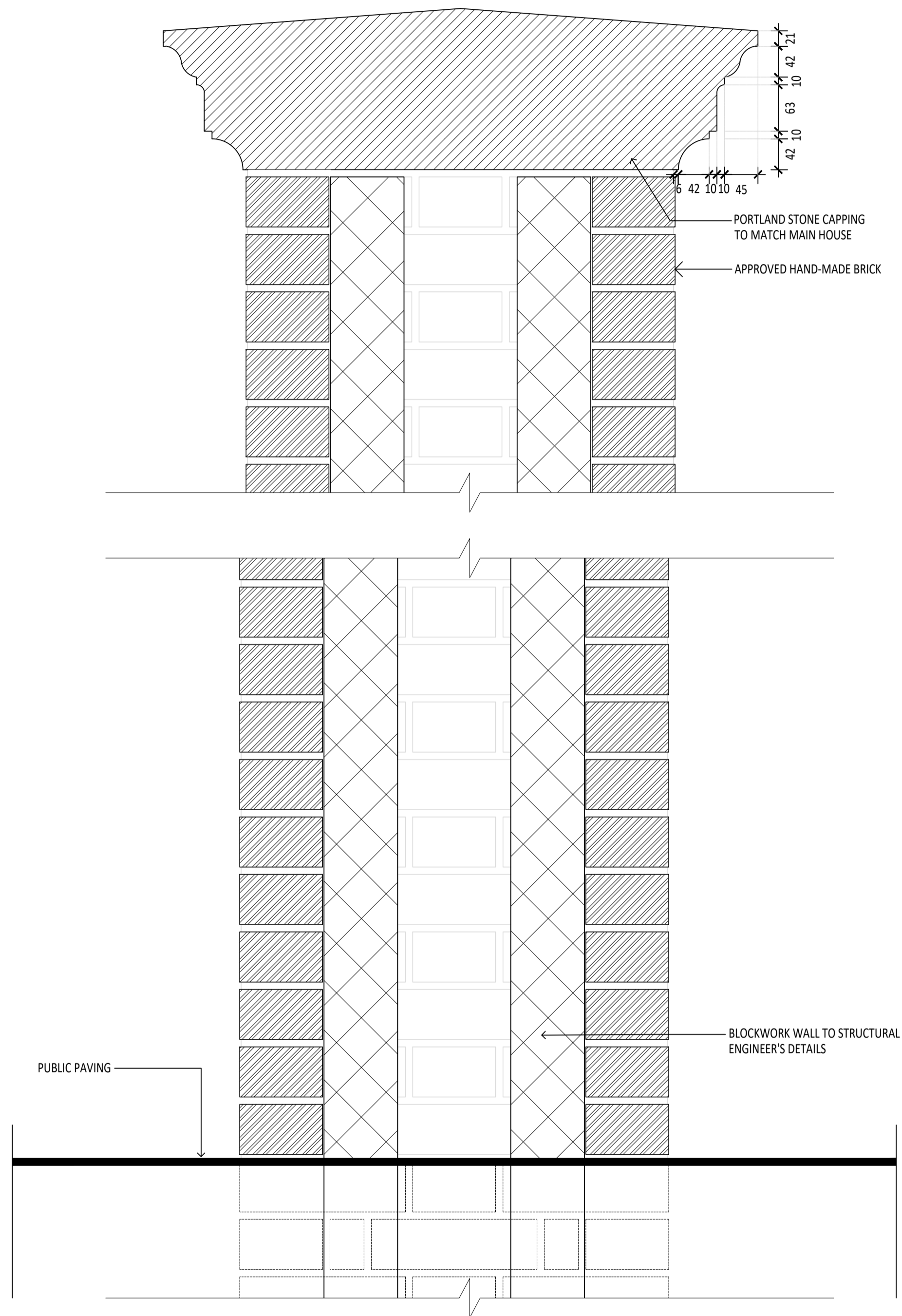
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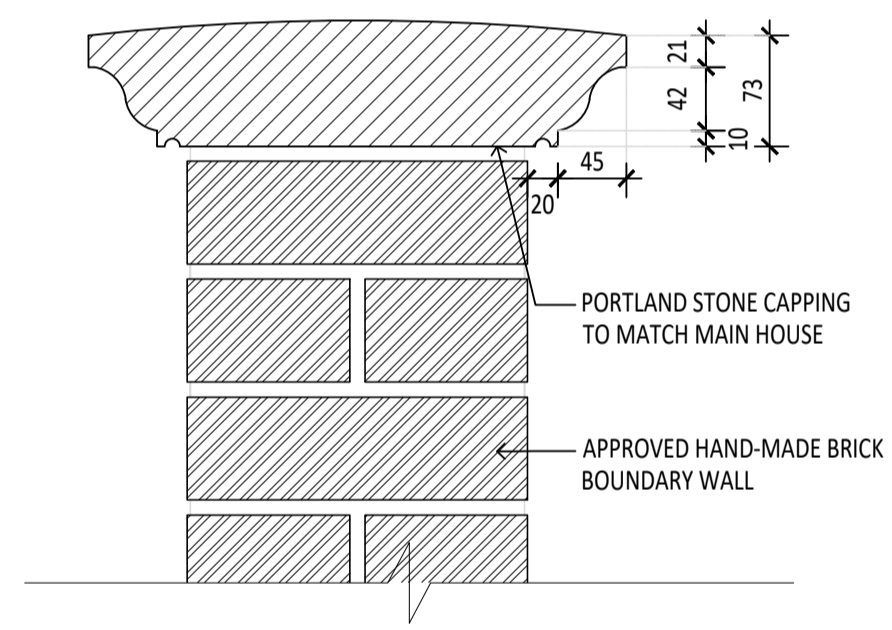
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3680  
**Drawing Number**  
A3-200  
**Revision**  
P2

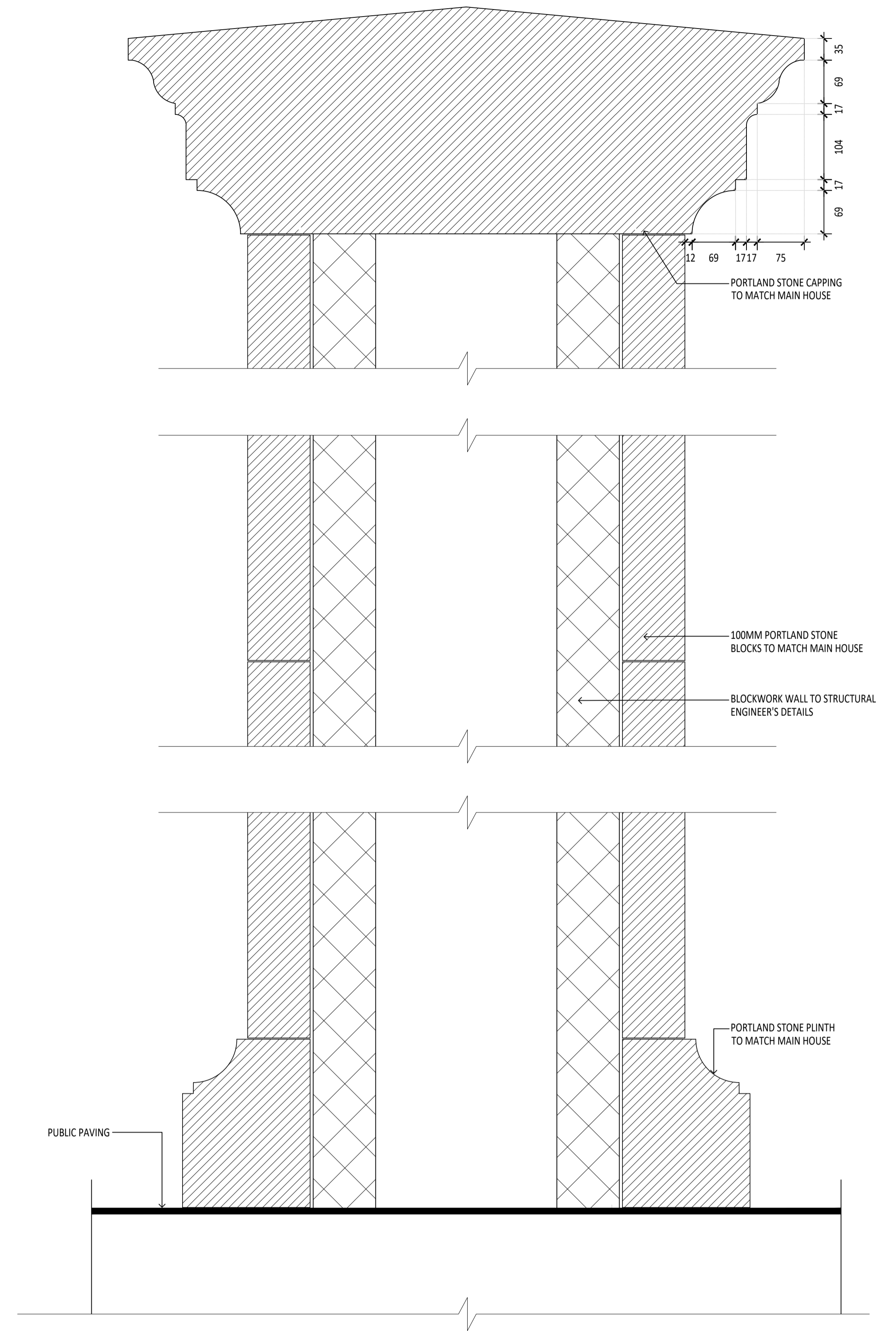




**01 BRICK PIER - TYPICAL SECTION DETAIL**  
1:5 @ A1, 1:10 @ A3



**02 BOUNDARY WALL COPING DETAIL**  
1:5 @ A1, 1:10 @ A3

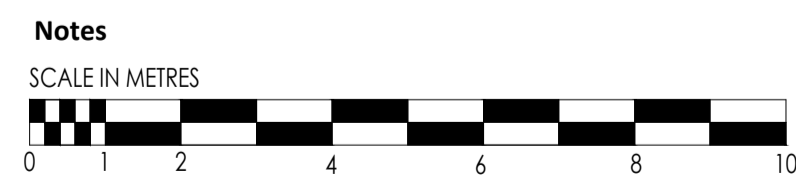


**03 STONE CLAD PIER - TYPICAL SECTION DETAIL**  
1:5 @ A1, 1:10 @ A3

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**Drawing Title**  
PROPOSED STREET ELEVATIONS  
AND PIER TYPICAL DETAILS  
**Date**  
AUGUST 2020  
**Scale**  
VARIES

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|----------------|----------------|----------|
| 3680           | A3-210         | P1       |





## PLANNING STATEMENT

73-75 Avenue Road, London NW8 6JD

Prepared for

Deroda Investments Limited

AUGUST 2020

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# 1 INTRODUCTION

- 1.1 This statement is written in support of an application for planning permission for the erection of new boundary walls and the provision of a brick generator housing and brick bin store in the garden curtilage of 73-75 Avenue Road.
- 1.2 This statement should be read in conjunction with the following:
  - Architectural drawings of Studio Indigo and their supporting Design Statement; and
  - Arboricultural Method Statement of Arbortrack Systems Ltd.
- 1.3 This statement firstly deals with preliminary matters and describes the application site and relevant planning history; briefly describes the proposed development; and pre-application advice. Section 3 provides the planning policy framework in which this application needs to be assessed and Section 4 demonstrates why the proposals are in compliance with planning policy. Section 5 draws on the conclusions reached.

## 2 PRELIMINARY MATTERS

### Application Site

- 2.1 The application site is a corner plot at the junction with Avenue Road and Queen's Grove. A replacement dwelling house is currently under construction and nearing completion.

### Relevant Planning History

- 2.2 Planning permission was granted in 2012 under application ref. 2011/2388/P for the erection of a single-family dwelling house comprising basement, lower ground and three upper levels; erection of a new boundary wall; new hard and soft landscaping; and associated works following demolition of the existing building.
- 2.3 A subsequent permission was granted on 6<sup>th</sup> April 2020 under application ref. 2019/1366/P for a variation of Condition 1 (approved plans) of the earlier permission relating to changes to the detailed design and materials of the new dwelling house and other changes including alterations to the basement, an additional lightwell and relocation of the car lift.
- 2.4 The permissions have been implemented and works are well underway.

### The Proposals

- 2.5 This application relates only to the boundary treatment surrounding the new dwelling house and the erection of a generator housing and bin store within the curtilage.
- 2.6 Whilst the earlier permissions included the erection of new boundary walls on the **Avenue Road and Queen's Grove frontages**, this current proposal seeks amendments to the approved boundary treatment along those frontages and also now includes the boundary treatment at the rear **with no. 38 Queen's Grove** and the side boundary with 77 Avenue Road. For clarity the proposals are:
- Erect a new boundary wall on the Avenue Road frontage with stone piers and timber clad gates – an amendment to the boundary treatment previously approved;
  - **Erect a new boundary wall on the Queen's Grove** frontage taking the opportunity to move it slightly further out (500mm) to safeguard existing mature (TPO) trees along **Queen's Grove** and their roots, and the inclusion of timber louvred doors for access to the generator housing;
  - Erection of a new brick boundary wall at the rear **with no. 38 Queen's Grove**

and new side wall with no. 77 Avenue Road; and

- Provision of a brick housing for a generator and brick bin store in the garden curtilage both with **access from Queen's Grove.**

2.7 The boundary walls would consist of red handmade bricks with stone piers and capping on the Avenue Road frontage to reflect the materials used in construction of the new dwelling house. Both the housing for the generator and the bin store would be also be constructed in red handmade bricks to match. Within the brick (sub-station) **housing would be a 'Closed Set Generator' which is a metal sealed box acoustically sealed to minimise the impact of the potential for noise and vibration.**

2.8 Vehicular and pedestrian gates would be timber clad.

**Please refer to the architect's drawings and Design Statement for further detailed information of the scheme proposals.**

#### Local Authority Engagement

2.9 The opportunity was taken to discuss the possibility of a new boundary wall on the **Queen's Grove frontage being constructed** 500mm forward than the old wall (now demolished) to safeguard existing TPO trees.

2.10 **The matter was discussed with the Council's Planning** and Transport Officers and we were subsequently advised to submit a planning application for consideration with the relevant (Local Authority) Consultees notified during the application process with particular regard to a possible stopping up order in light of the wall encroaching further on to the public highway.

### 3 PLANNING POLICY FRAMEWORK

#### 2018 National Planning Policy Framework (NPPF)

- 3.1 As with the 2012 NPPF, at the heart of the revised (24<sup>th</sup> July 2018) Framework is a presumption in favour of sustainable development which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.2 The revised NPPF makes clear that the starting point for decision making is the development plan and a presumption in favour of sustainable development does not change that statutory status. Applications for development proposals that accord with an up-to-date Local Plan should therefore be approved without delay.
- 3.3 The NPPF recognises that the planning and development process is fundamental in achieving the creation of high-quality buildings and places in which to live and work and that good design is a key aspect of sustainable development.
- 3.4 Paragraph 192 of the revised NPPF requires Local Authorities, when determining planning applications, to take account of "*the desirability of new development making a positive contribution to local character and distinctiveness*"

#### Development Plan

- 3.5 Having regard to the 2018 NPPF and Planning Practice Guidance, the proposal has **been assessed in relation to relevant policies contained within the Mayor's Consolidated London Plan dated March 2016 and the London Borough of Camden's Local Plan adopted on 3<sup>rd</sup> July 2017.** Both Plans are in general conformity with the revised NPPF and are thus up to date.

#### *The London Plan 2016*

- 3.6 The London Plan is a spatial development strategy for London which provides guidance to assist local authorities when preparing their local plans. Policies within local plans thus need to be in general conformity with the London Plan.

#### *Camden's Local Plan 2017*

- 3.7 **One of the main objectives identified in the Council's Local Plan is to manage change and growth in a manner that respects the character, heritage and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.**

- 3.8 The application site is not within any specified area. It does however lie close to a Conservation Area and regard should thus be given to the impact of new development on the setting of the Conservation Area.
- 3.9 The following policies within the Local Plan are considered to be of particular relevance in the determination of this application:
- A1 - Managing the impact of development;
  - A3 – Biodiversity;
  - D1 - Design; and
  - D2 – Heritage

#### Planning (Listed Buildings and Conservation Areas) Act 1990

- 3.10 Whilst the NPPF and development plan are material considerations, the approach to conservation areas is underpinned by the statutory requirements in Section 72 of the Town and Country Planning (Listed buildings and Conservation Areas) Act 1990 (1990 Act) where, in determining development proposals, Local Planning Authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area or its setting.

## 4 THE PROPOSALS AND POLICY COMPLIANCE

### NPPF

#### *An Up to Date Development Plan*

- 4.1 The NPPF advises that if the application scheme accords with the up to date local plan, then planning permission should be granted.
- 4.2 **Camden's 2017 Local Plan conforms with the policies and principles of the NPPF and is therefore up to date.**
- 4.3 We demonstrate below why the proposed development is in compliance with the aims and objectives of the development plan.

### Local Plan Policies

- 4.4 Policy A1 of the 2017 Local Plan seeks to protect the quality of life of occupiers and neighbours by managing the impacts of development. Policy D1 relates to securing high quality design in new development and respecting local context and character, whilst policy D2 requires development proposals to preserve and where appropriate, enhance heritage assets and their settings. In this instance the heritage asset are the nearby conservation areas.
- 4.5 The area is characterised by two and three storey buildings with materials consisting of brick, stucco, render and stone. Similarly, boundary treatments in the surrounding neighbourhood consist of brick and stone with either painted metal gates or timber as the photographs appended hereto demonstrate.

### *The Proposals*

- 4.6 The height of the new boundary walls together with the use of traditional materials truly respects the character and appearance of the surrounding area as demonstrated in the drawings and document produced by Studio Indigo and photographs appended hereto. Red brick, natural stone and timber are all found in the immediate locality.
- 4.7 The bin store and housing for the generator/sub-station would also be constructed in brickwork to match the dwelling house and would not rise above the height of the new boundary wall. The structures would thus sit comfortably within their setting and their visual impact would be limited to only private views from the dwelling of which they serve.



4.8 Existing crossovers are maintained on the Avenue Road frontage and put to use. There is no change in this respect.

#### *Impact on Existing Trees*

4.9 Policy A3 protects and seeks to enhance biodiversity by resisting the loss of trees of amenity, historic, cultural or ecological value and requires trees and other vegetation to be satisfactorily protected during construction activity.

4.10 **The boundary wall to Queen's Grove was removed some years ago and hoardings are** currently in its place. Along this section of the garden are mature trees of high amenity value, many of which are protected by a Tree Preservation Order. It is important therefore to ensure that existing trees of amenity value both outside the application site and within it are safeguarded and protected to ensure they continue to provide visual amenity to the surrounding area in the long term.

4.11 The opportunity is thus taken to further protect the mature TPO trees along the **Queen's Grove frontage and ensure their longevity** by erecting a new wall 500mm further away from the existing footings of the old wall.

4.12 The briefing note of Arbortrack outlines the method in which the removal of existing walls and their replacement should be carried out in order to protect all existing trees during construction works to ensure they continue to survive and flourish in the long term thereby maintaining the character and visual amenity of the area.

#### *Impact on the Setting of Conservation Areas*

4.13 Conservation Areas are designated heritage assets and it is appropriate therefore to consider the impact of the proposed development on the setting of adjacent conservation areas.

4.14 Whilst the application site is not within a conservation area, the eastern boundary of **the St. John's Wood Conservation Area lies on Queen's Grove to the south** of the application site and the Elsworthy Conservation Area lies to the east and beyond the opposite side of Avenue Road.

4.15 To enhance the visual appearance of the new dwelling house, the boundary walls would consist of red handmade bricks with stone piers and capping on the Avenue Road frontage to be in keeping with the materials used on the new house.

4.16 The proposed bin store and generator housing would sit within the garden curtilage **adjacent to the new side boundary wall fronting Queen's Grove. The bin store and**

housing for the generator would be constructed in brickwork to match the dwelling house and would not rise above the height of the new boundary wall. Their visual impact would therefore be limited to only private views from the dwelling of which they serve.

- 4.17 Further, the use of traditional materials would respond positively to the townscape character of the local area and as such the character and appearance of adjacent conservation areas would be preserved and enhanced.

#### *Impact on Residential Amenity*

- 4.18 The proposed boundary walls are similar in height to existing walls and the proposals are not therefore considered to have a detrimental impact on the living conditions of neighbouring occupiers. The new generator housing and bin store would be within the garden **curtilage close to the boundary wall on Queen's Grove, a sufficient distance** therefore from any residential dwelling to have any material impact whether visual or other.
- 4.19 Highway safety is of paramount importance and whilst the new side boundary wall to **the south would be built out by 500mm, the pavement along this stretch of Queen's Grove** is sufficiently wide enough to be able to take this small loss of pathway without having a detrimental or dangerous impact on pedestrians using the path thereby ensuring the public highway is safe for all to use. 3.44m of public footpath would still be retained.
- 4.20 The proposed bin store and generator housing would sit within the garden curtilage **adjacent to the new side boundary wall fronting Queen's Grove.** Their visual impact would therefore be limited to only private views from the dwelling in which they serve. Furthermore, and notwithstanding that the structures are some distance from neighbouring dwellings, the sub-**station enclosure would be a 'Closed Set Generator'** being a metal box which is acoustically sealed to ensure there would be no detrimental impact on residential amenity in respect of noise nuisance or vibration. The living conditions of nearby residents would thus be protected.

#### *In Summary*

- 4.21 For the reasons set out in this statement, the proposals are in conformity with relevant policies in the adopted development plan referenced in Section 2 of this statement and comply with the statutory tests of the 1990 Act.

## 5 CONCLUSIONS

- 5.1 The new boundary walls and brick structures to house a generator and refuse storage would meet the needs of the present without compromising future generations to meet their own needs.
- 5.2 The development as proposed would be high quality in design using traditional materials that respect the character of the existing street scene and wider area and without harming the setting of adjacent conservation areas.
- 5.3 The proposals would not have an adverse impact on existing residential amenity.
- 5.4 The proposed development meets the statutory requirements of Section 72 of the 1990 Act and complies with the Local Plan and central government policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement no other material considerations weigh against it.
- 5.5 Accordingly, we trust the London Borough of Camden will determine that the application for planning permission can be approved.

## 6 APPENDICES

1. Photographs of surrounding buildings and their boundary treatment.

# studio Indigo

Private Client

73 - 75 Avenue Road

Boundary Wall Design Statement

August 2020

## 1.0 Summary & Context

Following approval of application ref 2019/1366/P, this statement is to set out the design related matters in respect to the proposals for the perimeter boundary wall design at No.73-75 Avenue Road, London, NW8 6JD.

The proposals, as set out in the accompanying drawings, look to amend the existing approved boundary wall design along Avenue Road and Queen's Grove frontage.

The new proposed design for the boundary walls now responds more closely to the needs of the new family home and also provides a more harmonious continuation of material palette and aesthetic as found on the approved design of the main house.

The proposals also seek to demolish and rebuild the perimeter garden walls along the No.38 and No.77 boundary, which are both structurally unsound, and in need of repair.

### 2.0. Avenue Road & Queen's Grove Boundary Wall

The proposed boundary wall design along the Avenue Road frontage maintains the same positioning of both vehicular and pedestrian gates as per the existing approved scheme. Their positions respond well to the design and layout of the ground floor to the main house and proposed car lift location.

To enhance the visual appearance of the boundary wall, red handmade brickwork is proposed to match the main house ensuring consistency between the two elements. The piers either side of the proposed vehicular and pedestrian gates, are to be clad in Portland stone to match the main house and also to create hierarchy along the frontages. A similar approach appears to have been made to No.65 Avenue Road (see image adjacent) where materiality of the piers are stone

73-75 Avenue Road

clad either side of main access gates.

Our proposals show an increased wall height to accommodate the change in levels along Avenue Road, creating one consistent coping stone level either side of the pedestrian/vehicle gates.

Following discussions with the local authority tree officer, our proposal seeks to re-position the boundary wall line out by 500mm. This reduces the impact of rebuilding the wall on existing trees and their roots.

The proposed boundary wall along Queen's Grove is to include a pedestrian gate and binstore access, both clad in brickwork to be discreet. The positioning of the bin store has been considered to ensure collection vehicles do not cause traffic along Avenue Road.

In order to provide sufficient power to the main house, the sub-station will be required, the design governed by UKPN requirements.

The generator enclosure will house a closed set generator with independent fuel tank in order to provide a temporary power back up in the event of a local black out. As indicated on the proposed drawings, this building will be below



the proposed boundary wall height so will not be visible from the street level.

A pedestrian gate close to abutment with No.38 Boundary wall provides maintenance access to the rear garden, when required. The wall height will be consistent along Queen's Grove, increasing locally either side of the sub-station.

### 3.0. No.38 & No.77 Avenue Road Boundary Wall

Along no.38 & no.77, the existing walls are structurally unsound and in disrepair. Large cracks have appeared over time which require rectifying.

The proposals seek to demolish the existing wall and rebuild, raising the wall height just below the existing trellis height. This provides a more secure boundary between adjoining properties and provides aesthetic consistency between all four boundary lines. A stone coping will run around the perimeter of all 4 boundary walls, as detailed in the accompanying drawings.

The works carried out to these walls will be built in strict accordance with the Arboculturist's method statement (included in this application) to ensure minimal damage to existing trees and their roots.

## **Method statement for the avoidance of physical damage to roots during boundary wall demolition & construction at 73-75 Avenue Road London NW8 6JD**

- The brick built boundary walls at 73-75 Avenue Road are to be removed and replaced-see detail in Appendix A of this briefing note. The new wall on Queens Grove will be shifted 500mm away from the retained trees and the walls on the boundary with 38 Queens Grove & 77 Avenue Road will be replaced on their existing lines. The wall beside Queens Grove has been removed carefully to ground level by Knight Build, working off adjoining hard standing and with due care.
- Planned works are for the footings of the old walls to be removed and for a new replacement walls to be constructed on the line shown at Appendix A or on existing lines. The intention is to establish positions for 200mm diameter mini piles located to avoid significant roots (>25mm diameter), which will be retained and spanned/bridged as required.
- Soft ground within the root protection areas (RPA) of retained trees close to boundary walls must be protected through the course of wall demolition/construction/reconstruction. A 150mm layer of composted bark mulch will improve soil condition in the medium term and this can be spread and overlaid with ground protection such as Ground Guard or Eve Trakway sheets or similar-subject to approval from the Camden tree officer. Details can be provided if required.
- The removal of existing walls and footings must be carried out carefully by hand using hand held tools only & by an appropriately qualified operative. The excavation of any trenches or mini pile locations (to a minimum depth of 600mm) within RPAs must be carried out using compressed air soil displacement-by an appropriately qualified & briefed operative. Trenches must be kept as narrow as possible and soil must be removed extremely carefully from around any roots encountered and root bark must be retained undamaged.
- If exposed roots of greater than 25mm diameter are encountered in proposed mini pile locations these must be retained intact and the advice of the project arboriculturist sought. After consultation with the Camden tree officer the relevant roots will either be removed or an alternative arrangement made i.e. a different pile location chosen.
- Smaller diameter roots (<25mm diameter) encountered can be removed making clean cuts using a sharp tool e.g. secateurs or a hand saw, except where they occur in clumps. Retained exposed roots must be wrapped or covered e.g. with dry hessian sacking to avoid desiccation and to protect from rapid temperature changes.

- Excavated topsoil/subsoil should be stored separately. Prior to backfilling retained significant roots must have their protective wrapping removed and can then be surrounded with topsoil/subsoil or uncompacted sharp sand or other loose inert granular fill material N.B builder's sand must **not be** used as it contains salt, which is toxic to roots. This fill must also be free of contaminants and other loose foreign objects potentially injurious to tree roots.
- All works must be supervised by carried out by appropriately briefed operatives. The project arboriculturist will be available on request or will supervise if required by Camden Council.

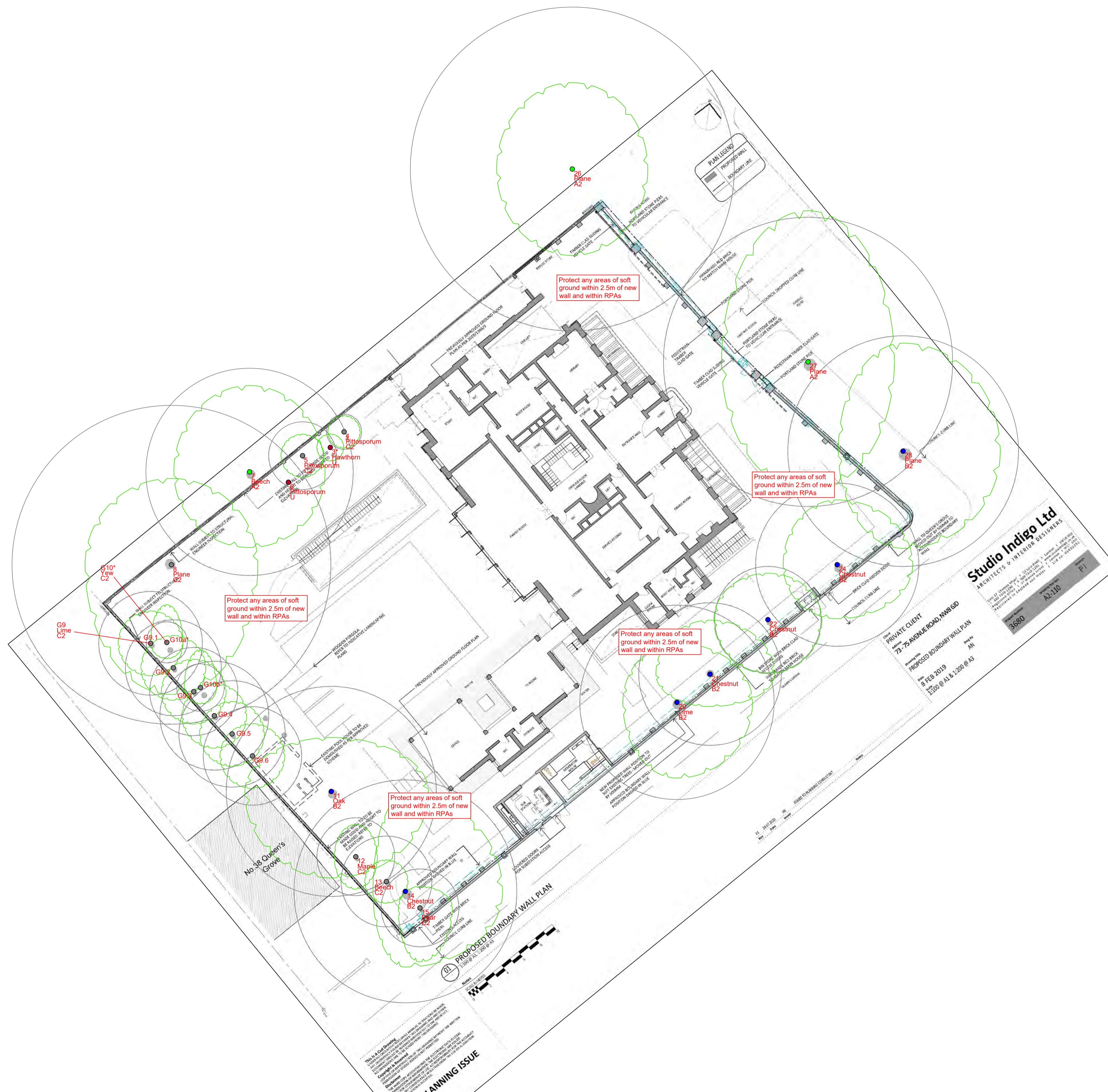
James Bell

Arbortrack Systems Ltd

07986122074

Email [james@arbortrackservices.com](mailto:james@arbortrackservices.com)





**Arbortrack Systems Ltd**  
 The Granary Studio, Crewe Lane, Kenilworth, CV8 2LA  
 07986 122074 / james.bell@arbortrack.com

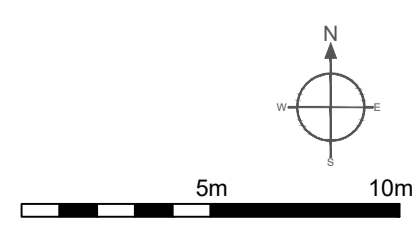
Site: 73-75 Avenue Road  
 Drawing Title: Arbortrack Impact Assessment 1-200@A1  
 Appendix: A Aug 2020

Key:

- Category A
- Category B
- Category C
- Category U

Category Crown Spread  
 Tree Number  
 Species  
 Category  
 Root Protection Area

NOTE: Tree/group numbers marked with an \* have approximate locations.





**From:** [Della, Elliott](#)  
**To:** [Peres Da Costa, David](#)  
**Cc:** [Stewart, Dave](#); [Greig, Shane](#)  
**Subject:** RE: 2020/3796/P - 73-75 Avenue Road - Replacement of all boundary walls  
**Date:** 17 September 2020 10:59:22  
**Attachments:** [image001.png](#)

---

Dear David,

I have looked at the site on Street View and the area requested is adopted highway, this will require a stopping up order; the current cost for processing the order is: £27,307.00, this price will change at the start of the new financial year.

As for the loss of the highway/ footway the existing footway is quite wide at approximately 3.6 meters even with the loss of .5m this will leave the footway at a comfortable width for the number of pedestrians who use this footway.

If I can be of more help please be in touch.

Best Regards

Elliott

Elliott Della BA (Hons) Dip TP  
Senior Project Engineer  
Environment and Transport  
Supporting Communities  
London Borough of Camden

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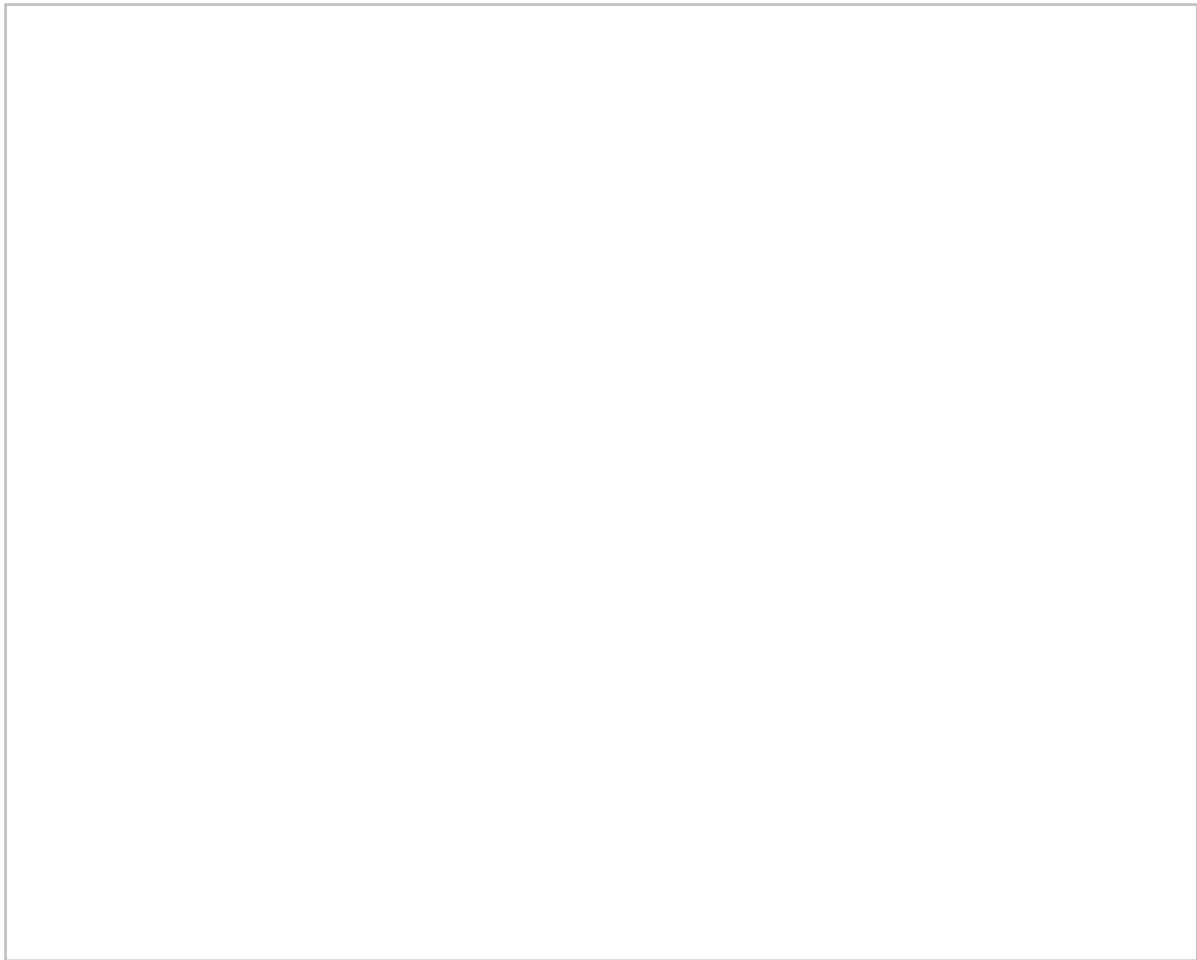
---

**From:** Peres Da Costa, David <David.PeresDaCosta@Camden.gov.uk>  
**Sent:** 16 September 2020 18:16  
**To:** Greig, Shane <shane.greig@camden.gov.uk>; Della, Elliott <Elliott.Della@camden.gov.uk>  
**Subject:** FW: 2020/3796/P - 73-75 Avenue Road - Replacement of all boundary walls

Hi Shane / Elliot,

RE: 73-75 Avenue Road - 2020/3796/P

I am dealing with an application which seeks to move a boundary wall. The new boundary wall on the Queen's Grove frontage would be constructed 500mm forward than the old wall (now demolished) to safeguard existing TPO trees. By moving the wall 500mm it would now stand on the adjoining footway (see plan below). Steve Cardno suggested I contact you. I have attached the submitted drawings. Further information is available on the website by following this [link](#). Please could you let me know if you have any comments. Let me know if you need any further information or clarification.



Kind regards

David

David Peres da Costa  
Senior Planning Officer  
Regeneration and planning  
Supporting Communities

Tel.: 020 7974 5262  
Visit [camden.gov.uk](http://camden.gov.uk) for the latest council information and news

---

**From:** Luk, Vivian <[Vivian.Luk@camden.gov.uk](mailto:Vivian.Luk@camden.gov.uk)>  
**Sent:** 16 September 2020 09:14  
**To:** Peres Da Costa, David <[David.PeresDaCosta@Camden.gov.uk](mailto:David.PeresDaCosta@Camden.gov.uk)>  
**Cc:** Dewes, Tatai <[Tatai.Dewes@camden.gov.uk](mailto:Tatai.Dewes@camden.gov.uk)>  
**Subject:** 2020/3796/P - 73-75 Avenue Road - Replacement of all boundary walls

Hi David,

*Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).*

Steve commented on the previous application (2019/1366/P). You should asked Elliott Della about a stopping up order and Shane Greig (Structures Manager) to take a look at the proposal.

The substation door, bin storage door and brick clad hidden door would open outwards into Queen's Grove. This would impede the public highway, which is unacceptable according to Highways Act 1980 Section 153. The applicant should submit revised plans.

The footway directly adjacent to the site is likely to sustain damage because of demolishing and rebuilding the boundary wall. A highways contribution would need to be secured as a section 106 planning obligation if planning permission is granted. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage to the public highway in the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development. A cost estimate for the highway works has been requested from Council's Transport Design Team and will be forwarded once received.

Summary of Section 106 Planning Obligations

The following section 106 planning obligations and conditions would be required if planning permission is granted:

Highways contribution - to be determined

Kind Regards,

Vivian Luk  
Transport Planner  
Supporting Communities  
London Borough of Camden

Telephone: 020 7974 3932  
Web: [camden.gov.uk](http://camden.gov.uk)

5 Pancras Square  
London N1C 4AG

The majority of Council staff are now working at home through remote, secure access to our systems. Where possible please now communicate with us by telephone or email. We have limited staff in our offices to deal with post, but as most staff are homeworking due to the current situation with COVID-19, electronic communications will mean we can respond quickly.

Please consider the environment before printing this email.

|  |                            |  |                                      |                   |
|--|----------------------------|--|--------------------------------------|-------------------|
| <b>Delegated Report<br/>(Members Briefing)</b>   |                            | <b>Analysis sheet</b>  | <b>Expiry Date:</b>                  | <b>15/10/2020</b> |
|  |                            | N/A  | <b>Consultation<br/>Expiry Date:</b> | <b>22/10/2020</b> |
| <b>Officer</b>   |                            |  | <b>Application Number(s)</b>         |                   |
| David Peres Da Costa   |                            |  | 2020/3796/P                          |                   |
| <b>Application Address</b>   |                            |  | <b>Drawing Numbers</b>               |                   |
| 73-75 Avenue Road<br>London<br>NW8 6JD   |                            |  | Refer to Draft Decision Notice       |                   |
| <b>PO 3/4</b>  | <b>Area Team Signature</b> | <b>C&amp;UD</b>  | <b>Authorised Officer Signature</b>  |                   |
|  |                            |  |                                      |                   |
| <b>Proposal(s)</b>   |                            |  |                                      |                   |
| Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove). |                            |  |                                      |                   |
| <b>Recommendation(s):</b>  |                            | <b>Grant conditional planning permission subject to s106 legal agreement</b> |                                      |                   |
| <b>Application Type:</b>   |                            | <b>Householder application</b>   |                                      |                   |

|   |   |           |                  |           |                   |           |
|---|---|-----------|------------------|-----------|-------------------|-----------|
| <b>Conditions or Reasons for Refusal:</b>                             | Refer to Draft Decision Notice  |           |                  |           |                   |           |
| <b>Informatives:</b>  |   |           |                  |           |                   |           |
| <b>Consultations</b>  |   |           |                  |           |                   |           |
| <b>Adjoining Occupiers:</b>   | No. notified  | <b>00</b> | No. of responses | <b>00</b> | No. of objections | <b>00</b> |
| <b>Summary of consultation responses:</b>                             | <p>A site notice was displayed from 09/09/20 to 03/10/20.</p> <p>No comments have been received.</p>  |           |                  |           |                   |           |
| <b>CAAC/Local groups* comments:</b><br><small>*Please Specify</small> | <p><b>Elsworthy Residents Committee – object</b></p> <p>It seems perverse to consider allowing the pavement in Queens Grove to be reduced by moving the position of the brick wall 500 mm. This at a time when Camden, and indeed all over the country, pavements are being widened to allow greater numbers of pedestrians to pass freely on the footpath.</p> <p>In order to protect the valuable trees there could be breaks in the brick wall and railings around the trees. The introduction of access gates for the bin store etc that open out onto the pavement of Queens Grove will be a hazard as has proved already elsewhere locally. They are left open for the bin collection, the bins are then left on the pavement and the doors remain open until it is remembered to come out, put the bins away and close them. All this will be out of sight for the occupants of the property but will be dangerous and an eyesore for those passing by, especially if the width of the footpath has been reduced. Please remember that the black and white tiled road sign ‘Queen’s Grove’ (No doubt not saved when the wall was demolished) should be replaced on the new wall.</p> <p><i>Officer’s comment: The application has been revised and the bin store amended so that the doors would not open onto the pavement but rather would open onto the front garden. An email was sent to the Elsworthy Resident’s Committee advising of this revision and the following additional comment was received.</i></p> <p>I’m glad my comment regarding the hazard of the bin store has been understood and an effort has been made to effect a solution. However I still object to the pavement being narrowed by moving the wall out and the bins will still sit on the narrowed pavement, unseen from the house, being unsightly and blocking passage for passers-by until taken back in through the gate. I suggest that the bin store be incorporated in the front driveway.</p> <p><i>Officer’s comment: The reason for the location of the bin store on the side is to minimise its visual impact when viewed from principal rooms. The side elevation houses secondary accommodation where the view is not so important. It is understood that the bins would be taken out through the vehicular gates and placed on Avenue Road. However, should the bins be</i></p> |           |                  |           |                   |           |

*put out onto Queens Grove it is noted that this road is no different from any other street in the borough in that on waste collection days all bins are put out on to the public highway, emptied and then taken back in again. There is no reason to suggest the application site will be any different from any other property and even more so with a house such as this where staff will be present to ensure these matters are dealt with in a timely manner.*

*The Council's transport team, highway engineering and the Council's Structures Manager have reviewed the proposal. The existing footway is quite wide (approximately 3.6 meters). Even with the loss of 0.5m this will still leave the footway at a comfortable width for the number of pedestrians who use this footway.*

*The erection of road signs is not a planning matter.*

## Site Description

The application site is located on the corner of Avenue Road and Queen's Grove. Planning permission was granted 28/03/2012 (planning ref: 2011/2388/P) for a two storey dwelling with lower ground floor and basement. Construction of this is nearing completion.

The site is not located in a conservation area but the St John's Wood Conservation Area lies to the south-west of 38 and 37a Queen's Grove and the corner of the Elsworthy Conservation Area lies to the east of the junction of Elsworthy Road with Avenue Road diagonally opposite the site.

## Relevant History

**2011/2388/P:** Erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building). Granted Subject to a Section 106 Legal Agreement 28/03/2012

**2019/1366/P:** Variation of condition 1 (approved plans) of planning permission 2011/2388/P dated 28/03/2012 (for erection of single-family dwellinghouse comprising basement, lower ground, ground, first and second floor level, erection of a new boundary wall, hard and soft landscaping and associated works (following demolition of existing building)), namely changes to detailed design and materials on all elevations including stone balustrade at roof level, stone finish to central bay and replacement of sash window with garage door (all to front elevation) including relocation of car lift; replacement of 2 storey bay on Queen's Grove elevation with single storey structure with terrace above; alterations to footprint and location of basement including additional lightwell and relocation of garden lightwell; replacement of orangery with contemporary pavilion with flat roof; new French doors to side elevation (north elevation); and erection of pergola in rear garden. Granted Subject to a Section 106 Legal Agreement 06/04/2020

## Relevant policies

### NPPF 2019

### The London Plan March 2016, consolidated with alterations since 2011

Intend to Publish London Plan 2019

### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

Policy T1 Prioritising walking, cycling and public transport

Policy T3 Transport infrastructure

### Camden Planning Guidance

Design (adopted March 2019)

Amenity (adopted March 2018)

Transport (adopted March 2019)

Trees (March 2019)



## Assessment

### 1. Proposal

- 1.1. The application seeks amendments to the approved boundary treatment along Avenue Road and Queen's Grove and also the replacement of the boundary treatment at the rear with no. 38 Queen's Grove and the side boundary with 77 Avenue Road. The proposal also includes the erection of a brick building to house an emergency generator and sub-station to the rear garden and a bin store to front garden. In detail, the following is proposed:
- Erection of a new boundary wall on the Avenue Road frontage with stone piers and timber clad gates. This is an amendment to the boundary treatment previously approved under planning reference 2011/2388/P as amended by 2019/1366/P.
  - Erection of a new boundary wall on the Queen's Grove frontage. This would be moved 0.5m further out to safeguard the existing mature (TPO) trees (and their roots) along Queen's Grove and would include timber louvred access doors for the substation housing and two pedestrian access gates at either end of the frontage.
  - Replacement of the boundary treatment where the site abuts adjoining properties consisting of erection of a new brick boundary wall at the rear with no. 38 Queen's Grove and new side wall with no. 77 Avenue Road; and
  - Provision of a brick housing for a generator and substation and brick bin store in the garden curtilage.

## Assessment

- 1.2. The main issues for assessment are design, amenity, transport and trees.

### 1.3. Design

- 1.4. The approved boundary treatment to Avenue Road would be amended and the vehicle gate flanked by a large pedestrian gate would be replaced by a vehicle gate flanked by two narrower pedestrian gates. The material of the approved piers on either side of the vehicle and pedestrian gates would be amended from brick to Portland stone. This would match the detailing of the main house. The height of the wall would be increased in height (by a maximum of 0.5m) close to the corner with Queen's Grove. The changes to the appearance of the Avenue Road boundary are considered minor and would be sympathetic to the host property and the streetscape.
- 1.5. The height of the approved Queen's Grove boundary would be increase by approximately 0.89m and would range in height from approx. 2.8m to 3m (the approved wall ranged in height from approx. 1.9m to 2.24m. While this is a significant increase in height, the height of the existing wall and trellis (now demolished) was 2.67m and therefore the increase in height would be relatively small when compared to the pre-existing wall and trellis. Furthermore, the proposed building housing the substation and generator would sit just below the height of the wall. Therefore if the wall were lower, the substation would be visible. The height of the wall is therefore necessary to ensure sure there is no adverse visual impact from the proposed sub-station and to safeguard the visual appearance of the local area. In this context, the height of the boundary wall is considered acceptable.
- 1.6. The boundary walls would be constructed from red handmade brick to match the main house. This would ensure consistency between the two elements.
- 1.7. The submission states that the existing walls with the neighbouring properties (no.38 &

no.77) are structurally unsound with large cracks. The proposal seeks to demolish the existing walls with trellis and rebuild, raising the wall height to just below the existing trellis height. This would provide a more secure boundary between adjoining properties and provides aesthetic consistency between all four boundary lines. The replacement boundary walls are therefore considered acceptable.

- 1.8. The generator and substation enclosure will be below the proposed boundary wall height so will not be visible from the street level. The detail design of the generator and substation enclosure is considered acceptable. The substation would be accessed from the Queen's Grove footway with doors which open onto the pavement. This is a requirement of UKPN. The double doors would be for any large plant that may be needed at any given time in the future and the single door would be for maintenance access. The Council's planning guidance advises that while doors that open onto footways are generally resisted an exception is made for doors required for electricity sub-stations. Therefore, in this instance the doors opening onto the footway are considered acceptable. The bin store would be a relatively small enclosure positioned next to the side boundary wall and would not be visible from the public realm.

### **1.9. Amenity**

- 1.10. The height of the proposed walls between the application site and the neighbouring properties to the rear and the side (no.38 & no.77) would be the same height as the existing wall with trellis. Therefore there would be minimal impact on neighbouring amenity in terms of daylight and sunlight or overbearing. The increase in the height of the boundary wall to Queen's Grove would likewise have minimal impact on neighbouring amenity as this wall is adjacent to the pavement and road. Likewise there would be no impact on neighbouring amenity from the bin store or the building housing the generator and sub-station.

### **1.11. Noise**

- 1.12. The application proposes a brick building to house an electricity substation and emergency generator adjacent to the boundary wall with Queen's Gove. A noise report has been submitted to support the application and has been reviewed by the Council's noise officer. The lowest background noise level was 36dB. The Council's noise policy states that emergency equipment such as generators which are only to be used for a short period of time will be required to meet the noise criteria of no more than 10dB above the background level (L90 15 minutes). During standby periods, emergency equipment will be required to meet the usual criteria for plant and machinery. The noise report confirms that mitigation will be required to comply with the Council's noise criteria. A condition will be included to ensure the mitigation recommendations of the noise report are implemented. Further noise conditions will ensure that the equipment does not breach the Council's noise thresholds and will restrict the operation and testing of the emergency generator to protect neighbouring amenity.

### **1.13. Transport**

- 1.14. The proposal was revised to omit the bin store doors opening onto the footway. The Council's planning guidance advises that while doors that open onto footways are generally resisted an exception is made for doors required for electricity sub-stations.
- 1.15. The application seeks to move the boundary wall adjacent to Queen's Grove 0.5m further towards the existing footway to safeguard the existing mature (TPO) trees and their roots. This would involve the narrowing of the existing footway. The Council's transport team, highway engineering and the Council's Structures Manager have reviewed the proposal. The existing footway is quite wide (approximately 3.6 meters). Even with the loss of 0.5m this will still leave the footway at a comfortable width for the number of pedestrians who use this footway. Therefore the loss of 0.5m of footway is considered acceptable in this

instance.

1.16. Highways have confirmed a stopping up order will be required. The current cost for processing the order is: £27,307.00. This would be secured by legal agreement.

1.17. The footway directly adjacent to the site is likely to sustain damage because of building the boundary wall. It is noted that a highways contribution (£56,000) was secured as part of the previous application (2011/2388/P) and no work has been implemented. Therefore these funds would still be available to be spent on the highway reinstatement and no further highways contribution would be required.

#### **1.18. Trees**

1.19. No trees are proposed to be removed in order to facilitate development. The arboricultural method statement is considered sufficient to demonstrate that the trees to be retained will be adequately protected in accordance with BS5837:2012. A condition will be included to require the works would be undertaken under the supervision and monitoring of the retained project arboriculturalist in consultation with the Council's Tree and Landscape Officer.

#### **1.20. Conclusion**

1.21. Grant conditional planning permission subject to s106 legal agreement

1.22. Heads of terms:

- Highways contribution
- Stopping up order

### **DISCLAIMER**

**The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23<sup>rd</sup> November 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.**

Application ref: 2020/3796/P  
Contact: David Peres Da Costa  
Tel: 020 7974 5262  
Email: David.PeresDaCosta@camden.gov.uk  
Date: 3 March 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
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WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

TJR Planning  
Suite 3 The Mansion  
Wall Hall Drive  
Aldenham  
WD25 8BZ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted Subject to a Section 106 Legal Agreement**

Address:

**73-75 Avenue Road  
London  
NW8 6JD**

Proposal:

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).  
Drawing Nos: A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and

Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Noise mitigation

Before the first operation of the generator hereby approved, the generator shall be provided with sound attenuation measures in accordance with the recommendations set out in the Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020 hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Noise from emergency generators

Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Emergency generator operation

The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

7 Emergency generator testing

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

8 Tree protection / supervision and monitoring

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural impact assessment by ArborTrack Systems Ltd entitled "Method statement for the avoidance of physical damage to roots during boundary wall demolition & construction at 73-75 Avenue Road London NW8 6JD" dated 14th July 2020. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision and monitoring of the retained project arboriculturalist and with ongoing consultation with the Council's Tree and Landscape Officer.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the Camden Local Plan.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106

agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer

DATED 3<sup>RD</sup> MARCH 2021

(1) WEI-LYN LOH

and

(3) EFG PRIVATE BANK LIMITED

and

(4) THE MAYOR AND BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN

**A G R E E M E N T**  
relating to land known as  
73-75 Avenue Road  
London NW8 6JD  
pursuant to

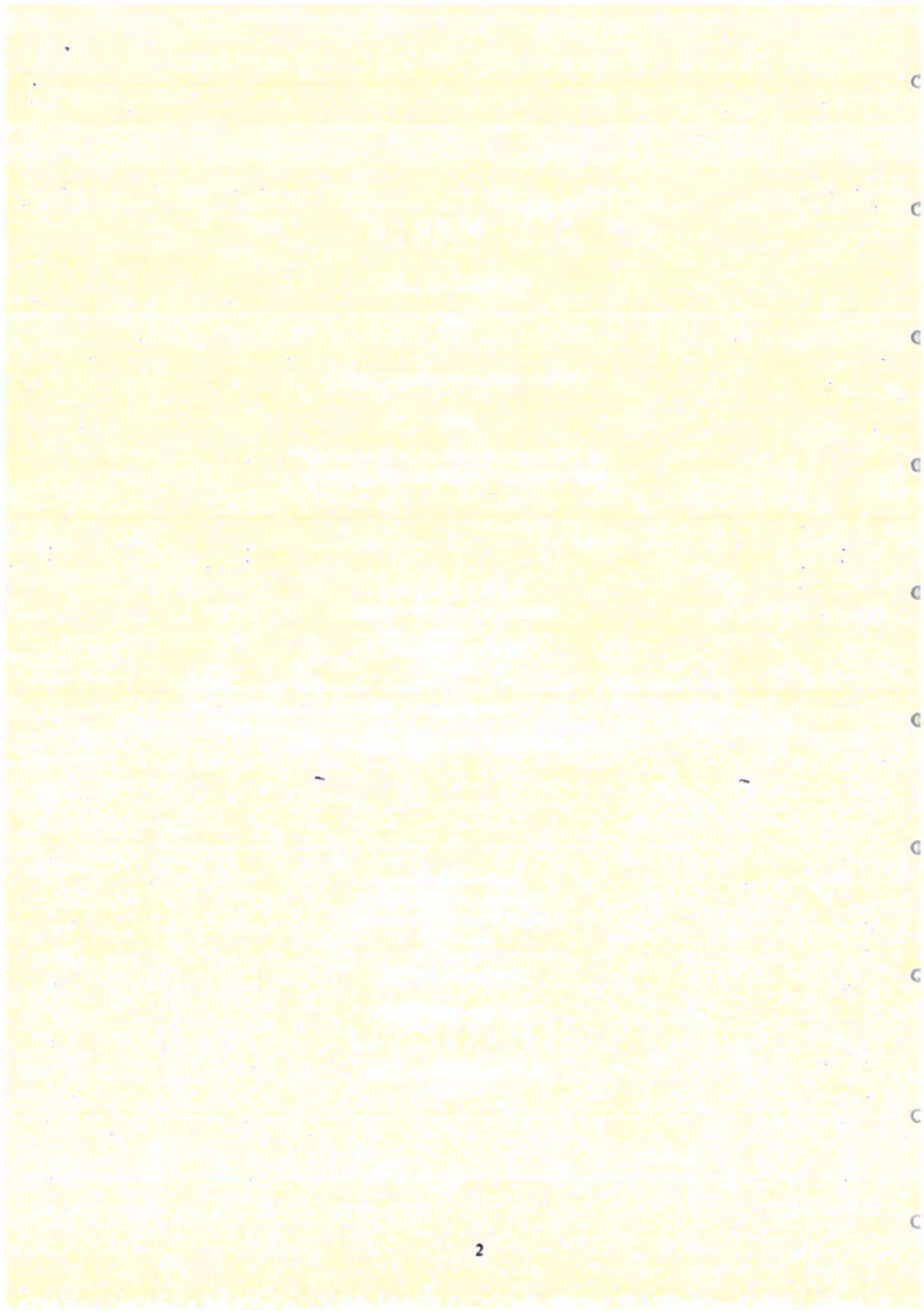
**Section 106 of the Town and Country Planning Act 1990 (as amended);  
Section 16 of the Greater London Council (General Powers) Act 1974;  
Section 111 of the Local Government Act 1972; Section 1(1) of the Localism Act 2011;  
and Section 278 of the Highways Act 1980**

Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 5826

CLS/COM/ESA/1800.1760  
s106 FINAL





THIS AGREEMENT is made the 3<sup>rd</sup> day of March 2021

**BETWEEN:**

- A. **WEI-LYN LOH** of Flat 24, Welbeck House, 62 Welbeck Street, London W1G 9XE (hereinafter called "the Owner") of the first part
- B. **EFG PRIVATE BANK LIMITED** (Co. Regn. No.2321802) of Leconfield House, Curzon Street, London W1J 5JB (hereinafter called "the Mortgagee") of the second part
- C. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

1. **WHEREAS**

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number NGL911641 subject to a charge to the Mortgagee.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the development of the Property was submitted to the Council and validated on 20 August 2020 and the Council resolved to grant permission conditionally under reference number 2020/3796/P subject to the conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act and is the local authority for the purposes of Section 16 of the Greater London Council (General Powers) Act 1974 Section 111 of the Local Government Act 1972; and Section 1(1) of the Localism Act 2011 for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.



1.5 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

1.6 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL911641 and dated 19 February 2019 is willing to enter into this Agreement to give its consent to the same.

2. **DEFINITIONS**

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

|     |                           |   |
|-----|---------------------------|---|
| 2.1 | "the Act"                 | the Town and Country Planning Act 1990 (as amended)   |
| 2.2 | "the Agreement"           | this Planning Obligation made pursuant to Section 106 of the Act  |
| 2.3 | "the Development"         | replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove). as shown on drawing numbers:- A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbotrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220 |
| 2.4 | "the Implementation Date" | the date of implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly   |
| 2.5 | "Occupation Date"         | the date when any part of the Development is occupied and   |

|      |   |    |  |
|------|---|----|--|
|      |   |    | the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly   |
| 2.6  | "the Parties"                             |    | mean the Council the Owner and the Mortgagee   |
| 2.7  | "the Planning Application"                |    | a planning application in respect of the development of the Property submitted to the Council and validated on 20 August 2020 for which a resolution to grant permission has been passed conditionally under reference number 2020/3796/P subject to conclusion of this Agreement  |
| 2.8  | "Planning Obligations Monitoring Officer" |    | a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to S106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof  |
| 2.9  | "the Planning Permission"                 |    | a planning permission granted for the Development substantially in the draft form annexed hereto   |
| 2.10 | "the Property"                            |    | the land known as 73-75 Avenue Road London NW8 6JD the same as shown shaded green on Plan 1 annexed hereto   |
| 2.11 | "Stopping Application"                    | Up | means an application made by the Owner to the Council to authorise the stopping up of the Stopping Up Area pursuant to section 247 or section 253 of the Act   |
| 2.12 | "Stopping Up Area"                        |    | means part of the carriageway and footway at 73-75 Avenue Road as shown for indicative purposes (to be agreed by the Council in writing prior to submission of the Stopping Up Application) coloured red on Plan 2 annexed to this Agreement   |
| 2.13 | "Stopping Contribution"                   | Up | means the sum of £27,307.00 to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the council in connection with the Stopping Up Measures   |
| 2.14 | "Stopping Measures"                       | Up | means all procedures (including statutory and internal Council procedures and consultation) required to facilitate the stopping up of the Stopping Up Area pursuant to section 247 of the Act to enable the Development to be carried out in accordance with the Planning Permission whether or not such procedures result in the obtaining of the Stopping Up Order |



|      |                     |   |
|------|---------------------|---|
| 2.15 | "Stopping Up Order" | means a statutory order authorising the stopping up of the Stopping Up Area |
|------|---------------------|---|

3. **NOW THIS DEED WITNESSETH** as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and is also made in pursuance of Section 16 of the Greater London Council (General Powers) Act 1974 Section 111 of the Local Government Act 1972; and Section 1(1) of the Localism Act 2011 and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies, corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.
- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction of interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, 7 and 8 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.
- 3.6 The Council hereby agrees to grant the Planning Permission on the date hereof.
- 3.7 The Parties save where the context states otherwise shall include their successors in title.

**4. OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:-

**4.1 Stopping Up Application**

- 4.1.1** On or prior to Implementation of the Development the Owner will submit to the Council the Stopping Up Application.
- 4.1.2** Within 5 days of the Council accepting the Stopping Up Application to pay the Stopping Up Contribution in full.
- 4.1.3** Not to Implement or to allow Implementation of the Development until such time as the Stopping Order has been made.
- 4.1.4** To pay the Council's further reasonable costs incurred in connection with the Stopping Up Measures including where reasonably requested payments on account, subject to the Council providing such information as the Owner may reasonably request to verify the Council's incurrence of such further costs.
- 4.1.5** On completion of the Stopping Up Measures the Council will provide to the Owner a certificate specifying the sum expended by the Council in carrying out the Stopping Up Measures ("the Stopping Up Measures Certified Sum").
- 4.1.6** If the Stopping Up Measures Certified Sum exceeds the Stopping Up Contribution and any other sums already paid on account by the Owner in respect of the Council's reasonable costs in carrying out the Stopping Up Measures then the Owner shall within fourteen days of the issuing of the said certificate pay to the Council the amount of the excess, subject to the Council providing such information as the Owner may reasonably request to verify the Council's incurrence of such excess sums.
- 4.1.7** Not to restrict or to allow the restriction of public access to the Stopping Up Area unless and until the Stopping Up Order has been made and in the event of non-



compliance with this sub-clause the Owner shall forthwith take any steps required by the Council to remedy such non-compliance.

**5. NOTICE TO THE COUNCIL/OTHER MATTERS**

- 5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.
- 5.2 Within seven days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting planning reference 2020/3796/P the date upon which the Development will be ready for Occupation.
- 5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.
- 5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall jointly and severally indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.
- 5.5 If satisfied as to the compliance of the Owner in respect of any obligation in this Agreement the Council shall (if requested to do so in writing and subject to payment of a fee of £1,000 in respect of each such obligation) provide through its Head of Legal Services a formal written certification of compliance, partial compliance or ongoing compliance (as and if appropriate) with the provisions of any such obligation.

- 5.6 Submission of any plan for approval by the Council under the terms of this Agreement shall be made by the Owner to the Council sending the full document and any appendices in electronic format (where practicable) to the Planning Obligations Monitoring Officer referring to the names dates and Parties to this Agreement and citing the specific clause of this Agreement to which such plan relates quoting the Planning Permission reference 2020/3796/P.
- 5.7 Payment of any contributions pursuant to Clause 4 of this Agreement shall be made by the Owner to the Council sending the full amount via electronic transfer (where practicable). The owner shall notify the Planning Obligations Monitoring Officer that payment has been made referring to names date and Parties to this Agreement and citing the specific clause of this Agreement to which such contribution relates quoting the planning reference 2020/3796/P. Electronic Transfer be made directly to National Westminster Bank of Hampstead Village, Enfield Customer Service Centre, PO Box 145 Baird Road Middlesex EN1 1FN quoting Sort Code 50-30-03 and London Borough of Camden General Account no. 24299480.
- 5.8 All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable in respect thereof and all parties other than the Council shall pay and indemnify the Council against any such value added tax properly payable on any sums paid to the Council under this Agreement upon presentation of an appropriate value added tax invoice addressed to the Owner.
- 5.9 Any sums referred to in this Agreement as payable or to be applied by any party other than the Council under this Agreement shall be paid or applied TOGETHER WITH if such payment or application is made more than three months from the date of this Agreement a further sum ("A") being equal to the original sum payable ("B") multiplied by a figure being a fraction of which the All Items of Retail Prices ("the AIIRP") figure last published by the Office for National Statistics at the date hereof is the denominator ("X") and the last AIIRP figure published before the date such payment or application is made ("Y") less the last published AIIRP figure at the date hereof ("X") is the numerator so that

$$A = B \times \frac{(Y-X)}{X}$$



5.10 All costs and expenses payable to the Council under this Agreement shall bear interest at the rate of 4% above the Base Rate of the National Westminster Bank plc from time to time being charged from the date such payment is due until payment is made.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Placeshaping Service, Urban Design and Development Team, 2<sup>nd</sup> Floor, 5 Pancras Square, London, N1C 4AJ and sent to planning obligations on [PlanningObligations@camden.gov.uk](mailto:PlanningObligations@camden.gov.uk) quoting the planning reference number 2020/3796/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.

6.2 This Agreement shall be registered as a Local Land Charge.

6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.

6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.

6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights,

powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

- 6.6 Neither the Owner or the Mortgagee nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of Development this Agreement shall forthwith determine and cease to have effect.

7. **MORTGAGEE EXEMPTION**

- 7.1 The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and to the same being registered at the Land Registry as provided in Clause 6.4 hereof and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.
- 7.2 The Parties agree that the obligations contained in this Agreement shall not be enforceable against any mortgagee or chargee of the whole or any part of the Property unless it takes possession of the Property in which case it will be bound by the obligations as a person deriving title from the Owner.

8. **RIGHTS OF THIRD PARTIES**

- 8.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement



IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner and the Mortgagee have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY )  
WEI-LYN LOH )  
in the presence of: )

.....  
Witness Signature

Witness Name:

Address:

Occupation:

EXECUTED AS A DEED BY )  
EFG PRIVATE BANK LIMITED )  
by *Helen Price* )  
in the presence of:- )

[Redacted]

*odgers. W14 9AD.  
147 West Kensington*

.....  
[Redacted]

THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto )  
Affixed by Order:- )

.....  
[Redacted]

Authorised Signatory



IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner and the Mortgagee have executed this Instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY  
WEI-LYN LOH  
In the presence of:

) [Redacted]  
) [Redacted]

[Redacted]

.....  
Witness Signature

Witness Name: ARDAL LOH-GROMAER  
Address: FLAT 29 WELBECK HOUSE, 62 WELBECK STREET, LONDON, W1G 9XE  
Occupation: COMPANY DIRECTOR

EXECUTED AS A DEED BY  
EFG PRIVATE BANK LIMITED  
by Helen Price  
In the presence of:-

) [Redacted]  
) [Redacted]

[Redacted]

odgorels  
W14 9AD. 147 West Kewes,

THE COMMON SEAL OF THE MAYOR  
AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN was hereunto  
Affixed by Order:-

)  
)  
)  
)

[Redacted]

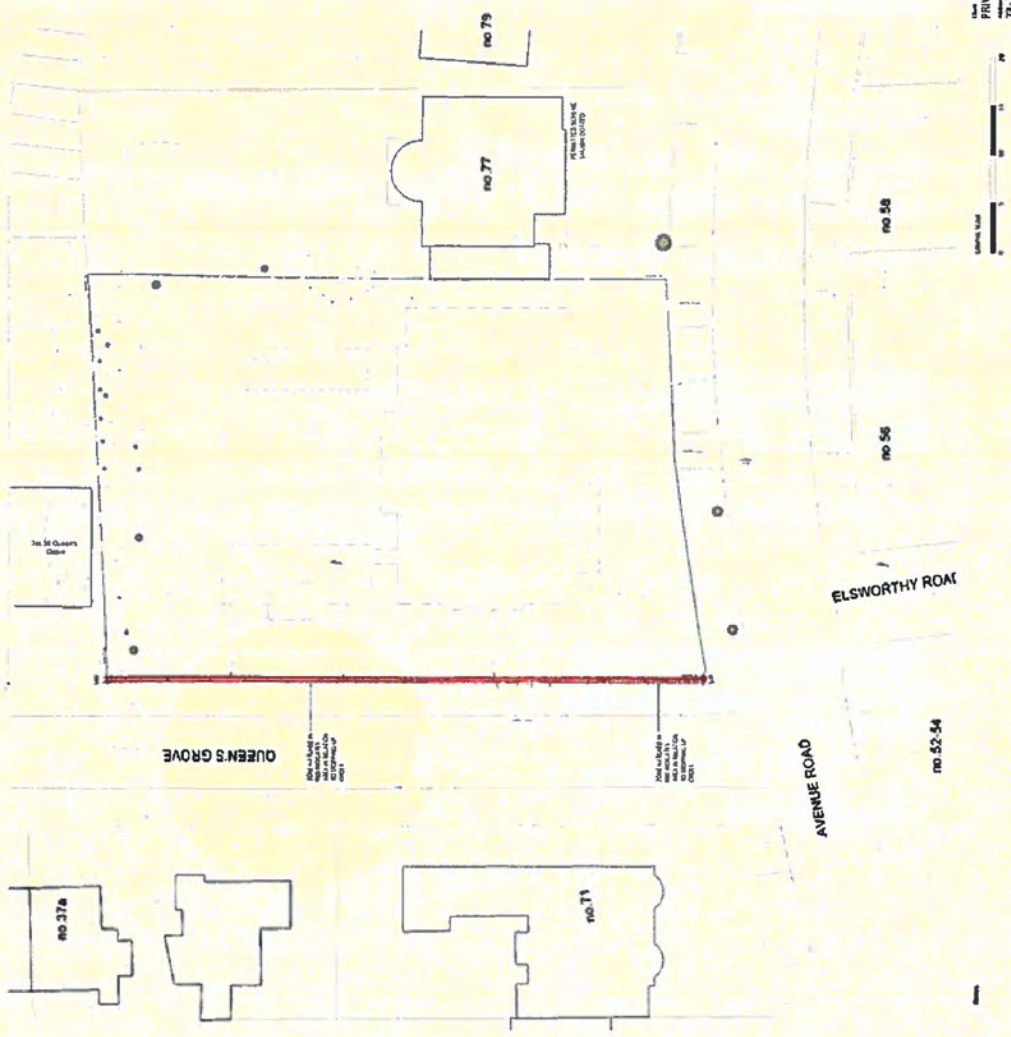
.....  
Authorised Signatory





T

HP



**Studio Indigo Ltd**  
 ARCHITECTS & INTERIOR DESIGNERS

100-110, Victoria Road, St Leonards, NSW 2238  
 Tel: (02) 4393 1111 Fax: (02) 4393 1112  
 Email: [info@studioindigo.com.au](mailto:info@studioindigo.com.au)  
 Website: [www.studioindigo.com.au](http://www.studioindigo.com.au)

PL 300 31 0221 84

Client: PRIVATE CLIENT  
 77-79 AVENUE ROAD, WIMBORNE

Project: PROPOSED SITE PLAN

Date: NOVEMBER 2020 AN  
 Scale: 1:200 @ A1 & 1:400 @ A3

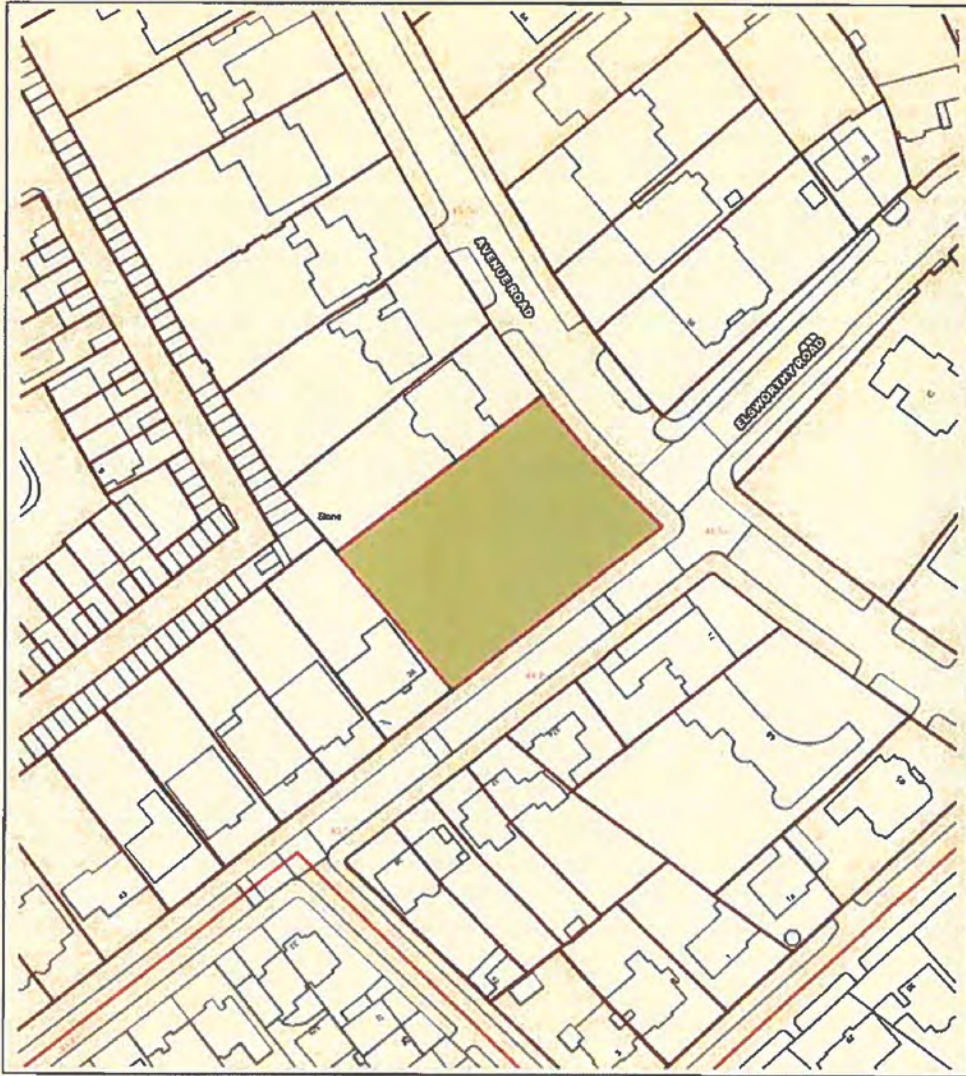
THIS IS A CAD DRAWING  
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 THE CLIENT. ANY UNAUTHORIZED REVISIONS  
 WILL BE AT THE USER'S RISK.

PLANNING ISSUE

NOV 2020

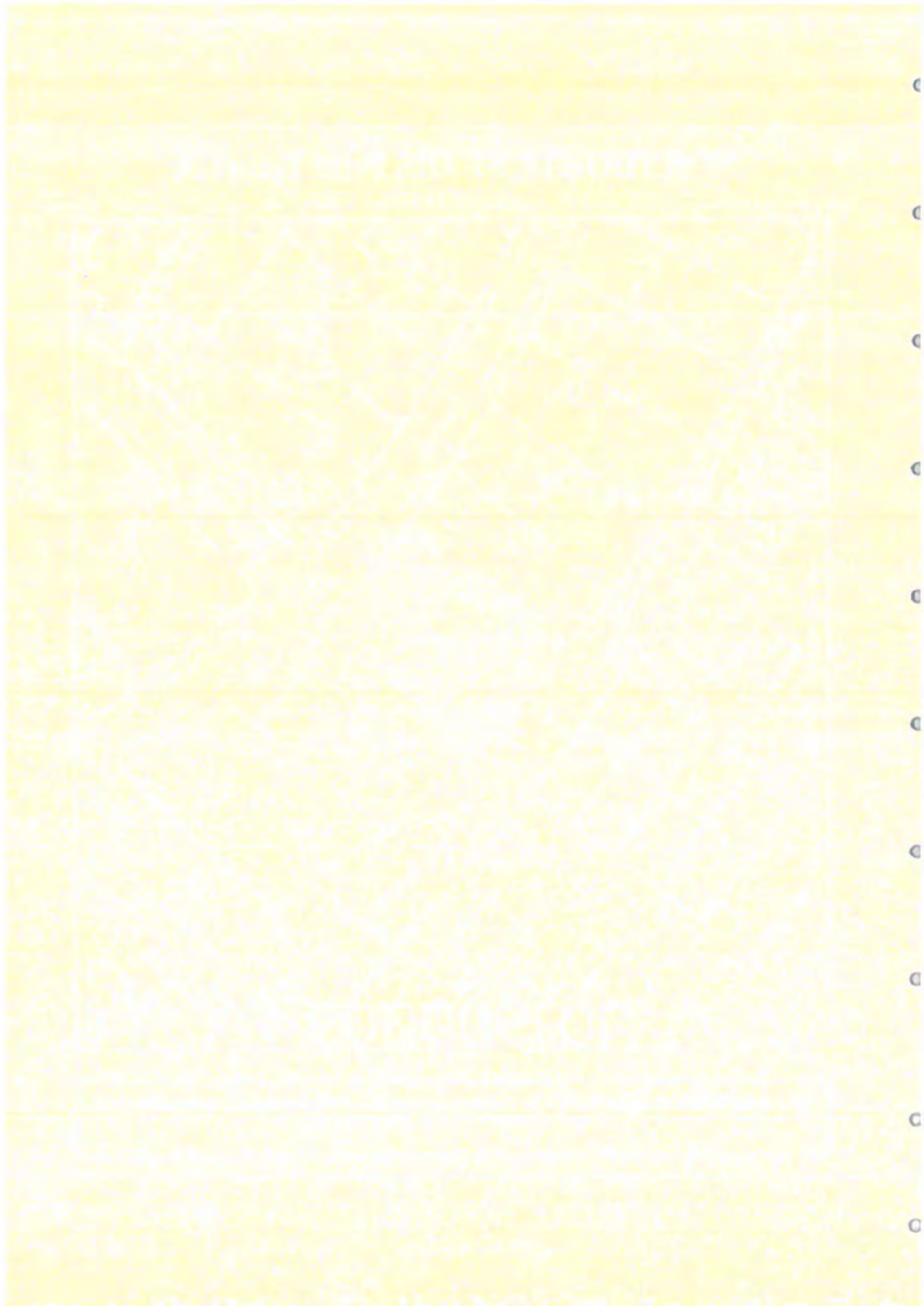


## NORTHGATE SE GIS Print Template



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HP.





Application ref: 2020/3796/P  
Contact:  
Tel: 020 7974  
Date: 4 December 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

TJR Planning  
Suite 3 The Mansion  
Wall Hall Drive  
Aldenham  
WD25 8BZ

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**73-75 Avenue Road**  
**London**  
**NW8 6JD**

**PROPOSAL**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

Drawing Nos: A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.



Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

A0-010 P1; A1-020 P1; A2-010 P1; A2-110 P2; A3-100 P1; A3-105 P1; A3-110 P1; A3-200 P2; A3-210 P1; A2-005 P1; A3-050 P1; Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020; Method statement for the avoidance of physical damage to roots prepared by Arbortrack; Planning Statement prepared by TJR Planning dated August 2020; Boundary Wall Design Statement prepared by Studio Indigo dated August 2020; Technical Submission Power Technique / PTDGPS220

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Noise mitigation

Before the first operation of the generator hereby approved, the generator shall be provided with sound attenuation measures in accordance with the recommendations set out in the Generator Noise Assessment prepared by Cole Jarman dated 17 September 2020 hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Noise from emergency generators

Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

6 Emergency generator operation

The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

7 Emergency generator testing

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

8 Tree protection / supervision and monitoring

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural impact assessment by ArborTrack Systems Ltd entitled "Method statement for the avoidance of physical damage to roots during boundary wall demolition & construction at 73-75 Avenue Road London NW8 6JD" dated 14th July 2020. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision and monitoring of the retained project arboriculturalist and with ongoing consultation with the Council's Tree and Landscape Officer.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the Camden Local Plan.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of



proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

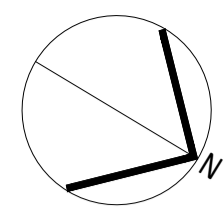
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate



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**Notes**

**PLANNING ISSUE**

|     |            |        |                               |
|-----|------------|--------|-------------------------------|
| P1  | 18.11.2020 | AN     | ISSUED TO PLANNING CONSULTANT |
| Rev | Date       | Issuer | Notes                         |

Client  
 PRIVATE CLIENT  
 Address  
 73 - 75 AVENUE ROAD, NW8 6JD

Drawing Title  
 PROPOSED SITE PLAN

Date  
 NOVEMBER 2020 AN

Scale  
 1:200 @ A1 & 1:400 @ A3

Dwg By

**Studio Indigo Ltd**  
 ARCHITECTS & INTERIOR DESIGNERS

Unit 37 Chelsea Wharf | 15 Lots Road | London | SW10 0QU  
 T 020 7349 1290 | F 020 7349 1291 | www.studioindigo.co.uk  
 Registered Office | 37 Warren Street | London | W1T 6AD  
 Registered in England and Wales | Ltd no: 06005991

|                |                |          |
|----------------|----------------|----------|
| Project Number | Drawing Number | Revision |
| 3680           | A1-021         | P1       |

**LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 247  
GREATER LONDON AUTHORITY ACT 1999**

**THE STOPPING UP OF HIGHWAYS  
(LONDON BOROUGH OF CAMDEN) (NUMBER 1) ORDER 2022  
MADE:**

**QUEEN’S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

The London Borough of Camden makes this order in the exercise of its powers under Section 247 of the Town and Country Planning Act 1990 as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other enabling powers: -

The London Borough of Camden authorises the stopping up of the areas of highway described in the First Schedule to this Order and shown on the attached drawing solely in order to enable the development described in the Second Schedule to this Order, to be carried out in accordance with the planning permission, granted under Part III of the Town & Country Planning Act 1990, by the London Borough of Camden on the 3<sup>rd</sup> March 2021 under reference 2020/3796/P, for the works described in the Second Schedule to this Order.

1. This Order shall come into force on \_\_\_\_\_ and may be cited as the Stopping Up of Highways (London Borough of Camden) (Number 1) Order 2022.

**THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto)  
Affixed by Order:- )**

.....  
**Authorised Signatory**

## **THE FIRST SCHEDULE**

### **Areas of highway to be Stopped Up**

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

## **THE SECOND SCHEDULE**

### **The Location**

73-75 Avenue Road NW8 6JD.

### **The Development**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).



**LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 247  
GREATER LONDON AUTHORITY ACT 1999**

**THE STOPPING UP OF HIGHWAYS  
(LONDON BOROUGH OF CAMDEN) (NUMBER 1) ORDER 2022  
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1. This Order shall come into force on \_\_\_\_\_ and may be cited as the Stopping Up of Highways (London Borough of Camden) (Number 1) Order 2022.
2. This order will not change the rights of any statutory utilities to access and maintain their plant.

**THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto)  
Affixed by Order:- )**

.....  
**Authorised Signatory**

## **THE FIRST SCHEDULE**

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## Appendix 6

### Copy of photos of the wall/ site of the stopping up order

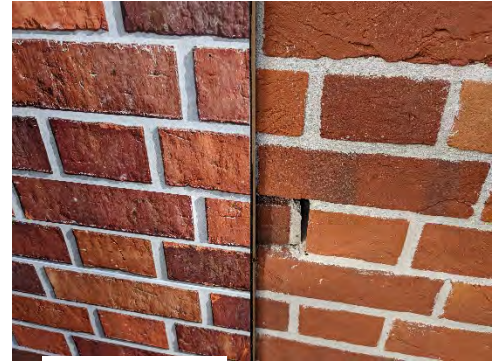
*Photo 1*

**Photo 1: Showing the temporary hording next to the constructed brick wall**



*Photo 2*

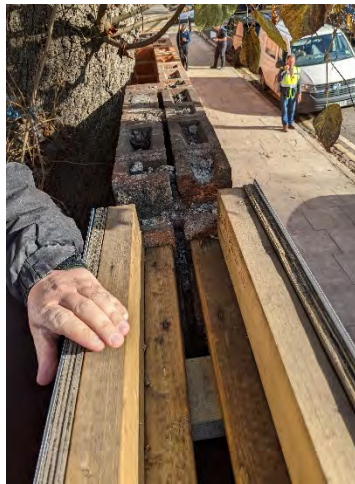
**Photo 2: Showing the wall where the hording and the wall meet**



**Photo 3: Showing the wooden frame of the hording from the top and the incomplete top of the brick wall.**

*Photo 3*

**Photo 4: showing the wooden frame of the hording from the top**



*Photo 4*

**Photo 5: Showing the hording, the wall and one of the trees mentioned in the Planning Officers report**

**Photo 6: Showing the “brick” pattern covering for the hording.**

**Photo 7: Showing the 3metre hording / gap in the wall measured using a wheel.**



*Photo 6*

*Photo 5*



*Photo 7*





**Site Photos taken on 21<sup>st</sup> October '24**



1) Above: Original Width of footway measured outside 38 Queens Grove – 4.0 metres

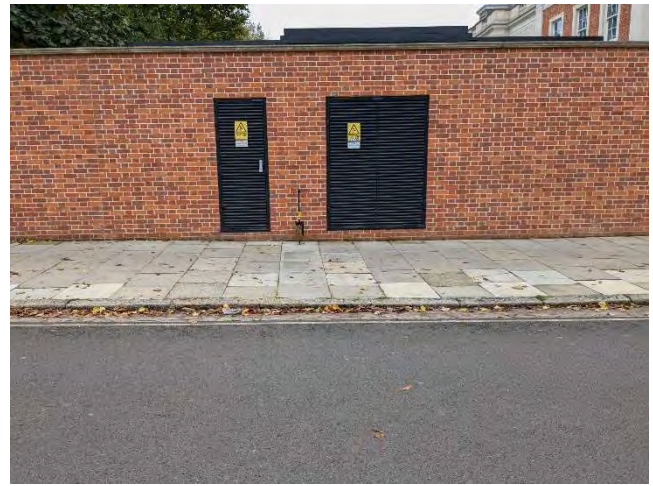


2) Above: Footway width to right of western gate – 3.4 metres





3) Above: Footway width to by the electricity sub-station – 3.35 metres



4) Above: Footway width east of the “brick patterned” hording – 3.35 metres



5) Above: Footway width by the eastern gate post – 3.20 metres



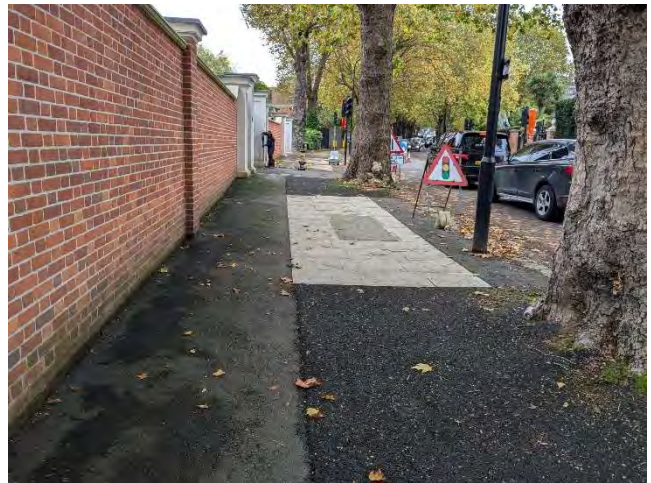




6) Above: Footway width at the junction with Avenue Road – 3.20 metres



7) Above: Avenue Road looking North-west



8) Above: Avenue Road looking North-west



9) Above: Avenue Road looking North-west



10) Above: Avenue Road looking North-west





11) Above: Avenue Road looking North-west



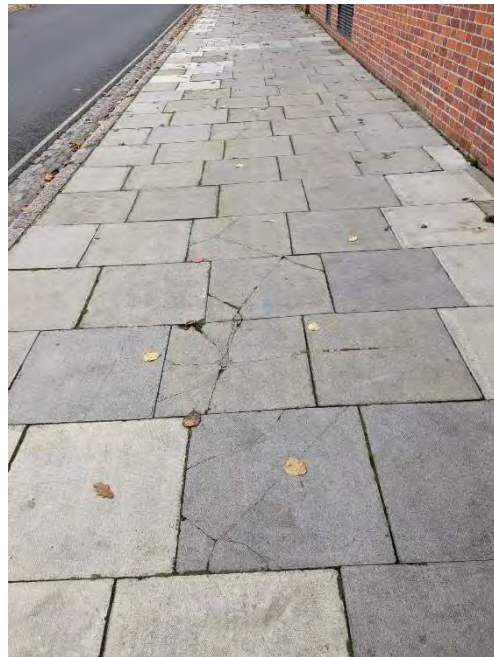
12) Above: Avenue Road looking South-east



13) Above: Queens Grove looking North



14) Queens Grove looking North



15) Above: Queens Grove looking south-west



16) Above: Queens Grove looking south-west



17) Above: Queens Grove looking south-west

18) Above: Queens Grove looking south-west





19) Above: Street Notice at the junction of Avenue Road and Queens Grove



20) Above: Street Notice on Queens Grove

**From:** [Elliott Della](#)  
**To:** [Jennifer Lunn](#)  
**Subject:** FW: STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD  
**Date:** 21 October 2024 11:27:17  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image011.png](#)  
[image012.png](#)

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**From:** Devcon Team <devcon.team@thameswater.co.uk>  
**Sent:** Tuesday, March 14, 2023 4:08 PM  
**To:** Elliott Della <Elliott.Della@camden.gov.uk>  
**Subject:** RE: STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD

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Good Afternoon,

Thank you for your recent correspondence with regards to the above location.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We are in receipt of your confirmation regarding our rights of access to our apparatus will not be impeded. We therefore have no objection to your proposal.

Yours sincerely,

**Saira Irshad**

Developer Services - Planner  
020 3577 9998  
[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ  
Find us online at [developers.thameswater.co.uk](https://developers.thameswater.co.uk)



**From:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>

**Sent:** 13 March 2023 14:49

**To:** Devcon Team <[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)>

**Cc:** Tracey Rust <[Tracey@tjrplanning.co.uk](mailto:Tracey@tjrplanning.co.uk)>; Andrew Richards <[andrew@d3.london](mailto:andrew@d3.london)>; Colin Morris <[colin@cdma.ws](mailto:colin@cdma.ws)>

**Subject:** RE: STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD

This email contains a reference to Coronavirus or COVID-19. Please be aware of coronavirus-themed active phishing campaigns, and use extra vigilance when responding or clicking.

---

FAO: Saira Irshad

Dear Saira,

I have added a line to the draft stopping up order which states the following:  
*"This order will not change the rights of any statutory utilities to access and maintain their plant."*

Attached is a full copy of the updated draft order.

Please can you confirm that Thames Water are happy with this wording and that the objection is removed.

If you have any questions please can you be in touch.

Thanks

Elliott

Elliott Della  
Senior Project Engineer

Telephone: 020 7974 5138

---

**From:** Colin Morris <[colin@cdma.ws](mailto:colin@cdma.ws)>

**Sent:** 13 March 2023 12:13

**To:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>

**Cc:** Tracey Rust <[Tracey@tjrplanning.co.uk](mailto:Tracey@tjrplanning.co.uk)>; Andrew Richards <[andrew@d3.london](mailto:andrew@d3.london)>

**Subject:** FW: STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD

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13/3

Elliott,

Thank you for the phone call. Please see below the response received back in August 2022 from Thames Water.

Kind regards,

Colin Morris  
CDMA LLP  
020 3773 1667 (Tel)  
07831 447304 (Mob)  
Web: [www.cdma.ws](http://www.cdma.ws)

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---

**From:** Devcon Team <[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)>

**Date:** Wednesday, 3 August 2022 at 09:40

**To:** Colin Morris <[colin@cdma.ws](mailto:colin@cdma.ws)>

**Subject:** RE: STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD (ES/I&M/ED/1/22/S247)

Good Morning,

Please note that our comments remain the same.

It's the sewer and unfortunately there is no indication where it lies in the road and it could be affected so we will insist on the order, confirming that we will access to our assets. Many Thanks

Kind Regards,

Saira Irshad  
Developer Services - Planner  
020 3577 9998  
[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ  
Find us online at [developers.thameswater.co.uk](http://developers.thameswater.co.uk)



---

**From:** Colin Morris <[colin@cdma.ws](mailto:colin@cdma.ws)>  
**Sent:** 01 August 2022 11:28  
**To:** Devcon Team <[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)>  
**Cc:** Liam Saxby <[Liam@studioindigo.co.uk](mailto:Liam@studioindigo.co.uk)>; Andrew Richards <[andrew@d3.london](mailto:andrew@d3.london)>; Tracey Rust <[Tracey@tjrplanning.co.uk](mailto:Tracey@tjrplanning.co.uk)>; Elliott.Della@camden.gov.uk; James Hobson <[James.Hobson@sizegroup.london](mailto:James.Hobson@sizegroup.london)>  
**Subject:** STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD (ES/I&M/ED/1/22/S247)

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1/8

For the attention of: **Saira Irshad**

Please find attached the Sumo Utility Mapping Survey showing that there is no water in the proposed stopped up area, it is located in the road.

We confirm that your apparatus will not be affected by the proposed works, that your rights of access will not be impeded and that there are no proposals to build over or close to your apparatus.

Kind regards,

**Colin Morris**  
CDMA LLP  
020 3773 1667 (Tel)  
07831 447304 (Mob)  
Web: [www.cdma.ws](http://www.cdma.ws)

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---

**From:** Tracey Rust <[Tracey@tjrplanning.co.uk](mailto:Tracey@tjrplanning.co.uk)>  
**Date:** Monday, 1 August 2022 at 07:10  
**To:** Colin Morris <[colin@cdma.ws](mailto:colin@cdma.ws)>

**Cc:** Liam Saxby <[Liam@studioindigo.co.uk](mailto:Liam@studioindigo.co.uk)>, Andrew Richards <[andrew@d3.london](mailto:andrew@d3.london)>  
**Subject:** FW: Queen's Grove Stopping Up: FW: Your Ref: ES/I&M/ED/1/22/S247 Our Ref: 14706

Colin

I hope you had a good weekend.

Please email below. Can you please respond direct to Thames Water and copy me and Elliott Della in.

Kind regards  
Tracey

**Tracey Rust**



Suite 3 The Mansion, Wall Hall Drive, Aldenham, Hertfordshire, WD25 8BZ

Phone: 01923 853969  
Mobile: 07775 656182

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**From:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>  
**Sent:** 29 July 2022 13:50  
**To:** Tracey Rust <[Tracey@tjrplanning.co.uk](mailto:Tracey@tjrplanning.co.uk)>  
**Subject:** Queen's Grove Stopping Up: FW: Your Ref: ES/I&M/ED/1/22/S247 Our Ref: 14706

Dear Tracey,

Please find below the response to the consultation which started yesterday, which I have attached for your information.

Please can you contact Saira Irshad from Thames Water and copy me in to



confirm that there is no water plant effected or that there will be no problems them accessing any plant.

The link below takes you to the London Gazette notice for your information:

<https://www.thegazette.co.uk/notice/4127570>

The link below takes you to the Camden New Journal notice which can be found on page 33.

<https://edition.pagesuite.com/html5/reader/production/default.aspx?pubname=&pubid=17f44973-4555-45fd-8eaa-50c862e86de6>

If you have any questions please be in touch.

Thanks

Elliott

Elliott Della  
Senior Project Engineer

Telephone: 020 7974 5138

---

**From:** Devcon Team <[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)>

**Sent:** 29 July 2022 12:07

**To:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>

**Subject:** Your Ref: ES/I&M/ED/1/22/S247 Our Ref: 14706

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29 July 2022

**STOPPING UP: Queen's Grove: Part of footway at the side of 73-75 Avenue Road NW8 6JD**

Dear Sir / Madam,

Thank you for your recent correspondence with regards to the above location.

Our records show that Thames Water has apparatus in the area you are proposing to carry out your works.

We may be willing to rely on the rights preserved in the Order under Section 261 (4) of the Town and Country Planning Act in respect of apparatus in the land. However, before we can determine this could you please confirm that our apparatus will not be affected by the proposed works, that our rights of access will not be impeded and that there are no proposals to build over or close to our apparatus.

If we are not satisfied with your assurances, you will hear back from us within 10 working days of receipt outlining our reasons. If you do not hear from us, we have no further comments to make.

Yours Sincerely

**Saira Irshad**

Developer Services - Planner

020 3577 9998

[devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ

Find us online at [developers.thameswater.co.uk](http://developers.thameswater.co.uk)



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**LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 247  
GREATER LONDON AUTHORITY ACT 1999**

**THE STOPPING UP OF HIGHWAYS  
(LONDON BOROUGH OF CAMDEN) (NUMBER 1) ORDER 2022  
MADE:**

**QUEEN'S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

The London Borough of Camden makes this order in the exercise of its powers under Section 247 of the Town and Country Planning Act 1990 as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other enabling powers: -

The London Borough of Camden authorises the stopping up of the areas of highway described in the First Schedule to this Order and shown on the attached drawing solely in order to enable the development described in the Second Schedule to this Order, to be carried out in accordance with the planning permission, granted under Part III of the Town & Country Planning Act 1990, by the London Borough of Camden on the 3<sup>rd</sup> March 2021 under reference 2020/3796/P, for the works described in the Second Schedule to this Order.

1. This Order shall come into force on \_\_\_\_\_ and may be cited as the Stopping Up of Highways (London Borough of Camden) (Number 1) Order 2022.
2. This order will not change the rights of any statutory utilities to access and maintain their plant.

**THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto)  
Affixed by Order:- )**

.....  
**Authorised Signatory**

## **THE FIRST SCHEDULE**

### **Areas of highway to be Stopped Up**

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

## **THE SECOND SCHEDULE**

### **The Location**

73-75 Avenue Road NW8 6JD.

### **The Development**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

**From:** [Sean Mclean](#)  
**To:** [Elliott Della](#)  
**Subject:** FW: 73-75 Avenue Road  
**Date:** 25 August 2022 12:37:52  
**Attachments:** [Letter to Elliott Della at Camden.pdf](#)  
[\[1980\] 1 W.L.R. 673.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi Elliott

Hope your well,

FYI

Kind regards.

Sean Mclean  
Business Support Apprentice

Telephone: 020 7974 2181



---

**From:**  
**Sent:** 25 August 2022 11:45  
**To:** Engineering Service - Public Email Address <engineeringsservice@camden.gov.uk>  
**Subject:** FW: 73-75 Avenue Road

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Dear Sirs

I refer to the letter from Town Legal on behalf on Mr. XXXXXXXXXX objecting to the narrowing of the pavement on Queen’s Gove and confirm my objection s to this as well.

XXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

---

**From:**  
**ent:** Tuesday, 23 August 2022 8:48 pm  
**To:**  
**Subject:** 73-75 Avenue Road



Dear Neighbour

You might like to see the objection I've made to Camden in regard to 73-75 Avenue Road.

If you are so minded, you might like to email Camden confirming your objection on the basis of the letter from Town Legal.

Regards

XXXXXX

**XXXXXXXXXX**

XXXXXXXXXX

XXXXXXXXXXXXXXXXXX

PA: JXXXXXXXXXXXXXXXXXX

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Elliott Della  
Director of Environment and Sustainability  
London Borough of Camden  
Room 4N/5PS  
Judd Street  
London  
WC1H 8EQ

10 Throgmorton Avenue  
London  
EC2N 2DL

townlegal.com

T: 020 3893 0370

D: 020 3893 0385

E: patrick.robinson  
@townlegal.com

**By email: [engineeringsservice@camden.gov.uk](mailto:engineeringsservice@camden.gov.uk)**

Your ref: ES/I&M/ED/1/225247  
Our ref: EPGR  
8 August 2022

Dear Mr Della

**Stopping up proposal in Queen's Grove: 73-75 Avenue Road NW8 6JD**

We act for the owners of 40 Queen's Grove, who have received a communication from you, informing them of your proposal to make an Order under section 247 of the Town and Country Planning Act 1990, in order to close part of the footway in Queen's Grove at the side of 73-75 Avenue Road.

On behalf of our clients, please record this as a formal objection, both on the encroachment, and to the improper use of a statutory power which is unavailable in the circumstances of this case. The encroachment that has occurred constitutes an illegal trespass on and obstruction of the highway, which is a criminal offence. How the highway authority has stood by and allowed this to happen warrants further investigation.

Before turning to the substance of the matter, may we point out that the letter you have sent is highly confusing, and will puzzle recipients, if the same form has been used with all parties notified. Whereas the draft Order correctly identifies what we assume to be the site of the proposed closure, the covering letter refers to a site in Cypress Place from Maple Street to Howland Street as shown on drawing CA4312/SK003/B – whatever that may be. We assume, but please confirm, that the reference to Cypress Street is a straightforward error. It risks making a nonsense of the public consultation.

As to the proposed narrowing of the footway purely to benefit the private interests of the householder of the double plot, our client takes strong exception to the form of the design, which entirely unnecessarily encroaches over the boundary. The elements of the development that have been located on the public highway could have been effortlessly positioned within the plot. It creates a wholly unwarranted and undesirable precedent that your authority will have difficulty resisting in other comparable situations.

Furthermore, there is an unsurmountable legal obstacle to your proposed use of the section 247 procedure, in a situation where, as is the case here, the works have been carried out and completed. We refer you to the attached Court of Appeal decision in **Ashby v Secretary of State for the Environment [1980] 1WLR 673**.

Partners: Elizabeth Christie, Mary Cook, Duncan Field, Clare Fielding, Michael Gallimore, Raj Gupta, Meeta Kaur, Simon Ricketts, Patrick Robinson, Louise Samuel

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Elliott Della

- 2 -

5 August 2022

There the Court of Appeal decided – and this is still the law – that where works have been finished, the power (in 1979, the provision was section 209 of the 1971 Act) is no longer available. The point is expressly addressed by a majority of the Court of Appeal. Your attention is also drawn to para P247.05 of the Planning Encyclopaedia, Vol 2.

On the basis that the works project out onto the public highway, would you care to explain under what power the trespass could be considered lawful in its current condition ?

We look forward to your response.

Kindly acknowledge receipt.

Yours faithfully

Town Legal LLP

Town Legal LLP



Jenny Rowlands  
Chief Executive  
London Borough of Camden  
Room 4N/5PS  
Judd Street  
London  
WC1H 8EQ

10 Throgmorton Avenue  
London  
EC2N 2DL

townlegal.com

T: 020 3893 0370

D: 020 3893 0385

E: [patrick.robinson@townlegal.com](mailto:patrick.robinson@townlegal.com)

**By email: [jenny.rowlands@camden.gov.uk](mailto:jenny.rowlands@camden.gov.uk)**

Your ref: ES/I&M/ED/1/225247  
Our ref: EPGR  
16 August 2022

Dear Jenny Rowlands

**Stopping up proposal in Queen's Grove: 73-75 Avenue Road NW8 6JD**

We act for the owners of 40 Queen's Grove, whose objection to the proposed stopping up of part of the highway is explained in detail on the attached letter addressed to LB Camden's Engineering Service Department. Please could you look into the matter, and let us have your views as to the position.

This letter is also being copied to Andrew Maughan, Head of Legal, at the Council.

Kindly acknowledge receipt.

Yours faithfully

*Town Legal LLP*

Town Legal LLP

Enc:

c.c. [andrew.maughan@camden.gov.uk](mailto:andrew.maughan@camden.gov.uk)

Jenny Lunn  
Law and Governance  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

10 Throgmorton Avenue  
London  
EC2N 2DL

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T: 020 3893 0370

D: 020 3893 0385

E: patrick.robinson  
@townlegal.com

**By email: [jennifer.lunn@camden.gov.uk](mailto:jennifer.lunn@camden.gov.uk)**

Your ref: Legal/JL  
Our ref: EPGR  
24 August 2022

Dear Ms Lunn

**Stopping up proposal in Queen's Grove: 73-75 Avenue Road, NW8 6JD**

Thank you for your letter of 17 August 2022, in response to my earlier letters.

I enclose a photograph taken at the end of last week of the southern part of the development facing onto the pavement at Queen's Grove. It appears that there is one small gap in the wall behind the black boarding, where the coping stones and door surround have not been finally completed. The remaining wall that can be seen in the photograph has been complete for some time. The size of the gap suggests that it is intended for pedestrian access only – and may simply be awaiting the installation of joinery.

Could you please indicate where the gap "left for construction traffic into the garden" is situated?

Could I also ask you please to look again at the Court of Appeal's 1980 *Ashby v Secretary of State for the Environment* case. As you point out, Eveleigh LJ expresses the view that an order authorising stopping up *can* be made retrospectively.

It is however critical to understanding the decision (which has stood unchallenged for over forty years and on the strength of which stopping up orders have been made since that time), to study the Judgments of the majority of the Court. The opening sentence of Goff LJ is instructive:

*"I much regret that I am unable to accept Eveleigh LJ's conclusion that section 209 of the Town and Country Planning Act 1971 [now section 247 TCPA 1990] includes power for the Secretary of State to make a completely retrospective order..."*

He continues in the next paragraph:

*"I feel the force of his argument and I would like to adopt it, or any other process of reasoning which would enable me to arrive at the conclusion that the Secretary of State's powers under section 209 are fully retrospective, since that would avoid a possible anomaly which will arise if (ignoring de minimis) an order may be made where the work is nearly finished, although not if it has been completed."*

Jenny Lunn

- 2 -

24 August 2022

He also states:

*“However, I am driven to the conclusion that this is not possible in view of the words of futurity “to be carried out”... The answer, to my mind, is that if the work has been finished sections 209 and 210 do not apply...”*

The third Judge, Stephenson LJ begins his Judgment as follows:

*“I am attracted by the construction put by Eveleigh LJ on section 209 of the Town and Country Planning Act 1971, but I agree with Goff LJ that it does violence to the language of the section and, for the reasons he gives, I cannot accept it.*

*Sections 209 and 210 require the Secretary of State or the planning authority to be satisfied that to authorise a diversion order is necessary in order to enable development in his Judgment to be carried out in accordance with planning permission granted under Part III of the Act. They do not require, or permit, either to be satisfied that it was necessary to authorise a diversion order, or that it is necessary to authorise one ex post facto, in order to enable development to have been carried out...”*

Since it would appear that the unfinished element of the wall can be considered to be de minimis or token only, it is difficult to see how one can escape the conclusion that an order made under section 247 is not available to legitimise the infringement on the public highway that has taken place here. On the facts of the case it would seem that development is not still being carried out – which differentiates it from the facts found by the Court in the Ashby case.

On this basis, our client maintains his objection to the proposed order.

I would be grateful for your comments in reply.

Yours sincerely



Patrick Robinson  
Partner  
Town Legal LLP

Encs







From: [Patrick Robinson](#)  
To: [Jenny Lupton](#)  
Subject: Avenue Road and tree  
Date: 10 October 2022 22:08:42  
Attachments: [image001.png](#)

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Jenny

Please could you forward these photos (and this message) on to the Mayor's office as part of the submission of objections on the Queen's Grove/ Avenue Road stopping up order, and confirm when that has been done.

I reserve the right for my client, Sir Stuart Lipton, to make express further representations on the matter. There is significant disquiet over this issue, and a real concern that legal process has been totally disregarded and flouted. It should not be possible that the facts can be stretched to permit (or more accurately, for a blind eye to be turned to) a breach of the rules, as appears to have happened here.

Thanks

Patrick

**Patrick Robinson**

Town Legal LLP

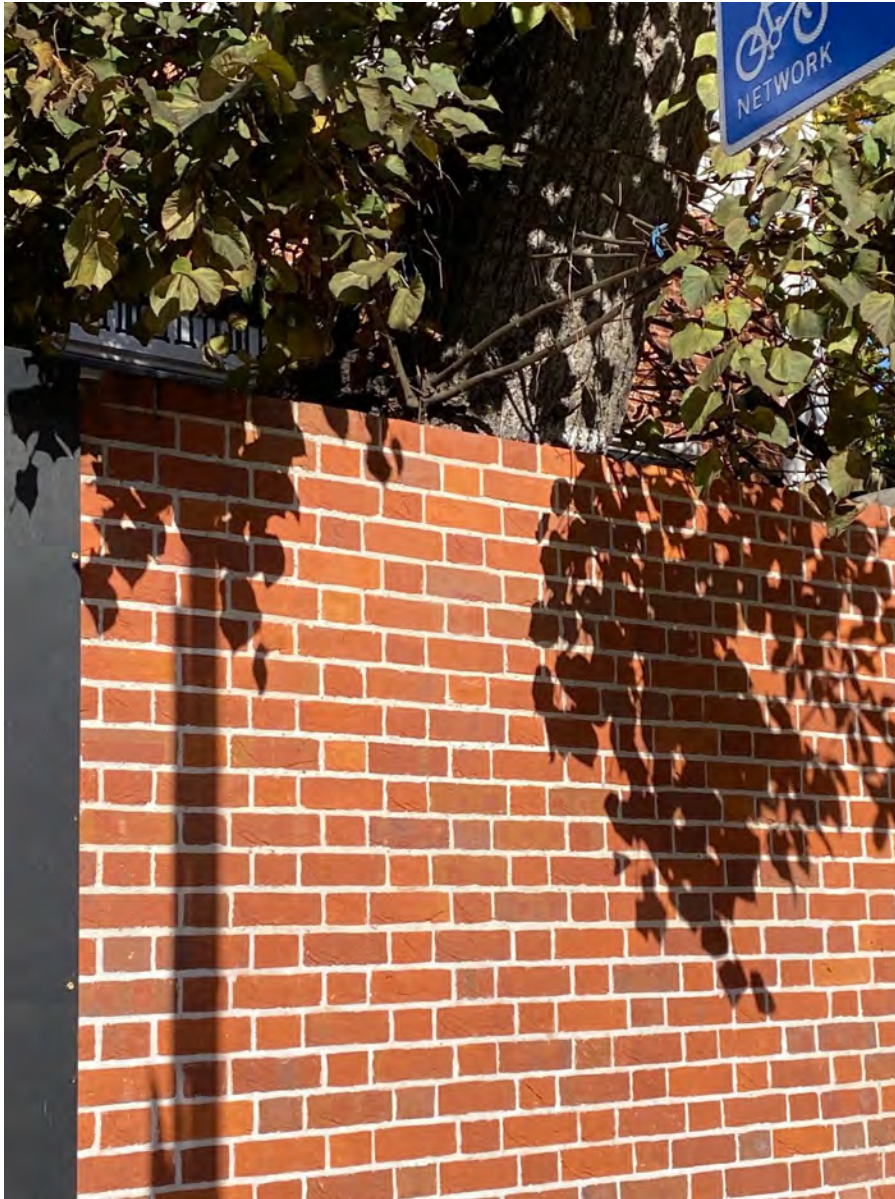
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**tn.**















Stuart

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**From:** [Sean Mclean](#)  
**To:** [Elliott Della](#)  
**Subject:** FW: 73-75 Avenue Road, Attn. Elliot Della  
**Date:** 24 August 2022 14:57:50  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

Hi Elliot

Please see email below.

FYI

Kind regards.

Sean Mclean  
Business Support Apprentice

Telephone: 020 7974 2181



---

**From:**  
**Sent:** 24 August 2022 10:51  
**To:** Engineering Service - Public Email Address <engineeringsservice@camden.gov.uk>  
**Subject:** Re: 73-75 Avenue Road, Attn. Elliot Della

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Please now, see the attached photographs, one taken from my first floor window, the other from my front door, today. In the first, the red circle only the left picks out the "summer house" mentioned in my first email. When I look properly at it, it's even worse. Size, footprint, detailing, finishes, height. The second photo is further illustration of all this. Does it really conform to a planning consent?

In the first photo, the red circle on the right shows a new building being constructed to the right of the first. Thus already looks like a repeat of the summer house, just smaller. Does it conform to a consent?

I look forward to hearing from you..

Regards

XXXXXX



07714 222890

On Wed, 17 Aug 2022, 13:35 wrote:

Dear Elliot

I hope you are well - it's been a while since we were in touch and with all the turnover in the Planning department I'm delighted that you've stuck it out.

In case you've forgotten I live at XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, UK, which is immediately across the road from the area in dispute, and we have the whole plot as our view to the north.

You have already received the attached letter from XXXXXXXXXX and his advisers, but this is to endorse, support and add my voice to everything in the letter.

We have watched the development over 4 (?) years and while we have no complaints about the way the site has been managed, the disruption has been, and remains, considerable. To watch part of the pavement being taken over, which we had assumed was with consent, was an extremely peculiar moment. I'm very glad it has now come back to Camden, and hope you will not agree to this highly unusual and wholly unnecessary annexation of public space.

I would note that since the rest of the very substantial development has been carried out meticulously and highly professionally, it's very difficult to believe that the decision by the owners not to apply for consent before these pavement works were undertaken was an accident, it seems more likely to have been a calculated ploy. I'm sure it's not in your remit to punish such arrogance, but by the same token I hope that considerations of the cost and disturbance to remove and relocate the perimeter to its original position will play no part in your determination.

Separately, and in light of this breach of Planning Law and regulations, can you please confirm the following items are in accord with consents: (1) the bright red brick for the external facades of the building, and for all the perimeter walls, which is highly unusual and not at all in keeping with either the architecture of the building itself, or with its location in or bordering on the Conservation Area; and (2) the unbelievably grotesque metal and glass black over-sized "summer house" which sits squarely in our view in the garden of the plot.

I cannot believe the Council could have consented to this latter, have you seen it as built? Or is it meant to be cloaked in some other material, or hidden by new landscaping or trees, or located somewhere more out of sight, or should it be much smaller?

I look forward to your responses.

Kind regards





**From:**  
**To:** [StoppingUp](#)  
**Cc:** [Jennifer Lunn](#)  
**Subject:** Re: 37 Queen's Grove London NW8 6HN  
**Date:** 30 September 2024 17:50:14

---

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Thankyou for this

I live immediately across the road from 73-73 Avenue Road at 37 Queen's Grove, My objections to the Stopping Up will I'm sure be very similar to those of other local residents, but with added intensity because I look at the wall all day from my home offices:

1 I don't feel I was made sufficiently aware during the Planning Application consultation period that the wall was going to be permanently moved nearer to my house. We expected that the hoarding would be removed after the works were completed and the wall would be reinstated in its original position

2 I'm told that the new position of the wall is "necessary" because there is a large tree which had to be built around. But the tree needs only a maximum of 1500mm of wall to be built forward to accommodate it, not the approx 40 metres that has been built. Previously the tree actually protruded through the wall, and that didn't seem to be a problem

3 I believe Queen's Grove was built in the second quarter of the 19th century and the buildings gardens and roadside remain in their original positions, with generous pavements to reflect its design as an urban suburb. As far as I can see for the entire length of Queen's Grove, so both sides of the intersecting Ordnance Hill, there have been no intrusions onto the pavements in the intervening 175 years. It seems strange to allow it now, and for such a limited reason. To remind you, the house and wall are in a Conservation Area (my house and immediate neighbours are Listed grade 2)

4 I'm sure it's too late now but the wall prior to construction was still made of its original dark-ish brown bricks. None of those have been reused. In addition the new bricks are a very strange and definitely modern colour. While that matches the new house, it seems a shame that a brick couldn't be found that is more in keeping with the rest of the old original walls in the street.

5 Is it part of your remit to look also at (1) the brown metal louvred doors that have been set into the wall, I guess to hide plant? And (2) the central section of the wall that is not rebuilt in brick but in some sort of solid material with bricks painted onto it? I guess this is to allow access to the rear of the house for large vehicles from time to time, but I'm not aware that this is a permitted point of access to the house across the pavement? It certainly looks even more out of keeping than the new brickwork sections.

6 There are also 2 new "pedestrian" doorways (in a more appropriate style) built into the wall, towards its east and west ends, which were not let into the original wall. It would be good to know that they are consented deviations from the previous layout

7 There is a limited loss of visual amenity to the occupants of my house from the forward position of the wall, but in truth it's more the effect on the look and feel of the street, as you look along it in either East or West direction that has been adversely impacted.

I will be happy to speak at the Inquiry if required, but in truth I only repeat these points, so if you are able to accept them as a written representation only, that would be fine with me

Thankyou

Nick Ritblat

37 Queen's Grove  
London  
NW8 6HN



**From:**  
**To:** [StoppingUp](#)  
**Subject:** 75 AVENUE ROAD  
**Date:** 26 September 2024 17:30:51

---

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38 Queens Grove  
NW8 6HH

EMAIL .

MOB NUMBER.

I live at the above address, which is immediately next to 73-75 Avenue Road at its western boundary.

I was horrified to find when the construction hoarding was removed that the new wall built along the southern boundary of 73-75 was at least a half metre forward of the old wall.

Queen's Grove is at least 180 years old and forms part of the original layout of the St John's Wood "suburb", which I believe was one of the first examples of urban planning in London. The width of the road and the distance between the buildings, both along and across the roadway, have been carefully maintained since they were first built. Therefore the new intrusion not only narrows the dimension from their original plan, but also protrudes like a sore thumb beyond the building line of Queens Grove, which has otherwise been perfectly maintained on both the north and south side of the street for some 200 metres. (Quite separately, it was very sad that the original bricks were removed and not reused given how long they had stood and how much in keeping with the age and character of the Conservation Area).

Apart from the general effect on the amenity and look and feel of the Conservation area, the new position of the wall affects me directly because it interrupts the view from my upper floor more than the old wall.

I understand that the protrusion may have been applied for because there is a tree which used to grow "through" the old wall. But if it was growing happily for many years (it's an old and large tree) through the wall, why can't the new wall be built back as

before? Even if it is felt that the new wall should go around the tree, why does that mean it should continue along the same protruding line for the other 40 metres or so of its length where there are no trees at all?

Part of the wall has not been built back in brick, is that consented?

I hope you will decide that the wall should be rebuilt in its original position, where it has stood for such a very long time.

Yours sincerely

Lady Irene Hatter



---

**From:** Stuart Levy  
**Sent:** Friday, October 11, 2024 10:19 AM  
**To:** StoppingUp <StoppingUp@camden.gov.uk>  
**Subject:** 75 Avenue Road

To whom it may concern,

I reside at 45 Queen's Grove and I am writing to express my concerns about the application to 'stop-up' a section of the pavement on the northern side of Queens Grove to facilitate the re-alignment of the southern boundary wall of 73-75 Avenue Road. Having lived on Queen's Grove for many years, I walk regularly along this section of Queens Grove and am most disappointed with the changes which have been permitted by Camden Council on this site. 73-75 Avenue Road used to have a beautiful old brick wall, well-aged and in fitting with the character of the area, lying as it does close to two conservation areas. Until the site hoardings were erected in late 2018/early 2019 this beautiful wall formed part of the original layout of St John's Wood, which I believe was one of the first examples of urban planning in London.

I understand that planning permission was granted for the replacement of the wall with a new brick structure however from the decision notice I was led to believe that this would be constructed of materials that resembled the existing in colour and texture. However when the hoardings were removed in 2022 it became apparent that the new structure bore no resemblance in colour or texture to the wonderful old bricks it replaced. As a minimum one would have hoped that at least some of the old bricks could be reused. It also contains a series of ugly ventilation panels which look out of character with the rest of the street. The new structure detracts from the ambiance of the rest of the street and reminds me on a daily basis of the unnecessary damage which has been done to this lovely site.

I was also dismayed to see that the applicant has breached the terms of the planning permission and the associated legal agreement by proceeding with the construction of the replacement wall on the adopted highway despite the fact that approval has not yet been given to stop-up this area. The legal agreement is clear at paragraph 4.1.3 that the development was not to be implemented until such time as the stopping up order has been made. By ignoring this requirement the owner is showing a blatant disregard for the rules in place to ensure that development in this wonderful area takes place in a sensitive and appropriate manner.

Yours Faithfully

Stuart Levy

**Date:** 13 March '23  
**Our reference:** ES/I&M/ED/1/22/S247

**Engineering Service**  
Supporting Communities  
London Borough of Camden  
Room 4N/5PS  
Town Hall  
Judd Street  
London  
WC1H 9JE  
Phone: 020 7974 4444  
camden.gov.uk

Planning Support <planningsupport@london.gov.uk>

Dear Sir / Madam,

**STOPPING UP ORDER OBJECTIONS - QUEEN'S GROVE:**  
**PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD NW8 6HP**

The council under took a stopping up consultation for a development at 75 Avenue Road corner of Queen's Grove.

We have received two objections which has not been removed.

We request that the mayor to investigate this application and to decide if a public enquiry is required in this case or if the order can be made with out the need for a public enquiry.

Attached you will find a pack containing:

1. A copy of the stopping up order consultation pack
2. A copy of the objection from Town Legal LLP and response from Camden Legal Service.
3. A copy of the objection from N. Ritblat
4. A copy of the Officer Report from planning application 2020/3796/P
5. A copy of the S106 agreement from planning application 2020/2796/P
6. Copy of photos of the wall/ site of the stopping up order.
7. Copy of the Objection from Thames Water and subsequent removal of the objection.

The main points of the objections include:

- The wall has been completed and thus not eligible to make an order under S247 of the Town and Country Planning Act 1990.

**Councils Response:** Please see Appendix 6 (Photos) showing that the wall is not yet complete, the order can be made as long as not all of the works are complete.



In *Ashby v Secretary of State for the Environment* [1980] 1WLR 673 it was held that a stopping up order could be confirmed if the decision making body is satisfied that it is necessary to enable completion of the development to be carried out in accordance with the planning permission (*per Stephenson and Goff L.JJ.*) or in order to enable the development that has been carried out on the ground to be authorised (*per Everleigh L.J.*)

- Objection that the narrowing of the footway.

**Council's Response:** Appendix 4 (The Planning Officer's Report) clearly shows in Paragraphs 1.1, 1.16 and 1.19 that the proposal to narrow the footway was due to the existing trees.

- Thames Water has requested that the order is amended to ensure that they will have access to the plant the applicant has agreed to this. An amended version of the order can be found in appendix 7, thus removing the objection.

**Council Response:** An amended version of the order can be found in appendix 7, thus removing the objection.

The Council would like to confirm that paragraphs 1.1, 1.15, 1.16 and 1.22 show that the need for a stopping up order was discussed during the planning process. This therefore gives good reason not to require a public enquiry in this case.

If you have any questions please contact me on the number below. If you require any further information, please do not hesitate to contact, Elliott Della, on 020 7 974 5138.

Yours faithfully



Elliott Della  
Senior Engineer  
Environment and Transport

**From:** [Jennifer Lunn](#)  
**To:** ["Planning Support"](#)  
**Cc:** [Elliott Della](#); [Planning Support](#); [Carmen Campeanu](#)  
**Subject:** RE: Report for 2023/0183 75 Avenue Road Stopping Up Order  
**Date:** 08 June 2023 18:21:13  
**Attachments:** [RE Stopping up proposal in Queens Grove 73-75 Avenue Road NW8 6JD.msg](#)  
[Avenue road and tree.msg](#)  
[Ltr from Town Legal LLP - 24 August 2022.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image009.png](#)  
[image011.png](#)  
[image013.png](#)

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Hi Gill,

Thanks very much for getting back to me. Here's the additional objection letter and emails, as below:

- Additional letter of objection from Town Legal LLP dated 24 August 2023
- Email in response from Camden Legal dated 4 October 2023
- Email from Town Legal LLP dated 10 October 2023 attaching photos

Hopefully these should come through ok but can you please confirm?

Many thanks

Jenny Lunn  
Lawyer

Telephone: 020 7974 6007



---

**From:** Planning Support <[planningsupport@london.gov.uk](mailto:planningsupport@london.gov.uk)>  
**Sent:** 08 June 2023 17:56  
**To:** Jennifer Lunn <[jennifer.lunn@camden.gov.uk](mailto:jennifer.lunn@camden.gov.uk)>  
**Cc:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>; Planning Support <[planningsupport@london.gov.uk](mailto:planningsupport@london.gov.uk)>; Carmen Campeanu <[Carmen.Campeanu@london.gov.uk](mailto:Carmen.Campeanu@london.gov.uk)>  
**Subject:** RE: Report for 2023/0183 75 Avenue Road Stopping Up Order

**[EXTERNAL EMAIL]** Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Dear Jenny



We don't seem to have received your email of 17/05/23, consequently, we haven't received the attachments mentioned. It may be that the total size of the attachments was too large to allow us to receive the email.

We definitely have a copy of the Council's letter on 13 March 2023, but I don't think we have a copy of the other documents, so could you send these again, please?

Regards

**Gill Lawton**  
**Technical Support Co-ordinator, Planning**  
Good Growth  
GREATERLONDONAUTHORITY  
07548 117467  
[gill.lawton@london.gov.uk](mailto:gill.lawton@london.gov.uk)

**london.gov.uk**

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**From:** Jennifer Lunn <[jennifer.lunn@camden.gov.uk](mailto:jennifer.lunn@camden.gov.uk)>  
**Sent:** 08 June 2023 15:09  
**To:** Planning Support <[planningsupport@london.gov.uk](mailto:planningsupport@london.gov.uk)>  
**Cc:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>  
**Subject:** RE: Report for 2023/0183 75 Avenue Road Stopping Up Order

Dear sirs,

I write further to my email below and would be grateful for an update as to whether you have had a chance to consider this or when you think you may be able to respond.

Many thanks

Jenny Lunn  
Lawyer

Telephone: 020 7974 6007



**From:** Jennifer Lunn  
**Sent:** 17 May 2023 12:19  
**To:** 'planningsupport@london.gov.uk' <[planningsupport@london.gov.uk](mailto:planningsupport@london.gov.uk)>  
**Cc:** Elliott Della <[Elliott.Della@camden.gov.uk](mailto:Elliott.Della@camden.gov.uk)>  
**Subject:** FW: Report for 2023/0183 75 Avenue Road Stopping Up Order

Dear sirs,

Thank you very much for forwarding the attached decision letter and report in this matter.

Unfortunately, it has come to our attention that the Council inadvertently missed from its letter of 13 March 2023 an additional objection letter and photos sent from Town Legal LLP and response from the Council.

We do not consider that the additional letter from Town Legal LLP raises any new points, and refer in particular to the photos provided by the Council at appendix 6 of its letter of 13 March. However, we consider that we should bring this to your attention.

Please therefore find attached a copy of the following:

- A further copy of the Council's letter sent on 13 March 2023 (for reference)
- Additional letter of objection from Town Legal LLP dated 24 August 2023
- Email in response from Camden Legal dated 4 October 2023
- Email from Town Legal LLP dated 10 October 2023 attaching photos

We are very sorry for the inconvenience this will cause, but we would be grateful if you can please confirm whether the GLA's decision letter and report still stand in light of this further information.

Kind regards

Jenny Lunn  
Lawyer

Telephone: 020 7974 6007





**From:** [Jennifer Lunn](#)  
**To:** ["Carmen Campeanu": Planning Support](#)  
**Cc:** [Elliott Della; Planning Support](#)  
**Subject:** RE: Report for 2023/0183 75 Avenue Road Stopping Up Order  
**Date:** 13 June 2023 15:28:07  
**Attachments:**

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Hi Carmen,

I confirm that the Council is satisfied that the works to the boundary wall have not yet been completed, and the S247 procedure has therefore been employed adequately.

(We checked on site today, and there remains a 3 metre gap in the boundary wall which has temporary hoarding, the same as shown in the photos attached at appendix 6 of our letter of 13 March).

Many thanks

**Jenny Lunn**  
Lawyer

Telephone: 020 7974 6007



LPA Case Officer  
By Email

**Our ref:** 2023/0183/SO  
**Your ref:** ES/I&M/ED/1/22/S247  
**Date:** 9 May 2023

[elliott.della@camden.gov.uk](mailto:elliott.della@camden.gov.uk)

Dear Elliott Della,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007;  
Queen's Grove: part of the footway at the side of 73-75 Avenue Road,  
Camden  
Local Planning Authority reference: ES/I&M/ED/1/22/S247**

I refer to your letter of 13 March 2023, requesting that the Mayor makes a decision under Section 252 of the above Act as to whether, in the special circumstances of the case, it is necessary to hold an inquiry into the proposed stopping up of part of the existing footway in Queen's Grove at the side of 73-75 Avenue Road, as described within your letter.

The Mayor has delegated his planning powers to me and, on 9 May 2023, I considered a report on this case (GLA reference: 2023/0183/SO). A copy of the report is attached in full.

Having considered the report, I have concluded that the stopping up order will be in accordance with the statutory requirements under Section 247 of the Act in that the Order is necessary to enable development to be carried out in accordance with planning permission granted Part III of the Act.

Under Section 252(5A) of the Town and Country Planning Act 1990, I have decided, having regard to the special circumstances of the case, that it is unnecessary to hold an inquiry. This letter is to notify the London Borough of Camden of this decision.

Yours sincerely



**Jules Pipe**

Deputy Mayor for Planning, Regeneration and Skills

cc Anne Clarke, London Assembly Constituency Member  
Sakina Sheikh, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DLUHC  
TfL



# Queen's Grove: part of the footway at the side of 73-75 Avenue Road

Local Planning Authority: Camden

Local Planning Authority reference: ES/I&M/ED/1/22/S247

## Stopping up order

Section 247 of the Town and Country Planning Act 1990 (as amended) by Schedule 22 of the Greater London Authority Act 1999.

## The proposal

The stopping up of part of the footway in Queen's Grove at the side of 73-75 Avenue Road.

## Recommendation

That Camden Council be advised that in the special circumstances of this case, the holding of an inquiry is unnecessary.

## Context

1. On 3 March 2021, Camden Council ('the Council') granted planning permission (LPA ref. 2020/3796/P) for the replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and substation to rear garden and bin store to front garden (both adjoining Queen's Grove).
2. As part of the planning process, the planning merits of the development described above were assessed, and the Council concluded – after taking all the material considerations into account – that planning permission should be granted for the proposed development, subject to planning conditions and a S106 Agreement.
3. The stopping up is required in order to enable the consented development, namely to allow the boundary wall adjacent to Queen's Grove to be moved 0.5m further into the existing footway to safeguard the existing mature trees (and their roots) which are subject to a Tree Preservation Order ('TPO').
4. The Council proposes to make a stopping up order pursuant to Section 247 of the Town and Country Planning Act 1990 ('the Act') on the basis that it is satisfied that this is necessary to enable the consented development to be carried out.
5. As set out below, there are two outstanding objections to the stopping up order

and therefore ordinarily the Council is required to hold a local inquiry. However, in accordance with section 252 of the Act, the Council has notified the Mayor of the objections and seeks his decision whether, in the special circumstances of the case, the holding of an inquiry is unnecessary.

6. The Mayor of London's decision on this case will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk)

### The proposed stopping up order

7. The proposed site plan, illustrating the red line boundary of the approved application (LPA ref. 2020/3796/P) is shown in Figure 1 below.

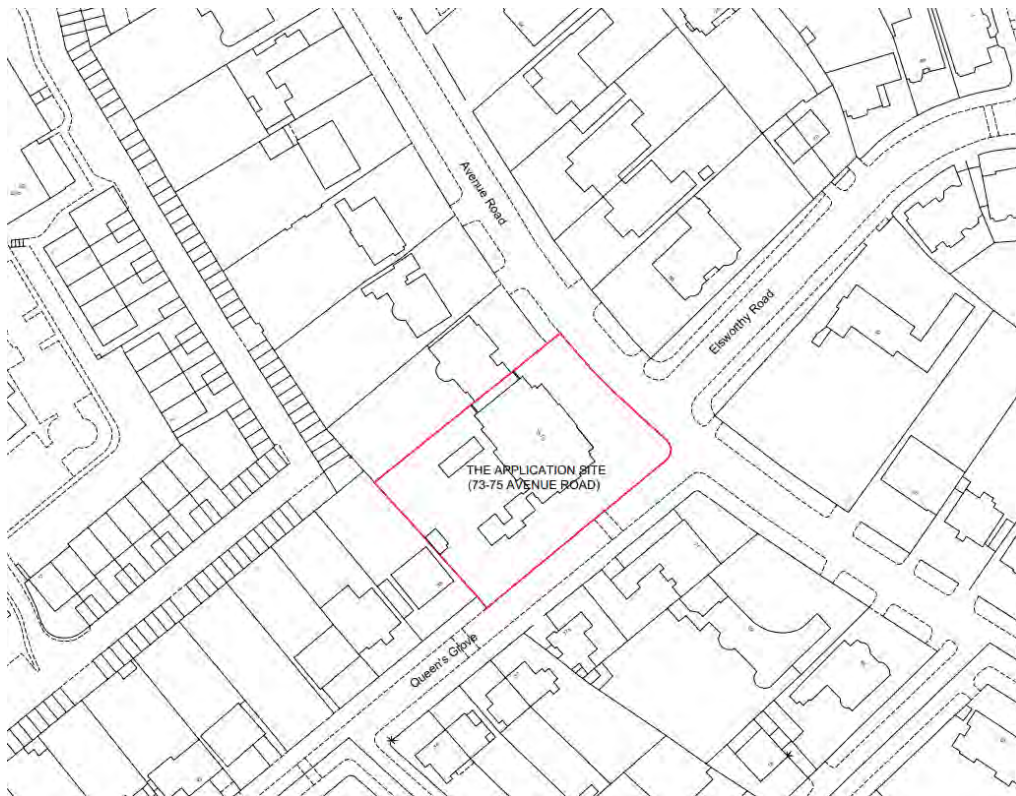
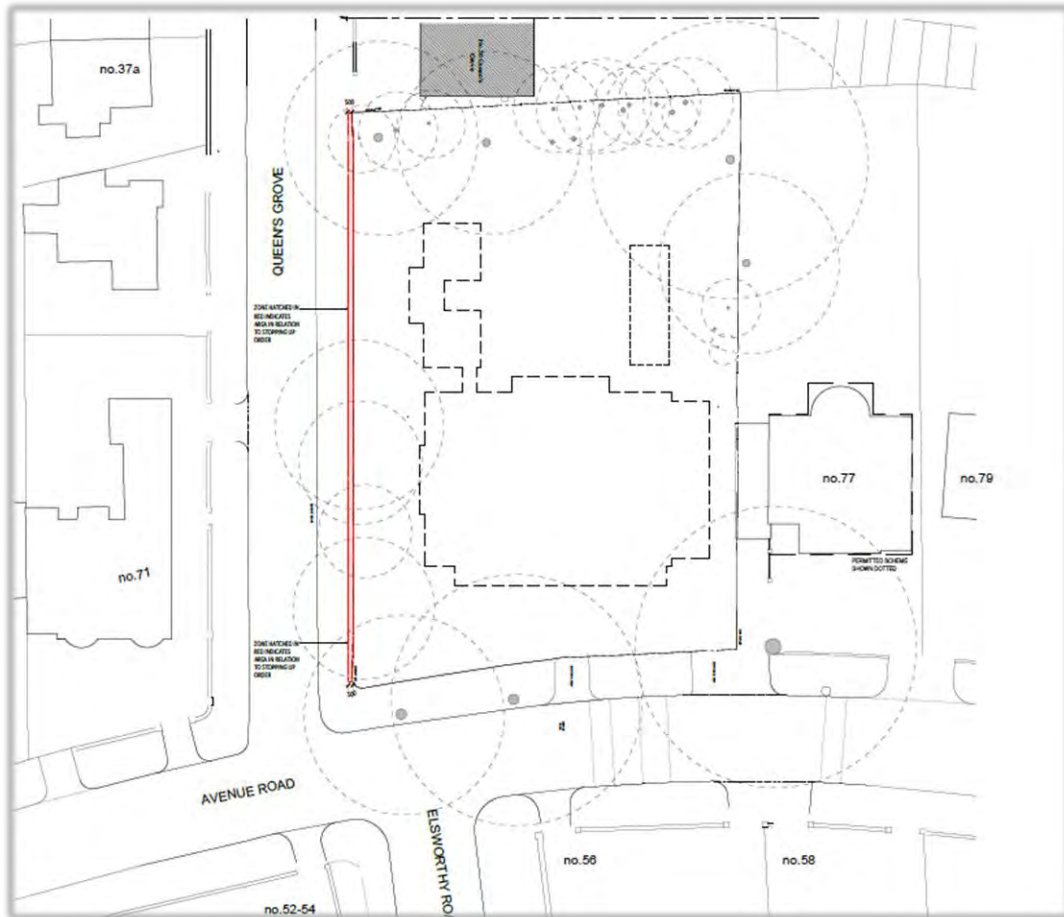


Figure 1: The approved site plan

8. The purpose of the stopping up is to allow the deviation of the boundary wall adjacent to Queen's Grove (at the side of 73-75 Avenue Road) 0.5m further into the existing public footpath in order to safeguard the existing mature trees (TPO), in accordance with planning permission ref. 2020/3796/P. The extent of the area to be stopped up is shown in Figure 2 below.





**Figure 2:** Area to be stopped up

## Consideration of the need for a local inquiry

9. Section 252(4) (b) of the Act provides that if an objection to a proposed stopping up is received from any local authority, National Park Authority or undertaker or public gas transporter, or from any other person appearing to the relevant council to be affected by the order and that objection is not withdrawn the council must notify the Mayor and ordinarily it must cause a local inquiry to be held.
10. The only exception to the usual requirement to hold a local inquiry arises under section 252(5A) of the Act whereby, provided that none of the outstanding objections is from a local authority or undertaker or transporter, the Mayor shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary.
11. Between 28 July - 24 August 2022, the Council undertook a public consultation regarding the proposals as detailed at para. 7-8 of this report. Following the consultation, the Council received three objections – two from members of the public and one from Thames Water. The grounds for objection are summarised as follows:
  1. The Wall has been completed and thus not eligible to make an order under S247 of the Town and Country Planning Act 1990.

2. Objection to the narrowing of the footway
  3. Thames Water requested that the order be amended to ensure their access to the plant.
12. Following the objection from Thames Water, amendments to the proposals were made, and subsequently the objection was removed.
  13. On 13 March 2023, the Council notified the Mayor that two of the objections (nos. 1 and 2 above) were still outstanding
  14. For the purposes of section 252 of the Act, the objectors are not a local authority, undertaker, or transporter. Accordingly, the Mayor can decide whether the holding of a local inquiry is unnecessary.
  15. Advice received from the Secretary of State when he was the order-making authority is that he would only find special circumstances if satisfied that no objections remained which could benefit from being heard at an inquiry. If objections remained relating to traffic issues, the Secretary of State generally considered that these should be heard at an inquiry, although not to permit a re-run of the planning merits of the development.
  16. Furthermore, guidance for Inspectors published by the Planning Inspectorate states that, when considering objections to a stopping up order, there is a need to weigh the disadvantages or loss likely to arise as a result of the stopping up, whether to members of the public generally or to persons whose properties adjoin or are near the existing footway, against the advantages to be conferred by the proposed order.
  17. The first outstanding objection refers to the works to the boundary wall being completed which would deem the development not eligible for a stopping up order under S247 of the Town and Country Planning Act 1990. The Council has provided photographs showing that the works to the boundary wall have not yet been completed, and therefore it is satisfied that the S247 procedure has been employed adequately.
  18. The second outstanding objection refers to the narrowing of the public footway. As detailed in the Officer Report (LPA ref. 2020/3796/P), moving the boundary wall adjacent to Queen's Grove 0.5m further into the existing public footpath is required in order to safeguard the existing mature trees (TPO) in accordance with the consented development. This has been considered during the determination of the application, and the officers concluded that given the width of the existing footpath (approximately 3.6 metres), the loss of 0.5 m would leave the footpath at a comfortable width for pedestrian use.
  19. In conclusion, the planning process has already assessed the planning merits of the proposed scheme, weighing up the advantages and disadvantages of the development and concluded, taking the development plan and all material considerations into account that planning permission should be granted.
  20. If the Mayor were to require an inquiry to be held on the basis of these objections, it would be revisiting the same issues that have already been



discussed at the planning application stage where it was not deemed to be of sufficient weight to warrant a refusal of the planning application.

21. It is therefore considered that the concerns raised by the objectors to the stopping up of footway proposed have previously been considered and addressed as part of the planning process.

## **Financial considerations**

22. There are no financial considerations at this stage.

## **Conclusion**

23. The planning process assessed the planning merits of the development (including the proposed stopping up of footway) and concluded, taking the development plan and all material considerations into account, that planning permission should be granted. The stopping up of the land is necessary to enable the development to be carried out and is therefore in accordance with the requirements under section 247 of the Act.
24. Therefore, if an inquiry is heard it would be revisiting issues which have already been considered at the planning application stage (i.e. the planning merits of the proposals, the related need to stop up the public footway in relation to the preservation of the TPO trees). Accordingly, in the special circumstances of this case, the holding of an inquiry is not necessary.

---

For further information, contact GLA Planning Unit (Development Management Team):

**Carmen Campeanu, Strategic Planner (case officer)**

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**John Finlayson, Head of Development Management**

email: [john.finlayson@london.gov.uk](mailto:john.finlayson@london.gov.uk)

**Lucinda Turner, Assistant Director of Planning**

email: [lucinda.turner@london.gov.uk](mailto:lucinda.turner@london.gov.uk)

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.

# Queen's Grove: part of the footway at the side of 73-75 Avenue Road

Local Planning Authority: Camden

Local Planning Authority reference: ES/I&M/ED/1/22/S247

**Stopping up order**

Section 247 of the Town and Country Planning Act 1990 (as amended) by Schedule 22 of the Greater London Authority Act 1999.

**The proposal**

The stopping up of part of the footway in Queen's Grove at the side of 73-75 Avenue Road.

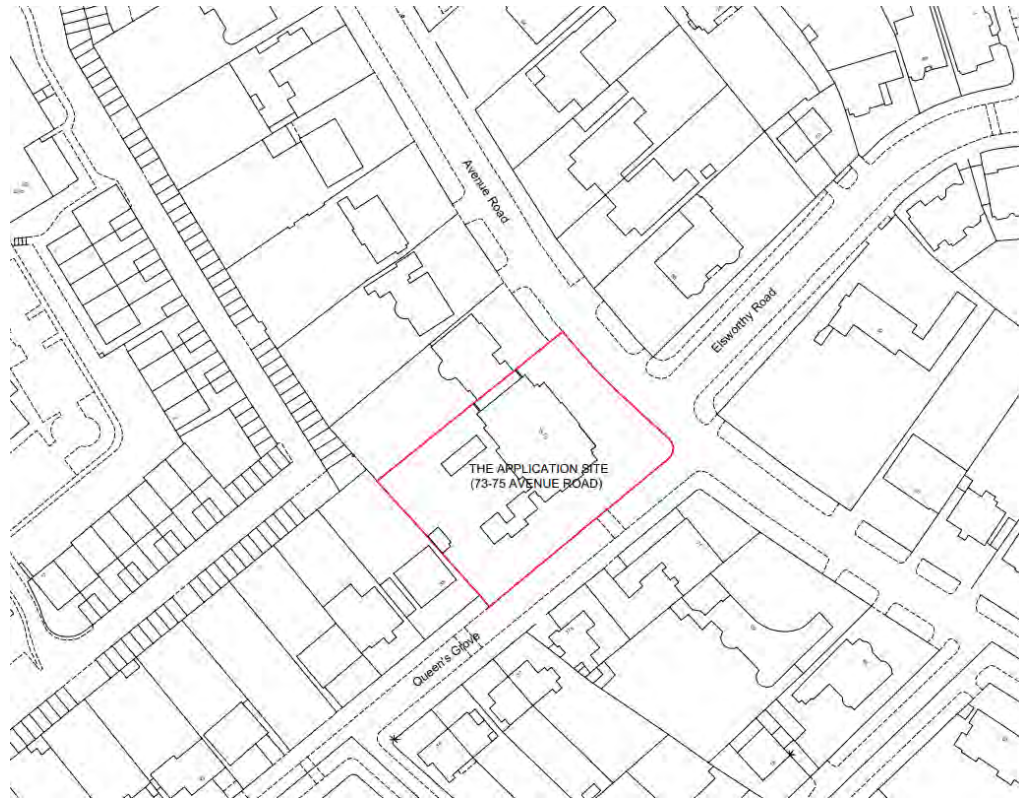
**Recommendation**

That the Deputy Mayor's decision of 9 May 2023 be set aside in light of the further information notified to the GLA on 8 June 2023 and that Camden Council be notified that there are no special circumstances to dispense with the holding of an inquiry.

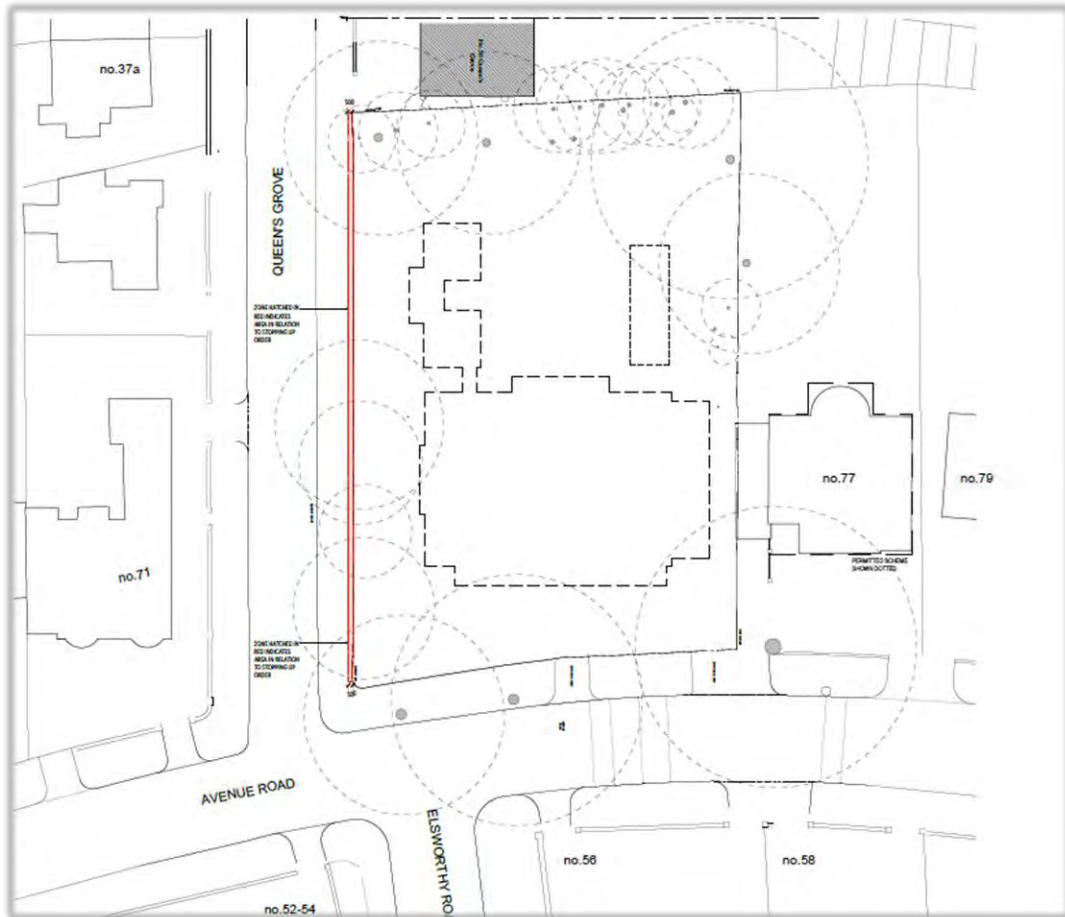
## Context

1. On 3 March 2021, the Council granted planning permission (LPA ref. 2020/3796/P) for the replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and substation to rear garden and bin store to front garden (both adjoining Queen's Grove). The proposed site plan, illustrating the red line boundary of the approved application (LPA ref. 2020/3796/P) is shown in Figure 1 below.





2. As part of the planning process, the planning merits of the development described above were assessed and the Council concluded – after taking all the material considerations into account – that planning permission should be granted for the proposed development, subject to planning conditions and a Section 106 Agreement.
3. A stopping up was deemed necessary by the Council to enable this consented development to be carried out in accordance with planning permission ref. 2020/3796/P and to allow the boundary wall adjacent to Queen's Grove (at the side of 73-75 Avenue Road) to be moved 0.5m further into the existing footway to safeguard the existing mature trees (and their roots) which are subject to a Tree Preservation Order ('TPO') pursuant to Section 247 of the Town and Country Planning Act 1990 ('the Act'). The extent of the area to be stopped up is shown in Figure 2 below.



4. On 13 March 2023, Camden Council notified the GLA that there were two outstanding objections to the stopping up order made by members of the public. The grounds for objection were summarised as follows:
  1. Objection to the narrowing of the footway.
  2. Objection that the wall had already been completed and as such section 247 of the Act was not the appropriate legal power to use to Stop Up the land.
5. Section 252(4)(b) of the Act provides that if an objection to a proposed stopping up is received from any local authority, National Park Authority or undertaker or public gas transporter, or from any other person appearing to the relevant Council to be affected by the order and that objection is not withdrawn the Council must notify the Mayor of those objections and ordinarily it must cause a local inquiry to be held.
6. The only exception to this is set out within section 252 (5A) of the Act which allows the Mayor once he has been notified of the objections and as long as none of those objections are made by a local authority, undertaker or transporter to decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary. If he decides that it is unnecessary,



he must notify the Council of this decision who may then dispense with the inquiry although not required to do so.

7. While the Deputy Mayor considered a report on whether there were special circumstances under section 252 (5A) of the Act to dispense with the holding of an inquiry on 9 May 2023 in which he decided there were special circumstances, on 8 June 2023 Camden Council notified the Mayor that it had come to their attention that they had inadvertently missed from their letter of 13 March 2023 some further objection correspondence. These included an additional objection letter (dated 24 August 2022), photos sent by Town Legal LLP and their subsequent response (dated 4 October 2022) relating to the objection regarding the use of section 247 of the Act to Stop Up the land and whether the works had actually already been substantially completed.
8. As the Council is required under section 252 of the Act to notify the Mayor of the objections before the Mayor can consider the question of whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary and given they failed to notify the Mayor of all the objections received, the Deputy Mayor's decision of 9 May 2023 can therefore be set aside. This report therefore reconsiders whether, in light of all the information notified to the Mayor, special circumstances exist under section 252 (5A) of the Act.
9. The Council have confirmed to the GLA that they have not yet made the Stopping Up Order. They have also confirmed that they do not consider that the further information notified to the GLA raises any new points not already considered by the Mayor in the report of 9 May 2023.
10. The Mayor of London's decision on this case will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk)

## **Consideration of the case for special circumstances**

11. Advice received from the Secretary of State when he was the order-making authority is that he would only find special circumstances if satisfied that no objections remained which could benefit from being heard at an inquiry. If objections remained relating to traffic issues, the Secretary of State generally considered that these should be heard at an inquiry, although not to permit a re-run of the planning merits of the development.
12. Furthermore, guidance for Inspectors published by the Planning Inspectorate states that, when considering objections to a stopping up order, there is a need to weigh the disadvantages or loss likely to arise as a result of the stopping up, whether to members of the public generally or to persons whose properties adjoin or are near the existing footway, against the advantages to be conferred by the proposed order and these matters are most appropriately assessed by Inspectors as part of the usual inquiry process.
13. The report considered by the Deputy Mayor on 9 May 2023 considered carefully the two objections sent to the Mayor on 13 March 2023. In relation to the

objection relating to narrowing the public footpath by 0.5m by moving the boundary wall adjacent to Queen's Grove in order to safeguard the existing mature trees (TPO), GLA officers concluded that as the planning process has already assessed the planning merits of the proposed scheme including the narrowing of the footpath and given that even after this reduction there would still be a width comfortable for pedestrian use, there would be no benefit in rerunning the planning merits of this objection at an inquiry. The further information provided by the Council on 8 June 2023 does not alter GLA officers' assessment of this objection.

14. The other outstanding objection notified to the Mayor on 13 March 2023 queried whether section 247 of the Act was the appropriate power to stop up the land. At this time the Council had responded by providing photographs showing clearly that these works have not yet been completed and that they were therefore satisfied that the correct legal power was being used. Having considered the Council's representations and other material information before him within the report of 9 May 2023, the Deputy Mayor was satisfied at that time that there were special circumstances under section 252 (5A).
15. The further documentation provided by the Council on 8 June 2023, however, shows further photos of completed works to the boundary wall provided by the objector, disputing the Council's photographs accompanied by a letter from Town Legal LLP raising questions about whether these works have already been substantially implemented such that section 247 of the Act would not be the appropriate power to use to stop up the land. This information raises uncertainty about whether the works have been substantially completed. When considering the question of whether there are special circumstances under section 252 (5A) of the Act, the Mayor is not required to make a judgement on whether the works have been substantially completed or whether the correct powers are being used by the Council to stop up the land and no such judgements should be inferred by this decision. However, GLA officers conclude, following legal advice, that whilst GLA officers acknowledge that the Council have reiterated their position on 13 June 2023 that the works to the boundary wall have not yet been completed, this further objection information provided to the Mayor raises some questions and a technical legal point that would benefit from some further consideration by the Council and have not previously been considered by the planning process. There are therefore no special circumstances to notify Camden Council that the holding of such an inquiry is unnecessary.

## **Financial considerations**

16. There are no financial considerations at this stage.

## **Conclusion**

17. Further to the decision of the Deputy Mayor on 9 May 2023 and following the consideration of all the information notified to the Mayor by Camden Council, GLA officers conclude that an objection remains that raises a technical legal point, not assessed at the planning stage and accordingly it is recommended that:



- the decision on 9 May 2023 is set aside as there was a failure by Camden Council to notify the Mayor of all the objections received; and
- Camden Council is notified that there are no special circumstances to notify them that they may dispense with the holding of an inquiry under section 252 (5A) of the Act.

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For further information, contact GLA Planning Unit (Development Management Team):

**Carmen Campeanu, Strategic Planner (case officer)**

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**Lucinda Turner, Assistant Director of Planning**

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.

Date: 25 July 22  
Our reference: ES/I&M/ED/1/22/S247

**Engineering Service**  
Supporting Communities  
London Borough of Camden  
Room 4N/5PS  
Town Hall  
Judd Street  
London  
WC1H 9JE  
Phone: 020 7974 4444  
camden.gov.uk

Dear Sir / Madam,

**QUEEN'S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Attached you will find a copy of the official notice, plans and draft orders detailing the closure of the above site.

The closure is required to allow the re-development of the 75 Avenue Road to take place.

The proposal is as follows:

**Areas of Highway to be Stopped Up**

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

We enclose a copy of the notice and draft order in respect of the order to be made by the Council for your attention. Please read the notices and draft orders carefully. If the order is made the land will cease to be a public right of way. Please note that the closed section of footpath will result in a slightly narrower footway.

Could you kindly reply to Elliott Della by e-mail to [engineering@camden.gov.uk](mailto:engineering@camden.gov.uk) or to Engineering Service, Room 4N/5PS, Town Hall, Judd Street, London WC1H 8EQ by 24 August 2022 and confirm as to whether or not you have any objections to the proposed order.

**PLEASE NOTE RESPONSES ARE REQUESTED TO BE BY E-MAIL**

If you require any further information, please do not hesitate to contact, Elliott Della, on 020 7 974 5138.

Yours faithfully



Elliott Della  
Senior Engineer  
Environment and Transport



Reference: ES/I&M/ED/1/22/S247

**Section 247 of the Town and Country Planning Act 1990**

**QUEEN'S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

The London Borough of Camden being satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 hereby gives notice that it proposes to make an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) to authorise the stopping up of the highway described in the First Schedule, namely the part of the footway in Queen's Grove at the side of 73-75 Avenue Road.

If the Order is made, the stopping-up will solely be authorised in order to enable the development described in the Second Schedule to this notice to be carried out in accordance with the planning permission granted by the London Borough of Camden on the 3<sup>rd</sup> March 2021 under reference 2020/3796/P and for no other purpose.

Copies of the draft Order and relevant plan may be inspected during normal opening hours for a period of 28 days commencing on **28 July 2022** at St Pancras Library, 1<sup>st</sup> Floor, 5 Pancras Square, Kings Cross, London N1C 4AG or [www.camden.gov.uk/stopping-up](http://www.camden.gov.uk/stopping-up)

Any Person may object to the making of the proposed Order by writing to the Director of Environment & Sustainability, London Borough of Camden, Room 4N/5PS Town Hall, Judd Street, London, WC1H 8EQ or [engineering@camden.gov.uk](mailto:engineering@camden.gov.uk) quoting reference ES/I&M/ED/1/22/S247. The departmental contact for any queries relating to this publication is Elliott Della telephone number 020 7974 5138.

**PLEASE NOTE RESPONSES ARE REQUESTED TO BE BY E-MAIL**

**IN PREPARING AN OBJECTION IT SHOULD BE BORNE IN MIND THAT THE SUBSTANCE OF IT MAY BE IMPARTED TO OTHER PERSONS WHO MAY BE AFFECTED BY IT AND THAT THOSE PERSONS MAY WISH TO COMMUNICATE WITH THE OBJECTOR ABOUT IT.**

**THE FIRST SCHEDULE**

**Areas of Highway to be Stopped Up**

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

**THE SECOND SCHEDULE**

**The Location**

73-75 Avenue Road NW8 6JD

**The Development**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

Richard Bradbury  
Director of Environment & Sustainability

**LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 247  
GREATER LONDON AUTHORITY ACT 1999**

**THE STOPPING UP OF HIGHWAYS  
(LONDON BOROUGH OF CAMDEN) (NUMBER 1) ORDER 2022  
MADE:**

**QUEEN’S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

The London Borough of Camden makes this order in the exercise of its powers under Section 247 of the Town and Country Planning Act 1990 as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other enabling powers: -

The London Borough of Camden authorises the stopping up of the areas of highway described in the First Schedule to this Order and shown on the attached drawing solely in order to enable the development described in the Second Schedule to this Order, to be carried out in accordance with the planning permission, granted under Part III of the Town & Country Planning Act 1990, by the London Borough of Camden on the 3<sup>rd</sup> March 2021 under reference 2020/3796/P, for the works described in the Second Schedule to this Order.

1. This Order shall come into force on \_\_\_\_\_ and may be cited as the Stopping Up of Highways (London Borough of Camden) (Number 1) Order 2022.

**THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto)  
Affixed by Order:- )**

.....  
**Authorised Signatory**



## **THE FIRST SCHEDULE**

### **Areas of highway to be Stopped Up**

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

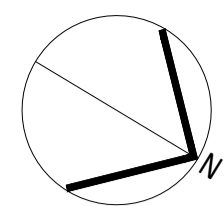
## **THE SECOND SCHEDULE**

### **The Location**

73-75 Avenue Road NW8 6JD.

### **The Development**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).



**This is A Cad Drawing**  
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**Notes**

**PLANNING ISSUE**

P1 18.11.2020 AN ISSUED TO PLANNING CONSULTANT

| Rev | Date | Issuer | Notes |
|-----|------|--------|-------|
|     |      |        |       |

**Client**  
 PRIVATE CLIENT  
**Address**  
 73 - 75 AVENUE ROAD, NW8 6JD

**Drawing Title**  
 PROPOSED SITE PLAN

**Date**  
 NOVEMBER 2020 AN

**Scale**  
 1:200 @ A1 & 1:400 @ A3

**Dwg By**  
 AN

**Studio Indigo Ltd**  
 ARCHITECTS & INTERIOR DESIGNERS

Unit 37 Chelsea Wharf | 15 Lots Road | London | SW10 0QU  
 T 020 7349 1290 | F 020 7349 1291 | www.studioindigo.co.uk  
 Registered Office | 37 Warren Street | London | W1T 6AD  
 Registered in England and Wales | Ltd no: 06005991

| Project Number | Drawing Number | Revision |
|----------------|----------------|----------|
| 3680           | A1-021         | P1       |



**ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14(1), SECTION 15(2) AND SECTION 16 TEMPORARY TRAFFIC ORDER**  
**The London Borough of Camden has made the Temporary Traffic Order(s) described below**



Access, as far as reasonably practicable, will be maintained at all times.  
 The provision of the Order(s) shall only apply at such times as shall be indicated by traffic signs.  
 Richard Bradbury Director of Environment and Sustainability  
 Camden Town Hall Pancras Square London N1C 4AG  
 Details of all temporary traffic orders affecting roads in Camden can be found on our website.

[camden.gov.uk/traffic](http://camden.gov.uk/traffic)

**GRAPE STREET; WEST CENTRAL STREET; SHAFESBURY AVENUE**

Temporary Traffic Restriction S14(1): 41412 Reason: To facilitate utility works for Sunbelt Rentals / Diana Shlyapnikova. Dates: 30-07-22 to 31-07-22. Details: Close Grape Street. Suspend 'ONE WAY' working in West Central Street for access only. Suspend 'ONE WAY' working in Shaftesbury Avenue between West Central Street and Grape Street for access only. Suspend 'ONE WAY' working in Grape Street for access only. Diversions: Museum Street, Bloomsbury Way, Bury Place, New Oxford Street and High Holborn.

**CARTWRIGHT GARDENS**

Temporary Traffic Restriction S14(1): 41534 Reason: To facilitate carriageway resurfacing works for [London Borough of Camden / Tekeste Yeshitila. Dates: 29-07-22 contingency dates of 01-08-22 or 02-08-22. Details: Close Cartwright Gardens (rescent section) Mabledon Place to Marchmont Street. Diversions: Eastbound via Burton Place, Burton Street, and Flaxman Terrace. Westbound via Mabledon Place, Flaxman Terrace and Burton Street.

**PERCY STREET**

Temporary Traffic Restriction S14(1): 41453 Reason: To facilitate utility works for JSM Group / Ryan McAuliffe. Dates: 30-07-22 to 31-07-22. Details: Close Percy Street at the junction of Charlotte Street. Suspend 'ONE WAY' working to facilitate access only. Diversions: Via Rathbone Place, Oxford Street and Tottenham Court Road.

**WILD COURT**

Temporary Traffic Restriction S14(1): 41437 Reason: To facilitate utility works for LTS Traffic Management / Lauren Bunker. Dates: 30-07-22. Details: Close Wild Court at the junction with Kingsway. Diversions: N/A

**SEVEN DIALS; MONMOUTH STREET; EARLHAM STREET; NEAL STREET; SHORTS GARDENS; MERCER STREET**

Temporary Traffic Restriction S16(1): 41517 Reason: To facilitate the Seven Dials Summer Sessions. Dates: 29-07-22 (10pm) to 30-07-22 (11:59pm) Details: Close Seven Dials, Monmouth Street, Earlham Street, Mercer Street, and Shorts Gardens. Reverse 'ONE WAY' working in Shorts Gardens between Neal Street and Endell Street. Suspend 'TURN LEFT ONLY' restriction on Neal Street at the junction of Monmouth Street. Suspend 'ONE WAY' working on Neal Street between Seven Dials and Earlham Street. Diversions: N/A

**SUMATRA ROAD**

Temporary Traffic Restriction S14(1): 41491 Reason: To facilitate utility works for Power on Connections / Chloe Gray. Dates: 30-07-22 to 01-08-22 (8am to 6pm) Details: Close Sumatra Road at the junction of West End Lane to the side of 223. Diversions: Eastbound via Sandwell Crescent and West End Lane. Westbound via West End Lane and Sandwell Crescent.

**GOUGH STREET**

Temporary Traffic Restriction S14(1): 41398 Reason: To facilitate utility works for Agility / Peter Stone. Dates: 01-08-22 to 07-08-22. Details: Close Gough Street between Coley Street to Calthorpe Street. Diversions: N/A

**KEPPEL STREET; MALET STREET**

Temporary Traffic Restriction S14(1): 41509 Reason: To facilitate crane operation for City Lifting / Yvonne Gadd. Dates: 01-08-22 Back up dates: 08-08-22 or 15-08-22. Details: Close Keppel Street. Suspend 'POINT NO ENTRY' restriction on Malet Street at the junction of Torrington Place. Diversions: Via Gower Street, Great Russell Street, Southampton Place, Southampton Row, Russell Square, Woburn Place, Upper Woburn Place, Euston Road, Gower Street and Torrington Place.

**CAROLINE MICHELLE WESTON (Deceased)**

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Flat 2, 46 Elsworthy Road, London, NW3 3BU, who died on 26/06/2022, are required to send written particulars thereof to the undersigned on or before 29/09/2022, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.  
 Kingsley Napley LLP  
 20 Bonhill Street  
 London, EC2A 4DN

**JOCELYN LYALL (Deceased)**

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Flat 64 Lock House, 35 Oval Road, London, NW1 7BF, who died on 05/01/2022, are required to send written particulars thereof to the undersigned on or before 29/09/2022, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

**OSBORNES SOLICITORS LLP**

Levy House, 79 Pratt Street, London, NW1 0AE

**LICENSING ACT 2003**

**NOTICE OF APPLICATION FOR VARIATION OF PREMISES LICENCE**  
 NOTICE IS GIVEN THAT True Romance London Limited has applied to London Borough of Camden on 20 July 2022 to vary the premises licence at Arch S11, Water Lane, London, NW1 5Q as to extend the hours for the sale of alcohol until 22:30 Monday to Saturday and 22:00 Sunday; update the plans attached to the premises licence, and update conditions attached to the premises licence, as more particularly set out in the application and plans lodged with the Council.  
 Any person who wishes to make a representation in relation to this application must give notice in writing to: London Borough of Camden Licensing Authority Contact Camden) 5 Pancras Square C/O Town Hall Judd Street London WC1H 9JE or by email [licensingenquiry@camden.gov.uk](mailto:licensingenquiry@camden.gov.uk) or by appointment at the Council's offices during office hours.  
 It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application for a premises licence and the maximum fine on being convicted of such an offence is unlimited.  
 Thomas & Thomas Partners LLP  
 38a Monmouth Street, London WC2H 9EP [www.tandtp.com](http://www.tandtp.com)

For more Public & Legal Notices see pages 17, 27 & 30

**Notice of application to vary a Premises Licence under Section 34 of the Licensing Act 2003**

Notice is hereby given that Somers Town Limited in respect of Premises known as Somers Town, 4 Pancras Square, London, N1C 4AG applied to London Borough of Camden for a Variation of a Premises Licence. The proposed variation is to vary conditions on the premises licence as detailed in the application. Permitted licensable activities and hours to remain as existing. Any representations regarding the above-mentioned application must be received in writing by London Borough of Camden Licensing Authority (Contact Camden), 5 Pancras Square, C/O Town Hall, Judd Street, London, WC1H 9JE no later than 18th August 2022 stating the grounds for representation. The register of London Borough of Camden and the record of the application may be inspected at the address of the council, given above, during normal business hours or on the council's website - [www.camden.gov.uk](http://www.camden.gov.uk)

It is an offence knowingly or recklessly to make a false statement in connection with an application. A person is liable to an unlimited fine on conviction should such a false statement be made.  
 Poppleston Allen, The Stanley Building, 7 Pancras Square, London, N1C 4AG

**PREMISES LICENCE APPLICATION LICENSING ACT 2003**

On 19/07/22 Sony Music Entertainment UK Limited applied to the London Borough of Camden for a premises licence at 2 Canal Reach, N1C 4DB.  
 The application seeks to permit the sale by retail of alcohol from 12.00 until 22.00 Monday to Saturday. THE PREMISES WILL NOT BE OPEN TO THE GENERAL PUBLIC  
 The application can be viewed online at [www.camden.gov.uk](http://www.camden.gov.uk) or at London Borough of Camden Licensing Authority, 5 Pancras Square, c/o Town Hall, Judd Street, London, WC1H 9JE.  
 Any person may make a representation in writing relating to this application to be received no later than 16/08/2022 addressed to the Licensing Authority above.  
 It is an offence, liable on conviction to an unlimited fine, to knowingly or recklessly make a false statement in connection with this application.

**LICENSING ACT 2003 NOTICE OF APPLICATION FOR A PREMISES LICENCE**

Notice is hereby given that Easy As Tap Ltd (Company Number 13273955) has applied to the London Borough of Camden for the grant of a premises licence to allow the use of the premises situated at Easy As Tap, Basement, 20 Lambs Conduit Street, London, WC1N 3LE for the office sale by retail of alcohol, 09.00 to 22.30 hours Mondays to Saturdays and 9.00 to 20.00 hours on Sundays and Bank Holidays. Online, distance sales only. Any person who wishes to make a representation in relation to this application must give notice in writing no later than 18 August 2022 stating the grounds for the representation to the: London Borough of Camden Licensing Authority (Contact Camden), 5 Pancras Square, C/O Town Hall, Judd Street, London, WC1H 9JE; or online at [www.camden.gov.uk](http://www.camden.gov.uk). The register of applications can be viewed online by visiting [www.camden.gov.uk](http://www.camden.gov.uk). Members of the public who do not have access to the Internet can view the applications at the above address.  
 It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application for a premises licence and the maximum fine on being convicted of such an offence is £5,000.

**Reference: ES/I&M/ED/3/22/S247**

**Section 247 of the Town and Country Planning Act 1990**

**CYPRESS PLACE W1T 4AZ**

The London Borough of Camden being satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 hereby gives notice that it proposes to make an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) to authorise the stopping up of the highway described in the First Schedule, namely all of Cypress Place.

If the Order is made, the stopping-up will solely be authorised in order to enable the development described in the Second Schedule to this notice to be carried out in accordance with the planning permission granted by the London Borough of Camden on the 12th April 2022 under reference 2020/5624/P and for no other purpose.

Copies of the draft Order and relevant plan may be inspected during normal opening hours for a period of 28 days commencing on 28 July 2022 at St Pancras Library, 1st Floor, 5 Pancras Square, Kings Cross, London N1C 4AG or [www.camden.gov.uk/stopping-up](http://www.camden.gov.uk/stopping-up)

Any Person may object to the making of the proposed Order by writing to the Director of Environment & Sustainability, London Borough of Camden, Room 4N/5PS Town Hall, Judd Street, London, WC1H 8EQ or [engineeringsservice@camden.gov.uk](mailto:engineeringsservice@camden.gov.uk) quoting reference ES/I&M/ED/3/22/S247. The departmental contact for any queries relating to this publication is Elliott Della telephone number 020 7974 5138.

**PLEASE NOTE RESPONSES ARE REQUESTED TO BE BY E-MAIL**

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**THE FIRST SCHEDULE**

**Areas of Highway to be Stopped Up**

- Cypress Place: All of the street as set out below as shown in drawing CA4312/SK003/B:

| Ref. no. | Length (metres) | Width (metres)            | Terminal points |                |
|----------|-----------------|---------------------------|-----------------|----------------|
|          |                 |                           | From            | To             |
| (1)      | 82              | Varies between 2.8 and 5m | Maple Street    | Howland Street |

**THE SECOND SCHEDULE**

**The Location**

Network Building (95-100 Tottenham Court Road & 76-80 Whitfield Street) and 88 Whitfield Street London W1T 4TP

**The Development**

Outline application for demolition of office building (95-100 TCR & 76-80 Whitfield St) and 7 flats (88 Whitfield Street) and construction of a new building to provide for a maximum of 17746 sqm (GIA) of 'commercial business and service' floorspace (use Class E) along with details of access, scale and landscaping and other works incidental to the application. Details of layout and appearance are reserved.

Richard Bradbury  
 Director of Environment & Sustainability



**Reference: ES/I&M/ED/1/22/S247**

**Section 247 of the Town and Country Planning Act 1990**

**QUEEN'S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

The London Borough of Camden being satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 hereby gives notice that it proposes to make an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) to authorise the stopping up of the highway described in the First Schedule, namely the part of the footway in Queen's Grove at the side of 73-75 Avenue Road.

If the Order is made, the stopping-up will solely be authorised in order to enable the development described in the Second Schedule to this notice to be carried out in accordance with the planning permission granted by the London Borough of Camden on the 3rd March 2021 under reference 2020/3796/P and for no other purpose.

Copies of the draft Order and relevant plan may be inspected during normal opening hours for a period of 28 days commencing on 28 July 2022 at St Pancras Library, 1st Floor, 5 Pancras Square, Kings Cross, London N1C 4AG or [www.camden.gov.uk/stopping-up](http://www.camden.gov.uk/stopping-up)

Any Person may object to the making of the proposed Order by writing to the Director of Environment & Sustainability, London Borough of Camden, Room 4N/5PS Town Hall, Judd Street, London, WC1H 8EQ or [engineeringsservice@camden.gov.uk](mailto:engineeringsservice@camden.gov.uk) quoting reference ES/I&M/ED/1/22/S247. The departmental contact for any queries relating to this publication is Elliott Della telephone number 020 7974 5138.

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**THE FIRST SCHEDULE**

**Areas of Highway to be Stopped Up**

- Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

**THE SECOND SCHEDULE**

**The Location**

73-75 Avenue Road NW8 6JD

**The Development**

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

Richard Bradbury  
 Director of Environment & Sustainability



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# THE GAZETTE

LONDON GAZETTE

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\* Containing all notices published online on 28 July 2022

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## Planning

### TOWN PLANNING

#### DEPARTMENT FOR TRANSPORT TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of an Order made under Section 247 of the above Act entitled "The Stopping up of Highway (South East) (No.32) Order 2022." authorising the stopping up of: the footbridge which crosses Saint-Cloud way, a part-width of Holmanleaze and a triangular area of highway to the south of Holmanleaze, at Maidenhead in the Royal Borough of Windsor and Maidenhead to enable development as permitted by Royal Borough of Windsor and Maidenhead Council, under reference 21/00502.

Copies of the Order may be obtained, free of charge, from the Secretary of State, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR or [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk) (quoting NATTRAN/SE/S247/4683). They may also be inspected during normal opening hours at Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.

Any person aggrieved by or desiring to question the validity of or any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may, within 6 weeks of 28 July 2022 apply to the High Court for the suspension or quashing of the Order or of any provision included.

*C Newton*, Casework Manager (4127567)

#### DEPARTMENT FOR TRANSPORT TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of an irregular shaped northern part width of Comeytrove Orchard adjoining the southern boundary of Kerry House at Taunton in Somerset West and Taunton.

If made, the Order would authorise the stopping up only to enable development as permitted by Somerset West and Taunton under reference 52/22/0005.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Somerset County Council, County Hall, The Crescent, Taunton, Somerset, TA1 4DY in the 28 days commencing on 28 July 2022, and may be obtained, free of charge, from the addresses stated below quoting NATTRAN/SW/S247/5135.

Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk) or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on 25 August 2022. Any person submitting any correspondence is advised that your personal data and correspondence will be passed to the applicant/agent to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your correspondence.

*C Newton*, Casework Manager (4127568)

#### DEPARTMENT FOR TRANSPORT TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of a length of Abbey Lane including highway verge at Evesham in the County of Worcestershire.

If made, the Order would authorise the stopping up only to enable development as permitted by Wychavon District Council under reference 18/00549/OUT.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Evesham Town Hall, 24 Vine Street, Evesham, WR11 4RL in the 28 days commencing on 28 July 2022, and may be obtained, free of charge, from the addresses stated below quoting NATTRAN/WM/S247/5092.

Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk) or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on 25 August 2022. Any person submitting any correspondence is advised that your personal data and correspondence will be passed to the applicant/agent to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your correspondence.

*S Zamenzadeh*, Casework Manager (4127587)

#### DEPARTMENT FOR TRANSPORT TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of an Order made under Section 247 of the above Act entitled "The Stopping up of Highway (East Midlands) (No.19) Order 2022." authorising the stopping up of a length of Sandy Lane at Harpole in South Northamptonshire to enable development as permitted by South Northamptonshire Council, under reference S/2016/1324/EIA.

Copies of the Order may be obtained, free of charge, from the Secretary of State, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR or [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk) (quoting NATTRAN/EM/S247/5062). They may also be inspected during normal opening hours at Northamptonshire Highways, Place and Economy Directorate, West Northamptonshire Council, One Angel Square, Angel Street, Northampton, NN1 1ED.

Any person aggrieved by or desiring to question the validity of or any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may, within 6 weeks of 28 July 2022 apply to the High Court for the suspension or quashing of the Order or of any provision included.

*C Newton*, Casework Manager (4127590)

#### LONDON BOROUGH OF CAMDEN REFERENCE: ES/I&M/ED/1/22/S247 SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990

#### QUEEN'S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD

The London Borough of Camden being satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 hereby gives notice that it proposes to make an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) to authorise the stopping up of the highway described in the First Schedule, namely the part of the footway in Queen's Grove at the side of 73-75 Avenue Road.

If the Order is made, the stopping-up will solely be authorised in order to enable the development described in the Second Schedule to this notice to be carried out in accordance with the planning permission granted by the London Borough of Camden on the 3rd March 2021 under reference 2020/3796/P and for no other purpose.

Copies of the draft Order and relevant plan may be inspected during normal opening hours for a period of 28 days commencing on 28 July 2022 at St Pancras Library, 1st Floor, 5 Pancras Square, Kings Cross, London N1C 4AG or [www.camden.gov.uk/stopping-up](http://www.camden.gov.uk/stopping-up)

Any Person may object to the making of the proposed Order by writing to the Director of Environment & Sustainability, London Borough of Camden, Room 4N/5PS Town Hall, Judd Street, London, WC1H 8EQ or [engineeringsservice@camden.gov.uk](mailto:engineeringsservice@camden.gov.uk) quoting reference ES/I&M/ED/1/22/S247. The departmental contact for any queries relating to this publication is Elliott Della telephone number 020 7974 5138.

#### PLEASE NOTE RESPONSES ARE REQUESTED TO BE BY E-MAIL

In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

#### THE FIRST SCHEDULE

Queen's Grove: An area of 0.5 metres by 57 metres of the footway at the side of 57 Avenue Road as shown diagonally hatched on drawing number 3680/A1-021/P1.

**THE SECOND SCHEDULE***The Location*

73-75 Avenue Road NW8 6JD

*The Development*

Replacement of all boundary walls including side boundaries with 77 Avenue Road and 38 Queen's Grove (following demolition of existing walls) and erection of generator and sub-station to rear garden and bin store to front garden (both adjoining Queen's Grove).

Richard Bradbury, Director of Environment & Sustainability (4127570)

**LONDON BOROUGH OF CAMDEN****REFERENCE: ES/I&M/ED/2/22/S247****SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990****TOTTENHAM COURT ROAD, BAYLEY STREET AND MORWELL STREET: PART OF FOOTWAY SURROUNDING 247 TOTTENHAM COURT ROAD ETCETERA**

The London Borough of Camden being satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 hereby gives notice that it proposes to make an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) to authorise the stopping up of the highway described in the First Schedule, namely the part of the footway in Tottenham Court Road, Bayley Street and Morwell Street surrounding 247 Tottenham Court Road etcetera.

If the Order is made, the stopping-up will solely be authorised in order to enable the development described in the Second Schedule to this notice to be carried out in accordance with the planning permission granted by the London Borough of Camden on the 30th July 2021 under reference 2020/3583/P and for no other purpose.

Copies of the draft Order and relevant plan may be inspected during normal opening hours for a period of 28 days commencing on 28 July 2022 at St Pancras Library, 1st Floor, 5 Pancras Square, Kings Cross, London N1C 4AG or [www.camden.gov.uk/stopping-up](http://www.camden.gov.uk/stopping-up)

Any Person may object to the making of the proposed Order by writing to the Director of Environment & Sustainability, London Borough of Camden, Room 4N/5PS Town Hall, Judd Street, London, WC1H 8EQ or [engineeringsservice@camden.gov.uk](mailto:engineeringsservice@camden.gov.uk) quoting reference ES/I&M/ED/1/22/S247. The departmental contact for any queries relating to this publication is Elliott Della telephone number 020 7974 5138.

**PLEASE NOTE RESPONSES ARE REQUESTED TO BE BY E-MAIL**

In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

**THE FIRST SCHEDULE**

Tottenham Court Road, Bayley Street, Morwell Street: An area of 54.2m<sup>2</sup>, at the rear of the footway, surrounding 247 Tottenham Court Road etc, as shown shaded on drawing number M000431-2-1-DR-004/D.

**THE SECOND SCHEDULE***The Location*

247 Tottenham Court Road, London, W1T 7HH; 3 Bayley Street, London, WC1B 3HA; 1 Morwell Street, London, WC1B 3AR; 2-3 Morwell Street, London, WC1B 3AR; and 4 Morwell Street, London, W1T 7QT.

*The Development*

Demolition of 247 Tottenham Court Road, 3 Bayley Street, 1 Morwell Street, 2-3 Morwell Street and 4 Morwell Street and the erection of a mixed use office led development comprising ground plus five storey building for office (Class B1) use, flexible uses at ground and basement (Class A1/A2/A3/B1/D1/D2), residential (Class C3) use, basement excavation, provision of roof terraces, roof level plant equipment and enclosures, cycle parking, public realm and other associated works.

Richard Bradbury, Director of Environment & Sustainability (4127573)

**LONDON BOROUGH OF BRENT****SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990****THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. \*) ORDER 202\***

1. NOTICE IS HEREBY GIVEN that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 and 253 of the Town and Country Planning Act 1990 ("The Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.

2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted under Part III of the Act by the London Borough of Brent as the Local Planning Authority on 25 April 2022 under Application No. 21/2473.

3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 28th July 2022 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.

4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Healthy Streets and Parking, Regeneration and Environmental, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to [trafficorders@brent.gov.uk](mailto:trafficorders@brent.gov.uk), quoting the reference TO/23/034/NP, within the period of 28 days from the 28th July 2022.

5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 28th July 2022.

Sandor Fazekas, Head of Healthy Streets and Parking

**SCHEDULE 1**

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of irregular shaped parts consisting of highway verge, footway, carriageway and all-purpose highway bounded by Mapesbury Road to the north-west, Exeter Road to the south-west and south-east and Shoot-Up-Hill to the north-east.

**SCHEDULE 2**

Demolition of Nos. 1 to 11 Watling Gardens, Nos. 1 to 30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use class: C3) and 45 for extra care (Use Class: C 3(b)) in three separated buildings ranging from three to fourteen storeys, alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works.

(4127580)

**LONDON BOROUGH OF CAMDEN****REFERENCE: ES/I&M/ED/3/22/S247****SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990****CYPRESS PLACE W1T 4AZ**

The London Borough of Camden being satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 hereby gives notice that it proposes to make an Order under Section 247 of the Town and Country Planning Act 1990 (as amended) to authorise the stopping up of the highway described in the First Schedule, namely all of Cypress Place.

If the Order is made, the stopping-up will solely be authorised in order to enable the development described in the Second Schedule to this notice to be carried out in accordance with the planning permission granted by the London Borough of Camden on the 12th April 2022 under reference 2020/5624/P and for no other purpose.

Copies of the draft Order and relevant plan may be inspected during normal opening hours for a period of 28 days commencing on 28 July 2022 at St Pancras Library, 1st Floor, 5 Pancras Square, Kings Cross, London N1C 4AG or [www.camden.gov.uk/stopping-up](http://www.camden.gov.uk/stopping-up)

Any Person may object to the making of the proposed Order by writing to the Director of Environment & Sustainability, London Borough of Camden, Room 4N/5PS Town Hall, Judd Street, London, WC1H 8EQ or [engineeringsservice@camden.gov.uk](mailto:engineeringsservice@camden.gov.uk) or [elliott.della@camden.gov.uk](mailto:elliott.della@camden.gov.uk) quoting reference ES/I&M/ED/3/22/S247. The departmental contact for any queries relating to this publication is Elliott Della telephone number 020 7974 5138.



**From:** [StoppingUp](#)  
**To:** [StoppingUp](#)  
**Subject:** Public Inquiry: Stopping up of land at Queens Grove side of 75 Avenue Road  
**Date:** 21 September 2024 22:44:15  
**Attachments:** [75 Avenue Road Public Inquiry Letter 1.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[GLA 2023\\_0183\\_Queen\\_s\\_Court\\_Av\\_Rd\\_Stopping\\_Up\\_Order\\_09\\_05\\_23.pdf](#)  
[GLA 2023\\_0183\\_Queen\\_s\\_Court\\_Av\\_Rd\\_SUO\\_UPDATE\\_07\\_08\\_23.pdf](#)  
**Importance:** High

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Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
PROPOSED STOPPING UP OF PART OF FOOTWAY AT THE SIDE OF 73-75  
AVENUE ROAD**

**Attached is a pdf copy of the letter below:  
Also attached are copies of the GLA reports into the above.**

**I personal copy of the letter will also be sent to you by post.**

**Notification of Public Inquiry**

NOTICE is hereby given that a Public Local Inquiry will be held by an Inspector appointed for the purpose by the Secretary of State into the proposal to make an Order under Section 247 of the above Act to authorise the stopping up of part of footway at the side of 73-75 Avenue Road London NW8 in the London Borough of Camden in order to enable development to be carried as permitted by the London Borough of Camden on 3 March 2021 under reference 2020/3796/P.

The Public Local Inquiry will open at **10am on 19 November 2024**.

We will confirm the venue shortly. We currently anticipate 1 sitting day for the Inquiry.

If you would like to attend the Inquiry, please email [StoppingUp@camden.gov.uk](mailto:StoppingUp@camden.gov.uk) quoting the property address "75 Avenue Road" and provide your contact details, including your email address, for where we can send you any communications about the Inquiry.

Please let us know by **27 September 2024** if you would like to also speak at the Inquiry. Please also confirm by this date if you would like to take an active part in the Inquiry in order that you can present your evidence on a formal basis. If relevant, please also provide details of any person that you intend to represent you at the inquiry and any witnesses or experts that you intend to call.

Should several persons wish to speak or take an active part in the Inquiry, you may arrange for one person to represent the group.

**Written Statement**

We have forwarded all the representations that have previously been made to the Council in respect of the proposed Order to the Inspector and the Applicant, and these will be considered by the Inspector.

If you would like submit a written statement or other supporting evidence for the Inquiry, or modify/withdraw your representation, you can do so by emailing the Council at [StoppingUp@camden.gov.uk](mailto:StoppingUp@camden.gov.uk) quoting the property address “75 Avenue Road”. Please note that any further submissions will be copied to the Applicant and will be considered by the Inspector.

Although Inquiries into these types of Orders are not governed by particular Inquiry Rules, it is helpful to the Inquiry proceedings, and to avoid any potential for delays, if written statements which the parties intend to rely upon to present their case are exchanged ahead of the Inquiry and a copy provided to the Inspector ahead of the Inquiry opening. Please therefore provide any submissions that you wish to rely on at the Inquiry to the Council by **11 October 2024**.

Those opposing the Order should, however, note that it is not open to the Inspector to revisit the Council’s decision to grant permission for the development. Objections pursued at the Inquiry should, therefore, be clearly related to the proposed stopping up part of footway at the side of 73-75 Avenue Road.

Relevant documents relating to the Inquiry will be published on the Council’s website in advance of the Inquiry. We will send details of how documentation can be viewed and the Inquiry venue shortly.

When the decision in relation to the proposed Order is made, it will be published on the Council’s website.

If you require any further information or have any questions regarding this letter, please email [StoppingUp@camden.gov.uk](mailto:StoppingUp@camden.gov.uk) or you can contact, Elliott Della, Senior Project Engineer, on 020 7974 5138.

If you do not have access to the internet, you can also write to the Council at: Engineering Service, Room 4N/5PS, Town Hall, Judd Street, London WC1H 8EQ.

Yours faithfully,

Elliott Della  
Senior Project Engineer

Environment and Sustainability  
Supporting Communities  
London Borough of Camden

Tel: 020 7974 5138  
Web: [camden.gov.uk](http://camden.gov.uk)

5 Pancras Square  
London N1C 4AG





**From:** [StoppingUp](#)  
**To:** [StoppingUp](#)  
**Bcc:**  
**Subject:** Public Inquiry: Stopping up of land at Queens Grove side of 75 Avenue Road  
**Date:** 26 September 2024 18:39:48  
**Attachments:** [Draft Directions 25 09 24 pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image004.png](#)

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Dear Sir/Madam,

Further to our email below, please now find attached draft directions which we intend to follow for the Inquiry.

The Inquiry is open for anyone to attend, and it is not mandatory for objectors to provide a written statement ahead of the Inquiry, but the directions are intended for any party who wishes to take an active role in the Inquiry to try and ensure it runs smoothly.

You will see that we have extended the date by which we request parties to inform the Council if they would like to speak/ make submissions at the Inquiry and if they would like to take an active role until **4 October 2024**.

Please therefore let us know by this date if you wish to speak/ make submissions at the Inquiry and provide contact details, including your email address, for where we can send you any communications about the Inquiry.

Please also let us know by this date if they would like to take an active role in the Inquiry in order that you can present your evidence on a formal basis. If relevant, please also provide details of any person that you intend to represent you at the inquiry and any witnesses or experts that you intend to call, including details of any relevant professional qualifications.

If you require any further information or have any questions, please email [StoppingUp@camden.gov.uk](mailto:StoppingUp@camden.gov.uk) or you can contact, Elliott Della, Senior Project Engineer, on 020 7974 5138.

Best Regards

Jenny Lunn  
Lawyer

And

Elliott Della  
Senior Project Engineer

:

**From:** [Jennifer Lunn](#)  
**To:** [StoppingUp](#)  
**Cc:** [Elliott Della](#)  
**Bcc:**

**Subject:** RE: Public Inquiry: Stopping up of land at Queens Grove side of 75 Avenue Road  
**Date:** 04 October 2024 15:56:00  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[3331272 - Submissions & Timetable Direction.docx](#)

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Dear Sir/ Madam,

Please find attached guidance sent by the Planning Inspectorate.

You will see that he has sent guidance on submission of proofs of evidence (written statements) and evidence bundles.

Any representations that you have already made, including any new representations, will of course be sent to the Inspector so he will have these. This guidance is intended more for those persons that wish to take a more formal role in the Inquiry.

You will see at Annex C of the attached document that the Inspector has also amended the timetable for submission of documents/ evidence for the Inquiry. This is the timetable that we are now following.

All documents/ evidence should be sent to the Council and the Council will then forward this to the Planning Inspectorate and all other interested parties.

We ask if you can please submit any documentation to the Council by midday on the day before the Inspector's deadlines, in order that we then have sufficient time to forward the same to the Inspectorate and other interested parties and upload documentation to the Council's website.

You will also see that we intend for the Inquiry to be held at Swiss Cottage Central Library, 88 Avenue Road, London NW3 3HA. We are finalising arrangements and hope to provide formal confirmation that the Inquiry will be held at this venue very shortly.

Please do let us know if you have any queries. You can contact either myself or Elliott Della, Senior Project Manager.

Kind regards

Jenny Lunn  
Lawyer

Telephone: 020 7974 6007

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Reference: ES/I&M/ED/1/22/S247

Section 247 of the Town and Country Planning Act 1990

# **PUBLIC INQUIRY NOTICE**

## **QUEEN'S GROVE: PART OF FOOTWAY AT THE SIDE OF 73-75 AVENUE ROAD**

NOTICE is hereby given that a Public Local Inquiry will be held by an Inspector appointed for the purpose by the London Borough of Camden into the proposal to make an Order under Section 247 of the above Act to authorise the stopping up of part of footway at the side of 73-75 Avenue Road London NW8 (on Queen's Grove) in the London Borough of Camden in order to enable development to be carried out as permitted by the London Borough of Camden on 3 March 2021 under reference 2020/3796/P.

### **THE INQUIRY will be held at:**

**Swiss Cottage Central Library, 88 Avenue Road, London NW3 3HA  
commencing at 10:00am on 19 November 2024.**

Members of the public may attend the inquiry and, at the discretion of the Inspector, express their views.

If you or anyone you know who wants to go to the inquiry has a disability and is concerned about facilities at the Inquiry venue, you should contact the Council to confirm that suitable provisions are in place.

Documents relating to the Inquiry can be viewed on:

[www.camden.gov.uk/permanent-road-closure#ociqszxo](http://www.camden.gov.uk/permanent-road-closure#ociqszxo).

If you require further information, please contact the Council at

[stoppingup@camden.gov.uk](mailto:stoppingup@camden.gov.uk)

or contact Elliott Della, Senior Project Engineer, on 020 7974 5138.

Richard Bradbury  
Director of Environment & Sustainability

On behalf of the London Borough of Camden

## Town and Country Planning Act 1990 c. 8

### s. 247 Highways affected by development: orders by Secretary of State.



Law In Force With Amendments Pending

Version 5 of 6

12 February 2015 - Present

#### Subjects

Road traffic

#### Keywords

Development; Diversion of highways; Highway authorities; Highway improvement; Ministers' powers and duties; Stopping up orders

#### 247.— Highways affected by development: orders by Secretary of State.

(1) The Secretary of State may by order authorise the stopping up or diversion of any highway [ outside Greater London]<sup>1</sup> if he is satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under [Part III](#)[ or [section 293A](#)]<sup>2</sup>, or

(b) by a government department.

(2) Such an order may make such provision as appears to the Secretary of State to be necessary or expedient for the provision or improvement of any other highway [ outside Greater London]<sup>3</sup> .

[

(2A) The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough, or within another London borough if the council of that borough consents, if it is satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under [Part III](#)[ or [section 293A](#)]<sup>2</sup>, or

(b) by a government department.

(2B) Such an order may make such provision as appears to the council to be necessary or expedient for the provision or improvement of any other highway within the borough.

]<sup>4</sup>



(3) [An order under subsection (1) or (2A)]<sup>5</sup> may direct—

(a) that any highway provided or improved by virtue of it shall for the purposes of the [Highways Act 1980](#) be a highway maintainable at the public expense;

(b) that the Secretary of State, [a strategic highways company, ]<sup>6</sup> or any county council, [county borough council, ]<sup>7</sup> metropolitan district council or London borough council specified in the order or, if it is so specified, the Common Council of the City of London, shall be the highway authority for that highway;

(c) in the case of a highway for which the Secretary of State [or a strategic highways company ]<sup>8</sup> is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the [Highways Act 1980](#).

[

(3A) An order under subsection (2A) may not provide that—

(a) the Secretary of State,

[

(aa) a strategic highways company,

] <sup>10</sup>

(b) Transport for London, or

(c) a London borough other than the one whose council is making the order,

shall be the highway authority for a highway unless the Secretary of State, [the strategic highways company, ]<sup>11</sup> Transport for London or the council, as the case may be, so consents.

] <sup>9</sup>

(4) An order made under this section may contain such incidental and consequential provisions as appear to the Secretary of State [ or the council of the London borough]<sup>12</sup> to be necessary or expedient, including in particular—

(a) provision for authorising the Secretary of State [ or the council of the London borough]<sup>12</sup> , or requiring any other authority or person specified in the order—

(i) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work; or

(ii) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under [section 1](#) or [2](#) of the [Restriction of Ribbon Development Act 1935](#) in relation to any highway stopped up or diverted under the order;

(b) provision for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to which the order relates.

(5) An order may be made under this section authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment.

(6) The provisions of this section shall have effect without prejudice to—

(a) any power conferred on the Secretary of State [ or a London borough]<sup>13</sup> by any other enactment to authorise the stopping up or diversion of a highway;

(b) the provisions of [Part VI](#) of the [Acquisition of Land Act 1981](#); or

(c) the provisions of [section 251\(1\)](#).

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## Notes

- 1 Words added by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(2\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 2 Words inserted by Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281 [art.5\(b\)](#) (June 7, 2006)
- 3 Words added by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(3\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 4 Added by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(4\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 5 Words substituted by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(5\)](#) (July 3, 2000: substitution has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 6 Words inserted by Infrastructure Act 2015 c. 7 [Sch.1\(2\) para.104\(2\)\(a\)](#) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
- 7 Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.24\(9\)](#) (April 1, 1996)
- 8 Words inserted by Infrastructure Act 2015 c. 7 [Sch.1\(2\) para.104\(2\)\(b\)](#) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
- 9 Added by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(6\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 10 Added by Infrastructure Act 2015 c. 7 [Sch.1\(2\) para.104\(3\)\(a\)](#) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
- 11 Words inserted by Infrastructure Act 2015 c. 7 [Sch.1\(2\) para.104\(3\)\(b\)](#) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
- 12 Words added by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(7\)](#) (July 3, 2000: insertion has effect



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## Notes

subject to transitional provision specified in SI 2000/1547 art.2)

- 13 Words added by Greater London Authority Act 1999 c. 29 [Sch.22 para.3\(8\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
-

## s. 252 Procedure for making of orders.



Law In Force With Amendments Pending

### Version 21 of 22

26 December 2023 - Present

### Subjects

Road traffic

### Keywords

Development; Diversion of highways; Extinguishment; Highway construction; Highway improvement; Ministers' powers and duties; Notices; Orders; Planning control; Planning procedures; Public rights of way; Stopping up; Vehicles

### 252.— Procedure for making of orders.

(1) Before making an order under [section 247](#), [248](#), [249](#) or [251](#) the Secretary of State [ or, as the case may be, the council of a London borough]<sup>1</sup> shall publish in at least one local newspaper circulating in the relevant area, and in the London Gazette, a notice—

(a) stating the general effect of the order;

(b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the publication of the notice (“the publication date”); and

(c) stating that any person may within that period by notice to the Secretary of State [ or, as the case may be, the council of the London borough]<sup>2</sup> object to the making of the order.

(2) Not later than the publication date, the Secretary of State [ or, as the case may be, the council of the London borough]<sup>3</sup> shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan—

(a) on every local authority in whose area any highway or, as the case may be, any land to which the order relates is situated, and

[

(aa) on any National Park authority which is the local planning authority for the area in which any highway or, as the case may be, any land to which the order relates is situated, and;

] <sup>4</sup>

(b) on any water, sewerage, hydraulic power or electricity undertakers or [gas transporter]<sup>5</sup> having any cables, mains, sewers, pipes or wires laid along, across, under or over any highway to be stopped up or diverted, or, as the case may be, any land over which a right of way is proposed to be extinguished, under the order.

(3) Not later than the publication date, the Secretary of State [ or, as the case may be, the council of the London borough]<sup>6</sup> shall also cause a copy of the notice to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted or, as the case may be, of the right of way proposed to be extinguished under the order.

[

(3A) Where the Welsh Ministers are proposing to make an order under [section 247, 248 or 251](#) in connection with development of national significance—

(a) subsection (1) has effect as if for “shall” there were substituted “may”;

(b) subsections (2) and (3) apply only if the Welsh Ministers publish a notice under subsection (1).

]

(4) If before the end of the period of 28 days mentioned in subsection (1)(b) an objection is received by the Secretary of State [ or, as the case may be, the council of the London borough]<sup>8</sup> from any local authority [National Park authority ]<sup>9</sup> or undertakers or [gas transporter]<sup>5</sup> on whom a notice is required to be served under subsection (2), or from any other person appearing to [to the Secretary of State or, as the case may be, the council]<sup>10</sup> to be affected by the order, and the objection is not withdrawn, then [—]<sup>11</sup>[

(a) in a case where the Secretary of State is proposing to make an order, he shall cause a local inquiry to be held unless subsection (5) applies, or

(b) in a case where the council of a London borough is proposing to make an order, it shall notify the Mayor of London of the objections and shall cause a local inquiry to be held unless subsection (5A) applies.

]<sup>11</sup>

(5) If, in a case where [ the Secretary of State is proposing to make an order and]<sup>12</sup> the objection is made by a person other than such a local authority or undertakers or [transporter]<sup>13</sup> , the Secretary of State is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary he may dispense with the inquiry.

[

(5A) In a case where—

(a) the council of a London borough is proposing to make the order,

(b) the council has under subsection (4)(b) notified the Mayor of London of the objections, and

(c) none of the objections notified is made by such a local authority or undertakers or transporter as are mentioned in that subsection,

the Mayor of London shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.

]<sup>14</sup>

(6) [Subsections \(2\) to \(5\) of section 250 of the Local Government Act 1972](#) (local inquiries: evidence and costs) shall apply in relation to an inquiry caused to be held by the Secretary of State [ or the council of a London borough]<sup>15</sup> under



subsection (4).

[

(6A) In their application to an inquiry caused to be held by the council of a London borough—

(a) [subsection \(4\) of section 250 of the Local Government Act 1972](#) shall be treated as if—

(i) for the reference to a Minister there were substituted a reference to the council of a London borough,

(ii) for the reference to him there were substituted a reference to the council,

(iii) for the reference to he there were substituted a reference to the council acting with the consent of the Mayor of London, and

(iv) for the references to the Minister there were substituted references to the council of the London borough, and

(b) [subsection \(5\) of that section](#) shall be treated as if—

(i) for the reference to the Minister there were substituted a reference to the council of a London borough, and

(ii) the power to make an order as to the costs of parties were subject to a requirement to act with the consent of the Mayor of London.

] <sup>16</sup>[

(6B) Where the Welsh Ministers are proposing to make an order under [section 247, 248 or 251](#) in connection with development of national significance, subsections (6C) and (6D) apply in place of subsections (4) to (6).

(6C) The Welsh Ministers may cause a local inquiry to be held if—

(a) they have published a notice under subsection (1)(b),

(b) before the end of the period of 28 days mentioned in subsection (1)(b) they receive an objection from a person mentioned in subsection (2)(a) to (b), or from any other person appearing to them to be affected by the order, and

(c) the objection is not withdrawn.

(6D) [Subsections \(2\) and \(3\) of section 250 of the Local Government Act 1972](#) and [section 322C](#) apply in relation to an inquiry caused to be held by the Welsh Ministers under subsection (6C).

] <sup>17</sup>

(7) Where publication of the notice mentioned in subsection (1) takes place on more than one day, the references in this section to the publication date are references to the latest date on which it is published.

(8) [Where the Secretary of State is proposing to make an order, after]<sup>18</sup> considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may, subject to subsection (9), make the order either without modification or subject to such modifications as he thinks fit.

[

(8A) Where the council of a London borough is proposing to make an order, after—

(a) considering any objections to the order which are not withdrawn, and

(b) where a local inquiry is held—

(i) considering the report of the person who held the inquiry, and

(ii) obtaining the consent of the Mayor of London to the making of the order,

the council may, subject to subsection (9), make the order either without modification or subject to such modification as it thinks fit.

]<sup>19</sup>

(9) Where—

(a) the order contains a provision requiring any such payment, repayment or contribution as is mentioned in [section 247\(4\)\(a\)](#); and

(b) objection to that provision is duly made by an authority or person who would be required by it to make such a payment, repayment or contribution; and

(c) the objection is not withdrawn,

the order shall be subject to special parliamentary procedure.

(10) Immediately after the order has been made, the Secretary of State [ or, as the case may be, the council of the London borough]<sup>20</sup> shall publish, in the manner specified in subsection (1), a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours.

[

(10A) Nothing in subsection (2) shall require the council of a London borough to serve anything on itself.

]<sup>21</sup>

(11) Subsections (2), (3) and (7) shall have effect in relation to a notice under subsection (10) as they have effect in relation to a notice under subsection (1).

(12) In this section—

[

“*development of national significance*” is to be interpreted in accordance with [section 62D](#);

]²²

“*the relevant area*” , in relation to an order, means the area in which any highway or land to which the order relates is situated;

“*local authority*” means the council of a county, [ county borough,]²³ district, parish [, community]²⁴ or London borough, [ a [police and crime commissioner, the Mayor’s Office for Policing and Crime,]²⁶]²⁵ a joint authority established by [Part IV of the Local Government Act 1985](#) , [an economic prosperity board established under [section 88 of the Local Democracy, Economic Development and Construction Act 2009](#), a combined authority established under [section 103 of that Act](#), ]²⁷[ a combined county authority established under [section 9\(1\) of the Levelling-up and Regeneration Act 2023](#),]²⁸[a fire and rescue authority created by an order under [section 4A of the Fire and Rescue Services Act 2004](#), ]²⁹[the London Fire Commissioner,]³⁰ a housing action trust established under [Part III of the Housing Act 1988](#)[, the Residuary Body for Wales (Corff Gweddilliol Cymru)]³¹ and the parish meeting of a [...]³² parish not having a separate parish council ;

and in subsection (2)—

(i) the reference to water undertakers shall be construed as including a reference to [the Environment Agency and the Natural Resources Body for Wales, and]³³

(ii) the reference to electricity undertakers shall be construed as a reference to holders of licences under [section 6 of the Electricity Act 1989](#) who are entitled to exercise any power conferred by [paragraph 1 of Schedule 4](#) to that Act.

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## Notes

- 1 Word inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(2\)\(a\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 2 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(2\)\(b\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 3 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(3\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 4 Added by Environment Act 1995 c. 25 [Sch.10 para.32\(7\)\(a\)](#) (November 23, 1995)
- 5 Words substituted by Utilities Act 2000 c. 27 [Pt V s.76\(7\)](#) (October 1, 2001 subject to transitional provisions as specified in SI 2001/3266 arts 3-20)
- 6 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(4\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 7 Added by Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016/53 [Pt 3 reg.16\(2\)](#) (March 1, 2016)
- 8 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(5\)\(a\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 9 Words inserted by Environment Act 1995 c. 25 [Sch.10 para.32\(7\)\(b\)](#) (November 23, 1995)



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## Notes

- 10 Possible drafting error, words substituted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(5\)\(b\)](#) (July 3, 2000: substitution has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 11 Existing text renumbered as s.252(4)(a) and (b) by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(5\)\(c\)](#) (July 3, 2000: substitution has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 12 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(6\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 13 Words substituted by Gas Act 1995 c. 45 [Sch.4 para.18\(1\)\(c\)](#) (March 1, 1996)
- 14 Added by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(7\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 15 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(8\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 16 Added by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(9\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 17 Added by Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016/53 [Pt 3 reg.16\(3\)](#) (March 1, 2016)
- 18 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(10\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 19 Added by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(11\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 20 Words inserted by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(12\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 21 Added by Greater London Authority Act 1999 c. 29 [Sch.22 para.7\(13\)](#) (July 3, 2000: insertion has effect subject to transitional provision specified in SI 2000/1547 art.2)
- 22 Definition inserted by Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016/53 [Pt 3 reg.16\(4\)](#) (March 1, 2016)
- 23 Words inserted into definition by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.24\(10\)\(a\)](#) (April 1, 1996)
- 24 Words inserted into definition by Local Government (Wales) Act 1994 c. 19 [Sch.6\(II\) para.24\(10\)\(b\)](#) (October 1, 1995)
- 25 Words inserted by Police and Magistrates' Courts Act 1994 c. 29 [Sch.4\(II\) para.63](#) (October 1, 1994 for the purposes specified in SI 1994/2025 art.6; April 1, 1995 otherwise)
- 26 Words substituted by Police Reform and Social Responsibility Act 2011 c. 13 [Sch.16\(3\) para.209](#) (November 22,

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## Notes

2012: commenced by an amendment)

- 27 Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Sch.6 para.82\(2\)](#) (December 17, 2009)
- 28 Words inserted by Levelling-up and Regeneration Act 2023 c. 55 [Sch.4 para.107](#) (December 26, 2023)
- 29 Words inserted by Policing and Crime Act 2017 c. 3 [Sch.1\(2\) para.69](#) (April 3, 2017)
- 30 Words substituted by Policing and Crime Act 2017 c. 3 [Sch.2\(2\) para.93](#) (April 1, 2018)
- 31 Words inserted into definition by Local Government (Wales) Act 1994 c. 19 [Sch.13 para.32](#) (July 5, 1994)
- 32 Word repealed by Statute Law (Repeals) Act 1995 c. 44 [Sch.1\(VI\) para.1](#) (November 8, 1995)
- 33 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 [Sch.2\(1\) para.201](#) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)
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**ASHBY AND ANOTHER v. SECRETARY OF STATE FOR THE ENVIRONMENT AND ANOTHER**

[COURT OF APPEAL]

1979 Oct. 31; Nov. 1; Dec. 11

**Stephenson, Goff and Eveleigh L.JJ.**

*Highway — Public path — Diversion order — Housing development obstructing footpath begun before diversion order published hether Secretary of State empowered to confirm order — Town and Country Planning Act 1971 (c. 78), ss. 209 (1), 210 (1)*

In 1962 outline planning permission was granted to a developer for a housing development of 40 houses on a plot through which a public footpath ran. When detailed approval was sought, consideration was given to diverting the footpath. Permission was given to the developer and work commenced in 1976. A diversion order was made in respect of the footpath under sections 209 (1) and 210 (1) of the *Town and Country Planning Act 1971*. That was confirmed by the Secretary of State after a public inquiry in 1977. The applicants applied to

[1980] 1 WLR 673 at 674

the Queen's Bench Division for an order quashing the Secretary of State's decision on the ground that some of the houses were nearly complete and it was not within his powers under section 209 (1) to validate development that had begun. After finding that some permitted development remained to be completed, the deputy judge refused to quash the decision, holding that the diversion order was necessary to enable the remaining work to be completed and that the Secretary of State could confirm the diversion of a footpath under section 209 (1) if he were satisfied that it was necessary to enable the development to be carried out in accordance with planning permission.

On appeal by the applicants: —

*Held*, dismissing the appeal, that the confirmation of the diversion order was valid as (*per* Eveleigh L.J.) on the true construction of section 209 (1) of the *Town and Country Planning Act 1971* the Secretary of State might confirm the order stopping up or diverting the footpath if he were satisfied that it was necessary in order to enable development which had been carried out on the ground to be legalised (*post*, pp. 678D–F, 679H) or (*per* Stephenson and Goff L.JJ.) the development on the footpath not having been completed, what remained to be done showed that it was necessary for the purposes of section 209 (1) to make an order to enable the development to be carried out (*post*, pp. 681E–G, 683A–B).

Decision of Sir Douglas Frank Q.C. sitting as a deputy judge of the Queen's Bench Division affirmed.

The following case is referred to in the judgment of Goff L.J.:

*Wood v. Secretary of State for the Environment* (unreported), June 27, 1975.



The following additional cases were cited in argument:

*Jones v. Bates* [1938] 2 All E.R. 237, C.A.

*Lucas (F.) & Sons Ltd. v. Dorking and Horley Rural District Council* (1964) 62 L.G.R. 491.

*Reg. v. Secretary of State for the Environment, Ex parte Hood* [1975] Q.B. 891; [1975] 3 W.L.R. 172; [1975] 3 All E.R. 243, C.A.

*Thomas David (Porthcawl) Ltd. v. Penybont Rural District Council* [1972] 1 W.L.R. 1526; [1972] 3 All E.R. 1092, C.A.

APPEAL from Sir Douglas Frank Q.C. sitting as a deputy judge of the Queen's Bench Division.

The applicants, Kenneth Ashby and Andrew Dolby, suing on their own behalf and on behalf of the Ramblers' Association, by a notice of motion dated March 9, 1978, sought an order to quash and set aside the order of the Secretary of State for the Environment dated November 2, 1977, whereby he confirmed the order of the planning authority, the Kirklees Metropolitan District Council, made under section 210 of the *Town and Country Planning Act 1971*, known as the Kirklees (Broad Lane Estate, Upperthong) Public Path Diversion Order 1976. The grounds of the application were: (1) that the Secretary of State's decision was not within his powers under the Act of 1971; (2) that, the footpath being obstructed so as to be impassable, the Secretary of State and the planning authority could not be satisfied that it was necessary to divert the footpath in order to enable development to be carried out in accordance with planning permission under Part III of the Act; (3) that the Secretary of State and the planning authority were wrong in holding that they could be so satisfied if any development remained to be completed; (4) that they should have held that, once development had taken place to an extent that it

[1980] 1 WLR 673 at 675

obstructed the footpath, then they could not be so satisfied; (5) that, alternatively, the Secretary of State wrongly held that the permitted development had not been completed by reason of the internal works to some of the houses and the layout of land in curtilages; and (6) that there was no evidence on which the Secretary of State could reasonably conclude that the layout of the land in curtilages formed any part of the permitted development which remained to be completed.

The deputy judge dismissed the application on July 13, 1978, holding, inter alia, that the Secretary of State could authorise the diversion of a footpath under section 209 (1) of the Act if he was satisfied that it was necessary to enable development to be carried out lawfully in accordance with planning permission and that the order had been properly confirmed by the Secretary of State. The applicants appealed against the deputy judge's decision on the grounds that (1) on a proper construction of section 209 (1) of the Act of 1971, the power to authorise the diversion of a public footpath was to facilitate the proposed development and that the powers created under sections 209 and 210 of the Act could not be exercised so as to validate development already carried out; (2) the deputy judge was wrong in holding that he was entitled to consider another part of the development, not directly affected by the footpath, in deciding whether the development had been carried out; and (3) the proper procedure should have been an application under section 111 of the Highways Act 1959, in which case objectors would have been entitled to invite the Secretary of State to consider other criteria; whereas the procedure adopted effectively encouraged developers to carry out unlawful development, thereby prejudicing the objectors' rights and the consideration of the merits of their objections.

The facts are stated in the judgment of Eveleigh L.J.

*Barry Payton* for the applicants.

*Jeremy Sullivan* for the Secretary of State.

The planning authority was not represented.

*Cur. adv. vult.*

December 11. The following judgments were read.

STEPHENSON L.J. I will read first the judgment of Eveleigh L.J. who is not able to be here this morning.

EVELEIGH L.J. This is an appeal against the refusal of the deputy judge to quash a decision by the Secretary of State concerning a footpath diversion order made by the Kirklees Metropolitan District Council, the planning authority under section 210 of the *Town and Country Planning Act 1971*.

In 1962 outline planning permission was granted for housing development on an area of land through which ran a public footpath. Approval of the details of residential development for 40 houses was given on September 5, 1975, to a Mr. Woodhead, a builder. The proposed development involved obstruction of the footpath at a number of points and so the question of diversion arose. On September 4, 1975, the advisory panel on footpaths of the planning accepted a proposed route for the diversion. In January 1976 the builder laid out an alternative

*[1980] 1 WLR 673 at 676*

footpath and started work on a house, No. 25, which obstructed the footpath before the planning authority had published a diversion order and of course before any application was made to the Secretary of State. For that he was fined £80 and ordered to pay £100 costs.

On March 15, 1976, the planning authority made a diversion order in respect of a new route. After objections had been received and a public meeting had rejected this diversion, the planning authority devised another route for the footpath which became the subject of the Kirklees (Broad Lane Estate, Upperthong) Public Path Diversion Order 1976. After a local inquiry, the Secretary of State confirmed the order. It is this decision which is the subject of the present appeal.

Section 210 (1) of the *Town and Country Planning Act 1971* reads:

“Subject to section 217 of this Act, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied as mentioned in section 209 (1) of this Act.”

Section 217 (1) reads:

“An order made under section 210 ... of this Act shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the authority who made it.”

As the order made under section 210 was opposed, confirmation by the Secretary of State was required. Section 217 (2) reads:

“The Secretary of State shall not confirm any such order unless satisfied as to every matter of which the authority making the order are required under section 210 ... to be satisfied.”

Thus, the planning authority and the Secretary of State have to be satisfied of the matters referred to in section 209. Section 209 (1) reads:

“The Secretary of State may by order authorise the stopping up or diversion of any highway if he is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of this Act, or to be carried out by a government department.”

It is on the interpretation of this subsection that this appeal depends. For the applicants, Kenneth Ashby and Andrew Dolby, suing on their own behalf and on behalf of the Ramblers' Association, emphasis is placed upon the words “to be carried out.” It is said that these words relate to the future and cannot apply where development has begun or, alternatively and a fortiori, where development has been completed. It is argued that there is no power to ratify past activities which would only encourage developers to “jump the gun.” The whole of Part X of the Act in which the relevant sections are contained and provisions in Schedule 20 and section 215 of the Act for objectors to be heard and inquiries to be held indicate that the purpose of those provisions is to prevent premature unlawful development where a highway will be obstructed. In the present case, therefore, the order and the Secretary of State's decision were invalid and the developer's only course is to apply under section 111 of the Highways Act 1959 for an order for the diversion of the highway.

The Secretary of State (the planning authority does not appear) claims that section 209 of the Act of 1971 on its proper construction does give

*[1980] 1 WLR 673 at 677*

power to the Secretary of State to act although development has been completed and although the highway has already been obstructed. Alternatively, it is claimed that all of the permitted development had not been completed, that development in accordance with planning permission remained to be done and that, consequently, there was a situation where the Secretary of State's decision could enable development to be carried out in the future.

The alternative submission makes it necessary to see what work had actually been done. Work on house, No. 25, was begun in January 1976 and part of the house went over the footpath. Two houses, Nos. 20 and 21, were about 18 feet apart and one was on the east of the footpath and the other on the west. The tarmac drives to the garages of these houses were linked or merged and between them covered the line of the footpath over the distance from the pavement to the garages. The footpath crossed the gardens of these houses and also the plots of two further houses, Nos. 34 and 36, which were to the north of Nos. 20 and 21. Although the public could still walk along the footpath line, save that No. 25 encroached over it, the path would be totally isolated from public use when the various plots were fenced.

The house numbered 25, appeared to have been completed externally but inside it had not been decorated. A floorboard 14 feet long was missing and some cupboards had not been completely installed in the kitchen. The houses numbered 20 and 21 also appear to have been completed from the outside but inside neither had been decorated. Radiators and sanitary fittings had not been installed in house, No. 21, and floorboards had not been nailed down in the larder of house, No. 20.



In his report to the Secretary of State the inspector remarked that the footpath had not yet been legally diverted and said:

“For this reason Mr. Woodhead [the builder] is unable to sell the three plots and houses and to complete the development so far as he is concerned and so to enable the buildings to be occupied as dwelling-houses. So long as the public has a right to walk through these plots people are not likely to buy the houses. The development permitted on plan C, away from the line of the path, is also incomplete and cannot be completed until the alternative route is known along which the path will be diverted.”

He went on to say that he considered that it would be unfair to the developer to require him to pull down house, No. 25, (and possibly another house).

An application to stop up or divert a highway may be made with the Secretary of State's consent to a magistrates' court under sections 110 and 111 of the Highways Act 1959.

Part X of the *Town and Country Planning Act 1971* contains provisions for stopping up and diverting highways and provisions for safeguarding the public interest before a final order is made. The considerations governing the making of an order are not precisely the same as those under the Highways Act 1959, although in some situations the order might well be obtainable under the procedure of either Act. The effect of Part X of the *Town and Country Planning Act 1971* is to provide a comprehensive scheme in that Act for the development of land and the consequential interference with highways under the supervision of the Secretary of State. It is tidy and logical and ensures a consistent approach in deciding the merits of conflicting interests.

[1980] 1 WLR 673 at 678

I turn now to consider the construction of section 209. The Secretary of State is empowered to “authorise the stopping up or diversion of any highway.” Stopping up or diversion may refer to the past or the future. The words are as applicable to a highway which has already been diverted as to one which it is intended to divert. I cannot accept the argument that the word “authorise” is inappropriate to something already done. The first meaning in the *Shorter Oxford Dictionary* 3rd ed. (1944) vol. 1, p. 125, for the verb “to authorise” is given as “To set up or acknowledge as authoritative. To give legal force to; to sanction, countenance.” Where “authorise” embodies the idea of future conduct, it is defined in the second meaning in that dictionary. I read section 209 as saying that the Secretary of State may acknowledge as authoritative or give legal force to or sanction the stopping up and, consequently, he may deal with a highway that has been stopped up or one that will be stopped up. Indeed, the above meaning of the word is borne out by section 209 (4), which provides:

“An order may be made under this section authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment.”

The Secretary of State has to be “satisfied that it is necessary to do so.” This means that it is necessary to authorise the stopping up or the diversion. We then come to the words so strongly relied on by the applicants “in order to enable development to be carried out in accordance with planning permission granted under Part III of this Act,” etc. Mr. Payton for the applicants would have us read this as though “carried out” were equivalent to “begun.” I cannot so read it. For something to be carried out it must of course be begun, but bearing in mind the use of the past participle it must also contemplate completion. Section 209 of the Act is not concerned with the possibility of the works being carried out from a physical or practical point of view. It is an enabling section and is concerned to remove what would otherwise be a legal obstacle (not a physical ob-

stacle) to development. In other words, the authorisation has to be necessary in order to enable development to be carried out lawfully. If it has not yet been carried out lawfully, the purpose for which the Secretary of State is given power to “authorise” is still there as the basis for the exercise of that power. Thus far, then, I see nothing in the words of the section themselves to prevent the Secretary of State from authorising an already existing obstruction of the highway caused by development already carried out to completion. Mr. Payton, however, says that Parliament must be taken to have intended to discourage unlawful development and furthermore to deny assistance in any way to a developer who, as he put it, “has jumped the gun.”

The development covered by the section is “development ... in accordance with planning permission granted under Part III” of the Act. It is relevant therefore to see what development may be permitted under Part III. Section 32 (1) reads:

“An application for planning permission may relate to buildings or works constructed or carried out, or a use of land instituted, before the date of the application, whether — (a) the buildings or works were constructed or carried out, ... or (b) the application is for permission to retain the buildings or works, or continue the use of the land, without complying with some condition subject to which a previous planning permission was granted.”

[1980] 1 WLR 673 at 679

Clearly the legislature did envisage the possibility of legalising that which had already been done without permission. There is, however, no reference in section 32 to the obstruction of a highway. As the Act of 1971 envisages authorisation by the Secretary of State for development purposes and provides a comprehensive scheme (as I have already stated), it seems to me illogical that in a particular case where planning permission may be granted, namely under section 32, the Secretary of State should have no power to authorise the stopping up. This would presumably be the case if “to be carried out” made authorisation impossible when the work had already obstructed the highway.

If the construction of section 209 is in any way ambiguous, I would resolve the ambiguity in favour of consistency in the operation of the scheme for every kind of permitted development envisaged by the Act. Developers who act unlawfully would have to be dealt with by the penal provisions applicable to their conduct.

The matter does not stop there, however. Section 32 (2) reads:

“Any power to grant planning permission to develop land under this Act shall include power to grant planning permission for the retention on land of buildings or works constructed or carried out, or for the continuance of a use of land instituted, as mentioned in subsection (1) of this section; and references in this Act to planning permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly.”

The words “and references in this Act to planning permission to develop land or to carry out any development of land,” etc., are of importance. The references are not limited to the sections contained in Part III of the Act. It is true that “applications for such permission” will be made under Part III, but there are references to “planning permission to develop land” and to “the carrying out of any development of land” elsewhere than in Part III. Section 209 refers to “development to be carried out in accordance with planning permission granted under Part III”; that is to say, “planning permission to develop land,” the expression used in section 32. Putting it another way, “planning permission granted under Part III of this Act” (the words of section 209) is “planning permission to develop land.” Consequently, by virtue of section 32 (2), the words in section 209 must be construed to include planning permission for the retention on land of buildings or works constructed or carried out, etc., as mentioned in subsection (1) of section 32. This makes it quite clear to my mind that Parliament cannot be said to have intended that there should be no authorisation when a highway had al-

ready been obstructed or when the development had already been carried out. In other words, it emphasises that what is being applied for is an order to enable development to be carried out lawfully. This must be so because *ex hypothesi* in a case to which section 32 refers, the development has already been carried out on the ground. It is perfectly permissible, consequently, to read section 209 as saying that the Secretary of State may authorise the stopping up of any highway if he is satisfied that it is necessary to do so in order to enable development which has been carried out on the ground to be legalised.

I appreciate that it can be argued that the power of the Secretary of State to authorise development *ex post facto* should be limited to a case where planning permission has been applied for by virtue of section 32

[1980] 1 WLR 673 at 680

itself. However, once one recognises that section 209 can apply to an application under section 32, the future tense as contended for by Mr. Payton cannot be upheld. An argument seeking to limit retrospective authorisation to the section 32 case can only be based on the argument that the developer who “jumps the gun” must be denied the procedure under section 209 if it is conceivably possible to do so. Such an argument really rests on an inferred intention to penalise such a person by forcing upon him the procedure provided by the Highways Act 1959. While the conditions for the exercise of the power to make an order under the Highways Act 1959 are not the same as those contained in the *Town and Country Planning Act 1971*, there are many cases where an order could be made under either Act.

Mr. Payton has contended for the applicants that in this present case the application falls to be dealt with under section 111 of the Highways Act 1959. I do not see that any worthwhile advantage is to be obtained in this way. It is surely better for the Secretary of State who may have to consider the merits of the development permission, to consider at the same time the highway question. Moreover, it does not always follow that the developer is blameworthy. Genuine mistakes can occur. A builder might be prepared to say that he will pull the house down and start again. Why should not the Secretary of State give his authority in such a case? I regard section 209 as saying that if development is of the kind which involves obstruction of a highway, then the Secretary of State can give his authority so that the development can be carried out legally. Until his authority is given development, although carried out on the ground, has not been carried out legally. The Secretary of State is concerned to give legal status to a development of which he approves. He is not concerned to inquire how far, if at all, the work has been done.

I would dismiss this appeal.

GOFF L.J. I much regret that I am unable to accept Eveleigh L.J.'s conclusion that section 209 of the *Town and Country Planning Act 1971* includes power for the Secretary of State to make a completely retrospective order, although on a more restricted construction of the section which I am prepared to adopt, I agree that this appeal should be dismissed.

I feel the force of his argument and I would like to adopt it, or any other process of reasoning which would enable me to arrive at the conclusion that the Secretary of State's powers under section 209 are fully retrospective, since that would avoid the possible anomaly which will arise if (ignoring *de minimis*) an order may be made where the work is nearly finished, although not if it has been completed. It would also protect an innocent wrongdoer, as in *Wood v. Secretary of State for the Environment* (unreported), June 27, 1975, where an order had actually been obtained before work started, but it was void for a technical irregularity and it was assumed that a further order could not be made under section 209 or 210.

However, I am driven to the conclusion that this is not possible in view of the words of futurity “to be carried out” which occur in section 209 (1), and I think this is emphasised by the sharp contrast with the expression in section 32 (1) “constructed or carried out, or a use of land instituted, before the date of the application.”

Moreover, with all respect, I do not think that any anomaly is involved, in that if the work be started without planning permission, the



developer will have to have recourse to section 32, and that contains no provision for authorising work upon the highway. The answer, to my mind, is that if the work has been finished sections 209 and 210 do not apply, whether or not planning permission was obtained before the work was done or started, and if it has not been finished the permission granted would have to be not only under section 32 to retain the work so far done, but also to authorise the rest, and that would bring in sections 209 and 210. I do not see how the planning authority or the Secretary of State can be satisfied that an order is necessary "in order to enable development to be carried out" without ascertaining the factual situation in order to see whether there is in fact any part of the relevant permitted development left to be carried out or whether it has all been completed.

Moreover, one cannot escape this difficulty by holding that in law there has been no development until the work is completed, because development occurs as soon as any work is done, and to say otherwise for the purposes of sections 209 and 210 would be inconsistent with the definition of development in section 22 (1), and with section 23 (1). Any work is a development, even if contrary to planning control see section 87 (2). It cannot be any the less a development because it is unlawful for an entirely extraneous reason, namely, that it is built upon the highway. Nor, I think, can it be said that the planning authority or the Secretary of State has to perform a paper exercise, looking only at the plan and ignoring the facts. This is possibly what the legislature ought to have said, but it has not said it. It would be necessary to do unwarranted violence to the language. One would have to read the section as if it said "to be carried out or remain," or "it is or was necessary."

So I turn to the more limited alternative. Can it be said that if development on the highway has not been completed, then what remains to be done does show that it is necessary to make an order to enable development to be carried out, none the less so because the order will as from its date validate the unlawful exercise?

In my judgment, the answer to that question should be in the affirmative, on the simple ground that what remains to be done cannot be carried out so long as what has already been done remains unlawful and liable to be removed, at all events where the new cannot physically stand alone. It would be a very narrow distinction to draw between that kind of case, for example, building an upper storey or putting on a roof, and a case where what remains to be done can stand alone but is only an adjunct, for example, a garage, of what has to be removed, the house.

If necessary, I would say that any further building on the site of the highway, even although it is physically stopped up by what has been done already, is itself a further obstruction which cannot be carried out without an order.

Much reliance was placed by the applicants on paragraph 1 (2) (c) of Schedule 20 to the *Town and Country Planning Act 1971*, but I do not think that that presents any unsurmountable difficulty. The words "is to be stopped up, diverted or extinguished" clearly refer only to the effect of an order, because the paragraph reads on "by virtue of the order." So it is in no way inconsistent with an order being made to give validity to what remains to be done and indirectly to what has been done in fact but unlawfully. The positioning of the notice is a little more difficult, because the ends or an end of the relevant part of the highway may already have disappeared, but the notice can still be given on the face of whatever

obstruction has been constructed. The general sense of the paragraph is perhaps against my construction, but it is only an administrative provision and certainly does not, in my view, exclude it.

Section 90 (1), which draws a distinction between carrying out and continuing, has caused me some difficulty, but this distinction is not repeated in the final provision in subsection (5) and I do not feel driven by this section from the alternative construction which I have proposed, which is beneficial and which I would adopt.

When it comes to the exercise of discretion, in my view the planning authority or the Secretary of State should disregard the fact that the highway has already been obstructed, for he ought not on the one hand to make an order he otherwise would not have made because the loss to the developer if no order be made would be out of all proportion to the loss to the public occasioned by the making of the order, for that loss the developer has brought upon himself, nor on the other hand should the planning authority or the Secretary of State, in order to punish the developer, refuse to make an order which he otherwise would have made. Punishment for the encroachment, which must in any event be invalid for the period down to the making of the order, is for the criminal law.

I should add finally that Mr. Payton for the applicants made much of the public policy of preserving amenities for ramblers; but in many cases this is not the point, because even if no order be made the developer may well, either before or after development starts, be able to obtain planning consent for revised plans and develop the site, so making the highway no longer a place for a ramble. The relevant considerations will be the desirability (if any) of keeping any substituted way off the estate roads, and the convenience of the way as a short cut, whether or not to a place where one can ramble, and if a diversion is proposed the relative convenience of the old and the new way. whether any different diversion would be better and whether in suitable cases diversion is necessary or whether the way may simply be stopped up.

For these reasons. I agree that this appeal should be dismissed.

STEPHENSON L. J. I am attracted by the construction put by Eveleigh L.J. on section 209 of the *Town and Country Planning Act 1971*, but I agree with Goff L.J. that it does violence to the language of the section and, for the reasons he gives, I cannot accept it.

Sections 209 and 210 require the Secretary of State or the planning authority to be satisfied that to authorise a diversion order is necessary in order to enable development *to be carried out* in accordance with planning permission granted under Part III of the Act. They do not require, or permit, either to be satisfied that it was necessary to authorise a diversion order, or that it is necessary to authorise one *ex post facto*, in order to enable development *to have been carried out*. I cannot give what seem to me reasonably plain words that strained meaning unless it can be confidently inferred from their context or other provisions in the Act that that meaning would express Parliament's intention. And I do not find in any of the provisions of this Act to which we have been referred, including section 32, or in the provisions of the Highways Act 1959, any clear indication that what appears to be a requirement that the Secretary of State or a planning authority should be satisfied on the facts that something cannot be done in the future without a diversion order is

[1980] 1 WLR 673 at 683

intended to be a requirement that the Secretary of State or a planning authority should be satisfied on paper that something done in the past unlawfully needs to be legalised by a diversion order.

I am, however, in agreement with the view that, on the facts of this case, development was still being carried out which necessitated the authorisation of a diversion order at the time when the diversion order was authorised and confirmed. I agree with the deputy judge that on the inspector's findings of fact it was then still necessary to enable a by no means minimal part of the permitted development to be carried out.

In my judgment, development which consists of building operations — and it may be development which consists of change of use, as to which I express no concluded opinion — is a process with a beginning and an end; once it is begun, it continues to be carried out until it is completed or substantially completed. That fact of life may produce the deplorable result that the earlier the developer “jumps the gun” the better his chance of completing the development before the Secretary of State or the planning authority comes to consider whether it is necessary to authorise a diversion order. But it may not save the developer from unpleasant consequences and it does not enable me to attribute to the legislature an intention which it has not expressed.

I agree that the appeal fails.

*Appeal dismissed.*

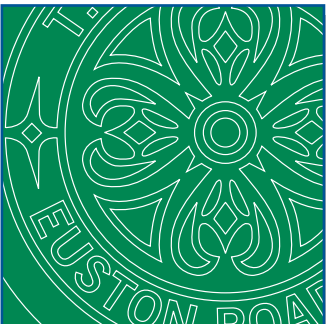
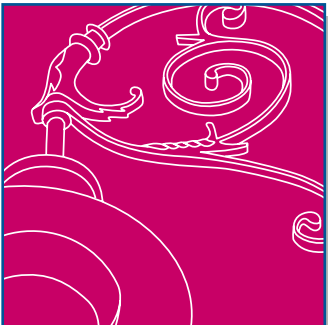
*Secretary of State's costs to be paid by applicants.*

Solicitors: *Franks, Charlesly & Co. for Pearlman Grazin & Co. Leeds: Treasury Solicitor.*

[Reported by MISS HENRIETTA STEINBERG, Barrister-at-Law]



# Streetscape Design Manual



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# Introduction





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## Introduction

- This is the second edition of the Streetscape Design Manual, with many additions and changes made to the first edition, published in November 2000.
- The purpose of this manual is to raise the standard of street works consistently throughout the borough of Camden.
- Not only does the manual set standards for the Council's own street works, but it is also intended as a guide for contractors, developers, public utilities and other private agencies working on Camden streets.



Regent's Canal at Camden Lock

# 0.01 Continued

## Principles

- The six key design principles are:
  - 1 Respecting and enhancing the local streetscape.
  - 2 Using a simplified palette of quality materials.
  - 3 Providing a clutter-free environment on our streets.
  - 4 Enabling equal and inclusive access for all road users.
  - 5 Considered, yet innovative complementary design.
  - 6 Making the street environment safer.

## Aims

- The aims of the Manual are to:
  - 1 Identify an overall image for the borough's streets with respect to the appearance of surfacing materials, street furniture and lighting.
  - 2 Provide a reference guide for the use of standard design details, surfacing materials and street furniture to be used in engineering, traffic management and environmental improvement schemes.
  - 3 Use materials and furniture that are attractive, appropriate to the area, durable, low maintenance and practical.



Tavistock Square railings



## Target Audience

- This second edition of the Streetscape Design Manual is primarily aimed at, and written for officers within the Council, particularly those in,
  - Traffic Engineering
  - Highway Engineering
  - Highways Management
  - Boulevard Project
  - Street Policy
  - Forward Planning
  - Conservation & Urban Design
- Council contractors, private developers and other sections of the Council, including Housing and Leisure, will be encouraged to adopt the Manual.
- Other interested parties will include local groups, particularly conservation, transport and disability groups.



Waiting for the bus in Kilburn High Road

# Chapters of the Manual

## Chapter 1: Local Character

### 1.01 to 1.09

This chapter discusses the importance of local character distinctiveness and briefly describes some elements of the streetscape that have a crucial role in maintaining and enhancing this, including historic, listed and modern sympathetic styles, and street trees. Camden's conservation areas are also outlined, including advice on how to refer to and use the Conservation Area Statements in designing new schemes.

## Chapter 2: Carriageway Details

### 2.01 to 2.09

This chapter covers design options for the carriageway, including layouts, traffic calming, crossings and carriageway markings. It also contains information on subjects that need more attention paid to them, such as drainage and materials. This section is intended to complement the Highway Works Contract and TSR&GD 2002, by providing clarity on preferred designs where variation is allowed.



Zebra crossing on Hampstead High Street

## Chapter 3: Footway Details

### 3.01 to 3.10

This chapter gives details on the main paving and kerb options including traditional and modern materials, as well as Boulevard specifications. Footway adaptations for the visually impaired and other mobility impairments are also described in detail, complementing government guidelines on tactile paving and implications of the DDA 1995.

## Chapter 4: Street Furniture

### 4.01 to 4.17

This chapter provides information on major items of street furniture and states preferred designs, colours and positions within the footway and carriageway. With the overarching aim of the manual being to reduce 'visual' street clutter, careful amalgamation, coordination and positioning of street furniture plays a major role in achieving this objective as well as reducing the 'palette' of materials in the street.



Bus shelter neatly positioned at back of footway



# 0.04

## How to 'read' the Manual

- Following extensive consultation with officers and external interest groups, the style of the Manual has fundamentally changed.
- Clearer indexing, extensive cross-referencing and a more direct, instructive style has been adopted to reflect the growing desire for a 'quick reference' manual.
- The Manual is designed to complement other existing guidance and regulatory documents, filling in the 'gaps' where necessary, particularly if Camden has a preferred design within permitted variances.
- As Camden streets vary enormously, 'hard and fast' rules are very difficult to make. The language of the document reflects this and should be read carefully. A brief explanation of the main words of 'positive instruction', are given below. (The reverse statements can also be deduced from the explanations.)



Wooden bench on the Jubilee Walk

**“...must...” or “...is required...”**

A design principle has to be followed ‘to the letter’. Exceptional circumstances are likely to require specific dispensations from Camden Management or Central Government.

**“...should...”**

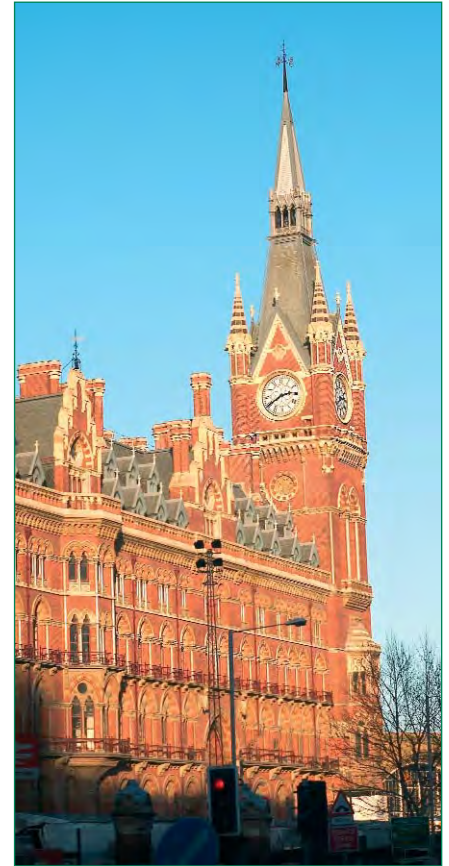
A design principle should be followed, as a matter of course. Variance can be argued, but should only be considered if the design principle conflicts with other requirements or preferences.

**“...is preferred...”**

A preferred design principle has been agreed within Camden and should be followed in most circumstances. Variation is allowed but not generally supported. Advice should be sought from senior management.

**“...encouraged...” or “...can be used...”**

A design principle that should be considered and used wherever possible, but does not have to be followed in every circumstance. This includes principles that may be difficult to implement today, but should be borne in mind for future projects.



St Pancras Station

# 0.05

## Quality through Coordination

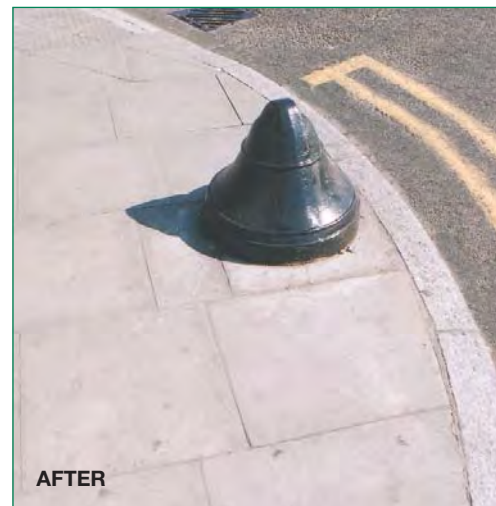
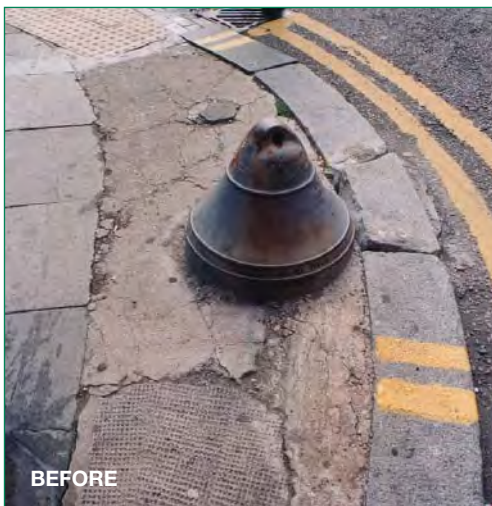
- Camden has a rich and varied character. It ranges from the ordered, Georgian town-planning of Bloomsbury's grand squares, to the vibrant street life of Camden Town and the canal, to the intimate scale of Hampstead and Highgate, reflecting their village origins.
- Despite this variety, the basic form and function that streets and pavements must fulfil across the borough is similar.
  - To provide safe, direct and pleasant access for pedestrians, particularly for those with a disability, limited mobility and balance.
  - To provide safe, consistent routes for a variety of road users including cyclists, buses and vehicular traffic.
  - Using durable, cost-effective materials that are easy to clean and maintain.
  - Keeping consistency and compliance with various national highway regulations and standards.
- It is not only the quality of individual components but also their coordinated arrangement that creates a good streetscape.
- Simple designs are usually best, with furniture aligned and positioned consistently, so it not only looks good, but is safe and easy to use and maintain.
- "Bunching" of street furniture, or combining street furniture functions should be considered to maximise 'usable' footway width. For example, place litterbins next to guardrail, or try to combine CCTV cameras with lighting.



High pressure washing of Boulevard footway



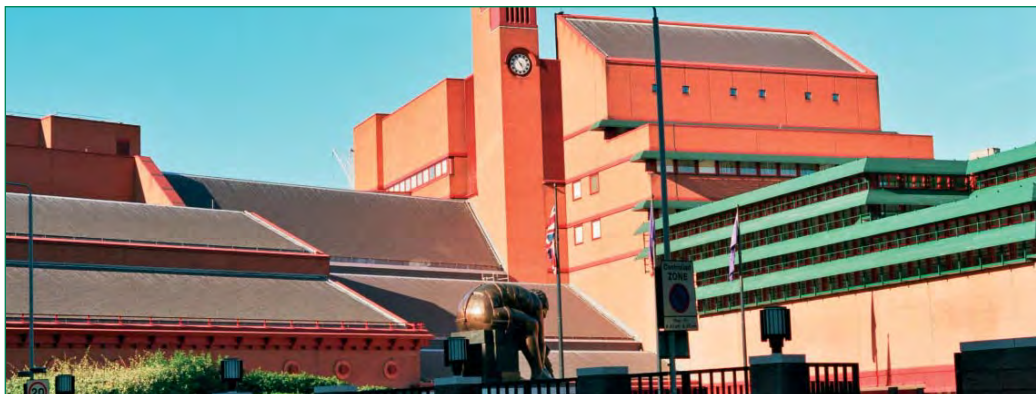
- As many different agencies use or control different elements of the highway and street furniture (e.g. Royal Mail post boxes), coordination can be difficult. To overcome these problems, identify and contact the various owners or ‘controllers’ at the earliest possible stage in a project.
- Coordination with other council services is also crucial; for instance consider and design for the cleansing regime of a street when altering footway widths.
- When designing a scheme, consider removing, ‘tidying up’ and fixing any broken or ‘mismatching’ street furniture, road or footway surface in the near vicinity of the project, so that the new scheme blends in well with the surrounding area.



Boulevard improvements in England's Lane

## Recording Decisions

- There are always conflicting demands when designing the streetscape. Some are obvious, while others are not. Laws and regulations support some considerations, while others rely solely on published guidelines or clear (or potential) user demand.
- When designing a scheme, the designer (e.g. engineer, planner, or architect) will have to make difficult decisions, weighing each demand against another. The designer will *never* satisfy all demands, though the result must be professionally sound and safe for all.
- It is crucial that a 'paper trail' or electronic record is kept of the decision-making process, so that it can be shown that the various conflicts have been considered as part of the design process, and *why* the final design was chosen.
- Some of the major demands to consider are:
  - Volume of users
  - Different modes of transport
  - Disability access
  - Ease of use
  - Safety and relative vulnerability
  - Aesthetics
  - Space allocation
- This list is not exhaustive but should provide a basis for the design records of a project.
- A safety audit should be carried out for engineering schemes. If there are elements of a scheme design that do not pass the safety audit but are considered important to keep, the reasons for doing so should be carefully recorded.
- In the worst case, the paper trail may be needed in a court of law, but can also help officers make difficult decisions, e.g. When 'ease of use' and improving aesthetics challenge traditional safety considerations, in the use of guardrail at a new crossing.



The British Library

## Boulevard Project

- The Boulevard Project is aimed at delivering a key target in the Council's Community Strategy:
- “By 2005, the Council will make streets in Camden more attractive through better **cleaning, design, enforcement and lighting**. It will upgrade roads and pavements and keep them in a good state of repair”.
- The Streetscape Design Manual and the Boulevard Project are integrally linked, with the manual describing all *physical alterations* to a street when it is ‘boulevarded’. However, operational changes within the Boulevard Project are not detailed.
- The Boulevard Project operates on a *street-by-street* basis, tackling paving specifications, street furniture, lighting and signs and lines.
- The Streetscape Design Manual outlines this work and encourages the same high standards to be achieved as part of *all other highway works* within the borough, notwithstanding financial constraints in doing so.
- Although there are many common aims of the Boulevard Project and the Streetscape Design Manual (such as reducing street clutter), the most important step-change within Boulevard is the introduction of new paving and sub-base that can withstand a *continental-style cleansing regime*, i.e. high-pressure washing using purpose-built machines.
- As it is intended that, eventually, this street-cleansing regime will be used across the borough, new street works should be completed with Boulevard standard paving, wherever possible.



Boulevard standard concrete paving



## Disability Discrimination Act (DDA) 1995

- The Disability Discrimination Act (DDA) came into partial operation in 1995, and became fully operational in October 2004.
- The implications of the Act are far reaching for every aspect of our lives, not least in our street environment.
- In essence, the Act intends to make the street environment *consistently accessible to all* – it will benefit many people (not just the disabled), including people with children, the elderly, etc.
- Every endeavour must be made to ensure that the street environment complies with the Act; failure to do so will amount to exclusion and discrimination, putting some users' safety at a greater risk and thereby possibly making the Council open to prosecution under the terms of the Act.
- In summary, the Council's main duties under the DDA 1995 are to provide access for all, by:
  - Changing policies, practices and procedures.
  - Overcoming physical features by either *removing* the feature, *altering* it or *avoiding* it.
  - Or to *provide services by alternative means*.
- The Act affects all street works, not just present and future construction, but also all existing features of the street.
- This manual cannot provide definitive information on how the DDA affects every aspect of the street environment; further advice may need to be taken in certain circumstances.
- However, significant changes in working practices, attributable to the operation of the Act, are noted throughout the manual.

- In some situations, there will be financial difficulties in providing full accessibility within generally accepted 'aesthetic parameters'.
- However, it is fully recognised that there will be situations where no 'compromise' can be reasonably reached, regardless of cost. In these cases, officers must consider the *possible* legal implications of the Act, which may overrule all other considerations.
- All types of disability should be considered, though bear in mind that improving accessibility for one person may adversely affect another person(s) with a different disability – one type of disability should not be considered more important than another.
- However, difficult decisions will have to be made by officers as to how to provide the greatest *overall* access while not excluding some people altogether.
- In these situations, as with all conflicting demands, the decision-making process must be carefully recorded. See section 0.06.



A wheelchair user in Camden

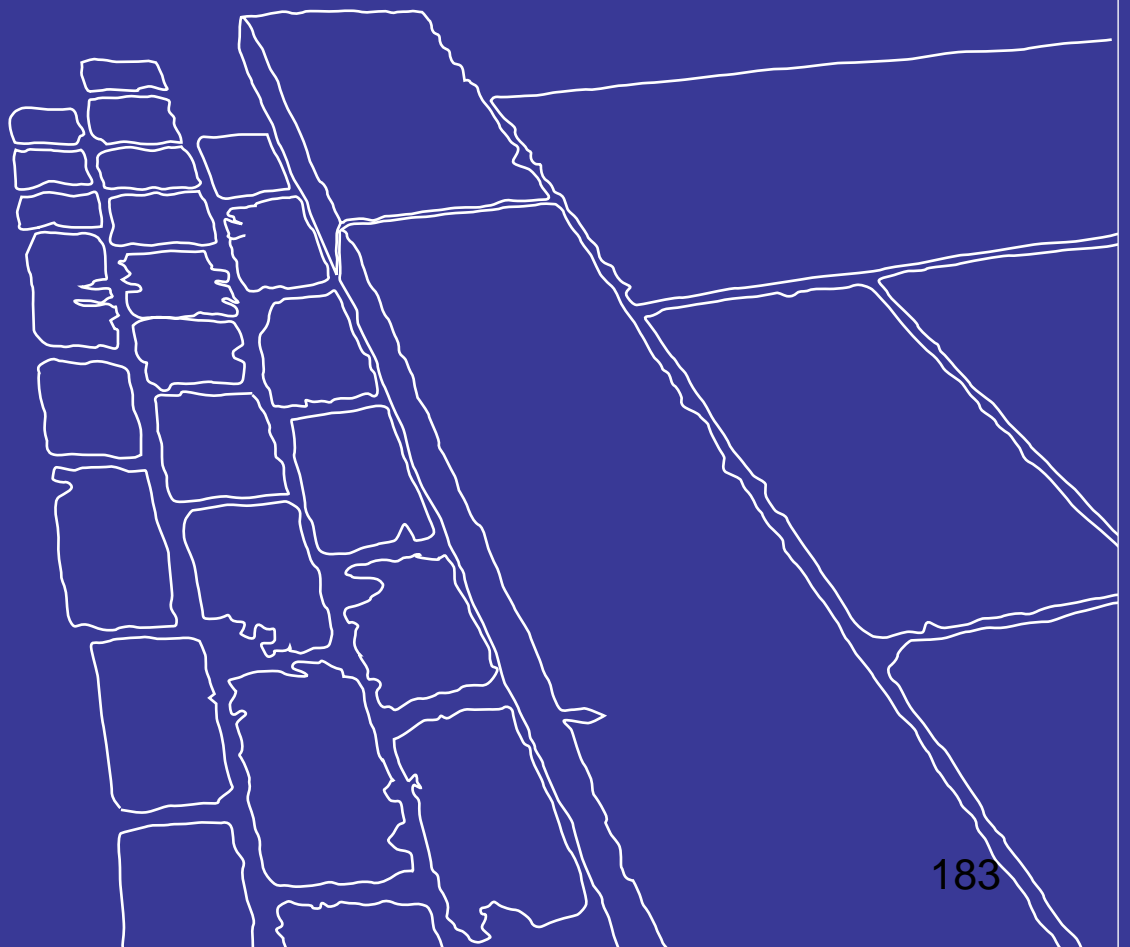
# Notes and Amendments



# Acronyms & Abbreviations

|                        |  |
|------------------------|--|
| <b>BS</b>              | British Standards  |
| <b>CABE</b>            | Commission for Architecture & the Built Environment      |
| <b>CBR</b>             | Californian Bearing Ratio                                |
| <b>CCTV</b>            | Closed Circuit Television                                |
| <b>CPZ</b>             | Controlled Parking Zone                                  |
| <b>DBM</b>             | Dense Bitumen Macadam                                    |
| <b>DDA 1995</b>        | Disability Discrimination Act 1995                       |
| <b>DETR</b>            | Dept of Environment, Transport and the Regions (now DfT) |
| <b>DfT</b>             | Department for Transport                                 |
| <b>DTO</b>             | Directorate of Traffic Operations                        |
| <b>HGV</b>             | Heavy Goods Vehicle                                      |
| <b>HRA</b>             | Hot Rolled Asphalt                                       |
| <b>IEE</b>             | Institute of Electrical Engineers                        |
| <b>IGP</b>             | Illuminated Guide Posts                                  |
| <b>ILE</b>             | Institute of Lighting Engineers                          |
| <b>LBI</b>             | London Bus Initiative                                    |
| <b>LCN+</b>            | London Cycle Network Plus                                |
| <b>MaGic</b>           | <i>Camden's geographical information system</i>          |
| <b>MA</b>              | Mastic Asphalt   |
| <b>NJUG</b>            | National Joint Utilities Group                           |
| <b>NRSWA</b>           | New Roads and Street Works Act                           |
| <b>PEV</b>             | Personal Electric Vehicle                                |
| <b>SON</b>             | <i>High-pressure sodium</i>                              |
| <b>SOX</b>             | <i>Low-pressure sodium</i>                               |
| <b>TAL</b>             | Traffic Advisory Leaflet                                 |
| <b>TCSU</b>            | Traffic Control Systems Unit (now DTO, see above)        |
| <b>TfL</b>             | Transport for London                                     |
| <b>TLRN</b>            | Transport for London Road Network                        |
| <b>TSR&amp;GD 2002</b> | Traffic Signs, Regulations and General Directions 2002   |
| <b>TSS</b>             | Traffic Signals Section                                  |
| <b>UDP</b>             | Unitary Development Plan                                 |
| <b>UTC</b>             | Urban Traffic Control                                    |

# Footway Details



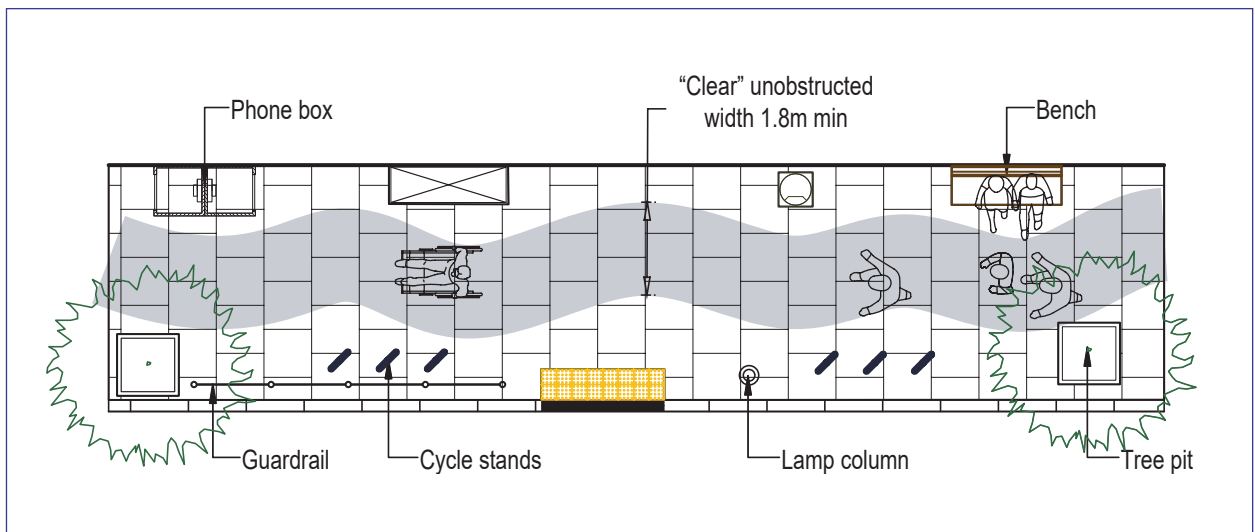
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- 3.10** Footway Crossovers



## Footway Widths

- Footway widths vary historically. There are, however, guidelines for maintaining 'clear footway' widths for different volumes of pedestrian traffic.
- 'Clear footway' is *not* the distance from kerb to boundary wall, but the *unobstructed* pathway width within the footway.
  - 1.8 metres - minimum width needed for two adults passing.
  - 3 metres - minimum width for a busy pedestrian street, though greater widths are usually required.
- Keeping the footway width *visually* free of street furniture is also important, allowing clear sightlines along the street. Combining or 'bunching' of street furniture can help achieve this.
- When given the opportunity to re-design footway width, try to predict *peak* pedestrian flow on each section and design accordingly. For instance, near school entrances, peak flow will be very high at certain times of the day, requiring wider footways in the near vicinity.



Considerations for maximising 'clear' footway width

## 3.01 Continued

### Reducing Clutter

- Footway obstructions are numerous and varied – some can be remedied quickly, while others require detailed consideration before removal or relocation can be approved.
- Some pavement obstructions are a permanent feature of the street, required by traffic law or current safety considerations.
- **Short-term obstructions:**
  - *Overhanging foliage* from private properties – refer problem to Street Environment Services.
  - *Overspilling street traders, A-boards* – refer problem to Enforcement Team (Street Environment Services).
- **Longer-term obstructions/ other street furniture:**
  - *Trees* section 1.09
  - *Traffic signs* section 4.01
  - *Sign posts* section 4.02/03/04
  - *Guardrail* section 4.09
  - *Bollards* section 4.10
  - *Cycle parking* section 4.11
  - *Bus shelters* section 4.12
  - *Litterbins* section 4.16
  - *Recycling bins* section 4.17
  - *Telephones* contact Highways Management for utility company details.
  - *Postboxes* contact Highways Management, Forward Planning and the Post Office.



Bunched street furniture on Gray's Inn Road



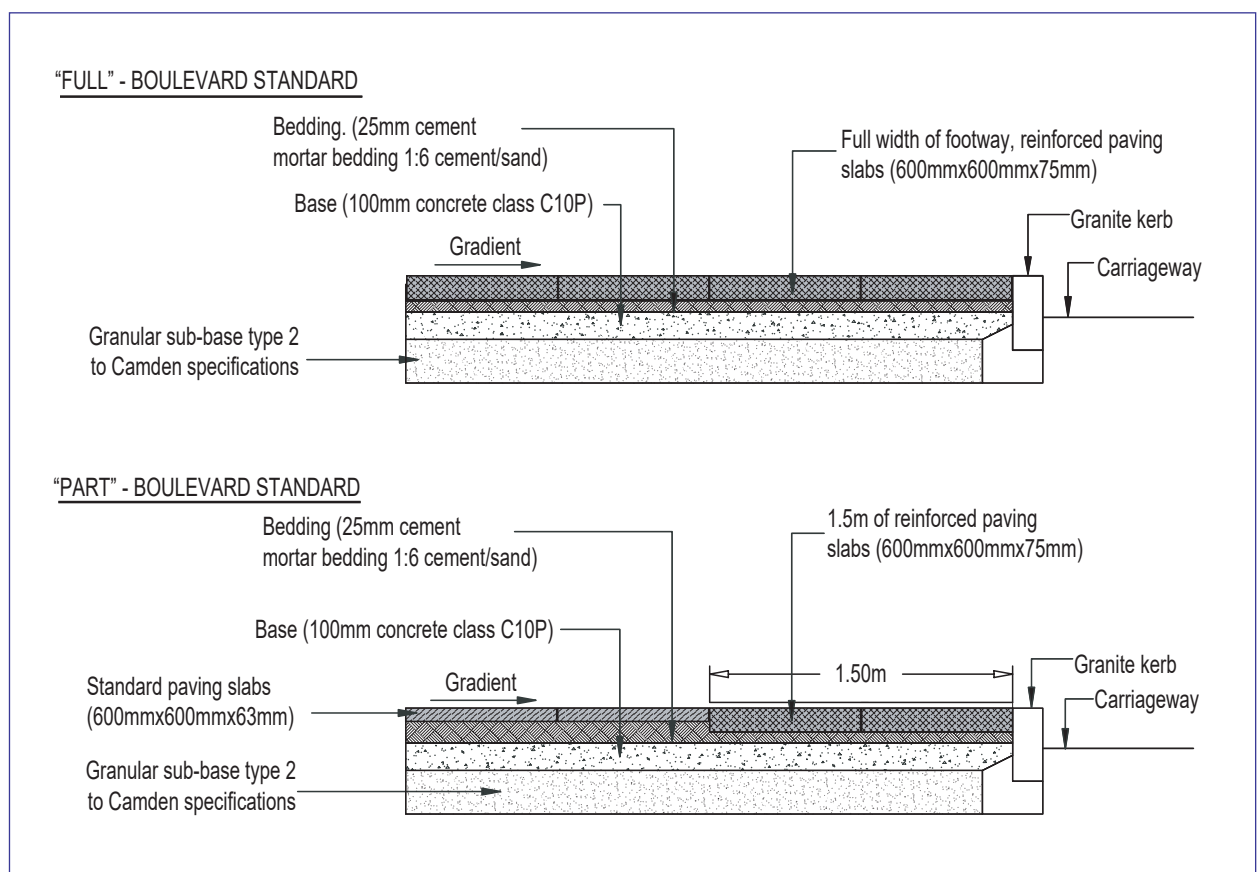
A-boards licensed to be on the footway

## Concrete Paving and Boulevard Standard

- Concrete slab paving is a cost effective, practical alternative to natural stone paving.
- It provides a uniform 'uncluttered' appearance, with a durable surface and is easy to clean and maintain.
- Reinforced concrete paving is thicker than standard concrete paving, but has the same appearance.
- Concrete paving is required for all 'Boulevard' streets, likely to be subject to 'continental-style cleansing' in the near future. For more details on the Boulevard Project see section 0.07.
- The full width of the footway must be laid with reinforced concrete paving to reach 'Boulevard' standard.
- Only 'part-Boulevard' standard is reached when strengthening 1.5m from the kerb. This can be done to protect footways likely to be overrun by heavy vehicles.



Boulevard paving laid with 150mm staggered bond



Boulevard paving construction



## 3.02 Continued

### Slab options

- ‘Marshall’ Liverpool natural re-enforced slabs or an equivalent product are commonly used.
- **Slab size options:**
  - Reinforced paving: 600 x 600 x 75mm  
450 x 600 x 75mm
  - Standard paving: 900 x 600 x 63mm  
750 x 600 x 63mm  
600 x 600 x 63mm
- Larger sizes can be used outside nationally important buildings (900 x 600 x 63mm).
- Small element paving (400 x 400mm) and tegular block paving must not be used and should be replaced whenever possible.
- (At time of writing, trials are taking place using ‘fibre mesh’ reinforced slabs, with slab thickness of 63mm. If successful, this product may facilitate the use of larger slab sizes in the Boulevard programme).

### Laying

- All paving (including kerbside strengthening) must be laid in a 150mm staggered bond, transverse (90°) to the kerb line.
- For all ‘Boulevard’ streets, slabs are to be butt jointed with a concrete base beneath cement mortar bedding.
- No slabs should be cut to less than 300mm wide or splay cut, until approved by the lead officer, except where abutting street furniture.
- Careful attention must be paid to cutting slabs around street furniture to leave a neat finish.

### Other considerations

- As opportunity arises, reinforced paving should be laid in all major commercial streets for aesthetic improvements and to enable ‘continental-style cleansing’.
- Good reinstatement by utility companies is essential to maintain level and unbroken paving. Compliance with NRSWA standards must be enforced to ensure settlement does not affect paving. Use of fully consolidated material (e.g. lean mix concrete) will reduce the adverse effects of settling.



Boulevard paving on a busy commercial street



Careful attention to cutting slabs around street furniture

## York Stone

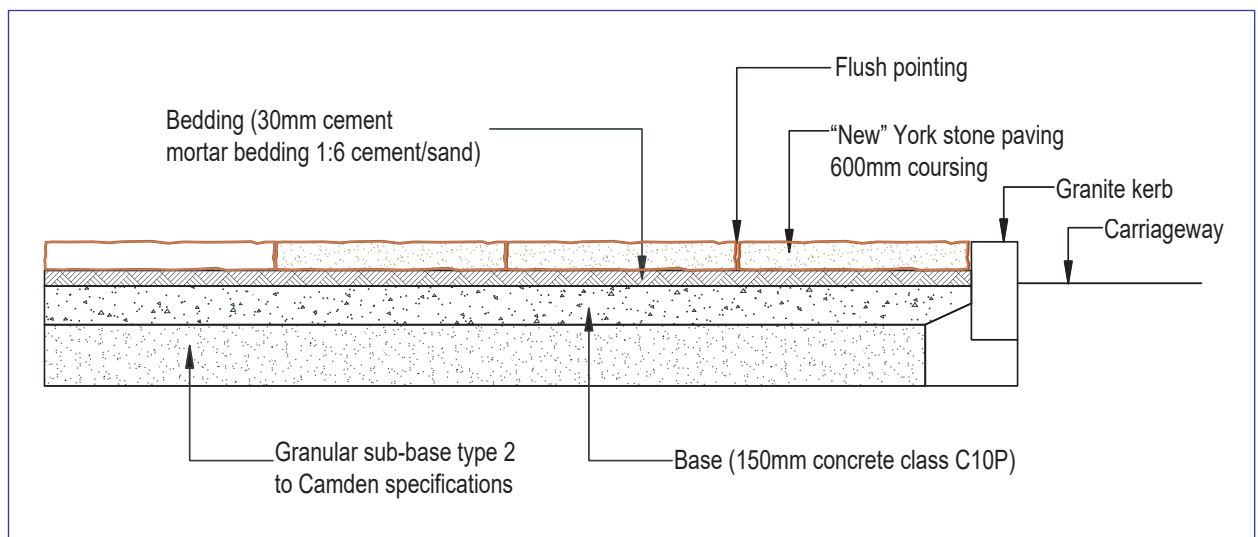
- York stone is the original material used in Camden's footways. It is aesthetically pleasing, but costly.
- 'Old' York stone (from the same site) can be re-laid in situ, with particular care taken on producing neat flush pointing of no more than 10-15mm.
- Second-hand York stone can only be used with the approval of the engineer.
- 'New' York stone should have sawn-cut edges with flush pointing to create a smooth finish.
- Try to match local precedence (in colour, material finish and bonding) when approving samples of 'new' York stone.
- Generally, coloured variations are preferable to bland, consistent colour.
- Coursing of 600mm should be used, laid 90° to the kerb with random slab lengths used to create random bonds.



Old York stone re-laid with flush pointing



New York stone in Argyle Walk



New York stone paving construction

## 3.04

### Bituminous Surfaces

- Bituminous (or “black top”) footway surfaces are the quickest paving option. It provides a smooth surface when first laid, but suffers badly in appearance, if continually dug up by utility companies.
- There are three types of bituminous material used in Camden:
  - 1 Mastic asphalt (MA)
  - 2 Fine graded bitumen macadam wearing course
  - 3 Rolled asphalt sand carpet wearing course, 25mm (HRA)
- Asphalt surfacing can be considered where there is a shallow construction depth or where there are cellars under the footway.
- See the Highway Works Contract for construction specification.



New bituminous footway on Regent's Park Road



## Granite Setts

- Granite setts can be used in certain locations to delineate an area, such as on level loading bays or drainage channels in footway build-outs.
- They can also be used to change surface texture in the carriageway such as on the ramps of raised entry treatments (see section 2.05) or areas where walking is discouraged.
- A flush surface must be achieved where people are likely to walk on the granite setts, using a fine picked finish with flush pointing.
- Cropped granite setts can be used in the carriageway as a slight traffic calming effect, as well as in areas where walking is discouraged.
- Choose granite sett colours by following local precedent.
- Traditionally, granite setts have been laid in random sizes and coursing.
- The use of random sized reclaimed setts is preferred.
- For new setts, the most common size is 200 x 100 x 100mm, laid with a half bond.
- Cubed setts (100 x 100 x 100mm) can be used to match local use.
- See the Highway Works Contract for construction specification.



Flush, fine picked granite setts suitable for walking



New cropped granite setts



Old granite setts in Daleham Mews



Setts in level loading bay in Chalk Farm Road

## 3.06

### Granite Kerbs

- Granite kerbs have traditionally been used in Camden, with different arrangements found across the borough.
- Existing granite kerbs should be retained wherever possible, with the size of new kerbs chosen to match local precedent.
- Standard sizes for new build are:
  - 300 x 200mm
  - 150 x 300mm
- Kerb length will vary from 900 to 1200mm.
- Traditionally, granite setts were placed alongside kerbs to form a drainage channel. Wherever found, the setts should be cleaned and maintained.
- Refer to Highway Works Contract for more detail.

#### Flat Kerb

- 300 x 200mm standard kerb arrangement, with 125mm upstand.

#### Edge Kerb

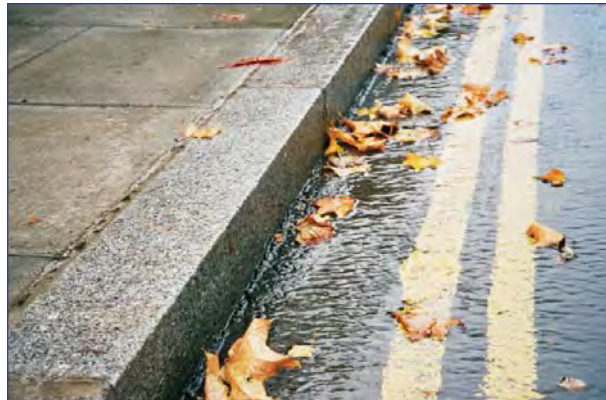
- Where a higher upstand (or a narrower kerb width) is required, a 150 x 300mm granite kerb can be used.
- Standard upstand: 125mm.
- Maximum upstand: 200mm.

#### Double Granite Kerb

- Double kerbs have been used where the footway is considerably higher than the carriageway, and are effective in preventing vehicles mounting the footway.



Flat kerb with drainage channel made of granite setts



Edge kerb in Haverstock Hill



Double granite kerb with drainage channel

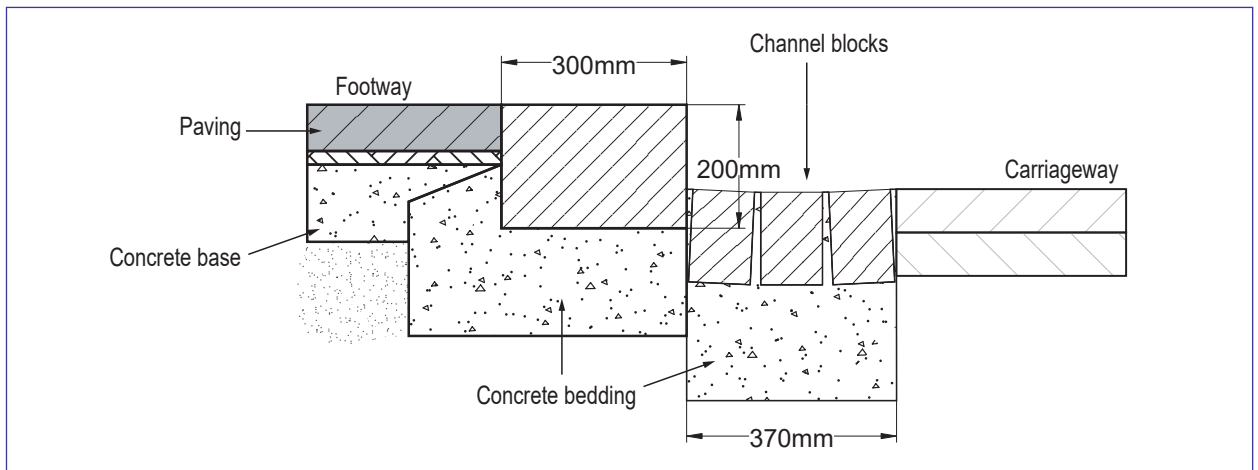


### Granite Slabs at Cellar Flap

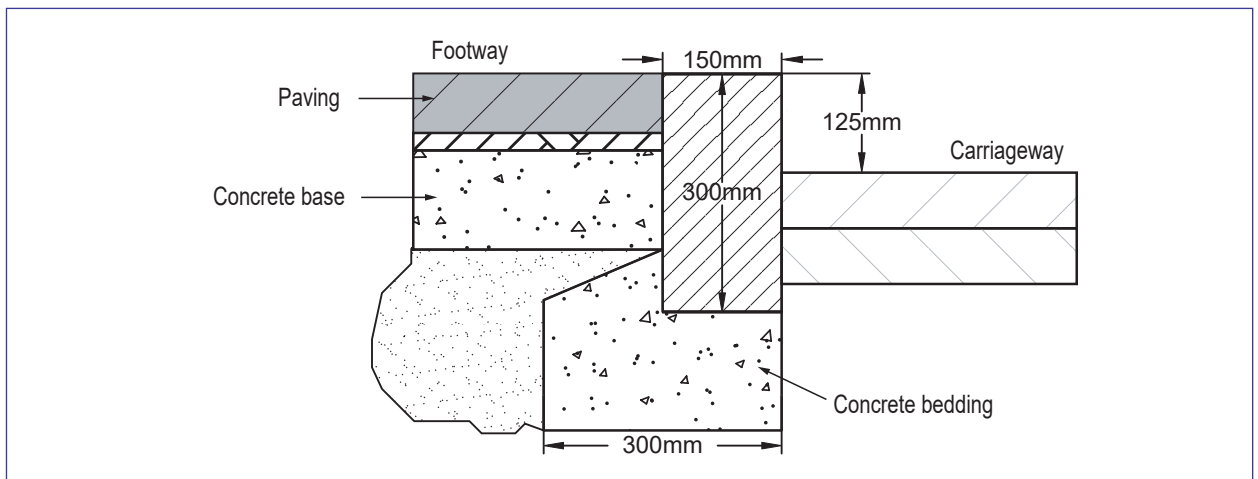
- 'Granite landing slabs' or 'barrel runs' form the original hardwearing paving outside pub cellar doors. Granite setts were also commonly used. If uneven, re-lay slabs or setts to fit with paving either side. If slabs are broken, replace using granite kerbs, to maintain a good walking surface.
- Lay slabs or granite kerbs on a cement mortar bed on top of a concrete sub-base. Finish with flush or struck jointing.



Granite setts laid in front of a cellar flap



Depth construction of flat kerb



Depth construction of edge kerb



# 3.07

## Tactile Paving

- Tactile (or blister) paving is intended to warn and inform, blind and partially sighted people of the existence of a crossing point.
- Tactile paving must be laid at every controlled and uncontrolled crossing point, as well as areas where the carriageway has been raised to the same level of the pavement.
- Refer to the DETR 'Guidance on the use of Tactile Paving Surfaces 1998', for clarification on details in the installation of tactile paving.
- Use of 400 x 400mm tactile paving is preferred. However, where persistent kerb overrun is evident, 200 x 100mm modular blocks can be used for easier maintenance.
- At all crossings, the tactile surface must be laid 'in line' with the angle of the crossing, *not* 'in line' with the kerb line. See DETR Guidance for more detail.
- Different colours of tactile (or 'blister') paving area used at different crossing points to help visually impaired distinguish between crossing types.



Continuity of tactile paving maintained through inset inspection cover



Red tactile paving with stem at controlled crossing

### Controlled Crossings

- i.e. Light controlled and zebra crossings:
  - Red tactile, full width of dropped kerb.
  - At crossing in-line with pedestrian flow – 1200mm depth of tactile with stem back to a point in line with the buildings.
  - At inset crossing ('off to the side' of pedestrian flow) – 800mm depth of tactile with stem back to building/pavement edge.

### Uncontrolled Crossings

- e.g. Side road junctions, raised crossings, 'access road' crossovers, signal junctions without pedestrian phases:
  - Buff or dark grey tactile (whichever provides the greatest contrast to surrounding paving) full width of dropped kerb.
  - At crossing in-line with pedestrian flow – 1200mm depth of tactile. Tactile stem not required.
  - At inset crossing ('off to the side' of pedestrian flow) – 400mm width of tactile. Tactile stem not required.
- See DETR Guidance for situations with overlapping crossings, pedestrian refuges and pedestrian islands. Also see section 2.06 (Pedestrian Refuges).
- Where tactile paving is 'interrupted' by an inspection cover, an inset cover must be installed with tactile paving laid in the same direction. See section 3.09 (Inset Inspection Covers) for more details.



Buff tactile paving at an uncontrolled crossing, on a raised entry treatment

### White Kerb Edge at Crossing Points

- At dropped kerbs and raised crossings, the granite kerb edge should be removed and replaced with a pre-cast flat concrete channel and covered with a white marking ('Stamark') or similar approved.
- Concrete blocks can be used around radii, which must be screeded with concrete for a smooth finish prior to laying 'Stamark'.

# 3.08

## Dropped Kerbs

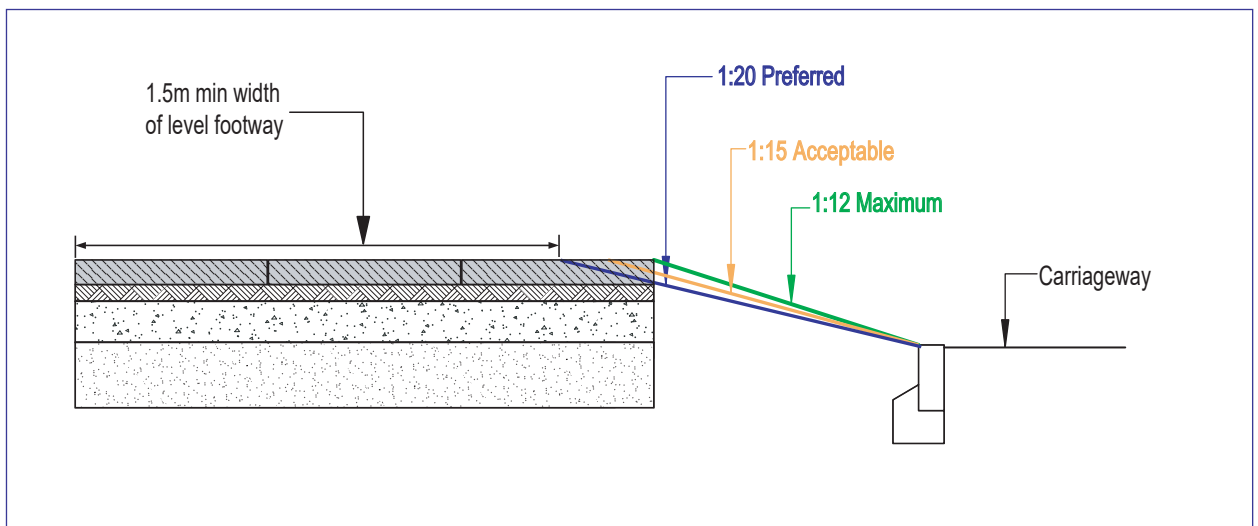
- Providing dropped kerbs at crossing points (controlled and uncontrolled) helps pedestrians cross the road, including wheelchair users, elderly and infirm as well as people with buggies and suitcases. Dropped kerbs should also be added at the rear of a disabled bay for wheelchair access from the road.
- The DDA1995 requires the Council to endeavour to install or alter dropped kerbs at every crossing point, such that gradients are as shallow as possible. A shallow gradient is better for all users, not just for the disabled and infirm.
  - 1:20 gradient is preferred, if pavement width allows;
  - 1:15 gradient is acceptable;
  - 1:12 gradient should only be used in exceptional circumstances.
- If a pavement is so narrow that even a 1:12 gradient is not possible (while leaving a 1.5m level footway), then an alternative 'route' or solution must be identified. If necessary, the full width of the pavement could be lowered, with the ramps stretching 'along' the footway.
- Dangerously steep dropped kerbs must not be installed, and existing steep ones removed.
- Dropped kerbs should have an absolute minimum width of 1.2m.
- Tactile paving must be added at all crossing points and busy 'access road' crossovers. However, it must not be added to a dropped kerb required for disabled bay access or at most footway crossovers.



Details of dropped kerbing in John St



- Close attention should be paid to pavement materials surrounding dropped kerbs. The same paving material should be used in creating the dropped kerb as found in the footway.
- Concrete-block paving should be avoided and only used at very difficult sites. Colours should match the paving slabs.



Options for dropped kerb gradient

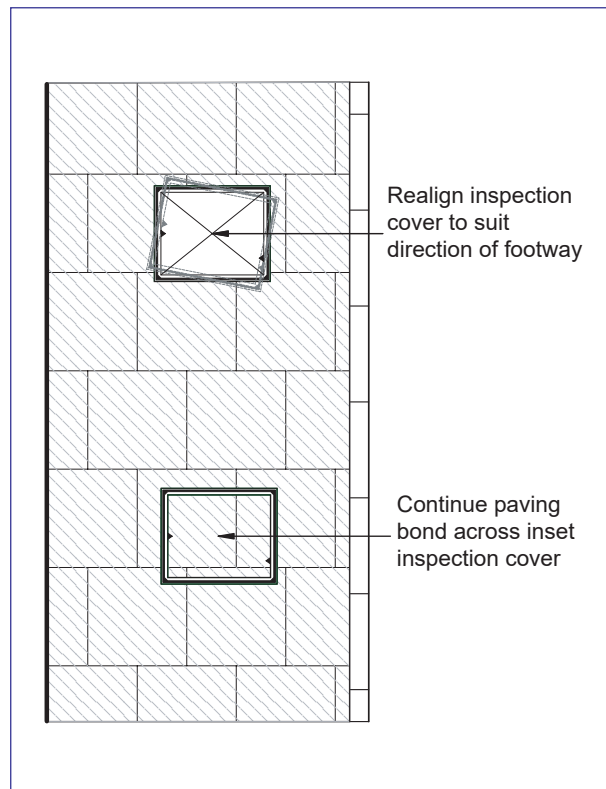
# 3.09

## Inset Inspection Covers

- Inspection covers are installed by utility companies to access underground services. They remain the property of the utility company.
- Utility companies should be encouraged to lay new inspection covers aligned parallel to the kerb. Inspection covers that are less than 5° out of alignment can and should be reset on their existing chamber wall.
- Inspection covers visually disrupt a paved area. Inset covers should be used to create a continual paved surface, where funds permit.
- Utility companies must be informed if covers are changed to inset covers. Contact details are available from Highways Management.
- Inset covers must be used where an inspection cover disrupts the continuity of tactile surfacing, and other paving near crossing points.
- To maintain a continuous appearance, paving bonds should be continued within the inset cover.
- All paving to be dressed into ironwork should have joints and fillets of, ideally, no more than 10mm, or as narrow as any flange surrounding the ironwork permits. Consider chamfering the underside edge of the paving slab to position slab closer to inspection cover.
- Inset inspection covers must be marked to identify the relevant utility company.
- Liability issues surrounding the use of inset covers are currently under review and subject to change.



Inset inspection cover showing careful alignment of paving bonds



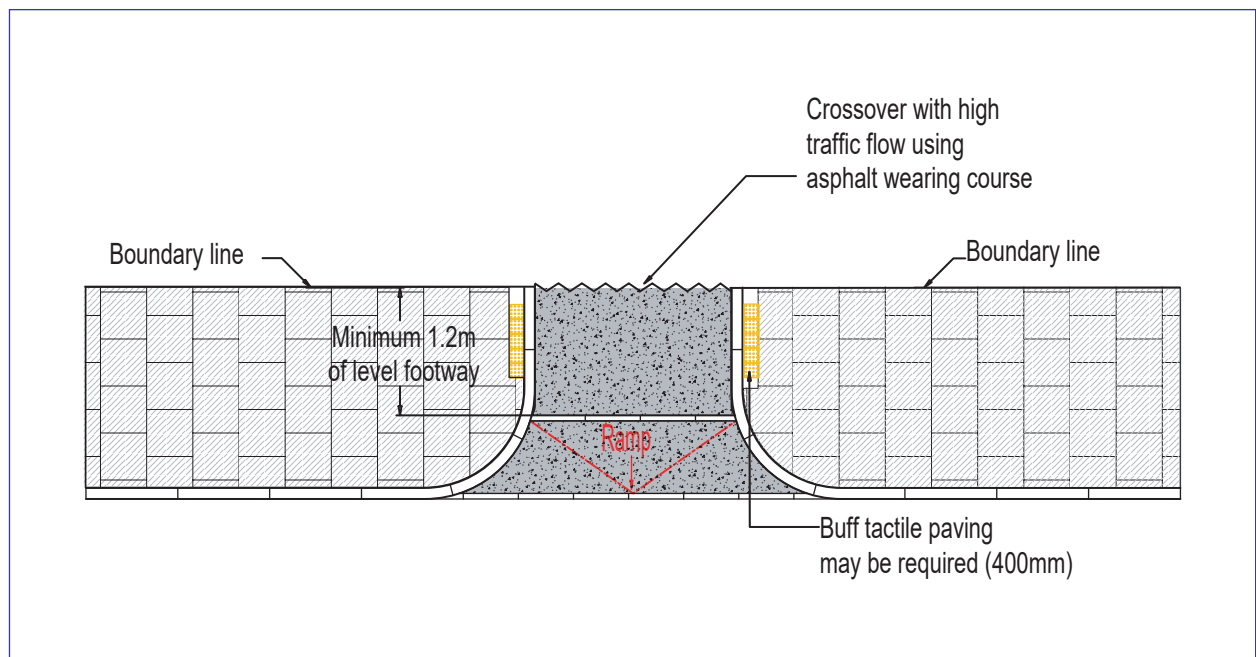
Alignment and fill of inspection covers

## Footway Crossovers

- Vehicular footway crossovers are provided to enable vehicular access to developments and residential off-street parking.
- At least 1.2m width of *level* footway must be retained.
- Footway materials at crossovers should be consistent with the surrounding pavement to maintain a seamless appearance. For example, using strengthened paving slabs of the same size, material finish and coursing as the adjacent footway slabs.
- Crossovers with high traffic flows or heavy vehicles may require a different surface material such as an asphalt wearing course, on a base designed to full carriageway depth with radii kerbs. Tactile paving is usually necessary either side of this type of crossover.



Level footway maintained at crossover with continuous paving

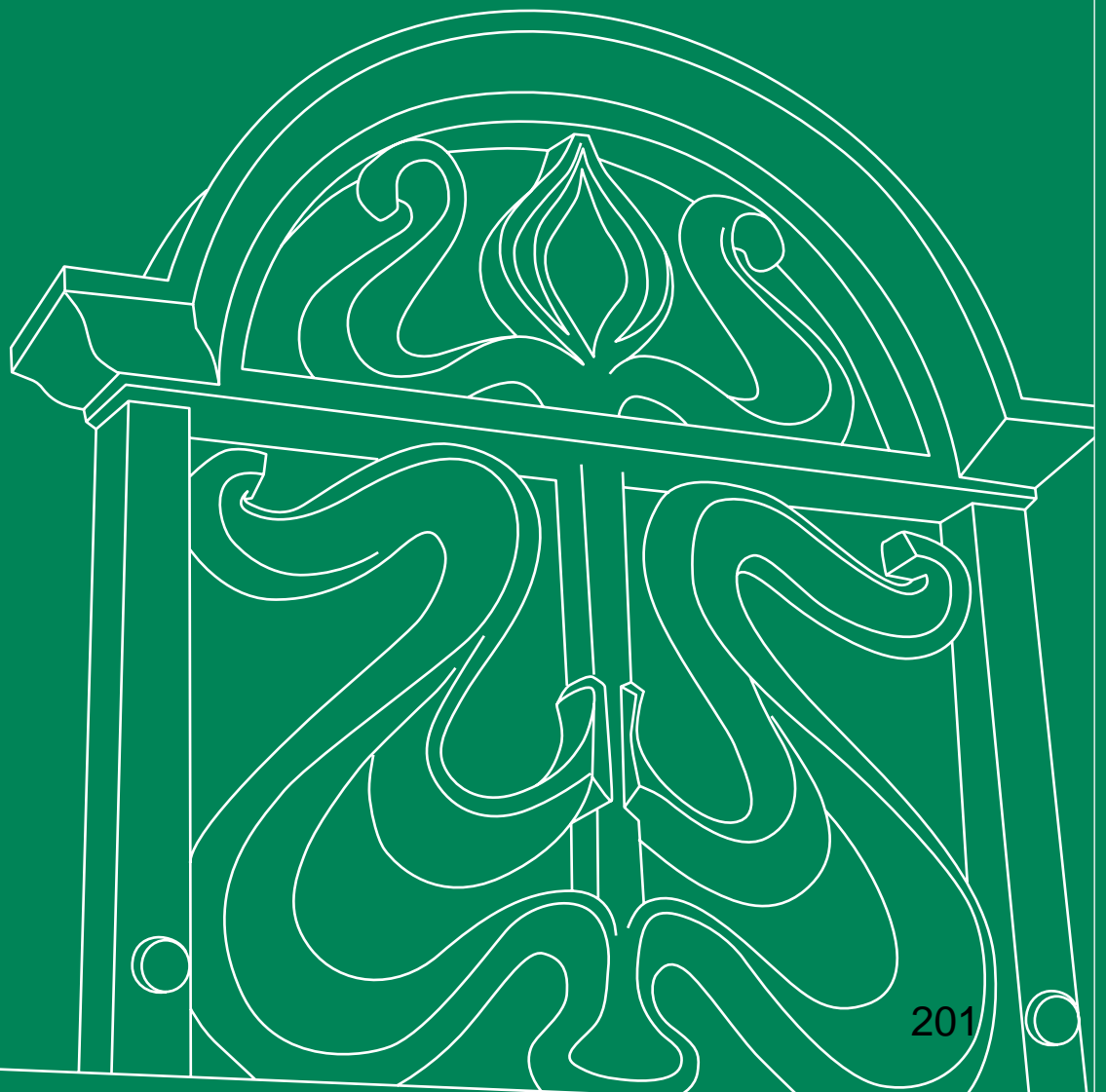


Level asphalt crossover for heavy vehicular flow



# Notes and Amendments

# Appendix



If you would like a copy of this manual please contact:

London Borough of Camden

**Street Policy**

**Environment Department**

Camden Town Hall

Argyle Street, London, WC1H 8EQ

Tel: 020 7278 4444 Fax: 020 7974 6952/2706

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Camden Planning Guidance

# Transport

January 2021



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## **1. Introduction**

### **What is Camden Planning Guidance?**

- 1.1 The Council has prepared this Camden Planning Guidance (CPG) on Transport to support the policies in the Camden Local Plan 2017. This guidance is therefore consistent with the Local Plan and forms a Supplementary Planning Document (SPD) which is an additional “material consideration” in planning decisions.
- 1.2 This document should be read in conjunction with and within the context of the relevant policies in Camden’s Local Plan, other Local Plan documents and other Camden Planning Guidance documents.
- 1.3 This document was adopted on 15 January 2021 following public consultation and replaces the Transport CPG (March 2019) which replaced Camden Planning Guidance 7: Transport (September 2011).

### **What does this guidance cover?**

- 1.4 This guidance provides information on all types of detailed transport issues within the borough and includes the following sections:
  - a) Assessing transport impact
  - b) Travel Plans
  - c) Delivery and Servicing Plans
  - d) Parking and car-free development
  - e) Car parking management and reduction
  - f) Vehicular access and crossovers
  - g) Cycling facilities
  - h) Pedestrian and cycle movement
  - i) Petrol stations

1.5 This guidance supports the following Camden Local Plan policies:

- Policy A1 Managing the impact of development;
- Policy T1 Prioritising walking, cycling and public transport;
- Policy T2 Parking and car-free development;
- Policy T3 Transport infrastructure;
- Policy T4 Sustainable movement of goods and materials;
- Policy CC4 Air quality; and
- Policy D1 Design.

## 9. Pedestrian and Cycle Movement

### KEY MESSAGES

- All developments must have due regard to the safety, ease of movement and the quality of pedestrian and cycle facilities for people moving to and within a site.

- 9.1 This section relates to Local Plan Policy T1 (Prioritising walking, cycling and public transport) and Policy D1 (Design). It provides guidance on the design and layout of pedestrian and cycle facilities and aims to ensure that a good quality and accessible environment is provided.
- 9.2 The Council will consider the impacts of movements to, from and within a site and will support applications that encourage sustainable travel. This section should be read in conjunction with Section 2 (Assessing Transport Capacity) and Section 7 (Vehicular Access) of this CPG where applicable.
- 9.3 The following section includes guidance on:
- The design and layout of public spaces;
  - Ease of pedestrian and cycle movement (permeability);
  - Safety; and
  - Legible London.

### When does this apply?

- 9.4 This guidance applies to planning applications that involve a change in the way that a site is accessed, how people move in and around the site or when there is a change in the number of movements to or within a site. It also applies to applications where vehicle movements affect pedestrians and cyclists.
- 9.5 The term 'footways' used throughout this guidance refers to footways both on private land and on the public highway.

### The design and layout of streets and public spaces

- 9.6 In line with Local Plan Policies T1 and D1, we will seek to secure high quality design in development. We will seek improvements to streets and spaces, both on and off site to ensure good quality access and circulation arrangements for



all. This includes improvements to existing routes, footways, footpaths and cycling infrastructure that serve the development.

9.7 Key considerations to be given to the movement of people in and around a site include the following:

- Ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities;
- Maximising pedestrian and cycle accessibility and minimising journey times making sites 'permeable';
- Providing stretches of continuous footways without unnecessary crossings;
- Making it easy to cross where vulnerable road users interact with motor vehicles;
- Linking to, maintaining, extending and improving the network of pedestrian and cycle routes;
- Maximising safety by providing adequate lighting and overlooking from adjacent buildings;
- Taking account of surrounding context and character of the area;
- Providing a high quality environment in terms of appearance, design and construction, considering Conservation Areas and other heritage assets, and using traditional materials (such as natural stone), SuDS and planting (trees, pocket parks etc.) where appropriate;
- Investing in the public realm to create inclusive spaces that support greater social interaction (places to sit, sheltered, not too noisy, safe etc);
- Use of paving surfaces which enhance ease of movement for vulnerable road users;
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture; and
- Having due regard to design guidance set out in the [Camden Streetscape Design Manual](#), [TfL's London Cycling Design Standards](#), [TfL's Pedestrian Comfort Level Guidance](#) and [TfL's Healthy Street Indicators](#).

9.8 In line with Local Plan Policy A1, where developments generate the need for works to the public highway these should be funded by the developer and implemented by the Council in order to ensure construction is to a suitable standard for adoption. Refer to Section 2 (Assessing Transport Impact) of this CPG for situations when this may be required.

## Pedestrian and Cycle Permeability

- 9.9 Pedestrian and cycle routes through a site must be direct and legible, following the natural desire line, and must be easy and safe to walk and cycle through via step-free access. The Council will resist proposals that seek to 'gate' an area or community or restrict access through a site at certain times.
- 9.10 Footways or footpaths must be wide enough for two people using wheelchairs, or prams, to pass each other, although we seek to maximise the width of footways wherever possible. Reference must be made to [TfL's Pedestrian Comfort Level Guidance](#) (PCL) guidance which sets out minimum widths based on footways in different environments and pedestrian flows. The Manual for Streets also provides guidance on this.
- 9.11 We will seek a PCL assessment for applications where a development will:
- change the way the site is accessed; or
  - result in an increase to the number of trips to and from the site.

The PCL assessment should be submitted as part of the overall transport assessment, as set out in Section 2 of this guidance.

- 9.12 The design of cycle routes must be in line with the minimum widths set out in [TfL's London Cycling Design Standards \(LCDS\)](#) and must accommodate all types of cycle including wider non-standard cycles such as cargo bikes or cycles adapted for disabled users. More information on the types of cycle can be found in Section 8 (Cycling Facilities) of this CPG.
- 9.13 Where shared surfaces are proposed, involving vulnerable road users and vehicles using the same space, traffic management measures should also be used to reduce vehicle speeds. Measures to reduce vehicle speeds should not limit visibility for pedestrians and vehicles, and must not prejudice safety. Further measures to promote safety include:
- The removal of parked vehicles from the shared surface to avoid potential conflicts; and
  - Provision of clear routes and surface textures to assist orientation of people with visual impairments.
- 9.14 The footprint of a development adjacent to the pedestrian footway should not include projections into the footway, nor should it include recesses within the building outline. The back of the footway must be free from obstruction to assist visually impaired users and to avoid unwanted gathering of litter and antisocial behaviour.

- 9.15 The Council will resist proposals that involve the opening of external doors or gates onto footways or footpaths, other than those required for emergency escape routes and electricity sub-stations, as they raise safety concerns, and can obstruct pedestrians. Any doors or gates which need to open outwards will need to be carefully located to minimise the impact on pedestrians using adjacent footways and footpaths.
- 9.16 Footways should be designed with frequent and convenient road crossing points for pedestrians. The Council will seek to secure financial contributions to provide new and improved pedestrian crossings where this would be necessary to make a development acceptable in planning terms.

### **Lighting, signage and street furniture**

- 9.17 Footways and footpaths should be well lit and well signed, but with care to avoid light pollution and obstructions. Wherever possible, lighting and signs should be placed on buildings or existing street furniture to minimise clutter.
- 9.18 The installation of seating, bus shelters, litter bins and cycle parking is encouraged in association with new footways and footpaths provided that it will improve the pedestrian environment or encourage the use of sustainable modes of transport. They must be positioned so that they do not interrupt the pedestrian desire line and so they do not interrupt the minimum area of footway or footpath designated for pedestrians as set out within [TfL's Pedestrian Comfort Level guidance](#).
- 9.19 Applications for new telephone kiosks on the public highway will be resisted by the Council where proposals would result in a detrimental impact on pedestrians and/or the street environment. Applications of this nature must demonstrate that they would not interrupt the minimum area of footway or footpath required and would not impede or obstruct the desire lines for pedestrian movement. This is particularly important for people with protected characteristics such as people who are blind or partially sighted. The position of the kiosk must be within the existing street furniture zone and must not compromise highway safety or prevent kerbside activity such as loading/unloading and parking.
- 9.20 Any minimum standards for footway widths should not be used to justify the provision of unnecessary street clutter or any reduction in footway or footpath widths. The Council will take into account the full unobstructed width when assessing proposals.



## Tables and chairs

- 9.21 The Council will sometimes licence the placing of tables and chairs on the footway in association with adjacent cafes and similar uses. The area where tables and chairs may be placed must be designated and must not interrupt the area of footway available for pedestrian movement. Applicants must demonstrate that the design does not impact on the pedestrian comfort level and provides adequate footway width as set out in [TfL's Pedestrian Comfort Level guidance](#).
- 9.22 The licence will specify permitted hours, after which the removal of tables and chairs will generally be required. Further guidance on tables and chairs is provided in Camden Planning Guidance document CPG Town Centres [and on Camden's Tables and Chairs website](#).

## Security

- 9.23 Footpaths independent of roads can be beneficial in terms of following the most direct routes for pedestrians and creating pleasant environments. To provide security for pedestrians and cyclists, and discourage anti-social behaviour, designs should consider:
- Lighting;
  - Maintaining clear and unobstructed sightlines along the entire length of newly created routes;
  - Natural overlooking from adjacent buildings; and
  - The appropriateness of soft landscaping measures (e.g. trees and planting).

## Pedestrian wayfinding signage

- 9.24 The Council will seek wayfinding signage on both the public highway and private land for developments that contain:
- Key routes to or through the site;
  - Decision points, arrival points and places where pedestrians are likely to gather;
  - Complex spaces; and/or
  - Where a site is located near to areas or points of specific interest including civic spaces and public buildings.
- 9.25 Legible London was set up by Transport for London (TfL) in partnership with London boroughs to create a standard pedestrian wayfinding and signage system for central and inner London. It is a map-based system which gives users a good understanding of the surrounding area and encourages them to

choose their own route to a specific destination. Such signing is useful in encouraging people to make short journeys on foot rather than by motor vehicle or public transport.

- 9.26 Developments in appropriate locations will be expected to provide contributions to wayfinding signage on the public highway in order to mitigate the increased level of activity their development generates and to encourage trips to be made by sustainable modes of transport. Refer to Section 2 (Assessing Transport Impact) of this CPG for further information.

# **Inclusive Mobility**

A Guide to Best Practice on Access to  
Pedestrian and Transport Infrastructure



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# 1. Introduction

## 1.1 Why is this guidance important?

This document is a guide to best practice on access to pedestrian and transport infrastructure.

Creating and maintaining an accessible public realm is crucial for ensuring that disabled people are not excluded from playing a full role in society.

## 1.2 What is this guidance based on?

This document supersedes Inclusive Mobility first published by the Department for Transport in 2002. It does not change the principles of the original guidance document, which explained the background and how it was originally developed.

This update includes responses to some recommendations of research carried out as a commitment in the Department for Transport's Inclusive Transport Strategy of 2018, and following engagement with disabled people and representative groups, and with practitioners. The research report is also available on the Department's website.

This document has been updated with references to other key documents including: British Standard BS 8300; the Approved Documents for the Building Regulations; The Traffic Signs Regulations and General Directions 2016, The Traffic Signs Manual, Design Standards for Accessible Railway Stations - A joint Code of Practice published by the UK Department for Transport and Transport Scotland in 2015; Traffic Advisory Leaflets; and Local Transport Note 1/20: Cycle Infrastructure Design. It also refers to the latest version of the Department for Transport publication Guidance on the Use of Tactile Paving Surfaces.

### 1.3 What does the guidance cover?

This guidance describes features that need to be considered in the provision of an inclusive environment and issues related to disabling barriers, the use of technology, maintenance, awareness of the needs of disabled people, and engagement. Throughout the document, references to pedestrians and walking include people using: mobility aids such as wheelchairs and rollators; 'invalid carriages' including mobility scooters designed for use on the **footway**, and people with physical, sensory or cognitive impairments who are travelling on foot. The term 'electric wheelchair' relates to wheeled mobility aids that are often referred to as 'powered wheelchairs'.

Although the main purpose of this guidance is to provide good access for disabled people, designs that satisfy their requirements also meet the needs of many other people. People travelling with small children or carrying luggage or heavy shopping will all benefit from an accessible environment, as will people with temporary mobility problems (e.g. a leg in plaster) and many older people. Good, inclusive design benefits all users, including those who have non-visible disabilities. The overall objective of this guide is to enable practitioners to provide an inclusively designed public realm, and through that help achieve social inclusion.

### 1.4 Who is this guidance for?

This guidance is for use by anyone designing and installing public realm schemes and improvements, including local authorities and their consultants, highways practitioners, and urban designers. It applies to both new build schemes and upgrades to existing layouts. It is primarily aimed at transport infrastructure and the public highway but much of its advice is relevant to private land accessible to the public. It provides good practice on designing the public realm to be accessible to all and should be followed as a matter of course for all such schemes.

The use of this guidance will support creating and maintaining an inclusive and accessible built environment, and related activities carried out in compliance with requirements of the Equality Act and the public sector Equality Duty set out in the Equality Act 2010. The guidance will also be of interest to those looking to make reasonable adjustments in response to the requirements set out in Section 20 of the Act.

## 1.5 Key principles

The following principles apply to the use of this guidance.

### 1.5.1 Inclusive Design

Inclusive design requires that the needs of all disabled people are considered from the outset of any transport and pedestrian infrastructure, including maintenance, schemes., so that, for example, tactile paving surfaces provided for vision impaired people do not create trip hazards or cause undue discomfort to people with conditions such as arthritis.

The use of this guidance, and engagement as described in Chapter 2, should therefore be considered from the earliest stages of proposals for such schemes.

The research undertaken to inform the update to this guidance included an investigation of the accessibility needs of people with mental health conditions, dementia, and age-related and non-visible impairments. This identified various related barriers to navigating the pedestrian environment, including obstacles, uneven surfaces, crossing the road, navigating slopes and ramps, and lack of confidence to travel. It also concluded that these barriers have a relatively high impact on people with mental health conditions, who are consequently more likely to be deterred by them from travelling. These users will therefore benefit from pedestrian environments that are simpler, with distinct features and provision of clear information, which will aid navigation and give people confidence to travel. In addition, a well-designed and accessible environment brings wider benefits for the general population, such as those travelling with children, especially in pushchairs, or those with heavy luggage.

### 1.5.2 The Equality Act and public sector Equality Duty

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society: information on the Act is available on GOV.UK and is summarised below. Discrimination can come in one of the following forms:

- direct discrimination - treating someone with a protected characteristic less favourably than others



- indirect discrimination - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage

It is against the law to discriminate against anyone because of these “protected characteristics”:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

The public sector Equality Duty (section 149 of the Act) came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies and services which are efficient and effective, accessible to all, and which meet different people’s needs. The Equality Duty is supported by specific duties, set out in regulations which came into force on 10 September 2011.

The Equality Duty requires public authorities, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share a protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

This guidance sets out good practice in the creation and maintenance of an accessible and inclusive built environment and public realm. It should be considered an essential document for those seeking to produce an inclusive environment and meeting the requirements of the Act, including the public sector Equality Duty, and other legislation.

## 4. Footways, footpaths and pedestrian crossing facilities

This section focuses on outdoor facilities for pedestrians. It includes guidance on accessible footways and footpaths, on seating and other street furniture, and making controlled and uncontrolled pedestrian crossing facilities accessible.

When a 'footway' is mentioned in this document, it refers to the (usually raised) 'pavement' adjacent to a road. A 'footway' is defined in section 329 of the Highways Act 1980 as the part of the highway on which pedestrians have a right of way, alongside the part of the highway that is meant for the passage of vehicles. A 'footpath' refers to any other right of way for pedestrians, that does not run adjacent to a road, usually a Public Right of Way. Footways and footpaths should generally be treated the same in terms of design and the needs of users.

Section 11.3 provides guidance on pedestrian access within buildings.

### 4.1 Tonal and colour contrast

Many guidelines advocate the use of tonal and colour contrast to identify street furniture, railing or boarding around street works, scaffolding and so on. The main purpose is to help vision impaired people avoid obstacles they might walk into or trip over.

Tonally and colour contrasting bands on poles, and similar obstructions, should be approximately **150mm** in depth, with the lower edge of the band approximately **1500mm** from the ground. Colour contrast is also necessary on structures such as guard rails, glass doors and on bus shelters.

The principles underlying tonal and colour contrast have been researched in detail but, in summary, it is essential to ensure that the colours used contrast with their surroundings. Colours that appear to be different from one another in colour can be very similar tonally (e.g. green and brown) and therefore do not give sufficient contrast. Contrast is the difference in reflectivity between two surfaces.



An easy way of judging whether there is good contrast is to take a black and white photograph of the scene or a black and white photocopy of a colour photograph. Good contrast will show up black and white, poor contrast will show up as grey.

## 4.2 Width and height clearance

Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of **2000mm** is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. If this is not feasible due to physical constraints, then a minimum width of **1500mm** could be regarded as the minimum acceptable under most circumstances, as this should enable a wheelchair user and a walker to pass each other. Where there is an obstacle, such as lamp columns, sign posts or electric vehicle charging points, the absolute minimum width should be **1000mm**, but the maximum length of such a restricted space should be **6 metres**.

Unobstructed height above a pedestrian way is also important, especially for vision impaired people. Generally, this should be a minimum of **2300mm**, except on sub-surface station platforms, where it should be **3000mm**. Where a sign is suspended over a footway or pedestrian area, for example in a railway station, a minimum clearance of **2100mm** is acceptable (**2300mm** on cycleways). Signs should be placed at a height that is appropriate for those for whom the message is intended. For example, signs for cyclists should be placed at a height that makes them legible from a good distance, but they should also be legible for recumbent cyclists.

Where trees overhang a footway, the management of them, covered by Forestry Commission Operations Note 051 Highway Tree Management (available on GOV.UK), should ensure the maintenance of a minimum of 2300mm unobstructed height above the pedestrian way. The specific approach and height of pruning to ensure this is maintained after regrowth will need to be carried out to appropriate arboriculture standards, taking into consideration the tree species and how they respond to targeted pruning, avoiding clearance issues that can arise if branches regrow rapidly.

Tapering overhead obstructions, such as a flight of steps with an open area underneath, can constitute a particularly dangerous hazard for many,

especially vision impaired people. Therefore, any part of the underside of a stairway that does not provide the minimum **2100mm** clearance should have a barrier across or around it to warn vision impaired pedestrians.

### 4.3 Gradients

An environment that appears to be relatively flat might nevertheless present problems for some. For example, a continuous shallow slope that runs for a considerable distance might be an obstacle for users of a manual wheelchair, or people who can negotiate gradients over a short distance only, before experiencing pain, breathlessness or fatigue.

A crossfall on footways and footpaths may be necessary to provide good drainage but if too great these, like undulating terrain, can make it difficult for wheelchair users and other people with a mobility or balance impairment.

Generally, pedestrian environments should be level, which means that there should be no gradient in excess of 1 in 60. Effort should be made to ensure that the route is smooth, since even small dips or gaps in paving joints might present a hazard such as to people who use a stick or a crutch. If a level route is not feasible, then gradients should not exceed **1 in 20**. (A slope steeper than this is generally defined as a 'ramp').

Even if a pedestrian route has no slopes in excess of 1 in 20, it is important that there are level sections, or 'landings', at regular intervals. This is to provide people with an opportunity to rest; where possible accessible seating should be provided on such landings. A level landing should be provided for every **500mm** that the route rises. The length of each landing should be equal to at least the width of the ramp.

Gradients steeper than 1 in 20 can be managed by some wheelchair users, but only over very short distances (1000mm or less), for example on a ramp between a bus entrance and the pavement. Even over these short distances the maximum gradient used should be no more than **1 in 10**. As a general rule, however, **1 in 12** should be the absolute maximum. Not only is the physical effort of getting up a steeper gradient beyond many wheelchair users, but there is also a risk of the wheelchair toppling over.

Should a crossfall be necessary for drainage, then it is preferable to have a crossfall between 1 and 2 per cent (up to **1 in 50**) with **1 in 40** the maximum

acceptable crossfall gradient . Variable crossfalls can cause problems for wheelchair users and people who have a mobility impairment, so should be avoided wherever possible. This may be an issue where a **footway** has vehicle cross-overs, and should be taken into account by local authorities in relation to their policy on front garden parking in residential areas.

## 4.4 Guardrails

Where a footway has a hazard such as a steep slope or drop adjacent to it, precautions such as guardrails should be installed where there is no alternative such as a redesign to remove the hazard. Caution should be exercised in making a decision to install guardrails and an assessment procedure is provided in Local Transport Note LTN 2/09 Pedestrian Guardrailing.

Where there is no realistic alternative to installing guardrails adjacent to a **footway**, it should not encroach on the minimum width required, and should be at least **1100mm** high, preferably **1200mm**, measured from ground level. If the guardrail has a top rail that is intended to provide support, this should be cylindrical in profile, with a diameter of between **40mm** and **50mm**.

Guardrails should be designed to prevent guide dogs from walking under the rails and with sufficient openings between vertical members for small children and wheelchair users to be seen through them.

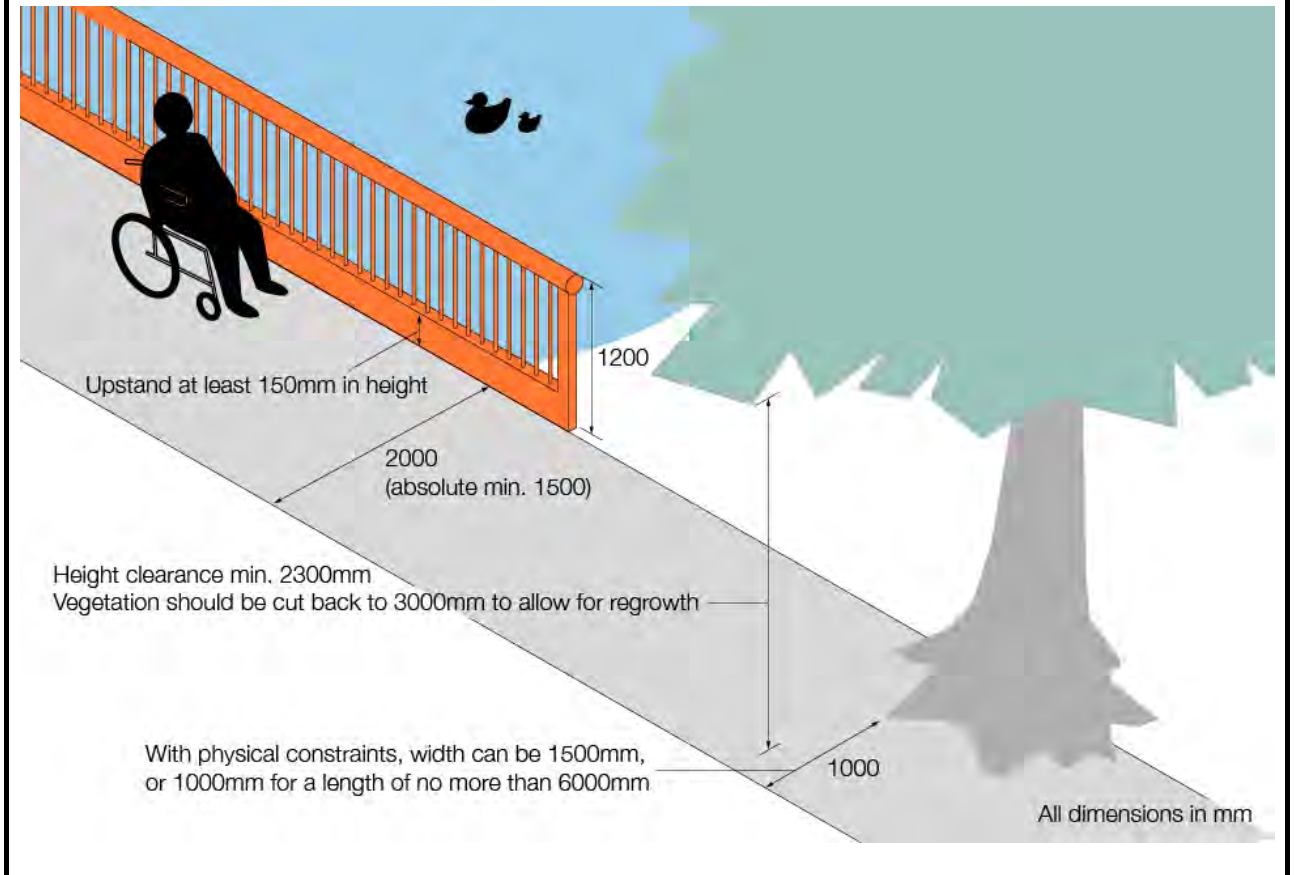
There should be an upstand at least **150mm** in height at the edge of the **footway** to act as both a tapping rail for long cane users and an additional safeguard for wheelchair users. Any gap beneath guardrails should be small enough to prevent the foot plate or front wheel of a wheelchair from snagging.

Guardrails should not have projections or overhangs which might cause a hazard for pedestrians.

Guardrails should also be in a colour that provides a contrast with their surroundings: as a minimum, they should have tonal and colour contrasted markings to make them conspicuous within their environment.



Figure 1: Footway widths, headroom requirements and guardrails



## 4.5 Seating

Mobility impaired people need seating at reasonably frequent intervals. In commonly used pedestrian areas, and transport interchanges and stations, seats should be provided at intervals of no more than **50 metres**. Wherever possible, seats should also be provided at bus stops and shelters. Seating should be placed adjacent to, but not obstructing, the pedestrian route and should be picked out in contrasting colours to help people with visual impairment. (The design of seating is described in Section 9.4).

## 4.6 Shared use routes

A shared use route is a route on which all or part of the footway has been converted to a cycle track, making it available for use by both pedestrians and cyclists. Where only part of the footway has been converted, cyclists must only use that part of the route. Mixing pedestrians and cyclists should be avoided as far as possible, in order to reduce the potential for collisions or conflict, and shared use routes in streets with high pedestrian or cyclist flows should not be used. It is particularly important to protect those pedestrians who are most at risk and who, for example, might not be able to see or hear an approaching cyclist.

Conversion of an existing footway to a shared use route should only be considered when options that reuse carriageway or other space have been rejected as unworkable. Even then, this option may only be acceptable if there is sufficient space available, with low pedestrian and cycle user numbers along the route, and low expectations that pedestrians will cross the path to access adjacent facilities, such as shops. For such cases, guidance on the accessible design of shared use routes is provided in Local Transport Note 1/20 Cycle Infrastructure Design.

Local Transport Note 1/20 is clear that shared use routes in streets with high pedestrian or cyclist flows should not be used. Where it cannot be avoided, shared use may be appropriate if well-designed and implemented and where pedestrian numbers are very low. Cycle tracks and footways should be designed to be perceived as wholly separate facilities. Where it is not possible to achieve this level of separation, and the footway and cycle track are immediately adjacent and parallel to one another, the guidance in this section should be followed. This will assist vision impaired people and will also be helpful to all other users.

## 4.7 Street furniture

Street furniture refers to the many and varied objects located in a typical high street, precinct or footway, including streetlights, sign-posts, traffic signs, waste bins, bollards and seating. These usually have important functions and specific purposes: for example, bollards positioned for reasons of security, or as traffic control measures, electric vehicle charge points, and sign-posts installed to provide public information.

Other items found in the pedestrian environment may have a purely commercial purpose. They include portable objects such as tables and chairs placed on footways adjacent to cafés, bars, pubs and restaurants. Free-standing advertising boards such as “A-boards” might also cause a hazard for pedestrians, particularly if their location is unpredictable and if the route around them is not clear, and can be particularly problematic for vision impaired and other pedestrians who rely on a memorised ‘map’ of their environment to navigate, for long cane users, and for guide dogs.

Whatever their purpose, objects on routes used by pedestrians can present an obstacle and hazard, particularly wheelchair users and vision impaired people.

Street furniture should be positioned to leave at least the minimum width recommended for a pedestrian footway (Section 4.2). Streetlights and signs should be mounted on buildings or walls wherever possible; if not, then placing them at the back of the footway as near the property line as possible is acceptable

It will help vision impaired people, in particular, if the positioning of posts and other freestanding items on the footway is consistent. Such consistency will be helpful for all pedestrians. It is also preferred that such objects be placed as near to the building line as possible: for post-mounted street furniture, the distance from the property line to the outer edge of the post should be a maximum of **275mm**. Where a footway is adjacent to a road used by motor vehicles, any post placed on the road-side of the footway should be at least **450mm** from the edge of the road. This distance should be at least **600mm** where there is a severe camber or crossfall. If there is more than one post, they should be at least **1000mm** apart.

Waste bins should be approximately **1300mm** in height and continue down, or close to, the ground, and they should have a generally rounded design, with rounded edges and no sharp or protruding elements. For waste bins not open at the top, the opening should be **750mm** to **900mm** from the ground.

As a general design principle, any item of street furniture should be tonally and colour contrasted with its environment in order to make it as conspicuous as possible. Consideration should be given to choosing a finish that enables an object to be easily seen in its environment. For that reason brushed metal finishes should be avoided. Posts should, where permitted, have a band



applied that tonally and colour contrasts with the environment. This band should be approximately **150mm** in depth with its lower edge approximately **1500mm** from the ground.

Bollards, if necessary, should have tonal and colour contrasted tops. The incorporation of a light at the top of bollards is also an effective way of making them more easily seen.

Bollards and other freestanding objects, such as raised flowerbeds, should be at least **1000mm** in height. Bollards should not be connected with a chain or a rope, as this might present a trip hazard, particularly for people who are vision impaired.

Bollards might be used as a Vehicle Security Barrier (VSB) to mitigate criminal or vehicle-borne threats and might be used at busy transport stations and interchanges. In such cases, the installation of bollards should provide an appropriate level of physical protection whilst minimising any negative impact on pedestrian movement. Gaps between bollards should be a maximum of **1200mm**. Detailed guidance on the placing of VSB bollards is provided in Traffic Advisory Leaflet TAL 2/13.

Low-level signs supported on two vertical poles (e.g. city maps) should have a tapping rail or skirting, with a depth of at least **150mm** and a lower edge that is no more than **200mm** from the ground, to prevent vision impaired people from inadvertently walking between them and colliding with the sign. The sign itself should not extend by more than **150mm** beyond the supporting posts.

Any sign suspended above a pedestrian footway should leave a minimum clearance of **2100mm** from the ground. On sub-surface station platforms, however, there should be a minimum clearance of **3000mm** from the ground (Section 4.2).

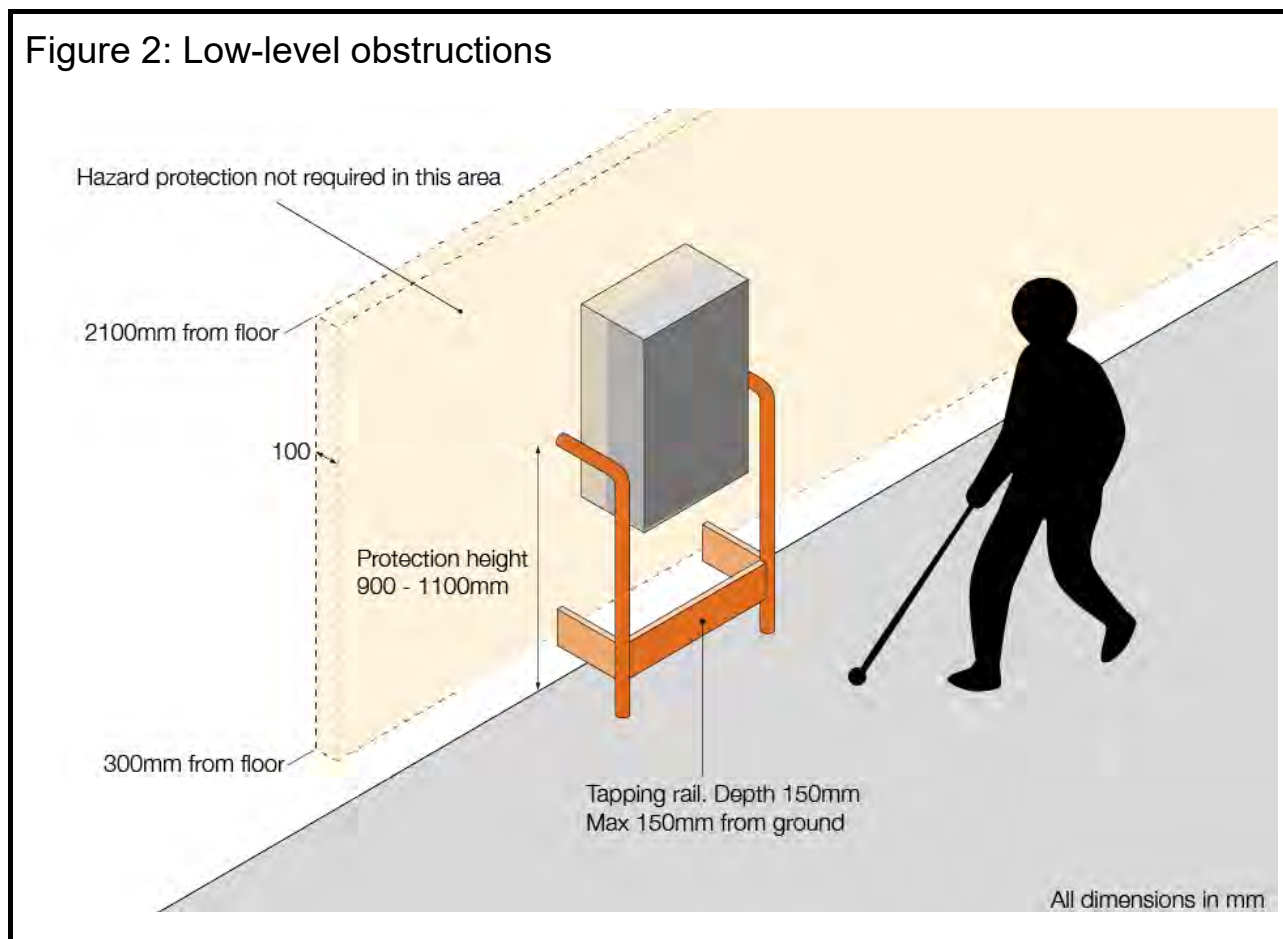
Temporary structures such as street market stalls and pavement café tables should be placed so as to leave clear pedestrian routes. Consideration could be given to using colours (or textures) to help people detect between where obstacles are allowed and the clear path through the development.

A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways

adjacent to the premises in relation to which the application was made, for certain purposes. All licences are subject to a no-obstruction condition, that anything done by the licence holder must not, amongst other things, prevent non-vehicular traffic passing along the relevant highway, this would include disabled people. Local authorities can also publish local conditions including on accessibility, which applications will need to adhere to. When they grant a licence, local authorities may impose reasonable conditions whether or not they are published upfront. There is an expectation that these will be supported by a clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation, with justification for this. When setting conditions, determining applications (in the absence of local conditions) and when considering whether enforcement action is required, authorities should consider Section 3.2 of this guidance, where in most circumstances **1500mm** clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway.

Any obstruction that projects into a route used by pedestrians by more than **100mm** - in a vertical zone between **300mm** and **2100mm** from the ground - should have hazard protection applied to it. However, no hazard protection is required if the base of the obstruction is less than 300mm above ground level. Such protection should take the form of a barrier at a height of **1000mm** from the ground (between **900mm** and **1100mm**), with a kerb or tapping rail at ground level, positioned no more than **100mm** behind the front edge of the obstruction. The tapping rail should have a depth of at least **150mm** and its lower edge should be no more than **200mm** from the ground.

Figure 2: Low-level obstructions



Random obstructions such as rubbish bags, ladders, vegetation encroaching on the footway and cycles parked on the pavement, present additional hazards. Such obstructions can be avoided through the drafting and application of appropriate policies and procedures. Similarly, parking of cars either wholly or partially on the footway is another common hazard for pedestrians which is prohibited in places by legislation. Local authorities in England have powers to ban pavement parking through the use of Traffic Regulation Orders and traffic signs. A specific “No pavement parking” sign is available for local authorities to use: more information on the use of these signs is available in Chapter 3 of the Traffic Signs Manual.

#### 4.8 Surface materials and maintenance

Uneven surfaces and gaps between paving slabs etc. can cause problems for some people, including those using sticks and crutches, people who are



vision impaired and wheelchair users. Joints between flags and pavers should be not less than **2mm**, and not more than **5mm**, wide. For pedestrian-only footways, joints between flags filled with compacted mortar may be wider (**6-10mm**). The maximum deviation of the footway surface under a 1 metre straight edge should not exceed **3mm**. New cobbled surfaces are unlikely to be appropriate and, even in historic environments, alternatives should be sought.

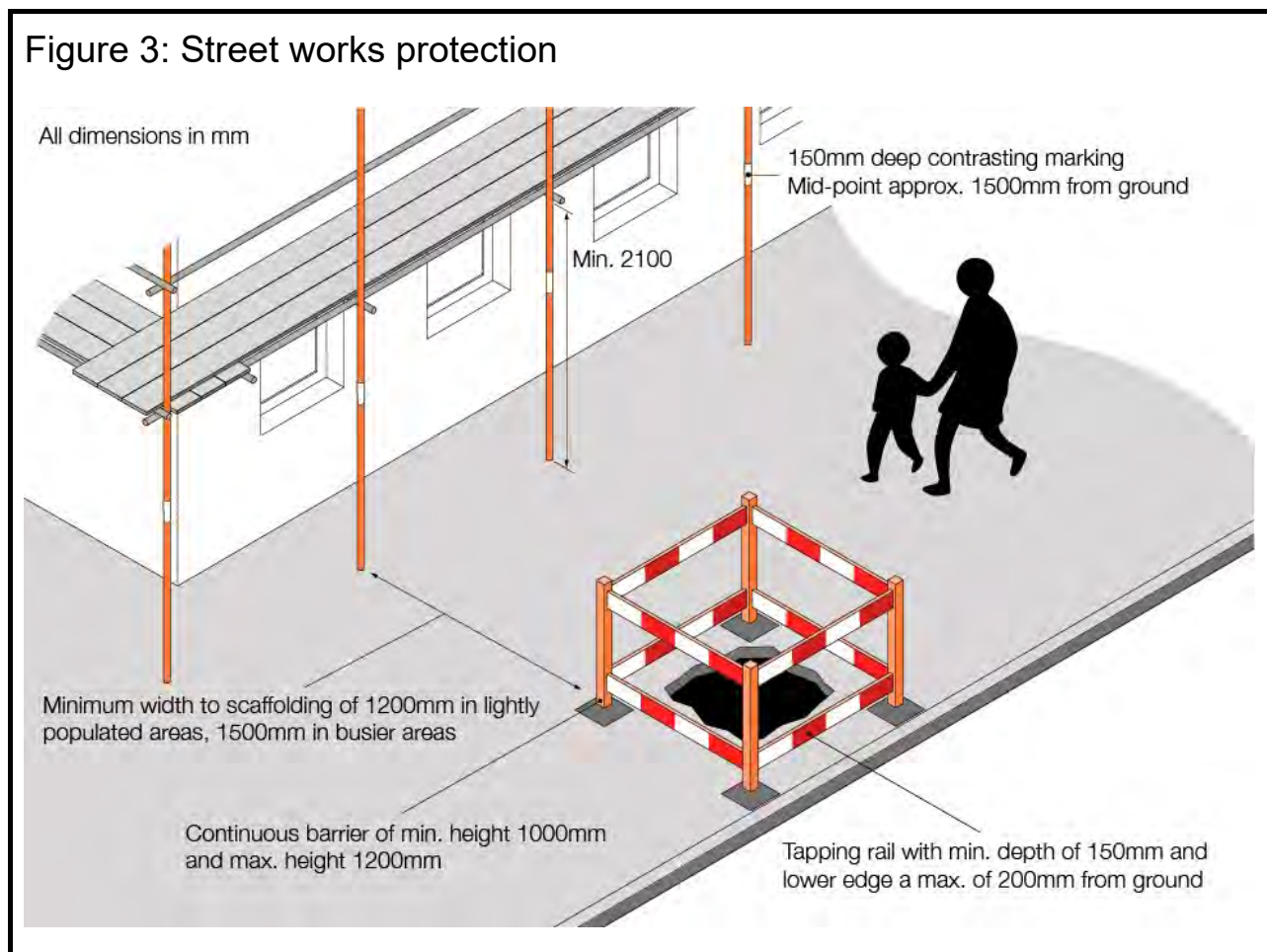
Covers and gratings can also cause problems and may be mistaken by vision impaired people for a tactile surface. It is recommended that the size of openings should not exceed **13mm** and if openings are elongated they should be placed at right angles to the predominant direction of travel. These spaces should not be more than **150mm** long. Wherever possible, gully covers and drainage slots should be positioned as far as possible from main pedestrian flows. Inspection chamber covers and service inspection chambers should be flush with the surface.

Surfaces should be firm and slip-resistant in wet and dry conditions and should not be made of reflective material. Dished channels (for drainage) should not be incorporated within the main pedestrian flow. When small paving bricks (paviours) are used, care should be taken to ensure that they are evenly laid; any unevenness can cause problems for some people, including wheelchair users and cane users.

#### 4.9 Street works and other potential hazards

Street works should be managed so that they are properly safeguarded to avoid hazards and obstruction to pedestrians. Street works, including their materials and equipment, should be guarded around their full extent by a continuous barrier. The height of this barrier should be a minimum of **1000mm** and a maximum of **1200mm** and have a tapping rail beneath it. These barriers should be robust and placed so that they cannot be knocked over should a pedestrian collide with them. They should have a tonal and colour contrast with their surroundings, and preferably with colours such as red used in part to indicate the proximity of a potential hazard. Illumination of street works at night will also help pedestrians, particularly those who are vision impaired.

Figure 3: Street works protection



Any signs placed on the footway related to the works should be positioned so that they minimise inconvenience and potential for hazard, especially for those who are vision impaired, wheelchair and mobility aid users and anyone with a pushchair, pram or buggy. The lower edge of any such sign should be no less than **300mm** from ground level.

If works are being carried out on a footway and a walkway in the carriageway is provided because it is not possible to maintain safe pedestrian access on the footway and a safe off-carriageway alternative cannot be found, suitable barriers should be erected to protect pedestrians from traffic and other hazards. The route provided should have a minimum width of **1200mm**, and an absolute minimum width, unobstructed by, for example, barrier bases or feet, of **1000mm**. Kerb ramps or a raised temporary footway should be installed to assist wheelchair users and others. These should be strong enough to support a mobility scooter and be slip-resistant. The route must be

properly drained, with adequate headroom, reasonably smooth and without steep gradients or crossfalls. Further guidance is provided in Safety at Street Works and Road Works: A Code of Practice.

Where scaffolding is erected on or over a footway, there must be adequate height clearance (**2100mm minimum**) and an absolute minimum footway width of **1200mm** in lightly populated areas, **1500mm** in busier areas. The safest measure for all members of the public is completely enclosing the works with a hoarding. Hoardings should be marked with a tonally and colour contrasting band with a depth of approximately **150mm**, and a lower edge approximately **1500mm** from the ground. Appropriate lighting and signing should also be installed.

If temporary obstructions have to be placed on a pedestrian route, such as an area used for redecorating a shop front or using a ladder, the obstruction should be clearly marked using tonally and colour contrasting tape, or a similar means of making the object conspicuous, and pedestrians should be directed around the obstruction. In addition, the minimum footway widths of 1200mm in lightly populated areas and 1500mm in busier areas should be maintained.

Building and street works within bus and rail stations, interchanges and other transport facilities used by the public should also be guarded in a manner similar to that described above.

#### 4.10 Road crossings

Mandatory requirements for all types of controlled crossing are set out in the Traffic Signs Regulations and General Directions (TSRGD) 2016 (as amended). This includes the definitions of different crossing types, and the signs, signals and road markings required to create each type. Detailed guidance on the traffic control aspects of the design of road crossings is contained in Chapter 6 of the Traffic Signs Manual, which gives guidance on the use of traffic signs and road markings prescribed by TSRGD (2016). The Traffic Signs Manual includes advice on crossings and how to conduct an assessment into whether a controlled crossing is needed in a given location or, where a crossing already exists, whether it should be changed to a different type.



The Traffic Signs Manual gives definitions for both uncontrolled crossings, which might simply provide a pedestrian refuge or a dropped kerb, and controlled crossings. The latter consist of give-way crossings and signal-controlled crossings.

Give-way crossings:

- zebra crossings, where drivers must give way to any pedestrian on the crossing
- parallel crossings, consisting of parallel routes for pedestrians and cyclists. Drivers must give way to any cyclist or pedestrian on the crossing.

Signal-controlled crossings:

- toucan crossings, which allow both pedestrians and cyclists to cross at the same time
- pedex (signal-controlled) crossings, which are standalone crossings that use far-side signals
- puffin crossings, which use near-side pedestrian demand units
- equestrian crossings, which allow horses and their rider to cross the carriageway

There are three criteria that should be used when assessing what type of crossing is most appropriate: safety, convenience and accessibility. A crossing that does not improve on all three to some degree is unlikely to be satisfactory, and consideration of these criteria will form an important part of the assessment process.

Without a traffic control mechanism, pedestrians' ability to cross a road depends on the volume and speed of the vehicles, and of the behaviour of vehicle users, using that road. Controlled crossings can be particularly important to disabled people, older people and other more vulnerable road users at higher risk, so the assessment should consider their needs.

A suggested assessment process is provided in Chapter 6 of the Traffic Signs Manual of including checks of the geometry of the road involved, a series of

site inspections that eliminate any daily or seasonal effects, and surveys of both vehicular traffic and pedestrian flows. The latter survey should observe the number of vision impaired people crossing a road in a given location, as well as the number of people with a physical condition that affects their mobility, plus older people, children and people with a pushchair, pram or buggy.

Practitioners carrying out assessments should be aware that any data relating to the number of disabled people using a road are likely to be an underestimate, given the likelihood that some pedestrians observed will have a non-visible impairment. Furthermore, such survey data will certainly underestimate the level of demand for a controlled crossing because of suppressed demand: it is likely that many vulnerable road users who would benefit from, and use, a controlled crossing may be absent from the location being surveyed, simply because they feel unsafe crossing the road at that location. To provide a more accurate appraisal of the level of demand for crossing control, and its impact on accessibility, it is essential for effective engagement with local accessibility groups to be part of the assessment, from the outset.

Puffin Crossings include pedestrian demand units, which consist of a push button summoning a red light for vehicular traffic and a display unit showing pedestrians a 'Red Standing Symbol' and 'Green Walking Symbol', respectively. The pedestrian demand unit should be installed so that its bottom edge is between **1000mm** and **1100mm** from the ground. A raised, large diameter push button, that can be activated by a closed fist, will be convenient for most pedestrians. It should also have an illuminated LED surround and/or be tonally and colour contrasted with the box to maximise its visibility.

TSRGD (2016) advises that the pedestrian demand unit should be installed between the area where pedestrians are waiting and the nearest approaching traffic. This is to encourage people to observe approaching vehicles. This usually means that the unit is installed to the right of pedestrians. Where positioning the unit to the left is unavoidable, it should be accompanied by a push button on the right of the crossing – this is compatible with the training of guide dogs to guide a person from the left. A button on each side of the crossing should also be provided at Puffin Crossings that are wider than the standard 2400mm width, and also at central refuges where the road consists of a two-way carriageway. The rationale for the latter is that this will encourage sighted pedestrians to face on-coming vehicles, while also

positioning a button in a location where vision impaired people will expect to find it. Both pedestrian control units and push buttons should be positioned **500mm** from the line of crossing studs, to ensure that they can be reached and operated by a pedestrian standing on the crossing's tactile paving surface.

Toucan Crossings enable pedestrians and cyclists to cross a road at the same time. If such a crossing is approached by a segregated **footway** and cycle track, this separation should come to an end in advance of the crossing waiting area. There should also be tactile paving surfaces provided with the required colours and layout, in accordance with the Department for Transport's publication *Guidance on the Use of Tactile Paving Surfaces*.

For a Toucan Crossing the minimum width is **3000mm**, although some more vulnerable pedestrians might feel uneasy when sharing a crowded waiting area with cyclists, so a width of **4000mm** is preferred. For all Toucan Crossings, a push button should be provided on each side of the crossing. The height of push buttons for users such as recumbent cyclists and people using adapted cycles should be considered.

Equestrian crossings allow horses and their rider to cross the carriageway and may help reduce the risk of collisions. Where a bridleway crosses a road where the visibility is adequate and vehicular flows and 85th percentile speeds are reasonable, an uncontrolled crossing place may be suitable, particularly if the bridleway has a good surface and there is space for all users to wait in safety. TSRGD (2016) prescribes both far-side and near-side forms of pedestrian demand unit, and also prescribes road markings for such crossings.

New Pelican Crossings are no longer prescribed for installation in England, Scotland or Wales, although existing Pelican Crossings can be retained until the end of the life of their equipment.

Tactile and audible signals at controlled crossings, which convey the same information as the 'Green Walking Symbol', are particularly useful for vision impaired people, but also help other pedestrians. Tactile signals, in the form of a rotating cone, are especially helpful to people with dual sensory loss and should be provided at controlled signal crossings as a default.



Technical requirements for the design of the cone are given in TOPAS specification TOPAS 2508C: Performance Specification for Tactile Equipment for Use at Pedestrian Crossings. The Department recommends that traffic authorities purchase equipment that is TOPAS registered. This includes signal heads, pedestrian demand units and audible and tactile signals. More information is available at <http://www.topasgroup.org.uk/>.

Where centre refuge islands are provided at a crossing, they must be a minimum of **1500mm** in width to be able to cater for wheelchair users, but preferably **2000mm** in width. If the island is at the centre of a staggered crossing, the clear space between guardrails must be a minimum of **2000mm** (Section 4.2).

If street works mean that a pedestrian crossing cannot be used, the following procedure should be followed:

- install barriers to prevent pedestrian access to the crossing
- erect signs on both sides of the road to make it clear that the crossing is not in use
- extinguish any lights on pedestrian demand units or push button boxes, or that illuminate yellow globes at Zebra Crossings

For planned street works, it would be good practice for local authorities to alert local accessibility groups so they can help to disseminate the news to local people who might be affected.

#### 4.11 Dropped kerbs and raised crossings

Level access at all road crossings is essential, particularly for wheelchair users, whether by a dropped kerb or a raised crossing. The Traffic Signs Manual states that flush dropped kerbs, with the appropriate tactile paving surface, should always be provided at crossings to provide easy access for mobility impaired people. On longer side roads and residential roads, consideration should be given to the provision of dropped kerbs at least every **100 metres**, where possible, to avoid the need for pedestrians, particularly wheelchair users, to make lengthy detours to cross the road. Due consideration must be given to pedestrian desire lines. Where such an at-

grade crossing point is provided, it should be accompanied by the appropriate tactile paving surface, for the safety of vision impaired pedestrians (see Guidance on the Use of Tactile Paving Surfaces).

Dropped kerbs should preferably be flush with the road, but with a maximum **6mm** tolerance if not, provided that a rounded bullnose is provided at the change of level. It is important that ramps are designed appropriately: the maximum gradient on the direct approach to the dropped kerb, the gradient should not exceed **1 in 12**, and where space allows, a gradient of 1:20 should be achieved; for the transitions to a dropped kerb, the gradient should not exceed **1 in 11**. The flush portion of the dropped kerb should have a minimum width of **1200mm**, but the minimum width should be **3000mm** where there are heavy pedestrian flows. In the specific case of a dropped kerb adjacent to car parking spaces for disabled users, a flush area **1000mm** wide is acceptable. Where a dropped kerb is provided at a controlled road crossing, it should be the same width as the crossing itself (i.e. a minimum width of **2400mm**). Care should be taken to prevent a wheelchair's front wheels or footrests catching on an opposing upslope. For this reason, at the foot of a dropped kerb, the camber of the road should be no more than **1 in 20**, for a distance of 600mm from the kerb line, which approximates a wheeled mobility aid's wheelbase.

Where a dropped kerb is provided, there should preferably be a level space of at least **900mm** to its rear, to allow easy passage for wheelchair users who are not crossing the road.

For the safety of vision impaired pedestrians, a dropped kerb should not be installed within the radius of an uncontrolled road junction, regardless of the availability of tactile paving surfaces. Where the radius is large, and there is no reasonable alternative to locating the dropped kerb within it, the dropped kerb should be as close as possible to the right-angled crossing of the side road (see Guidance on the Use of Tactile Paving Surfaces).

An advisory 'H bar marking' should be applied at a dropped crossing to inform drivers that the space should be kept clear for access (see TSRGD (2016)).

For raised crossings, the raised area should be at least **2400mm** in width and level with the footway (see Guidance on the Use of Tactile Paving Surfaces).

# Glossary

|              |   |
|--------------|---|
| ATCO         | Association of Transport Co-ordinating Officers   |
| BS           | British Standard  |
| Carriageway  | The part of the highway (other than a cycle track) that is intended for use by vehicles and on which they have a right of way   |
| CCTV         | Closed-circuit television   |
| Footpath     | A route on which pedestrians have a right of way, not being a footway.  |
| Footway      | The part of the highway over which there is a right of way for pedestrians only (including users of wheelchairs and mobility scooters), and which runs alongside a carriageway intended for use by vehicles.                  |
| ICT          | Information and Communications Technology   |
| ISO          | International Standardisation Organisation  |
| ITU          | International Telecommunications Union  |
| Landing      | A level space at the top or bottom, or between consecutive flights, of steps or sections of a ramp where pedestrians may rest.  |
| LED          | Light Emitting Diode  |
| LRT          | Light Rapid Transit   |
| LTN          | Local Transport Note  |
| Neurodiverse | Neurodiverse, or neurodivergent, refers to the normal diversity of human brains and the infinite variation in people's neurocognitive functioning. The term is commonly used to describe conditions such as autism, dyslexia, |



dyscalculia, Attention Deficit Hyperactivity Disorder (ADHD) and Obsessive Compulsive Disorder (OCD).

|       |   |
|-------|---|
| RNIB  | Royal National Institute of Blind People                  |
| RNID  | Royal National Institute for Deaf People                  |
| RTI   | Real-Time Information                                     |
| TAL   | Transport Advisory Leaflet                                |
| TSRGD | The Traffic Signs Regulations and General Directions 2016 |
| VSB   | Vehicle Security Barrier                                  |

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# Pedestrian Comfort Guidance for London

Guidance Document





**Pedestrian Comfort Level Guidance First Edition 2010**

**Version 2 (2019) - New link to spreadsheet added**

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**Transport for London**





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# Introduction

## Who should use this guide?

This guide and accompanying spreadsheet is aimed at anyone involved in the planning of London's streets, whether TfL staff, local authority officers, elected members, consultants assessing the impact of development proposals, developers, or their agents. It is intended to ensure that the design of pedestrian footways and crossings are appropriate to the volume and type of users of that environment. The guidance is applicable whether evaluating a new design or assessing an existing footway.

## What is the guide for?

The primary objective of the guidance is to assist those responsible for planning London's streets to create excellent pedestrian environments through a clear, consistent process during the planning and implementation of transport improvement projects.

For **existing sites**; undertaking a comfort assessment will identify priorities for action or attention, the cause of these issues and help to identify mitigation measures to make the site more comfortable.

For **schemes in development**; undertaking a comfort assessment will identify any potential problems at an early stage. Mitigation measures, such as the relocation of street furniture, can then be decided upon if required.

## Why this guide is important

Footway provision is an essential factor in encouraging or hindering walking. Providing appropriate footways is important as:

- They encourage walking. The research underpinning this guidance has found that lack of comfort on footways discourages use of an area by pedestrians.
- In London, encouraging people to walk short trips will relieve pressure on public transport and promote more sustainable, environmentally friendly travel, with added health benefits. Moreover, regularly making trips on foot benefits the health of individuals as well as bringing wider economic and community benefits.
- Journeys conducted entirely on foot make up 24% of all trips in London. In addition, most other trips involve some walking (for example from the bus stop to home and vice versa). Therefore creating well designed pedestrian environments benefits everyone.

## How to use this guide

Recognising this, TfL has developed this guidance to improve the planning and design of the pedestrian environment and encourage walking. This guidance is tailored to the needs of London and provides a comprehensive approach by:

- Taking into account different user behaviour within a variety of area types, from high streets to transport interchanges.
- Including the real impact of street furniture and static pedestrians, for example, window shoppers.
- Going further than existing measures such as Fruin Level of Service which simply assess crowding. This guidance is based on comfort and takes into account user perceptions as well as observed behaviours.
- Providing a standard approach for the assessment and review of comfort on footways and crossings.
- Providing a template for recording data and generating results.

The Pedestrian Comfort Level for London should be considered when assessing both footways and formal pedestrian crossings. The provision of comfortable crossing facilities supports road crossing in a planned manner and may reduce the number of informal crossings that occur. Although tailored to London, as the guidance is based on area types it is applicable in other locations.

This guidance document contains the method for carrying out a comfort assessment and guidance on reviewing the results. This has been designed with an accompanying spreadsheet for recording data and calculating the results.

The spreadsheet is available to download from <http://planning.data.tfl.gov.uk/Pedestrian%20Comfort%20Level%20calculator.xls>

If the design is at an early stage, **recommended minimum widths** can be found on page 25 in the appendix. This information provides an initial indication as to comfortable footway widths in different environments in advance of a full comfort assessment.

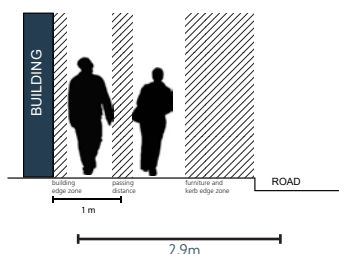
# Appendix B: Recommended Widths

This diagram shows recommended footway widths for different levels of flow, based on the research carried out for this project. They show the total width of the footway rather than the clear footway width.

This information provides an initial indication as to comfortable footway widths in different environments in advance of a full Pedestrian Comfort Assessment.

Pedestrian comfort levels are defined on Figure 8 on page 13.

Low Flow  
< 600 pph

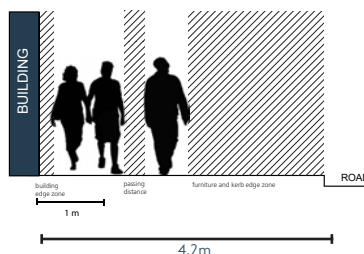


The recommended minimum footway width (total width) for a site with low flows is **2.9 m**. This is enough space for comfortable movement and a large piece of street furniture such as guard rail, cycle parking (parallel with the road), a bus flag for a low activity bus stop or a busy pedestrian crossing.

In high street or tourist areas the total width can be reduced to **2.6m** if there is no street furniture (except street lights) to allow space for people walking in couples or families and with prams etc.

In other areas, low flow streets can be **2m** wide if there is no street furniture. This total width is required for two users to pass comfortably and to meet DfT minimum standards.

Active Flow  
600 to 1,200 pph

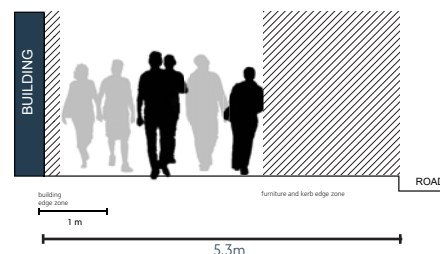


The recommended minimum footway width (total width) for a site with active flows is **4.2m**. This is enough space for comfortable movement and a large piece of street furniture such as a wayfinding sign, a bench or a bus shelter.

In high street or tourist areas the width can be reduced to **3.3m** if there is no street furniture (except street lights). This width allows two groups to pass.

In other areas, active flow streets can be **2.2m** wide if there is no street furniture. This width is required for the level of flow and to meet DfT minimum standards.

High Flow  
> 1,200 pph



At this level of flow the recommended minimum footway width (total width) is **5.3 m**. This is enough space for comfortable movement up to 2,000 pph and a large piece of street furniture such as a wayfinding sign, a bench, a bus shelter or a busy pedestrian crossing.

In areas such as transport interchanges more space may be required if there are multiple bus stops on one footway. See Appendix B: Street Furniture on page 26 for more information.

If there is no street furniture, the width can be reduced to **3.3m**. This is enough space for comfortable movement up to 2,000 pph.