

Linton House, 39-51 Highgate Road, London, NW5 1RT

Appellant: Linton Property Developments Limited

LPA Reference: 2013/3494/P

Grounds of Appeal

In accordance with the Planning Inspectorate's *Procedural Guide: Planning Appeals and Called-In Planning Applications – England (3 October 2013)*, it is noted that the recent changes to the procedures relating to planning appeals are only applicable with regard to decisions issued by Local Planning Authorities on or after 1 October 2013.

For all decisions issued before this date, the previous procedures for the undertaking of an appeal remain valid. As such, the Appellant is not required to submit a full statement of case upon submission of this appeal.

In line with the pre-existing appeal procedures, the Appellant instead sets out their main Grounds of Appeal at this stage. These should be read in conjunction with all documents that formed part of the planning application submission to the Local Planning Authority and most particularly the Planning Statement that formed part of that submission. These documents provide a detailed analysis of the suitability of the proposed development.

With reference to the Local Planning Authority's specific reasons for refusal of the proposed development, the Appellant would add the following additional Grounds of Appeal:

- 1) That the proposal for residential development is entirely appropriate for this site given the nature of the existing uses in both the host building and the immediate surrounding area. Though the site falls within the designated Kentish Town Industrial Area, the existing uses of both Linton House and the immediate surroundings fall within either Use Class B1a or B1c which, by definition set out within *The Town and Country Planning (Use Classes Order) 1987 (as amended)*, are all entirely compatible with a residential use.
- 2) In addition, the proposed development has been specifically designed to ensure that none of the existing commercial floorspace within Linton House is lost or prejudiced as a result of the residential development above. This includes providing capacity within the new plant enclosure at roof level to allow for future additional demands from the commercial users on the existing floors below.
- 3) That taking into account the specific characteristics of both the appeal site and the immediate surrounding area, the proposed development will not prejudice or restrict the continued operation of either the host building or the wider Kentish Town Industrial Area for employment uses and as such accords with the requirements of Policies CS8 and DP13.
- 4) That refusing this application for a residential use conflicts with the LPA's own Site Allocations Development Plan Document which has formally allocated part of the immediately neighbouring site for residential use of a larger scale than proposed in the development under appeal.
- 5) That if the Local Planning Authority had not determined to refuse the planning application on the grounds of incompatibility with Policies CS8 and DP13, the Appellant had been willing (in line with email correspondence dated 9 August 2013) to complete a legal agreement in order to secure each of the following as part of the development:
 - Car-free Development;
 - £9,167 contribution towards Public Open Space;
 - £15,174 contribution towards Education;

- Compliance with energy requirements;
 - Compliance with sustainability requirements.
- 6) As such, all of the requirements of the Local Planning Authority's Development Plan policies relevant to each of the matters set out above would have been met. Reasons for Refusal Nos. 2, 3, 4 and 5 will therefore fall away upon completion of an appropriate legal agreement which will be submitted to the Planning Inspectorate during the course of this appeal.
- 7) That the proposed development is in accordance with the policies of the Local Planning Authority's Development Plan and also the guidance set out within the National Planning Policy Framework. As such, there are no other material planning considerations which indicate that the development should not be granted planning permission in accordance with the Development Plan.

In line with the timetable set out at Annexe E of the relevant *Procedural Guide*, the Appellant reserves their right to submit a further statement no later than six weeks after the formal start date for the appeal.