

Brooks/Murray Architects  
8-10 New North Place  
London  
EC2A 4JA

Application Ref: **2014/1692/P**  
Please ask for: **Ben Le Mare**  
Telephone: 020 7974 **1278**

2 June 2014

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Refused**

Address:  
**138 - 140 Highgate Road**  
**London**  
**NW5 1PB**

Proposal:

Erection of 3 storey building to provide 3 Class A1 retail units at ground floor and 9 Class C3 residential units (5 x 2 bedroom flats, 4 x 3 bedroom flats) at first and second floor, following demolition of petrol station and MOT garage (Sui Generis).

Drawing Nos: 1021-P-001 (Site Location Plan);

Existing: 1021-P-011; 1021-P-012; 1021-P-013

Proposed: 1021-P-020; 1021-P-021; 1021-P-022; 1021-P-023; 1021-P-024; 1021-P-030;  
1021-P-031; 1021-P-032; 1021-P-033; 1021-P-034; 1021-P-035; 1021-P-040; 1021-P-041;  
1021-P-042; 1021-P-043; 1021-P-044;

Documents: External Noise Assessment by Sound Advice Acoustics Ltd (dated 23 February 2014); Design and Access Statement by Brooks/Murray Architects (dated February 2014); Arboricultural Impact Assessment by Bosky Trees (dated 20th February 2014); Archaeological Desk-based Assessment (October 2013); Code for Sustainable Homes Pre-Assessment Report by Richard Hodgkinson Consultancy (28 February 2014); Energy and Sustainability Statement; Preliminary Construction Management Plan by Create Consulting (dated February 2014); Contamination Report Phase 1 Desk Study by Soils Limited (dated February 2014); Daylight and Sunlight Report by David Maycox & Co (dated 27th February 2014); Bat Assessment by LUC (dated February 2014); Historical



Report by AHP; Planning Statement by KR Planning (dated February 2014); Transport Statement by Create Consulting (dated February 2014); Statement of Community Involvement by Curtin&Co (dated February 2014).

The Council has considered your application and decided to **refuse** planning permission for the following reasons:

#### Reasons for Refusal

- 1 In the absence of adequate justification for the loss of employment floorspace, the proposal would result in the loss of an existing employment use in the form of a petrol station and MOT garage, and the associated loss of employment opportunities within the Borough, contrary to policy CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The proposed building, by reason of its height, scale and detailed design, would be harmful to the streetscene and the character and appearance of the Dartmouth Park Conservation Area, which is contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed building, by reason of its height and scale, would block views across the site of adjoining designated public open space to north and south and thereby harm the setting and public enjoyment of these areas of open space, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.
- 4 The proposed pruning and associated reduction in size of a mature London plane tree (T9), as indicated in the submitted Arboricultural Impact Assessment (by Bosky Trees, 20th February 2014), would harm the visual amenity of the tree and its contribution to the streetscene and public open space and would harm the character of the Dartmouth Park Conservation Area, which is contrary policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 5 The proposed development, in the absence of a legal agreement requiring a post-construction sustainability review, would fail to ensure proper standards of sustainability in the development, contrary to policies CS13 (Tackling climate change), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Sustainable construction), DP23 (Water) and DP32 (Air quality) of the London Borough of

## Camden Local Development Framework Development Policies.

- 6 The proposed development, in the absence of a legal agreement securing the energy efficiency measures proposed, would fail to be sustainable in its use of resources, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.
- 7 The proposed development, in the absence of a legal agreement for securing contributions to educational provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing educational facilities, contrary to policies CS10 (Supporting community facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.
- 8 The proposed development, in the absence of a legal agreement for securing contributions for public open space provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing open space facilities, contrary to policies CS15 (Protecting and improving open spaces & encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31 (Provision of and improvements to public open space) of the London Borough of Camden Local Development Framework Development Policies.
- 9 The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 10 The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.
- 11 The proposed development, in the absence of a legal agreement securing

necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policy CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

- 12 The proposed development, in the absence of a legal agreement securing a local labour agreement, will be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to contribute to the regeneration of the area, contrary to policies CS5 (Managing the impact of growth and development), CS8 (Promoting a successful and inclusive Camden economy) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment sites and premises) of the London Borough of Camden Local Development Framework Development Policies.

Informative:

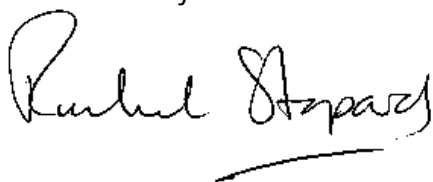
- 1 Without prejudice to any future application or appeal, the applicant is advised that reasons for refusal numbered 5 - 12 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

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.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard  
Director of Culture & Environment