

KR Planning
183 Seafield Road
Brighton
BH6 5LJApplication Ref: **2016/0091/P**
Please ask for: **Fiona Davies**
Telephone: 020 7974 **4034**

16 February 2016

Dear Sir/Madam

DECISION

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990
(as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition P.2 of Schedule 2 Part 3 Class P of the Town and Country
Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362
and SI 2013 No. 1101)

Certificate of Lawfulness (Proposed) Prior Approval refused

The Council, as local planning authority, hereby confirm that their **prior approval is refused** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:**1A Highgate Road
London
NW5 1JY****Description of the proposed development:**

Change of use from warehouse (Class B8) to 16 x residential units (Class C3).



Information that the developer provided to the local planning authority:

Drawing Nos: Cover letter from KR Planning dated 23 Dec 2015, Transport Statement prepared by Ardent Consulting Engineers dated Dec 2015, Environmental Noise Survey & External Building Fabric Report 19369/EBF1 dated 29 Nov 2013, Contamination report prepared by Geosmart Information Ltd dated Dec 2015, Flood Risk Statement prepared by Ardent Consulting Engineers dated Dec 2015, 180 - L-001, 180 - L-010, PD_ELIV, PD_EX GF, PD_GF, PD_FF

Reason for refusal:

- 1 The gross floor space of the existing building exceeds 500 square metres and therefore the proposal fails to accord with the provisions of paragraph P.1 (d) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.
- 2 In the absence of a sufficiently comprehensive statement to demonstrate that the building was used solely for a storage or distribution centre use on 19th March 2014 (the date referred to in paragraph P1.(a)) and for the period of 4 years before the date development the application has not satisfied the requirements of Class P sub-paragraph P.2 (a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.
- 3 The proposed development, in the absence of a Section 106 legal agreement to secure the proposed residential units as car-free would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote use of sustainable transport contrary to the National Planning Policy Framework chapter 4, paragraphs 29, 30, 35 and 39.
- 4 In the absence of a sufficiently comprehensive Air Quality Assessment the applicant has failed to demonstrate the impact of air quality on the intended occupiers of the development as required by sub-paragraph P.2 (b) (i) of Class P of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. Thus development under Class P is not permitted.
- 5 The proposed development, in the absence of a legal agreement to secure 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 the National Planning Policy Framework paragraphs 32, 109, 123, 124 and 144.
- 6 The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition after the construction works contrary National Planning Policy Framework paragraphs 17, 29, 30, 35, 38, 39.
- 7 In the absence of a sufficiently comprehensive Contaminated Land Assessment the applicant has failed to demonstrate that the development would not cause harm to future occupiers of the development as required by sub-paragraph P.2 (b) (iii) of Class P of the Town and Country Planning (General Permitted Development)

(Amendment) (England) Order 2015. Thus development under Class P is not permitted.

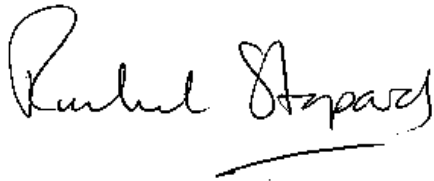
- 8 The applicant has failed to adequately demonstrate that suitable noise insulation would be provided to protect future occupiers from noise pollution from surrounding land uses as required by sub-paragraph P.2 (b) (v) of Class P of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and would be contrary to National Planning Policy Framework paragraphs 109, 123 and 144.

Informative(s):

- 1 It is recommended that any future applications for residential use at the ground floor of this site should include provision for cycle storage.
- 2 You are advised that any further applications for prior approval under Class P must include information regarding impact on air quality as set out in condition P.2 (b) (i) and flood risk mitigation as set out in condition P.2 (b) (iv) of the GPDO 2015.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard
Director of Culture & Environment

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