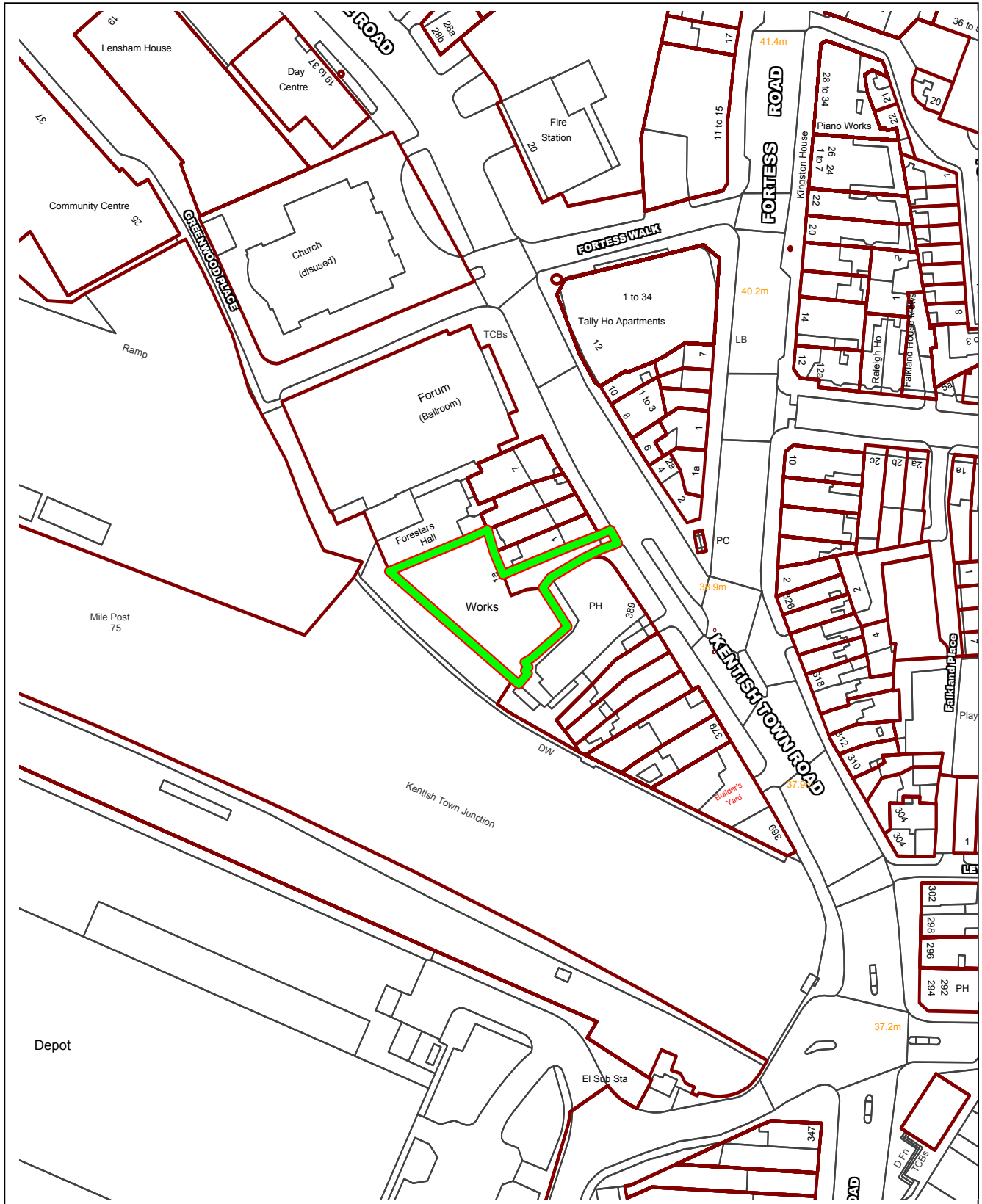


2016/2279/P

1A Highgate Road NW5 1JY



1a Highgate Road NW5



Aerial photo of site and access



Front entrance from alley



View of roofs from adjoining flat



Front entrances



Inside warehouse

Delegated Report (MEMBERS BRIEFING)		Analysis sheet	Expiry Date:	22/06/2016
		N/A / attached	Consultation Expiry Date:	20/05/2016
Officer			Application Number(s)	
Charles Thuaire			2016/2279/P	
Application Address			Drawing Numbers	
1A Highgate Road London NW5 1JY			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from warehouse (Class B8) to 11 self-contained residential units (Class C3)				
Recommendation(s):		Grant Prior Approval subject to S106 legal agreement		
Application Type:		GPDO Prior Approval Class P Change of use of B8 to C3		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	21	No. of responses	06	No. of objections	06
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 29th April to 20th May.</p> <p>Objections from neighbours at 1-3 Highgate Road and Forum and from resident in Bassett St-</p> <ul style="list-style-type: none"> • No details of elevations and sections, windows, daylight and ventilation to new flats, service access, bin stores etc; • No lifetime home standards, amenity spaces, fire safety; • Development a rabbit warren and too dense, conversion of warehouse into many dwellings does not work well; • Concern at possible adding another storey by raising the roof profile between clerestory sections; no increase in height and bulk is allowed; • Overlooking from possible roof terraces; • Dangerous access for construction; • Health and safety issues on footpath, obstruction to gate; • current noise and congestion from alley is unbearable; • disruption from proposed refuse collections and deliveries; • Residential development on boundary with Kentish Town Industrial Area may affect future development of this area and constrain its commercial operations; • Proximity of adjoining music venue 'The Forum Kentish Town' and its storage yard, which means that future residents will be affected by noise and music from shows, vehicles, equipment movement and waste compactor, which can continue to early hours of morning- this will affect potential residents and may give rise to complaints which will severely compromise the Forum's operations. Report does not take account of noise from this venue. Noise levels should be assessed and mitigation provided to ensure local businesses are not affected. • Various objections relating to previous redevelopment of site in 2014. <p><i>Officer comments:</i></p> <ul style="list-style-type: none"> • Impact on highway and transport, on amenities of future residents, and on operation of commercial area are all matters that are considered below (see sections P.2.b.ii, v, vi), as these are conditions of Schedule 2, Part 2 Class P of the GPDO. • Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974, which will be advised via informative. • Matters such as loss of amenity to neighbours, inadequate plans, and poor residential standards are not matters that can be considered under the requirements of Schedule 2, Part 2 Class P of the GPDO under which this application for Prior Approval for Change of use of 					

	<p>B8 to C3 is assessed.</p> <ul style="list-style-type: none"> • Objections relating to redevelopment schemes for this site are irrelevant for this Prior Approval determination.
<p>Other groups* comments: *Please Specify</p>	<p><u>Theatres Trust</u> object- support the Forum’s objections (as described above) and makes specific criticisms of the noise and vibration study: ‘we are substantially concerned the proposal will have an adverse effect on the ongoing operation of the Forum Kentish Town. We do not believe the applicant has adequately addressed the prior approval requirements relating to noise....From our experience, having a residential use in close proximity to a live performance venue inevitably creates serious issues for both the venue and the new residents. In order to protect the viability of the Forum, this proposal needs to ensure that adequate noise and vibration mitigation measures are incorporated in to the development to ensure the new residents will not be disturbed by the operation and use of the Forum to the extent that Camden’s Environmental Protection Team would be requested to take any action....Trust cannot support the application until it is clear that adequate living conditions will be provided in the new units and that the proposal will not have a negative impact on the long term operation and viability of the Forum.’</p> <p><i>Officer comments:</i> This is assessed under the heading of ‘(v) noise impacts of the development’ and conditions will be imposed regarding this.</p> <p><u>Thames Water</u> comment- they have identified an inability of the existing wastewater infrastructure to accommodate the needs of this application. ‘Should the Local Planning Authority look to approve the application, Thames Water would like the following ‘Grampian Style’ condition imposed. “Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Our preferred option would be for all surface water to be disposed of on site using SUDs as per policy 5.13 of the London Plan...’. They also require informatives to be added, giving advice on water infrastructure capacity and surface water flows into a public sewer.</p> <p><i>Officer comments:</i> This is assessed under the heading below of ‘(iv) flooding risks in relation to the building’ and a condition will be imposed regarding this.</p>

Site Description

1.1 The site contains an L-shaped single storey double height warehouse building comprising 2 elements- a storage area with main door entrance and a series of parallel pitched roof structures containing clerestory elements, and a garage with simple pitched roof and roller shutter door vehicular entrance. Both elements are interconnected by a door and window. The 19th C building is vacant and dilapidated but last used as a Class B8 piano store. It has a total Gross Internal Area of c.612sqm. It is accessed via a narrow cobbled alleyway from Highgate Road between adjoining buildings and is shared with rear access to the Bull and Gate public house at 389 Kentish Town Rd.

1.2 The site is bounded to the south and west by the railway tracks, to the east and north by Grade II listed buildings including a public house and a 4 storey residential terrace at Nos.1-7 Highgate Road. Further north is the Forum, a music venue which also has its service yard alongside the railway to the west of the site.

1.3 Furthermore the site lies between 2 parts of the Industrial Area in Kentish Town- Regis Road industrial estate to the south and Murphy's depot site to the north.

1.4 There is limited vehicular access to the site given the narrow alleyway and no parking on site. The site benefits from a Public Transport Accessibility Level (PTAL) of 6 (excellent) and it is considered that the area is extremely well served by public transport. The site is also located within Flood Risk Zone 1 (low risk) according to the Environment Agency's Flood Risk Zone.

Relevant History

2014/1689/P – Planning permission for demolition of existing warehouse buildings (Class B8) and redevelopment to provide 5 dwelling houses (2 x 2-bed and 3 x 3-bed) and a two storey office building (Class B1), with associated landscaping, refuse and recycling storage, and cycle parking was Refused on 17/04/2015 on grounds of loss of amenity to neighbours (light, outlook, privacy).

2016/0091/P- GPDO Prior Approval Class P Change of use of B8 to C3- Change of use from warehouse (Class B8) to 16 x residential units (Class C3). Refused 16/02/2016 on grounds of several issues, including insufficient evidence and lack of S106.

Appeal lodged- Council's statement due by 22/06/16.

2016/1482/P- application submitted on 3.5.16 for Demolition of existing warehouse buildings (Class B8) and redevelopment of the site to provide 4 x Class B1 office units (460sqm) at ground floor and 9 x Class C3 residential flats (7 x 2 bed units and 2 x 3 bed units) on 1st and 2nd floors, plus PV panels and heat pumps on roofs, and associated landscaped courtyard with entrance gates, external refuse stores, and internal cycle stores. Awaiting determination.

Relevant policies

National Planning Policy Framework 2012

Chapter 4 (Promoting sustainable transport)

Chapter 10 (Meeting the challenge of climate change, flooding and coastal change)

Chapter 11 (Conserving and enhancing the natural environment)

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2 Class P

LDF Core Strategy and Development Policies

CS5 - Managing the impact of growth and development
CS6 - Providing quality homes
CS8 - Promoting a successful and inclusive Camden economy
CS11 - Promoting sustainable and efficient travel
CS13 - Tackling climate change
CS16 - Improving Camden's health and well-being
CS17 - Making Camden a safer place
CS19 - Delivering and monitoring the Core Strategy

DP13 - Employment sites and premises
DP16 - Transport implications of development
DP17 - Walking, cycling and public transport
DP20 - Movement of goods and materials
DP22 - Sustainable construction
DP23 - Water
DP26 - Managing the impact of development on occupiers and neighbours
DP28 - Noise and vibration
DP32 - Air quality

Assessment

1. Proposal

1.1 The proposal is an amendment from the previous Prior Approval scheme (see above history) to change the use of the warehouse from storage use (Class B8) to residential use (Class C3), in that it now seeks to provide 11 instead of 16 self-contained residential units. These flats are now configured differently, making use of reopened clerestory windows.

1.2 The proposal otherwise remains the same- it involves only part of the site, ie. the warehouse element excluding the adjoining garage, and it involves the insertion of a mezzanine level to create additional internal floorspace. No external changes are proposed.

1.3 The application has been submitted to address the 8 reasons for refusal of the previous Prior Approval. These reasons related to non-compliance with the provisions of the GPDO (excessive size of warehouse, lack of air quality assessment, lack of evidence on B8 use), absence of adequate studies (on contaminated land, noise insulation) and absence of S106 legal agreement to cover clauses (on car-free, highway works, CMP).

1.4 It should be noted that the GPDO requirements are very specific and precise and the application for change of use can only be assessed against certain criteria as listed below (P2b). No assessment can be made of other issues, such as impact on neighbour amenity (in terms of light, outlook, privacy and noise), refuse storage, size and location of proposed flats, design, etc.

1.5 **This application for Prior Approval has to be determined by 22nd June, otherwise the approval is given by default.** There is also an appeal against the previous refusal of Prior Approval (see history) for which the Council has to submit its statement also by this date. The agent has confirmed that he will withdraw the appeal if this 2nd prior approval is granted in time along with any necessary S106.

2. Procedure

2.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 came into force on 15th April 2015 and introduced within Part 3 a Class P, which allows for development consisting of a change of use of a building and any land within its curtilage from a use

falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

2.2 This is subject to a number of conditions listed within sub-paragraph P.1 [(a)-(j)] and a subsequent condition in sub-paragraph P.2 requiring that before beginning the development, the development must –

a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) impacts of air quality on the intended occupiers of the development;

(ii) transport and highways impacts of the development,

(iii) contamination risks in relation to the building,

(iv) flooding risks in relation to the building,

(v) noise impacts of the development, and

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

2.3 Paragraph W sets out the procedure for applications for prior approval under Part 3. This application is to ascertain whether the proposed change of use would constitute permitted development within the General Permitted Development Order ('GPDO') and whether prior approval is required. It states particularly in sub-para (13) that 'The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.'

The conditions and requirements relating to Paragraphs P.1 and P.2 are discussed in turn below.

Compliance with Paragraph P.1

Development is not permitted by Class P if —

(a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The proposal complies. The application site was vacant at the time of the officer's site visit; however the Council Business rates records indicate that the site has been in use as a storage warehouse since 1993.

(b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;

The proposal complies. Council business rates records indicate that the site has been in use as a storage warehouse since 1993.

(c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;

The proposal complies. At the time of the officer's site visit, the change of use had not commenced and it is considered that there is sufficient time for the change of use to occur before 15th April 2018.

(d) the gross floor space of the existing building exceeds 500 square metres;

The floorspace of the total existing building exceeds 500sqm, as it measures 616sqm. On that basis, the previous prior application was refused as the entire building exceeded this threshold, even though the part of it entailing the change of use did not.

The current application, as before, relates solely to the warehouse element and excludes the integral garage element; this area measures 484sqm GEA. However the applicant has pointed out that the legislation allows changes of use under Class P to refer to 'parts of a building' as well. The definition of a 'building' in the GPDO explicitly states-

"building"- (a) includes any structure or erection and (except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2) includes any part of a building; *(my underlining)*

It is clear that a building as so defined can include any part of it and this interpretation is not excluded with reference to Class P (unlike some other Classes within the GPDO as specified above). There is no reference in this condition (d) to specify that it refers to the whole existing building only and no part of it. Also there is no reference made within this Class to a restriction on maximum cumulative floorspace involved in a change of use, as is the case with some other Classes. Consequently it is agreed that the warehouse part of the building, forming part of this application, complies with this condition as it is less than 500sqm. Furthermore it could be argued that the garage element, which is excluded from this application, can be regarded as a separate building and 'structure or erection' due to its different construction and roof form, usage and possibly age.

Therefore the proposal complies on this basis.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The proposal complies. There is no evidence to suggest it is occupied under an agricultural tenancy.

(f) less than 1 year before the date the development begins—

(i)an agricultural tenancy over the site has been terminated, and

(ii)the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

At present, the proposal complies. There is no evidence to suggest that an agricultural tenancy over the site exists.

(g) the building is within—

(i)an area of outstanding natural beauty;

(ii)an area specified by the Secretary of State for the

**purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);
(iii)the Broads; or
(iv)a National Park;
(v)a World Heritage Site;**

The proposal complies. The site does not lie within any of these areas.

(h) the site forms part of –

**(i)a site of special scientific interest;
(ii)a safety hazard area;
(iii)a military explosives storage area;**

The proposal complies. The site does not form part of any of these areas.

(i) the building is a listed building or is within the curtilage of a listed building;

The proposal complies. The application building is not listed. It must be noted that the boundary walls of the application site form garden walls to adjoining listed buildings of 1-7 Highgate Road and 389 Kentish Town Road; however the application site itself is not within the curtilage of a listed building nor does it include any listed buildings.

(j) the site is, or contains, a scheduled monument.

The proposal complies. The application site is not, nor contains, a scheduled monument.

Compliance with Paragraph P.2

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must—

(a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

The previous application was refused on the basis that no evidence had been provided to show that the building was used as such on 19.3.14 and had been so for 4 years. The agent has now supplied further evidence to comply with this condition. He advises that he attended the site on 8th December 2012 and was able to witness the premises in operation. He also supplied a photograph to show evidence of pianos stored inside. He also states that the Council's Committee Report dated 03/03/15, relating to a previous redevelopment scheme ref 2014/1689/P (see history above), records the property as being in B8 use. This evidence is not disputed by the Council, as already noted above in discussions under Paras P1.(a) and (b).

Therefore the development is permitted by Class P2(a).

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must -

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to— (items i to vi as follows)

(i) impacts of air quality on the intended occupiers of the development;

No information had been previously provided by the applicant with regard to Air Quality. It was considered that, given the proximity of a railway and busy nearby roads and the fact that the development would bring in new residents into an area of poor air quality, prior approval would be required in order to address these potential impacts.

An Air Quality Assessment report has now been submitted which shows predicted concentrations of PM10 and NO2 are below the relevant objectives. In particular it shows that NO2 emissions on the perimeter of the building are all under 40mg/m³ which means that they are below maximum levels of 60mg where mitigation measures would be required. Although Kentish Town Road is known to have high levels above the legal limit, the low levels experienced at this site are due to the fact that the site is well recessed from the road and set behind frontage buildings (the terraced houses and public house) which help protect any impact of emissions from the road. The report has been assessed by the Council's Air Quality Officer and is considered acceptable.

Thus Prior Approval is required and can be granted for this issue.

(ii) Transport and highways impacts of the development,

The location of the application site with a constrained access and the nature of the scheme with 11 new residential units is likely to have transport impacts, so prior approval would be required in order to address these potential impacts. The previous application was refused due to lack of a legal agreement to mitigate against 3 impacts.

Trip generation from the new flats so close to public transport facilities is likely to be very low. Servicing is likely to be much less than that from the previous warehouse. Thus no objection is raised on these grounds.

The application site has a PTAL rating of 6a (excellent) which means it is highly accessible by public transport. The provision of any parking permits to future occupants would put pressure on the availability of on-street parking in the vicinity of the site and have associated traffic impacts with vehicles searching for spaces particularly as there are no onstreet parking spaces available immediately outside the site in Highgate Road, Kentish Town Road and Fortess Road.

Construction works relating to any conversion or redevelopment will also have an impact due to the very constrained access to the site via a narrow alleyway and due to the amount of works and level of material that will be required and removed from the site.

Finally any such access by vehicles may result in damage to the adjoining pavements and cobbled crossover entrance which will require the developer to pay for repairs. As such the proposal is considered likely to have a material impact on the character of traffic in the vicinity of the site and prior approval of the Council is considered to be necessary.

Furthermore, in order to provide alternative transport options for occupants, it is considered that 11 cycle parking spaces should be provided at 1 per unit.

Transport Officers consider the scheme to have an acceptable impact on the highway network subject to a S106 legal agreement to cover 3 above-mentioned issues- designating the housing as 'car free', requiring a Construction Management Plan (CMP), and a Highways Contribution of £8000 to repair any damage to the public highway caused by the construction.

The applicant has agreed to enter into a Section 106 legal agreement relating to these 3 issues and this is currently being drafted by the Council's legal team before a final decision is issued on the 22nd June.

Therefore Prior Approval is required and can be granted for this issue on the basis of a satisfactory S106.

In addition, a condition will be added to secure the provision of cycle parking onsite.

(iii) Contamination risks in relation to the building

The application site does have a risk of contamination and therefore Prior Approval is required and the Council's Contaminated Land Environmental Health Officer has been consulted.

The EH Officer has now reviewed again the resubmitted Contamination report dated December 2015. It notes that, although there may be contamination subsurface, the current site is completely hard surfaced, both inside the building and at its entrance, and the scheme only involves a change of use, so the risk of any contamination is likely to be low. The EHO advises that the site is located on a former Welding and Engineering Works which are considered medium to high risk sites as they have the potential to cause ground contamination. In particular there is the potential for VOC's to be present within the soils. Therefore she recommends that the Council's standard conditions are imposed requiring submission of a scheme of assessment, site investigation and submission of remediation scheme.

Therefore, Prior Approval is required and can be granted for this issue subject to conditions.

(iv) Flooding risks in relation to the building,

The applicant has submitted the same Flood Risk Assessment report as last time. The Environment Agency's online Flood Maps indicate that the site is located within in Flood Zone 1 ("Low" probability of flooding), identified as comprising land assessed as having a less than 0.1% (1 in 1000 year) chance of flooding in any given year from river sources.

However the Camden Strategic Flood Risk Assessment shows that Highgate Road was flooded in 1975. The site is also located close to the railway which is classified as a high to medium risk of flooding in the London Borough of Camden Flood Risk Assessment. As such, prior approval of the Council with regards to flooding risks on the site was considered to be necessary.

The Council's Sustainability Officer advises that the site lies within Flood Risk Zone 1 (low risk) and that it does not fall within one of our Local Flood Risk Zones. The immediate development site is not in an area identified in Camden's Strategic Flood Risk Assessment as being at risk of surface water flooding and therefore the site itself is not at risk from flooding.

However the SFRA maps indicate high risk of surface water flooding just south of the site. There has been a history of flooding in nearby streets. Therefore the development should reduce run-off in order to reduce downstream impacts and flood risk to nearby properties, particularly as foul water discharge rates to the combined sewer are increasing on the existing levels as a result of the development. It is also noted that Thames Water are concerned at potential additional strains imposed on existing drainage and sewage infrastructure. Thus a condition is needed requiring a drainage strategy to be submitted and approved beforehand, as well as TWA's requested informatives.

Therefore, Prior Approval is required and can be granted for this issue subject to conditions.

(v) Noise impacts of the development

The applicant has resubmitted the same Noise Survey as before, dated 29 November 2013. This is the same report that was used for the previous redevelopment scheme for this site in 2014. This report has been reviewed by the Council's Noise Pollution Environmental Health Officer. The previous Prior Approval was refused due to inadequate sound insulation measures.

The site is very closely located to a public house and residential terraced houses, both at its rear boundary, as well as the Forum building to the north which is an existing music venue and has also a storage yard with waste compactor unit alongside the railway to the west of the application site. Thus the development sits in the middle of two active entertainment premises that may be impacted by this development and it is important that continued use of these venues is not compromised by the need to protect future residential amenities here.

With this close proximity to nearby buildings, any potential noise impacts of the development are considered to be of significance and therefore Prior Approval is required.

The Noise report examines the noise levels around the site resulting from the road, railway and adjoining music venue. The report states that the dominant sources of noise were from the Forum and railway, and that the manned survey was undertaken while a heavy metal band were playing at the Forum. It is concluded that adequate habitable accommodation can be achieved on site here in accordance with national levels, provided specified sound insulation is provided to the glazing and cladding.

The Council's EH Officer is concerned that the submitted Noise Survey is quite old now, dating from November 2013, and so the data cannot be relied upon as totally accurate for use in 2016. He has requested another noise survey to be carried out to inform appropriate sound insulation measures. He is also concerned that there is potential impact that may affect the two prominent entertainment venues and that the submitted report has not fully assessed this impact both on the proposal and current operations. It is important that the amenities of future residents here are not affected by nearby well-established music venues and likewise that the latter's operation is not compromised by new residential units. However he is satisfied that this can be controlled by suitable rigorous conditions to require an up-to-date noise survey and revised insulation strategy, details of vibration levels from the railway, and details of enhanced sound insulation measures. The noise assessment must be carried out in conjunction with the operations of current operating entertainment premises to take into account worse case operational noise.

Therefore, Prior Approval is required and can be granted for this issue subject to conditions.

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services

The site lies in close proximity to the Kentish Town Industrial Area, which includes Regis Road industrial estate to the south and Murphy's depot site to the north of the railway line, as well as a cluster of creative and cultural businesses along Highgate Road. The application site lies just off to the east of this designated Industrial Area and thus is not actually within the designated area requiring protection, although it is recognised that it is in very close proximity to a surrounding area of employment. Thus it is considered that prior approval is required to assess its impact here.

Although not a small building, its access is very tight and constrained and is poorly located for modern warehouse usage and servicing. It is not directly adjoining industrial or warehouse uses (Classes B1/B8) but rather residential flats, a public house and a music venue. Its location and access has no effect on the operation of nearby employment uses. Accordingly the loss of this warehouse here has already been accepted in principle by the Council as part of its assessment of the previous residential redevelopment scheme for this site in 2014. It is considered that the loss of these premises to residential use would not have an adverse impact on the sustainability of the surrounding industrial, storage and distribution services.

Therefore, Prior Approval is required and can be granted for this issue.

Conclusion

1. The proposal is now considered to accord with the provisions of paragraph P.1 (d) and therefore constitutes permitted development.
2. The developer has now complied with the requirements of condition P.2 (a) and therefore implementation of the development is permitted.
3. The developer has complied with the requirements of condition P.2 (b)(i-v) and therefore implementation of the development is permitted subject to relevant conditions as allowed under paragraph W.
4. The applicant has agreed to enter into a Section 106 legal agreement to designate the development as 'car-free', provide a Construction Management Plan (CMP) and a highways contribution, in order to address the issues in condition P.2 (b)(ii) and therefore prior approval can be granted on this basis.

Recommendations:

1. Grant Prior Approval subject to conditions and S106

2. If a decision with S106 is not issued within the statutory time period, ie. 22nd June 2016, then Prior Approval is refused on grounds of lack of S106 on 3 matters and inadequate sound insulation to proposed flats.

The decision to refer an application to Development Control Committee lies with the Executive Director of Supporting Communities. Nominated members will advise whether they consider this application should be reported to the Development Control Committee on Monday 20th June 2016. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

KR Planning
183 Seafeld Road
Bournemouth
BH6 5LJApplication Ref: **2016/2279/P**
Please ask for: **Charles Thuaire**
Telephone: 020 7974 **5867**

16 June 2016

Dear Sir/Madam

DRAFT
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 granted

The Council, as local planning authority, hereby confirm that their **prior approval is granted** 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 11 self-contained residential units (Class C3)

Details approved by the local planning authority:

Drawing Nos: Cover letter from KR Planning dated 20 April 2016, Air Quality Assessment

Director of Supporting Communities

report by Ardent Consulting Engineers ref Z180-08A dated June 2016, Transport Statement by Ardent Consulting Engineers dated December 2015, Environmental Noise Survey & External Building Fabric Report dated 29 November 2013, Contamination report by Geosmart Information Ltd dated December 2015, Flood Risk Statement by Ardent Consulting Engineers dated December 2015; 180 - L-001, PD-EX SP rev A, PD-EX GF rev A, PD-ELV rev A, PD-GF rev A, PD-FF rev A, PD-PR ELV; email from Kieran Rafferty dated 13.6.16 regarding use evidence.

Reason for approval:

- 1 The change of use from warehouse (Class B8) to 11 residential units (Class C3) is permitted under Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) Order 2015, subject to the following conditions.

Conditions and reasons:

- 2 Prior to commencement of the development, an up to date noise assessment shall be submitted to and approved by the Council. The report shall include external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, of orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room noise standards in accordance with the criteria of BS8233:2014. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the proposed occupants and adjoining premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Prior to commencement of the development, details of sound insulation shall be submitted to and approved by the Council. Such details shall show an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the proposed occupants and adjoining premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to commencement of the development, details of building vibration levels shall be submitted to and approved by the Council. The details shall refer to vibration levels generated by the adjacent railway together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. The approved details shall be implemented prior to occupation of the development and thereafter be permanently

retained.

Reason: To safeguard the amenities of the proposed occupants and adjoining premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 At least 28 days before development commences, a written detailed scheme of assessment consisting of site reconnaissance, conceptual model, risk assessment and proposed schedule of investigation shall be submitted to the planning authority. The scheme of assessment must be sufficient to assess the scale and nature of potential contamination risks on the site and shall include details of the number of sample points, the sampling methodology and the type and quantity of analyses proposed. The scheme of assessment must be approved by the planning authority and the documentation submitted must comply with the standards of the Environment Agency's Model Procedures for the Management of Contamination (CLR11).

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Before development commences, a site investigation shall be undertaken in accordance with the approved scheme of assessment and the written results provided to the planning authority for their approval. Laboratory results must be provided as numeric values in a formatted electronic spread sheet. Before development commences, a remediation scheme shall be agreed in writing with the planning authority and the scheme as approved shall be implemented before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Additional significant contamination discovered during development shall be fully assessed and any necessary modifications made to the remediation scheme shall be submitted to the Local Planning Authority for written approval. Before any part of the development hereby permitted is occupied the developer shall provide written confirmation that all works were completed in accordance with the revised remediation scheme.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous

industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Before the development commences, details of a secure and covered cycle storage area for 11 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to commencement of development, a drainage strategy detailing any on and/or off site drainage works shall be submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been implemented and thereafter retained and maintained.

Reason: To prevent sewage flooding, to ensure that sufficient capacity is made available to cope with the new development; and to safeguard existing below ground public utility infrastructure and controlled waters in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 Thames Water advise that they will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 Thames Water advise that the site connects into a combined sewer and the proposal is to increase the net foul and surface water flow into the public sewer. As the development proposal is a change of use, they would expect some form of rudimentary surface water attenuation assets to be retrofitted to the existing building and hard standing areas.
- 5 You are advised in relation to condition 2 above that the noise assessment must be carried out in conjunction with the currently operating entertainment premises to take into account a worst case operational noise scenario.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 You are advised that any external works of alterations or additions would require full planning permission.
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 10 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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

Yours faithfully

Director of Supporting Communities

Director of Supporting Communities

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.

DRAFT

DECISION