

Application ref: 2021/5672/P  
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Date: 18 January 2022

**Development Management**  
Regeneration and Planning  
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Alex Imlach Design  
5 Matlock Way  
New Malden  
KT3 3AT

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 MA.2 of Schedule 2 Part 3 Class MA 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:**

**154 Royal College Street  
London  
NW1 0TA**

**Description of the proposed development:**

Change of use from Commercial, Business and Service (Class E) to Dwellinghouses (Class C3), by combining the ground floor shop with the basement studio flat to create a one bedroom maisonette

**Information that the developer provided to the local planning authority:**

Drawing Nos: 702/EX/100 (Rev A), 702/PA/1100, Flood Zone Map, HM Land Registry Site Plan

**Reasons for refusal:**

- 1 It has not been demonstrated that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application and it has not been demonstrated that the building was in use for a purpose specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application. The proposal would therefore not comply with criteria MA.1 (a) and (b) of Class MA, Schedule 2, Part 3 of the GPDO.
- 2 The proposed development, in the absence of a Section 106 legal agreement to secure the residential units as car-free, would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote the use of sustainable transport. It would therefore not comply with criteria MA.2 (a) of Class MA, Schedule 2, Part 3 of the GPDO and be contrary to Chapter 9 of the National Planning Policy Framework 2021 and policy T2 (Parking and car-free development) of the LB Camden Local Plan 2017.
- 3 The proposed change of use, due to the loss of commercial character by reason of a loss of ground floor retail use, would have a detrimental impact on the character and sustainability of the Conservation Area. It would therefore not comply with criteria MA.2 (e) of Class MA, Schedule 2, Part 3 of the GPDO, and be contrary to Chapter 16 of the NPPF 2021 and policy D2 (Heritage) of the LB Camden Local Plan 2017.
- 4 In the absence of any contamination assessment for the site to demonstrate otherwise, it is likely that the future occupiers would be impacted by potential contamination nearby, to the detriment of their amenities. It would therefore not comply with criteria MA.2 (b) of Class MA, Schedule 2, Part 3 of the GPDO, and be contrary to Chapter 15 of the NPPF 2021 and policy A1 (Managing the impact of development) of the LB Camden Local Plan 2017.
- 5 The proposal does not comply with the requirements of Article 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015 which requires this 2 person dwelling on 2 floors to have a minimum size of at least 58sqm in area, in compliance with the Technical Housing Standards - Nationally Described Space Standards 2015.

Informative(s):

- 1 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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 2021.

You can find advice in regard to 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 'DPope', is positioned above the typed name.

Daniel Pope  
Chief Planning Officer

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://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](http://www.camden.gov.uk/dmfeedback). We will use the information you give us to help improve our services.