

Application ref: 2022/4333/P
Contact: Ewan Campbell
Tel: 020 7974 5458
Email: Ewan.Campbell@camden.gov.uk
Date: 17 May 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

ca(uk)ltd
2 BATCHELDOR GARDENS
BROMHAM
BEDS
MK43 8SP

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**107 King's Cross Road
LONDON
WC1X 9LR**

Proposal:

Change of use of basement (Class E) to studio flat (Class C3) (Retrospective) plus covering of opening to the front with metal grille and removal of metal balustrades and stairs to the front

Drawing Nos: Site Plan, Guzel 107.211 PRE EXG Front Elev, Guzel 107.212 Front Elev as PRE existing Location, Guzel 107.213 EXG Section, Guzel 107.214 PRE EXG Plans, Guzel 107.215 Location, Guzel 107.3150 Location, Guzel 107.2040 EXG Plans (Rev A), Guzel 107.3010 EXG Front Elev, Guzel 107.31610 PRO Elev and Long Sect Rev C, Guzel 107.31600 (PRO Plans) Rev C, Guzel 107.31620 (PRO Plans) Rev C Design and Access Statement (10/10/2022)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Guzel 107.211 PRE EXG Front Elev, Guzel 107.212 Front Elev as PRE existing Location, Guzel 107.213 EXG Section, Guzel 107.214 PRE EXG Plans, Guzel 107.215 Location, Guzel 107.3150 Location, Guzel 107.2040 EXG Plans (Rev A), Guzel 107.3010 EXG Front Elev, Guzel 107.31610 PRO Elev and Long Sect Rev C, Guzel 107.31600 (PRO Plans) Rev C, Guzel 107.31620 (PRO Plans) Rev C Design and Access Statement (10/10/2022).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 5 The internal noise levels in the dwellings hereby approved shall not exceed an indoor ambient noise levels in unoccupied rooms of 35dB(A) LAeq,16hour (07:00-23:00 hours) and 30dB(A) LAeq, 8hour (23:00-07:00 hours) and individual noise events shall not normally exceed 45dB L_{Amax} during the night (23:00-07:00 hours).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Within six months of the date of the decision, the railings and lightwell stairs shall be removed, and remedial works shown in the proposed plans and elevations Guzel 107.31610 PRO Elev and Long Sect Rev C, Guzel 107.31600 (PRO Plans) Rev C shall be completed, including the installation of the glass blocks and works to the front elevation and internal circulation space.

Reason: in the interest of proper planning, and to safeguard the appearance of the premises and the character of the area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Reasons for granting permission.

The site sits within the King's Cross St Pancras Conservation Area. The King's Cross Conservation Area Statement (2003) identifies the character and appearance of the area which depends on a variety of factors including deriving from its physical and visual characteristics (i.e. materials, heights of buildings, types and relationship of built form). Other aspects of its character includes less tangible effects relating to the experience of an area. This may include levels and types of activity and patterns of prevailing land uses. The building is not listed but is a positive contributor within the Conservation Statement.

The application follows the previous refusal (2021/3394/P) and subsequent dismissed appeal for retrospective works to the site. The current proposal includes works to remove some of these elements.

The proposal to remove the railings and steps to the front is welcome and returns the site to its original appearance and preserves the character of the site and wider Conservation area. The glazed rooflight also infills the lightwell which was previously opened up and removes a significant sense of openness to the front. This also conforms to the character of the area by preserving this feature to the front of the property.

The new glazed window opening would look out onto a basement/lightwell and as such, the residential use would not cause unacceptable impacts on the amenity of existing residential neighbours in terms of loss of outlook, daylight/sunlight or privacy

The proposals involves the creation of one new residential flat. Housing is regarded as the priority land use of the Local Plan, and given the new residential unit would be in addition to the existing flats in the building, the principle of new housing in this location would be compliant with Camden's policy H1 in this regard.

In relation to this change of use, the previous appeal (APP/X5210/W/21/3288089) acknowledged that it could not be established whether the basement was comprised of solely office use or just ancillary retail space and therefore the reason for refusal relating to local plan policy E2 and loss of office was rejected.

The ground floor units appears to operate viably without the additional basement floorspace, so its loss to housing would not undermine its continued use.

It would not be appropriate as a separate office space because it would share the entrance/circulation with residential. The size of the unit (at 43.2sqm) is also very small and therefore would struggle to even provide a quality office space for a very small business. Therefore the proposal for loss of the space to residential complies with the aims of policy E2.

In terms of standard of accommodation, the new dwelling would measure approximately 43.2sqm which would meet the nationally described space standard for a single storey, one bedroom, and one person flat. Whilst the outlook and daylight is limited with the flat being single aspect, the inspector for the previous appeal concluded that as the unit was a basement flat this would be restricted in some form anyway and the level of accommodation was considered acceptable.

- 3 In line with Policy T1 of the adopted Camden Local Plan and in accordance with the standards set out in the London Plan, we would require the provision of 1 cycle parking space. However, no formal cycle parking is shown on the submitted plans. It is considered that a contribution of £720 should be secured by means of a Section 106 Agreement towards the provision of a cycle hanger in the vicinity of the site.

In accordance with Policy T2 of the adopted Camden Local Plan, the new residential unit will be secured as on-street Resident parking permit (car) free by means of the Section 106 Agreement. This will prevent the future occupants from adding to existing parking pressures, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections have been received prior to making this decision, the King's Cross CAAC have raised no objection to the proposal. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, T1, T2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation

will be granted until the Construction Management Plan is approved by the Council.

- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 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.
- 7 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.
- 8 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 9 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 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>.

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 about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer