

Application ref: 2023/1485/P
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Date: 5 July 2023

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

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EA Town Planning LTD
16 Francklyn Gardens
Edgware
HA8 8RY

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
4-6 Duke's Road
London
WC1H 9AD

Proposal: Change of use from Class F1 (language school) to Class E (indoor recreation centre).

Drawing Nos: DRC.4-6.EX.FP.02, DRC.4-6.EX.FP.03, DRC.4-6.EX.FP.04, DRC.4-6.PR.FP.02, DRC.4-6.PR.FP.03, DRC.4-6.PR.FP.04, Location Plan, Design and Access and Heritage Statement, Activities Management Plan, Marketing Info.

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:

DRC.4-6.EX.FP.02, DRC.4-6.EX.FP.03, DRC.4-6.EX.FP.04, DRC.4-6.PR.FP.02, DRC.4-6.PR.FP.03, DRC.4-6.PR.FP.04, Location Plan, Design and Access and Heritage Statement, Activities Management Plan, Marketing Info.

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

- 3 The use hereby permitted shall not be carried out outside the following times of 10:00 to 22:00 Mondays to Sundays (including Bank Holidays). Internal noise levels shall be kept at a minimum as to ensure the use is not audible within any nearby residential premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The site comprises a three-storey plus basement mid-terrace property, which is Grade II* listed and located within the Bloomsbury Conservation Area. Its current permitted use is Class F1(a) (educational) for the operation of a private, for-profit language school. The language school was permitted to operate after being granted a change of use from offices (Class B1) to educational use (Class D1) under ref. 2011/2853/P (dated 01/08/2011). The language school closed in 2019, and the property has remained vacant since.

The proposal is for the change of use from educational (Class F1) to an indoor recreation centre (Class E), where visiting members of the public play 'murder mystery' themed games. Activity rooms are set up with furniture resembling sets, and players find clues to try to solve the mystery in a similar manner to escape rooms.

It is considered that the proposed business fits within the umbrella Class E use, under criterion (d) which includes indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public. The business would function similarly to other town centre and high street uses, providing a service for members of the public. The business would have regular operating hours of 10:00-22:00, Monday to Friday, and would be available to members of the public. The applicant confirmed that no alcohol would be served on the premises.

Policy C2 of the Camden Local Plan seeks to preserve community uses unless: a) a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended uses; and b) the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. The Camden Local Plan defines community facilities as "a wide range of social infrastructure that provides service to the community/ this includes childcare, education, adult learning and training, healthcare, police stations, youth

provision, libraries, public houses, community halls, places of worship, and public toilets".

Although the existing use is classified as education under Policy C2, it is considered that due its previous operation as a private, fee-based for-profit business that catered to a very limited and specific clientele, it acts more as a Class E use than a traditional Class F1 use. Class F1 uses are typically publicly accessible and free, educational spaces such as primary schools and adult education centres. The Council would typically resist the loss of a traditional Class F1 educational use without sufficient marketing evidence to rationalise its loss, however, due to the reasons set out above the typical requirements in Policy C2 are considered not applicable in this instance. Therefore, it is considered that the change of use from educational (Class F1) to indoor recreation (Class E) would comply with Policy C2 of the Camden Local Plan.

No internal or external alterations are proposed as part of this application, which is limited to the change of use only. Any future internal or external alterations would require planning permission and/or listed building consent.

- 2 It is considered that the Class E use is unlikely to result in significantly more noise than the existing arrangements due to the nature of the games being played. The applicant has confirmed that any amplified noises sounds would be emitted from small home speakers only, and that no alcohol would be permitted on the premises which would reduce the amount of noise disturbance to neighbouring occupiers. Further, an internal lobby would allow users of the business to wait inside rather than queuing outside while waiting for their game to begin. The proposed hours of operation from 10:00 to 22:00 are considered acceptable and will be secured by condition. The current hours of use of the premises are not restricted.

In addition, no physical changes are proposed by this application, thus the proposal would not have any effect on neighbouring occupiers with regards to loss of privacy or daylight/sunlight. Overall, it is considered that the proposed use would not create any amenity impacts on neighbouring occupiers, thus complying with Policy A1 of the Local Plan.

One objection and two letters providing comments were received prior to making this decision; the details of the objection are outlined in the Consultation Summary. The planning history of the site and surrounding area were taken into account prior to making this decision.

As such, the proposal is in general accordance with Policies A1 and C2 of the London Borough of Camden Local Plan 2017 and with the policies of the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 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).

- 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.

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



Daniel Pope
Chief Planning Officer