

Application ref: 2022/3758/P
Contact: David Peres Da Costa
Tel: 020 7974 5262
Email: David.PeresDaCosta@camden.gov.uk
Date: 14 February 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444

Mark Smith Architects
c/o Hazellville Road
London
N19 3BS
UK

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
1 Hampshire Street
London
NW5 2TE

Proposal:
Change of use from commercial (Class E) to residential (Class C3) at ground floor to provide five flats and associated external alterations at front and rear.
Drawing Nos:
Existing drawings: 310 P.07; 510 P.05

Proposed drawings: 2003_PL_100 Rev B; 2003_PL_105 Rev A; 2003_PL_110 Rev A; 2003_PL_120

Supporting documents: Marketing Report prepared by Alexander Reece Thomson dated 27 September 2022; Addendum to Marketing Report prepared by Alexander Reece Thomson dated 14 June 2023; Daylight and Sunlight Report prepared by Right of Light Consulting dated 3 October 2022; Transport Statement prepared by Ardent dated October 2022; Assessment Of The Economic Viability of the Proposed Scheme prepared by Bidwells dated March 2023; Addendum To Financial Viability Assessment prepared by Bidwells dated 31/08/2023; Further Addendum To Financial Viability Assessment prepared by Bidwells dated 27/10/2023; Valuation Report for Financial Viability Purposes prepared by Strettons dated 25th October 2023; Viability Response prepared by Bidwells dated 8th November 2023

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 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 policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing drawings: 310 P.07; 510 P.05

Proposed drawings: 2003_PL_100 Rev B; 2003_PL_105 Rev A; 2003_PL_110 Rev A; 2003_PL_120

Supporting documents: Marketing Report prepared by Alexander Reece Thomson dated 27 September 2022; Addendum to Marketing Report prepared by Alexander Reece Thomson dated 14 June 2023; Daylight and Sunlight Report prepared by Right of Light Consulting dated 3 October 2022; Transport Statement prepared by Ardent dated October 2022; Assessment Of The Economic Viability of the Proposed Scheme prepared by Bidwells dated March 2023; Addendum To Financial Viability Assessment prepared by Bidwells dated 31/08/2023; Further Addendum To Financial Viability Assessment prepared by Bidwells dated 27/10/2023; Valuation Report for Financial Viability Purposes prepared by Strettons dated 25th October 2023; Viability Response prepared by Bidwells dated 8th November 2023

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

- 4 Prior to the first occupation of the flats hereby approved, the cycle storage area inside each flat (as shown on drawing 2003_PL_100 Rev B) shall be provided in its entirety prior and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/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, CC3 of the London Borough of Camden Local Plan 2017.

- 6 Units 1 - 5, as indicated on plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.

- 7 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 8 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development are not adversely affected by noise and vibration in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 9 The waste store hereby approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

Policy E2 resists the loss of existing office space unless suitably justified. A marketing report has been submitted which demonstrates that the office floorspace has been marketed since Jan. 2020 in accordance with the approved marketing plan as required by the obligation in the s106 agreement

of the original permission ref: 2017/2883/P. The Council regards self-contained housing as the priority land-use of the Local Plan and the 5 additional dwellings would help the borough to meet its housing requirement.

An affordable housing contribution would be required. Where development sites are split, the appropriate affordable housing contribution is comprehensively assessed for all the sites together. In this case, 970sqm of residential floorspace was provided under ref: 2017/2883/P. Based on 334sqm GIA of additional housing floorspace proposed, this would result in a total of 1304sqm of residential floorspace with a requirement for 26% affordable housing. The payment in lieu for affordable housing would be £434,200 (26% x 86.84 x £5,000). The applicant's viability report has been appraised by BPS. They have advised that the scheme is in deficit and that no affordable housing contribution can viably be provided. Rather than a post-permission viability review, the applicant has agreed to a one-off payment. As officers are not inclined to believe viability could deliver more in this instance, £100,200 has been accepted as the deferred contribution for the purposes of calculating the one-off payment. This is the contribution that would have been required if the application was considered as a standalone scheme. The one-off payment is therefore £35,070 (35% of £100,200) which would be paid on implementation. This would be secured by legal agreement.

The development would provide 3 x 2-bed and 2 x 1-bed flats. The development includes a mix of large and small homes in accordance with Policy H7. All the flats would meet or exceed the minimum floorspace requirement. The dwellings would provide an acceptable standard of accommodation with all the 2-bed flats being dual aspect. The 2-bed flats would have external amenity space at the rear. Given that this is a conversion, the single aspect and lack of external private amenity space for the 1-bed flats is acceptable. The existing refuse storage would be enlarged to incorporate the previous commercial bin store and meets Camden refuse store standards. The ground floor units would be secured accessible and adaptable, in accordance with Building Regulation M4(2), by condition.

The ground floor glazed elevation would be set back with metal railings in front (like the floors above) to allow defensible space to the front of the flats. Apart from the setback, the front and rear fenestration would be altered to relocate doors and provide additional doors to the fixed glazing. Openable windows would be provided for all the flats at front and rear. This would have minimal impact on the appearance of the front and rear elevation. These alterations are considered acceptable and would be sympathetic to the appearance of the existing building.

The flats would be secured car free in accordance with Policy T2. Cycle parking for the flats would be provided within each of the units. This is considered acceptable as this is a conversion.

The alterations to the property and the conversion to residential would have minimal impact on neighbouring amenity in terms of daylight / sunlight, noise and overlooking.

The planning and appeal history of the site has been taken into account when

coming to this decision. No objections were received prior to making this decision.

As such, the proposed development is in general accordance with policies H1, H4, H6, H7, D1, C5, CC3, E2, T1, T2 and A1 of the Camden Local Plan 2017; and policies SW1 and D3 of the Kentish Town Neighbourhood Plan. The development also accords with the NPPF and the London Plan 2016.

- 2 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).
- 3 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.
- 4 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.

- 5 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 6 This proposal may be liable for the Mayor of London's Community

Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

- 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.

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