

Application ref: 2023/4865/P
Contact: Sam Fitzpatrick
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Date: 30 April 2024

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

Black Elephant Architecture Design Studio Ltd
31 Friern Barnet Road
Friern Barnet
London
N11 1NE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Regent House
72-76 Eversholt Street
London
NW1 1BY

Proposal:
Retrospective change of use of Unit D (Basement Right) to office space (Class E).
Drawing Nos:
Location Plan; BP_01 Rev A; DD_01 Rev A; DD_02 Rev A; DD_04 Rev B; DD_06 Rev A; Covering letter Rev A1 (prepared by Black Elephant Architecture Studio, dated July 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 The development hereby permitted shall be carried out in accordance with the

following approved plans:

Location Plan; BP_01 Rev A; DD_01 Rev A; DD_02 Rev A; DD_04 Rev B; DD_06 Rev A; Covering letter Rev A1 (prepared by Black Elephant Architecture Studio, dated July 2023).

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

Informative(s):

1 Reasons for granting permission:

The application relates to a unit at the basement level of Regent House, 72 Eversholt Street. The host building is a six storey plus basement property which sits on the eastern side of Eversholt Street, adjacent to the intersection with Drummond Crescent. Both the basement and ground floor include two commercial units to the front of the property. The site is not listed nor is it located within a conservation area.

The proposal is for the change of use of the front right unit at basement level (Unit D) to an office space, which would also provide music teaching lessons in the evening as part of the business. The proposed use would therefore be considered to fall under Class E (Commercial, business, and service), specifically under criterion (c) which includes financial services, professional services, and other appropriate services in a commercial, business, or service locality. The business would function in a similar manner to other town centre and high street uses, providing a service for members of the public. It would have regular operating hours of 09:00 - 20:00 Mondays to Fridays and by appointment on Saturdays, and would be available to members of the public.

The unit to which the application relates was granted permission as Use Class B1 (Business) in 2009, a use class which no longer exists following the changes to the Use Class Order in September 2020. Following the revocation of this Use Class, it was effectively replaced by Class E(g), so the unit would then be considered to fall within Class E from 2020 onwards. Enforcement history shows that the unit was unlawfully operated as an escape room between 2014 and 2021, which would be Sui Generis. However, this Sui Generis use was never granted permission, did not take place for a continuous 10 year period, and was the subject of an enforcement investigation. There was also an application submitted in 2021 (ref. 2021/1699/P) for prior approval to change use of the unit from Class E to Class C3, which was subsequently refused. Therefore, although this application proposes a change from Sui Generis to Class E, the existing use would on balance be considered to be Class E, as the unit was never established as Sui Generis. As such, the change of use that is now proposed would be within the same use class, and would not technically require planning permission.

Notwithstanding the complex history of the use of the unit, the proposed use would be acceptable in principle. No external alterations are proposed as part of the application, which is limited to change of use only. Any future external alterations would require planning permission. It is considered that the Class E

use is unlikely to result in significantly more noise than the existing arrangements, and although the use does include music teaching sessions, the unit would be appropriately soundproofed to keep noise levels within acceptable limits. The proposed hours are considered to be acceptable and would not be necessary to secure by condition, particularly given that the hours of the existing unit are not restricted.

As no physical changes are proposed by the application and the proposal strictly relates to the change of use (technically within the same use class), it is not considered that there would be any significant impacts on amenity, including with regards to loss of privacy, daylight/sunlight, or noise.

No objections were received prior to making this decision. The planning and enforcement 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 D1 of the London Borough of Camden Local Plan 2017. The development would also accord with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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.

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