

Application ref: 2024/1314/P
Contact: Daren Zuk
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Date: 11 September 2024

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

RCA Consulting
38A Southampton Road
London
NW5 4JR

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**5-6 Underhill Street
London
NW1 7HS**

Proposal:

Change of use of second floor office space (Class E) to residential (Class C3) for the provision of a new self-contained residential unit.

Drawing Nos: 2205_AA_0010, 2305_AA_2M_0502, 2405_AA_0050, 2405_AA_0051, 2405_AA_0500, 2405_AA_0501, 2405_AA_0600, 2405_AA_0800, Design and Access Statement (prepared by RCA Consulting, dated April 2024), Property Marketing Report (prepared by Ascent Real Estate, dated March 2024)

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:

2205_AA_0010, 2305_AA_2M_0502, 2405_AA_0050, 2405_AA_0051, 2405_AA_0500, 2405_AA_0501, 2405_AA_0600, 2405_AA_0800, Design and Access Statement (prepared by RCA Consulting, dated April 2024), Property Marketing Report (prepared by Ascent Real Estate, dated March 2024)

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 secure and covered cycle storage area for 2no. cycles in the courtyard shall be provided in its entirety prior to the first occupation of any of the new units, 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 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a [1:100 year event with 30% provision for climate change] [demonstrating 50% attenuation of all runoff] [demonstrating greenfield levels of runoff]. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposed development seeks to convert an office suite (unit 2.2) on the second level at 5-6 Underhill Street to create 1x residential units. No external alterations are proposed to facilitate the new residential unit.

The site has been actively marketed for office use since February 2023 without success. A marketing report has been submitted and found to comply with the guidance set out in 'CPG Employment sites and business premises' in terms of how the marketing was carried out. Whilst the time period is less than the 2 years stipulated by the Local Plan, there are exceptional circumstances where shorter marketing periods are acceptable. The first criterion is where the property has been advertised for sale for at least 12 months, which it has. The

property is currently vacant and has been for at least a year, since early 2022. Another factor worthy of note is the planning history for the building which has shifted in recent years from commercial to residential use. Units 2.3 and 2.1 on the second floor (same as the subject unit) both received planning permission for a change of use from office (Class E) to residential (Class C3) under ref. 2022/5582/P (dated 01/12/2023).

Taking all these factors into account, the change of use is accepted. The proposed residential unit would provide a high priority 2-bedroom unit with good accessibility by public transport in a predominantly residential area. It would measure 110sqm GIA, well above the required 70sqm. The unit would be dual aspect, facing both east and west, and is considered to provide adequate daylight/sunlight, outlook, and ventilation. A courtyard garden of approx. 28 sqm is provided at ground floor level for communal use, which would be largely hard landscaped.

The proposal would provide an additional residential unit and over 100 sqm uplift in residential floorspace and therefore a financial contribution is sought. Based on an uplift of 110 sqm, the affordable housing contribution would be £11,000 (110 sqm x 2% x £5,000) which would be secured by Section 106.

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

It is considered that the proposed works would not result in any amenity impact on neighbouring properties by way of loss of outlook, daylight or privacy. There would not be harmful overlooking and loss of privacy for residents in the existing building opposite (1-2 Underhill Street and 142 Arlington Road) and the new occupants of the second-floor flat. There is an already established overlooking distance as this is an existing building, and therefore, compliance with CPG Amenity guidance on an 18m separation distance is not possible. The level of overlooking is typical for an inner London location and is found in many building typologies such as a mews. As such, it is not necessary to attach a condition to secure the windows be fitted with obscure glazing, and doing so would severely impact the outlook from the new flat.

The development would be secured as parking permit free with rights to on-street parking rights removed by a S106 Legal Agreement. Cycle parking is located on both the cycle store on Underhill Street and in the courtyard, accessed from Pleasant Row and the High Street. This provision is secured by condition.

No objections were received following statutory consultation. The site's planning history has been taken into account when making this decision.

As such, the proposed development is in general accordance with policies A1, H1, H4, H6, H7, E2, T1, T2, D1 and DM1 of the Camden Local Plan 2017. The proposed development also accords 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.

- 5 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.
- 6 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.
- 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.


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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer