

Application ref: 2025/0201/P  
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Date: 27 February 2025

**Development Management**  
Regeneration and Planning  
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Transport for London  
Palestra House  
197 Blackfriars Road  
London  
SE1 8NJ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Carriageway on Castlehaven Road adjacent to Kelly Street junction  
London  
NW1 8SJ**

Proposal:

Installation of Santander Cycle docking station and terminal.

Drawing Nos: KELLY STREET-GA P01, KELLY STREET-EX P01, KELLY STREET-LOC P01, CHS-DP-03 Rev 4, CHS\_2\_T Rev 5, Cover Letter (prepared by TfL, dated 17 January 2025), Planning Design and Access Statement (prepared by TfL, dated January 2025)

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:

KELLY STREET-GA P01, KELLY STREET-EX P01, KELLY STREET-LOC P01, CHS-DP-03 Rev 4, CHS\_2\_T Rev 5, Cover Letter (prepared by TfL, dated 17 January 2025), Planning Design and Access Statement (prepared by TfL, dated January 2025)

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

Informative(s):

1 Reasons for granting permission:

The application is for a cycle hire docking station with a registration and payment terminal and 27 docking points as part of the Transport for London (TfL) Santander Cycle Hire Scheme. It would be located on the carriageway of Castlehaven Road, adjacent to the closed junction with Kelly Street. The Council recently completed public consultation on the scheme as part of the Kelly Street Green Mobility Hub, which took place from 14th November 2024 to 5th December 2024. The proposal and its location are supported by TfL and Council Transport Officers and considered to comply with Policies T1, T2, and T3.

The site is located within the Kelly Street Conservation Area, and near the Grade II listed buildings at 98 Castlehaven Road and 51 Kelly Street. The docking station is a simple and relatively small utilitarian structure, typical of public transport infrastructure across London. The proposal, given its scale and simple design, would preserve the street scene and setting of the wider Kelly Street Conservation Area. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area, and the listed buildings, their setting, and their features of special architectural or historic interest. The nearest listed buildings are located in Kelly Street to the north of the site and their settings are not directly affected by this proposal.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and Listed Buildings, under s.72 and s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The introduction of the docking station near to residential and noise sensitive properties could result in a minor increase in noise and disturbance, but it would be consistent with the location. Given its scale and siting it is not considered to cause harm in terms of light, outlook or a sense of enclosure.

The Kelly Street CAAC was consulted and chose not to comment on the application. One letter in support and one in objection to the proposal were received following statutory consultation. The objection cited concerns that there were too many stations already in place, that the additional cycles would give access to untrained cyclists, and with antisocial behaviour. Although multiple of these concerns are considered outside the scope of planning and are not material planning considerations (number of stations or behaviours of future users), the relatively small number of cycles is not considered to give

rise to levels of anti-social behaviour that would outweigh the wider public benefits of the scheme. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in accordance with the development plan and in particular policies C6, A1, D1, D2, T1, T2, and T3 of the Camden Local Plan 2017. The proposed development also accords with policies of the London Plan 2021 and of the National Planning Policy Framework 2024.

- 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](http://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 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

#### ++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
  - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
  - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
  - The application is a Householder Application.
  - It is for development of a "Biodiversity Gain Site".
  - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
  - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

#### 6 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

#### ++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the

post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

#### ++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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