

Mr. David Nicholas  
David Nicholas Associates  
10 High Street  
Sandwich  
Kent  
CT13 9EB

Application Ref: **2014/7853/P**  
Please ask for: **David Peres Da Costa**  
Telephone: 020 7974 **5262**

30 April 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**41 Chalcot Road**  
**London**  
**NW1 8LS**

Proposal:  
Change of use of lower ground floor and part ground floor from restaurant (Class A3) to 1x 2-bed flat Class C3 and installation of new window at rear ground floor.  
Drawing Nos: Site location plan; 21014/CR: 06B; 03B; 05B; 02A; 04A; Lifetime homes statement

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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 21014/CR: 06B; 03B; 05B; 02A; 04A; Lifetime homes statement

Reason:

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

Informative(s):

- 1 Reason for granting permission

The change of use of the lower ground floor and part of the ground floor from restaurant use (Class A3) to residential would still leave approximately 30sqm floorspace for the shop unit at ground floor. This is sufficient floorspace to allow a business to operate from this retail unit. Therefore the change of use would not harm the character, function, vitality and viability of the Chalcot Road neighbourhood centre. It is noted that the rear ground floor of the existing restaurant was not part of the original shop and was added following the grant of planning permission for the erection of single storey rear extension (ref: 2006/5050/P). Given that this was not part of the original shop, the conversion of the rear addition to residential would not harm the viability of the retail unit. The only external alteration would be an enlarged rear window to the ground floor shop. The size and design of the window is acceptable. The proposed 2 bedroom flat would be dual aspect and would exceed the minimum floorspace for a flat for 4 persons. Likewise the double bedroom would exceed the minimum floorspace required. The flat would have access to a patio at the rear. The flat is a conversion so it is accepted that not all the Lifetime Home criteria can be met in this instance. The flat is in a moderately accessible location (PTAL 3) and is less than 600m from Chalk Farm underground station. Given this context the flat should be secured car free by legal agreement.

The proposal would result in the reduction of A3 floorspace in a neighbourhood centre, however, as housing is the priority land use in the borough and a viable shop unit would still remain, this is considered acceptable. The planning history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed

Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5, CS6, CS11 CS14 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP10, DP12, DP18, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.5, 3.8, 6.12, 7.4, 7.6, 7.8 and 7.15 of the London Plan 2011; and paragraphs 14, 17, 29-30, 39, 49-50, 56-66 and 126-141 of the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL

payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 5 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.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Ed Watson  
Director of Culture & Environment