

Application ref: 2018/0934/P  
Contact: Ben Farrant  
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Date: 7 November 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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RPS Planning & Development Ltd  
140 London Wall  
London  
EC2Y 5DN

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:  
**40 Highgate West Hill**  
**London**  
**N6 6LS**

Proposal:  
Change of use of office (Class B1a) and/or medical consultancy rooms (Class D1) to 1 x 2 bed single family dwellinghouse (Class C3) (resubmission of application 2014/4931/P dated 15/07/2015).  
Drawing Nos: Location Plan (unnumbered), 14239/PL01, 14239/PL02, 14239/PL03, A100\_Rev.01, A101\_Rev.01 & A102\_Rev.01

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 (unnumbered), 14239/PL01,

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies D1 & D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The application seeks planning permission for the change of use from offices and/or medical consultancy room to single dwellinghouse. This is a re-submission of application ref: 2014/4931/P dated 15/07/2015, granted subject to S106.

Policy C2 states the Council will protect existing community facilities by resisting their loss unless a replacement facility that meets the needs of the local population is provided or the specific community facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable community use on the site. Where this is successfully demonstrated, the Council's preferred new use will be affordable housing.

Whilst the development will have some impact in terms of the loss of office space/medical consultancy, it is not considered harmful given the consultants all have practises located elsewhere to operate from. The value of the site is likely to be very high given the prestigious building and location, so the alternative use would have to create large revenue. Furthermore, the building was not offered to other community facilities given the location is not highly accessible by public transport on a single bus route (214) approximately 400m away on quite a steep hill to Highgate town centre and alternative buses and

over 1km to a tube station. It is not considered that the building is flexible for other employment uses. In addition, the conversion to residential use is more in keeping with the other buildings within the surrounding area.

The dwelling would provide a good standard of residential accommodation in terms of layout, room sizes, sunlight, daylight, ventilation and outlook. The proposal does not include any additional waste storage. Given the nature of the existing property as an office, it is considered that a similar waste collection scheme can be used and that the amount of waste currently collected would not dramatically increase as a result of the proposal. The proposal is consistent with Policy H6 and the Residential Development Standards contained in Camden Planning Guidance.

The site has a PTAL rating of 2 (poor) which means it is not highly accessible by public transport. The proposal to reduce the number of on-site car parking spaces (10 spaces to be reduced to 5 spaces) is welcome (as previously approved). This is acceptable subject to a car capped agreement being secured as a section 106 planning obligation to allow the proposal to comply with policies T1 and T2 of the Local Plan and CPG7. This can be secured via Deed of Variation to transfer the signed S106 form application ref: 2014/4931/P dated 15/07/2015.

The proposal would not comprise any external alterations. As such, the proposal would be sympathetic to the overall design and character of the existing building and Highgate Village Conservation Area.

Policy H4 of the Camden Local Plan 2017 indicates that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100 sqm GIA or more, including mixed-use developments. The proposal has a GIA of 265 sq. m which would generate an affordable housing target of 6%. For schemes involving less than 10 additional homes/1,000 sq. m added residential floorspace, a payment in lieu should be made. The current payment rate is £2,650 per sq. m GEA, so the GIA would need to be converted into GEA. At a conversion factor of 1.053 x GIA the GIA would be approximately 279 sq. m. As such, the payment required would be  $279 \times 6\% \times £2,650 = £44,361$ . This has been agreed with the agent for the application and a contribution shall be secured via S106 agreement attached to this permission.

- 2 No objections were received following public consultation on the scheme. The planning history of the site has been considered in the determination of this application.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and 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 G1, D1, D2, A1, H1, H4, H6, H7, E2 and C2 of Camden Borough Council's Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework

2018.

- 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, 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.
- 4 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).
- 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 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.
- 7 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 8 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.

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 2018.

You can find advice about your rights of appeal at:

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

Yours faithfully

*David T. Joyce*

David Joyce  
Director of Regeneration and Planning

