

Application ref: 2018/3263/P
Contact: Patrick Marfleet
Tel: 020 7974 1222
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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

Rolfe Judd Planning
Old Church Court
Claylands Road
London
SW8 1NZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
30 Charlotte Street
London
W1T 2NG

Proposal:

Change of use of second, third and fourth floors from ancillary restaurant (A3) to residential use to provide 3 x 1 bed flats (C3) with associated external alterations including infilling of first floor rear lightwell, installation of replacement windows to front and rear and erection of plant enclosure at second floor level.

Drawing Nos: Acoustic Report 25700/ADS1/Rev2, 23941 P04 Rev C, 23941 E02 Rev A, P6980/RJP/P01, 23941 E04, 23941 E03, 23941 E01 Rev A, 23941 P01 Rev D, 23941 P02 Rev C, 23941 P03 Rev A

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 D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Acoustic Report 25700/ADS1/Rev2, 23941 P04 Rev C, 23941 E02 Rev A, P6980/RJP/P01, 23941 E04, 23941 E03, 23941 E01 Rev A, 23941 P01 Rev D, 23941 P02 Rev C, 23941 P03 Rev A

Reason:

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

- 4 Prior to the occupation of the approved restaurant unit, full details of the ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control and maintenance regime shall be submitted to and approved by the Local Planning Authority in writing.

The extraction system should terminate unimpeded in a vertical direction at least 1m above the eaves level of the building. The use shall be carried out in full accordance with the approved details.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy G1, A1, A4 and D1 of the London Borough of Camden Local Plan 2017.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 6 The units hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to occupation of the approved units, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the

floor/ceiling/party wall structures separating different types of rooms/uses in adjoining dwellings. Namely the between the approved living rooms at second, third and fourth floor level and adjoining property at No.28. Approved details shall be implemented prior to occupation of the development and be permanently retained thereafter.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The current proposal seeks permission for the change of use of the second, third and fourth floors of the host building from ancillary restaurant (A3) to residential (C3) to create 3 x 1 bed flats at the site, with associated external alterations.

Policy H1 seeks to maximise the amount of new housing in the borough and regards self-contained housing as the priority land use of the Local Plan. The current application proposes the creation of three self-contained C3 units at the site which is in accordance with the requirement of Policy H1. The proposal is therefore supported on land use grounds.

The proposed alterations to the front of the building which include: The replacement of the existing timber sash windows with new 'six over six' sash windows, removal of the existing guardrail at roof level and removal of the rendered central section of the front dormer, are considered to represent improvement works that would enhance the character and appearance of the host dwelling and surrounding conservation area. Similarly, the proposed first floor rear infill extension, replacement rear windows and new plant enclosure at second floor level would generally improve the appearance of the building and are considered acceptable.

The proposed residential units would either meet or exceed the minimum space standards as set out in the London Plan space standards table, and as such are considered acceptable in respect of unit size. All of the flats would be dual aspect with suitably size windows to ensure the receipt of good levels of daylight and sunlight.

The proposed alterations would not cause harm to the amenity of any neighbouring residential occupiers in terms of loss of light, outlook or privacy.

The submitted acoustic report has been reviewed by the Council's Environmental Health Officer who is satisfied that the re-located plant equipment at second floor level (housed within acoustic enclosure) would meet the Council's minimum noise requirements and would not harm the amenity of future occupiers of the proposed units. Full details relating to the proposed extraction equipment and method of odour control from the ground/first floor A3 use will be secured by condition.

The current application proposes the creation of 179m² (GIA) of residential floorspace, which would trigger an affordable housing contribution in line with Policy H4. The sliding target in this instance would require a provision equal to 4% of the total C3 floorspace (expressed in GEA). Policy H4 accepts that a payment-in-lieu is often the most appropriate means to secure this provision in schemes of under 10 units and no longer requires off-site provision to be explored for schemes of this scale.

The Council's current adopted multiplier for calculating a payment-in-lieu within market residential schemes is £2,650 per sqm. This provides an overall requirement of £22,525 based upon the creation of 213sqm (GEA) of C3 floorspace (4% of 213m² = 8.52m² x £2650 = £22,578). This financial contribution to affordable housing will be secured via a Section 106 legal agreement.

The proposal would create 3 new residential units at the site. The development will therefore be secured as car free through a s106 legal agreement to ensure the proposal does not lead to increased car use and traffic congestion in the borough, in accordance with Policy T2 of the Local Plan. Given the levels of works proposed, a construction management plan is not considered necessary in this instance.

One comment was received following statutory consultation and duly considered prior to making this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

- 2 Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposal is in general accordance with policies H1, H4, D1, D2, A1, A4, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework 2018.

- 3 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).
- 4 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.

- 5 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 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 Some highway licenses may be required to facilitate the proposed works at the site and the applicant is advised to obtain such licences from the Council prior to commencing work on site. Further details of these licenses are available on the Camden website using the hyperlink below:

<http://www.camden.gov.uk/ccm/content/business/business-regulations/licensing-and-permits/licences/skips-materials-and-building-licences/building-licences/>

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 Joyce
Director of Regeneration and Planning

