

Application ref: 2018/5931/P
Contact: Samir Benmbarek
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Date: 11 January 2019

Development Management
Regeneration and Planning
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Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
144 Shaftesbury Avenue
London
WC2H 8HL

Proposal: Flexible use of the first floor of building as either continued retail (Class A1) or office (Class B1) use

Drawing Nos: 24395: 00 (OS Extract); E01; P01; P02.

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:

24395: 00 (OS Extract); E01; P01; P02.

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

Informatives:

1 Reasons for granting permission:

No external alterations are proposed and as a result, there would be no harm to the character and appearance of the host building street scene or wider conservation area. The application solely relates to the first floor of the building, which is currently in retail use (Class A1) in association with the ground floor unit. The GIA of the first floor level is measured at 160sqm.

Local Plan policies are aimed at protecting retail uses to ensure the continued viability and vitality of town centres or specialist retail areas including its frontages (in which the site is located within). These policies are more specific to ground floor units, and it is considered that the change of use from A1 at first floor level would not affect the retail function of the retail unit below and the wider frontage.

The proposed office use (Class B1) would be supported by the Council, in line with policy E1 of the Local Plan. The employment space would be within a Central London location, contributing to both the local and CAZ economy while also being of a suitable size for small to medium sized businesses. Policy E1 aims to provide a range of employment spaces for all sized businesses. Furthermore, it is considered that the proposed office use would not harm neighbouring uses within the area, particularly retail (Use A1) and residential (Use C3).

The flexible nature of this consent would suggest that the existing A1 use is likely to remain, as has been the case for the past twenty years with the B1 use likely to be considered if the operation of the A1 use becomes unviable.

It is considered that the proposal would not impact upon the amenity of adjoining residential occupiers by reason of no physical works taking place and the proposed use of the first floor.

No objections were received prior to making this decision. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving and enhancing the character and appearance of 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 (ERR) 2013.

As such, the proposed development is in general accordance with policies E1, E2, A1, D1, D2 and TC2 of the London Borough of Camden Local Plan 2017. The development also accords with the London Plan 2016 and the National Planning Policy Framework 2018.

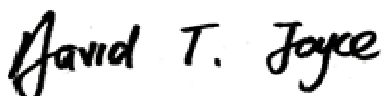
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.
- 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 You are advised that if implemented, the alternative use permission hereby granted gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time.

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