



Application ref: 2020/4697/P  
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Date: 29 March 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
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WC1H 9JE

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[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:  
**34 Maple Street**  
**London**  
**W1T 6HD**

Proposal:

Change of use of the basement ancillary retail (Class E(a)) and first floor office (Class E(g)(i)) to residential use (Class C3) and minor alterations to the front and rear facade of the property, opening up of front lightwell including installation of railings.

Drawing Nos: Drawings:

20190106-PL01 Rev R00, 20190106-PL02 Rev R00, 20190106-PL03 Rev R01,  
20190106-PL04 Rev R00, 20190106-PL05 Rev R00, 20190106-PL06 Rev R00,  
20190106-PL07 Rev R00, 20190106-PL08 Rev R00, 20190106-PL09 Rev R00,  
20190106-PL10 Rev R00, 20190106-PL11 R00, 20190106-PL12 R00,

Supporting documents:

- Planning Statement; prepared by DP9 Ltd;
- Marketing Report, prepared by Panda Residential;
- Agent Report, prepared by LDG;
- Marketing Letter, prepared by Hudsons;
- Internal Lighting Report, prepared by R. W. Staig

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 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:

20190106-PL01 Rev R00, 20190106-PL02 Rev R00, 20190106-PL03 Rev R01, 20190106-PL04 Rev R00, 20190106-PL05 Rev R00, 20190106-PL06 Rev R00, 20190106-PL07 Rev R00, 20190106-PL08 Rev R00, 20190106-PL09 Rev R00, 20190106-PL10 Rev R00, 20190106-PL11 R00, 20190106-PL12 R00.

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- Internal Lighting Report, prepared by R. W. Staig

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

- 4 Cycle parking:

The cycle stores shall be fully provided in accordance with the ground floor plan hereby approved (20190106-PL03 Rev R00) prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 Prior relevant part of work begun, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises in residential use. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  is enhanced by at least 10dB above the Building

Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises.

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the future occupiers in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

Informative(s):

1 Reasons for granting permission.

An application for change of use from 1st floor office to 1-bed flat refused in July 2019 under 2019/1699/P, on the basis of the unjustified loss of business space and substandard size of accommodation, and no planning obligation for car-free development secured via section 106 legal agreement (plus car-free s106 requirement). There was no marketing was provided for this application.

The current proposal would retain the existing retail space at ground floor level, and convert the lower ground level from ancillary retail space and first floor level from office space, into two self-contained flats.

A marketing letter reports an unsuccessful period of marketing from April 2010 to May 2011 and indicates that the condition of the property discouraged interest, and notes that the property was sold to the current owners in October 2018. However the premises is in a reasonable condition and would not require significant investment for it to operate. The basement, ground and first floor have has been marketed for 15 months (Dec 2018 to March 2020). The property has been vacant for over 3 years, which justifies marketing for under 2 years (CPG Town Centres). The basement and ground floor have been vacant since 2008.

The office and retail premises have been marketed together. Policy E2 seeks to protect office employment space and the office and retail units should have preferably be marketed separately. However, in this instance the marketing report is considered acceptable given that interested parties could still make enquires about each self-contained unit. In addition, the rental price is considered competitive in comparison to average office rental prices in the area. On balance, it is considered that the loss of the 1st floor office space is justified given the period of vacancy and relatively small size of the unit (35sqm), in line with the requirements of policy E2.

In relation to the retail unit at basement and ground floor levels, it is noted that the site is not part of a protected retail frontage; however, it is a shop outside a centre and therefore policy TC3 applies. Following the proposed conversion of the lower ground floor from ancillary retail space to residential, the remaining retail sales space at ground floor level would amount to under 14 sqm, with a total of 21.5 sqm including the utility room. It is acknowledged that the

remaining floor area of retail would be smaller than existing; however, there is no reason to suggest that this would jeopardise future commercial viability of the remaining retail space at ground floor. Furthermore, residential is a priority use in Camden, and therefore, the loss of the basement ancillary retail storage space in order to be converted into residential is acceptable in land use terms.

In terms of housing mix, the proposal includes a 1 bedroom flat at basement level and a studio self-contained flat at 1st floor level. It is noted that in line with policy H7, the proposed housing mix is of low priority for market sales; however, given the constraints of the site and the retention of retail space, this is considered acceptable in this instance. The overall uplift in residential floorspace would be below 100 sqm and therefore an affordable housing contribution would not be required.

The proposed basement flat would have 53.87 sqm, which exceeds the national minimum space standard of 50.00 sqm. This would be served by a front and rear lightwell which would be opened up, using the existing basement walls as support.

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The flat would be dual aspect to allow for natural ventilation. In relation to the internal levels of daylight and sunlight. An internal Lighting Report confirms that the living / kitchen / dinner room (LKD) at basement level would achieve an average daylight factor in excess of 1.5% ADF. It is noted that 2% is recommended for kitchens and 1.5% for living rooms as per BRE guidance. The bedroom would meet the 1% ADF requirement. The 1.5% ADF for the LKD is considered acceptable on balance in this instance given the location of the flat at basement level, the existing site constraints, and the floor area of the flat above minimum standards. Overall, both new flats would have an acceptable quality of outlook, natural ventilation and standard of accommodation for future occupants.

In terms of external alterations, the proposed front lightwell would have traditional metal railings which are part of the established character of the street and therefore this would be acceptable. The alterations to fenestration to both front and rear elevations are considered minor and overall the works would preserve the character and appearance of the conservation area.

The proposal is considered to preserve the character and appearance of the conservation area. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposal, due to its nature, modest scale and detailed design would not give rise to adverse impacts on neighbouring residential amenity in terms of loss of light, outlook or privacy.

In terms of cycling provision, in line with policy T1, the submitted plans indicate that 2 cycle spaces will be provided within the rear ground floor courtyard and a further space could be accommodated within an existing external store. Whilst this would not be accessible to the basement unit, it is considered that given

the constraints of the building this arrangement is acceptable. The provision of the cycle storage would be secured by Condition.

In line with Policy T2, both of the new residential units would be car free, with rights to parking permits removed via planning obligation. As the proposed development involves only a small amount of construction work, with no excavation, only the removal of the ground level to create light wells for the basement, and alterations to the internal fabric of the building, it is considered that a Construction Management Plan is unnecessary in this instance. It is similarly considered that a structural Approval in Principle and highways contribution are not necessary in respect of this application.

No objections have been received from residents prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1, E1, E2, A1, TC3, T1, T2 and D2 of the London Borough of Camden Local Plan 2017 and Principles 4 and 5 of the Fitzrovia Area Action Plan. The proposed development also accords with the London Plan 2020 and the National Planning Policy Framework 2019.

- 3 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](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 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 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 London Borough of Camden 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.
- 6 All works should be conducted in accordance with the Camden Minimum

Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

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 2019.

You can find advice about your rights of appeal at:  
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer