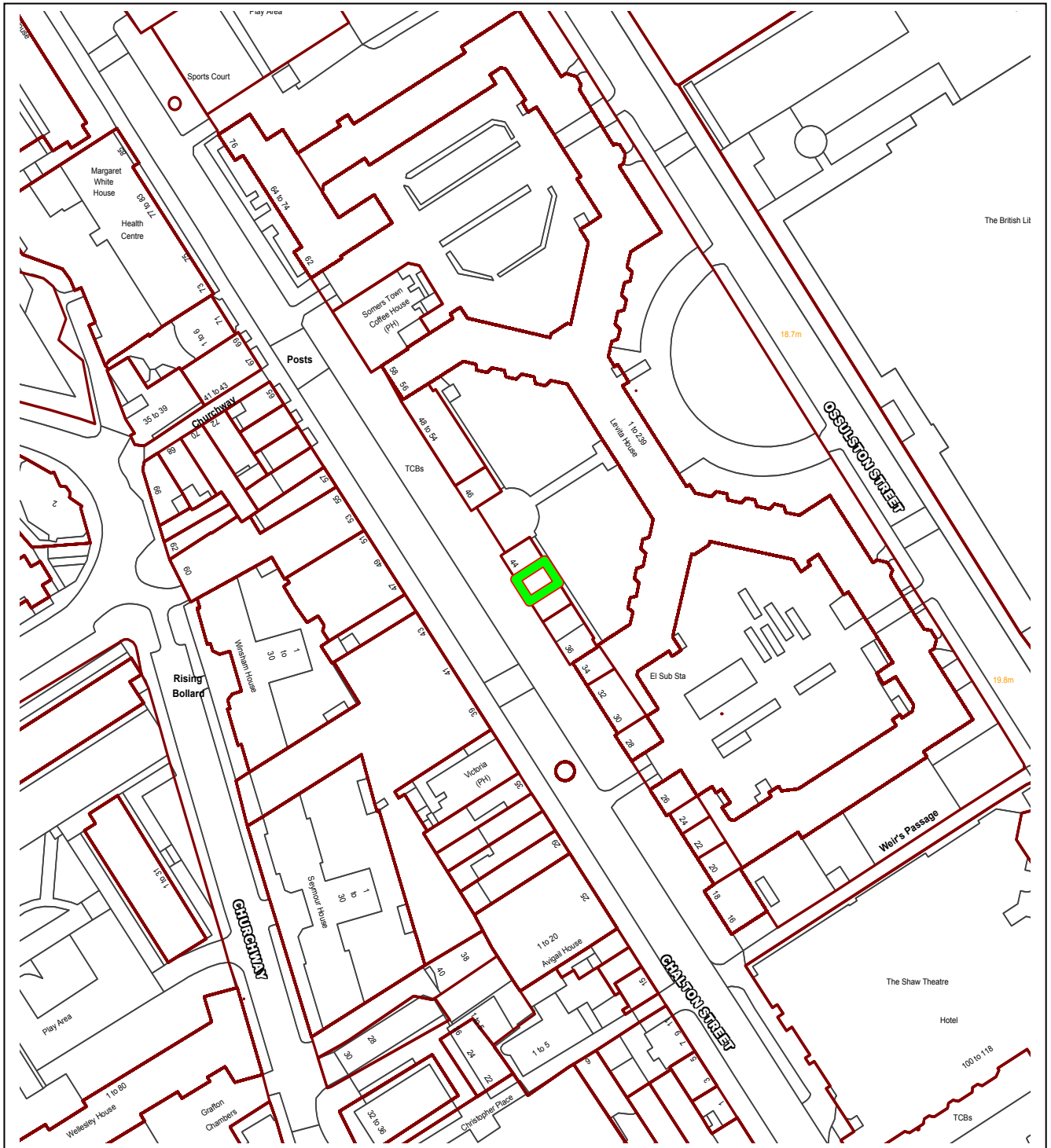


42 Chalton Street 2020/3753/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



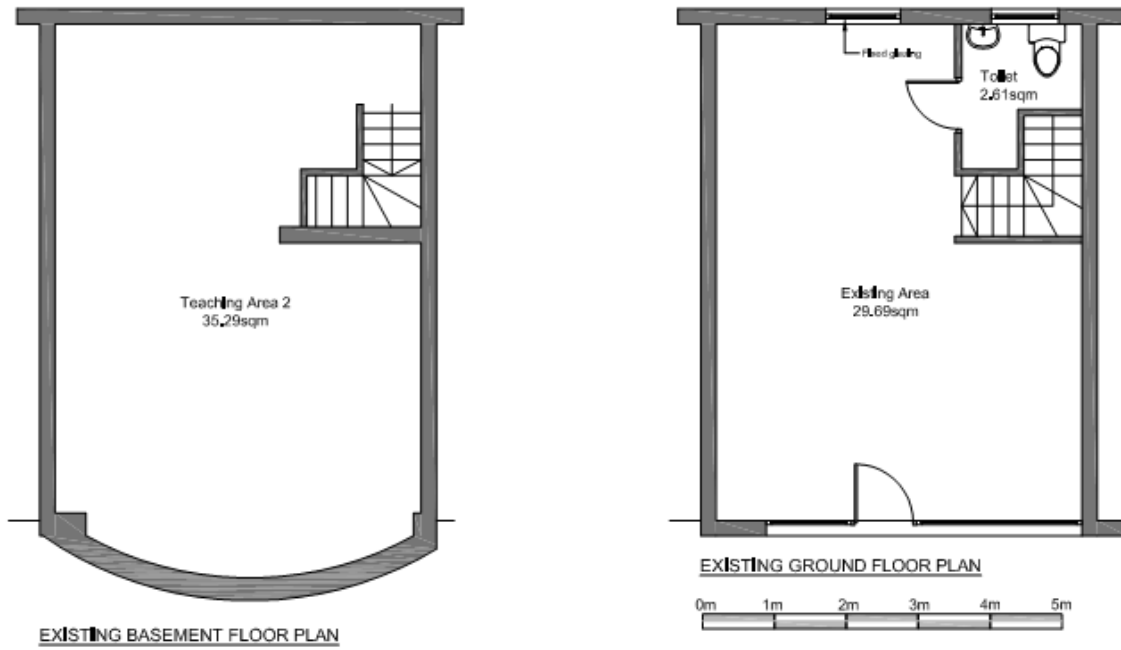
1. Aerial view



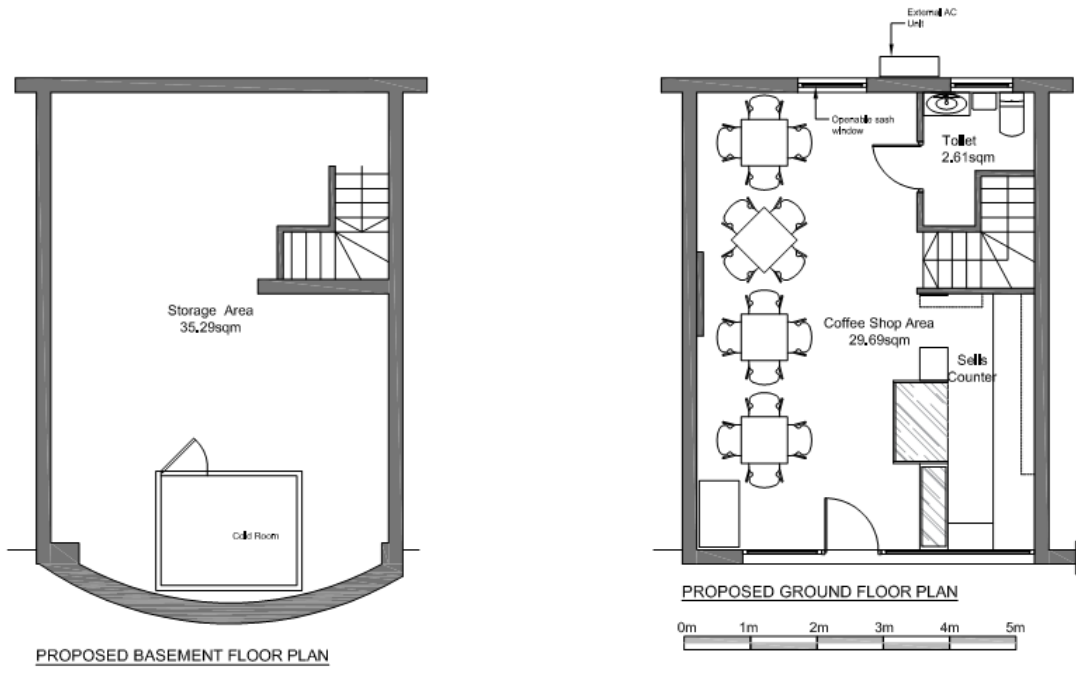
2. Rear elevation showing 2 x plant units



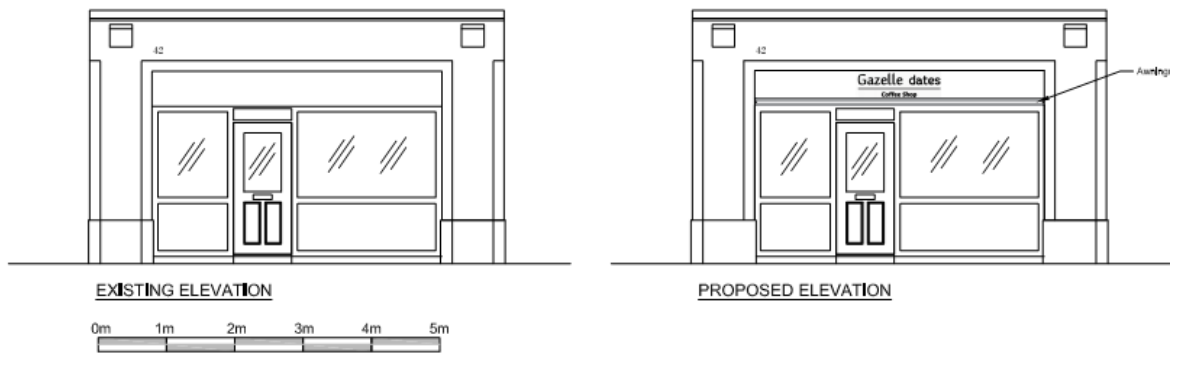
3. Front elevation view



4. Existing basement and ground floor plan



5. Proposed ground and basement floor plan



6. Existing and proposed front elevation

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		13/10/2020	
		NA		Consultation Expiry Date:		01/11/2020	
Officer				Application Number(s)			
Josh Lawlor				(i) 2020/3753/P (ii) 2020/4132/L			
Application Address				Drawing Numbers			
42 Chalton Street London NW1 1JB				See draft decision notices			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
(i) Change of use from tuition centre (F1(a)) to cafe E(b) and installation of awning to front elevation, replacement of fixed window with timber framed sash unit and installation of two external air conditioning units to rear (part retrospective).							
(ii) Installation of awning to front elevation, replacement of fixed window with timber framed sash unit and installation of two external air conditioning units to rear (part retrospective).							
Recommendation:		1) Grant conditional planning permission 2) Grant conditional listed building consent					
Application Type:		Full Planning Permission & Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notices					
Informatives:							
Consultations							
Summary of consultation:		Site notices were displayed near to the site on the 07/10/2020 (expiry 31/10/2020) The application was also publicised in the local press from 24/12/2020 (expiry 17/12/2020)					
Adjoining Occupiers:		No. of responses	3	No. of objections	3		
Summary of consultation responses:		Objections have been received from 248 St. John's Road, 23 Levita House, Chalton Street and Doric Way. 1. This property has been operating illegally since last year sometime as a cafe under a tuition Centre license cooking on premises without an A1 or A3 licence. The building is listed but yet renovating has been done to outside & inside of building. Secondly number 44 & 46					

Chalton Street operate as cafes to have three cafes next to one another, also number 38&36 is a eating establishment as well the street, this is entirely unfair to the other businesses as Chalton has suffered with lack of trade, especially since Covid 19.

2. Property has been operating illegally from the time it was taken over. I live in Levita house and there is a lot of loud shouting and talking coming from the property at later hours in the evening. The property is already operating as a cafe and there are already two other cafes on this street and business are struggling immensely and us as residents don't want another cafe in the area. There is already an air conditioning unit to the rear of the property and this property is a listed building on top of everything I have stated he has made changes to the structure of the building he has a loud motorcycle that he parks on the pavement and blocks the public footpath and nothing gets done about this.
3. This was never used as an education centre and has been selling food for the last year. In November 2019, I got food poisoning from here.

Officer response to points 1-3:

1. The building has not been operating illegally, the building previously had an A1 retail use (now Class E). The impact of the change of use on other retail businesses (i.e. loss of trade) is not material to the assessment
2. The parking of a motorcycle to the pavement outside the premises is not material.
3. The personal history of food poisoning is not material to the assessment of the application

Site Description

The application relates to a Grade II listed building on the east side of Chalton Street within a parade of single storey commercial buildings. The building is listed together with a number of Council flat blocks, attached shops and coffee house/tavern which form part of the Ossulston Estate. The site is within the Chalton Street Neighbourhood Centre. Planning permission was granted in 2017 for a change of use from shop (Class E) to tuition centre (Class F1), at ground floor and basement levels, however the premises was never used as tuition center.

Relevant History

2017/0261/P Change of use from Shop (Class A1) to Tuition Centre (Class D1) (retrospective).
Granted 25/07/2017

2019/3890/P Change of use from tuition centre (Class D1) to cafe (Class A1) use and installation of 1 x external air conditioning unit to rear **Withdrawn 30/07/2020**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the Impact of Development
- A4 Noise
- D1 Design
- D2 Heritage
- TC4 Town centre uses
- TC2 Camden's centres and other shopping areas
- C2 Community facilities
- CC1 Climate change mitigation
- CC2 Adapting to climate change

Supplementary Guidance - Camden Planning Guidance

- [Amenity](#) - January 2021
- [Design](#) - January 2021
- [Town centres and retail](#) - January 2021

Assessment

1. The proposal

1.1. Planning permission is sought for the Change of use from tuition centre (F1(a)) to cafe E(b). The proposal also involved the retention of two external air conditioning units to rear. A fixed casement window would be replaced with a timber framed sash unit to the rear. An awning would also be installed to the front elevation.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Land use change from
- The visual impact upon the character and appearance of the Listed Building streetscene, local area (Design and Heritage)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
- Application of the cooling hierarchy

3. Loss of tuition centre to retail use

3.1. On 25/07/2017 under ref. 2017/0261/P planning permission was granted for the change of use from Shop (Class A1) to Tuition Centre (Class D1) (retrospective). A fascia sign was installed at the site from 2017 – 2018 which advertised the site as a tuition centre. Therefore the 2017

permission is considered to be implemented and lawful use of the building is as a learning and non-residential institution (Class F1a). However a tuition centre does not appear to have operated at the site since the planning consent that permitted a change of use from a retail unit. Although no evidence has been provided with the application, it is understood from the applicant that the property has been marketed for the last 12 months via the main commercial property agencies and the best offer received was for a coffee shop. No offers for an educational institution were received. The ground and basement floor plans are approximately 30sqm and are not considered to be suitable for many non-residential institutions. Therefore the existing use is not considered to be a community use that should be protected.

3.2. The Local Plan seeks to protect the character, function, vitality and viability within Camden's neighborhood centers. The council aims to protect retail for convenience shopping, therefore the provision of a retail unit is supported in land use terms. It is noted that a retail use operated at the site recently. A café is considered an appropriate neighbourhood centre use, the unit was used as such previously and its continued operation wouldn't cause a harmful concentration of food and drink uses which if not properly managed, can have the potential to cause nuisance and others harmful impacts to residential amenity.

4. Design and Heritage

4.1. The retention of the existing air-conditioning units to the rear of the building would not be considered harmful to the character or appearance of the listed building. There are air conditioning units to many other rear elevations of this commercial parade. The air conditioning units appear to have been in situ for some time and their retention would not bring about harm to the listed building. The significance of the listed building derives from the group value of the overall planned estate and the air conditioning units would not cause harm to this special architectural interest. The air conditioning units would not be visible from the public realm.

4.2. The awning would be a discreet addition to the shopfront which would be similar to the awnings at other neighboring properties on this parade.

4.3. The fixed window to the rear would be replaced with an openable sash unit. The window would continue to sit behind the security grilles. The existing window is not considered to make a contribution to the significance of the listed building in terms of aesthetic value or hold historic interest. Therefore, its replacement with a timber framed unit would not cause harm to the listed building. A condition is imposed to require the window to be timber framed. The installation of service counters would not harm the plan form or spatial hierarchy of the listed building. This unit was originally designed as a shop therefore the internal alterations would not diverge from its original use. It is noted that similar counters would have been in situ for the most recent café use. There are no other internal or external alterations are proposed.

4.4. Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

5. Residential amenity

5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.

5.2. Due to the location and nature of the proposal, the air conditioning units would not be considered harmful to amenity of neighbouring occupiers in terms of loss of outlook, privacy or daylight. A noise impact assessment has been submitted in support of the application that demonstrates that the plant would comply with Camden's minimum noise standards subject to the standard noise condition. The use of the building as a café (Class E) would not create significant noise or disturbance to residential properties located on the other side of the road. Therefore the proposal would not give rise to adverse impacts on residential amenity.

6. Cooling hierarchy

6.1. Policy CC2 requires all new developments to adopt appropriate climate change adaptation measures. All new developments will be expected to submit a statement demonstrating how the London Plan's 'cooling hierarchy' has informed the building design. Any development that is likely to be at risk of overheating (for example due to large expanses of south or south west facing glazing) will be required to complete dynamic thermal modelling to demonstrate that any risk of overheating has been mitigated.

6.2. Active cooling (air conditioning) will only be permitted where all of the preferred measures are incorporated in line with the cooling hierarchy. The cooling hierarchy includes:

- Minimise internal heat generation through energy efficient design;
- Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;
- Manage the heat within the building through exposed internal thermal mass and high ceilings;
- Passive ventilation;
- Mechanical ventilation; and
- Active cooling.

6.3. The application building is listed and therefore the application of the cooling hierarchy is limited by the building's heritage constraints. However, an awning is proposed to reduce the amount of heat entering the building in summer and an existing rear window provides passive ventilation. It is considered that the retention of the air conditioning units (active cooling) is justified at the site due to the heritage constraints of upgrading the building.

7. Recommendations

- 1) Grant conditional Planning Permission
- 2) Grant conditional Listed Building Consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Tuesday 4th May 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2020/3753/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 29 April 2021

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

D Form Architecture
16 Walker House
Phoenix Road
Camden
NW1 1EN
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
42 Chalton Street
London
NW1 1JB

DECISION

Proposal:

Change of use from tuition centre (F1(a)) to cafe E(b) and installation of awning to front elevation, replacement of fixed window with timber framed sash unit and installation of two external air conditioning units to rear (part retrospective).

Drawing Nos: 05-067, 04-067, 03-067, 06-067, 05-067, 02-067, Acoustic Report 20266.PCR.01 Dated 03/02/2020

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 shash window to the rear elevation hereby approved shall be timber framed.

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 05-067, 04-067, 03-067, 06-067, 05-067, 02-067, Acoustic Report 20266.PCR.01 Dated 03/02/2020

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

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

DRAFT

Informative(s):

- 1 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).
- 2 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, 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.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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

Chief Planning Officer

DRAFT

DECISION

Application ref: 2020/3753/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 26 April 2021

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

D Form Architecture
16 Walker House
Phoenix Road
Camden
NW1 1EN
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
42 Chalton Street
London
NW1 1JB

DECISION

Proposal:

Change of use from tuition centre (F1(a)) to cafe E(b) and installation of awning to front elevation and external air conditioning unit to rear (part retrospective)

Drawing Nos: 05-067, 04-067, 03-067, 06-067, 05-067, 02-067, Acoustic Report 20266.PCR.01 Dated 03/02/2020

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 05-067, 04-067, 03-067, 06-067, 05-067, 02-067, Acoustic Report 20266.PCR.01 Dated 03/02/2020

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

- 4 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

Informative(s):

- 1 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).
- 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.

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

Chief Planning Officer

DRAFT

DECISION