

Application ref: 2021/1705/P
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Mr Young
Hamilton House
Mabledon Place
Bloomsbury
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WC1 9BB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
Prior Approval Required - Approval Refused

Address:
Ground floor units 3 & 4
72 - 76 Eversholt Street
London
NW1 1BY

Proposal: Change of use from Sui Generis (amusement arcades/centre or casino) to C3 (2 x 1 bed units) at ground floor.

Drawing Nos: Site Location and Block Plan 0123_PL_500, 0123_PL_000, 0123_PL_003, 0123_PL_004. Cover Letter 08/04/2021, 'Soundtesting' Report 18/03/2021 (14654 V1), Transport Assessment 29/03/2021, Internal Daylight and Sunlight Report 25/03/2021, Flood Risk Assessment 6150, Desk Top Study Report (16571) Parts 1-3, Nekton Investments letter. Nekton Investments Licence Agreement 2012. Statutory Declaration N Neophytou 06/07/2021.

The Council has considered your application for prior approval of siting and appearance in respect of the telecommunications equipment described above determines that prior approval is required and hereby **refuses approval** for the following reasons.

Reason(s) for Objection

- 1 The use as an escape room does not fall within the description of Class N, this is meant for uses where people play on electronic gaming machines or amusement machines / arcade games. It is therefore not development permitted by Class N and the application is refused under paragraph W(3) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development

Order) 2015 (as amended).

- 2 Even if the use were within the description of Class N, that use as an escape room does not appear to be lawful. Under Article 3(5)(b) a permission granted in connection with an existing use does not apply if that use is unlawful. It appears the use commenced at some point around 2012 -2014 and has since ceased. There was no continuous use for a period of 10 years so it did not accrue lawfulness. It is therefore not development permitted by Class N and the application is refused under paragraph W(3) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 2015 (as amended).
- 3 Transport and highways impact: Even if the use were within the description of Class N, and that use were lawful, in the absence of a Section 106 legal agreement to secure the residential units as car-free, the development would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote the use of sustainable transport, and is contrary to the NPPF and policies A1 (Managing the Impact of development), T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) of London Borough of Camden Local Plan 2017, National Planning Policy Framework 2019 and London Plan 2021.

Informative(s):

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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 in regard to your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer