

Application ref: 2020/0309/P
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Date: 10 February 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/planning

Bidwells
25 Old Burlington Street
London
W1S 3AN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**1A Delancey Street
London
NW1 7NL**

Proposal:

Change of use of part of the ground floor of the minicab office (Sui Generis) to an extension of the adjacent Blues Kitchen bar/restaurant (Class A4/A3) at 111-113 Camden High Street and the conversion of the remainder of the ground floor plus basement, first and second floors to a selfcontained flat (Class C3), together with shopfront and window alterations.

Drawing Nos: BKC/19/01a, BKC/19/02a, BKC/19/03a, BKC/19/05, BKC/19/06, BKC/19/10, BKC/19/11, BKC/19/14, Planning Statement.

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 policies 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- BKC/19/01a, BKC/19/02a, BKC/19/03a, BKC/19/05, BKC/19/06, BKC/19/10, BKC/19/11, BKC/19/14, Planning Statement.

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

- 4 Before the use commences, details of sound insulation for the floor/ceiling area above the proposed ground floor dining area shall be submitted to and approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the proposed adjoining residential property in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The approved cycle storage area shall be provided in its entirety prior to the first occupation of the new unit and permanently retained thereafter.

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.

- 6 The approved refuse storage area shall be provided in its entirety prior to the first occupation of the new unit and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposed work relates to the change of use of an existing Sui-Generis mini cab office to residential use on the basement, first and second floors and commercial use at ground floor level. The proposed conversions would be used in conjunction with the existing Class A3/A4 use at the adjoining Blues Kitchen at 111-113 Camden High Street. The site is within secondary shopping frontage. The minicab office is currently vacant and the property unoccupied on all floors.

Policy TC4 of the Camden Local Plan will ensure that the development of

shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The proposed change of use would bring back the vacant commercial floor space into active use. The loss of a minicab office is acceptable in landuse policy terms. 22sqm of the ground floor would be absorbed into the existing A3/A4 use to create additional dining space which is appropriate along this secondary shopping frontage. The proposed ground floor would retain a commercial use and shopfront which would be acceptable.

The application states that the proposed residential unit would be ancillary to the ongoing A3/A4 use at 111-113 Camden High Street for the purpose of being used as onsite staff accommodation. Nevertheless the unit is completely selfcontained with its own front door and no internal connections with the adjoining commercial use and thus it could be used as a separate selfcontained residential unit. Accordingly the proposed change of use will be assessed as such. The creation of a new residential unit is welcomed and complies with policy H1. The proposed unit would create a 1bedroom 2person self-contained flat on three levels with a total of 60sqm. which would exceed the 50.2sqm of floorspace required by national space standards. The proposed flat would benefit from a single aspect outlook fronting Delancey Street through two large front facing windows on the first and second floor levels. It is considered that the proposed unit would have an acceptable residential standard by means of floorspace, layout, outlook and daylight.

The proposed replacement windows and shopfront would match the design, proportions and materials of existing fixtures as well as being consistent with other windows on neighbouring properties. The proposed replacement windows would preserve the character and appearance of the host property and surrounding conservation area.

The application property is located within a mixed use part of the town centre with many of the neighbouring properties hosting residential properties on their upper floor levels. For this reason it is not considered that the proposed A3/A4 use at ground floor would conflict with the proposed upper floors residential use. A condition would be added requiring details of appropriate soundproofing measures to be submitted for approval prior to occupation in order to ensure that the quality of amenity of the residential flat is maintained. Given the presence of a neighbouring residential property along the same parade, it is not considered the proposed residential unit would be significantly disadvantaged by anti-social noise and disturbance arising from the adjoining commercial use.

- 2 The application property is located within an area of PTAL rating 6b. The property is readily accessible by public transport as it is within short walking distance of Camden Town and Mornington Crescent tube stations. Given that the surrounding streets are within a Controlled Parking Zone, the proposed new selfcontained residential unit would need to be subject to a section 106 agreement to secure a 'car-free' development. A cycle and refuse store is provided at basement level accessed via stair access from ground floor level which is acceptable in the circumstances of this constrained site.

One comment was received relating to the proposed works. This and the site's planning history were taken into account when determining this application.

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, Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposed development is in general accordance with policies A1, A4, D1, D2, H1, H7, T1, T2 and TC4 of the Camden Local Plan 2017; the proposed development also accords with the London Plan 2016 and the provisions of the National Planning Policy Framework 2019.

- 3 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.
- 4 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.

- 5 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).
- 6 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.

- 7 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 You are advised to take account of the recommendations of Thames Water in their letter dated 5th March 2020, regarding both the proposed commercial and residential uses.
With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Please refer to their website for more information. Thames Water requests that the applicant should incorporate within their proposal protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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

A handwritten signature in black ink, appearing to read 'DPope', is written over a light blue rectangular background.

Daniel Pope
Chief Planning Officer