

Application ref: 2021/3752/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 3 November 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

J Butterworth Planning
71 - 75 Shelton Street
London
WC2H 9JQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
12A King Henry's Road
London
NW3 3RP

Proposal:
Removal of Condition 4 (personal to Jennifer Silverton) of planning permission reference PL/8905681 dated 21/02/90 for the use of the basement as a day nursery (Class D1)

Drawing Nos: 1, 2; Cover Letter by Butterworth Planning dated 30.7.21

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The nursery use shall not be carried out otherwise than between the hours of 8.30am and 4.30pm on Mondays to Fridays. It shall not be carried out at any time on Saturdays and Sundays.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with policy A1 of the Camden Local Plan 2017.

- 2 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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 Camden Local Plan 2017.

- 3 The residential appearance of the premises shall be maintained and the windows shall not be used for display purposes.

Reason: To safeguard the appearance of the premises and surrounding area, in accordance with the requirements of Camden Local Plan policy D1.

- 4 The use shall be restricted to a creche or day nursery Class E(f) only and shall not be used for any other activities within Class E without prior consent from the Local Planning Authority.

Reason: To protect neighbouring residential amenity and to ensure the crèche use is retained in accordance with policies A1 and C2 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission-

The lower ground floor and garden area are used as a nursery school with the upper floors used as a residential dwelling by the nursery owners.

Planning permission was granted in February 1990 (Ref: PL/8905681) for the use of the basement as a day nursery (Class D1). This planning application seeks the removal of condition 4 which made the permission personal to Jennifer Silverton, during her occupation at the remainder (upper floors) of the premises. It required that on her vacating the premises the use shall revert to the lawful use of residential purposes.

Jennifer Silverton is a director of Ready Steady Go Pre-Schools Limited who hold a lease on the nursery property.

The removal of Condition 4 would prevent the return of the basement to residential use but this would not result in the loss of residential floorspace as the existing nursery use has been in existence since granted in February 1990, a period of over 31 years. The property had originally been a single dwelling and the basement was not a separate self-contained flat. Therefore, there has never been a net loss of dwellings as a result of the nursery use.

Local Plan Policy C2 criteria (g) requires that existing community facilities are retained for their benefit to the community, including protected groups. The nursery pre-dates the current Local Plan which seeks to protect viable community facilities.

Given the time since the original planning permission was granted and the long-established use of the premises as a nursery without causing any detriment to the amenity of neighbours, it is considered that condition 4 is no longer necessary or reasonable.

A new condition is attached to restrict the use to Class E(f) only for use as a creche or day nursery. This is to protect neighbouring residential amenity from other potential uses within Class E and to ensure the crèche use is retained in accordance with policy C2 on community facilities.

The proposal to continue this use would not cause any adverse impacts on the amenity of adjoining residential occupiers.

No objections were received and the planning history of the site has been taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, C2 and D1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

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 2021.

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 positioned above the name of the signatory.

Daniel Pope
Chief Planning Officer