

Application ref: 2021/6088/P
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Date: 30 June 2022

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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planning@camden.gov.uk
www.camden.gov.uk/planning

Iceni Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**1-3 Denmark Street
London
WC2H 8LP**

Proposal:

Removal of condition 6 (mixed Class A1/Class A3 uses) in relation to planning permission (2013/7022/P) dated 14/02/2014 for the change of use of basement and ground floor from existing Jobcentre (Class A2) to cafe & bakery (mixed A3 & A1).

Drawing Nos: Approved drawings (2013/7022/P): Siteplan, (191_X_20_) 01P1 and 02P1 and (191_P_20_) 03P1 and 04P1.

New documents (2021/6088/P): Cover Letter from Iceni Projects dated 08/12/2021.

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 the original planning permission (2013/7022/P) dated 14/02/2014.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following: Approved drawings (2013/7022/P): Siteplan, (191_X_20_) 01P1 and 02P1 and (191_P_20_) 03P1 and 04P1.

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

- 3 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 the Camden Local Plan June 2017.

- 4 The ground and basement unit shown on the approved plans shall not be open to customers outside of the following times: 0730 hours - 2330 hours Monday to Saturdays and 0900 hours - 2230 hours on Sundays and Bank Holidays, unless with the prior written consent of the local planning authority. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

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

- 5 No primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 the Camden Local Plan June 2017.

Informative(s):

- 1 Reason for granting permission:

Condition 6 of planning permission (2013/7022/P) dated 14/02/2014 restricts the use of the premises to a mixed Class A1 (shop) / A3 (café and restaurant) uses with an associated internal floor layout. The proposal seeks to remove this condition entirely in light of recent changes to planning legislation affecting use classes.

On 1 September 2020, the Town and Country Planning (Use Classes) Order 2015 was amended and introduced new use classes. As a result, Use Classes A1 and A3 were revoked as part of this change and have since been categorised collectively under the same use class, Class E (commercial, business and service use).

Given this recent change, the applicant considers that the lawful use of the ground floor and basement of the premises now falls under Use Class E(b) (sale of food and drink for consumption (mostly) on the premises), and as such, Condition 6 is no longer relevant.

On the basis of the site history, which establishes that the former use classes were mixed A1/A3 as specified by Condition 6 of the planning approval (2013/7022/P), and in accordance with the NPPG dated 18/09/2020 which states that 'Movement from one primary use to another within the same use class in not development, and does not require planning permission,' it is considered that the use at ground floor and basement level of the premises would fall within Use Class E(b) as asserted by the applicant and that movement between Class E uses at these floor levels would not result in a material change of use. As such, the Council has no objection to the proposal.

The full impact of the scheme has already been assessed during the determination of the permitted scheme (2013/7022/P).

The site's planning and appeal history has been taken into account when coming to this decision. No objections have been received.

As such, the proposed development is in general accordance with policies A1, A4, T1 and TC4 of the Camden Local Plan 2017 and the National Planning Policy Framework 2021.

- 2 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).
- 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.

- 4 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.

- 5 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).
- 6 You are advised that planning permission would be required for any external alterations to the shopfront.
- 7 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.

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 typed name and title.

Daniel Pope
Chief Planning Officer