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Development Management Regeneration and Planning
London Borough of Camden
5 Pancras Square
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August 2022

FAO: David Peres da Costa - Principal Planner

Our Ref: KH / RE - 13-683
via PLANNING PORTAL

Dear Sir,

THE BLACK CAP, 171 CAMDEN HIGH STREET, LONDON, NW1 7JY

SECTION 73 PLANNING APPLICATION TO VARY A PLANNING CONDITION

We write on behalf of client, Kicking Horse 3 Limited to submit an application in accordance with Section 73 of the Act to vary Condition 1 on planning permission Ref. 2021/5075/P dated 18th January 2022.

Background information

Planning permission was granted on 18th January 2022 reference 2021/5075/P for the use of the Black Cap as a House in Multiple Occupation (HMO).

The use of the Black Cap as an HMO was subject to a planning condition (Condition 1), which stated

“The use hereby permitted shall be for a limited period being the period of 24 months from the date of the original decision: 27th August 2020. The use hereby permitted shall thereafter be discontinued and the building restored to its former condition on or before 19 March 2018 in accordance with the scheme of works approved under 2020/5933/P dated 23/03/2021 or such other details that shall firstly have been submitted to and approved in writing by the local planning authority.”

This scheme of works was prepared, submitted and approved by the local planning authority on 23 March 2021 in accordance with permission 2020/5933/P.

With regard to,

“The use hereby permitted shall be for a limited period being the period of 24 months from the date of the original decision”

- The original decision notice granted at appeal (Ref: APP/X5210/C/19/3240682) was dated 27th August 2020. This decision notice was the original decision granting permission for the Black Cap to be used as an HMO for a period of 1 year until 27th August 2021.
- This original 1-year period was then extended for a further 12 months, following the grant of Section 73 permission reference 2021/5075/P dated 18th January 2022.

- The Section 73 permission reference 2021/5075/P dated 18th January 2022 included the same condition limiting the use of the Black Cap as an HMO for 24 months from the date of the original decision Ref: APP/X5210/C/19/3240682 i.e. 24 months from 27th August 2020 i.e. by 27th August 2022.
- As such, the use of the Black Cap as an HMO would expire on 27th August 2022.
- In the period, between the grant of the first Section 73 permission ref 2021/5075/P on 18th January 2022 and now i.e., August 2022, it has not been possible to occupy the Black Cap as an HMO. This is because in the process of seeking to make the building habitable for HMO use, it was necessary to resolve a number of obstacles and practical challenges. These included 1) the repair of damage caused by squatters and the removal of illegal squatters from the building, 2) making the building structurally safe and habitable, 3) investing in the buildings infrastructure, particularly to ensure the central heating , hot water and electrical supplies were fully functioning and stable and 4) lastly, securing and verifying the energy performance of the building and acquiring an Energy Performance Certificate (EPC) in accordance with current legislation. All of these points meant that the owners of the Black Cap were unable to have enough time to undertake all these works and place a new HMO tenant in the building prior to the expiry of the original condition (as extended by the first Section 73 grant) on 27th August 2022.
- As such, the owners of the Black Cap are now seeking for the HMO use of the building to be further extended up until August 2023 and we are submitting this further (second) Section 73 application accordingly.

Objective of this application

As set out above, the objective of this application is therefore to vary the above-mentioned condition 1 to enable the Black Cap to continue to be used as an HMO up to August 2023.

As officers are aware, The Black Cap remains vacant. The premises have recently benefited from a new ownership team who are in dialogue with the LB Camden in seeking to find a sustainable and viable proposition to enable the building to be re-opened.

However, in the interim the building is vacant, and the vacancy of the building mean the premises are at risk, specifically in relation to vandalism, criminal and other damage and unlawful occupation and as stated above, the owners of the Black Cap have recently made a number of investments into the building to ensure it is habitable and of greater practical utility enabling its use as an HMO as soon as this further (second) Section 73 application is granted.

The occupation of the building as an HMO has been supported by LB Camden and provided a number of advantages, including the safety and security of the premises, the active use of the building as temporary residential accommodation contributing proactively to local housing need. Other benefits of short term residential occupation included security, passive and active surveillance, vitality and activity all to the benefit of the building and its locality on Camden High Street and given the building would otherwise remain vacant and the previous temporary use of the building as an HMO was successful there seems to be no reason why the building should not be re-occupied as an HMO again for a limited period.

Proposed amendment to the planning condition

As such, this application proposes to amend condition 1 as follows: (proposed deleted text is ~~struck through~~. Proposed new text is underlined)

“The use hereby permitted shall be for a limited period being the period of 24 36 months from the date of the original decision: 27th August 2020. The use hereby permitted shall thereafter be discontinued and the building restored to its former condition on or before 19 March 2018 in accordance with a scheme of works that shall firstly have been submitted to and approved in writing by the local planning authority”.

The result of the variation of the condition as proposed would enable the Black Cap to be continued to be used as an HMO until 27th August 2023.

Application submission

In addition to this covering letter, this application should be read in conjunction with the following documents:

- The completed application forms and certificates.
- Site Location Plan.
- Completed CIL Questions form.
- Appeal decision reference APP/X5210/C/19/3240682 dated 27th August 2020.
- Approval of details Granted decision notice dated 23 March 2021 ref 2020/5933/P
- Section 73 planning permission decision notice reference 2021/5075/P dated 18th January 2022.

The application has been submitted electronically via the Planning Portal, the application reference being PP-11477292.

Should you have any queries or wish to discuss any aspect of the application in further detail please do not hesitate to contact Kieron Hodgson of this office at (khodgson@iceniprojects.com / 07807264704).

Yours faithfully,

A handwritten signature in black ink that reads "Iceniprjects Ltd." The signature is written in a cursive, slightly slanted style.

Iceni Projects

Enc.