

Application ref: 2022/3228/P
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Date: 20 September 2022

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

CBRE Ltd
Henrietta House
Henrietta Place
London
W1G 0NB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

194 Shaftesbury Avenue
London
WC2H 8JP

Proposal:

Use of ground floor as Class E (cafe), change of use of lower ground and 1st - 3rd floors to serviced apartments (Class C1) and erection of rear dormer extension on rear roofslope and replacement lower ground and ground floor rear extension with lower ground floor rear courtyard

Drawing Nos: JMM_EXD_: 200, 201, 202, 203, 204, 206, 300, 400; EX_SPL_001;
JMM_PP_: 200 SA, 201 SA, 202 SA, 203 SA, 204 SA, 205 SA, 206 SA, 300 SA, 400 SA; JMM_LGRS_101; Land Use Planning Statement (CBRE - July 2022), Design & Access Statement (CBRE - July 2022)

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 The development hereby permitted shall be carried out in accordance with the following approved drawings:
JMM_EXD_: 200, 201, 202, 203, 204, 206, 300, 400; EX_SPL_001;
JMM_PP_: 200 SA, 201 SA, 202 SA, 203 SA, 204 SA, 205 SA, 206 SA, 300 SA, 400 SA; JMM_LGRS_101

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

- 3 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.

- 4 Before the relevant part of the work is begun, the following details shall be submitted to and approved in writing by the local planning authority:
a) materials, sections and elevations at 1:50 of the dormer window, which shall be timber framed;
b) Bricks for the lower ground/ground floor rear extension.

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.

- 5 The ground floor cafe hereby permitted shall not be open to the public outside the following times- 08:00- 00:30 Mondays to Saturdays and 09:00-23:30 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC1 and TC2 of the London Borough of Camden Local Plan 2017.

- 6 No primary cooking of raw food shall take place on the premises without a flue and/or mechanical plant first being installed on the premises, for which full details shall be submitted to the Local Planning Authority and approved in writing beforehand.

Reason: To protect the amenity of neighbouring occupiers and to safeguard the character and appearance of the area, in accordance with policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 The serviced units of accommodation hereby approved shall be used only as short-term lets, of no more than 90 days, and not as separate, self-contained permanent studio dwellings.

Reason: To prevent the provision of dwellings which do not comply with the nationally described housing standards and which therefore do not provide a satisfactory standard of accommodation in accordance with policy H6 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The change of use of the former shop with ancillary retail space above to a café on the ground floor and serviced accommodation in the basement and on the upper floors is considered acceptable in land use terms.

The site is located in a secondary shopping frontage in the Central London area and policy TC2 indicates that the Council will protect the secondary frontages as locations for shops together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.

The café on the ground floor would fulfil the aim of policy TC2 to protect the retail character of the frontage within the Central London area.

The loss of the basement and upper floors as retail and ancillary retail space would not prejudice the retail character of the area. The ground floor café would be in the same use class as retail (Class E) and would sustain the retail/commercial nature of the frontage.

New self-contained housing is a priority land use. However, due to the existing layout, including reduced floor plates and the need for a separate access to any self-contained dwellings, it would not be possible to fully comply with the nationally described technical housing standards. The proposal to provide serviced accommodation, which is of the same use class as a hotel or guest house (C1) in the basement and on the upper floors, would not prejudice the retail character of the area and would be an acceptable use in the Central London area.

As the individual units (which have their own ensuite sanitary and cooking facilities) would not comply with the national housing standards and to ensure that unsuitable self-contained housing is not provided, a condition is imposed to ensure that the serviced accommodation is used for short-term lets only.

The site lies in a highly accessible location by public transport and the lack of on-site car parking would be consistent with the Council's (and London Plan) sustainable transport policies. It would also be unlikely to result in adverse impacts on the highway network as it is anticipated that staff and customers would use sustainable methods of transport. There is a loading bay immediately in front of the site on Shaftesbury Avenue which could be used for deliveries.

A good sized cycle store and bin storage area would be provided in the basement to encourage staff (and visitors) to travel to and from the site by bicycle and to facilitate the clean and efficient storage of waste and recyclables prior to collection.

Subject to conditions, the external alterations would have no adverse impacts

on the character and appearance of the building or the Conservation Area. The proposed rear dormer window, set behind the rear parapet wall, below the ridge and in from the sides, would be appropriate in size and location. The rebuilding with minor changes of the lower ground/ground floor rear extension would not harm the appearance of the building. Conditions regarding the bricks for the extension and details of a timber framed dormer window are attached to maintain the appearance of the Conservation Area.

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

- 2 Subject to conditions, the proposals would not result in any significant loss of amenity for any neighbouring occupiers.

The new serviced units of accommodation on the lower ground and upper floors would be unlikely to result in significant noise disturbance for any neighbouring occupiers.

The ground floor café would preserve the retail character of the frontage. However, to protect the amenity of residents nearby, a condition is attached to prevent the opening of the café to members of the public late at night and early in the morning.

Under the Town and Country Planning Use Classes Order it is possible to change to other uses within the same use class without obtaining planning permission. A restaurant falls within the same use class as the proposed café (i.e. Class E) and a restaurant would potentially result in fumes and odours which would need mechanical control which, in itself, could be noisy and possibly unsightly. A condition is therefore to be attached to prevent the primary cooking of any raw food unless details of a flue/mechanical plant are submitted and approved by the Local Planning Authority beforehand. This is to safeguard the amenity of neighbouring occupiers and the appearance of the Conservation Area.

No extensions are proposed which would result in any loss of light or outlook for any neighbouring occupiers and no external terraces are proposed which would give rise to any undue overlooking of any neighbouring habitable rooms.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1, D2, TC2, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 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).

- 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 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.

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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully



Daniel Pope
Chief Planning Officer