

Application ref: 2021/5434/P
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Date: 1 November 2022

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London Borough of Camden
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Scott Architecture
68 High Street
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**34 Bisham Gardens
London
N6 6DD**

Proposal:

Change of use of ground and basement from office (class E) to residential (Class C3) and alteration of rear window to door.

Drawing Nos: Site location plan, 21102-EX-101 rev A, 21102-EX-110 rev A, 21102-PL-101 rev A, 21101-PL-110 rev A, Photographic Document rev 0 dated 04/11/2021, Design and Access Statement rev 0 dated 04/11/2021.

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 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 plans: 21102-PL-101 rev A, 21101-PL-110 rev A.

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 and policy DH2 of the Highgate Neighbourhood Plan 2017.

- 4 A facility providing secure and covered storage for 2 cycles 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 and policies TR1 and TR4 of the Highgate Neighbourhood Plan 2017.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposals are for the conversion of the existing office (class E) at ground and basement level into a three bed dwelling (Class C3) and associated alterations including the installation of a new door into the rear garden. Policy E2 of the Local Plan seeks to resist the development of business premises to non-business use unless it is demonstrated to the Council's satisfaction that the site is no longer suitable for its existing business use and that the possibility of retaining the site for similar or alternative business uses has been fully explored.

In this instance, the applicant has not provided evidence as to the unsuitability of the site for continued business use, or exploration of alternative business use. However, it is noted that prior approval was previously sought and approved in 2014 (reference 2014/2690/P) for the same change of use from office to residential use. Although that consent has expired, it still forms a material consideration in the assessment of the proposals, although of a lower weight. It is also noted that the site is not located within an area subject to an Article 4 Direction to remove the right to convert offices to homes without

planning permission, so the applicant could still seek approval for the change of use via prior approval. Policy E1 also states that evidence shows that the demand to convert office premises to residential has been particularly high in Kentish Town, Camden Town with Primrose Hill and Kilburn where there are significant concentrations of premises suitable for start-up, small and medium-sized enterprises. In this case, the application site is not located within one of these wards, and comprises the lower floors of a building which was originally built as a dwelling house and which retains the original residential use to the upper floors. It has room layouts and sizes that are not flexible or particularly suitable for modern office accommodation. Considering all of these factors and assessing them against the Local Plan as a whole - which also identifies housing as the priority land use - the proposed change of use is considered to comply with the aspirations of the Local Plan and is acceptable in land use terms. Policy EA2 of the Highgate Neighbourhood Plan also states that any application proposing a loss of a business premises must not result in an unacceptable impact on the vitality and viability of, any employment opportunities within, the shopping area. The site is not located within the Highgate shopping area and therefore accords with this policy and complies with the development plan as a whole.

The proposals would provide a new 3 bedroom family dwelling which is a high priority dwelling size. The dwelling would measure over 120sqm (GIA) which complies with the required standard for a 2 storey 3 bedroom dwelling, and would benefit from regular sized and shaped rooms which meet nationally described space standards. The building also benefits from good access to daylight and natural ventilation, outside garden space and would provide a good standard of accommodation.

Although the proposed drawings do not show cycle parking, there would be ample space for the London Plan requirement of 2 spaces to be provided, and this shall be secured by condition. The development would also be car-free as secured by S106 Legal Agreement.

The proposals include the alteration of an existing window in the side elevation of the closet wing into French doors to provide access to the rear garden. This is considered a minor change which would preserve the character and appearance of the building and this part of the Highgate Village Conservation Area.

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

2 Reasons for granting continued.

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 (ERR) 2013.

As such, the proposed development is in general accordance with H1, H6, H7, E1, E2, D1, D2, T1, and T2 of the Camden Local Plan 2017 and Policies SC1,

EA2, TR2, TR3, TR4 and DH2 of the Highgate Neighbourhood 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 proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 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.
- 7 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 8 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 9 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

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

A handwritten signature in black ink, appearing to read 'DP', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer