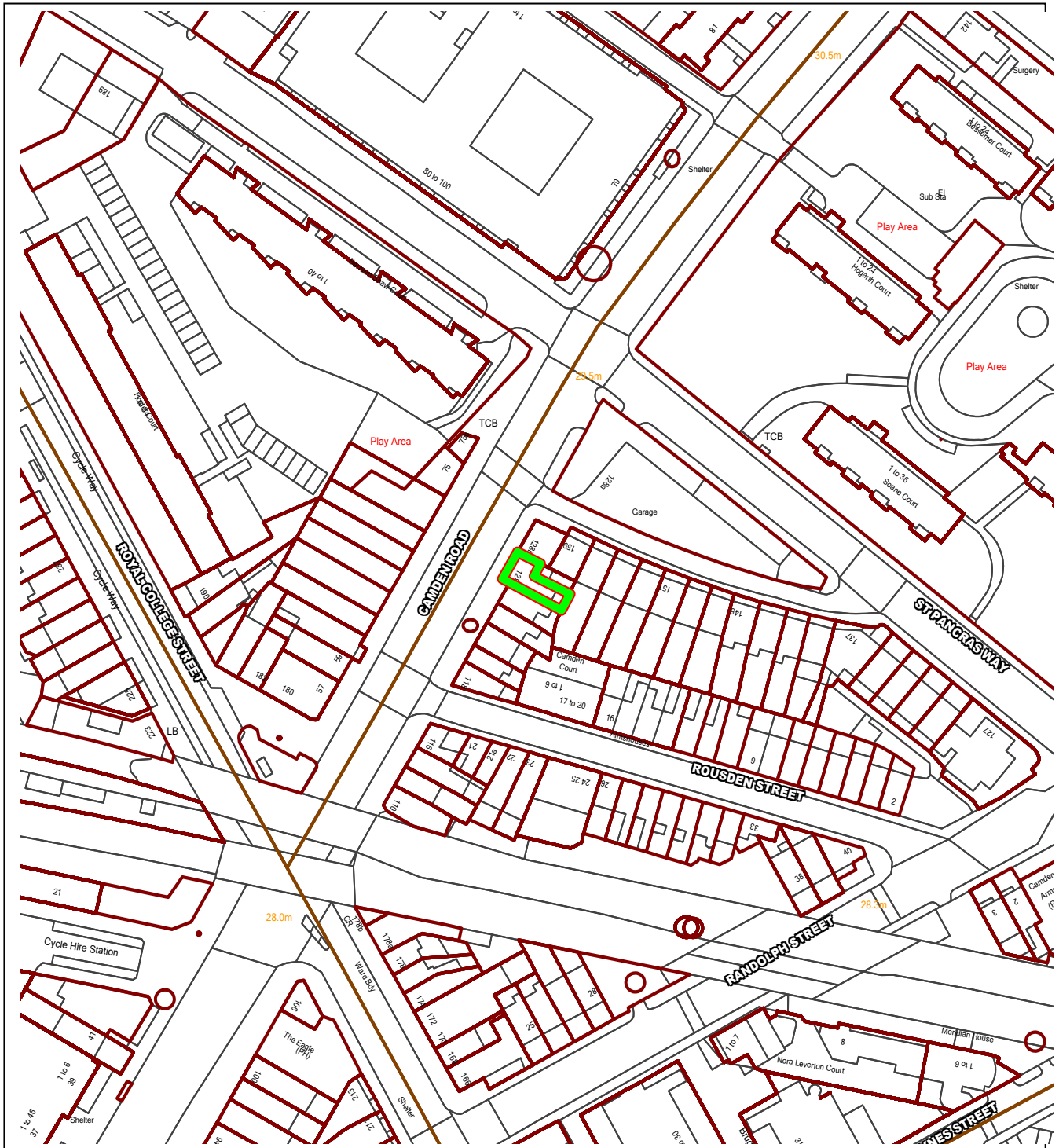


128 Camden Road, NW1 9EE

Ref. 2022/1948/P



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Photo 1 (above): Existing shopfront at 128 Camden Road



Photo 2 (above): View of existing shopfronts at Nos. 128b, 128, 126 and 124 Camden Road



Photo 3 (above): Bird's eye view of rear of 128 Camden Road



Photo 4 (above): Bird's Eye View of front of 128 Camden Road



Photo 5 (above): View from first floor rear window of existing rear extension and rear courtyard



Photo 6 (above): View of existing boundary walls (to be retained) of rear courtyard

Delegated Report		Analysis sheet		Expiry Date:		30/06/2022	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		24/07/2022	
Officer				Application Number(s)			
Charlotte Meynell				2022/1948/P			
Application Address				Drawing Numbers			
128 Camden Road London NW1 9EE				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of part ground and first floor from existing barber shop and ancillary storage space / living accommodation to create a self-contained 1-bed flat; alterations to existing ground floor rear extension and installation of new rear window and door; alterations to shopfront to create separate residential access.							
Recommendation(s):		Grant Conditional Planning Permission subject to a Section 106 Legal Agreement					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed on 24/06/2022 and expired on 18/07/2022. A press notice was advertised on 30/06/2022 and expired on 24/07/2022.</p> <p>The following objection was received:</p> <ul style="list-style-type: none"> This application would result in loss of retail space and leaves a highly compromised, tiny, non viable space with no storage or welfare facilities. <i>(Officer response: please refer to section 3 of the report)</i> The proposal offers substandard residential space with no amenity space, it's a poor application, with no real actual benefits offered. <i>(Officer response: the scheme has been revised to include access for the residential unit to an existing rear courtyard; please refer to section 4 of the report)</i> 			
Camden Broadway Conservation Area Advisory Committee (CAAC) comments:	<p>In response to the proposal, the Camden Broadway CAAC objected on the following grounds:</p> <ul style="list-style-type: none"> The existing retail unit has not suffered any periods of vacancy since 2009 and is much used by local residents. It can therefore be assumed that the current layout and space provision is well-suited to the local retail market. A just over 20sqm retail unit, with no storage or other ancillary space, is substandard and not viable in this location. The proposed alterations to the retail unit's layout and space provision, namely the reduction in retail space, removal of all storage space and removal of ancillary residential accommodation is therefore deemed inappropriate by the CAAC. <i>(Officer response: please refer to section 3 of the report).</i> The proposed 1-bedroom apartment is also substandard as it does not comprise any external amenity space and does not comply with Part M4 (2) of the building regulations, therefore the proposals are not in compliance with the London Plan. <i>(Officer response: please refer to section 4 of the report; as a conversion of an existing building, the scheme is not required to comply with Part M4 (2) of Building Regulations).</i> 			

Site Description

The site comprises a two storey mid-terrace Victorian building with a retail unit at ground floor level and ancillary accommodation / storage at first floor. The property is located in the Camden Broadway Conservation Area and is referred to as making a positive contribution to the character and appearance of the conservation area.

The site is also situated in a Neighbourhood Centre.

Relevant History

2020/4709/P - Erection of two storey extension; change of use of first floor and part of ground floor from barbers (Class E) to residential (Class C3); and alterations to shopfront including installation of residential access door in association with provision of 3-bed residential unit (Class C3). **Refused 17/12/2020 on design and heritage grounds in addition to lack of Section 106 agreement to secure car-free housing, affordable housing contribution, Construction Management Plan (and associated support contribution) – Appeal dismissed 20/08/2021**

2019/6164/P - Erection of additional storey plus mansard roof and single storey rear extension at ground floor level; change of use of part of ground floor and first floor from shop (A1) to residential (C3) to create 2x1-bed units; shopfront alterations. **Refused 19/02/2020 on design, heritage and amenity (privacy, outlook and daylight/sunlight) grounds in addition to lack of Section 106 agreement to secure car-free housing, affordable housing contribution, Construction Management Plan (and associated support contribution)**

2017/5197/P - Change of use from retail (Class A1) to restaurant/cafe (Class A3) use. **Prior Approval Required – Prior Approval Refused 20/10/2017**

2017/2874/P - Change of use from retail (Class A1) to hot food take-away (Class A5) and installation of extract ducting on rear elevation. **Refused 01/06/2017**

8400788 - Change of use from residential to shop use on first floor and alterations to ground and first floors. **Refused 22/10/1984**

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

TC2 Camden's centres and other shopping areas

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

CPG Developer contributions (2019)

CPG Energy efficiency and adaptation (2021)

CPG Housing (2021)

CPG Town centres and retail (2021)

CPG Transport (2021)

CPG Water and flooding (2019)

Camden Broadway Conservation Area Appraisal and Management Strategy (2009)

Assessment

1. Proposal

1.1 Planning permission is sought for the following:

- Change of use of part of the ground floor and first floor from retail (Class E) to residential (Class C3);
- Reduction in size of existing single storey rear extension;
- Installation of new rear window and door at ground floor level to access existing rear courtyard;
- Alterations to shopfront including installation of new door to create separate access to new residential unit.

Revisions

1.2 The following revisions were made throughout the course of this application:

- Design of shopfront amended to centre shopfront door and signage, relocate shutter over shopfront windows only, and install a fan light above the new residential entrance door.
- Reconfiguration of proposed room layout at first floor level;
- Existing side windows at ground and first floor level shown as obscure glazed and fixed shut below 1.7m;
- Existing rear extension reduced in size and new rear door and window installed to enable use of existing rear courtyard as private outdoor amenity space for proposed residential unit.

2. Assessment

2.1 The main material planning issues for consideration are:

- Land use
- Residential standards
- Affordable housing
- Design and heritage
- Neighbour amenity
- Transport
- CIL

3. Land use

Retail

3.1 Policy TC2 of the Camden Local Plan seeks to protect primary frontages in its centres as locations with a high proportion of shops, in order to maintain the retail function of the centres. Policy TC2 also states that the development of housing within centres, including above and below shops, will be supported where this does not prejudice the town centre function and the ability of the ground floor to be used for town centre uses.

3.2 The application site is located within a Neighbourhood Centre and recognised as an area that provides for the day-to-day needs of people living or working nearby. Within these areas, the Council will seek to retain convenience shopping for local residents and will ensure that development in them does not harm the function, character or success of that centre.

3.3 The proposal would retain a retail unit of a reduced size at ground floor level, with the loss of retail floorspace being the conversion of the rear ancillary storage area to residential floorspace and the loss of ancillary storage / accommodation at first floor level. Importantly, the front section would be retained as retail and appears to be of an appropriate size for a viable retail unit. For instance,

the existing barber use only uses the front part of the ground floor.

- 3.4 The reduction in size of the retail unit was not contested and did not form a reason for refusal in the previous application ref. 2020/4709/P (see relevant history section above), nor did the planning inspector consider this matter to add further weight when coming to the decision to dismiss the subsequent appeal. The inspector noted the following: *'The Council did not oppose the application on the basis on harm to neighbour's living conditions, the standard of accommodation proposed, the reduction in retail floorspace or the proposed shopfront alterations. However, the absence of harm in these respects is a neutral factor weighing neither for nor against the proposal.'* The reduction in size of the retail unit has therefore been previously accepted by both the Council and the planning inspector and cannot be challenged. It is recognised that its complete loss would be subject to further planning permission and could be resisted at that point.

Housing

- 3.5 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would provide a self-contained 1-bed unit (Use Class C3) in place of an existing ancillary 1-bed unit, which is supported. The proposal is therefore considered to be compliant with policy H1 in terms of land use.
- 3.6 Policy H7 seeks to provide a range of unit sizes to meet demand across the borough and regards 2 and 3 bed units as high priority whilst 1-bed are identified as lower priority. Whilst the proposed development would provide a lower priority unit, given the constrained nature of the site and given the planning history demonstrates that the upwards extension of the building is unacceptable in principle, the proposed unit size is supported in this instance.

4. Residential standards

- 4.1 The development would provide one 1-bedroom 2-person unit over 2 floors. The unit would be 62sqm, which would meet London Plan minimum floor space standards, and would have a floor to ceiling height of a minimum of 2.6m. The unit would be dual aspect, which would facilitate adequate light, outlook and ventilation. The proposed unit would benefit from 6sqm of private outdoor amenity space in the form of the existing rear courtyard, accessed via a new door from the rear kitchen, which is compliant with the London Plan minimum requirements for a 1-bedroom unit (5sqm). On balance, given the constrained nature of the site, the proposed unit is considered to provide an acceptable standard of accommodation.
- 4.2 Given the layout of the proposed residential unit with habitable rooms located above and to the rear of the retained retail unit, a pre-commencement condition is recommended to secure the submission and approval of enhanced noise insulation of at least 10dB above Building Regulations, in order to protect the residential amenities of future occupants from noise from the commercial unit.
- 4.3 As a change of use is proposed, the mandatory requirements of the Building Regulations would require an overhaul of thermal performance meaning that the new residential unit would be significantly more energy and heat efficient than existing. A condition is also suggested to require that the optional requirements for water saving devices be installed and retained.

5. Affordable housing

- 5.1 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm or more. This is based on the assessment where 100sqm of floorspace is considered to be capacity for one home. In developments that provide less than 10 units, affordable housing contributions

can take the form of a payment in lieu (PIL).

5.2 As the proposed change of use results in one additional home being provided with a 62sqm increase in residential floorspace; an affordable housing contribution is not required in this instance.

6. Design and heritage

6.1 To facilitate access to the new self-contained residential unit, the existing shopfront would be reconfigured and a new door inserted to the right hand side of the shopfront. The height of the proposed door would match the height of the proposed shopfront windows, and a new fan light would be inserted above the door. The location and design of the door is similar to that of the existing residential entrance doors within the neighbouring shopfronts, and is considered acceptable.

6.2 The proposed shopfront has been redesigned to centre the door and signage to the retail unit, and the replacement roller shutter has been relocated to ensure that it covers the shopfront windows only. This is an improvement on the design of the existing roller shutter, which covers the entire shopfront. The proposed alterations would improve the symmetry of the shopfront, and are considered to be appropriate and would improve the appearance of the shopfront and the wider streetscene.

6.3 To the rear, part of the existing rear extension would be demolished and the side rebuilt, and a new window and door would be inserted into the rear elevation in its place at ground floor level. This would facilitate access for the new residential unit to an enlarged private rear courtyard. The existing courtyard is enclosed by walls approximately 3m high, which are not proposed to be altered. The proposed alterations to the rear would not be visible in any public views and only limited private views, and would preserve the character and appearance of the conservation area.

6.4 Special regard has been attached to the desirability of preserving or enhancing 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.

7. Neighbour amenity

7.1 Camden Local Plan policy A1 seeks to ensure that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy, outlook, noise and vibration.

7.2 The existing ground and first floor level windows are situated on the boundary with no. 159 Pancras Way at a distance of 2.8m from the windows on the rear elevation. A small courtyard area directly abuts the closet wing of the application site.

7.3 The existing side elevation windows currently serve rooms ancillary to the use of the barber shop and would be used infrequently relative to rooms in residential use. The activity of the rooms would be intensified by the proposed change of use, leading to greater overlooking of the neighbour's amenity space and rear windows. As such, the existing side windows at ground and first floor level would need to be obscure glazed and fixed shut below a finished floor height of 1.7m. This would be secured by condition.

7.4 The proposed alterations to the shopfront and rear of the building at ground floor level would not give rise to any adverse impact on the amenity of neighbouring occupiers in terms of loss of daylight, sunlight, outlook or privacy.

8. Transport

8.1 Local Plan policy T2 states the Council will limit the availability of both off-street and on-street parking and require all new developments in the borough to be car-free. To comply with this

policy, the proposed residential units would be secured as car free via s106 legal agreement.

8.2 In line with Policy T1 of the Local Plan, 1.5 secure and covered cycle parking spaces should be provided for the proposed residential unit. The scheme proposes to provide the required cycle parking within the unit in a dedicated cycle storage cupboard beneath the stairs. The Council's Transport Planner has confirmed that this provision would be acceptable. The implementation and retention of the cycle parking as shown in the proposed drawings would be secured by condition.

8.3 The Council's Transport Planner has confirmed that given the scale of the works, it is not necessary to secure a Construction Management Plan or a highways contribution for the proposals.

9. CIL

9.1 As the proposal would create one new residential unit it would be liable for Camden and Mayoral CIL.

10. Recommendation: Grant conditional planning permission subject to a Section 106 Legal Agreement securing car free development

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 14th November 2022, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/1948/P
Contact: Charlotte Meynell
Tel: 020 7974 2598
Date: 8 November 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

SM Planning
80-83 Long Lane
London
EC1A 9ET

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
128 Camden Road
London
NW1 9EE

DECISION
Proposal: Change of use of part ground and first floor from existing barber shop and ancillary storage space / living accommodation to create a self-contained 1-bed flat; alterations to existing ground floor rear extension and installation of new rear window and door; alterations to shopfront to create separate residential access.

Drawing Nos: 215-NW19EE-URB-ZZ-XX-DR-A-00022-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000301-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000302-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000303-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000401-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000402-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000501-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000502-R2; 215-NW19EE-URB-ZZ-XX-DR-A-1011-R2; 215-NW19EE-URB-ZZ-00-DR-A-102103-R2; 215-NW19EE-URB-ZZ-01-DR-A-102104-R2; 215-NW19EE-URB-ZZ-02-DR-A-102105-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102201-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102202-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102301-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102302-R2; Site Location Plan; Planning Statement Letter (prepared by SM Planning, dated 07/11/2022).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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: 215-NW19EE-URB-ZZ-XX-DR-A-00022-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000301-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000302-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000303-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000401-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000402-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000501-R2; 215-NW19EE-URB-ZZ-XX-DR-A-000502-R2; 215-NW19EE-URB-ZZ-XX-DR-A-1011-R2; 215-NW19EE-URB-ZZ-00-DR-A-102103-R2; 215-NW19EE-URB-ZZ-01-DR-A-102104-R2; 215-NW19EE-URB-ZZ-02-DR-A-102105-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102201-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102202-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102301-R2; 215-NW19EE-URB-ZZ-XX-DR-A-102302-R2; Site Location Plan; Planning Statement Letter (prepared by SM Planning, dated 07/11/2022).

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 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ of at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwelling hereby approved. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The cycle parking shown on the approved plan 215-NW19EE-URB-ZZ-00-DR-A-102103-R2 shall be provided in full prior to the commencement of the use hereby permitted, and shall thereafter be retained for the duration of the development.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with policy T1 of the London Borough of Camden Local Plan 2017.

- 6 Notwithstanding the plans hereby approved, prior to occupation of the residential unit, the existing ground and first floor side windows shall be obscure glazed and non-openable below 1.7m and shall be permanently retained as such thereafter.

Reason: In order to prevent any overlooking of the neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 7 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 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).
- 2 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.
- 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 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.
- 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 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.
- 7 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.
- 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>.

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

Supporting Communities Directorate