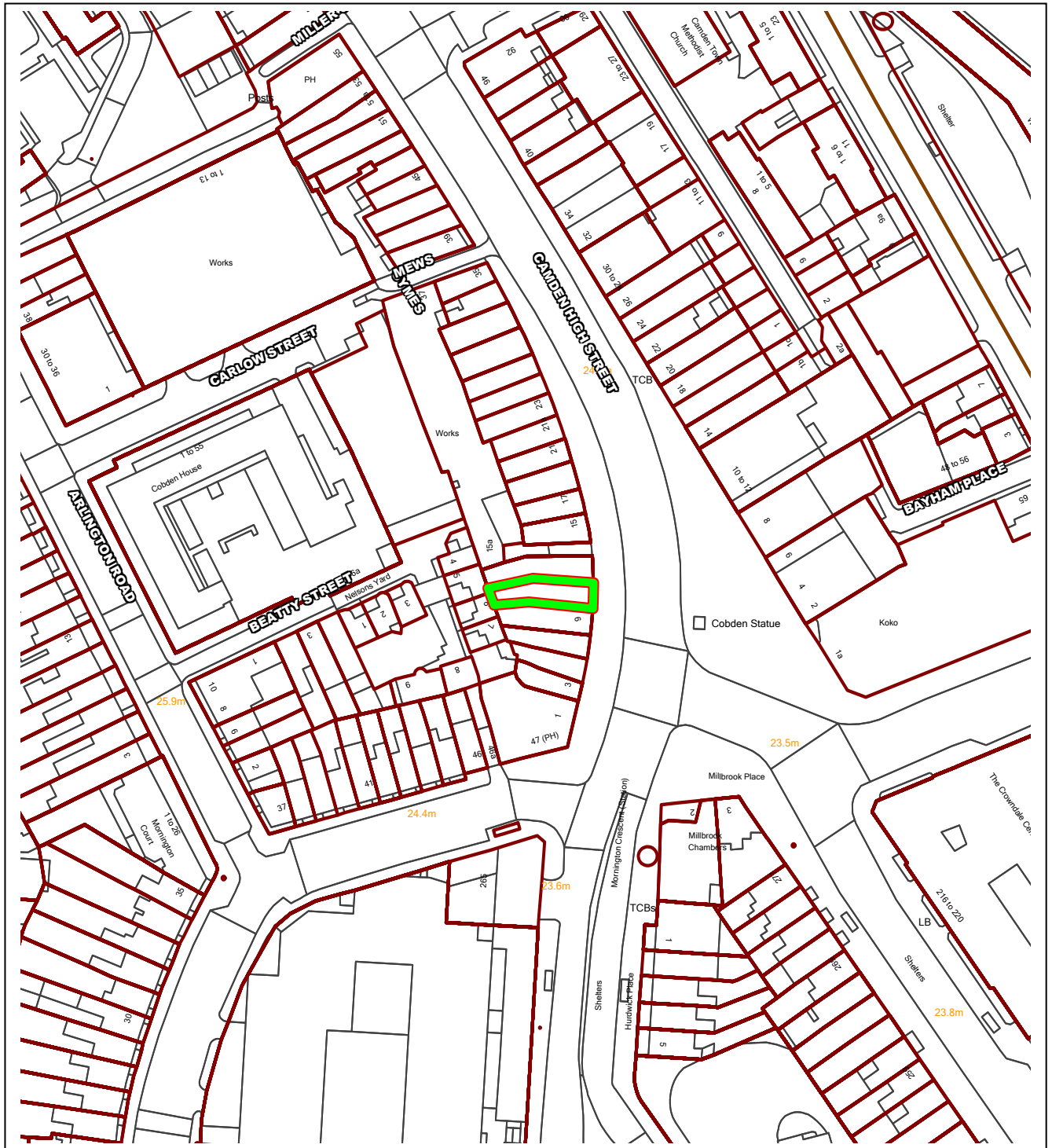


2025/0469/P - 11 Camden High Street



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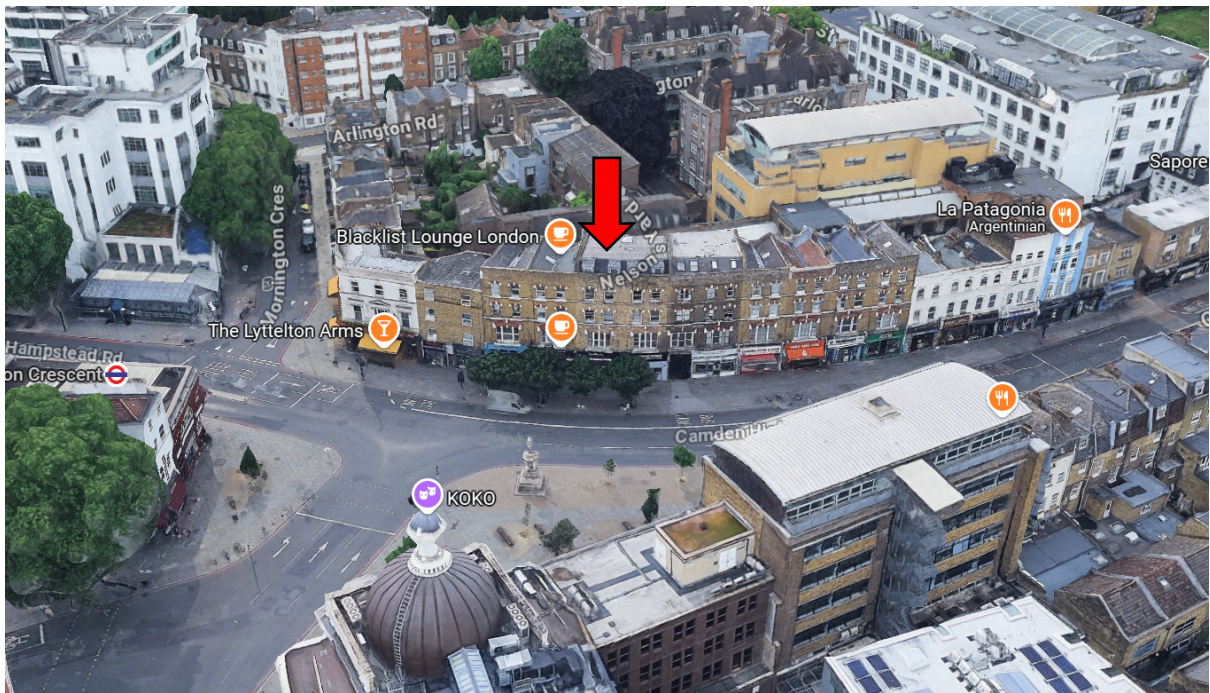


Photo 1 (above): Properties in context (source: Google 3D view)



Photo 2 (above): Properties as visible from Camden High Street (source: Google street view)

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	15/04/2025
		N/A		Consultation Expiry Date:	23/03/2025
Officer			Application Number(s)		
Miriam Baptist			2025/0469/P		
Application Address			Drawing Numbers		
11 Camden High Street London NW1 7JE			See draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Change of use from restaurant (Class E) to drinking establishment (Sui Generis) (retrospective).					
Recommendation(s):		Grant Planning Permission with warning of enforcement action			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed near to the site on 21/02/2025 (consultation end date 17/03/2025). A press notice was advertised in the local paper on 27/02/2025 (consultation end date 23/03/2025).</p> <p>No responses from local residents were received following the statutory consultation.</p>					
Local group TRACT comments:	<p>Local group Tenants Residents Association Camden Town (TRACT) have objected. Their objection can be summarised as below:</p> <p>Objection to the change of use of this premises from a restaurant/cafe to bar/drinking establishment, the area is already saturated with bars and alcohol-led venues. There are no conditions on the hours of operation yet there are residential units above. If approved, we suggest the following conditions:</p> <ul style="list-style-type: none"> Hours of operation to be restricted to 08:00-11:59hrs with no customers on the premises between midnight and 08:00hrs on any day of the week. No noise from the ground floor to be audible within the residential premises above at any time (the building was not designed to have a high-capacity of people and music). <p><i>Officer response: Please see sections 2.1 and 2.3 below.</i></p>					

Site Description

The application site is located on the west side of Camden High Street in close proximity to the junction with Hampstead Road and Eversholt Street where the Mornington Crescent tube station is situated. The property is part of a four-storey terrace.

The property is located within the Camden Town Conservation Area and the terrace of which it is a part is identified as a group of positive contributing properties within the Camden Town Conservation Area appraisal and management plan. On the pavement opposite is a Grade II Listed statue of Richard Cobden. Camden Palace Theatre (nightclub Koko) and the Mornington Crescent underground station building are also Grade II Listed buildings in the immediate vicinity.

The surrounding area is predominantly busy and commercial in nature, with a number of pubs, bars and nightclub Koko opposite. Upper floors of properties are often used as residential.

Relevant History

N/A

Relevant policies

National Planning Policy Framework 2024

London Plan 2021

Camden Local Plan 2017

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

Policy TC2 – Camden's centre and other shopping areas

Policy TC4 – Town centre uses

Camden Planning Guidance

Design (2021)

Amenity (2021)

Town Centres and Retail (2021)

Camden Town Conservation Area appraisal and management plan 2007

Draft Camden Local Plan

The council published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation in January 2024. Responses to the consultation and a Submission Draft Camden Local Plan (updated to take account of the responses) was reported to Cabinet on 2 April 2025 and the Council on 7 April 2025. The Council resolved to agree the Submission Draft Local Plan for publication and submission to the government for examination following a further period of consultation.

The Council has published the Camden Local Plan Proposed Submission Draft for consultation. The consultation closed on Friday 27 June 2025.

The Submission Draft is a significant material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1.0 Proposal

1.1 The application seeks retrospective permission for a change of use from a restaurant to a bar/drinking establishment at ground floor level. The proposal is for the change of use only, and does not involve any physical works, alterations or extensions.

1.2 Key planning issues are as follows:

- Land Use
- Design & Heritage
- Neighbouring Amenity

2.0 Assessment

2.1 Land Use

2.1.1 The application is for the retrospective change of use from a restaurant (Class E) to a bar/drinking establishment (Sui Generis). The site is within a designated town centre, and both uses, previous (restaurant) and current (drinking establishment), are considered appropriate recreational town centre uses.

2.1.2 The site has been operating under this use for approximately 2 years, it initially operated under the name 'Kiss the sky' but now is referred to as 'Kiss'. Previously the site was a restaurant/bar called 'Trufflesecco'.

2.1.3 The application site is located within the Camden Town Centre where Policy TC2 (Camden's centres and other shopping areas) seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. It states that the Council will protect and enhance the role and unique character of each of Camden's centres; provide for and maintain a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.

2.1.4 Policy TC4 (Town centre uses) seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. In doing so, the Council will consider the effect of development on shopping provision and the character of the centre in which it is located; and the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses.

2.1.5 The key land use consideration is the loss of Class E restaurant use, and the suitability of the proposed use at the site. The site is in close proximity to the junction outside Mornington Crescent tube station, near the nightclub Koko and various other bars and nightlife venues. The proposed (retrospective) use of the property is considered appropriate in this location, being close to public transport, and contributing to the character, vitality and vibrancy of the Camden Town night-time economy. There are many restaurants in the area and so loss of this use is acceptable.

2.1.6 The Council are aware of the cumulative effects of late-night activities in the area and potential conflict with the residential use above. This is discussed further in the Amenity section below and a number of conditions have been added in regard to protecting neighbour amenity.

2.2 Design & Heritage

2.2.1 Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas

and listed buildings.

2.2.2 The application site is part of the Camden Town Conservation Area and fronts Camden High Street. The conservation area is split into two zones: residential and commercial. The site lies within the busy commercial area: sub area 1. The Conservation Area Appraisal and Management Strategy states: *'The commercial sub area consists of a traditional wide shopping street linking the busy junction at Mornington Crescent to the eclectic and lively town centre at the heart of Camden Town.'*

2.2.3 The application does not involve any physical works and therefore would not present any visual change to the Conservation Area.

2.2.4 Overall, the proposal is not considered harmful to the character or appearance of the host building, or the Camden Town Conservation Area, in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

2.2.5 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

2.3 Neighbouring Amenity

2.3.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.

2.3.2 Due to the nature of the application, which does not involve any physical changes to the property, there will be no amenity impacts in terms of outlook, loss of light or overlooking.

2.3.3 It is noted that there have been complaints in the past in relation to nuisance/noise of the new bar/nightclub, when operating under the 'Kiss the sky' name, and both the police and the Council's Environmental Health team have been involved. Subsequently, operation and management changes were implemented, and since then calls about nuisance seem generally to have ceased.

2.3.4 A Noise Management Plan has been submitted as part of the application and states a number of measures that will be employed to protect the amenity of neighbours. These include: a limit on the number of people on site, a sound limiter controlling the level of music and bass, the positioning of the speakers away from the street, the door remaining shut to limit sound escaping, security guards until closing time, monitoring of the smoking area and a limit on numbers in the smoking area.

2.3.5 An Acoustic Report has also been submitted which has been reviewed by the Council's Environmental Health Officer who finds it broadly acceptable, but it is noted that the report makes a number of recommendations in order to mitigate noise transmission to the residential flats above. Although submitted complaints are now few, this does not necessarily mean that there is no harm to the surrounding flats. As such, it is considered necessary to impose a condition if planning permission is granted to ensure the full recommendations of the report are carried out within two months from the date of approval to protect neighbour amenity.

2.3.6 Example extracts of the acoustic report which recommend further action (not exhaustive):

1. *'It is understood and acknowledged that the existing noise limits and upgraded sound insulation of the ceiling have achieved an improvement compared to previous, we would recommend some further steps to mitigate noise transmission, in order to ensure a low impact of residents above, as detailed in Section 8.0.'* (Page 9)
2. *In order to further reduce sound transmission to the flat above we would recommend the installation of a suitable semi-independent wall lining for walls in the bar. A suitable build-up would be as follows...* (Page 11)

3. *In order to optimise the sound insulation performance of the ceiling we would recommend removal of the air conditioning cassette and any other penetrations such that the ceiling can be made good to provide a continuous, uninterrupted lining to the entire soffit (with void filled with mineral wool where not already present). Air conditioning cassette should then be re-mounted on the surface of the plasterboard ceiling (or another suitable location. Note – if required, the unit may be attached to the structural soffit by drop rods which pass through the ceiling, providing all penetrations re sealed with a suitable non hardening silicon mastic. It should be ensured that all other joints, gaps and holes in the plasterer ceiling are similarly sealed.’ (Page 12)*

2.3.7 In addition to the above, further conditions have been attached to the permission in relation to restriction of opening hours and no music to be audible from the adjoining premises or the highway. These are considered necessary due to the nature of the use, proximity of residential premises, complaint history and police involvement at the site.

2.3.8 Overall, subject to the conditions above, there is unlikely to be an adverse material impact on neighbouring amenity from the proposed works in terms of loss of daylight, sunlight, privacy or outlook, or from noise or vibration. The scheme is thus considered to be in accordance with Local Plan Policies A1 and A4.

3.0 Recommendation

3.1 Grant conditional planning permission with warning of enforcement action.

3.2 ENFORCEMENT ACTION TO BE TAKEN:

If all unimplemented recommendations, including sound insulation, in the Acoustic Report (Clement Acoustic dated 24 March 2023, 18289-NIA-01) contained in sections 8.1-8.3 are not fully implemented within TWO (2) months of the date of this decision, and retained thereafter, it is recommended that the Director of Supporting Communities will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 7th July 2025, 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: 2025/0469/P
Contact: Miriam Baptist
Tel: 020 7974 8147
Email: Miriam.Baptist@camden.gov.uk
Date: 2 July 2025

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Mr Kashka Ray
11-13 Camden High Street
London
NW1 7JE

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:

**11 Camden High Street
London
NW1 7JE**

Proposal:

Change of use from restaurant (Class E) to drinking establishment (Sui Generis) (retrospective).
Drawing Nos: Please refer to condition 1 below

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 shall be carried out in accordance with the following approved plans: Location Plan, Design and Access Statement by St George's Hotel Inn Limited, Noise Management Plan by St George's Hotel Inn Limited, Previous Floorplan, Existing Floorplan A101, Previous and existing elevations (no change), 18289-NIA-01 by Clement Acoustics.

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

- 2 The development shall not be carried out other than in strict accordance with the full recommendations of the Acoustic Report (ref 18280-NIA-01 dated 24 March 2023 by Clement Acoustics) hereby approved. All unimplemented recommendations, including sound insulation, shall be fully implemented within 2 months of the date of this decision notice and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 3 The use hereby permitted shall not be carried out outside the following times 7am-11.30pm Sundays to Wednesdays and 7am-1.45am Thursdays to Saturdays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 4 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.

To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 ENFORCEMENT ACTION TO BE TAKEN

That the Borough Solicitor be instructed to issue an Enforcement Notice alleging a breach of planning control if all unimplemented recommendations in the Acoustic Report (Clement Acoustic dated 24 March 2023, 18289-NIA-01) contained in sections 8.1-8.3, including sound insulation, are not fully implemented within 2 months of the date of this decision notice and retained thereafter.

- 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 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 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.

- 5 Biodiversity Net Gain (BNG) Informative (1/3):
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is a retrospective application.

- 6 Biodiversity Net Gain (BNG) Informative (2/3):
+ Summary of transitional arrangements and exemptions for biodiversity gain condition
The following are provided for information and may not apply to this permission:
1. The planning application was made before 12 February 2024.
 2. The planning permission is retrospective.
 3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
 4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).

- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

7 Biodiversity Net Gain (BNG) Informative (3/3):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

+ The effect of section 73(2D) of the Town & Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

+ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer