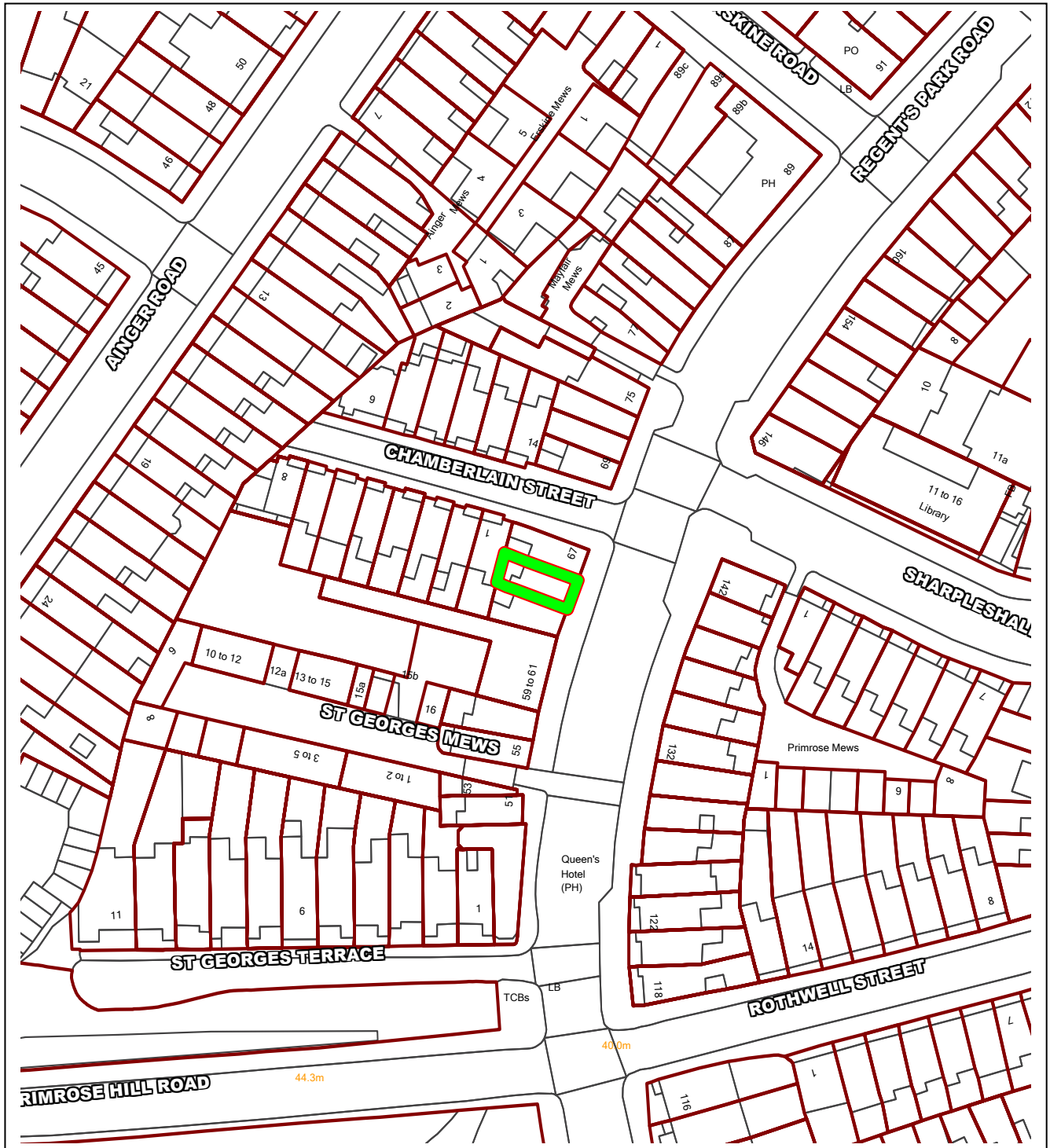


2023/4899/P - 65 Regent's Park Road



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Photos 1 & 2 – showing existing streetscene and existing shopfront respectively



Photo 3 – showing closer view of existing shopfront



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	11/01/2024
		n/a		Consultation Expiry Date:	04/02/2024
Officer			Application Number		
Tony Young			2023/4899/P		
Application Address			Drawing Numbers		
65 Regent's Park Road London NW1 8XD			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Shopfront alterations at ground floor level, including installation of replacement glazing.					
Recommendation	Grant Planning Permission and Warning of Enforcement Action to be taken				
Application Type	Full Planning Permission				

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining occupiers & local amenity groups:	No. notified	0	No. of responses	67	No. of objections No. of supports No. of comments	57 7 3
	A <u>site notice</u> was displayed from 08/01/2024 to 01/02/2024 A <u>press notice</u> was published from 11/01/2024 to 04/02/2024					

Adjoining occupier responses

Local residents and interested parties (including a receipt of a petition)

responded to the proposal following statutory consultation, summarised as follows:

Support

1. Triple window in keeping with architectural style of high street
2. The business is a breath of fresh air and has improved the high street / proposal will improve the service / local community will benefit positively
3. Minor alteration supported for good of the business
4. Business attracts more commerce to the street

Objections

5. No detailed drawings
6. Sliding sash windows not typical for restaurants or shops / not appropriate for CA / non-sliding windows only
7. Issues with extreme queues related to takeaway aspect of business served directly on to street and food smells / proposal will not improve this situation
8. Toilets on premises do not meet sanitary standards
9. Fire hazard and inadequate ventilation
10. Environmental concerns – lights left on at night
11. Residential amenity – privacy issues & pedestrian movement from queues on street
12. Unauthorised use of the premises

Officer response:

Support

- 1-4. Any points raised that are material to the planning application have been taken into consideration

Objections

5. The Council is satisfied that an adequate level of drawings and information have been provided in the application submission in order to both understand and assess the proposals. Furthermore, it is noted that during the course of the application, the applicant provided additional detailed drawings. These were made available to view on the Council's website alongside all other drawings/information received;
6. The use of timber frame, vertical sliding sash windows are noted as being characteristic of traditional shopfronts within the conservation area and the tripartite sub-division of the proposed windows would be in keeping with the appearance of a number of existing ground floor frontages along Regents Park Road itself (see *Sections 2-3 below for full assessment*).
- 7 - 12. While the Council is aware that there are some ongoing issues at the site that have been reported by local residents and interested parties, the current planning application is for remedial alterations to the shopfront only, and as such, the Council is only able to consider planning issues which relate specifically to those proposed works.

The following assessment of the application proposal has therefore been made based on its own individual planning merits, taking into account the particular site context, including all relevant planning history, policies and guidance, as well as any responses received during the statutory consultation period.

	<p>Notwithstanding this, it is noted that following a recent investigation by the Council's Planning Enforcement Team, the use of the property itself appears to be lawful and not subject to any conditions that relate to an historic vent. As such, the planning enforcement team have no ability to intervene in these matters as there appear to be no works which would constitute 'development' in planning terms. The Council's Environmental Services Team are investigating reported issues relating to odour, fumes and noise at the site.</p>
Local amenity group response	<p>Primrose Hill Conservation Area Advisory Committee responded and objected to the proposals and <u>initial</u> submission as follows:</p> <p>1. 'We object to the current shopfront which goes against the guidance on shopfronts in the Primrose Hill Conservation Area Statement (current SPD for the CA): PH44 at p. 34 refers to the need to respect 'the proportions, rhythm and form of the original frontages'. While we do not object in principle to the use of timber vertical sliding sash windows, which are characteristic of traditional shop fronts in the CA, we object to the current application proposal on the basis that we do not think that the vertical mullions can be as narrow as shown.</p> <p>We would want to see details at appropriate large scale showing how the sash mechanism would be incorporated into the vertical mullions. Given that the width of the mullions is critical to 'the proportions, rhythm and form of the original frontages' these details should be provided before the application is determined, and not reserved by condition.</p> <p>We also object to the tripartite division which does not respect 'the proportions, rhythm and form of the original frontages'. We would be happy to review revisions, and further information as requested.'</p> <p><u>Officer response</u></p> <p>1. The use of timber frame, vertical sliding sash windows are noted as being characteristic of traditional shopfronts within the conservation area and the tripartite sub-division of the proposed windows would be in keeping with the appearance of several existing ground floor frontages along Regents Park Road itself (see <i>Sections 2-3 below for full assessment</i>).</p> <p>During the course of the application, the applicant provided additional drawings which included the detailed configuration and size of vertical mullions and sash mechanism. These were made available to view on the Council's website. At the request of the Primrose Hill CAAC, the determination of the application was delayed so that the information could be reviewed and further comments made if necessary. The Council has not received any further response from the CAAC (or indeed any other interested parties).</p>

Site Description

The application site is a 3-storey plus basement terraced property located on the western side of Regent's Park Road, situated between Chamberlain Street to the north and St. George's Mews to the south.

The site is part of a terrace originally designed to accommodate various retail uses, small businesses and public houses on the lower floors with residential flats above. As such, the upper floors of the host building are divided into residential units with the ground floor used as a shop (currently known as '*It's Bagels*'). This application relates to the ground floor frontage only.

The building is not listed and is located within the Primrose Hill Conservation Area. The building is identified in the Primrose Hill Conservation Area Appraisal and Management Strategy (adopted December 2000) as making a positive contribution to the conservation area.

Relevant History

2014/2033/A - Display of one non-illuminated canopy sign, one non-illuminated projecting sign and one non-illuminated fascia sign. Advertisement consent dated 16/05/2014

2013/5961/P - Change of use from retail (Class A1) to restaurant (Class A3) use with associated works including erection of extraction and ventilation ductwork to rear, ground floor rear rooflight and store goods access hatch. Planning permission refused 13/11/2013

2013/5959/P - Change of use of a retail shop (Class A1) to restaurant/cafe (Class A3) for temporary period from November 2013 until November 2015. GPDP prior approval notification dated 14/01/2016

Enforcement history

EN23/0691 - Shop has been removed, including its original stall riser and replaced it with a much higher one without consent. Case file open and under investigation pending outcome of planning application (2023/4899/P)

Relevant policies

National Planning Policy Framework 2023

London Plan 2021

Camden Local Plan 2017

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- D3 Shopfronts
- CC1 Climate change mitigation

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Camden Planning Guidance

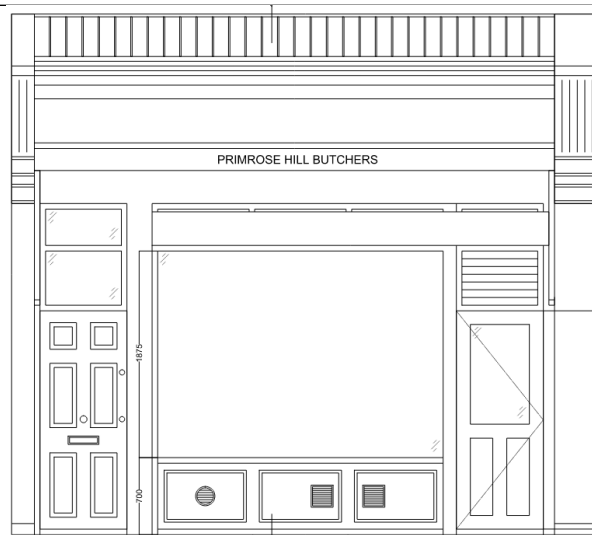
- CPG Design (January 2021) - chapters 1 (Introduction), 2 (Design excellence), 3 (Heritage) and 6 (Shopfronts)
- CPG Amenity (January 2021) – chapters 1 (Introduction)

Primrose Hill Conservation Area Appraisal and Management Strategy (adopted December 2000)

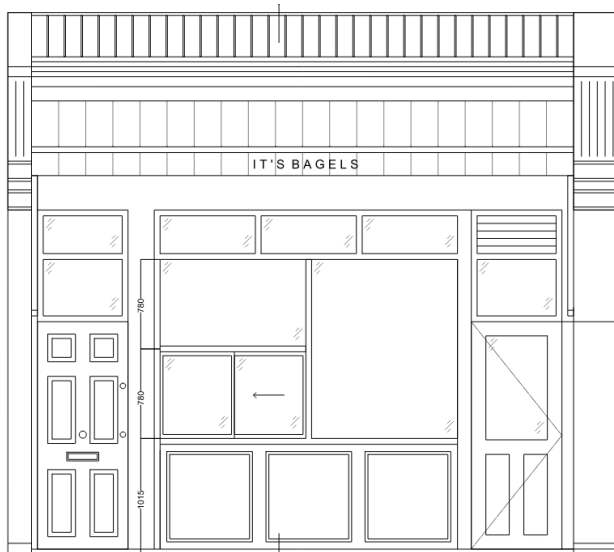
Assessment

1. Proposal

- 1.1 The application follows unauthorised alterations carried out to the shopfront which are the subject of an enforcement investigation (EN23/0691) - see Images 1-4 below showing the pre-existing and existing shopfronts.



Images 1 & 2 – pre-existing shopfront (photograph and drawing)



Images 3 & 4 – existing shopfront (photograph and drawing)

- 1.2 As a result of the unauthorised alterations, a central shopfront window was subdivided into two main parts (including a window opening hatch on the left-hand side) with top-lights added above and an existing stallriser raised in height (as shown in Images 3 and 4 above). These existing alterations are considered to be harmful to the character and appearance of the host building, local streetscene and Primrose Hill Conservation Area.
- 1.3 The application therefore seeks planning permission for proposed shopfront alterations at ground floor level in order to address the matter of the unauthorised works. As part of the application proposal, the central glazing and window opening hatch would be replaced by 3 x double glazed, timber frame, vertical sliding sash windows with retained top-lights above. A stallriser would also be lowered in height to match more closely the height of the previous (pre-existing) stallriser..

Additional information

- 1.4 During the course of the application, the applicant provided additional drawings in order to show the detailed configuration and size of vertical mullions in connection with the incorporation of sash mechanisms for the proposed replacement double-glazed windows.
- 1.5 The additional detailed drawings were made available to view on the Council's website. At the request of the Primrose Hill CAAC, the determination of the application was delayed so that the information could be reviewed by the CAAC or any other interested parties, and further comments made if necessary. The Council has not received any further responses.
- 1.6 The following assessment has therefore been made based on the final submission of drawings in relation to the proposal, giving consideration to its own individual merits, and taking into

account the particular site context, including all relevant planning history, policies and guidance, as well as any responses received during the statutory consultation period.

2. Assessment

2.1 The principal considerations in the determination of the application are:

- the design and impact of the proposal on the character and appearance of the host building, streetscene and wider Primrose Hill Conservation Area; and
- the impact of the proposal on neighbouring amenity.

3. Design and appearance

3.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into the surrounding streets and townscape.

3.2 Local Plan Policy D2 (Heritage) states that the Council will only permit development within conservation areas that preserve and enhance the character and appearance of the area.

3.3 The Primrose Hill Conservation Area Appraisal and Management Strategy statement (December 2000) supports Policy D2 in this regard when stating that its designation as a conservation area provides the basis for policies designed to preserve or enhance the special interest of such an area. More specifically in regard to shopfront alterations, guidance PH44 (page 34) of the statement advises that *'Proposals for new shopfronts will be expected to preserve or enhance the visual character and appearance of the street, through respect for the proportions, rhythm and form of the original frontages'*.

3.4 Local Plan Policy D3 (Shopfronts) states that the Council will consider the existing character, architectural and historic merit, design of the building and its shopfront; the relationship between the shopfront and the upper floors of the building and surrounding properties; and the general characteristics of shopfronts in the area.

3.5 Whilst the proposal would sub-divide the central glazing of the pre-existing shopfront, the use of timber vertical sliding sash windows (see Image 5 below) is noted as being a characteristic of traditional shopfronts in the Primrose Hill Conservation Area and more generally for Victorian shopfronts.

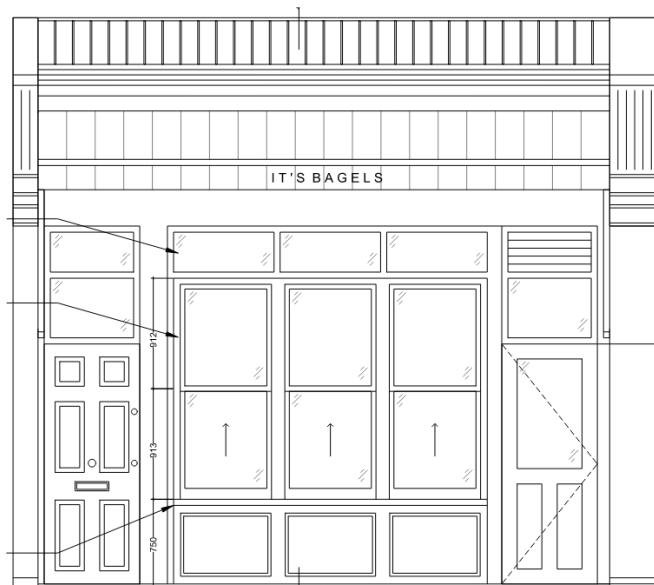


Image 5 – proposed shopfront (drawing A102.00 extract)

3.6 In this regard it is noted that several existing shopfronts within Regent's Park Road have vertical sash windows, dividing variously into either single, two-part or three-part arrangements. Examples include shop frontages at no.75 (Pamela Shiffer) and no.140 (Bens). However, of more particular interest to the current proposal are nos. 57 (ARVO Café) and no.136 (Ripe) which are

examples of frontages which have a tripartite (three-part) division similar to proposals at the application site which are the subject of this report (see Images 6 and 7 below).



Images 6 & 7 – existing tripartite vertical sash window arrangements at no. 57 (ARVO Café) and no.136 (Ripe) respectively

- 3.7 The submitted drawings, therefore, indicate that the proposed tripartite division of glazing by vertical sash windows, including top-lights above and a reduced height stallriser below, would appear in keeping with existing shopfronts within the wider streetscene and would respect the proportions, rhythm and form of original frontages, so preserving the visual character and appearance of the host frontage and wider Primrose Hill Conservation Area.
- 3.8 Additionally, this form of glazing arrangement would continue to allow for a high level of natural light to enter the commercial unit and maintain good levels of visibility into and from the premises, so helping to bring activity and interest to the business and wider streetscene, as well as, to preserve feelings of security through the amount of natural surveillance which would be retained.
- 3.9 In sustainability terms, double-glazed units are also noted as having the potential to reduce energy costs, provide more thermal efficiency and insulation, offset the need for powered heating and so help reduce carbon emissions, and allow for passive flow of ventilation in some cases in accordance with Local Plan Policy CC1 (Climate change mitigation).
- 3.10 Finally, it is noted that planning permission was recently granted for similar proposals dated 21/05/2024 (ref. 2023/4730/P) for double glazed, timber frame, vertical sliding sash windows to the frontage at no.146 Regent's Park Road (though in that particular case the replacement windows were divided into a four-part arrangement).
- 3.11 Overall, therefore, the proposed alterations are considered would preserve the character and appearance of the frontage, streetscene and wider Primrose Hill Conservation Area. As such, the proposed development is acceptable in design terms in general accordance with Camden Local Plan Policies D1 (Design), D2 (Heritage), D3 (Shopfronts) and CC1 (Climate change mitigation), and all relevant guidance.
- 3.12 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Primrose Hill 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.

Warning of enforcement action to be taken

3.13 The existing unauthorised shopfront alterations at ground floor level are considered to be harmful to the character and appearance of the host building, local streetscene and Primrose Hill Conservation Area. As such, an informative will be attached to any decision notice to ensure that the proposed alterations are carried out in a timely fashion and in full accordance with the approved drawings.

4. Amenity

4.1 Local Plan Policy A1 (Managing the impact of development), supported by Camden Planning Guidance (Amenity), seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents.

4.2 There are no amenity concerns to neighbouring residential properties as a result of this proposal given the minor nature of the alterations to an existing commercial frontage.

4.3 As such, the proposal accords with Camden Local Plan Policy A1 (Managing the Impact of Development) and with Camden Planning Guidance in amenity terms.

5. Recommendation

5.1 It is therefore recommended that planning permission be granted with a warning of enforcement action to be taken.

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 22nd July 2024, 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: 2023/4899/P
Contact: Fast Track TY
Tel: 020 7974 2687
Email: Tony.Young@camden.gov.uk
Date: 15 July 2024

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

Firstplan
Broadwall House
21 Broadwall
London
SE1 9PL

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:

65 Regent's Park Road
London
NW1 8XD

Proposal:

Shopfront alterations at ground floor level, including installation of replacement glazing.

Drawing Nos: Site location plan; A100.00, A101.00 (both dated 15/01/2024); A102.00, A103.00 (both dated 09/05/2024); Cover letter from Firstplan (ref. 23377/MS/gc) dated 06/11/2023.

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: Site location plan; A100.00, A101.00 (both dated 15/01/2024); A102.00, A103.00 (both dated 09/05/2024); Cover letter from

Firstplan (ref. 23377/MS/gc) dated 06/11/2023.

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.

Informative(s):

1 ENFORCEMENT ACTION TO BE TAKEN

The existing unauthorised shopfront alterations at ground floor level are considered to be harmful to the character and appearance of the host building, local streetscene and Primrose Hill Conservation Area. As such, enforcement action may be taken in relation to this matter should the proposed alterations as specified above not be carried out in full in accordance with the approved drawings within 3 months of the date of this decision notice being granted.

- 2 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).
- 3 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.
- 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.

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

Chief Planning Officer

DRAFT

DECISION