

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	20/12/2012
		N/A / attached		Consultation Expiry Date:	27/12/2012
Officer			Application Number(s)		
Elizabeth Beaumont			2012/5726/P		
Application Address			Drawing Numbers		
Lock Keepers Cottage 289 Camden High Street London, NW1 7BX			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from canal information centre with ancillary coffee shop/cafe (Sui Generis), to mixed use information centre and coffee shop (Sui Generis)					
Recommendation(s):		Grant subject to S160 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses:	<p>Site notice erected on the 30/11/2012 allowing comment until the 21/12/2012 and a press notice erected on the 06/12/2012 allowing comment until the 27/12/2012.</p> <p>Comments on revised proposal;</p> <p>Comments received from Peter Darley on the 24/12/2012;</p> <ul style="list-style-type: none">• The Exhibition Space, should be readily adaptable for community group meetings, house the leaflets, flip books and similar material relating to the canal, contain the display screen and allow sufficient walk-in standing and seating area to watch the moving display.• As for the community seating in the southwest corner in the amended application, there are concerns about how this would work in the middle of the coffee shop. Could the CIC area should allow a table (either an extendable table or two folding tables) to seat 10 people for community group meetings. When not in use it could be placed against the canal side wall with racks for books and leaflets and perhaps some shelves above, next to the display screen. The 10 folding chairs, together with others if required, could be arrayed in front to create the mix of standing and seating area to view the display.• Do we need to define what types of community groups will use the CIC space - can this be flexible• Can the Open Merchandise Shelving Unit be kept as a low unit so that it does not interfere with the view of the wall displays in the coffee shop? <p><i>Officer's comments – The applicants have confirmed there would be an option for a foldaway table however there are 10 dedicated seats which can be reserved. This table can be reserved by local groups to use. Any community groups which have a link to the Canal can reserve the space. The applicants have confirmed that the shelving unit will be low.</i></p>					
CAAC/Local groups comments:	<p>Comments on the initial proposal;</p> <p>Chair of Friends of Regents Canal commented on the 06/12/2012;</p> <ul style="list-style-type: none">▪ Prominent signage, a reduction in noise levels and obtrusive merchandise, an increase in natural light, de-branding and a complete transformation of the wall displays are minor changes which would make a huge difference.▪ The refurbished premise will cater for individual visitors passing though and their visit will be better than in the current premise.▪ The experience would also be better for pre-arranged groups.▪ Concerns with hoe many different groups will want to make use of the facility, whether they require access to a table or wall displays and how the CIC management plan can be reviewed. (See officer's comments above) <p>Camden Railway Heritage Trust (CRHT) – the Lock Keeper's Cottage forms a vital part of the heritage of the Hampstead Road Lock. Its role as the Regent's CIC has been poorly fulfilled for some time, and responsibilities for this need to be more clearly defined. We, as an "interested party" would like to play an active part in meeting this responsibility. We are opposed to the granting of consent and support the enforcement action.</p> <p>Canal & River Trust – support the application for the following reasons;</p> <ul style="list-style-type: none">▪ The premises would be de-branded. The internal walls would be dedicated to the canal network and the immediate environs.▪ Dual signage would be on display. The management plan would be tailor made.▪ Starbucks wish to continue their occupation of the cottage and are prepared to support this by further investment. They are proposing to assist in maintaining the viability of the CIC. <p>The Regents canal Conservation Area Advisory Committee (comments to initial proposal)</p> <ul style="list-style-type: none">▪ We object strongly to this application. Specifically we object to the continued unauthorized blocking of the Lock side door. This is an important feature of the building which demonstrates the original use of the building and is the most					

appropriate entrance for the Information Centre .This is the feature which makes sense of the building as a heritage asset. **(Please refer to Officer's comments below)**

- We, with others, have requested that there be an agreement on the extent of wall space to be used for canal Information display, unencumbered by coffee shop sales display .For the avoidance of doubt, this to take the form of elevational diagrams of all walls ,to be included in the Management Agreement. **(Please refer to 2.4)**
- There are other arrangements of the space of the Information Centre under discussion and needing to be incorporated in the Management Agreement which are under discussion I understand. We regard the Information Centre as at least on a par with the coffee shop with reference the guidance in Para of the NPPF where the balance of economic and heritage value is to be struck. We trust that the Council will Refuse this application in its current form

Comments on the revised proposal;

Ian Shacklock, Chair, Friends of Regent's Canal - I am now writing to express my support for the changes to the layout and for the relaxation of the community booking restrictions.

- Throughout the past seven months I have been supportive of the idea of shifting the emphasis of the S106 agreement from floor space to wall space, but I still had a couple of reservations about the layout because it did not seem to allow for any flat surfaces or flip books.
- the new layout has addressed these concerns of mine, because all these facilities can be accommodated within the exhibition area.
- I am particularly encouraged by the location of the exhibition area. Its positioning (by the front entrance) is more important than its size; the visitors will now be able to walk straight into this area without squeezing past the serving counter, and this alleviates the need for a second entrance.
- I prefer the community seating area to the community table because it is more flexible in size and because it is in a corner instead of in the centre.
- I anticipate that the exhibition area will be used primarily for walk-in visitors, but it would be useful to have a couple of folding seats for people less able to stand. I would also like the option of providing a folding table at the far end; this would offer a flat surface for visitors to unfold maps, take notes, etc, and would also allow a part-time desk to be manned by volunteers. I have illustrated some of my ideas on the Friends of Regent's Canal website, and I trust that they are all feasible.
- I look forward to discussing the wall designs in further detail once this application has passed the next stage of the planning process.

Canal & River Trust – We support this inclusion of the separate exhibition space and the ability to book the community seating area. I further understand that this latter item is reflecting the text of the management plant. I would like to reiterate the previous comments – The way in which canal information is currently disseminated is out of date. It is in need of refreshing and modernising and we believe Starbucks proposals are the right way forward.

In terms of the impact on the listed building, the proposal to reinstate the side window in particular is considered to be an improvement. We are also aware that in preserving historic buildings it is preferable for them to remain in viable use. A vacant or under-performing building is at risk of vandalism, and we therefore hope that the proposed layout can provide a valuable resource for the community and its visitors as well as retaining a successfully operating business.

Given its prominent location on the lock-side and its association with the canal history, despite its later and fairly recent alteration that included the crenellation, the provision of professionally designed canal related information for members of the public visiting the area would bring an improvement to the cultural provision on this site, and help raise the profile and share knowledge of the canal's rich history.

Regents Canal Conservation Area Advisory Committee - object to the planning application;

- It will in due course rob the community, and Camden Town visitors, of a valuable asset; All the suggestions about improvements in seating and more detailed displays etc are welcome as they go some way in redressing the unacceptable takeover of the Lock Keepers Cottage by Starbucks over the past years, with complete elimination of any Information Centre usage.
- The current planning application is will not fully put right the wrongs that have been

perpetrated. It will weaken the standing for any potential development of the Lock Keepers Cottage for its original purpose as an Information Centre, with ancillary areas “for the sale of retail goods and non-alcoholic drinks” (s106 Agreement, Para 2.7).

- The lengthy discussions for the new fit-out of the premises is acting as a distraction. This application from Starbucks dressed up with detailed drawings and wonderful (apparent) concessions has led too many people down the compromise route, which is a clever ploy to hide the applicant’s motives. With attention diverted from the real intention, the applicant can continue with the take-over of the Lock Keepers Cottage with a change of use to their great advantage, and our loss. Starbucks comes with a track record, as well as plenty of resources to support their ‘conspiracy’.
- Concerned with the manner in which Camden seems to be joining in with the chit chat over the superficial fit-out details for our Lock Keepers Cottage. The Council cannot go down the compromise route to the detriment of an important potential community amenity. The Council has a responsibility, which it is charged with taking seriously.
- The considerable long term benefit to the community (and visitors etc) of a fully developed Information Centre set against the profits of commercial company that sells cups of coffee needs to be considered rationally – and fairly. The scaling down of a coffee shop (or even its demise) in such an important historic premises which is located in a key setting such as the Regents Canal and its conservation area would be no great loss.
- The Council needs to wake up to the fact that we have a unique asset in the centre of the bustle and confusion of Camden Town. Where else can you walk up a High Street and come across a wonderful spectacle such as the Regents Canal, and as you cross the bridge you can view no fewer than seven Grade II Listed canal buildings and structures.
- The Council should be actively campaigning and promoting the great treasure that we are fortunate to have at Camden Town, instead of making concessions and compromises to something as superficial and common as a coffee shop.
- The CAAC should take a more proactive and reliable approach to its responsibilities to the heritage and long term positive safeguarding and promotion of the valued conservation area.
- With the rejection of the planning application beneficial (essentially) to Starbucks, we can then all get together and formulate a plan for the provision of a Canal Information Centre. That could include a wide range of participants and not forgetting the goodwill and assistance from commercial interests in the area, and of course including Starbucks if they will genuinely cooperate.

Officer’s comments – Please refer to the assessment section of the report and specifically section 2.14.

Inland Waterways Associations - We welcome the proposal of a defined Canal Information Area [7ftx10ft]. This will be satisfactory for a permanent display. The IWA offers to be associated with the detailed wall display designs when the time is right. We also welcome the separate proposal for a bookable ‘community’ area elsewhere in the premises. We considered that the 7ft by 10ft exhibition space allocated for Canal Information was so tight that it would be unsuitable for tables and chairs. [Neither is there any space to store such items when they are not in use.] But do suggest a couple of wall mounted fold up seats in the exhibition area might be useful for the less mobile or for those wishing to watch a screen display. Overall we welcome the latest proposals and support them.

Officer’s comments – The separation of the entrance doors was reviewed as part of the pre-application discussions however this raised concerns with security with having two doors and the impact on the overall layout.

Site Description

The site is located on the west side of Camden High Street adjacent to Hampstead Road Bridge and the Regents Canal. The site comprises a part-one part-two storey building which was formally a lock keepers cottage from the early C19. The building was extended, stuccoed and crenulated c.1975. The building is located with the Regent’s Canal Conservation Area.

The Regent’s Canal which is part of the Grand Union Canal, winds its way through the London Borough of Camden on its way to joining the River Thames. The canal is classified as a public open space and of Nature Conservation Interest.

The lawful use of the building is as a Canal Information Centre with an ancillary coffee shop. The building has been used without consent as a coffee shop and accordingly an enforcement notice was served on the 28th August 2012 alleging the unauthorised use of the building. An appeal was received and is in the process of being determined.

Relevant History

13/05/2012 - **Enforcement** case opened (EN12/0506) into the Unauthorised use of the building as a coffee shop – the Enforcement Notice has been appealed and is **pending a public Inquiry** in Feb 2013 (ref: APP/X5210/C/12/2185203). This application seeks to address the issues outstanding at appeal.

30/03/2012- **LBC granted (2012/0014/L)** for Removal of internal wall to ground floor retail unit (Class A1).

06/06/2011 – **Advertisement Consent part granted/refused (2007/1674/A)** for Display of externally illuminated light fixtures to front and rear elevation and 1x externally illuminated fascia sign at rear elevation of shop (Class A1).

27/07/2007 – **LBC granted (2007/2770/L)** for Installation of 11 external recessed lights at ground floor and first floor terrace levels and 1 bulk head light at ground floor level to retail shop (A1).

24/07/2007 – **LBC granted (2007/2769/L)** for Installation of one non-illuminated fascia sign to front elevation of retail shop (A1).

12/07/2006 - **Advertisement Consent granted (2005/5274/A)** for Retention of an internally-illuminated projecting sign on the shopfront of the retail (Class A1) premises.

20/01/2006 – **Variation of condition granted (2005/3081/P)** for Variation of condition 9 (hours of operation) from planning permission (PE9900702) for the redevelopment of the eastern part of the site by the erection of a four-storey building for mixed A1, A3 and B1 uses dated 15th March 1999, to allow opening between 0700 - 0030 Sun - Thurs and 0700 - 0100 Fri - Sat, and to allow opening from 0700 - 0200 on 12 special days per year.

12/02/2004 – **LBC/Advertisement consent granted (2003/3647/L & 2003/3646/A)** for the Display of non-illuminated projecting sign.

08/05/2003 – **p.p. refused (PEX0200997)** for the Retention of four umbrellas, for external seating area of A1 Café premises

18/02/2003 – **p.p. granted (PEX0201002)** for the Variation of condition 9, attached to planning permission PE9900702/R3, to allow the extension of opening hours for A1 cafe premises, to allow the premises to open at 0700 Monday to Sunday, including Bank Holidays.

04/11/2003 – **LBC/Advertisement consent granted (2003/2097/L & 2003/2098/A)** granted for the Display of a fascia sign. 15/03/1999 – **p.p. granted (subject to S106 Legal Agreement) (PE9700702R3)** for the redevelopment of the eastern part of the site by the erection of a four-storey building to accommodate class A3 (food and drink) on the ground floor, class A1 (retail) on part of the ground and first floors, class B1 (business purposes) on the upper floors. Use of the former lock-keeper's cottage as a canal information centre.

Relevant policies

LDF Development Policies

CS1 Distribution of growth

CS8 (Promoting a successful and inclusive Camden economy)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

LDF Development Policies

DP14 (Tourism development and visitor accommodation)

DP15 (Community and leisure uses)

DP25 (Conserving Camden's heritage)

Camden Planning Guidance 2011

Regent's Canal Conservation Area Appraisal and Management Strategy (11 September 2008)

Assessment

1. Background

- 1.1 On the 15th March 1999 planning permission ref: PE9700702R3 was granted subject to a S106 for 'redevelopment of the eastern part of the site by the erection of a four-storey building to accommodate class A3 (food and drink) on the ground floor, class A1 (retail) on part of the ground and first floors, class B1 (business purposes) on the upper floors. Use of the former lock-keeper's cottage as a canal information centre'.
- 1.2 The S106 Legal Agreement required the Canal information centre (CIC) to be managed to the Council's reasonable satisfaction so as to provide for the dissemination of information to members of the public about the current operation and the history of the Regent's Canal and the site other relevant matters relating to local history and other relevant up to date information promoting local tourist attractions this to incorporate inter alia;
- (i) an area at ground floor level comprising at least 51% of the net usable floorspace of the Lock Keeper's Cottage (such total floorspace to specifically exclude toilet and storage areas) to be fully laid out to the Council's reasonable satisfaction for the display and provision of information to visitors such areas should be wheel chair accessible and (ii) ancillary areas equipped and laid out to provide for the sale of retail goods and non alcoholic drink and hot and cold food for consumption on or off the premises.
- 1.3 A planning application (ref: 2012/1674/P) was submitted in March 2012 for the 'change of use from Canal Information Centre/Cafe (Sui Generis) to mixed use of retail and coffee shop with ancillary Canal Information Centre'. The application was withdrawn by the applicant on the 14th May 2012. An enforcement investigation began in May 2012 following the submission of the above planning application from which it was evident that the Canal Information Centre was no longer operating as the main use and the whole premises were being used by Starbucks as a coffee shop. An Enforcement Notice was issued and served on the 28th August 2012. The notice has been appealed and a Public Inquiry is due to be held in February 2013.
- 1.4 This application follows ongoing discussions between the applicant (Starbucks) and the Council in an attempt to find a compromise where the Canal Information element takes a more prominent position as intended by the original consent. Local groups have been kept updated during these ongoing discussions and were given the opportunity to comment on the latest changes to the layout of this application.

2. Proposal

2.1 Permission is now sought for the following;

- Change of use from canal information centre with ancillary coffee shop to a mixed use information centre and coffee shop (Sui Generis).
- As part of this a Canal Information Centre Management Plan by Section 106 which comprises the following;
 1. The CIC will be managed and administered to the reasonable satisfaction of the Council by Interested Parties or any other groups who may operate locally in the interest of the general public the tourism, commerce and heritage of the area.
 2. The use – the two uses will take place to degree that one will not dominate the other. Sufficient floor space will always be provided for visitors to the CIC to view displayed without intruding on the coffee shop use.
 3. Ground floor layout – any significant amendment to the ground floor plan should be agreed in writing with the London Borough of Camden.
 4. Displays which will be updated by the interested parties and the coffee shop operator
 5. Education and training – all paid staff and interested parties are in a position to provide a degree of advice.
 6. Community seating will be available for regular booking and be available for use for meetings by local interest groups during the week and weekends
 7. The Coffee Shop Operator will facilitate and support community events in the premises and will host a Community Day.
 8. Retail display shelves will be available for the publicising of local products and goods associated with the CIC.

9. Storage – suitable and secure cupboard space for the CIC should be provided.
10. Wall displays – the content will be agreed between the coffee shop operator and the interested parties, these may include murals/information which change periodically, chalkboards, electronic information via wall mounted screens and information on desks/leaflets.
11. Monitoring – the management and its contents can only be varied by agreement with London Borough of Camden. The wall displays will be reviewed and monitored on an annual basis and updated at a meeting with all interested parties, this would be witnessed by the Council.
12. Music – any music or other broadcast sounds will be background only.
13. Toilets – will be available for customers of the CIC or coffee shop only.
14. Opening hours - The Canal Information Centre and Coffee Shop shall be open daily from 07.00 hours – 21.00 hours (and access to both uses should be available at all times within these opening hours).

- Physical alterations to the building would include;
 1. Relocation of the counter to create a dedicated display area
 2. Wall graphics for CIC throughout the majority of walls at ground floor level of the building
 3. Community tables which will accommodate groups of up to 10 people
 4. Display and use of chalk boards to reflect community events
 5. Signage proposal to ensure the CIC is clearly signposted
 6. Reinstate a window on the side elevation.

2.2 The scheme has been revised during the course of the application in order to address the Council's concerns that the proposal had not gone far enough to highlight the CIC. The scheme now includes a dedicated display area which would be located directly adjacent to the main entrance and allow people to look at displays uninterrupted by tables. It is also proposed that the operator will host and fund an annual community day in collaboration with local groups.

2.3 Listed building consent would be required for the stud partition wall to create the dedicated exhibition space and if there any proposals to affect the window following the relocation of the counter. An informative to remind the applicant that listed building consent is required prior to the works commencing is accordingly recommended.

Proposed use

2.4 At the time the original consent was granted in 1999 the Council's policies aimed for the CIC to be used to promote the history of the canal and make better use of the canal. The specific policies for Regent's Canal included RC1 which stated that the Council 'will seek to retain and enhance the diverse character of the canal'. Policy RC5 specified that the Council [would] encourage development of the recreational and leisure potential of the Canal. RC8 outlined that 'in the interest of recreational and leisure enjoyment of the canal the Council will encourage the reopening of the Camden Information Centre at Camden Lock in order to make better use of the canal.

2.5 The Council considers that since the initial occupation of the unit by Starbucks the extent of the area designated to be used as a CIC has deteriorated to an extent that the unit is now a coffee shop with a few information boards displayed on the wall of the unit. The current proposal seeks to rectify this and proposes a dual CIC/coffee shop where two uses should take place to a degree that one will not dominate the other, such that the other use becomes ancillary in terms of its function and existence. The CIC would be run with the help of local groups by the operator of the coffee shop.

2.6 The proposal includes the de-branding of the current operator with canal information displayed on the majority of walls within the building. The information displayed on the walls will be developed in liaison with the local interested parties. The physical format of the centre and the wall displays may take the form, inter alia, of permanent murals, information that changes periodically, information that changes daily (e.g. chalk boards), electronic information provided via wall-mounted screens, information mounted on lecterns or desks, and leaflet racks. The displayed will be agreed between the Council, Canal and River Trust (or any subsequent landlord), the coffee shop operator and 'interested parties' (as referred to above) before they are erected, being of high quality and in keeping with the interior fit out of the premises.

2.7 Currently the 'interested parties' comprise Regent's Canal CAAC; Inland Waterways Association, Friends of Regent's Canal; Camden Railway Heritage Trust. However a clause in the Management Plan has been added to allow for a review of the interested parties to expand it if additional groups etc should be interested in the future. Any community group wishing to book the community seating area must be

able to demonstrate a local connection to the Camden lock area.

- 2.8 The amendment to the proposal during the course of the application included the creation of a designated space with no seating or fixed tables to be located directly next to the entrance. This would allow people to review the display information/screens uninterrupted by people sitting and drinking coffee. It is also proposed that there is clear signage displayed for the CIC on the main elevation of the building in order to ensure people can clearly find the unit and are aware of the dual use so not feel obligated to purchase a coffee. A condition is recommended to require the submission of an advertisement consent and listed building consent application prior to the implementation of the permission in order to ensure its prominence and suitability. There is an option of having fold-up table/chairs in this area if this is required and the CIC Management Plan has scope for revision if needs change in the Future.
- 2.9 Local groups can reserve seating (up to 10 seats) in the dedicated community seating and will be provided with access to the CIC of education and training. There is no proposed limitation on the booking of the seating or limitations of a meeting's duration. Seats will be booked a day in advance in order to ensure the tables are reserved. A clause in the S106 is recommended to require any changes to this to be agreed in writing with the Council.
- 2.10 It is also proposed that any staff employed by the operator will be trained to have a general understanding and be briefed about the Canal including its history and immediate environs. They will also be aware of local publicity information that is readily available for use by customers.
- 2.11 During the course of the application the CIC management plan was amended in order to include a Community Day which is ran and funded by the operator annually in order to promote the canal in collaboration with local community groups. This would ensure that the CIC and local community groups are promoted.
- 2.12 Policy CS14 (Promoting high quality places and conserving our heritage) states that the Council will preserve and enhance Camden's rich and diverse heritage assets and their settings. Regents Canal is specifically identified as an area which forms part of Camden's character; it provides an area of nature conservation interest and amenity space and therefore should be preserved and enhanced. The supporting text for CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) specifies that the Canal is an important historical feature and it is important that development near the Canal reflects its unique industrial character.
- 2.13 The principle of a coffee shop as part of a dual use rather than an ancillary element to the CIC as originally approved is considered acceptable on the basis that the uses would be equal. This type of use within the area would be appropriate and not harmful to the wider area. The coffee shop use would not dominate the CIC and this would be secured and maintained through the CIC management plan. As with the original consent a condition is recommended to limit the operational hours to 07.00 hours to 21:00 hours.
- 2.14 It is considered that on balance the proposal before the Council provides an acceptable compromise between the two uses allowing the building to be used as a Canal Information Centre for the benefit of tourists, local residents and local groups and a coffee shop. It is acknowledged that the prominence of the coffee shop will be more than was originally envisaged however it is considered that the current proposal is an adequate compromise which will ensure the aims of promoting the heritage of the Canal and ensuring its ongoing role in the community are maintained. A S106 Legal Agreement is recommended to secure the implementing and ongoing compliance with the Canal Information Centre Management Plan.

Amenity

- 2.15 It is considered that the proposed change of use would not be harmful to the amenity of any neighbouring occupiers or residents.

3. Recommendation

- 3.1 Grant planning permission subject to a S106 Legal Agreement to secure the proposed operation and layout of the CIC in accordance with the current proposal to ensure it is managed and operated to the Council's reasonable satisfaction. This would include dissemination of information to members of the public about the current operation and history of the Canal, the site and other relevant matters relating to

local history and other information promoting local tourist attractions and the specifications of the Management Plan as outlined above.

DISCLAIMER

Decision route to be decided by nominated members on Monday 7th January 2013.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>