

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	11/05/2012
		N/A / attached		Consultation Expiry Date:	19/04/2012
Officer			Application Number(s)		
Neil Zaayman			2012/0842/P 2012/0949/A		
Application Address			Drawing Numbers		
28 ENGLANDS LANE LONDON NW3 4UE			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of basement and part ground floor to skincare clinic (Class D1), installation of shopfront (Primrose Gardens elevation) with louvre and installation of cellar doors to pavement.					
Recommendation(s):		2012/0842/P: Grant Permission 2012/0949/A: Grant Advertisement Consent			
Application Type:		2012/0842/P: Full Planning Permission 2012/0849/A: Advertisement Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. of responses	04	No. of objections	03
			No. Electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 22/03/2012 until 12/04/2012. Advertised in the Ham and High Newspaper 29/03/2012 until 19/04/2012.</p> <p>Three letters of representation were received raising objections in respect of the following:</p> <ul style="list-style-type: none"> - The installation of a cellar door will be an obstruction to the right of passage and a serious obstacle to the visually impaired. - The proposed cellar door would be for light and air to the basement which, if left open, could be a new impediment to the visually impaired and wheelchair bound. - The basement was intended for storage and should remain in this use. - The commercial pressures of changing such uses create problems. - The installation of a shopfront into the lower part of Primrose Gardens is whole inconsistent with the residential nature of the street. - This application will be a new shopfront in an otherwise residential street, and represents an unattractive 'leaking' of commercial activity. <p>Neighbour letters also raised objections in respect of the proposed advertisement signage due to the signage protruding from the façade and being illuminated.</p>					
CAAC/Local groups* comments: *Please Specify	<p><u>Belsize Residents Association:</u> Objects to the following:</p> <ul style="list-style-type: none"> - This application will be a new shopfront in an otherwise residential street, and represents an unattractive 'leaking' of commercial activity. - The opening in the pavement (to basement level) would appear unguarded and dangerous because of its excessive basement excavation. - The illumination and lettering of the signage are incongruous within the setting of an otherwise residential street; - The retail activity is best contained and confined to England's Lane only and not a welcome or beneficial addition to Primrose Gardens. <p><u>Belsize CAAC:</u> Objects to the following:</p> <ul style="list-style-type: none"> - Size of the letters on the return of the building in Primrose Gardens; - The sign is an intrusive element in a mainly residential street; - Also objects to the projecting illuminated sign for the same reason; 					

Site Description

The site is a four storey building on the corner of England's Lane and Primrose Gardens which forms part of the terrace of 28-48 England's Lane. It comprises a pharmacy (Class A1) on the basement and ground floors with residential (Class C3) above. The wooden shopfront is original, and the upper floors, like the rest of the terrace, are rendered with classically detailed window surrounds and balconies at first floor level. The site lies within the Belsize Conservation Area and the England's Lane Neighbourhood Centre, it is identified as making a positive contribution to the conservation area.

Relevant History

2007/5378/P: Erection of mansard roof extension with French doors to terrace in front (Englands Lane elevation) and dormer windows to side and rear in connection with providing additional residential floorspace to existing third floor flat – **Refused on 21/01/2008.**

2008/2614/P: Erection of mansard roof extension with rear terrace to provide additional floor space to existing third floor flat – **Granted on 12/08/2008.**

2010/3607/P: Installation of new door and louvres to side elevation of existing pharmacy (Class A1) – **Granted on 01/09/2010.**

2011/2828/P: Change of use of basement from ancillary storage to ground floor level pharmacy (Class A1) to provide offices and consulting rooms (B1 / D1 use) in connection with pharmacy – **Granted on 22/08/2011.**

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)
CS7 (Promoting Camden's centres and shops)
CS14 (Promoting high quality places and conserving our heritage)

DP10 (Helping and promoting small and independent shops)
DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and vibration)
DP30 (Shopfronts)

Camden Planning Guidance 2011

Belsize Conservation Area Statement (2002)

National Planning Policy Framework (2012)

Assessment

Proposal:

The proposal is for a change of use of the existing part ground floor and basement areas to D1 use to provide a new clinic known as Skincare Network Ltd. The development also involves alterations to the existing entrance to provide a new shopfront with louvre and installation of cellar doors to pavement.

The proposal also involves the installation of a fascia and projecting sign to be illuminated.

Revisions:

Following concerns raised in respect of the design of the projecting sign and internal illumination, revised drawings were received on 2nd May 2012. The drawings have been changed to show a hanging projecting timber sign. The sign is to be hand painted. Illumination has been changed to external illumination fixed to the back wall.

The fascia sign will be glass with metallic lettering. Illumination will be a continuous strip lighting.

Further concerns were raised in respect of the modern shopfront. The applicant submitted revised drawings on 18th May 2012. The revisions are for a new glazed timber shop front to be painted in white to match the existing shopfront frame, pilasters and upper floor windows.

Assessment:

The main issues for consideration is the land use principle of the development, the impact of the proposals on the character and appearance of the street scene and conservation area and the impact on neighbouring amenity.

Land use principle:

The land use principle at basement level was considered acceptable when permission was granted in 2011 (Ref: 2011/282/P). This current proposal also involves changing part of the ground floor retail unit (A1 use) to a Skincare Clinic (use class D1).

Policy DP12 states that the effects of non-retail development on the character of centres should be considered. In this case, the change of use would occur to the rear of the main retail unit, fronting the Primrose Gardens street scene. As such, the proposed change of use would not result in the loss of a retail unit fronting the main Neighbourhood Centre frontage on England's Lane. The main retail frontage would therefore be retained, compliant with policy DP12 which aims to maintain the vitality and viability of town centres.

A small amount of retail floor space would be lost at ground floor level however this is in accordance with Policy DP10 which aims to encourage the provision of small shop premises suitable for small and independent businesses without resulting in the loss of retail / shop frontage.

Design / impact on character:

The four storey building has a two storey extension to the rear alongside Primrose Gardens. This extension abuts a single storey building on Elizabeth Mews. The host building on England's Lane is ornately finished with pale yellow painted render and intricate white window surrounds and balconies at first floor level. The building retains its original wooden shopfront with white painted pilasters which wraps partially around the corner of the building. The extension is rendered and painted to match the host building, but with none of the intricate detailing. It has a more prosaic appearance and features an aluminium framed glass door and metal grille at ground floor level with uPVC window at first floor level.

Shopfront:

The proposed shopfront would comprise a new glazed timber entrance door with timber framed shopfront to replace one of the existing single entrance doors (closest to England's Lane) and existing window. The single door closest to No. 15 Elizabeth Mews would be retained. A similar aluminium glazed door (although a smaller single door) and 2 x louvers have previously been considered acceptable when permission was granted in 2010 (Ref: 2010/3607/P).

The proposals forming part of this application, are not considered to be inappropriate against the backdrop of

this more modern rendered extension to the main building. Following concerns raised with regards to the contemporary design, the applicant submitted revised drawings to show a more traditional timber framed shopfront to be painted white to match the existing shopfront frame, pilasters and upper floor windows. The colour of the louvres above the shopfront will match the shopfront door and frame. It should be noted that there is a modern shopfront on the opposite side of the road, on the Primrose Garden elevation of No. 26 England's Lane.

The building is listed as a positive contributor to the conservation area. The proposal relates to the side of the main building along Primrose Gardens and it is therefore not considered to harm the appearance of the building whose contribution to the character and appearance of the conservation area stems largely from its original shopfront design and the group value of the terrace. As such, the new glazed timber framed shopfront and louvres are not considered to harm the appearance of the building or conservation area in line with policies CS14, DP24 and DP25 of the LDF.

Concerns raised in objection letters related to a shopfront in this location which is predominantly residential in character and would therefore be out of keeping. Officers are however of the opinion that the commercial character wraps around the side of the host building, similar to the Primrose Gardens elevation of No. 26 England's Lane. A sense of residential character only becomes evident from No. 1 Primrose Gardens and further north. A shopfront here is not considered to be an incongruous feature in the street scene.

The proposal also involves reinstatement of an existing pavement opening to be fitted with new "cellar doors". The cellar doors would be flush with the existing pavement at ground level and would therefore not be visible from long views, nor would it affect the character and appearance of the main building or the wider conservation area. This part of the proposal is considered to have a negligible impact on the appearance of the building and is therefore acceptable.

Advertisement signs:

The advertisement signs have been amended. The projecting sign will be a hanging timber sign which will be hand painted, therefore reflecting a more traditional design. The amended hanging sign with external illumination fixed to the back wall is considered appropriate in this location.

Although illumination is acceptable here, concerns were raised in respect of internal illumination. The drawings were amended with discreetly located external illumination. The fascia sign will be glass with metallic lettering and a continuous strip lighting fixed to the back wall. This is considered acceptable from a design and appearance point of view.

Amenity:

The use of the basement was considered acceptable when permission was granted 2011 (Ref: 2011/2828/P). No concerns were raised in respect of harm to neighbouring amenity. This situation remains unchanged. The ground floor area that would change from A1 to D1 would be modest in size and would be confined to the rear of the main unit. The proposed alterations to the shopfront and reinstatement of the pavement opening are not considered to harm the amenity of any adjoining occupiers.

Hours of use:

The proposed opening hours are between 08:00 and 21:00 Mondays to Saturdays and between 09:00 to 16:00 on Sundays.

The ground floor area would be used as a reception area only whilst the main activities will take place at basement level. The proposed use is not considered to be particularly noisy and due to its relatively moderate size and location of activities, the proposed opening hours are not considered to harm the amenities of nearby neighbouring occupiers.

Noise:

The applicants have submitted a noise report as the proposal would include the installation of a proposed condenser unit at basement level with air intake at ground floor level to Primrose Gardens. Extraction would be via the chimney stack at roof level.

The findings of the report indicate that without noise control measures installed, the cumulative plant noise level at the nearest noise sensitive residential window would be in excess of the Local Authority requirements. The

report therefore recommends that the proposed air intake louvre is replaced by an acoustic louvre to reduce plant noise by at least 6dB. The report concludes that with the noise attenuator in place, the cumulative plant noise level will be no higher than 38dB LAeq at the nearest residential window and therefore in compliance with the Council's criteria.

Illumination:

Concerns were raised in respect of illumination. It is considered that the low-lighting, external illumination would not be harmful. The proposed illumination is not considered to harm the amenities of residential properties north-west of the application site.

Community Infrastructure Levy (CIL):

The proposal does not involve the creation of new floorspace and is therefore not liable for the Mayor's CIL.

Recommendation:

2012/0842/P: Grant Planning Permission

2012/0949/A: Grant Advertisement Consent

DISCLAIMER

Decision route to be decided by nominated members on Monday 28th May 2012. For further information please click [here](#).