

Delegated Report		Analysis sheet		Expiry Date:		09/03/2012	
(Members Briefing)		N/A		Consultation Expiry Date:		23/02/2012	
Officer				Application Number(s)			
Ben Le Mare				2012/0352/P			
Application Address				Drawing Numbers			
215a & 217a Belsize Road London NW6 4AA				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of basement and ground floor of 215a and ground floor of 217a from retail shop (Class A1) to Community Centre (Class D1) (retrospective).							
Recommendation(s):		Grant planning permission subject to conditions					
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	02	No. of objections	02
				No. Electronic	00		
Summary of consultation responses:		<p>A site notice was displayed outside the property between 24/01/2012 and 14/02/2012 and a press notice was published in the Ham & High on 02/02/2012.</p> <p>One letter of support has been received towards the proposal.</p> <p>2 letters of objection have been received, which raise the following concerns:</p> <ul style="list-style-type: none"> - The loss of retail is unacceptable as it would undermine the shopping parade; - The supporting information submitted with the application does not adequately justify the loss of the retail; - The proposal would result two community uses with 100 yards from each other, causing an imbalance to other uses (Class A1, B1) in the area. <p><u>Officer's Comments</u> These issues are addressed in the assessment section of this report.</p>					
CAAC/Local groups comments:		No response received to date.					

Site Description

The application site comprises two 3-storey terraced properties at the western end of Belsize Road near its junction with Kilburn High Road. The basement and ground floor of No. 215a and the ground floor of No.217a have authorised uses as Class A1 retail, but are currently being used as a community centre (Class D1). The upper floors of the building are residential. The properties are not listed but within the Priory Road Conservation Area. The site is not within a designated Town or Neighbourhood centre.

Relevant History

215/217 Belsize Road

2010/2963/P - Retention of change of use of ground floor use from Retail shop (A1) to Community Centre (D1) – granted temporary planning consent 10/08/2010

2011/4512/P – Change of use of basement and ground floor of 215a and ground floor of 217a from retail shop (Class A1) to Community Centre (Class D1) – withdrawn on the basis that the applicant needed to provide further justification for the proposed use.

EN11/1037 – Unauthorised use as an Islamic Centre – ongoing investigation

213 Belsize Road

2011/6452/P - Change of use of basement and ground floor from retail (Class A1) to cafe/take-away (Class A3/A5) and installation of an extract flue on the rear elevation – Refused 2012

Relevant policies

The London Plan July 2011

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

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 & other town centre uses)

DP15 (Community and leisure uses)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Priory Road Conservation Area Statement (2010)

Camden Planning Guidance 2011

CPG5 (Town Centres, Retail and Employment)

CPG6 (Amenity)

Assessment

Background

The basement and ground floor of No.215a and the ground floor of No.217a are Council owned and have an authorised use as Class A1 retail. However, both properties are currently being used as a community centre (Class D1) by the Kilburn Muslim Welfare Association.

The ground floor of No. 217 Belsize Lane was granted planning permission under 2010/2963/P in August 2010 for a temporary change of use from retail (Class A1) to a community use (Class D1) subject to conditions. Condition 1 of the permission required following: 'the use hereby permitted is for a temporary period only and shall cease on or before one year from the date of this decision notice at which time the premises shall revert back to their former lawful use which is A1/retail'. This condition was required to enable the Council to review the community centre use at the end of the temporary period of operation. At the time this consent was granted No.217 was the only unit being occupied by the Association. This permission has since lapsed and the current use of both No.215a & No.217a are therefore unauthorised and in breach of planning control.

This application seeks to establish the community use in the basement and ground floor of No.215a and the ground floor of No.217a. The supporting information submitted with the application states the community centre would provide the following:

- Youth Activities (study circle, tutorial classes, sports activities, summer school, social gathering, educational visits/day trips);
- Elderly drop-in session (advice on welfare rights, benefits, social services);
- Women's sessions (to improve knowledge and understanding of issues that affect their life to enhance their own quality of life and that of their children);
- Parental support project (to improve parental knowledge and understanding of the children's development);
- Parent group activities (to enhance parental competence and skills to build stable and cohesive families);
- Educational Attainments (to assist parents to help the children motivate and develop a positive attitude towards learning).

No external alterations to the building. Any new signage could require advertisement consent and would be considered under a separate application.

Assessment

The principal considerations material to the determination of the application is the acceptability of the proposal in land use terms, visual impact, transport issues and the possible loss of amenity to neighbouring residential occupiers. These matters are addressed below in the context of planning policy and other material considerations.

Land Use

The property is not located in a designated retail frontage however, is located in one of Camden's smaller shopping parades. Policy CS7 establishes the hierarchy of centres within the borough and seeks to ensure that smaller shopping parades continue to meet local needs for shopping, services and facilities. Policy DP10 seeks to protect shops outside centres by only granting planning permission for development that involves a net loss of shop floorspace outside designated centres provided that:

- d) alternative provision is available within 5-10 minutes walking distance;
- e) there is clear evidence that the current use is not viable
- f) Within the Central London Area, the development positively contributes to local character, function, viability and amenity (not applicable in this instance).

The application site is located within 5 to 10 minutes walk of Kilburn High Road, a Town Centre which offers a wide range high street uses, including independent and large retailers selling a wide range of food, clothing and other products. The loss of retail uses is therefore in accordance with criteria d) of the policy.

In order to justify the proposal against criteria e), the applicant has provided a retail viability assessment, undertaken along the existing shopping parade within which the application site is situation. The research consisted of measuring the number pedestrians and footfall during a number of peak periods (0900 to 1800, Monday to Saturday) along both the north and south sides of the road. The total number of pedestrians during 21 peak periods on both sides of the road was 1544, with footfall into the shops of 230 adults (children and babies were discount in this calculation). This equated to 14.90% of people entering a commercial premises. The assessment therefore concluded that the existing footfall, when take into consideration with rents, business rates, the cost of stock, staff rents and insurance would make the current use of No.215 & 217 as Class A1

retail is unviable unless the future use catered for a special market with wide spread advertising and that the premises was used for online sales or mail order. It should also be recognised that there are currently two vacant properties within the parade which have an established Class A1 use. The parade therefore offers sufficient opportunities for future retail traders to establish themselves in the area. There are other retail uses in the vicinity, including retail uses selling convenience goods, thus the change of use of these units would not result in the loss of such services in this local shopping parade. Based on these considerations the proposed change of use to Class D1 is therefore considered to be acceptable.

The supporting text of Policy DP10 states that the Council would only grant permission for the loss of shops outside centres where it considers that the replacement use would also contribute positively to the local area. Appropriate alternative uses are considered to be housing and uses providing essential services for residents, businesses, workers and visitors such as professional and financial services, community facilities and launderettes. The proposal would result in the creation of a community centre with 106m² of floorspace, which is of benefit to the Muslim community through providing youth activities, women sessions and support for parents and the elderly.

An objection was received from the occupier of a neighbouring property that the proposal would create unbalanced supply community uses within the area when taken in context with other existing uses (Class A1, A3/A5, B1 etc). Whilst Abbey Community Centre is within 100m of the property, the number of community uses is considered to be acceptable and this proposal would help to meet the needs of Muslim residents within the area.

Consent was recently refused at No.213 Belsize Road for a change of use from Class A1 to Class A3/A5 (ref: 2011/6452/P) as it would have resulted in a saturation of Class A3/A5 uses within the existing shopping parade. This proposal, however, would provide an established community use which would be of direct social benefit parts of the local community (i.e. residents in the area), in accordance with Policy DP10.

In light of the above mentioned circumstances, it is considered that the proposed use would be acceptable in this instance and contrary to policies CS7 and DP10 of the LDF.

Visual Impact

The application does not propose any changes to the appearance of the building and there would be no harm to the existing historic shopfronts. As both units are Council owned, Property Services have stated their intention to require the occupiers to remove the unused awnings and existing signage from the front elevation and provide new signage for the community centre in order to formalise the established use. An informative alerting the occupier to these requirements is proposed to be appended to the decision notice.

Transport

The site has a Public Transport Accessibility Level (PTAL) of 5 (good) and given the nature of the proposed use (which is modest in size and is likely to have a mainly local catchment) it is anticipated that the users would access the property on foot or by public transport. The proposal would therefore not put additional pressure on parking within the area.

Due the amount of floorspace proposed and type of use, the servicing vehicle trips that are likely to be generated are such that a Servicing Management Plan is not required in order to mitigate any adverse impacts. The proposal is also less than the threshold set in Camden's cycle parking standards for this land use and therefore cycle parking is not required in this instance.

The development does not propose any alterations or extensions and therefore a Construction Management Plan is not required. Any occupation of the highway, such as for hoarding, skips or storage of materials, would require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as to not adversely affecting the safety or operation of the public highway.

Amenity

Through internal discussions with the Council's Environmental Health Team it has been established that there have been no reported noise complaints between 2010 and 2012 resulting from the use of the property as a Class D1 community centre. This would suggest the current use of the premises is not causing harm to the amenity of neighbouring residents in respect of noise and disturbance. It is however recommended that a condition restricting the opening hours of the centre to the following is appended to any planning consent: 08:30 to 22:30 Mondays to Sunday and Bank Holidays.

Class D1 is a broad use class and includes uses such as Health Centres, Art Galleries, Exhibition Halls, Non-

Residential Education Centres, Churches and Mosques. Many of these uses would have an impact on the occupiers of neighbouring properties similar to the impact the current use has. However it is considered that the activities connected to its use as a mosque could stretch over a different time period than the community centre use and could generate more traffic. If the Council granted permission for a general unrestricted Class D1 use, this would allow the premises to be used as a mosque without any requirement for new planning permission to be secured. In order to ensure that the premises would not be used as a Place of Worship a condition is attached to the decision notice such that any change to a Place of Worship would require a new planning application. It should however be noted that prayers can be said on the premises.

As there are no physical alterations to the building the proposal would not result in a loss of daylight/sunlight, outlook or privacy.

Subject to conditions, the proposal is considered to comply with the guidance set out in CPG 6 and policy DP26 of the LDF.

Recommendation

Grant planning permission with conditions.

DISCLAIMER

Decision route to be decided by nominated members on Monday 5th March 2012. For further information see

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