

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	25/01/2012
		N/A / attached		<b>Consultation Expiry Date:</b>	05/01/2012
<b>Officer</b>			<b>Application Number(s)</b>		
Joe Purcell			2011/5751/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
86 Plender Street London NW1 0JN			Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Retrospective Planning Application for the change of use of ground floor from retail (Class A1) to estate agency (Class A2).					
<b>Recommendation(s):</b>		<p><b>1. Refuse planning permission;</b></p> <p><b>2.</b> That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, as amended, recommending that the use of the premises ceased as an A2 use, and, in event of non compliance with the Notice, the Head of Legal Services be authorised to commence legal proceedings under Section 179 of the Act or other appropriate power and/or the Director of the Culture and Environment Department be authorised to take direct action under Section 178 of the Act to secure compliance with the Notice.</p>			
<b>Application Type:</b>		<b>Full Planning Permission</b>			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>12</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed 07/12/2011 expiring 28/12/2011  A press notice was advertised 15/12/2011 expiring 05/01/2012</p> <p>Three objection letters were received, objections include:</p> <p>The premises was a butcher's shop until 2008 when it closed; another butcher's on the northern side has closed and become a nail parlour, the number of local retail units keep reducing.</p> <p>Victor Stone Estate Agents started using the premises as an A2 in February 2008 without planning permission. They then attempted to market for retail, then expanded their nearby estate agency and have been using No.86 as an offshoot of their triplex unit closer to Camden High Street.</p> <p>Loss of amenity and retail units for local community</p> <p>More community shopping is required not less.</p> <p>One letter of support was received from the applicant stating it was better to see an occupied unit rather than a redundant unit.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	Camden Town CAAC: No response.					

## Site Description

The application site is a ground floor commercial unit in an end-of-terrace 3-storey property. The site has planning permission to be used as a retail unit (Class A1) but is currently being utilised as an Estate Agent (Class A2). The site is located within Camden Town centre, but is not located within a core frontage. The site is located within Camden Conservation Area

## Relevant History

No relevant planning history

## Relevant policies

### LDF Core Strategy and Development Policies

#### Camden Core Strategy

Policy CS1 (Distribution of growth)

Policy CS4 (Areas of more limited change)

Policy CS 7 (Promoting Camden's centres and shops)

#### Camden Development Policies

Policy DP10 (Helping and promoting small and independent shops)

Policy DP12 (supporting strong centres and managing the impact of non retail town centre uses)

Camden Planning Guidance 2011

Camden Town Conservation Area Statement

## Assessment

The main issue is the impact of the proposal on the retail character of this retail shopping frontage in the Camden Town Town Centre.

LDF policies such as CS7, DP12 and DP10 make it clear that the Council will consider the impact of non Class A1 retail uses in a Town Centre in respect of the remaining proportion of Class A1 retail uses and resist proposals where it is considered these would harm the character, function, vitality and viability of a Town Centre. It will also seek to protect and promote small and independent shops. This is further supported by Camden Planning Guidance (CPG).

Policy CS7 Part G states that the Council will protect and resist the loss of shops where it would cause harm to the character and function of the centre and Camden Planning Guidance (2011) states that the Council will resist proposals that would result in the proportion of Class A1 units within a commercial frontage falling below 50%. Furthermore the Council will resist proposals which would result in more than 3 consecutive ground floor units being in non-retail use.

Within this section of Plender Street there are two parades, the northern and the southern parades, below is the use of each commercial unit in each parade and the break down in percentage of each use class in each parade:

#### Northern Parade:

Unit on corner of Camden High Street The Wheatsheaf Public House A4

No.1 - A4 (O Tino Tapas Bar)

No.2 – A1 (Planet Nail Bar)

No.3 – A3 (Loving Hut)

No.4 – A1 (Lisboa)

No.5 & No.6 – A3 (Thai Restaurant)

No.7 – A1 (haircuts)

No.8 – A3 (Alexander)

A1 – 3 out of 9 (33.33%)  
A 3/4 -6 out of 9 (66.6%)

Southern Parade:

No.86 – A2 (Application site currently being used as Estate Agents but has lawful use of A1)

No.87 & No.88 – A3 (Karavas)

New Church Chapel –D1

No.91 & No.93 A2 (Victor Stone Estate Agent) Applicant

A1 – 0 out of 6 (0%)  
A2 – 3 out of 6 (50%)  
A3 – 2 out of 6 (33.33%)  
D1 – 1 out of 6 (16.66%)

If the A2 Use Class (Estate Agents) was to be retained there would be no retail units within the commercial parade, which is well below the minimum 50% requirement of A1 units within a commercial parade and within the local centre only 20% of the commercial units would be of A1 retail use.

It is not considered that the area would be well served by allowing further erosion of Class A1 retail presence in this locality. Concern has been expressed as to the number of non retail uses, notably A2, uses in the town centre and with the proposal of a further non-A1 unit this now beyond levels (both on the parade and in the centre overall) that are normally permitted by planning policy and is in a position to harm its retail character and function.

Planning policy seeks to protect and promote small and independent shops and protecting the Class A1 retail use of small shop units such as this is a part of ensuring that there are premises suited for such businesses and the retail service they provide to communities they serve.

The applicants have not submitted any sort of justification by way of marketing evidence that an A1 use could not operate within the unit in order to justify the change of use from A1 to A2.

**Recommendation 1:** Refuse planning permission

**Recommendation 2:**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, as amended, recommending that the use of the premises ceased as an A2 use, and, in event of non compliance with the Notice, the Head of Legal Services be authorised to commence legal proceedings under Section 179 of the Act or other appropriate power and/or the Director of the Culture and Environment Department be authorised to take direct action under Section 178 of the Act to secure compliance with the Notice.

**The Notice shall allege the following breach of planning control:**

Use of retail shop at the ground floor level as an estate agents (Class A2)

**The Notice shall require within a period of 6 months of the Notice taking effect:**

Cessation of the estate agents (Class A2) use.

**The Notice shall specify the reason why the Council considers it expedient to issue the notice:**

The development results in an unacceptable loss of a Class A1 retail shop unit to the harm of the character, vibrancy, viability and function of the Camden Town Town Centre. The development thereby conflicts with Policy CS7 (promoting Camden's Centres) of the London Borough of Camden Core Strategy 2010 and Policies DP12 (Supporting strong centres and managing the impact of non retail town centre uses) and DP10 (helping and promoting small and independent shops) of the London Borough of Camden Development Plan Policies 2010.

**Disclaimer**

***This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444***