

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		21/06/2011	
		N/A		<b>Consultation Expiry Date:</b>		31/05/2011	
<b>Officer</b>				<b>Application Number</b>			
John Sheehy				2011/1618/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Units 2A+2B 43-51 Fortune Green Road London NW6 1DR				Refer to draft decision			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposals</b>							
Change of use of ground floor units 2A and 2B from Class A1 (Shop)/ Class A3 (Restaurant) to allow flexible use as Class A1, Class A3 or Class D1 to allow use as a Day Nursery/ Pre-School.							
<b>Recommendation:</b>		Grant permission subject to conditions and a section 106 Legal Agreement					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	30	No. of responses	0	No. of objections	0
<b>Summary of consultation responses:</b>		No response to date.					
<b>CAAC/Local groups comments:</b>		No response to date.					
<b>Site Description</b>							
<p>The site is located on the western side of Fortune Green Road, north of Fortune Green Open Space and east of Hampstead Cemetery. It is occupied by a substantial recently-constructed mixed-use building, 5-storeys in height with commercial units on the ground floor and flats above.</p> <p>The application relates to two ground floor commercial units fronting onto Fortune Green Road. These units are currently vacant. The site is not located in a Conservation Area nor is the site in a Neighbourhood Centre, though the eastern side of Fortune Green Road opposite the site is within a Neighbourhood Centre.</p>							
<b>Relevant History</b>							
<p><u>Original permission</u>  <b>37-63 Fortune Green Road</b>  <b>April 2004</b> Planning permission (2003/1858/P) <u>granted on appeal</u> for redevelopment of the existing public house, shop units, showroom/garage &amp; petrol station by the erection of a part 4, part 5 storey building plus basement &amp; sub-basement to provide a gym (Class D2) at part basement &amp; part ground floor, 5 ground floor commercial units (Class A1, A2 or A3 use), 22 affordable residential units at 1st-3rd floors &amp; 50 private residential units at 1st-4th floor levels, plus 82 ancillary parking spaces..</p> <p><b>Unit 3 (37-63 FGR)</b>  Permission granted (2010/4485/P) for "Flexible use of the existing ground floor unit as either restaurant/cafe (Class A3) or an educational establishment (Class D1)."</p>							
<b>Relevant policies</b>							
<p><b>LDF Core Strategy and Development Policies</b>  CS5 Managing the impact of growth and development  CS10 Supporting community facilities and services  DP15 Community and Leisure uses</p>							

## **Assessment**

Permission was granted by the Inspector for use of the application units, nos. 2a and 2b, in flexible Class A1/ Class A3 use. This application seeks to add Class D1 use to the list of uses permitted within units 2a and 2b. No external works are proposed.

### Impact on amenity

Policy CS5 states that the Council will manage the impact of development on occupiers and residents and DP26 supports this by setting out the factors which the Council will consider in terms of amenity to occupiers and neighbours. These factors are:

- a) Visual privacy and overlooking;
- b) Overshadowing and outlook;
- c) Sunlight, daylight and artificial light levels;
- d) Noise and vibration levels;
- e) Odour, fumes and dust;
- f) Microclimate; and
- g) The inclusion of appropriate attenuation measures.

### Discussion

Planning Use Class D1 (defined as “Non-Residential Institutions”) comprises a broad list of possible uses including museums, places of worship and public libraries. There are certain uses within the D1 Use Class that have the potential to cause nuisance to existing residential neighbours within and around the site by loss of amenity, traffic congestion and other disturbance. In this case it is proposed to operate a nursery and pre-school within the 2 units for children aged 2-5 years. This applicant has stated that the use would serve local residents, with a maximum of 16 staff and 50 children at any one time. The use would be carried out Monday to Friday 8:00am to 6:00pm; Saturday 9:00am – 5:00pm; and Sunday 10:00am – 5:00pm.

The proposed nursery/ pre-school use would occupy a combined area of circa 230sqm and would be accessed from the Fortune Green Road frontage. The proposed use, being within 2 self-contained commercial units, is not of a scale or nature to result in any loss of amenity for existing residential neighbours under any of the headings of Policy DP26 set out above. However, given the wide range of uses contained within Use Class D1 it is considered necessary to restrict the use to that specifically set out within the application documents, i.e. as nursery and pre-school, this would be secured by condition.

### Transport impact

Policy DP15 encourages the provision of new community facilities provided that the travel demand associated with the development would not harm the existing transport system. New community/ leisure uses should be: close to the community they would serve; accessible by a range of public transport modes in particular walking, cycling and public transport; and located in the Central London Area or in the Town Centres of Camden Town, Swiss Cottage/ Finchley Road, Kilburn, West Hampstead or Kentish Town if they are expected to attract large numbers of visitors.

The site is in a densely-populated urban area with large amounts of family accommodation (including upstairs within the application building) and there is scope for short term parking on the surrounding streets, with circa 15 pay-and-display spaces and up to 10 spaces on single yellow lines. Parents could park within these spaces while accompanying their children into the nursery. However the development proposals have the potential to have a significant impact on school run traffic locally, in particular due to the young age of the nursery children who may not be in a position to walk to the site.

Policy DP16 seeks to encourage all development to consider the use of sustainable transport means and to encourage this use by way of travel plans. There is a range of transport options to access the site including bus and bicycle - cycle parking is located close to the site on Fortune Green Road. Given the range of transport options it is not likely that all children (maximum number of 50) will arrive at the same time and the children will arrive by a variety of means of transport thereby spreading the load around the transport network.

Nevertheless, in order to ensure that the development integrates with the transport network and supports walking, cycling and public transport a Green Travel Plan is necessary in this instance and is secured by Section 106 Legal Agreement. As noted above planning permission has recently been granted for change of use of unit 3 within the building to Class A3 or D1 and the change of use of a further, larger unit to nursery has the potential to have a cumulative impact on transport and parking in the area.

#### Conclusion

The proposal, subject to the condition to restrict the Class D1 use to a Nursery/ Pre-School, would have very little, if any, impact on the amenity of neighbouring occupiers and would not have a detrimental impact on transport/ parking conditions in the surrounding area. The use would serve families living in the application building and the local area and would provide a community facility which is broadly welcomed in policy terms.

**Recommendation:** grant permission.

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