

Delegated Report		Analysis sheet		Expiry Date:		25/11/2011	
		N/A		Consultation Expiry Date:		03/11/2011	
Officer				Application Number(s)			
Ben Le Mare				2011/2449/P			
Application Address				Drawing Numbers			
104A West End Lane, Camden Town, London, NW6 2LS				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from restaurant (Class A3) to remote controlled mini-cab office (Class B1) at first floor level.							
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	22	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		<p>A site notice was put up outside the property on 05/10/2011 and press notice was published in the Ham & High on 13/10/2011.</p> <p>No letters of objection have been received from the occupiers of adjoining properties.</p>					
CAAC/Local groups* comments: *Please Specify		N/A					

Site Description

The application relates to the first floor level of mid-terrace property which forms part of a parade of shops on the east side of West End Lane in the South Hampstead Conservation Area. The property has been used as a restaurant (Class A3). The main restaurant is on the ground floor level. The upper floors have office space and WC/bathroom which are ancillary to the restaurant use.

The site is in a designated town centre (West Hampstead).

Relevant History

The application site

2006/0496/P – Planning permission was granted on 12/06/2006 for change of use of 198A Broadhurst Gardens from Class B1 (Workshop) to Class A3 (Restaurant) and change of use of 104 West End Lane from Class A1 (Retail) to Class A3 (Restaurant) with ancillary office space above, plus external alterations including the provision of a new shopfront, erection of a glazed link between the two buildings, erection of a steel gate with canopy on the Broadhurst Gardens elevation, and the installation of various ventilation and extraction equipment.

2006/3481/P – Planning permission was granted on 07/12/2006 for use of the premises as Class A4 (Drinking Establishment), as a revision to unimplemented planning permission granted 12/06/06 (reference 2006/0496/P) for change of use of 198A Broadhurst Gardens from workshop (Class B1) and 104 West End Lane from retail (Class A1) with ancillary office space above to restaurant (Class A3), with external alterations.

2009/0315/P – Planning application was withdrawn by the agent on 19/05/2009 for the change of use of first floor from ancillary office to the restaurant on ground floor level (Class A3) to minicab office (Sui Generis). The associated advertisement consent application for the display of internally illuminated projecting sign (ref: **2009/0775/A**) was also withdrawn by the agent on 19/05/2009.

2009/2825/P – Planning permission was withdrawn on 26/08/2010 for the change of use of first floor from Class A3 (ancillary office of restaurant) to a mini-cab office (Class B1).

134 West End Lane

PWX0003066 - Planning permission was conditionally granted on 05/04/2001 for the continued use of ground floor as a ticket office (Class A1) and booking office for Private Hire Vehicles (Sui Generis). An appeal was logged against Condition 2 of this planning permission, which limited the period of use until 30th April 2002. The Planning Inspectorate amended the planning permission and deleted this condition on 02/10/2001. No condition was imposed to restrict the hours of operations.

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS8 (Promoting a successful and inclusive Camden economy)

CS14 (Promoting high quality places and conserving our heritage)

DP10 (Helping promoting small and independent shops)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP13 (Employment sites and premises)

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)

South Hampstead Conservation Area Statement (2011)

Camden Planning Guidance 2011

CPG5 (Town Centres, Retail and Employment)

CPG6 (Amenity)

Assessment

Background

In 2010 application 2009/2825/P for a change of use of first floor from Class A3 (ancillary office of restaurant) to a mini-cab office (Class B1) was recommended for approval subject to a Section 106 Agreement restricting the business's operation. However, the Section 106 Agreement was not signed by the applicant and the application was subsequently withdrawn.

In the past the Council have always requested that a Management Plan be submitted and secured via a S106 legal agreement in order to ensure that the use remains as a remote mini cab office and that passengers do not visit the office and cars do not park outside. However, following 2 recent appeal decisions at 95 Fairfax Road and 174 Royal College St, the inspectorate recommended that a S106 is not required and that the use can be protected by conditions. Conditions will be added to this permission restricting the use to a remote mini cab office.

Land use / loss of retail

As the application does not propose any physical alterations to the exterior of the property or the shopfront, the main planning issue for consideration relates to the loss of 11.5m² of Class A3 restaurant floorspace and the provision of the 11.5m² of Class B1 office to provide radio-controlled booking office for private hire (minicab) vehicles.

Policy DP12 states the Council will only grant planning permission for development for other town centre uses (outside Use Classes A1, A2, A3, A4, A5, B1a or D2) where it considers the development would not cause harm to the character, amenity, function, vitality and viability of the area in terms of highway conditions and amenities of shoppers and residents. Given that the proposed minicab office will purely operate as a "remote" control office (Class B1) from the first floor with no advertising on the outside of the building and it would not affect the established restaurant business on the ground floor level. The principle of the use it is considered to be acceptable.

Transport

The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent). Whilst a normal minicab office in this location would add to an already high trafficked corridor and encourage unnecessary vehicle mileage, a point-to-point operation would not focus traffic activity around the site and would reduce unnecessary vehicle mileage. As the applicant confirmed that the minicab office would not have any walk in trade visiting the premises the proposal is acceptable in transport terms and would not harm local traffic conditions in line with policy DP17, on the condition that no customers may visit the premises.

The applicant has confirmed that the business has 10 off-street parking spaces within close proximity of the site. This is considered to ensure that the proposed use will not put additional pressures on on-street parking within the area.

Amenity

Whilst no objections have been received concerning the potential harm that a minicab office would cause in terms of amenity, the issues usually raised relate to noise, and impact on traffic flow and parking stress. However, the applicant has applied for a change of use of part of the first floor to a remote controlled minicab office which means that no drivers would visit the premises to pick up customers or to take breaks, and no customers would visit the premises to order minicabs.

Drivers can be connected by radio, or more commonly nowadays by phone or PDA. The applicant's intention is that drivers would pay a weekly or monthly fee in return for jobs, which is the business model for larger firms such as Addison Lee. It is therefore recommended that a condition is attached to any approval which limits the drivers to visiting the property for administrative duties only.

There is no advertising proposed so there would be nothing to indicate a minicab office would be operating from the premises which could attract passing trade. However, it is recommended that a condition is attached to any planning approval requiring that no signage associated with the minicab office can be erected on the property.

The proposal is considered not to harm the amenity of the occupiers of neighbouring properties and is therefore in accordance with Policy DP26 of the LDF.

Recommendation: Grant planning permission with conditions.

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