

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		23/05/2011	
		N/A		<b>Consultation Expiry Date:</b>		09/05/2011	
<b>Officer</b>				<b>Application Number</b>			
John Sheehy				2011/1370/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
96 Finchley Road London NW3 5EL				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>Proposal</b>							
Change of use of part of ground floor from cinema (Class D2) to coffee shop (Class A1) with associated shopfront works and alterations to the Finchley Road elevation.							
<b>Recommendation:</b>		<b>Grant conditional permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>0</b>	No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Summary of consultation responses:</b>		Site notice displayed for 3 weeks. No comments received to date.					
<b>CAAC/Local groups comments:</b>		No response to date.					
<b>Site Description</b>							
A substantial art-deco cinema building located on a triangle site surrounded by Finchley Road, Avenue Road and Adelaide Road. The site is not located in a conservation area but is within the Swiss Cottage/Finchley Road Town Centre.							
<b>Relevant History</b>							
<p><b>April 2011</b> advertisement consent granted for display of eight signs including five internally illuminated fascia signs, one externally illuminated fascia sign and two internally illuminated projecting signs to cinema, ref. 2011/0955/A. <i>This application secured advertisement consent for the display of new and replacement signage on the Finchley Road elevation at ground (including the application unit) and upper floors as well as signage on the flank elevation.</i></p> <p>Application for advertisement consent for display of a non-illuminated hoarding sign to front elevation at first floor level and a non-illuminated hoarding sign to side elevation at second floor level for a temporary period of eleven weeks currently under consideration, ref. 2011/1921/A.</p>							
<b>Relevant policies</b>							
<b>LDF Core Strategy and Development Policies</b>							
CS5 Managing the impact of growth and development							
CS7 Promoting Camden's shops and centres							
CS8 Promoting a successful and inclusive Camden economy							
CS14 Promoting high quality places and conserving our heritage							
DP10 Helping and promoting small and independent shops							
DP15 Community and leisure uses							
DP19 Managing the impact of parking							
DP24 Securing high quality design							
DP26 Managing the impact of development on occupiers and neighbours							
DP30 Shopfronts							
<b>Camden Planning Guidance 2006</b>							
<b>Camden Planning Guidance 2011</b>							
<b>Supplementary Planning Guidance 2006</b> Planning Guidance for Finchley Road/Swiss Cottage: Retail, Food, Drink and Entertainment Uses							

## Assessment

The proposed café would be located on the western part of the site, fronting onto Finchley Road, where the cinema box office is currently located. The proposed unit measures 59m<sup>2</sup>, of which 39m<sup>2</sup> would be for use by customers of the café.

The proposed café would not involve any primary cooking and given its location within a cinema site a large proportion of the drinks and food prepared within it is likely to be consumed outside of the premises. The applicant has stated that the proposed use is as Class A1: officers agree that given the size, location and nature of the use this is the proposed use class.

Camden's retail and town centre policies are aimed at ensuring that centres retain their vitality and viability and that Class A1 units and small shops are provided and maintained, in particular within Neighbourhood and Town Centres. The site is located in a Town Centre and the proposed unit is modest in scale, covering a small proportion of the floorspace of the cinema building. There is an existing parade of shops on the western side of Finchley Road which the application would continue northwards. Class A1 uses are generally welcomed in Town Centres as they add to the vitality and viability of areas. The proposed change of use would not affect the operation or viability of the class D2 use and would add to the vitality and viability of Swiss Cottage/ Finchley Road Town Centre. No concerns are raised with this application in land use terms.

A further informal seating area would be introduced at the front part of the building at first floor level. This would be considered to be ancillary to the main cinema use and would be considered acceptable.

The application building has a robust appearance with simple detailing, an abundant use of brick and a lengthy canopy over the ground floor entrance and box office. There are proposed alterations to the doors/ windows at ground and upper levels of the Finchley Road elevation, including a new substantially-glazed shop front for the application unit. The proposed alterations would be visually appropriate in their context and would not detract from the robust quality of the application building.

The proposal is not considered to have any impact on the amenity of neighbours by loss of sunlight, daylight outlook or privacy.

The application site does not include any land on Finchley Road so the outdoor seating indicated on the drawings will require separate permission as part of a "Tables and Chairs" Licensing Application. Environmental Health issues including noise impact, as well as any history of complaints about disturbance in the area, will be taken into consideration as part of the assessment of this Application.

The drawings indicate replacement/ relocation of external air-conditioning plant at second floor level. In the absence of an Acoustic Report and manufacturers details in relation to this plant its impact on neighbouring occupiers cannot be assessed. As a result, the works are not considered as part of the application. The applicant is advised by way of condition that if any external plant is required further permission will be needed.

**Recommendation:** grant conditional permission.

### Disclaimer

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