

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>19/10/2010</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>24/09/2010</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
David Glasgow				2010/4493/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
69 Gray's Inn Road London WC1X 8TP				Refer 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>							
Change of use from existing shop (Class A1) to flexible uses, either shop (Class A1), financial and professional services (Class A2) or office (Class B1a) at basement and ground floor levels.							
<b>Recommendation(s):</b>		Grant Planning Permission					
<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	<b>15</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
				No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		<p>A site notice was displayed from 27/08/2010 expiring on 24/09/2010. Two letters of objection were received from the occupiers of 6a North Mews and 7a North Mews. The issues raised are as follows:</p> <p><u>6a North Mews</u></p> <ul style="list-style-type: none"> <li>I have no objection to the ground floor and basement remaining as office or retail premises. I do have an objection to the use as a café/restaurant. There are sufficient premises in this area with this use and I would have a strong objection to any plans which would involve locating extraction fan units at the rear of the premises where they would emit food related smells through the windows of my</li> </ul>					

	<p>premises.</p> <p><b>Officer comment:</b> <i>A3 use originally proposed was omitted during the course of the application.</i></p> <p><u>7a North Mews</u></p> <ul style="list-style-type: none"> <li>The proposed change of use would result in the loss of ground floor shopping floorspace which will harm the character of the centre contrary to UDP policy R7. Present market conditions do not justify a departure from this important policy given the relentless pressure on available floor space in the centre. The proposal will also increase the noise levels and impair the privacy presently enjoyed by our rear terrace patio at 7a North Mews which abuts the rear of the suite contrary to UDP policy SD6.</li> </ul> <p>Officer Comment : <i>See section 4 below</i></p>
<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	N/A

### Site Description

The application site relates to the ground and basement levels of a commercial unit on the west side of Gray's Inn Road, close to its junction with Northington Street. The property consists of three storeys plus mansard and basement levels. The building is Grade II Listed, forming part of a wider listing of 4 terraced properties comprising 63-69 Gray's Inn Road (Odd) dating from c1791 within Hatton Garden Conservation Area. The ground floor unit has an approved shop (Class A1) use. The units to either side are presently vacant but have approval for a betting office (Class A2) at No. 67 and office (Class B1a) at No. 71. The area is mixed in character with a large number of commercial uses at street level on the Gray's Inn Road frontage including amongst others retail, food/drink and office premises. To the rear there is a small yard and beyond that the 3 storey plus mansard dwellings in North Mews.

### Relevant History

PS9704191R1 - Change of use of ground and basement from retail (Class A1) to part retail and part cafe/hot food takeaway and of the upper floors from employment use and storage to residential (Class C3) to provide 1 x 2 bedroom flat, and 1 x 3 bedroom maisonette, plus external alterations including the erection of an extension at rear 1st floor level, a new shopfront and the opening up of the pavement with external staircase to basement. Granted 13/05/1997 (change of use not implemented.)

### Relevant policies

#### Replacement Unitary Development Plan 2006

SD6- Amenity for occupiers and neighbours  
B6 – Listed buildings  
B7 – Conservation areas  
R2 - Impact of retail and entertainment uses  
R7 - Protection of shopping frontages and local shops  
E1 – Location of business uses

Camden Planning Guidance 2006  
Hatton Garden Conservation Area Statement

### **LDF Core Strategy and Development Policies**

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan

#### Camden Core Strategy

CS1 - Distribution of growth

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

#### Camden Development Policies

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

DP25 – Conserving Camden's Heritage

DP26- Managing the impact of development on occupiers and neighbours

### **Assessment**

#### **1.0 Amendments**

**1.1** The application as submitted requested to keep a previously approved Class A3 use as one of the dual uses on site. As this permission was never implemented there was no lawful Class A3 use existing and application was subsequently amended to remove the request for Class A3 use.

#### **2.0 Background**

**2.1** The subject site received approval for change of use from shop (A1) to café (A3) in 1997; however this permission was never implemented and the site remained in Class A1 use. The premises have been empty since 2008 when the last tenant, Evans Cycles, vacated the premises.

#### **3.0 Proposal**

**3.1** The application seeks planning permission for the change of use of the ground and basement floors of the property from a shop (Class A1) to flexible shop (Class A1), financial and professional services (Class A2) or office (Class B1a) uses. No external or internal changes are proposed; hence listed building consent is not required.

#### **4.0 Change of Use**

**4.1** The site falls within the Central London Area but is not within a designated 'local area' or shopping frontage. UDP Policy RD 7 and LDF policy DP12 state that within the Central London area, but outside of the designated centres, the Council will only grant planning permission for the net loss

of A1 floor space provided that the development contributes to local character function, vitality, viability and amenity of the area.

**4.2** An approval for multiple uses of A1, A2 or B1a could, by the nature of its flexibility, result in the loss of the A1 use. Therefore an assessment must be made on the impact of this loss on the areas character, function, vitality and viability. For the purposes of this application a use-class survey was undertaken, looking at all commercial units in the immediate surrounding area. The addresses surveyed are as follows: 35-81 (Odd) and 134-164 (Even) Gray's Inn Road. Out of the 30 units surveyed there were: 18 x A1 (60%) 1 x A2 (3%) 8 x A3 (26%) 1 x A2 (3%), 1 x B1a (3%) and 1 x D1 (3%). The survey results indicate a healthy range of Class A1 uses available, whilst there are also a high proportion of retail uses in nearby Clerkenwell Road, Theobald's Road and in the Hatton Garden area nearby. The potential loss of this Class A1 floorspace is therefore, on balance, not in itself considered to harm the areas character, function, vitality or viability.

**4.4** The provision of Class A2 or B1a uses is considered to be appropriate in this Central London Area, with good access to public transport (a variety of bus routes run along Gray's Inn Road). Furthermore, these uses are not considered to result in any loss of amenity for neighbouring properties over and above the potential from a Class A1 use at the site.

## **5.0 Conclusion**

**5.1** The replacement of the existing shop (Class A1) use with flexible uses of shop (Class A1), financial and professional services (Class A2) or office (Class B1a) is not considered to harm the character, function, vitality or viability of the area in accordance with UDP Policy R7 and LDF Policy DP12 and is therefore considered acceptable.

## **6.0 Recommendation**

**6.1** Grant Planning Permission.

## **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 18<sup>th</sup> October 2010. For further information see**

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