

Delegated Report		Analysis sheet		Expiry Date:		17/06/2010	
		N/A / attached		Consultation Expiry Date:		27/05/2010	
Officer				Application Number(s)			
Anette de Klerk				2010/0866/P			
Application Address				Drawing Numbers			
74 - 76 Cromer Street London WC1H 8DR				Please refer to decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Retention of change of use of the ground and basement floor from Doctor Surgery (Class D1) to Retail (Class A1).							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	54	No. of responses	02	No. of objections	02
				No. electronic	00		
Summary of consultation responses:		<p>6 Edward Bond House – objects for the following reasons;</p> <ul style="list-style-type: none"> Disturbed by the smells and noises 7 days a week from 8 am until 8pm. I am unable to open my windows due to the smells. If I open the windows there are lots of flies coming into my lounge. I have also been in touch with environmental health in relation to my concerns. I was not consulted before this change and the unit has been trading for 2 years. Issues with noise and vibrations from the meat chopper which goes on every day and at weekends. The use has also affected the water pressure in my flat. <p>15 Edward Bond House – objects for the following reasons –</p> <ul style="list-style-type: none"> This property has already changed to a meat and fish shop. Before this the unit was a sweet shop. This is objectionable due to proximity to residential accommodation due to noise and smells. The machinery uses is noisy. 					
CAAC/Local groups comments:		N/A					

Site Description

The site is located on the north side of Cromer Street in between Loxham Street and Tankerton Street in the Central London Area. The site comprises a four storey building known as Edward Bond House with 4 commercial units on the ground floor and residential accommodation above. The building is not listed or located within a conservation area.

The application relates to a corner unit on the ground and basement floor.

Relevant History

12/03/1992 – **p.p. granted (9200059)** for the change of use from retail shop (Class A1) to doctors surgery (Class D1).

Relevant policies

Replacement Unitary Development Plan 2006

SD6 (Amenity for occupiers and neighbours), R1 (Location of new retail and entertainment uses)
C2 (Protecting community uses).

LDF Core Strategy and Development Policies

CS1 - Distribution of growth, CS5 - Managing the impact of growth and development, CS7 - Promoting Camden's centres and shops, CS10 - Supporting community facilities and services, DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses, DP15 - Community and leisure uses, DP26 - Managing the impact of development on occupiers and neighbours

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

Assessment

Proposal – Permission is sought for the retention of the change of use of the existing Doctor's Surgery (Class D1) to a retail unit (Class A1). No external alterations have been proposed.

Principle of development (Change of use) - This application seeks retrospective permission for change of use from a doctors surgery (Class D1) to a shop (Class A1) on the ground and basement floor. The site is not located within any designated town or neighbourhood centre, but is located within the Central London Area.

Policy C2 of the UDP seeks to protect community uses, within which doctors surgeries are included, and states that the Council will not grant planning permission that results in the loss of a community use unless it is demonstrated that;

- An adequate replacement facility has been provided in a location accessible to the users of the facility; or
- The specific use is no longer required and it can be demonstrated that there is no demand for another suitable community use of the site.

It states that if it can be shown that there is no local need for a community use, the priority use for the Council would be the provision of housing, and in particular affordable housing. The applicants were requested to provide additional information to provide justification for the loss of the D1 use and to outline the circumstances of the surgery's vacation of the site. The applicants submitted some additional information during the course of the application stating that there is no demand for a D1 use and there are a number of other surgeries in the location. However no evidence was provided to justify these statements. The applicants have not provided any justification for the loss of the previous use, or why the surgery vacated the site.

The additional information submitted outlines the uses of the site from the closure of the surgery in 2007 including use as a Money Transfer Agency, Asian Sweet Shop and a hair salon. The information documented that attempts to sell the unit during this period were not successful, however no evidence to support this assertion has been provided.

In order to justify the reason for not providing residential accommodation the applicants state that as Camden Council is the Landlords and due to the location in a parade of shops it would be unlikely the Council would support a change of use. It is considered that given the small scale of the application site it is unlikely that residential could be accommodated on site. However no information has been provided to indicate that there is no local need for a community use.

Additionally the applicants have submitted a petition from local businesses and customers to illustrate the local support for the current use of the premises.

Turning to the proposed use Policy R1 of the UDP seeks to locate new retail uses within the designated town and neighbourhood centres, as these locations are best served by a range of means of transport and are less likely to cause harm to residential amenity. Paragraph 6.15 makes an exception to this rule, and recognises that small shops outside of the designated centres can make a contribution to meeting local requirements for convenience shopping etc. Therefore, as an exception to R1a the Council will support small shops of 100sqm or less outside centres where the proposals meet the requirements of R2.

Policy R2 states that the Council will only grant permission for retail uses where it does not harm the character, function, vitality and viability of an area, and is readily accessible by a range of transport modes. Given the relatively small scale character of this development, it is considered unlikely that the proposals will have a significant impact on the character, function, vitality and viability of the area. Given the proximity of residential units if the proposed change of use was considered acceptable limitations of the opening hours would be recommended in order to protect residential amenity.

To conclude, it is therefore considered that without sufficient information to justify that an adequate replacement facility has been provided in a location accessible to the users of the facility; or the specific use is no longer required and it can be demonstrated that there is no demand for another suitable community use of the site the loss of the D1 use cannot be supported.

Amenity – there are residential units located above the application site on the first floor with windows and a balcony in close proximity to the front of the unit. A number of objections have been received in relation to smells and noises from the use of the premises as a meat and fish shop. In relation to the smells from the meat and fish, this matter would be enforced and monitored by the Council's Environmental Health Team. There are limited planning controls or restrictions that could be placed on a retail unit in relation to any smells from produce.

It is considered that given the close proximity of the flats above that if the change of use was considered acceptable limitations on the operational hours would be recommended to limit the impact on the units above.

Recommendation – Refuse

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