

Delegated Report		Analysis sheet		Expiry Date:		14/09/2009	
		N/A		Consultation Expiry Date:		04/09/2009	
Officer				Application Number(s)			
Jennifer Walsh				2009/2706/P			
Application Address				Drawing Numbers			
144 Shaftesbury Avenue London WC2				Please refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from retail (Class A1) of first floor to dual use for either retail (Class A1) or Office (Class B1) use.							
Recommendation(s):		Grant Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	17	No. of responses	01	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed from 14/08/2009-04/09/2009					
CAAC/Local groups comments:		Covent Garden Community Association - no objection to the proposals. Covent Garden CAAC - object as no 'proposed drawings' were provided. Officer's response. <i>Both proposed and existing first floor floor plans were submitted. There are no internal or external alterations included within the proposal.</i>					

Site Description

The application site is a ground plus three storey building on the corner Earlham Street and Shaftsbury Avenue, containing ground and 1st floors retail and 2nd floor offices. This application relates solely to the first floor of the property.

Relevant History

PS9904411 - Change of use of first floor from a sui generis mixed use to use as either Class A1 retail use in connection with the retail use on the ground floor, or to use as offices, Class B1. **GRANTED 06/09/1999**

Relevant policies

Camden Unitary Development Plan 2006

R2 – General impact of retail and entertainment uses
R7 – Protection of shopping frontages and local shops
R8 – Upper floors and shopfronts
E1 – Location of business uses

Camden Planning Guidance 2006

Assessment

Planning permission was granted on 6th September 1999 for the '*Change of use of first floor from a sui generis mixed use to use as either Class A1 retail use in connection with the retail use on the ground floor, or to use as offices, Class B1.*' This dual permission was implemented in that the 1st floor was used as retail as an extension to the ground floor retail unit. As advised in the permission's informative, the dual use expired on 6th September 2009 and the lawful use became the use existing on that day, ie. retail. The applicants wish to extend the dual use of this floor and are effectively renewing the permission, hence the proposal is identical to the 1999 scheme.

The first floor is currently in retail (Class A1) in association to the ground floor unit. There are no external alterations proposed; this application solely relates to the dual use of the first floor.

Since the 1999 decision, policy circumstances have changed and the scheme needs to be assessed in light of the new 2006 replacement UDP.

The UDP has a general presumption to protect A1 uses within the Central London Area. However, no specific protection is afforded to first floor retail space within Policy R7 in the same way ground floor space is. Policy R8 does specifically address upper floors, but is much more flexible in its approach, and states that the Council will grant permission for development of (amongst other uses) office use on the basis that the development would not harm residential amenity or prejudice future residential use on upper floors nearby. Given the central location of this site, it is considered unlikely that an office occupier is likely to cause disturbance to any neighbouring residential occupiers. In addition to this, the flexible nature of the consent would suggest that the existing A1 use is likely to remain as has been the case for the last 10 years, and a B1 use is only likely to be considered if the operation of the A1 use becomes unviable.

Turning to the proposed office use, Policy E1 broadly encourages new employment floorspace in central locations such as this.

Therefore, it is considered that the dual A1/B1 uses for the first floor are acceptable in land use terms. An informative will be placed on the decision notice to advise that after 10 years the lawful use would revert to whichever of the uses is taking place at that time. If it is a Class B1 use, a further planning permission would be required to change to Class A1 and vice versa. A subsequent planning application would be required, if a change of use from the lawful use was proposed.

As there are no external alterations proposed, there are no design issues.

Recommendation: Grant Planning Permission

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