

Delegated Report		Analysis sheet		Expiry Date:		31/12/2008	
		N/A		Consultation Expiry Date:		28/01/2009	
Officer				Application Number			
John Sheehy				2008/4768/P			
Application Address				Drawing Numbers			
63 Fairfax Road London NW6 4EE				Refer to draft decision			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal							
Change of use of ground floor shop (Class A1) and associated seating area in basement (Class A3) to a health and beauty salon at ground floor level and yoga/pilates studio in the lower ground floor (Sui Generis).							
Recommendation:		Grant conditional permission					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	12	No. of responses No. electronic	1 0	No. of objections	0	
Summary of consultation responses:	Site Notice displayed from 26 th November to 17 th December. One expression of support received, from the occupier of 61 Fairfax Road, a furniture shop.						
Local groups comments:	No response received.						
Site Description							
The site is located on the western side of Fairfax Road. The building on the site is 4-storeys in height and is part of a terrace with commercial units at street level and residential use on the upper floors. The ground floor of the application site is currently occupied by a cigar shop (Class A1). The basement floor has an authorised use of Class A3 for use as cigar smokers refreshment area (see relevant history section). Access to the basement is via an internal staircase from the ground floor shop. There is no independent access to the basement area.							
The site is not located in a Conservation Area. The building on the site is not listed. The site is located within the Fairfax Road Neighbourhood Centre.							
Relevant History							
December 1999 Planning permission granted for change of use of ground floor retail unit to Class A2 use [ref. PW9902932]. <i>Not implemented.</i>							
October 2004 Planning permission granted for use of the basement for purposes within Class A3 (food and drink) with no primary cooking on the premises, to enable it to be used, in conjunction with the retail shop on the ground floor, as a cigar smokers refreshment area [ref.2004/3044/P].							

Relevant policies

Camden Replacement Unitary Development Plan 2006

S1/S2 – Sustainable development

SD6 - Amenity for occupiers and neighbours

R2 - General impact of retail and entertainment uses

R3 – Assessment of food and drink uses and licensed entertainment

R7– Protection of shopping frontages and local shops

C3 – New Leisure Uses

Camden Planning Guidance 2006

Section 46 - Town centres, retail and entertainment uses.

Assessment

Proposal: Use of the premises as a health and beauty salon at ground floor level (with a small retail area to the front) and a yoga/ pilates studio in the lower ground floor. No external alterations are proposed.

The proposed use of the premises would be a mix of Class A1 (retail), Class D2 (yoga/pilates studio) and Sui Generis (beauty salon). The dominant use is considered to be Sui Generis, as the beauty salon occupies the majority of the ground floor and the other uses are essentially ancillary to, although forming a significant component part of, this use.

Assessment

The application has been assessed against the Council's retail policies and guidance and all other material planning considerations.

Retail

Policy R7– “Protection of shopping frontages and local shops” identifies three categories of shopping frontages in Camden:

- A: Central London, Town Centres and Kings Cross
- B: Neighbourhood Centres and
- C: Local shops

The site is located within Fairfax Road Neighbourhood Centre. In an area identified as a “Neighbourhood Centre”, Policy R7 states that the Council will only grant planning permission for development which it considers will not cause harm to the character, function, vitality and viability of the Centre. Policy R7 also states that the Council will not grant planning permission for development that would prevent the Centre from being capable of providing a range of convenience shopping. Policy R7 has a general presumption in favour of retention of Class A1 uses in Neighbourhood Centres.

Camden Planning Guidance gives further guidance on the assessment of retail uses within Centres and separates Centres into Core Frontages, where Class A1 uses are strongly protected, and Other Frontages. The site is not located within a Core Frontage. For sites within Neighbourhood Centres, but outside Core Frontages, Camden Planning Guidance states that the Council will resist proposals which would result in the proportion of Class A1 retail units within the frontage falling below 50% and more than 3 consecutive ground floor units being in non-retail use.

The application site is located within the frontage at nos. 35-95 Fairfax Road. The authorised uses on this frontage are as follows:

Address	Use Class
35-7	A1 Retail

39	A1 Retail
41	A1 Retail
43	A1 Retail
45	A1 Retail
47	A1 Retail
49	<i>Entrance to flats upstairs, not part of frontage.</i>
51-53	A1 Retail
55	B1a Office
57	A2 Estate Agent
59-61	A1 Retail
63	A1 Retail <u>Application Site</u>
65	A3 Restaurant
67	<i>Entrance to flats upstairs, not part of frontage.</i>
69	A2 Estate Agent
71-3	A3 Restaurant <i>(operating as A1 Retail)</i>
75	A3 Restaurant
77-79	A1 Retail
81-3	A3 Restaurant
85	A2 Betting Shop
87	A1 Retail
89	A1 Retail
91	A1 Retail
93-5	A3 Restaurant/ Cafe

The existing and proposed breakdown of **Class A1 uses** within this frontage is as follows:

	Existing	Proposed
No. of A1 Units	13 (of 22)	12 (of 22)
Percentage of A1 units	59.1%	54.5%

The proposed change of use would not take the proportion of retail uses within the frontage below 50%, and it should also be noted that the proposed ground floor use will have an element of retail

sales.

The application site is located between no. 61 Fairfax Road, a Class A1 unit, and no. 65 Fairfax Road, a Class A3 unit. Neither of the ground floor properties to the south of the site, nos. 65 and 69 Fairfax Road, are occupied within Class A1: the proposal would therefore result in 3 consecutive ground floor units being in non-retail use. Whilst this is discouraged by Camden Planning Guidance, the frontage would still retain a dominant Class A1 use, and the application site would retain an active frontage at street level, with an element of retail sales.

On balance, it is considered that the proposal is considered acceptable in the context of Camden Planning Guidance, and that no harm to the character, function, vitality and viability of the Centre would result from it.

There is no objection in principle to the proposed change of use at basement level. Policy R7 does not seek to specifically protect Class A3 uses and therefore the loss of this use is acceptable, subject to the replacement use being acceptable.

Leisure Uses

Policy C3 covers the provision of new leisure uses. This states that outside Town Centres, the Central London Area and the Kings Cross Opportunity Area, planning permission will only be granted for leisure development that;

- has been justified by an assessment of need
- would not cause harm to the character and function of the area
- will not harm residential amenity
- is easily reached by a choice of means of transport
- would attract travel primarily from the area within walking distance.

This policy covers all types of leisure development from small scale uses such as the ones proposed, to large developments for swimming pools etc. The physical size of the basement area (40m²) is such that large numbers of people cannot congregate on the premises at any given time, and issues of parking, access and impact on residential amenity are not likely to be significant. Given the small-scale nature of the development, an assessment of need is not considered to be necessary in this instance. Furthermore, it is considered that the proposed use is likely to have less of an impact on residential amenity and the highway conditions than the existing Class A3 use. Due to its size and location at basement level, this use is unlikely to have a significant impact on the character, function, vitality and viability of the Neighbourhood Centre.

However, conditions should be imposed to safeguard residential amenity in terms of possible noise breakout.

In conclusion the proposal is considered to be consistent with Camden's retail policies and the advice contained in Camden Planning Guidance. It is not considered to have a detrimental impact on the vitality, viability and retail function of the shopping frontage. In addition, the proposal would continue to provide a use that would serve visiting members of the public and would provide an active frontage at street level.

Recommendation: Grant conditional permission.

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