

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		03/01/2014	
		N/A / attached		<b>Consultation Expiry Date:</b>		09/12/2013	
<b>Officer</b>				<b>Application Number(s)</b>			
Hugh Miller				2013/6053/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
63 Chetwynd Road London NW5 1BX				Refer to 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>							
Retrospective change of use from retail (Class A1) to dual use as retail and injury clinic with associated personal training space at ground floor level.							
<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	11	No. of responses	80	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		<p>Advertised in Ham &amp; High 28/11/2013, expires 19/12/2013. Site notice displayed 20/11/2013, expires 11/12/2013.</p> <p><i>The Council received 80 letters of support as signed petition and individual letters for the retention of the dual use of the unit; including some from current clients of the applicant</i></p> <p><u>Bellgate Studio</u> – Comment: Agree in principle to proposal; but suggest conditions to address noise disturbance.</p> <p><b>Officer Comment.</b> See amenity section below.</p>					
<b>CAAC/Local groups* comments:</b>		<p><u>Dartmouth Park CAAC:</u> At time of writing no response were received.</p>					
*Please Specify							

## Site Description

The application site is located on the north side of Chetwynd Road close to the junction with York Rise. The site falls within the York Rise/ Chetwynd Road neighbourhood centre. The building is not listed and is located in the Dartmouth Park Conservation Area.

## Relevant History

October 2012 – Withdrawn Application – Change of use from Class A1 to Class D1 at ground floor level; ref. 2012/3264/P.

December 2012 - Refused - Certificate of Lawfulness (Existing) - Use of the ground floor as retail unit (Class A1) with ancillary consultation area; ref. 2012/6433/P on grounds:

*The evidence provided by the applicant is not deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the primary use of the ground floor unit is a retail shop (A1).*

February 2013 – Appeal lodged to PINS

August 2013 – Appeal dismissed.

## Relevant policies

### LDF Core Strategy and Development Policies

CS1 – Distribution of growth

CS5 – Areas of more limited change

CS8 – Promoting a successful and inclusive Camden economy

CS10 – Supporting community facilities and services

CS14 – Promoting high quality places and conserving our heritage

DP13 – Employment sites and premises

DP15 – Community and leisure uses

DP16 – The transport implications of development

DP19 – Managing the impact of parking

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

### CPG 2010/2013

CGP5 – Town Centres, Retail & Employment

Dartmouth Park

### London Plan 2011

NPPF 2012.

## Assessment

### **Background**

In October 2012 an application seeking change of use from retail A1 use to D1 use (personal training & diagnostic clinic) was withdrawn by the applicant owing to lack of information. In December 2012, a Certificate of Lawfulness (Existing) use was granted on grounds of insufficient information.

In February 2013 an appeal was lodged to PINS; and in August 2013 the appeal was dismissed.

### **Current Proposal**

- Retrospective change of use from retail (Class A1) to dual use as retail and injury clinic with associated personal training space at ground floor level.

Key Issues: a] Loss of retail A1 floorspace and new community D1 use b] Amenity c] Transport

### **Land use /Loss of retail A1**

LDF Policies CS7 and DP12 state that the Council will resist the loss of retail A1 shop use where this would harm the character, function, vitality and viability of a centre or shopping provision in the local area. The application site is located within a designated Neighbourhood Centre and is within walking distance to Swain's Lane, Fortess Road Centre and the nearby Kentish Town District Centre, which includes a variety of convenience stores, speciality shops and local services. Policy CS7 also requires that a minimum of 50 percent of retail A1 floorspace should be retained in the centre; and that developments should not result in four or more consecutive units being in non-retail use.

### **New community uses**

Policy DP15 seeks to support new community facilities on the basis that they are located close to the catchment they intend to serve and will not harm the existing transport network. The injury clinic (sports diagnostic service) would aim to serve the local community who live in close to the site; however the site is also reasonably accessible by a number of means of transport in accordance with this policy. Given the site's highly accessible location, it is considered that the proposals are likely to be acceptable in the context of this policy.

The floorspace of the ground floor measures approximately 45sqm. The current scheme is retrospective, and it seeks to regularise the mixed uses of retail A1 and D1 uses; the latter at the mid and rear sections of the unit and retail at the front; plus the retained shopfront to allow for continued window display. The front area comprises floorspace for wall hung and freestanding display of goods; the middle area has the injury clinic (sports diagnostic service) and at the rear the changing and fitting room, storage room and W.C.

The applicant states that the Off-licence retail use traded for approximately 1 year; and the retail unit was vacant for 1 year 1 month prior to his occupation. The estate agent (London Residential) states that few genuine enquiries and interest were received for retail use during the marketing of the shop unit prior to the applicants' occupation.

There are 19 units in total within the Centre; 9 retail A1 accounts for 48 percent, 2 D1 units equating to 11 percent. The proportion of retail A1 units within the centre is below the threshold and although not considered significant, it does not invalidate the need to protect this centre. The applicant states that prior to his occupation of the unit the proportion of trading retail A1 units would have been 8 or 42 percent; less than the current number due to the unit being vacant; which would be lower and be more harmful to the character, function, viability and vitality of the centre.

Furthermore, the applicant asked that the council consider that in the past 14 months, he has built up a considerable local client base and that this has been borne out by written pre-application support by way of individual letters and or signed petition submitted to the Council in support of the current

proposal.

On the bases of the above, it is considered that the partial loss of retail A1 floorspace would not impact negatively on the Neighbourhood Centre character, function, viability and vitality or on residents amenity and is therefore considered to be acceptable in this instance. The applicant has indicated a willingness to have a 'personal' condition which would restrict the dual uses solely for his purposes; and on vacating the unit it would revert to A1 use. It is not considered relevant in this instance as the proposed injury clinic provides a community service in accordance with policy that would not have an adverse impact on the centres function, viability and vitality; and can co-exist within the centre without any undue harm as noted above.

***Amenity:***

Policy D26 states that the Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours in terms of overlooking, loss of daylight/sunlight, noise, odour and fumes and light. Given that there are no external alterations proposed, the proposal would not result in an adverse impact for neighbouring properties in terms of overlooking, loss of sunlight or daylight.

As a Neighbourhood Centre, which is fairly active, the retail and non-retail units' hours of opening varies. Notwithstanding this, in terms of noise disturbance, it is not considered that the injury clinic would have negative impact on residential occupiers above or those adjacent owing to the limited floorspace and numbers of customers and is acceptable. Moreover, the opening hours would be similar to existing retail units in the centre.

Furthermore, given the relatively limited floor area of approximately 45sqm, it is considered unlikely that large numbers of people can be accommodated at the premises. However, it is recognised that Class D1 encompasses various uses which could include a church hall, religious instruction, public libraries, art galleries, crèches etc. which may have different implications for traffic generation and/or residential amenity than the use proposed; hence it is recommended that a condition be imposed to restrict the use to specifically a sports diagnostic service within Class D1 to enable the Council to retain control over any future change in usage. In light of the above it is considered that the retention of the mixed uses of retail (A1) and community use (D1) would be acceptable.

***Transport***

Given its size the proposed use is unlikely to generate significantly more transport demands. Furthermore, it is located in fairly close to existing public transport facilities. It is considered that given the proximity and ranges of transport available the proposed development would not harm the existing transport system.

***Recommendation:*** Grant planning permission