

Delegated Report		Analysis sheet		Expiry Date:	27/12/2013
		N/A		Consultation Expiry Date:	19/12/2013
Officer			Application Number		
Aysegul Olcar-Chamberlin			2013/6885/P		
Application Address			Drawing Numbers		
49 Camden High Street London NW1 7JH			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Removal of condition 4 (prohibiting advertisements) to planning permission dated 24/10/13 (ref: 2012/6581/P) for the change of use of basement from retail unit to radio controlled minicab office.					
Recommendation:		Refuse permission			
Application Type:		Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	11	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	A site notice was displayed from 20/11/2013 to 11/12/2013. A press notice was advertised on 28/11/2013. No response has been received.					
CAAC/Local groups comments:	No response has been received.					

Site Description

The application site is a three storey mid-terrace plus basement property on the west side of Camden High Street in the Camden Town Conservation Area. The ground floor of the property has an authorised Class A1 use. The basement level benefits from a planning permission to be used as a radio controlled minicab office (Class B1). There are residential flats at the rear of ground floor and above the ground floor level. Both the ground floor and basement level has a fire access at the rear leading to Symes Mews.

The site falls within the town centre.

Relevant History

Application premises:

2012/6581/P - Planning permission was granted on 01/02/2013 for the change of use of basement from retail (Class A1) to radio controlled minicab office (Class B1a) subject to the following conditions which prevent the use of the proposed minicab office as a drop-in minicab office under Sui Generis use:

3. The minicab office hereby permitted shall be used as a remote office with no customers on the premises at any time. No fares shall be booked in person, no customers shall be picked up or dropped off in the immediate vicinity of the office at any time and no taxi drivers shall visit the office for any purpose other than to undertake administrative duties.

Reason: To safeguard the highway conditions and safety of the wider area and to safeguard the amenities of the adjoining premises and the area in general in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP19 (Managing the impact of parking), DP16 (Transport implications of development) and DP26 (Managing the impact of development on occupiers and neighbours of the London Borough of Camden Local Development Framework Development Policies.

4. No advertising signs of the minicab operation hereby permitted shall be erected on the outside and

the inside of the application site or close to the application site at any time.

Reason: To safeguard the highway conditions and safety of the wider area and to safeguard the amenities of the adjoining premises and the area in general in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and policies CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP19 (Managing the impact of parking), DP16 (Transport implications of development) and DP26 (Managing the impact of development on occupiers and neighbours of the London Borough of Camden Local Development Framework Development Policies).

5. No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining residential properties and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours of the London Borough of Camden Local Development Framework Development Policies).

6. The minicab office hereby approved shall only be accessed via the existing rear entrance not through the retained ground floor retail unit at all times.

Reason: To protect the function, vitality and viability of the retained ground floor retail unit in accordance with policy CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policies DP10 (Helping and promoting small and independent shops), DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.

2012/3286/P – Planning permission was refused on 17/08/2012 for the change of use from retail (Class A1) to a mini cab office (Sui Generis). Reasons for refusal:

1. The proposed change of use would harm the function, vitality and viability of Camden High Street, by reason of the loss of retail floor space (Class A1) within a secondary retail frontage, contrary to policy CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policies DP10 (Helping and promoting small and independent shops), DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed mini cab office by reason of servicing walk-in trade from the street, is likely to lead to uncontrolled informal parking/waiting in nearby streets in an area of parking stress and add to traffic congestion. The proposal is therefore detrimental to the functioning of the highway network, contrary to CS5 (Impact of development) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (Transport Implications of Development) DP17 (Walking, Cycling and Public Transport), and DP21 (Highways Works) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed mini cab office, by reason of its 24 hour operation is likely to impact on neighbouring residential occupiers in terms of noise and general disturbance. The proposal is therefore contrary to Camden Core Strategy policy CS5 (Managing the Impact of Growth and Development) as well as Camden Development Policies DP12 (Supporting strong centres and

managing the impact of food, drink, entertainment and other town centre uses) and DP26 (Managing the impact of development on occupiers and neighbours) which variously seek to protect the amenity of residential neighbours.

46 Camden High Street:

2010/5933/P- Planning permission was refused on 08/02/2011 for the extension to existing facade of shop front (Class A1) to create an independent kiosk for use as a mini-cab office (sui generis) following the demolition of existing timber frame store. Reasons for refusal:

- 1) The proposed shop front extension, by reason of the poor quality of the detailed design, would be detrimental to the appearance of the building and the character and appearance of the conservation area.
- 2) The proposed mini cab office, by reason of adverse impact on vehicular and pedestrian traffic and introduction of an additional non-sustainable transport mode.

67a Camden High Street:

2013/2760/P – Certificate of lawfulness was granted on 14/06/2013 for the use of second floor level of 67A Camden High Street as mini cab office (Class B1a).

J12/16/2/9073 – Planning permission granted on 16/07/1970 for the use of the first and second floors of 67A Camden High Street as offices.

P9601120 – Planning permission granted on 04/10/1996 for the use of the first and second floors of 67A Camden High Street as a mini cab control office and the erection of an antenna at roof level. Conditions of this planning permission as follows:

- The limited period for the use shall be until 1st November 1997 by which date the use shall be discontinued and determined.
- The limited period for the retention of the antenna shall be until 1st November 1997 by which date the structure shall be removed.
- No drivers of taxi-cabs or similar vehicles belonging to the applicant, nor those belonging through the radio control at the premises, shall call at the premises hereby permitted for the purpose of waiting or taking orders and instructions, collecting clients from the premises, or for the purpose of taking refreshments.

Relevant policies

National Planning Policy Framework (NPPF) 2012

London Plan 2011

LDF Core Strategy and Development Policies 2012

CS1 – Distribution of growth

CS3 – Other highly accessible areas

CS5 - Managing the impact of growth and development

CS7 - Promoting Camden's shops and centres

CS8 - Promoting a successful and inclusive Camden economy

CS11 - Promoting sustainable and efficient travel

DP12 – Strong centres and managing the impact of foods, drinks or other uses

DP19 - Managing the impact of parking

DP16 - Transport implications of development

DP19 – Managing the impact of parking

DP21 – Development connecting to the highway network

DP26 - Managing the impact of development on occupiers and neighbours
DP30 – Shopfronts

Camden Planning Guidance 2011

CPG5 –Town Centres, retail and employment (pages 9-14 and 54)

Camden Town Conservation Area Appraisal and Management Plan

Pages: 8, 30 and 43.

Assessment

Proposal

The proposal is for the removal of condition 4 (prohibiting advertisements) of planning permission granted on 24/10/13 (ref: 2012/6581/P) for the change of use of basement from retail unit to radio controlled minicab office.

Impact on Land use

Camden Town is a major tourist destination, including for international visitors. The independent small shops are the most important characteristic of Camden High Street. Camden High Street is also a busy road with commercial activities and heavy vehicular and pedestrian traffic.

Condition 4 of the planning permission (ref: 2012/6581/P) prevents erection of any advertisement signs of the minicab office on the outside and the inside of the application site or close to the application site at any time in order to ensure that the minicab office would not be used as 'walk-in' trade (i.e. customers can walk into the office and book a cab). Displaying associated advertisement signs around or nearby the minicab office in question would change the nature of the recently approved office use under Class B1a at the application site into walk-in trade use under Sui Generis as these signs would likely to attract passing by visitors or residents as customers. The use of minicab office (Class B1a) as walk-in trade by the potential customers and cab drivers would change the office use into Sui Generis use. The operation of the minicab office under Sui Generis is likely to lead to uncontrolled informal parking/waiting in nearby streets in an area of parking stress and add to traffic congestion on this already busy road. The customer activity associated with such minicab use could also lead to noise and general disturbance to the amenity of local residents.

The design and access statement submitted with this application refers to another minicab office within the immediate area which advertises its operation via projecting signs on the shopfront of 67a Camden High Street. According to the design and access statement these advertising signs affect the survival of the minicab business at the application property and removal of restriction on advertising would not cause any changes to operation of existing business. However the advertisement signs at 67a Camden Street do not benefit from advertisement consent and therefore do not give precedent for similar signs on Camden High Street. The Council's Enforcement Section has already opened an investigation for these unauthorised advertisement signs.

The removal of condition 4 to prevent displaying advertisement signs at and around the premises in question would result in an unacceptable operation of minicab office as walk-in trade under Sui Generis use and walk-in trade style of minicab office operations in this location is unacceptable in land use terms due to potential adverse impact on the transport conditions and amenity of local residents.

Impact on Conservation Area

Given the basement location of the minicab office which is accessed from the rear of the site via the fire exist the advertisement signs associated with the minicab office operation would likely to be

located on the shopfront of the ground floor retail unit to attract customers. Additional advertisement signs together with the existing signs to the shopfront could clutter the streetscene and harm the character and appearance of the conservation area.

Transport

This part of Camden High Street is located on the Transport for London Red Route Network (TLRN) and the site has a PTAL score of 6b (excellent) which indicated that it has a high level of accessibility by public transport. The site is in a walkable distance from Morning Crescent and Camden Town underground stations.

The minicab office operates 24 hours a day and if not properly managed, it could lead to an increase in parking and waiting on Camden High Street and surrounding streets. The experience of Camden Transport Planning Officers is that minicab firms almost always have an element of 'walk-in' trade which will lead to minicab drivers waiting in nearby streets for customers. This type of use can cause traffic congestion due to stopping of vehicles and queuing of customers close to the location of the minicab office. This not only causes an unacceptable impact on the safety and operation of the public highway but also causes disturbance for local amenity. Displaying advertisement signs for the minicab office operation at or around the application premises would most likely result in walk in trade under Sui Generis use.

The main purpose of condition 4 is to ensure that that the minicab office will not be used as a base by drivers, and passengers will not be picked up or dropped off at the office to prevent people congregating the footway of Camden High Street waiting for cab; and to avoid cabs stopping/ picking up, therefore causing obstruction to the footway/ and traffic of Camden High Street. If there was external advertising then this would encourage passing traffic and suggest a waiting area, potentially on the pavement for minicabs to pick up.

The use of minicab office as walk-in trade would also encourage less sustainable transport modes by attracting customers which might use more sustainable modes such as public transport, contrary to the aims of policy CS11 which seeks to promote sustainable modes and resist development dependent upon private motor vehicles.

TfL (Transport for London) also objected to the proposal and in summary made the following comments:

- The application property was granted consent prior to its neighbouring competitor and it is not known whether the neighbourhood cab office is operating with consent.
- Condition 4 should be retained to ensure the free flow of pedestrian and traffic on Camden High Street.

It is considered that the only acceptable operation of the minicab office at the application site is a purely radio control office operating point to point hire with no passengers being picked up from the site in transport terms because such a minicab office could be operated without having a significant impact on traffic activity around the site. The minicab office use could only be operated as a radio control remote office subject to the conditions of the recent planning permission restricting the use of the minicab office as a remote office only in transport terms and therefore removal of condition 4 is unacceptable.

Amenity

The operation of the minicab office without advertisement restriction would be very likely to lead to customer activity outside the office and cab drivers stopping /picking up on Camden High Street and its surroundings. Given its 24 hour operation, operation of minicab office in such manner would also lead to noise and general disturbance, detrimental to the amenity of local residents. The proposal is

therefore contrary to Camden Core Strategy policy CS5 and Camden Development policies DP12 and DP26 which amongst other things, seek to protect neighbouring amenity.

Conclusion

The proposed removal of condition 4 is **unacceptable** in both transport and amenity terms as allowing advertising around and near the application site would encourage 'walk-in' customers and drivers to pick customers around the minicab office. This type of operation of the minicab office would cause an unacceptable impact on the safety and operation of the public highway, and harm to the local amenity.

Recommendation: Refuse permission for removal of condition 4.