

Delegated Report		Analysis sheet		Expiry Date:		26/12/2014	
		N/A		Consultation Expiry Date:		24/11/2014	
Officer				Application Number(s)			
Alex McDougall				1. 2014/6049/P 2. 2014/6399/A			
Application Address				Drawing Numbers			
237 Camden High Street London NW1 7BU				Refer to decision notices.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
<ol style="list-style-type: none"> Conversion and change of use from ground floor part restaurant (Use Class A3) and first and second floor part 4 bedroom maisonette (Use Class C3) to self-contained restaurant (Use Class A3), erection of half storey first floor rear extension, new shopfront and awning, alterations to fenestration on rear elevation, enlarged roof light to rear extension and new roof plant to rear extension. Erection of new fascia board with down-lighting and fascia level externally illuminated projecting sign. 							
Recommendation(s):		<ol style="list-style-type: none"> Refuse Planning Permission Grant Advertisement Consent 					
Application Type:		<ol style="list-style-type: none"> Full Planning Permission Advertisement Consent 					
Conditions or Reasons for Refusal:		Refer to Decision Notices					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	157	No. of responses	00	No. of objections	00
Summary of consultation responses:		No responses received.					
Local Area Groups		N/A					
Site Description							
<p>The site is occupied by a 3 storey mid-terrace building on the western side of Camden High Street. The building has an existing single storey rear extension which occupies the entire rear of the site. The site is located within the Camden Town Centre and is in the core (south) retail frontage.</p> <p>There is conflicting evidence as to the legal use of the upper floors of Nos. 237-239 Camden High</p>							

Street. The upper floors are only accessible via a separate entrance in the front façade of No. 237 Camden High Street. This stair opens up into the first floor area which is laid out and fitted like a residential unit. There are connections between the two properties at first and second floor level. No. 237 includes stairs up to the second floor level which is also laid out and finished as part of the same flat. However, both levels appear to be in use informally for storage purposes relating to the ground floor use. The ground floors of Nos. 237 & 239 are currently in use as a single restaurant (KFC).

With regard to the use of the upper floor of the Camden High Street properties, several adjoining non-residential uses occupy, and provide customer access to, the first floor. The adjoining properties at Nos. 235 & 241 contain no residential uses.

Relevant History

237 Camden High Street (the application site)

2003/2154/P - Alterations to the shopfront. Granted 17/11/2003.

2003/2156/A - Display of internally illuminated fascia sign and projecting sign. Granted 17/11/2003.

9201245 - Change of use from bakers shop (Class A1) to mixed use as a bakers shop with cafe on rear part of ground floor. Granted 18/02/1993.

TP75373/24374 - The erection of an addition at ground floor level at the rear of No. 237, Camden High Street, St. Pancras. Granted 19/04/1955.

239 Camden High Street (adjoining site)

2014/6046/P – Change of use of first and second floor from part 4 bedroom maisonette (Use Class C3) to restaurant (Use Class A3), erection of single storey first floor rear extension, relocation of kitchen extract duct, raise rear parapet of ground floor rear extension, new shopfront and awning, installation of ground floor rear door, and new roof plant to rear extension. Currently under assessment.

2014/6575/A - Erection of new fascia board with down-lighting and replacement of existing fascia level projecting sign with internally illuminated projecting sign. Currently under assessment.

237 - 239 Camden High Street (part application site)

PEX0000072 - Change of use and works of conversion from a residential use on the first and second floors of No. 237 and storage use on the first and second floors of No. 239 to a single self-contained flat on the second floor of both units and office/staff accommodation on the first floor, the latter being ancillary to the use of the ground floor of 237 as a shop/cafe. Alterations to the existing shop front (237) to facilitate an independent access to the second floor flat. Granted 11/04/2000. Note. This consent does not appear to have been substantively taken up, in that most of the physical works have not been implemented and the valuation office agency was never informed of the change of use.

The valuation office agency lists the use of the basement and ground floors as a restaurant and the first and second floors as a single residential maisonette.

Relevant policies

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

National Planning Policy Framework 2012

National Planning Practise Guidance 2014

London Plan 2011

Camden LDF Core Strategy 2010

CS1 Distribution of growth

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS7 Promoting Camden's centres and shops

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS18 Dealing with our waste and encouraging recycling

Camden Development Policies 2010

DP1 Mixed use development

DP2 Making full use of Camden's capacity for housing

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

DP13 Employment sites and premises

DP20 Movement of goods and materials

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

DP29 Improving access

DP30 Shopfronts

DP32 Air quality and Camden's Clear Zone

Camden Planning Guidance (updated 2013)

CPG1 Design

CPG3 Sustainability

CPG5 Town Centres, Retail and Employment

CPG6 Amenity

CPG7 Transport

Assessment

1. Detailed Description of Proposed Development

1.1. The application for planning permission includes the following elements:

- Conversion and change of use from part ground floor restaurant (Use Class A) and part first and second floor 4 bedroom maisonette (Use Class C3) to self-contained restaurant (Use Class A3). The proposal would result in a new self-contained A3 unit (the building is

currently internally connected to No. 239 Camden High Street at each level). The proposal results in a total increase in A3 floor space of 57sqm. It should be noted that none of the new A3 floor space would be accessible to customers.

- Erection of half storey first floor rear extension with dimensions of 1.4m (W) x 1.1m (H) x 1.6m (D). The extension would accommodate a new internal staircase between ground and first floor levels.
- New traditional timber shopfront with columns and stall-riser.
- New canvas awning projecting 1.9m over pavement, 2.3m above pavement level.
- Alterations to fenestration on rear elevation including loss of window at second floor level, new ground floor door and vents.
- Alterations and additions to rear roof lights.
- New roof plant to roof of existing ground floor rear extension.

1.2. The application for advertisement consent includes the following elements:

- Erection of new fascia board with down-lighting. Overall dimensions of 4.5m (W) x 0.9m (H), lettering dimensions of 2.5m (W) x 0.6m (H).
- Fascia level externally illuminated projecting sign. Overall dimensions of 0.6m (W) x 0.4m (H), projecting a total of 0.8m from the front façade.

1.3. The plans suggest that the unit would be used as a gelato parlour although this would be subject to change.

1.4. In response to comments from Council Planning officers the applicant submitted revised drawings deleting proposed changes to the front first and second floor windows.

2. Principle of Development

2.1. *Loss of Residential*

The proposal, along with concurrent application 2014/6046/P, would result in the loss of a 4 bedroom maisonette. LDF policy DP2 generally resists the loss of residential floor space. While LDF Policy DP2 provides exemptions to the policy resisting loss of residential floorspace, none of these apply in this instance. While one of the exemptions allows for development that results in the net loss of one dwelling, but only applies in instances where all of the residential floor space is maintained overall. As set out in Core Strategy section CS6 and paragraph 2.6 above, the expected delivery of additional homes from 2010/11 to 2024/25 falls significantly short of the projected growth in the number of households up to 2026. Any loss of residential floorspace that could potentially house an individual or household would worsen this shortfall. Whilst the one dwelling may be relatively small on its own, that is an argument that could easily be repeated in other cases. Cumulatively, such developments could significantly undermine the aim of maximising housing provision.

The proposal has several positives, including allowing a full width shopfront to be reinstated and provide space for a new business in a primary frontage town centre location. The existing residential accommodation appears to have been neglected and would require substantial investment to meet a habitable standard. The applicant has provided a letter from the fire department that the unit is not currently fit for human habitation.

Notwithstanding the positives outlined above, given one of the primary focuses of current policy is the maximisation of residential floor space the proposal is considered to be unacceptable in principle.

2.2. Proposed Use

The proposal results in an increase in restaurant (Class A3) floor space. The site is located within the Camden Town Centre. Policy CS7 directs restaurants to established centres. Policy DP12 states that, “*Camden’s image as a dynamic and attractive place is in part due to the number and quality of restaurants, bars and entertainment venues in the borough, with Camden Town and Covent Garden having particular concentrations of such premises. These play an important part in the night time economy of Camden and of London, socially, economically and in terms of job provision*”. Furthermore, the layout suggests that the upper floors would not be used by customers, but rather would be used as offices ancillary to the ground floor. As such the additional A3 floor space is considered to be acceptable subject to a detailed assessment of the following grounds:

- Residential Amenity
- Sustainability
- Traffic & Transport
- Waste

Council’s Delegated powers are limited when an application proposes, “*a significant extension to the floorspace or hours of operation of a Class A3, A4 or A5 use*”. The increase in A3 floor space is not considered to be of a scale that requires the consideration of the Development Control Committee.

2.3. Alterations and Additions

The other alterations and additions are considered to be acceptable in principle subject to a detailed assessment on the following grounds:

- Design
- Residential Amenity
- Accessibility
- Sustainability

2.4. Advertisements

Advertisements are considered to be acceptable in principle subject to an assessment on the following grounds:

- Design
- Residential Amenity
- Public Safety

3. Design

3.1. Rear extension

The proposed first floor rear extension is considered to have an acceptable impact on the appearance of the building and the character of the area for the following reasons:

- The rear extension is a small half storey protrusion which adds minimal bulk relative to the size of the building.

- The area is characterised by much larger first floor rear extensions.
- The rear of the site is not visible from any public areas.
- The proposed rear extension is more than 1 storey below the eaves of the building, in keeping with CPG1 guidance.
- The rear extension would be of a form and style in keeping with the original building. Notwithstanding, a condition will be included requiring that matching materials be used.

3.2. Shopfront

The applicant has submitted detailed plans, sections and elevations which demonstrate that the new shopfront and awning would be more traditional than the existing shopfront and as such are considered to be in keeping with the original appearance of the building and the character of the area.

3.3. Plant & Equipment

The plant would be located on the roof of the existing single storey rear extension, replacing similar plant in the same location and would not be visible from any public place. Notwithstanding, a condition will be included restricting the placement of additional plant equipment or the like on the building without further planning permission.

3.4. Signage

The proposed signage is considered to be of an acceptable design, and have an acceptable impact on the appearance of the building and the character of the area for the following reasons:

- The proposed fascia signs are on existing fascia boards.
- The proposed fascia signs are to be externally lit with down lights which are considered to be preferable to internally lit box signs.
- The proposed projecting sign does not obscure any architectural features of the building and is considered acceptable in terms of proportions and design.
- Projecting signs are common on the street.
- The proposal is limited to 1 projecting sign.

For the reasons listed above the proposed development is considered to be consistent with policies CS14 and DP24 of the London Borough of Camden's Local Development Framework as well as Camden Planning Guidance on Design.

4. Residential Amenity

4.1. Use

The proposed use is considered to have an acceptable impact on the amenity of adjoining properties for the following reasons:

- The first and second floors would not create significant noise as they would not be accessible to customers; rather ancillary office and storage areas only. Notwithstanding, the adjoining properties do not contain residential uses. As such no condition is considered necessary with regard to sound insulation.
- The applicant did not submit proposed hours of operation. The approved hours of the

existing A3 use on the site are not known. Given the nature of the centre, the use class and the lack of sensitive adjoining occupiers it is considered that a closing time of 12:00am midnight (10:00pm Sunday/Holidays) would be appropriate. A condition is included to this effect.

4.2. Rear extension

The proposed rear extension is considered to have an acceptable impact on the amenity of adjoining properties for the following reasons:

- The rear extension is very small.
- The two immediately adjoining properties do not contain residential uses at this level and as such there would be no loss of outlook, sense of enclosure, loss of solar access or the like.

4.3. Plant Equipment

The proposal included a noise survey which found that the operating level of the proposed plant would be below that of the existing plant. Notwithstanding, a standard noise condition is recommended to ensure the proposed plant does not unacceptably affect the amenity of adjoining and nearby properties.

4.4. Signage

The proposed signage is considered to have an acceptable impact on the amenity of adjoining and nearby properties as the lighting is not considered to be at a level, or have the intensity, to affect the amenity of any adjoining or nearby habitable windows.

For the reasons listed above the proposal is considered to be in accordance with Development Policy DP26 of the London Borough of Camden's Local Development Framework.

5. Public Safety

5.1. The location and design of the proposed signage is not considered harmful to either pedestrian or vehicle traffic. The proposal therefore raises no public safety concerns.

6. Accessibility

6.1. LDF Policy DP29 requires that development seek to promote fair access and remove the barriers that prevent people from accessing facilities and opportunities. The existing building has a small step to the front door. The Applicant has stated that this is a structural beam that cannot be lowered. As an alternative the applicant has included a 'DDA call button', shown on the drawings, which would alert staff of customers needing assistance. The staff would then use a portable ramp to provide access to the customer. Given the historic nature of the building this is considered to be a practical solution. It should be noted that planning permission does not assuage the requirement that the building comply with building regulations or the Disability Discrimination Act.

7. Sustainability

7.1. LDF Policy DP22 requires developments to incorporate sustainable design and construction measures. The proposal would include new walls, windows and doors with a higher degree of thermal insulation than the existing building. Given the minor scale of the works this is

considered to be a sufficient contribution to the sustainability of the building.

8. Waste

8.1. The unit would likely dispose of rubbish bags on the street nightly for collection, as is the standard procedure for businesses in this area. A standard informative will be included alerting the applicant of Council's commercial waste requirements. The proposal is not considered likely to result in an unacceptable increase in waste generated by the site.

9. Traffic & Transport

9.1. The existing building does not benefit from any on site car parking or servicing area and none is proposed. The proposal would result in an additional business in the street owing to the consolidation of the existing restaurant in the adjoining building to the north (see concurrent application reference 2014/6046/P).

9.2. The proposal is considered to have an acceptable impact on the local traffic system for the following reasons:

- The unit would benefit from on-street loading bays to the front of the site.
- The proposal results in a relatively small increase in the number of businesses on the high street given its overall size.
- Historically the building was in use independently of No. 239 Camden High Street.
- The majority of customers are likely to arrive via public transport or on foot.

9.3. Given that the proposal does not result in a significant increase in A3 floorspace accessible to customers the provision of cycle parking is not considered to be necessary.

10. Recommendation

- 10.1. Refuse Planning Permission.
10.2. Grant Advertisement Consent.