

Delegated Report		Analysis sheet		Expiry Date:	08/09/2015
		N/A / attached		Consultation Expiry Date:	06/08/2015
Officer			Application Number(s)		
James Clark			2015/3264/P		
Application Address			Drawing Numbers		
69 & 71 Camden Road London NW1 9EU			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from A1 to mixed A3/A4 use and shop front alterations.					
Recommendation(s):		Refused Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	23	No. of responses	1	No. of objections	0
			No. electronic	0		
Summary of consultation responses:	<p><u>85 Hyde Park Avenue (Freeholder of both 69 & 71 Camden Road)</u></p> <p>Since the arrival of big supermarkets such as Sainsburys, which is only a few metres down the road from the above shop there has been a decline in sales and my tenants were struggling to pay the rent.</p> <p>I've been trying to rent the shop for a good few months unsuccessfully. I was approached by the current leaseholder of 69 Camden Road which I am also the freeholder for that building. A 25 year lease was set up for both 69 and 71 Camden. The leaseholder has plans to obtain an entertainment licence and expand the business at both 69 and 71 Camden. I fully support him in his venture if he is to be granted a licence as I believe that Camden is an ideal location for this kind of business.</p> <p><u>Officer comments</u></p> <p><i>The submitted correspondence is from the leaseholder of the property and therefore is primarily concerned with its continued operation and ability to provide continued revenue. The application must go through the correct scrutiny and meet Camden policy in relation to the proposed change of use.</i></p>					
Camden Broadway CAAC	Camden Broadway CAAC was consulted but no comment was received					
Transport response (Internal)	The Transport department has no objections to the change of use (comments below in delegated report)					

Site Description

The site is a three storey building with a mansard roof extension on the site of no 71. The site currently comprises Slattery's bar/pub at 69 Camden Road and a vacant retail unit at 71 Camden Road. The site fronts Camden Road on its western side, to the north of the junction with Rousden Street. The site is part of a neighbourhood centre and is within the Broadway conservation area.

Relevant History

71 Camden Road

Ref - 2015/3988/A - Signage alterations to No.69 and No.71- Decision pending

Ref - 9100254 – Change of use of first floor from Industrial (B1 c) to a self-contained bedsit flat together with works of conversion as shown on drawing nos. CLEO-71-1, Approved June 1991

Ref - 8903153 - The erection of a first floor rear extension to the existing dressmaking factory – Refused May 1989

Relevant policies

National Planning Policy Framework (2012)

The London Plan March 2015, consolidated with alterations since 2011

LDF Core Strategy and Development Policies

Core Strategy (2010)

CS1 (Distribution of Growth)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and Shops)

CS14 (Promoting high quality places and conserving our heritage)

Development Policies (2010)

DP12 (Supporting Strong centres and managing the impact of food, drink and entertainment)

DP20 (Movement of goods and materials)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP28 (Noise and Vibration)

DP30 (Shop fronts)

Camden Planning Guidance

CPG1 Design 2015 (Section 7)

CPG 5 Town Centres, Retail and Employment, 2013 (Section 2 & 6)

CPG 6 Amenity 2013 (Section 4 & 9)

CPG7 Transport 2013 (Section 4)

Conservation Area Appraisal Statement

Camden Broadway conservation area appraisal and management strategy - February 2009

Assessment

Proposal

Planning permission is sought for the change of use from A1 to mixed A3/A4 use and combining with the adjacent unit no 69 currently operating and authorised as an A4 class use. Exterior changes to the shop fronts of both no 69 & 71 (signage subject to a separate advertisement consent application).

The main planning considerations are,

- Loss of A1 retail unit
- Principle of change of use to A3/A4
- Impact on surrounding amenity
- Impact on the character of the Conservation Area
- Transport implications

Loss of A1 retail unit

Policies CS7 of the Core Strategy, DP12 of the Development Policies states that the Council will apply a sequential approach to retail and neighbourhood centres, providing for, and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. DP12 focuses on the effect of non-retail development on shopping provision and the character of Camden's retail centre. Resisting the loss of shops where this would cause harm to the character and function of a centre or shopping provision in the local area.

The site is located within a neighbourhood centre providing peoples day to day needs. As a guide Camden would resist schemes that result in less than 50% of ground floor premises being in retail use or more than three consecutive premises being in non-retail use. The proposed change from A1 to A3/A4 would not result in 3 consecutive premises being non retail but would result in less than 50% below retail in the parade. Of the 11 existing units, 4 units are A1 (including the application site no 71) = 36% of the total. The loss of a further unit would reduce the overall percentage to 27%.

Camden Councils seeks to promote A1 retail shops and functions but recognises that "where a planning application proposes the loss of a shop in retail use, we will consider whether there is a realistic prospect of such use continuing. We may require the submission of evidence to show that there is no realistic prospect of demand to use a site for continued retail use" (section 2.9 of CPG5).

Section 2.10 of the CPG5 provides some examples below,

Depending on the application the Council may require some or all of the following information:

- Where the premises were advertised (shop front; media, web sources etc) and when (dates);
- How long the premises were advertised for and whether this was over a consistent period;
- Rental prices quoted in the advertisement (we expect premises to be marketed at realistic prices);
- Copies of advertisements;
- Estate agents details;
- Any feedback from interested parties outlining why the premises were not suitable for their purposes; and
- Consideration of alternative retail uses and layouts.

The applicant has submitted a cover letter from Regent 200 properties Ltd confirming that the site at no 71 Camden Road was advertised for 2 months from February 2015. The property was then withdrawn and the property subsequently let to no 69 Camden Road. The lack of a detailed marketing

assessment and the short time of advertisement are considered to be insufficient to warrant granting of the change of use on viability grounds. The site should be advertised for a sufficient amount of time at a reasonable market rate prior to consideration by the Council that the continued operation as an A1 retail use is not feasible.

The lack of an adequate Marketing assessment, the short time of advertisement and the significant drop in the percentage of retail uses in the neighbourhood centre to 27% fails to comply with the required policies.

Principle of change of use to A3/A4

A core aim of policy DP12 (Development Policies) and CS7 (Core strategy) is to minimise the harmful impact of food and drink entertainment on the character and vitality of neighbourhood centres in Camden. "It recognises both the positive and negative impacts of food, drink and entertainment uses. Whilst these uses contribute to the vibrancy and attractiveness of the borough, they can also cause harm to areas in which they are located, including potential impacts on residential amenity".

The application property would be merged with no 69 that currently operates as an A4 bar/pub creating a double unit operating as an A4 class use with ancillary A3 uses on the site of no 71. Guidance in CPG5 section 3.62 states that locations suitable for food and drink should not be greater than 100sqm within neighbourhood centres, the amalgamation of no 69 & 71 would result in a gross floor space of 198sqm, considered unacceptable in principle within a neighbourhood centre.

Impact on surrounding amenity

DP12 seeks to manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address the amenity impacts. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful effect on amenity.

The proposed change of use to an A4 class use with ancillary A3 use and subsequent amalgamation with no 69 to form premises with an approximate gross floor space of 198sqm would result in some additional amenity harm to the location. The design and access statement has stated that installation of sound insulation to the ground floor ceilings would be carried out however comments from the Council's noise officer has raised concerns regarding the lack of detail in terms of methodology and materials to be used. The lack of noise insulation details are insufficient to comply with policy DP28 and do not safeguard the amenity of the residential units above the shop units.

On balance the doubling of the floor area would increase the potential number of customers but there is no evidence to suggest that the potential increase in customers would result in unreasonable amenity impacts to the surroundings. There is no history of complaints related to Slattery's at no 69 Camden Road. However the lack of any sound insulation details and the likely requirement for either mechanical extraction fans for the ancillary A3 use means there is no evidence that the residential units above the shops would be harmed by the development and therefore the proposal is contrary to DP26 of the development plan policies.

Impact on the conservation Area

The proposed exterior changes to the ground floor shop front of both no 69 and no 71 are considered to be acceptable to policy DP24, DP25 and DP30 of the Camden Development plan documents. The shop front alterations are modest and formalise the proposed merged use of no 69 and no 71. The

existing folding doors on no 69 would be replaced with a central entrance door and the windows would be replaced. The greatest alterations would affect no 71 changing the fenestration pattern, increasing the decking area to the front of the property and installing a new awning below the proposed signage, identical to the proposed alterations on no 69. The formalisation of the shop fronts is sensitive to the surroundings, improves the character and quality and is considered to be in accordance with policy DP30.

Transport Implications

The proposed conversion from of no 71 from A1 retail use to A3/A4 bar/pub/restaurant and subsequent merging with no 69 would unlikely result in any additional deliveries that would require a delivery and servicing management plan. The site fronts Camden Road on a Red Route for which Transport for London are the highway authority. Red Route bay restrictions immediately outside the site prevent stopping between 7am and 7pm Monday to Saturday, however parking is permitted between 7am and 4pm for up to 30 minutes with no return within the hour, with unrestricted parking allowed outside the general hours of operation.

The site has a PTAL score of 6a which indicates that it has an excellent level of accessibility by public transport. The nearest station is Camden Road, located in very close proximity to the south of the site, whilst Camden Town station is located to the south west. The nearest bus stops are located on Camden Road, St Pancras Way and Royal College Street. The high PTAL level and modest floor space to be converted to A3/A4 use would not result in additional parking or taxi drops off and therefore the transport implications would be acceptable.

It is considered that the proposed demolition and construction works are unlikely to be significant enough to warrant a Construction Management Plan or a contribution towards footway repaving.

Conclusion

The proposed change of use from a retail A1 use to a mixed A3/A4 use would reduce the percentage of A1 units in the neighbourhood centre to level below the Camden expectation and contrary to policy DP12. The applicant has failed to provide evidence in the form of an acceptable marketing assessment that would warrant the change of use on viability grounds. Guidance in CPG5 generally discourages the establishment of A4 uses that are above 100sqm in floor area within a neighbourhood centre. The lack of detailed insulation information illustrating the noise implications to the residential units above the shop units fails to meet policy DP26 and DP28 of the Development Plan documents.

Recommendation: Refuse Planning Permission