

**PRIOR APPROVAL APPLICATION
FOR A PROPOSED CHANGE OF USE
CLASS A1 TO CLASS A3**

82 CAMDEN HIGH STREET, LONDON NW1 0LT



4 December 2015

This statement supports an application for prior approval for change of use from A1 (shop) to A3 (restaurant and café) under permitted development subject to the conditions of 'Class C' of the Town and Country Planning (General Permitted Development) (England) Order 2015.

1. Applicant:

Name: Mr Mahmood Alokozai

Address: as Agent

2. Agent:

Name: Mr Brian Gatenby

Address: Get Planning & Architects Limited, Burgate, 63 Cedar Road, Sutton, Surrey SM2 5DJ

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3. Site Address:

82 Camden High Street, London NW1 0LT

4. Description of proposed development: Change of use of ground floor from A1 (shop) to A3 (restaurant).

5. The Site:

The application site is a mid-terrace plot located on the north side of Camden High Street and currently comprises of a shop on the ground floor and storage area at basement. Camden High Street consists mainly of mixed use class commercial properties on the ground floor with residential properties on the upper floors.

6. National Policy:

6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 provides that (a) a change of use of a building within Class A1 (shops) or Class A2 (financial and professional services) to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order and (b) building or other operations for the provision of facilities for (i) ventilation and extraction (including the provision of an external flue), and (ii) the storage of rubbish, is permitted development provided the matters detailed below are satisfied.

- a) The cumulative floor space of the existing building changing use under Class C does not exceed 150 square metres
- b) The development (together with any previous development under Class C) would not result in more than 150 square metres of floor space in the building having changed use under Class C
- c) The land or site on which the building is located is not or does not form part of—
 - i. a site of special scientific interest
 - ii. a safety hazard area
 - iii. a military explosives storage area
- d) the site is not, or does not contain, a scheduled monument
- e) the land or building is not a listed building or is not within the curtilage of a listed building

6.2 Under the Town and Country Planning (General Permitted Development) (England) Order 2015 'Class C(a)' development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- a) noise impacts of the development
- b) odour impacts of the development
- c) impacts of storage and handling of waste in relation to the development
- d) impacts of the hours of opening of the development
- e) transport and highways impacts of the development
- f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use –
 - i. On adequate provision of services of the sort that may be provided by a building falling within A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
 - ii. Where the building is located in a key shopping area, on the sustainability of that shopping area

- 6.3 Under the Town and Country Planning (General Permitted Development) (England) Order 2015 'Class C(a)' development together with 'Class C(b)' development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs 6.2 a) to f) above together with
- g) The siting, design or external appearance of the facilities to be provided under Class C(b).

7. Conditions satisfied:

The proposed use meets the conditions stated above at Section 6.1 in that the cumulative floor space of the existing building does not exceed 150 square metres and the development would not result in more than 150 square metres. All remaining conditions are also met.

Conditions under Section 6.2 and 6.3 above are also met as detailed below.

7.1 Noise:

The proposed restaurant will have approximately 20 seats inside. Due to the location of the restaurant within Camden Town Centre, the nature of proposed 'healthy kebab and sandwich' restaurant, and the small amount of provided covers, it is considered that there would be no increase in the level of the existing noise.

7.2 Odour:

Appropriate extraction equipment will be installed in order to comply with

- Policy DP26-Managing the impact of development on occupiers and neighbours- of Camden Local Development Framework as adopted in 2010
- guidance set out by DEFRA in its 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' issued in 2005

Therefore, the installation of the flue is considered essential in order to comply with DEFRA Guidance.

The applicant intends to install modern ventilation systems to the standard required by the Council in order to minimise any detriment to the residential amenity of the area.

7.3 Storage and handling of waste:

An external waste facility storage to satisfy the waste produced by the restaurant is designed within the 'rear patio', under staff control. Collection will be arranged to take place daily.

7.4 Hours of opening:

The opening hours of other restaurants in the area have been considered. Therefore, the applicant requests the operating times of the restaurant to be 9.00am to 4.00am 7 days a week.

7.5 Transport and Highways:

The PTAL rating for this site is 6b.

Bus Services: the area is served by 12 bus routes of which the majority are within 100m walking distance and provide a total of 114 buses per hour.

Rail Services: The site is located between Camden Town and Mornington Crescent underground stations.

7.6 Impact of change of use:

The site is situated within Camden Town Centre and the shopping frontage has been designated as a Core Shopping frontage in the southern part of the Centre.

When considering planning applications, the Council apply their guidance as set out in their Planning Guidance Note 5 "Town Centres, Retail and Employment". In this location the Council seek to maintain a minimum of 75% of the shopping frontage in A1 retail use, and a maximum of 20% in A3, A4 or A5 uses. Appendix 3 of Guidance Note 5 provides guidance as to how to calculate the percentages of uses for frontages.

Whilst this is a Prior Approval application, compliance or otherwise with Guidance Note 5 can provide a good indication as whether the proposed A3 use would result in any harm as specified by condition f) of the GPDO, i.e. whether there is inadequate provision of A1 retail shops in the area, and on the sustainability of the shopping area.

In this case the proposal complies with the guidance set out in Guidance Note 5 and accordingly condition f) is satisfied.

Appendix 1 of Guidance Note 5 suggests that the property falls within Camden Town core frontage south denoted as "38-224 Camden High Street (E side)". For the purposes of calculating frontage percentages, they will start at a road junction and are ended at roadways that interrupt the run of premises (Paragraph 8.5 of Appendix 3). So in this case, the frontage can be identified as being between Pratt Street to the north and Plender Street to the south, that is Nos. 50 to 98.

The current occupation and use of these premises are identified in Table 1 below.

Table 1

Address No.	Operator	Use Class
48-50	Public House	A4
52-56	£1 Shop	A1
58	Off Licence Shop	A1
60	Printing Services	A1
62	William Hill	Sui Generis
64-70	Lidl	A1
72-76	Argos	A1
78	Currently vacant, formerly 'Savers'	A1
80	Hairdresser	A1
82	The Application Property	A1
84	Key Cutting	A1
86	Subway	A1
88	Patisserie	A1
90	Pawnbroker	A1
92	Hairdresser	A1
94-98	Halifax	A2

On this basis, the current unit mix of the 16 units within the frontage are as follows:

A1 - 13 units – 81.25%

A2 - 1 unit – 6.25%

A4 - 1 unit – 6.25%

Sui Generis- 1 unit – 6.25%

With the proposed use, the unit mix would be as follows:

A1 - 12 units – 75%

A2 - 1 unit – 6.25%

A3 - 1 unit – 6.25%

A4 - 1 unit – 6.25%

Sui Generis- 1 unit – 6.25%

The above therefore demonstrates that the existing frontage is a vibrant parade and that even with the proposed use of No.82 for A3 purposes, the percentage of A1 retail units within the frontage would remain in accordance with the Council's policies and guidance.

Moreover, there is a good variety of different retail stores within the frontage, including national chains and large stores such as Lidl and Argos which in themselves provide a wide variety of goods and which contribute significantly to the vitality and viability of the shopping parade. A similar or competing use within the application property would not be viable given the strong competition that already exists in the area. The proposed use would not harm the existing shopping function but would contribute to its vitality.

The proposed use would not harm the sustainability of Camden as a shopping area, and there would remain adequate provision of A1 retail services within the area. The requirements of condition f) of the GPDO are therefore satisfied.

7.7 Viability of existing retail:

It is acknowledged that the previous retail shop at the application site had closed down, leaving the property empty for a long period of time, before the applicant agreed to take over. Some of the retail shops at Camden High Street that have been closed down in 2015 are: 'Collective' at No. 161, 'Central' at No.163, 'A&K warehouse' at No. 152, and 'Collective' at No. 69.

As detailed in Section 7.6 of this statement, there are several large retail chains in the area that act as competitors amongst each other, and which have a serious effect on the viability of the application property operating as an A1 retail shop. There also remains one vacant A1 shop within the parade that was formerly occupied by a "savers" store, and its demise is an indication of the intense competition that exists in the area. Notwithstanding that the loss of the application property as a small A1 use would still be in accordance with Council's policies and guidance, the Applicant is simply unable to continue to afford to keep the premises in A1 use.

In this respect a Director's report and financial statements have been prepared by Doshi Accountants Limited in support of this application. In addition, a supporting letter has been prepared by Doshi & Co Accountants. The reports and letter conclude that the existing retail business is not viable.

The applicant requests that these documents are considered by the Council but kept confidential.

Also due to the fact that the applicant has 10 years of experience in running a restaurant business, it is concluded that A3 use will make the business financially viable.

7.8 External appearance:

No external change is proposed within the scope of this application.

8. Conclusion

The application site does not present any noise, odour, storage and handling of waste, hours of opening, or transport impacts and the proposal offers a high quality conversion development in keeping with the surrounding area. The change of use will not impact to any significance on the provision of services within the area and the change of use will not impact on the sustainability of the area.

It is therefore suggested that prior approval is not required.

APPENDIX A- PTAL REPORT