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Planning Statement

Change of Use from A1 (Shop) to Dual Use A1/A3 (Restaurant/Cafe)

2A England's Lane

London

NW3 4TG

September 2016

1458/CMIWC/

London Borough of Camden

Introduction

1. This planning statement has been prepared to support the application for a change of use application seeking to vary the existing A1 (Shop) Use to a dual use A1/A3 (Cafe/Restaurant).
2. The proposal site is currently being lawfully managed as Bonjour Brioche café (use class A1). Whilst the cafe is popular the potential of the business is being curtailed by the A1 designation. The cafe cannot effectively compete with the surrounding A3 cafes and restaurants, nor benefit from a modest increase in covers to ensure efficient use of the available floorspace.
3. The applicant previously sought prior approval for the proposed change of use in May 2016 (LPA ref: 2016/0948/P). The application was not successful.
4. This new application seeks to overcome the concerns raised in 2016/0948/P:
 - a. Now seeking consent for mixed use (A1/A3) to ensure the unit has flexibility in its future uses. This is in accordance with local and national policy;
 - b. Provided further analysis of policy and precedent; and
 - c. Undertaken an update to the retail assessment of the neighbourhood centre.

Figure 1: Bonjour Brioche café



The Site and Local Context

Local Context

5. Englands Lane provides a rich mix of shop frontages in a predominantly residential area. The proposal site lies within this eastern section of the street forming the first redbrick townhouse terrace on the corner of England Lane and Antrim Road.

The Site

6. The application site is a ground floor premise located in a three storey redbrick townhouse. The building lies on the junction of England's Lane and Haverstock Hill and is currently operating as a cafe/bakery (A1).

Planning History

7. According to the local authority's planning application database, there has been one previous planning application. For ease of reference these have been listed below;
 - I. **2016/0948/P:** Prior Approval for Change of use from A1 (retail shop) to A3 (Cafe Restaurant). **Refused 27th May 2016**
8. The refusal for prior approval and the ways in which this application seeks to overcome the previous concerns will be discussed in the policy analysis section of this document.

Planning Proposals Map

9. According to the local authority's planning proposals map, the site lies within the Belsize Park Conservation Area and forms part of a designated Neighbourhood Centre. Please see Figure 2.
10. These matters have been addressed in the following sections.

Figure 2: Camden Planning Proposals Map Extract



Planning Policy

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.
12. The relevant policies against which to assess this proposal are contained within the Camden Core Strategy (2010), Camden Development Policies Document (2010), The Camden Planning Guidance CPG5 (2013), The Belsize Conservation Area Statement and the National Planning Policy Framework (NPPF).

The Development Policies (2010)

Policy DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

The Camden Planning Guidance CPG5 (2013)

→ Paragraphs 3.59 to 3.61

National Planning Policy Framework (2012)

- Chapter 2 (Ensuring the vitality of town centres)
- Chapter 4 (Promoting sustainable transport)
- Chapter 7 (Requiring good design)
- Chapter 12 (Conserving and enhancing the historic environment)

Policy Analysis

Matters of Common Ground

13. After an extensive review of the officer's report from the previous application in May 2016 (LPA ref: 2016/0948/P) and the objections from neighbours, we seek to address the areas of concern raised to ensure the proposal is in compliance with local planning policies. However, for the sake of efficiency and consistency in decision making, we will not revisit planning considerations which the case officer concurred would not harm or be in conflict with local planning requirements.
14. On this basis, we conclude that there are a number of planning factors linked to the proposed change of use which the local authority agree would not harm the building, conservation area and neighbouring amenity. These matters include;
 - Noise;
 - Odour;
 - Storage;
 - Waste;
 - Opening hours; and
 - Transport and highways.
15. For ease of reference, we have included the case officer's report under appendix A.
16. The area of dispute which remains is the council's neighbourhood centre policies for England's Lane. Consequently, the requirements and policies related to the neighbourhood centre designation have been analysed and discussed in the following section.

Neighbourhood Centre Designation

17. Bonjour Brioche is located within a designated Neighbourhood Centre. Consequently, the policies which are relevant for consideration are DP12 of the Camden Local Development Policies and CPG5 guidance. The primary focus of these documents is to ensure the new proposal does not harm the character, vitality and viability of the centre.
18. Furthermore, the local authority's guidance document CPG5 notes that, as a guide, the council may resist schemes that result in;
 - Less than 50% of ground floor premises being in retail use; **or**
 - More than 3 consecutive premises being in non-retail use.
19. Consequently, the proposal should comply with a minimum of one of the above guidelines. It is our position that the proposal complies with both.
20. Firstly, should consent be approved there will still be more than 50% of England's Lane in retail use (please see figure 3 and 4 on the following page). The majority of facilities uses have been confirmed through the local authority's planning history database, images collected on a site visit undertaken in August 2016, and confirmation in an officer's report from 2010 (LPA ref: 2010/0028/P).
21. According to our investigation, currently out of the 36 premises located on Englands Lane, 23 units are of A1 use (63% A1 units). Therefore, if Bonjour Brioche were granted a dual use of A1/A3, the street would continue to have 61% of units as A1.
22. Secondly, units 2, 2b, 2c and 4 already form a cluster of non-retail units. It is our position that the current proposal would not worsen the position, especially given that the current A1 cafe use (with licence for outside seating) is not materially different to the A3 proposal.
23. Despite being policy compliant, the applicant is also proposing a dual use to allow the unit to return back to being wholly an A1 retail unit should Bonjour Brioche vacate the site in the future. This reflects government policy and advice for flexible uses (see the range of GPDO powers and para 21 of NPPF). It also echoes the findings of the Camden Retail and Town Centre Study (November 2013) at para 8.37: *"...where appropriate allow greater flexibility of uses to encourage social activity in peripheral retail areas"*.
24. Taking the above matters into consideration, we believe the proposal seeks to ensure the general thrust of policy DP12 and the guidance document CPG5 are being upheld and the minimum requirements have been met and exceeded.

Figure 3: Current Use Class of Stores on England's Lane Table (August 2016)

Address	Use Class	Address	Use Class
2	A1/A3 Ginger and White (cafe/restaurant)	32	A3 Lotus and Frog
2A	A1 Bonjour Brioche (cafe)	34	A3 Curry Manjill
2B	A3 IL Primo (restaurant)	36	A3 Paradisco
2C	A2 Knights Estate Agent	38	A2 Kinleigh Folkard and Hayward
4	A2 Kernhams Estate Agents	40	A1 Barretts Butchers
6	A1 Brocklehurst Carpets/Flooring	42	A1 Lauren Nicholas
8	A1 Perspective Optometrists	44-46	A1 Tesco Express
10	A1 Visage Hair Salon	48	A1 Chequers Dry Cleaners/Laundrerers
12	A1 American Dry Cleaner Company	50	A4 Public House
14	A1 Terrozzo Tiles	55	A1 Starbucks Coffee
16	A1 Belsize Health/Beauty Clinic	53	A1 Harvey Jones
18	A1 Fernskin Health	51	A1 RKP Hardware
20	A1 Ecora (wood flooring shop)	49	A1 Englands Papers
22	A1 Jenny Jordan Makeup	47	A1 Launderette
24	D1 Dental Surgery	45	A1/A3 Chamomile (patisserie/cafe)
26	A1 Ripples (bathroom shop)	43	A1 Living in Space
28	A1 Allchin Pharmacy	41	A1 Black Truffle (deli & coffeehouse)
30	A3 Moonnite	Studio 41 -43	D1 Fine Arts College

	Count	Percentage
A1 units	23	63%
Non-retail units	13	36%
Total	36	

The above table is based on: (1) a similar table from LPA ref: 2010/0028/P; (2) planning history checks; and (3) professional judgement where no records are available.

Figure 4: Current Use Class of Stores on England's Lane Visual (August 2016)



Material Considerations

NPPF and NPPG

25. The NPPF and NPPG should be a strong material considerations.
26. Paragraph 21 of the NPPF notes: *Investment in business should not be overburdened by the combined requirements of planning policy expectations.*
27. NPPG 2b-001-20140306 notes: *Local planning authorities should plan positively, to support town centres to generate local employment, **promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.** [Our Emphasis].*
28. It is the applicant's position that the cafe business is currently being stifled by the A1 use class. On a practical level the change from A1 to A3 for Bonjour Brioche will have an

imperceptible impact on England's Lane Neighbourhood centre, but will provide a much needed boost to flexibility and competitiveness for the applicant.

No external alterations

29. It should be noted that we are not proposing any external alterations to the existing business, therefore visually from the streetscene, the business would appear to be running in an almost identical fashion as it has been for the last 4 years.

Dual use

30. The change of use to a dual use would provide flexibility to applicant whilst ensuring that the premises can roll back to an A1 use in the future. There will therefore not be a permanent loss of A1 at the application site.
31. Such flexibility is encouraged and welcomed by government.

Fall back

32. The applicant is considering changing the use of the premises to A3 under Part 4 Class D of the The Town and Country Planning (General Permitted Development) (England) Order 2015.
33. This does not involve any "prior approval" process. After notification the applicant can operate as an A3 cafe for 2 years.
34. This permitted use is a valid fall back position and should be given weight in decision making.

Job security and competitiveness

35. The proposed change of use will aid the business in remaining competitive against the surrounding businesses. This will in turn improve and reinforce local employment opportunities
36. We believe all of the above is in accordance with the general thrust of national and local planning policies and should be given appropriate weight in the decision making process.

Conclusion

37. It is considered that the proposed change of use would accord with the requirements set out under both local and national planning policies. Furthermore, the proposal meets the aims of sustainable development and the requirements set out under the council neighbourhood centre guidance and policies.
38. The proposal is in compliance with the requirement set out under CPG5 by ensuring that over 50% of available units are capable of A1 use.
39. The application will allow the business to remain competitive and serve a greater number of residents and visitors in the local area, whilst maintaining the individuality and key characteristics of England's Lane.
40. The proposed change of use from an A1 unit to a A1/A3 dual use unit has addressed the previous concerns of the local authority in the permanent loss of an A1 unit. Through the proposed dual use approval, the A1 use will be retained and can be implemented, if the existing business leaves the premises.
41. Taking the above matters into consideration, we believe the proposal is compliant with local and national planning policies and should be approved. Please do not hesitate to contact us if you require further information or wish to discuss matters further before issuing a decision.