

Mr Rhys Govier
Savills
12 Windsor Place,
Cardiff,
CF10 3BY

Application Ref: **2017/1142/P**
Please ask for: **Anna Roe**
Telephone: 020 7974 **1226**

19 May 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
231-233 Camden High Street
London
NW1 7BU

Proposal: Change of use from Class A1 (retail) to a mixed use (Sui Generis) of A1 (retail) and A3 (restaurant).

Drawing Nos: TD16-PM69-P01; TD16-PM69-P02; TD16-PM69-P03; TD16-PM69-P04; TD16-PM69-P05; TD16-PM69-P06; Site location plan; Planning, Design and Access Statement prepared by Savills dated Feb 2017.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: TD16-PM69-P01; TD16-PM69-P02; TD16-PM69-P03; TD16-PM69-P04; TD16-PM69-P05; TD16-PM69-P06; Planning, Design and Access Statement prepared by Savills dated Feb 2017.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Camden Local Plan Submission Draft 2016.

- 4 The use hereby permitted shall not be carried out outside the following times 06.30 to 21.00 Monday to Saturday, 07.30 to 20.00 Sunday and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 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 premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 6 The use hereby approved shall operate as a mixed use restaurant and retail unit (Sui Generis) only, in accordance with floorplans and supporting statements hereby approved with a designated retail sales counter at ground floor level, and shall be used for no other purpose in the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without first obtaining planning permission, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the occupation of the building does not adversely affect the immediate area and the primary retail frontage in terms of its retail function, vitality

and viability and of local amenity, in accordance with policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1, A4, TC1, TC2 and TC4 of the Camden Local Plan Submission Draft 2016.

Informative(s):

1 Reasons for granting permission

This application is for the creation of a Sui Generis mixed use (A1/A3) unit. The proposed use is considered to be a mixed use A1/A3 unit as the operation involves retail sales of food items for consumption off the premises as the unit has retail sales counters at ground floor level.

The application site is located in a town centre location in a designated Core Frontage. The Council's primary objective here is to ensure that new developments do not harm the character, function, vitality and viability of the centre, particularly its shopping function.

Paragraphs 3.7-3.12 of CPG5 states that in Camden Town Core Shopping Frontage (South) planning permission will not be granted for a development which results in the number of ground floor premises in retail use falling below 75%. New food, drink and entertainment uses may be acceptable up to a maximum of 20% of each street frontage and no more than two consecutive non-retail uses (including restaurants) will be permitted, to avoid excessive fragmentation of the centre. Of the 22 units in the frontage which stretch from Jamestown Road to Inverness Street, following the proposed change of use, eighteen units (82% of the frontage) would be in retail use, whilst 4 (18%) would be in non-retail use. The neighbouring units at nos. 229 and 235 are both in retail use, consequently no two units would be in consecutive non-retail use. As such, the proposal is not considered to cause harm to the character, function, vitality, or viability of the Town Centre.

The proposed operating hours are to be 06.30 to 21.00 Monday to Saturday, 07.30 to 20.00 Sunday and Bank Holidays. The activity is considered acceptable given that the property is located on a busy commercial road.

The proposed change of use is acceptable in respect of fumes and odour, by nature of the fact that no extraction systems are required.

It is not considered that the proposal would cause undue harm to the residential amenities of nearby and neighbouring properties. Camden High Street is already a busy thoroughfare which experiences a high level of general activity and it is not considered that allowing the permanent change of use of the application premises would cause significantly more harm to any nearby residential properties.

No objections were received in relation to this proposal. The sites' planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS1, CS2, CS5, CS8, CS9, CS10, CS14 and CS16 of the London Borough of Camden Local Development Framework Core Strategy, policies DP10, DP12, DP13, DP15, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies and policies D1, D2, A1, A4, TC1, TC2 and TC4 of the Camden Local Plan Submission Draft 2016.

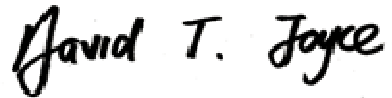
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning