

**145 FINCHLEY ROAD, SWISS COTTAGE, LONDON,
NW3 6JJ**

PLANNING, DESIGN & ACCESS STATEMENT

**CHANGE OF USE OF GROUND-FLOOR AND
BASEMENT OF 145 FINCHLEY ROAD FROM BANK
(CLASS A2), TO A MIXED USE AS A COFFEE SHOP -
CLASS A1 AND CAFÉ - CLASS A3 (CLASS SUI
GENERIS)**

ON BEHALF OF STARBUCKS COFFEE CO (UK) LTD.

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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1. INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of our client, Starbucks Coffee Co (UK) Ltd to support an application for Change of use of ground-floor and basement of 145 Finchley Road from a bank (Class A2), to a mixed use as a coffee shop - Class A1, and café - Class A3 (Class sui generis).

The Application Pack

1.2 In accordance with the Council's validation checklist, this application for full planning permission comprises:

Planning Statement (Pegasus Group);

Planning application forms, certificates and notices duly completed;

Site Location Plan;

- Floor Plans - Ground Floor
- Floor Plans - Basement

Report Structure

1.3 This Statement is set out as follows:

- **Section 2** provided a description of the application site and surrounding context
- **Section 3** summarises the planning history
- **Section 4** provides a description of the application proposals
- **Section 5** sets out the planning policy position
- **Section 6** provides an assessment of the proposals against the relevant planning policy and other material considerations; and
- **Section 7** concludes this report

2. SITE DESCRIPTION

- 2.1 The ground-floor and basement level of this 13 storey building has most recently been operated as a branch of Lloyds Bank. This use has now ceased however and the property is currently vacant. The upper floors of the building are being converted to residential use as part of the 'Centre Heights' residential scheme.
- 2.2 The site has a frontage onto the western side of Finchley Road, and is within a parade of shops that forms part of the Core Retail Frontage in the Finchley Road/Swiss Cottage Town Centre.
- 2.3 Swiss Cottage Station (providing access to the Jubilee Line), is immediately to the south of the site.
- 2.4 The existing building is not statutorily or locally-listed and it is not within a Conservation Area.

3. PLANNING HISTORY

- 3.1 A search on Camden Council's planning application search facility reveals that the site has a limited planning history. Details of the application records held online are set out below.
- 3.2 The most recent planning application record relates to a planning application (Ref: 2013/0822/A), which was approved in April 2013. This resulted in the approval of planning permission for the display of internally illuminated fascia, internally illuminated projecting sign and an internally illuminated ATM header, all to existing shopfront (Class A2).
- 3.3 There are a number of other planning application records which pre-date this. These include the following:

Application Ref	Development Description	Outcome
2006/5028/A	Display of 1 x internally illuminated fascia sign and 1 x internally illuminated projecting sign.	Approved: 07/11/2006
AW9802724	Replacement of fascia, name plates, and projecting signs, as shown on drawing number; 48844-10.	Approved: 22/09/1998
9180083	The display of an internally illuminated main fascia sign measuring 10.7m x 0.7m and internally illuminated projecting sign measuring 0.674m x 0.623m x 0.203m as shown on drawings nos. 5.9 5.10 4844/02B 14A and one un-numbered site plan.	Approved: 15/05/1991
9100490	The installation of a new frontage to bank as shown on drawing nos. 4844/14A 01 02B and site plan.	Approved: 15/05/1991
9005541	Installation of a cash dispenser to replace existing machine as shown on drawing no. 0246/1/1A revised on 09.04.91.	Approved: 06/09/1990

4. PROPOSED DEVELOPMENT

- 4.1 As outlined above, this application seeks planning permission for the change of use of the premises, but does not seek permission for any other alterations to the property at this stage. However, it is acknowledged that planning permission would be required for any shopfront alterations or external changes to the building in order facilitate any change of use, and that separate applications would be required in order obtain this at a subsequent stage.
- 4.2 On this basis, the application seeks consent solely for the principle of the proposed use in this location and this would remain the sole consideration in determining an application.
- 4.3 The existing floor plans are submitted to provide an indication of how the current layout and the ground-floor and basement have previously been laid out when used as a bank.
- 4.4 While no drawings are submitted demonstrating how the unit may be laid out, it is clear that the size and configuration of the unit lend themselves to occupation as a retail coffee shop which Starbucks would occupy in a manner consistent with its standard model of operation across 850 stores throughout the UK. Typically, these stores trade as Class A1 retail due to the fact that the stores primarily serve hot and cold drinks and cold food to take-away.
- 4.5 However, in this case, the proposed mixed A1/A3 (sui generis), use reflects the presence of customer seating and facilities which are associated with a balance between the consumption of hot and cold drinks and light meals/snacks on the premises as opposed to takeaway coffee

5. PLANNING POLICY

Statutory Development Plan

5.1 The Development Plan for the London Borough of Camden comprises of:

- The London Plan
- Camden Core Strategy (adopted November 2009)
- Camden Development Policies (adopted November 2010)

London Plan – Consolidated London Plan incorporating Minor Alterations to the London Plan – MALP (March 2016)

The London Plan sets the strategic framework for planning across London.

5.2 The London Plan sets out the overall strategic vision for London. The most recent version is from March 2016.

5.3 Chapter 4 deals with London's economy. This chapter promotes a competitive economy for the city, which meets the challenges of economic and population growth.

5.4 Policy 4.1 seeks to promote and enable a diverse economy in London, including sustaining the regeneration of inner London, including in areas with concentrations of deprivation.

5.5 Policy 2.15 relates to town centres. Relevant areas of the policy include the following paragraphs:

Boroughs should:

proactively manage the changing roles of centres, especially those with surplus retail and office floorspace, considering the scope for consolidating and strengthening them by encouraging a wider range of services; promoting diversification, particularly through high density, residential-led, mixed use re-development; improving environmental quality; facilitating site assembly, including through the Compulsory Purchase process and revising the extent and/or flexibility for non-A1 retail uses in secondary shopping frontage policies ensure that neighbourhood and more local centres provide convenient access, especially by foot, to local goods and services needed on a day to day basis;

that they enhance the overall attractiveness of local neighbourhoods and serve as foci for local communities; and that surplus commercial capacity is identified and brought forward to meet housing and local community needs, recognising that this process should contribute to strengthening the 'offer' of the centre as a whole

Camden Local Plan

5.6 The site is within the area identified as the 'Swiss Cottage/Finchley Road Town Centre' on the Camden Local Plan Proposals Map.

5.7 Camden Core Strategy sets out the general approach to development in the Swiss Cottage/Finchley Road Town Centre area. This states that the Council will:

- *support the core shopping area and manage the location, concentration and impact of food, drink and entertainment uses in line with the Council's Planning Guidance for Finchley Road / Swiss Cottage in order to protect the character of the centre and the amenity of neighbouring residents;*
- *work with TfL to improve pedestrian links across Finchley Road, and to assess long term opportunities to reduce traffic impacts along the road, including the possible removal of the one way traffic gyratory;*
- *promote enhancements to the local environment. We will work with TfL to assess how*
- *further pedestrian improvements could be delivered for the centre, including works to*
- *improve the public area around Swiss Cottage station;*
- *improve 'gateways' into the Centre from key side streets to the west and east of Finchley Road, as proposed in the Camden Local Implementation Plan 2005/06-2010/11.*

5.8 Policy DP12 of the Camden Development Policies document (adopted November 2010) is also applicable. This states that:

The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

5.9 The key considerations when applying Policy DP12 are:

- *the effect of non-retail development on shopping provision and the character of the centre in which it is located;*
- *the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;*
- *the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;*
- *parking, stopping and servicing and the effect of the development on ease of movement on the footpath;*
- *noise and vibration generated either inside or outside of the site;*
- *fumes likely to be generated and the potential for effective and unobtrusive ventilation;*
- *the potential for crime and anti-social behaviour, including littering;*

5.10 The majority of the above considerations relate to amenity and are primarily concerned with the impact of changes in the character of the unit resulting from a change of use. This would not necessarily result from the proposed development since the proposed use would remain similar to a conventional retail use.

5.11 Paragraph 12.10 of the Development Policies plan goes on to state that:

Within each of Camden's centres, the Council will seek to prevent concentrations of uses that would harm an area's attractiveness to shoppers or its residential amenity. The Council wishes to see a wide range of entertainment uses within its centres, not just those that primarily involve drinking, and will encourage suitable uses that contribute towards this.

Where food, drink and entertainment uses are permitted, they will need to be managed to protect the amenity of residents and the potential for additional housing in the area.

5.12 The Council's Planning Guidance for Finchley Road/Swiss Cottage Retail, Food, Drink and Entertainment Uses was adopted as a Supplementary Planning Document in February 2006. This is not part of the Statutory Development Plan but does represent a material consideration in the determination of planning applications in this area.

5.13 Paragraph 2.3 of this guidance states that:

*The parades of shops on the western side of Finchley Road from the O2 centre to Swiss Cottage underground station and Northways Parade on the eastern side of the road are considered to be the retail heart of Finchley Road/Swiss Cottage. Reductions in the number of premises in shop use in these core shop frontages could harm the shopping function and character of the centre. Therefore we will not grant planning permission for development which results in the number of ground floor premises in shop use falling below **75%** of the total units in each of the core frontages.*

- 5.14 Paragraph 3.3 sets out what the LPA considers to be the maximum proportion of units that can be operated as food and drink uses. This policy states that:

*In order to protect shopping facilities, maintain the character of the Finchley Road//Swiss Cottage centre and avoid cumulative impacts, the Council may grant planning permission for food, drink and entertainment uses up to a maximum of **20%** of the total units in the frontages shown on Map 3.*

- 5.15 Paragraph 3.14 however represents an important recognition that there are considerable differences between the different types of food and drink uses and how these operate. This paragraph states that:

We recognise that certain types of food, drink and entertainment activities potentially have greater impacts than others and that all such uses can have a greater impact on amenity if they operate late at night.

- 5.16 Both the Planning Guidance which is specific to the Finchley Road/Swiss Cottage Town Centre and the Camden Planning Guidance Note (CPG5) in relation to retail and town centres recognise that this particular area of the town centre is a Core Frontage where the 75% and 20% thresholds referred to above will be applied.

6. PLANNING ASSESSMENT

6.1 This application seeks Planning Permission for the change of use of the former bank branch to a coffee shop use. Coffee shops can in many cases operate from retail units and can legitimately be categorised within Class A1 (shops), of the Use Classes Order.

6.2 However, where the size of the unit and the number of covers provided as seating for customers is more significant, and the food or any other offering can be considered 'more than ancillary' to the main element of the use (Class A1), is it considered that permission for a mixed use (a combination of Class A1 and Class A3, which is best categorised as a sui generis use), is required. The principal element of the use in this instance would be the sale of hot and cold drinks and associated snacks which is consistent with use as a coffee shop.

Protection of Class A1 units in Core Frontage

6.3 In terms of the requirement in the Swiss Cottage/Finchley Road Planning Guidance for the proportion of uses Since the site is not currently occupied by a use falling within Class A1, the requirement for this percentage 'test' to be passed should not apply. However, the merits or otherwise of the proposal based on the factors outlined in relevant areas of the Supplementary Planning Guidance.

6.4 While the previous use of the premises as a bank (Class A2), means that it would not be necessary to apply the test of whether 75% of the units within the frontage would remain within Class A1 use. However, an analysis of this has been undertaken and the proportion of units within the Core Frontage currently in use as shops is below this threshold. According to the Camden Retail Survey (2016), there are currently 101 units in the core frontage. A total of 56 of these are recorded as currently in use as Class A1 (shops). This equates to approximately 55% of the units in the frontage overall.

6.5 While the current occupancy rate is below the target of 75%, the policy approach is to not grant planning permission for development that results in the proportion of ground floor premises in shop use falling below this figure. Since this unit is not currently in use as a shop, the proposed change of use would not result in a change to the proportion of units in shop use, nor would this affect its function and character.

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- 6.6 Paragraph 3.3 of the planning guidance relating specifically to the Swiss Cottage/Finchley Road Town Centre states that the Council may permit food and drink uses which may then occupy up to 20% of the units defined as the Core Frontage. Based on the information contained in the Camden Retail Survey (2016), there are currently eight food and drink uses (i.e. those within use classes A3, A4 and A5), occupying units the 101 units identified as forming part of the Core Frontages. This equates to 7.9 of the total and below the 20% threshold below which the Council will provide 'in-principle' support to changes of use of units to food and drink uses.
- 6.7 While it is somewhat irrelevant given that the proportion of existing units in classes A3,A4 and A5 does not exceed 20%, the proposed use would not necessarily be classed as 'food and drink', since it is a sui generis use which, while it contains elements of an A3 use, is in practice more akin to a retail operation.
- 6.8 Overall, given that the existing use of the premises falls within Class A2, and that the proposed use as a mixed A1/A3 (sui generis) use is not a food and drink use, the proposal cannot be considered contrary to any of the requirements in Paragraph 2.3 or 3.3 of the Swiss Cottage/Finchley Road Tow Centre guidance, or indeed any of the other relevant policies in the Camden Local Plan.
- 6.9 Among the benefits of the proposal would be that it would return a vacant unit to active use, whilst also retaining the retail character and function of the centre (i.e. the mixed A1/A3 use would retain a significant element of A1 use). While this proposal only seeks consent for the principle of the use, and not external alterations, occupation of the premises as a retail coffee shop would also be likely to result in significant improvements to the exterior of the premises which would greatly improve its relationship to the public realm.

7. CONCLUSION

- 7.1 This Planning Statement supports an application for the change of use of the premises at 145 Finchley Road from a bank (Class A2), to a mixed use comprising elements of Class A1 and A3 (Class *sui generis*).
- 7.2 It has been demonstrated that the proposed development will be compliant with local and national planning policy, and that the change of use will not have an adverse impact on the vitality and viability of the Finchley Road/Swiss Cottage Town Centre.
- 7.3 In light of the fact that the proposals would be compliant with the Statutory Development Plan for the London Borough of Camden, and since there are no material considerations of sufficient weight to suggest otherwise, it is respectfully requested that planning permission for the proposed should be approved without delay.