

43-45 Camden Road, London NW1 9LR
Change of Use of Ground floor from Private members club (sui
generis) to café (Class A1/A3) during the day;
External Alterations.

Planning, Design and Access Statement

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1. Introduction

1.1 PURPOSE OF THIS REPORT

1.1.1 This statement is provided in support of a planning application submitted on behalf of 'HMCA/s plc, owners of the site at 43-45 Camden Road.

1.1.2 The planning application submission relates to proposed change in the use of the ground floor of the premises to allow daytime use as a café (A1/A3 use). The proposal would also include partial use of the ground floor as a retail shop. External alterations to the building are also proposed. This report provides;

- A summary of planning history and current lawful use of the property
- An outline of the proposals for the change of use (in part) of the property
- A summary of the proposed external alterations to the property
- A brief summary of the relevant planning policy documents
- An assessment of the proposals in the context of these policies

1.1.3 Accompanying this pre-application submission are the following;

- Site Location Plan
- Layout Plan (Existing)
- Layout Plan (Proposed) (Ground Floor only)
- Existing and proposed Elevations
- Artist Impression

1.1.4 A separate application is being made for advertisement consent.

2. Site Description

- 2.1.1 43-45 Camden Road forms a four storey plus basement building former public house that has most recently been used as a private members club with other associated uses including residential and offices. The property is located on a prominent corner site on Camden Road at the junction with Bonny Street, within the Regents Canal/Camden Street Conservation Area opposite Camden Road station.



Figure 1 - View of property from Camden Road



Figure 2 - View of property from Bonny Street

- 2.1.2 The site is in a highly accessible location having a PTAL rating of 6b. The location of the site is shown on the submitted plan accompanying this planning application submission and illustrated below.

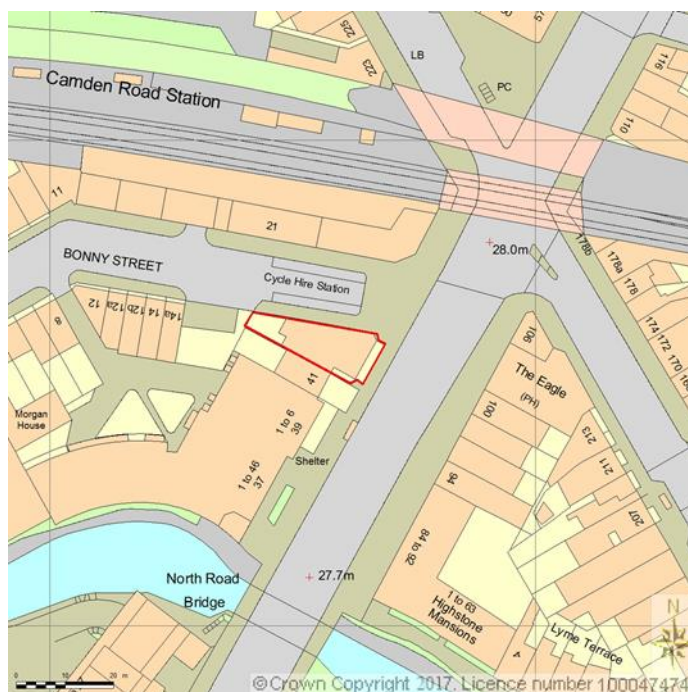


Figure 3 - Site Location

2.2 SITE HISTORY AND CURRENT USE

2.2.1 A detailed search of the Planning History of the site was undertaken to confirm the permitted use of the premises and previous permissions / refusals of planning permission that may affect future planning applications.

2.2.2 The existing use of the building is defined by the previous planning permission PE9900116 which granted permission for;

Change of use from public bar (A3 Use Class) to a private club (Sui Generis Use Class) with bar, kitchen, offices and residential flat as shown on drawing numbers:1733/01, /10 to /12 and 9803/A4/01 approved on 16th June 1999.

2.2.3 There were no conditions imposed on the permission to control the hours of use etc.

2.2.4 Having reviewed the plans attached to the permission and referred to in the description of development, the existing, permitted use on each floor can be summarised as follows;

Floor	Existing / Lawful Use
Basement	Ancillary storage
Ground	Reception, Bar WCs
First	Seating area, kitchen and office
Second	Offices and store room
Third	Office and flat (C3)

Table 1 - Summary of lawful use of property

2.2.5 Notwithstanding the individual uses on each floor, the planning permission considers the use of the whole building to be sui generis i.e. not falling within any specific use class.

2.3 PRE-APPLICATION DISCUSSIONS

- 2.3.1 This application follows pre-application submissions to LB Camden (Ref. 2017/2045/PRE for very similar proposals.
- 2.3.2 Officers considered the majority of the proposals to be acceptable, and complied with the new Local Plan policies, subject to the following concerns / requirements
- Removal of 1st floor alterations to existing balcony area due to possible issues of noise /disturbance to residents
 - Requirement for acoustic report to demonstrate use of ground floor can operate without harm to neighbouring properties
- 2.3.3 On the basis of these comments, the application does not include any alteration to the existing first floor terrace.
- 2.3.4 An acoustic report (prepared by ACA Acoustics) accompanies this application.
- 2.3.5 The applicant has also advised neighbouring residents of the proposals the subject of this application. In general the majority of residents spoken to have been generally supportive of the proposals, although some question was raised over the need for a further café in the area.
- 2.3.6 On this point, it is considered that the proposed use does add vitality to the area which sole use as a private members club would not provide. The proposals also provide an element of A1 retail use at ground floor.

3. Proposed Development

3.1 CHANGE OF USE

- 3.1.1 The proposed development consists of a material change in the use of the ground floor of the premises to allow A1/A3 use during daytime hours (08:00 – 18:00).
- 3.1.2 The proposed coffee shop will sell hot and cold drinks, cold and hot food for consumption on the premises and cold food / snacks / sandwiches for consumption off the premises. Hence the layout allows for a limited kitchen/cooking areas.
- 3.1.3 The use classes order defines these uses as follows;
- A1 use - includes sandwich bars (sale of cold food for consumption off the premises)
 - A3 use - includes sale of food and drink for consumption on the premises - restaurants, snack bars and cafes (hot or cold)
- 3.1.4 In this case the mix of takeaway sales of cold food and drinks (A1) to eat in sales (A3) is likely to be broadly even. The most appropriate classification for the use is a mixed A1/A3 coffee shop.
- 3.1.5 The proposed use will also include an area of retail sales (A1) operating during the same hours as the coffee shop use.
- 3.1.6 The proposal also includes change of use of the outside area immediately in front of the building fronting onto Camden Road as a seating area. This area is relatively narrow but allows for 4 small tables (8 seats) to be accommodated.
- 3.1.7 Beyond these hours the use would revert to the lawful use as a private members club under the terms and conditions of the original planning permission (ref.PE9900116).
- 3.1.8 It should be emphasised that with the exception of the use of the ground floor as A3/A1 during daytime hours, the previous consented use as a private members club will continue to operate with private events / talks / discussion groups / presentations and education / learning activities for registered members.
- 3.1.9 The ground floor layout plan illustrates how the use would operate within the building, with minimal change from the original approved layout. A new serving area is proposed, with a kitchen and wash-up area behind.

3.2 EXTERNAL ALTERATIONS

- 3.2.1 As a commercial building in sui generis use, planning permission would normally be required for external alterations that materially affect the character and appearance of the building. It is recognised that these alterations will be of particular sensitivity and significance given the location of the site within the Regents Canal Conservation Area.
- 3.2.2 The alterations are illustrated in the sketch below and can be summarised as follows;



Figure 4 - Illustration of proposed alterations to frontage of property

- Removal of existing low rendered wall and replacement with front railings** – The front boundary of the site is currently marked by a low (approx. 50 cm) rendered solid painted wall. It is proposed that this be replaced with black metal railings up to approximately 1.2metre in height to enclose the proposed front seating area. These would be similar to those at no. 47-49 Camden Rd, London NW1 9LS and residential properties in Bonny Street.
- Painting of exterior elevation** - The design mock-up for the elevation shows the extent of the changes to the exterior. The combination of London stocks and light 'sand/stone' to the rendered areas is the proposed colour scheme. For the side elevation onto Bonny Street, the rear part is shown as decorated in a darker stock brick colour and 'sand stone' for the raised decorative columns/pilasters with dark green plinth. To the frontage a dark green colour palette is used. This replaces the dark grey / black colour previously in place and would be more appropriate in the context of the original historic appearance of the other floors of the building.
- Removal of external grilles** – The building currently has decorative metal grilles over each window (2 facing Camden Road and 1 facing Bonny Street). These are shown to be removed to provide a more open and attractive frontage.
- 3 no. projecting canopies** – As illustrated on the mockup elevation, the proposal is to erect 3no. projecting canvas canopies (2 to the front elevation windows and 1 onto Bonny Street). These would be retractable and fit neatly between the decorative pilasters and under the lip of the façade of the building.

- **New external light fitting** – A new copper lantern is proposed over the entrance doorway, replacing the glass canopy structure previously erected under separate planning permission. There are also 8 no. low wattage lamps pointing downwards, fixed near the top of the wall (6 no. lamps on the Camden Road frontage and 2 no. lamps on Bonny Street).
- **New external vent to north elevation** - The plans show the location of the existing air-conditioning and extraction units in the ground floor, and the location of the existing external units (for the whole building, all of which are at the rear of the building). There are no plans to increase the AC and extraction provision from the existing installation (with the exception of the new extraction unit for the ground floor 'kitchen'). A new external vent is proposed (approximatle 20cmx 20cm) painted to match the colour of the walls.

4. Planning Policy

- 4.1.1 Decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004)
- 4.1.2 The current proposals have been developed with regard to and in accordance with current planning policies. These are outlined in more detail within each key consideration identified. The overarching policy documents are outlined below.

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

- 4.2.1 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions
- 4.2.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

4.3 NATIONAL PLANNING PRACTICE GUIDANCE

- 4.3.1 On 6th March 2014 the Government published National Planning Policy Guidance (NPPG). This replaces a number of older guidance notes and complements the National Planning Policy Framework (NPPF). The new guidance is not intended to provide further policy but instead is meant to help clarify issues relevant to the planning regime.

4.4 THE LONDON PLAN 2016

- 4.4.1 The London Plan forms the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years.

4.5 CAMDEN LOCAL PLAN 2017

- 4.5.1 The Local Plan was adopted by Council on 3 July 2017 and has replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. Of particular relevance are the following policies;
- G1 Delivery and location of growth
 - C5 Safety and security
 - C6 Access for all
 - A1 Managing the impact of development

- A4 Noise and vibration
- D1 Design
- D2 Heritage
- D3 Shopfronts
- D4 Advertisements
- CC5 Waste
- TC2 Camden's centres and other shopping areas
- TC4 Town centres uses
- T1 Prioritising walking, cycling and public transport
- T4 Sustainable movement of goods and materials

4.6 SUPPLEMENTARY PLANNING GUIDANCE

- 4.6.1 Camden Planning Guidance 5 - Town Centres, Retail and Employment, Food, drink and entertainment uses provides further advice on the operation of such policies. Matters for consideration and further detail will include; Air conditioning units; Tables and chairs; amplified music, hours of operation; Fumes and noise / vibration and is therefore of particular relevance to this application..

5. Planning Appraisal

5.1.1 The determining issues in this case are considered to be;

- The principle of the proposed change in land use
- The Impact of the proposed alterations to the character and appearance of the Regents Canal Conservation Area
- Impacts upon neighbouring properties
- Transport Considerations

5.2 LAND USE / PRINCIPLE OF DEVELOPMENT

5.2.1 The Council Local Plan policies recognise that while food, drink and entertainment uses can contribute to the vibrancy and vitality of town centres, they can also have harmful effects, such as noise and disturbance to residents; litter; anti-social behaviour; parking and traffic impacts. The level of impact depends on the type of the use, its location, its size and the character and nature of its surroundings. As a result, the Council seeks to guide such uses to locations where their impact can be minimised, and to use planning conditions or obligations to ensure that any remaining impact is controlled.

5.2.2 Policy TC2 of the adopted Local Plan notes that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. Part (c) specifically notes that the Council will make sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area and such uses will be focussed in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres.

5.2.3 Policy TC4 notes 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. There are a number of considerations, including: (b) 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; (f) the health impacts of development; (g) the impact of the development on nearby residential uses and amenity and any prejudice to future residential development; (h) parking, stopping and servicing and the effect of the development on ease of movement on the footpath; (i) noise and vibration generated either inside or outside of the site; (j) fumes likely to be generated and the potential for effective and unobtrusive ventilation; (k) the potential for crime and antisocial behaviour, including littering.

5.2.4 The application site is not within a designated Town Centre or Neighbourhood Centre; however, it is close to the Royal College Street / Camden Road Neighbourhood Centre [84-128b Camden Road (east side); 57-75b Camden Road (west side)]. Furthermore, it is recognised that the building was formerly used as a public house and is currently used as a private member's club.

- 5.2.5 The building does not provide any shopping provision at present and this would be enhanced by the inclusion of some A1 retail element during the daytime hours of use. The proposal would provide a more active frontage and use, to the benefit of the vitality and viability of the local area serving the local community during daytime hours.
- 5.2.6 We note that there are relatively limited A3 uses in the vicinity. On the east side of Camden Road there are only 3 properties within the frontage of 12 units in A3 use (The Grand Union, Domo Italian and Highstone coffee shop). There is also an Italian food restaurant on the ground floor of Camden Road station
- 5.2.7 Bonny Street is essentially comprised of a mix of residential and commercial properties on the south side and station and related offices (Camden Town Rail station on the north side). On the same side of Camden Road at no. 35 Camden Road is a Costa Coffee.
- 5.2.8 It is not considered that the proposed change of use to a café (Class A1/A3) during the day (08:00 – 18:00 hours) would result in an over-concentration of food, drink and entertainment uses in the local area or result in a negative cumulative impact. The use of the building during the day is likely to contribute positively to the street scene and the character and appearance of the wider area as it will provide an active frontage.
- 5.2.9 The principle of development is therefore considered to be acceptable, subject to the detailed considerations below.

5.3 IMPACT ON THE CHARACTER AND APPEARANCE OF THE WIDER AREA (INCLUDING THE REGENT'S CANAL CONSERVATION AREA)

- 5.3.1 The application site is located within the Regent's Canal Conservation Area, wherein the Council has a statutory duty, under section 72 (Conservation Areas) of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 5.3.2 The site is within the Regent's Canal conservation area. An appraisal and management strategy was adopted on 11 September 2008.
- 5.3.3 A number of buildings and structures are notable because of their value as local landmarks, or as particularly good examples of their type. Such buildings or structures, whilst not statutorily listed, nevertheless make an important contribution to the character and appearance of the Conservation Area. The building is identified as one such notable building, described as;

Camden Road 41-45 - Italianate corner block circa 1850
- 5.3.4 Appropriate design for the conservation area should complement the appearance, character and setting of the existing buildings and structures, the canal, and the environment as a whole.
- 5.3.5 The removal of the front boundary wall and its replacement with black painted metal railings (1.2 metres high) is in keeping with the host building and the street scene.

- 5.3.6 Regarding the seating area, CPG5 notes that tables and chairs can detract from the character and appearance of an area. In this case, the seating area would be limited in number, located within the curtilage of the building and separated from the public highway and therefore suitably discreet and enclosed within the property boundary.
- 5.3.7 Re-painting the building with the removal of the black paint to the rear (Bonny Street elevation) part of the building would represent a significant enhancement to the character and appearance of the property and its surrounds and was welcomed by officers at pre-application stage.
- 5.3.8 The existing decorative metal grilles on the windows detract from the character and appearance of the host building, giving the impression of anti-social behaviour in the area. The removal of these features would also enhance the host property and Conservation Area, providing a far more open and welcoming appearance also providing a degree of natural surveillance of the street.
- 5.3.9 The erection of 3no. retractable projecting canopies (2 on Camden Road elevation; 1 on Bonny Street elevation) is proposed to fit neatly between the decorative pilasters and under the lip of the façade of the building to maintain and enhance the natural features of the building and provide interest and some cover for the seating areas to the front of the building.
- 5.3.10 The proposed new copper lantern over the entrance door replaces a modern glass canopy and is considered to be a more appropriate addition to the property.
- 5.3.11 One external vent on the Bonny Street elevation is required to serve the kitchen area within the building but will be painted the same colour as the new wall colour of the building, to ensure that it does not detract from the appearance of the building or its surroundings.
- 5.3.12 Overall, the impact on the character and appearance of the host building, the street scene and the wider area is considered to be of benefit to the character and appearance of the Conservation Area.

5.4 IMPACT ON NEIGHBOURING PROPERTIES

- 5.4.1 Policy TC4 of the emerging Local Plan both note 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 amenity of neighbours.
- 5.4.2 It is not considered that the proposed change of use to a café (Class A1/A3) during the day would cause undue harm to the residential amenities of neighbouring and nearby properties by way of comings and goings and general activity associated with the proposed use. The application site is in a reasonably busy location, near to the Royal College Street / Camden Road Neighbourhood Centre and adjacent to Camden Road station.

- 5.4.3 As noted in CPG5, tables and chairs placed outside buildings may generate negative impacts such as noise, obstruction of the footway, litter and opportunities for crime and anti-social behaviour like begging and theft. In this case, given that the tables and chairs would be located within the curtilage of the building and separated from the public highway, adjacent to a busy road, it is not considered that undue harm would be caused to the residential amenities of neighbouring and nearby properties by way of noise. Furthermore, the area has good levels of natural surveillance and is reasonably busy due to its location next to the station, which may reduce the opportunities for crime and anti-social behaviour.
- 5.4.4 As there is a minor change to the ventilation / extraction equipment at the premises, a noise, vibration and ventilation assessment, in line with CPG6 (Amenity) is provided with this application. In addition to an assessment of mechanical services noise, the assessment of operational noise transmission from the proposed café use was undertaken.
- 5.4.5 This concludes that the site is suitable for development as a café and the proposed scheme should ensure no loss of amenity for nearby residents.

5.5 TRANSPORT CONSIDERATIONS

- 5.5.1 Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough and Policy T4 relates to development that is likely to generate movement of goods or materials by road (both during construction and operation).
- 5.5.2 In this case, the scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan. Furthermore, the application has the highest PTAL rating (6b) which means it is easily accessible by public transport. Its proximity to the Royal College Street / Camden Road Neighbourhood Centre also means the area is likely to already attract visitors.
- 5.5.3 Overall, it is not considered that the proposed change of use to café (Class A1/A3) during the day would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

5.6 OTHER MATERIAL CONSIDERATIONS

- 5.6.1 There is a locked enclosure on the site in which there is a large Euro bin accessed off Bonny Street. It is intended that refuse will be via the Camden Council regular appropriate refuse removal.
- 5.6.2 The proposed development would also provide employment opportunities to the local area. It is intended to start with 1 Full time and 2 Part time employees at any one time and that this will increase to between 2 and 3 FTEs employed as part of the new ground floor use.
- 5.6.3 Additional employment benefits from construction of the works will also arise.

Summary and Conclusions

- 5.6.4 This application proposed the change of use of the ground floor of the premises 43-45 Camden Road, to A1/A3 use during daytime hours (08:00 – 18:00). The premises are currently in use as a private members club (sui generis use) and after these hours the use would revert to that lawful use granted under planning permission ref. PE9900116 (dated 16th June 1999).
- 5.6.5 The use of the building during the day is likely to contribute positively to the street scene and the character and appearance of the wider area as it will provide an active frontage. The use can operate in the daytime without any loss to the amenity of nearby residents.
- 5.6.6 Alterations and enhancements to the building are also proposed that also represent a significant enhancement to the character and appearance of the building and its locality, specifically the Regents Canal Conservation Area.
- 5.6.7 Accordingly the proposal are in accordance with Local Plan Policies and can be seen to be a sustainable form of development also providing local employment opportunities and accord with the fundamental aims of the NPPF.

Appendix A – Planning permission Ref. PE9900116

SR

Website Address: [Http://www.camden.gov.uk](http://www.camden.gov.uk)
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EC1A 7HH

Application No: PE9900116/
Case File:H12/3/E

16th June 1999

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT

Address : **43-45 Camden Road, NW1**

Date of Application : **18/02/1999**

Proposal :

Change of use from a public bar (A3 Use Class) to a private club (Sui Generis Use Class) with bar, kitchen, offices and residential flat, as shown on drawing numbers: 1733/01, /10 to /12 and 9803/A4/01.

Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

This application was dealt with by Rob Brew on 0171 278 4444 Ext 2559.

Yours faithfully

A handwritten signature in black ink, appearing to read "M.W. Gilks", written in a cursive style.

Environment Department
(Duly authorised by the Council to sign this document)

Director Mark Gilks BA(Hons),M.Soc.Sc.,MRTPi



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