

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	08/12/2017
		N/A / attached	<b>Consultation Expiry Date:</b>	23/11/2017
<b>Officer</b>			<b>Application Number(s)</b>	
Alyce Keen			2017/5197/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
128 Camden Road London NW1 9EE			P101 Existing & Proposed Floor Plans and Elevations	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use from retail (Class A1) to restaurant/cafe (Class A3) use.				
<b>Recommendation(s):</b>		Prior Approval Required - Approval Refused		
<b>Application Type:</b>		GPDO Prior Approval Determination		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>One comment was received from an adjoining owner, which is detailed below.</p> <p>124 Camden Road:</p> <ul style="list-style-type: none"> <li>- there are food shops consecutively next to one another</li> <li>- there are in total 22 shops and from those 22 shops, already 8 of them are food shops and most of these shops are struggling, so I do not see how the addition of another food shop will improve the matter</li> <li>- the proposed opening and closing times are from 7am to 11pm which would not be healthy for the immediate area as this is an environmentally protected area and is also mainly residential</li> </ul> <p>These comments made by this adjoining neighbour have been taken into consideration in assessing this proposal. As the resulting change of use does not comply with the criteria for the ratio of A1 to A3 uses within this neighbourhood centre this warrants the change of use to be refused. However, in terms of the operational hours, they are considered acceptable as the site is located within a busy commercial street and the proposed A3 use would not be considered as a high volume premises. These operational hours would have been secured by condition if the change of use were considered to be acceptable.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	No response from the CAAC.					

## **Site Description**

No. 128 Camden Road is a two storey building with a retail unit (A1) at ground floor level (currently used as a barber shop) and ancillary space above (storage, staff room).

The application site is located within the Royal College Street / Camden Road Neighbourhood Centre. It is also within the Camden Broadway Conservation Area.

## **Relevant History**

2017/2874/P - Change of use from retail (Class A1) to hot food take-away (Class A5) and installation of extract ducting on rear elevation – Refused 04/09/2017.

2016/7113/P - Change of use from retail unit (A1 use) to A5 (hot food take away) and the installation of extract ducting to the rear exterior of the building – Withdrawn 10/03/2017.

## **Relevant policies**

### **The London Plan (2016)**

### **The National Planning Policy Framework (2012)**

### **Camden Local Plan (2017)**

C1 Health and wellbeing

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

CC4 Air quality

TC2 Camden's centres and other shopping areas

TC4 Town centre uses

T1 Prioritising walking, cycling and public transport.

T2 Parking and car free development.

### **Camden Planning Guidance**

CPG1 Design (2015)

CPG5 Town Centres, Retail & Employment (September 2013)

CPG6 Amenity (2011)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

### **Camden Broadway Conservation Area Appraisal and Management Strategy (February 2009)**

## Assessment

### 1. The Proposal

1.1. This application seeks planning permission for the following:

- Change of use from retail (Class A1) to restaurant or cafe(Class A3)

### 2. Prior approval procedure

2.1. The town and country planning (General Permitted Development) (Amendment) (England) Order (GPDO) 2015, Schedule 2, Part 3, Class C allows for the change of use of a building from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to a use falling within Class A3 (restaurants and cafes) of that Schedule.

2.2. Class C (b) also allows for 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, which are reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.

2.3. The change of use is subject to a number of conditions listed within sub-paragraph C.1 [(a)-(e)] and a subsequent condition in sub-paragraph C.2 relating to the need for the developer to apply to the local planning authority for a determination as to whether prior approval of the authority is required for:

- (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 a building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule of the Use Classes Order of the impact of the change of use*
- (i) on adequate provision of services of the sort that that may be provided by a building falling within Class A1 (shops), 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 the shopping area, and;*
- (g) the siting, design or external appearance of the facilities to be provided under Class C(b)*

Paragraph W sets out the procedure for applications for prior approval under Part 3. This application seeks to ascertain whether the proposed change of use would constitute permitted development and whether prior approval is required.

### 3. Assessment under Part 3, Class C of the General Permitted Development Order 2015

#### 3.1. Compliance with Paragraph C.1

Development is not permitted by Class C if -

**(a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;**

Proposal complies - The cumulative floor space of the existing building changing use does not exceed 150 square metres; it would amount to approximately 87 square metres (including 13.5 square metres of food preparation space)

**(b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed under Class C;**

Proposal complies - No other part of the building has previously changed use under Class C and no other applications under Class C at the building are pending determination.

**(c) the land or the site on which the building is located is or forms part of-**

- (i) a site of special scientific interest
- (ii) a safety hazard area
- (iii) a military explosive storage area

Proposal complies - The application site is not within a site of special scientific interest, a safety hazard area or a military explosive storage area.

**(d) the site is, or contains, a scheduled monument; or**

Proposal complies - The application building is not a scheduled monument

**(e) the land or building is a listed building or is within the curtilage of a listed building**

Proposal complies - The application building is not statutorily listed and neither is it within the curtilage of a listed building.

3.2. Compliance with Paragraph C.2

3.3. Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must 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 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 its impact of the change of use-*
  - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) 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*
- (g) the siting, design or external appearance of the facilities to be provided under Class C(b), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*

**(a) noise impacts of the development**

3.4. Part W (13) of the legislation notes that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

3.5. It is considered that due to the size/capacity of the unit and its location, noise issues relating to the proposed change could be addressed via the conditioning of hours of operation as well as the required submission of a planning application for the installation of plant/machinery/ equipment. Subject to these conditions the proposal is considered to be acceptable in this regard.

**(b) odour impacts of the development**

3.6. No extraction equipment is proposed or odour attenuation measures were submitted as part of this application. Despite this, the limitation of the type of cooking proposed within the unit would not necessitate the installation of relevant extraction equipment. However, the type of cooking to that which is proposed would be conditioned.

3.7. In light of the proposed extent of food preparation involving a panini maker and toasters, the application of conditions in accordance with Part W (13) are considered to adequately address the issue of odour impacts. The proposal is therefore considered to comply with this criteria.

**(c) impacts of storage and handling of waste in relation to the development**

3.8. Due to the limited size and capacity of the unit as well as the existing use, it is not anticipated that the proposed use would result in a significant increase in the amount of waste produced in association with the business. Subject to the application of conditions under Part W (13), the proposed change would therefore not be objectionable in relation to this point.

**(d) impacts of hours of opening of the development**

3.9. The submitted application form contains specified proposed opening hours of, Monday to Sunday 7.00 to 23.00.

3.10. Principally that by virtue of the neighbourhood centre location and the hours of operation of surrounding businesses, these proposed opening times would be appropriate and would not give rise to anti-social behaviour during the evening and late night period. These proposed operational hours would be conditioned if the change of use were considered to be acceptable.

**(e) transport and highways impacts of the development**

3.11. Due to the level of public transport accessibility level (6a) as well as the size and capacity of the unit, the proposed change of use is not considered likely to generate significant travel demand and the scale of the development is not large enough to warrant cycle parking facilities. The proposal is considered to have an acceptable impact in this regard.

**(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 its impact of the change of use-**

**(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) 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.**

3.12. The application site is located within the Royal College Street / Camden Road Neighbourhood Centre, which includes the following properties: 195, 201-211 Royal College Street (west side); 152-184 Royal College Street (east side); 84-128b Camden Road (east side); 57-75b Camden Road (west side); 159 St. Pancras Way.

3.13. Policy TC2 of the Local Plan seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The policy notes that the Council will:

(a) seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;

(b) provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;

(c) make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres;

(d) support and protect Camden's Neighbourhood Centres, markets and areas of specialist shopping, local shops; and

(e) pursue the individual planning objectives for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres, retail and employment, and through the delivery of environmental, design, transport and public safety measures.

3.14. The policy goes on to note that the Council will seek to retain convenience shopping for local residents in Camden's Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre.

3.15. CPG5 (Town Centres, Retail & Employment) notes that Camden's Neighbourhood Centres provide for the day-to-day needs of people living, working or staying nearby. They generally consist of groupings of between five and fifty premises, which focus on convenience shopping.

Other uses that can make a positive contribution to the character, function, vitality and viability of these centres include: financial and professional services; food and drink uses; laundrettes; doctors; dentists; and veterinary surgeries.

3.16. CPG5 notes that the Council will 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.

3.17. At the time of the officer's site visit (07/11/2017), less than 50% of the ground floor premises within the Neighbourhood Centre were in retail use (See Appendix A), which means the Neighbourhood Centre already fails to comply with CPG5 requirements.

3.18. The proposal to change the use of No. 128 from retail (Class A1) to a restaurant/cafe (Class A3) would result in even fewer units in the centre being in retail (Class A1) use and it is considered that allowing the proposed change of use would cause undue harm to the function, character and success of the centre, contrary to the aims of Policy TC2 of the Local Plan.

3.19. If the change of use was allowed, the number of units in retail (Class A1) use would fall to 40%, which is significantly below the 50% aim. Furthermore, it is not considered that the proposed hot food take-away would perform a complementary role because within the same centre there are hot food takeaways at No. 124 Camden Road (Caribbean Delight) and No. 75 Camden Road (Swallow House Chinese takeaway), both visible from the application site.

3.20. To conclude, the proposal would result in fewer than 50% of the ground floor premises in the neighbourhood centre being in retail use, contrary to CPG5 guidance. As a result, the proposal would cause undue harm to the function, character and success of the centre. The principle of development is not considered to be acceptable and it is recommended that prior approval be refused on this basis.

**(g) the siting, design or external appearance of the facilities to be provided under Class C(b), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.**

3.22. Class C (b) allows for building or other operations for the provisions of facilities for: (i) ventilation and extraction (including the provision of an external flue), and (ii) the storage for rubbish, reasonable necessary to use the building for a use falling within Class A3 (restaurants and cafes) of the Schedule.

3.23. No extraction or ventilation system is proposed as part of this prior approval application. The refuse storage is proposed to be maintained as existing. Were the application found to be otherwise acceptable these elements could be conditioned.

#### 4. CONCLUSION

4.1. Prior approval is refused for the following reasons:

(1) The proposed change of use from retail (Class A1) to restaurant/café (Class A3) would undermine the adequate provision of shopping services in the Royal College Street / Camden Road Neighbourhood Centre, and the proposal would thereby cause harm to the function, character and success of the centre, thereby failing to comply with Schedule 2, Part 3, Class C.2 (1)(F)(i)(ii) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and would be contrary to the aims of the National Planning Policy Framework, chapter 2.

RECOMMENDATION: REFUSE PRIOR APPROVAL

**APPENDIX A: Current uses in the Royal College Street / Camden Road  
Neighbourhood Centre**

<b>Address</b>	<b>Current use</b>	<b>Lawful use</b>
195 Royal College Street	A3 – Pizzeria Di Camden	A3
201 Royal College Street	A1 – Royal Supermarket	A1
203 Royal College Street	A1 – Wolf Airsoft gun shop -	A1
205 Royal College Street	A1 – COB gallery	A1
207 Royal College Street	Vacant	B1
209 Royal College Street	A1 – All Seasons Carpet shop	A1
211 Royal College Street	C3 – Residential	C3
152 Royal College Street	Vacant building plot	A1
154 Royal College Street	A1 or A3 – Buna Aromia Cafe	A1
156 Royal College Street	C3 – Residential	C3
158 Royal College Street	C3 – Residential	C3
160 Royal College Street	C3 – Residential	C3
162 Royal College Street	C3 – Residential	C3
164 Royal College Street	C3 – Residential	C3
166 Royal College Street	A1 – Camden tyres	B1c
168 Royal College Street	C3 – Residential	C3
170 Royal College Street	Sui generis – Body Exchange massage parlour	Sui generis
172 Royal College Street	A2 – Powered By Rooms estate agent	A2
174 Royal College Street	A1 – Camden Image gallery	A1
176 Royal College Street	A1 or A3 – Casa Tua café	A3
178 Royal College Street	C3 – Residential	C3
178a Royal College Street	A1 or A3 – Royal Café (closed)	A3
178b Royal College Street	Vacant – was a tattoo parlour (SG)	Sui generis
180 Royal College Street	B1 or A2 Swedbrand office	A2
182 Royal College Street	C3 – Residential	C3
184 Royal College Street	B1 ? Camden Community Drug Service office	D1
84 Camden Road	A2 – Regent 2000 Properties	A2
84a Camden Road	A1 – Davedire barber shop	A1
86 Camden Road	A2 – Regent 2000 Properties	A2
88 Camden Road	A1 – Eric’s hairdresser and tattoo studio	A1
90 Camden Road	A1 or A3 – Highstone Brew Café	A1
92 Camden Road	D1 – NW1 Dental Care	D1
94 Camden Road	A1 or A3 – Domo Italian café / restaurant	A3
96 Camden Road	A1 – Biotech Pharmacy	A1
98 Camden Road	C3 – Residential	C3
100 Camden Road	C3 – Residential	C3
102 Camden Road 104 Camden Road 106 Camden Road	(102-106) – A4 – Grand Union PH	A4
110 Camden Road	A1 – Camden Boxframe Co	A1
112 Camden Road	A1 – Heaven Dry Cleaner	A1
114 Camden Road	A3 or A5 – Camden Tandoori	A3
116 Camden Road	A1 – Top Nails salon	A1
118 Camden Road	A1 – Three Amigos skateboard and clothes shop	A1
120 Camden Road	A1 – Blyss Hair & Beauty salon	A1
122 Camden Road	A1 – Sammy’s Embassy hairdressers	A1
124 Camden Road	A5 – Caribbean Delight takeaway	A5
126 Camden Road	A1 or A3 – Apulia Café	A1
128 Camden Road	A1 – Sam’s Barber	A1
128b Camden Road	A1 – Corner Xpress newsagents / off-license	A1
57 Camden Road	A2 – William Hill bookmaker	A2
59 Camden Road	A1 or A3 – Parma Café	A3
61 Camden Road	A1 – Headlines @ Marylena hairdresser	A1
63 Camden Road	A2 – Your Move estate agent	A2
65 Camden Road	A1 – D Jansen hardware shop	A1

67 Camden Road	A1 – Outdoor Emporium	A1
69 Camden Road	A4 – Slattery’s PH	A4
71 Camden Road	A1 or A3 – Kick & Munch café	A3
73 Camden Road	A1 – M&M Food and Wine	A1
75 Camden Road	A5 – Swallow House Chinese takeaway	A5
75a Camden Road	A1 or A3 – Twins Coffee Shop	A1
159 St Pancras Way	C3 Residential or part of Corner Express?	C3

**EXISTING**

Use Class	Number	Percentage
A1	25	42
A2	6	10
A3	7	12
A4	2	3
A5	2	3
Sui Generis	2	3
C3	12	20
B1a	1	2
B1c	1	2
D1	2	3
<b>Total</b>	<b>60</b>	<b>100</b>

**PROPOSED**

Use Class	Number	Percentage
A1	24	40
A2	6	10
A3	8	13
A4	2	3
A5	2	3
Sui Generis	2	3
C3	12	20
B1a	1	2
B1c	1	2
D1	2	3
<b>Total</b>	<b>60</b>	<b>100</b>