

Our ref: hk/TFGG/FnclyRd/APC/12.03.18

12 March, 2018

Planning - Development Control  
Camden Council  
Camden Town Hall  
Judd street  
London  
WC1H 8ND

Dear Sir/Madam,

**Proposed change of use from Estate Agent (class A2 financial and professional service) use to flexible Class A1, Class A2 and Sui Generis Tanning Salon use at Unit 2, 116 & 118 Finchley Road London NW3 5HT**

We act as planning consultants to The Feel Good Group.

Our clients wish to occupy the above Class A2 estate agent office as a *sui generis tanning salon use*. The subject proposal is to establish the *principle of change of use only*. Please note there are no physical works proposed which constitute 'development' and as such a site location plan and an as existing plan are submitted.

The reason for the application for a flexible Class A1, Class A2 and sui generis tanning salon use is that there is currently no permitted development right from tanning salon use to Class A1 or a2 use. The landlord is keen to maintain fluidity in how the subject property can be used across approved uses and ensure that any future conventional town centre occupier such as a retail A1 or A2 tenant would not, as a matter of process require a planning application to change the use back to Class A1 or the current permitted Class A2 use in order to locate in high street shopping location.

It is a quirk of the Town and Country Planning (General Permitted Development) (England) Order 2015 that certain sui generis uses such as betting shop and pay day loan shops (by virtue of Class E and Class F, Part 3 Schedule 2) are able revert back to A1 and A2 use but a more quasi retail use such as a high street tanning shop is not able to do this under permitted development rights. We believe this is the most practical way of ensuring a

permitted right for A1-retail/A2 use to occupy the premises without requiring express consent. In this way, the continued vitality and viability of this secondary shopping location can be maintained in the long term. Indeed, the council has already accepted the principle of flexible retail (Class A1), financial/professional services (Class A2), restaurant/cafe (Class A3) and drinking establishment (Class A4) at the adjoining property at 120 Finchley Road (2010/0552/P). The applicants only seek to add sui generis tanning salon use to the lawful permitted use of the site as an A2 or A1 use whereas the council has already accepted the principle of a number of new uses on the adjoining site.

### **Planning Policy and Assessment**

With regard to policy, the Camden 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. Finchley Road / Swiss Cottage is the third largest town centre in the Borough after Camden Town and Kilburn High Road. It is designated as a district centre in the London Plan. The subject property is a ground floor Class A2 estate agent office located in the defined secondary shopping frontage of Finchley Road / Swiss Cottage Town Centre. The property is located in a highly sustainable location with Finchley Road Station situated opposite and Swiss Cottage Station five minutes' walk to the south. The property is also located on a red route and there is a bus stop outside the premises. There are B1 offices above the property such that there are no residential amenity concerns as a result of the proposal.

The Council seeks to protect the Class A1 retail function and character of Finchley Road / Swiss Cottage town centre. Planning permission for development which results in the proportion of Class A1 retail ground floor premises falling below 75% in a primary shopping frontage and 50% in a defined secondary frontage is not normally permitted. The subject proposal is for the change of use of an existing non-A1 use to another non-A1 use as well as A1 retail use such that there is no negative impact on the existing level of Class A1 use in the centre as whole. With the subject proposal in place Class A1 use will continue to be lawfully permitted at the application site.

Whilst the council does not have any specific policy with regard to the change of use from one non-A1 town centre use to another non-A1 town centre use, Policy TC4 of the Camden Local Plan deals with town centre uses as a whole and is a criterion based policy which considers (inter alia) the effect of the development on shopping provision and the character of the centre in which it is located; the Council's expectations for the mix and balance of uses within frontages for each centre as set out in supplementary guidance; as well as impacts on small and independent shops, impact on residential amenity, parking and servicing and the potential for crime and anti-social behaviour.

The subject proposal fully complies with TC4. We reiterate that there will be no impact on A1 shopping provision or the character of the town centre. There is no loss of A1 retail use involved. In fact, the level of A1 shopping provision will be improved as a consequence of this proposal. The Feel Good Group is an established operator of tanning salons, with shops throughout the UK and particularly in London. Each shop provides both UV and sunless tanning booths and staff are trained to promote responsible tanning and UV exposure. The Tanning Shop's responsible approach to tanning and skin care fully complies with the Health and Safety guidelines as produced by the U.K. Health and Safety Executive (HSE). Customers are provided with a free consultation with fully trained staff to ensure a safety first approach. Furthermore, The Tanning Shop's in-house education and certification programme for staff ensures that the company safely provides an average of 600,000 safe tans every year. As a rule, under 18's are not permitted to use UV tanning facilities but are able to obtain a spray tan.

The shops also stock a range of tanning products including tanning SPF, fake tan products, skin care and body products. This retail element of the tanning salon, which is located at the front of the shop and advertised in the shop window, normally accounts for 25% - 30% of sales. Therefore, although the UV/Sunless tanning booths are the primary function of the unit, the ancillary retail sales are fundamental to the operation and as such the premises will add an important retail element to the high street. The use is a quasi-retail use in any event and presents much like other retail premises with an active frontage and display window to attract visiting members of the public.

The Council's supplementary planning document CPG5 advises that Finchley Road/ Swiss Cottage serves as a District Centre which provides for a variety of uses and services that cater for the local population. The proposed use is a complementary use that adds to the services on offer in the town centre without impacting on the Class A1 retail shopping provision in the centre. A variety of uses already operate in this defined secondary shopping frontage which comprises 9 properties. There is a church, B1 offices, two class A1 premises, four Class A2 units of which three are estate agents (including the subject property), and a development site adjoining which is currently under construction where a flexible B1, A1, A2, A3, and A4 consent is approved. Therefore, the proposed tanning salon use will undoubtedly positively add to the diversity, vitality and viability of uses on offer in this mixed frontage. Even with the loss of the existing estate agent use there will still be two other estate agents within the subject frontage of 9 units. It is also the case that customers who visit do not only visit tanning salons in isolation but do so as part of a linked shopping trip, which further enhances vitality and viability in the vicinity of the site.

The proposed tanning salon will be open during the following hours:-

Monday to Friday      09.00 - 20.00

Saturday	09.00 - 18.00
Sunday	11.00 - 18.00

Unlike many retail and other non-retail uses, the tanning salon will operate from 09.00 and into the early evening, with longer opening hours than most shops. As such, there will be continuous footfall to the unit throughout the day. The unit would also close no later than 20.00 hours such that there are no amenity issues created as a result of this proposal. The proposed use is therefore an accepted town centre use and will be a welcome addition in the street scene.

On the basis of all of the above we commend this application to you for your approval. If you have any queries relating to this proposal please do not hesitate to contact these offices in the first instance.

Yours sincerely,

**HARIS KASUJI** BA MA MRTPI