

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		25/12/2018	
		N/A		<b>Consultation Expiry Date:</b>		02/12/2018	
<b>Officer</b>				<b>Application Number(s)</b>			
Ben Farrant				2018/4712/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
183 York Way London N7 9LN				See draft decision notice			
<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 shop (Class A1) to cafe (Class A3) (retrospective)							
<b>Recommendation(s):</b>		i) Refuse planning permission ii) That the Borough Solicitor be instructed to issue an Enforcement notice					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	00	No. of responses	01	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		A site notice was displayed between 07/11/2018 and 01/12/2018. It was advertised in the Ham and High between 08/11/2018 and 02/12/2018. One letter of support was received from 34b Camden Square.					
<b>Camden Square CAAC</b>		No response received					

## Site Description

The application site is a three storey end of terrace property on the southern corner of the crossroads of York Way and Camden Road. At the ground floor is a commercial unit, previously in Class A1 retail use as a bike store, but now with the use changed to a Class A3 café. The application seeks retrospective consent for this change of use. Residential units are on the floors above.

The site is within the Camden Square Conservation Area, it is not a listed building, and there are none within the immediate vicinity. The property is within the Brecknock Road / York Way neighbourhood centre but not within a designated primary or secondary shopping frontage.

## Relevant History

### Application site

**2016/3674/P** - Change of use of ground floor and basement from internet cafe (A1) to restaurant/ cafe (A3) with ancillary shisha cafe use, replacement of existing marquee with single storey smoking shelter with green roof, retention of decking and alterations to railings – **Refused 30/09/2016**

**2017/3675/P** - Construction of roof extension and 3 storey rear extension to provide 5 x 1 bedroom self-contained flats and external alterations including the formation of steps to corner retail unit, provision of 2 new windows to 1st & 2nd floor corner elevation to replace existing blank window features, construction of boundary wall at corner and along Camden Road frontage in place of existing car parking spaces and associated removal of 4 car parking spaces/hardstanding – **Refused 20/12/2017, Appeal Dismissed 28/09/2018**

## Relevant policies

### **National Planning Policy Framework 2018**

### **The London Plan March 2016**

### **The Camden Local Plan 2017**

A1 - Managing the impact of development

D1 - Design

D2 - Heritage

TC1 - Quality and location of retail development

TC4 - Town centre uses

### **Camden Planning Guidance**

CPG1 - Design (2011, updated 2018)

CPG Town Centres (2018)

CPG Amenity (2018)

### 1. Proposal

1.1 The following works are proposed on site:

- Change of use of the site from A1 shop to A3 café
- No external alterations are proposed

1.2 The main planning considerations are:

- Principle of Land Use
- Design
- Impact on Neighbouring Amenity

### 2. Principle of Land Use

2.1 Policy TC2 of the Council's Local Plan seeks to ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres.

2.2 Policy TC4 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. It outlines the Council's expectations for the mix and balance of uses within the frontages and that the Council will consider the impact of food and drink related uses on nearby residential uses and amenity and noise and vibration generated inside or outside the site. In order to manage the potential harm to amenity or the local area, the Council will use planning conditions to address hours of operation, odour, noise and vibration and the siting of plant and machinery.

2.3 Camden Planning Guidance on Town Centres provides specific guidance on non-retail uses within neighbourhood centres. The Council will resist proposals that would result in less than 50% of the premises in retail use (A1), and more than 3 consecutive premises being in non-retail use. The percentage is calculated on the individual frontage, not the centre as a whole. In this case, the frontage is the 7 units from 169 to 183 York Way between Camden Mews and Camden Road.

2.4 A site visit was conducted to establish the existing mix of uses within the frontage. This was verified against the Council's planning records to establish the lawful uses within this part of the frontage as well as the information provided on Camden's retail survey 2016.

2.5 The lawful uses are as follows:

Occupants	Address	Use Class
The Electric Transport Shop	183 (app. site)	A1
Café Noir	181	A3
Pizza Direct Takeaway	179	A5
Golden Valley Chinese Takeaway	177	A5
Kim Marie Hairdressers	175	A1
Empire Dry Cleaners	173	A1
William Hill Betting Shop	171	Sui generis
William Hill Betting Shop	169	Sui generis

2.6 From the table above, 43% of the uses are currently A1. As a result of the proposed change of use, 29% of the frontage would be A1 retail use. It is additionally noted that the change of use would result in more than three consecutive premises being in non-retail use.

2.7 The lawful number of A1 units is already below 50% within the frontage and the change of use at the subject site would further reduce the number of A1 units. It is considered that the loss of the A1 use would further erode and undermine the character, function, vitality and viability of the frontage. No information has been included with the application to indicate that an A1 retail shop is no longer viable in this location. Apparently the bike shop transferred into a café/bar with no period of vacancy in between. On this basis it is considered that the land use principle of the change of use of this site from A1 to A3 is contrary to policies TC2 and TC4 of Camden's Local Plan (2017) and the Town Centres CPG (2018).

### **3. Design**

3.1 No external changes are proposed to the property, and no external extraction is proposed. On this basis, there are no design concerns arising as a result of this proposal.

### **4. Residential Amenity**

4.1 Policy TC4 states that the Council will consider the impact of food and drink related uses on nearby residential uses and amenity and noise and vibration generated inside or outside the site. In order to manage the potential harm to amenity and the local area, the Council will use planning conditions to address hours of operation, noise and vibration and the siting of plant and machinery.

4.2 The nearest residential properties are located on the upper floors of the host and surrounding buildings. The proposed hours of operation are 09:00-22:00 Monday to Sundays and public holidays. York Way and Camden Road (the streets to which the property fronts) are busy streets with other shops in the frontage open until 23:00. It is considered that if a change of use was otherwise acceptable in principle here, the impact in terms of noise from the use would be acceptable providing that the operating hours are adhered to and that no music be played on the premises in such a way as to be audible within any adjoining premises.

4.3 No plant or extraction equipment has been proposed as part of this application.

4.4 As no external alterations are proposed, the scheme is considered to be acceptable in terms of impacts on daylight/sunlight, outlook and privacy.

### **5. Conclusion**

5.1 Given the above assessment, it is considered that the change of use involving the loss of a retail unit would harm the retail character, function, vitality and viability of the designated neighbourhood centre, contrary to policies TC1 and TC4 of Camden's Local Plan 2017.

## **Recommendations**

**Recommendation 1:** Refuse Planning permission

**Recommendation 2:** That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to cease the use as a A3 cafe, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

**The Notice shall allege the following breach of planning control:**

Change of use from shop (Class A1) to cafe (Class A3)

**WHAT YOU ARE REQUIRED TO DO:**

1. Cease the use of the property as a café (Class A3)

**PERIOD OF COMPLIANCE**

The Notice shall require that the current A3 use shall cease within a period of 3 months of the Notice taking effect.

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

1. It appears to the Council that the above breach of planning control has occurred within the last 10 years.
2. The proposed development, by reason of the loss of a retail unit, would harm the retail character, function, vitality and viability of the neighbourhood centre, contrary to policies TC1 (Quantity and location of retail development) and TC4 (Town centre uses) of the London Borough of Camden Local Plan 2017.