

Delegated Report		Analysis sheet	Expiry Date:	13/02/2019
		N/A / attached	Consultation Expiry Date:	28/01/2019
Officer		Application Number(s)		
Sofie Fieldsend		2018/6271/P		
Application Address		Drawing Numbers		
5 Harben Parade Finchley Road London NW3 6JR		See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of ground and lower ground from A1 (retail) to D2 (gym). Alterations to ground front elevation.				
Recommendation(s):	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed near the site from the 04/01/2019 (consultation expiry 28/01/2019).</p> <p>One objection was received from 15 Fairfax Place which can be summarised as follows:</p> <ul style="list-style-type: none"> • Loss of retail unit which will not bring shoppers to the area 					

Site Description

The ground floor and basement levels are currently in A1 use with residential units above. The site is on the south/west side of Finchley Road, located along Harben Parade. The current unit is vacant but it was previously occupied by Argos.

It is not within a conservation area and the building is not listed. It is within the Finchley Road Town Centre, and falls within a primary shopping frontage.

Relevant History

Application site

None relevant.

Relevant policies

National Planning Policy Framework (2018)

London Plan (2016)
Draft London Plan (2017)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the impact of development
- A4 Noise and vibration
- C1 Health and wellbeing
- D1 Design
- CC5 Waste
- 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
- T4 Sustainable movement of goods and materials

Camden Planning Guidance

- CPG Amenity (2018)
- CPG Town Centres (2018)
- CPG Planning for health and wellbeing (2018)

Assessment

1.0 Proposal

1.1 This application seeks planning permission for a change of use of the ground floor from retail use (Class A1) to a D2 use (gym). The application relates to approximately 410.4sqm of floor space.

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- The principle of development
- Design considerations
- Impact on the residential amenity of nearby and neighbouring residential properties
- Transport considerations

3.0 The principle of development

3.1. The Local Plan notes that the Council will 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. The application site is located within the 'Finchley Road' Town Centre, as defined by CPG: Town Centres and Retail (2018), and forms part of a designated Primary Frontage.

3.2. Policy TC2 of the Local Plan 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; and,
- (e) pursue the individual planning objectives for each centre, as set out in Camden Planning Guidance, and through the delivery of environmental, design, transport and public safety measures.

3.3. The policy goes on to note that the Council has designated primary and secondary frontages in its centres and will:

- (f) protect the primary frontages as locations with a high proportion of shops (Class A1) in order to maintain the retail function of the centre; and
- (g) protect the secondary frontages as locations for shops (Class A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.

3.4. In Appendix 4, it is noted that within the Primary Frontages in 'Finchley Town Centre the Council will aim for a minimum of 75% retail (Class A1) uses.

3.5. At the time of the officer's site visit (16/01/2019), the current uses in the frontage were as follows:

Harben Parade (No.)	Unit	Use class
1	SAI Houseware	A1
2	Eye Emporium	A1

3	AK Printers	A1
4	Vision express	A1
4	McDonalds	A3
3-5	Superdrug	A1
5	Argos (Application site)	A1
6	British heart foundation	A1
7	PSA Pharmacy	A1
8	Santander	A2
9-10	WH Smith	A1
11	Holland and Barrett	A1
12	Costa	A1
13	Amy's Hardware	A1
14	Boots	A1
15	Essentials	A1
16	Smile Studio	D1
17	Vodafone	A1
18	The Hive	D1

3.6 The above table shows that, currently, of the 19 units in the frontage, 15 are in retail (Class A1) use, which represents 62.5% of the frontage. The proposal will result in 14 units in retail (A1) use which would mean that the frontage would not comply with the requirement in Appendix 4 of the Local Plan for at least 75% of the units in the Primary Frontage to be in retail use.

3.7. Policy TC4 of the Local Plan notes that the Council will ensure that the development of food, drink, entertainment uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours and it notes that the Council will consider:

- (a) the effect of development on shopping provision and the character of the centre in which it is located;
- (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;
- (c) the Council's expectations for the mix and balance of uses within frontages for each centre; and
- (d) the individual planning objectives for each centre, as set out in the CPG.

3.8 The Council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area. We consider that harm is caused when an impact is at an unacceptable level, in terms of:

- trade and turnover;
- vitality and viability;
- the character, quality and attractiveness of a centre;
- levels of vacancy;
- crime and antisocial behaviour;
- the range of services provided; and
- a centre's character and role in the social and economic life of the local community.

3.9 CPG Town Centres identifies Finchley Road / Swiss Cottage as 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 main shopping area of Finchley Road/ Swiss Cottage runs from the O2 Centre, with its concentration of food, drink and entertainment uses, to Swiss Cottage Underground Station.

Finchley Road/Swiss Cottage provides a significant convenience goods role in the Borough, serving local needs and those from a wider catchment; however, the centre has a more limited comparison role. The main retail offer in this centre is provided in the O2 Centre. Finchley Road/ Swiss Cottage town centre generally serves the local population, a role which is expected to continue.

3.10 The site occupies a large frontage in comparison to the other units within this parade. It is considered that its change of use to a gym would result in a loss of this active frontage and potentially harm the vitality of this part of the town centre.

3.11 It is noted that this area is already served by the Swiss Cottage Leisure Centre which provides a gym and other sports facilities to the local area which is located within 0.3miles or a 6minute walk from the site or Virgin Active (D2) located within the O2 Centre within 0.3miles or a 7 minute walk. Both gyms are open from 6am during the week to 10pm and 10:30pm respectively.

3.12 On the basis of the above, it is considered that allowing the proposed change of use would cause undue harm to the character, function, vitality and viability of the shopping frontage. The proposal would result in even fewer of the premises in the Primary Frontage being in retail use which would further reduce the range of shopping services provided in this part of Finchley Road, which may deter shoppers from coming to this area for the purpose of shopping, which in turn may impact on the remaining shops in the frontage and their ability to attract shoppers / continue operating.

3.13 To conclude, with regards the loss of Class A1 retail use, the proposal would result in fewer than 75% of the units in the frontage being in retail use, contrary to Policies TC2 and TC4 of the Local Plan. As a result, the proposal would cause undue harm to the character, function, vitality and viability of the shopping frontage. The principle of development is not considered to be acceptable and planning permission should be refused on this basis.

3.14 Notwithstanding the above, a Class D2 use, such as the proposed gym, would be acceptable in land use terms this location, given it is a use that generates activity. However, a Class D2 use would not support the Town Centre in the same way as a Class A1 retail use, and the change of use is considered unacceptable.

4.0 Design considerations

4.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage.

4.2 The proposal will replace the existing entrance doors with new automated bi-parting, folding doors in between some new glazed window panels. It is considered that the alterations to the entrance are acceptable in terms of their detailed design, scale and siting and would not detract from the character and appearance of this commercial host property or streetscene.

5.0 Amenity

5.1 Policy TC4 seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the amenity of neighbours. The policy notes that the Council will consider:

- (g) the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;
- (i) noise and vibration generated either inside or outside of the site; and
- (k) the potential for crime and antisocial

5.2 Policy TC4 further adds that to manage potential harm to amenity or the local area, we will, in appropriate cases, use planning conditions and obligations to address the following issues:

- l. hours of operation;
- m. noise/vibration, fumes and the siting of plant and machinery;
- n. the storage and disposal of refuse and customer litter;
- o. tables and chairs outside of premises;
- p. community safety;
- q. the expansion of the customer area into ancillary areas such as basements;
- r. the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2); and

5.3 Similarly, Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: noise and vibration levels; and odour, fumes and dust. Policy A4 also seeks to ensure that noise and vibration is controlled and managed. The policy notes that the Council will not grant planning permission for development likely to generate unacceptable noise and vibration impacts, and will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.

5.4 Two noise surveys have been submitted in support of the application. The Council's Environmental Health officer has reviewed the information and considers it to be acceptable. However, it is noted that they do not reference potential impacts from music. If the development was acceptable this could be controlled by conditions. The development would not result in a material impact on the amenity of neighbouring properties in terms of noise.

5.5 A 24hour use is proposed, given the nature of the proposed use as a gym (D2) it is not considered that its operating hours would create significant noise and disturbance to the neighbouring residents. A condition would secure its use as a gym and not include other D2 uses which could create amenity issues.

6.0 Transport

6.1. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough; Policy T2 seeks to limit the availability of parking; and Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road.

6.2. The application site has a high PTAL rating (6a) and is therefore easily accessible by public transport. Furthermore, the application site is located within a designated Town Centre which already attracts visitors.

6.3. No off-street parking is proposed, which is acceptable.

6.4 Although the proposal does not provide cycle parking in accordance with London Plan requirements, it is acknowledged in this instance that 8 short-stay spaces cannot be provided given the constrained nature of the site and lack of external space. The gym would be accessed using a code to enter an access pod that can only accommodate one person at a time and it would not be possible to take cycles through this type of door. The applicant has stated that for security reasons only disabled members and staff have access to the disabled doors and so non-disabled members cannot use these doors to bring cycles in to the gym. The applicant had agreed that 2 long-stay staff spaces be provided within the gym, however revised plans were not provided during the lifetime of this application. Highways officers were satisfied in this instance that the provision of 2 long-stay staff spaces would be acceptable and if the proposal were to be granted this could be secured by condition. It would therefore not be reasonable for cycle parking to be included as a reason for refusal on this site.

6.5 Overall, it is not considered that the proposed change of use from retail (Class A1) to gym (Class D2) would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

7.0 Conclusion

7.1 The proposed change of use from retail (Class A1) to D2 (gym), by reason of the loss of a retail unit, would undermine the retail function of 'Finchley Road' Town Centre and would harm the character, function, vitality and viability of the Town Centre, contrary to the aims of Policies TC2 (Camden's centres and other shopping areas) and TC4 (Town centres uses) of the Camden Local Plan 2017.

8.0 Recommendation

8.1 Refuse planning permission.