

Application ref: 2019/6097/P
Contact: Thomas Sild
Tel: 020 7974 3686
Date: 3 April 2020

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Urbanist Architecture
2 Little Thames Walk
London
SE8 3FB

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Basement And Ground Floor
61 Endell Street
London
WC2H 9AJ

Proposal:

Change of use of ground floor from retail (Use Class A1) to flexible retail (A1) / nail bar (Sui-generis) use (Retrospective)

Drawing Nos: A.04.; A.04.2; A.04.3; A.04.4; A.04.5; A.04.6; Design & Access Statement; Marketing campaign report; Marketing details

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans: A.04.; A.04.2; A.04.3; A.04.4; A.04.5; A.04.6

Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

1 Reasons for granting permission

This application follows a refused proposal in 2019 (ref 2019/1421/P) for change of use from A1 to nail bar (Sui generis) only, and did not propose to retain continued flexible A1 use. This proposal is considered acceptable given that continued flexible A1 use is included.

The site consists of a 94sqm floorspace unit, with 31sqm at ground level and 63sqm at basement floor level. The unit is located within a designated primary retail frontage of Covent Garden. However it provides a very narrow 3m frontage onto Endell Street.

Camden Planning Guidance (Town Centres and Retail) provides a summary of controls which are intended to maintain the special role and character of Covent Garden town centre. These include a minimum of 80% A1 shops within primary frontages, with no more than 2 consecutive non retail uses. The most recent retail survey (2018) indicates that the primary frontage of which 61 Endell Street forms part to be 29% in A1 use and there are A3 uses of the units either side of 61. It is acknowledged that the frontage of which 61 forms part no longer offers a strong retail predominance and acts more akin to a secondary frontage with a prevalence of supporting town centre uses including restaurants, a dental surgery, an estate agent, hairdressers and other non-retail uses.

Policy TC2 states that the council will take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises. Information has been provided stating that the unit was advertised as a retail premises for a period of 6 months from August 2018 until February 2019 . Three offers were received during this time, only one of which was from an A1 use patisserie business. This offer was subsequently withdrawn over concerns with footfall and layout. Interest was received from nail, beauty and hair salon businesses.

It is acknowledged that the short marketing period has not fully addressed the Council's expectations and overall it has not be demonstrated through these means that the unit cannot maintain a sole A1 use. Notwithstanding this, policy TC4 'Town centre uses' states that the Council will support the development of other town centre uses, provided that it does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. A nail bar is considered to be a town centre compatible use, similar in most regards to a hairdresser which holds an A1 use classification.

Photographic evidence back to 2008 demonstrates the unit has either been vacant or in café / cold food takeaway use and therefore not providing a

traditional retail use. The nail bar use has brought the unit back into use after a period of vacancy, and the granting of flexible use as such along with A1 would allow a retail occupant to move back in without the need for planning permission to change use. This flexible use is considered to overcome the previous reason for refusal and overall the proposal is considered to support the aims of Local Plan TC4 town centre policy.

No change is proposed to the shop front, or other external areas as part of this application and as such the proposals would comply with Local Plan policies D1 and D2. No changes to the fabric of the building are proposed, and Listed Building Consent is not required.

2 Reasons for granting permission continued..

Given the nature of the proposal it would not impact upon the amenity of the neighbouring occupiers in regards to current daylight levels, sunlight, privacy or outlook. The proposed use would be unlikely to result in a significant increase in noise or vibration.

Considering the size of the ground floor unit it is unlikely that there will be any net increase in transport impacts from the proposed nail bar use. No onsite parking is available to staff or customers and therefore no parking issues are considered to occur.

No objections were received prior to making this decision. The planning history of the site and surrounding area were taken into account. Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposal is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework 2019.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can

be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer