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Via Planning Portal only

8th October 2020

Dear Sir/madam

FULL PLANNING APPLICATION - THE TOWN & COUNTRY PLANNING ACT 1990 (as amended)

CHANGE OF USE OF GROUND FLOOR RETAIL UNIT (USE CLASS E) TO TATTOO STUDIO (SUI GENERIS) WITH ANCILLARY RETAIL USE

31 CHALK FARM ROAD, LONDON, NW1 8AJ

Please accept this covering letter as an accompaniment to this full planning application for the change of use of the ground floor unit at 31 Chalk Farm Road from retail (Use Class E) to Tattoo Studio (Sui Generis) with ancillary retail use.

This letter provides a summary of the site and the proposed development. Please also find enclosed the completed application form, a full set of existing and proposed plans including site location plan, and marketing information.

The site

The application site is located on the north side of Chalk Farm Road, located within the Camden Town Town Centre and within the Primary (North) shopping frontage. The site comprises a vacant retail unit on the ground floor of a modern student accommodation block (The Stay Club) located between Harmood Street and Hartland Road.

The site is located within an existing terrace of ground floor commercial properties fronting onto Chalk Farm Road, comprising a mix of pub, retail and restaurant uses. A number of the ground floor units within this parade are currently vacant, having not been occupied both prior and during the COVID-19 pandemic. This includes the former Gino D'Acampo restaurant, the Carvin Barbers, and the adjacent Vape and Volts shop.

The site is located within a highly accessible location with good access to public transport links including the Camden Town Underground Station approximately 500 metres to the south and several bus stops located in close proximity to the site along Chalk Farm Road. The sustainable location of the site is reflected in the sites excellent PTAL rating of 6a.

The site is not listed and is located opposite (not within) the Regents Canal Conservation Area, the northern boundary of which extends up to the southern side of Chalk Farm Road.

The site is located within Flood Risk Zone 1 and therefore is categorised as having a low probability of flooding.

The proposal

The proposal seeks full planning permission for the change of use of the ground floor unit at 31 Chalk Farm Road from retail (Use Class E) to Tattoo Studio (Sui Generis) with ancillary retail use.

The proposed development relates to the change of use of the unit with no external works or alterations. Access to the building will continue to be via the existing entrance from Chalk Farm Road.

In terms of the internal layout, the proposal includes an open plan layout with a reception area, partitioned treatment stations, and a retail space to the front of the shop. To the rear of the unit is a private treatment space along with toilet facilities.

The proposed opening hours of the tattoo studio will be between 11:00-19:00 hours Mondays-Sundays including bank holidays. Proposed staff will consist of a total of 5 full time staff employees, which includes the applicant plus 4 tattoo artists who will be self-employed.

Prior to the submission of this application, a request for pre-application advice was submitted in June 2020 to the Council regarding the proposed use of the unit as a tattoo studio. This was submitted by Freeths on behalf of the applicant. The response received in an email from the case officer Nathaniel Young (on 10/08/2020) outlined that it would be unlikely for the Council to support the loss of an A1 retail unit (now Class E) unless marketing evidence was submitted to demonstrate that there has been no interest in the unit as a retail shop.

This application and supporting marketing information seeks to address those comments raised in the pre-application response along with considering the material planning considerations in favour of the proposal.

Planning assessment

Loss of retail use

Policy TC2 of the Camden Local Plan (CLP) and the supporting text states that the Council will protect the primary frontages as locations with a high proportion of shops (A1) in order to maintain a retail function of the centre. Appendix 4 of CLP sets out the Council's expectations for this retail centre, and advises that the proportion of A1 shop and A3, A4, and A5 food, drink, and entertainment uses the Council expect for this particular location, is a minimum of 50% of A1 shops and a max of 20% A3, A4 and A5 uses. It states that no more than 2-consecutive non-retail uses will be allowed.

The 'Town Centres and Retail' Camden Planning Guidance (CPG) states that where an application proposes a loss of a shop in retail use, the Council will consider whether there is a realistic prospect of such use continuing. It advises that the Council will generally require the submission of marketing evidence to show that there is no realistic prospect of demand to use a site for continued retail use.

The application site has been extensively marketed since 31st January 2019. The following provides a summary of the marketing which has been carried out to date:

- The site was marketed online via Zoopla from 31st January 2019. (Please see attached **Appendix 1** – the site was then referred to as Burrito (the former tenant)).
- In addition to the site being marketed on Zoopla, the site was also marketed by Bruce Commercial for the same period (Jan 2019-Jan 2020) until the unit was taken by the current tenant. The premises were marketed by Bruce Commercial on their own website along with advertising boards displayed at the site.
- An advertising 'To Let' board was also displayed at the site by Hallmark Property Group (Property Managers for the site)
- The unit was originally offered on the market at £57,500 per annum.
- The marketing initially attracted a lot of interest, with one offer received for use as a beauty salon. However, this offer was withdrawn by these prospective tenants after they found cheaper premises on the same street. Other feedback as to why prospective tenants did not pursue interest in the unit was due to it being too expensive.
- Following, a lack of interest, in December 2019, the unit was offered on the market at a reduced rate of £45,000 per annum.
- Please see the attached Zoopla website performance report (**Appendix 2**) which was produced during the marketing period. This demonstrates the overall low-level interest in the site. This confirms that despite the listing being viewed 25 times, only 4 people viewed the listing, and only 1 email was received enquiring about the unit.
- The unit was taken by the current tenants (the applicant) who is now seeking to obtain planning permission for a Tattoo Studio. The applicant enquired and took the unit on 29th January 2020. (Please see attached **Appendix 3** of the tenant enquiry).
- The above summary details that the site was therefore marketed unsuccessfully for a period of approximately one year for retail purposes.

Having regard to the reasonable attempts to let the unit, as demonstrated by the above marketing summary, and attached information, it is clear that there is a lack of demand for the unit being occupied for A1 use. For these reasons, the unit is therefore not considered viable for continued retail use.

In addition to the above, the status of the neighbouring units is a further material planning consideration. Currently, of the 6 units within this frontage which face onto Chalk Farm Road (2 of which are The Lock Tavern Public House and The Stay Club), 4 of the retail/restaurant units are vacant. Along with the application site, this includes the former Gino Restaurant, the Vape Shop and Carvin hairdressers. A further retail unit (the Cube Café) which corners onto Harland Road is also vacant. The following provides a short summary of the difficulties in obtaining a tenant on each unit:

- The Gino Restaurant site (Unit 1) has been vacant since September 2019, at which point, it was marketed online via Zoopla. This was initially at £250,000 per annum and recently reduced to £200,00 per annum. (Please see the marketing details via the following link https://www.zoopla.co.uk/to-rent/details/52888375?pro_preview=1). The site has also been marketed with advertising boards above the unit and by Jones Lang LaSalle (JLL). Despite interest being received from a Vegan Food Restaurant, and a hairdressing company in January 2020, these offers were not accepted as the rent offered was too low. Accordingly, the interest in this unit was not pursued by either party and the site remains vacant.
- The Vape Shop (Unit 3) closed during the Covid-19 lockdown restrictions and has failed to re-open. The company has since gone into administration and this unit remains vacant.

- Carvin Hairdressing Salon (Unit 4) is currently vacant despite being marketed. The main reasons that no interest has been pursued in this site is occupiers would prefer an A3 use and that the unit is too expensive for A1 use. Please refer to the marketing details via the following link: https://www.zoopla.co.uk/to-rent/details/55975624?pro_preview=1. Furthermore, Religion Limited entered into a tenancy agreement for a 2-month period (20.01.2020 to 20.03.2020) to occupy the unit as a shop. However, this company took a break clause after only 1 month due to the shop not making any money.
- The Cube Café (cornering onto Harland Road) closed at the start of the Covid-19 lockdown restrictions and have not reopened. The site remains closed.

For the above reasons, it is considered that the vacancy of neighbouring units within this retail frontage provides further evidence of the challenges in retaining retail uses in this location and the difficulties in marketing them for such uses.

Proposed Tattoo Studio

CLP Policy TC4 states that the Council will ensure that 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. In doing so, the Council will consider the effect of development on shopping provision and the character of the centre in which it is located, and the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and any record of harm caused by such uses. It further states that proposals will be considered against the Council's expectations for the mix and balance of uses within frontages for each centre as set out in Appendix 4, and the individual planning objectives for each centre as set out in the supplementary planning document Camden Planning Guidance (CPG) on Town Centres and Retail.

CLP Paragraph 9.44 states that a number of uses commonly found in centres (and smaller shopping parades) are not included in the A1, A2, A3, A4, A5, B1a, D1 or D2 Use Classes. These include amusement arcades, launderettes, saunas and massage parlours, car showrooms and minicab offices. It is considered (our emphasis) that a tattoo studio would fall within such uses. This paragraph further advises that centres are generally the most appropriate location for these uses, but that the Council will carefully consider their potential impact when assessing planning applications to make sure that they do not harm the centre or the amenity of neighbours.

Paragraph 85 of the National Planning Policy Framework (NPPF) states that planning policies should promote the long-term vitality and viability of centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries. This approach has recently been reflected in recent changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) which has introduced changes to provide greater flexibility for town centre uses (this is considered further below). This need for a greater flexibility to revitalise town centres is considered more important than ever during a time of economic uncertainty during the Covid-19 pandemic.

The proposed tattoo studio, despite being classified as a Sui Generis use, is considered to be similar in character as a retail shop insofar it is a use that one would expect to be found in a town centre, and it would encourage footfall to and from the site and which itself would attract shoppers/visitors to the site to support existing shops and services locally. Furthermore, the proposed tattoo studio would comply with the intent of Policy TC4 insofar it is not a late-night entertainment use, and would therefore contribute to the daytime use of the premises (similar to a retail shop). It should also be

acknowledged that a retail space is to be located to the front of the shop offering items for sale which would maintain a retail element to the part of the unit visible through the shopfront window.

By virtue of the nature of the use, the hours of operation, and the limited size of the unit, the proposed use would further would not generate noise and levels of activity which would be harmful to neighbouring amenity of the locality generally.

For these reasons, the proposed tattoo studio, despite not being regarded as a retail use, would not cause harm to the character, function, vitality and viability of the retail centre, the local area, or the amenity of neighbours. In view of the time period in which the unit has remained vacant, the time period of unsuccessful marketing, and the high proportion of vacant units within this retail centre, the proposed use would in fact have a positive impact on the viability and vitality of the retail centre.

Amendments to the Use Classes Order

From the 1st September 2020, fundamental changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) (the 'Use Classes Order') were implemented. These have been introduced by the government with the aim of supporting a high street revival by creating a greater flexibility to change of uses within town centres without the need for planning permission.

Specifically, a new wide-ranging Use Class E has been formed which covers Commercial, Business and Service uses. Class E includes retail, restaurant, office, financial/professional services, indoor sports, medical/health services, and creche, day nursery or day centre uses.

The existing retail use of the application site could therefore conceivably convert to a non-retail use without the specific grant of planning permission. In this context, this approach from government to allow a greater degree of flexibility in commercial uses requires a less restrictive approach in seeking to retain retail uses which in turn renders the current Local Plan policies on the retention of retail uses out of date.

Accordingly, the greater degree of flexibility introduced by these recent changes supports the proposed conversion of the existing unit to a tattoo studio.

Summary

Despite reasonable attempts to market the unit and considering the high vacancy rates of neighbouring units, it is clear that there is a lack of demand for the unit being occupied for A1 use in this location. It has been demonstrated that the proposed tattoo studio would not undermine the character or the vitality or viability of a shopping frontage nor would it result in an overconcentration of late-night uses. By virtue of the nature of the use, the surrounding commercial context, and its acceptable impacts on the amenity of both neighbouring properties and the locality in general, the proposed development is considered to accord with the relevant policies of the Camden Development Plan. Finally, with recent changes to the Use Classes Order, it is clear that there has been a shift in policy from national government to allow a greater flexibility to uses (and changes between certain uses), which now undermines previous planning policies to restrict loss of retail uses.

For these reasons It is therefore respectfully requested that planning permission is granted.

I trust this letter and the enclosed documents provide you with sufficient information to determine the application but if you require any points of clarification or have any questions please do not hesitate to contact me.

Yours faithfully

Stuart Minty
Director
SM Planning