



APPEAL BY:  
Mr A Kamali

AGAINST THE LONDON BOROUGH OF CAMDEN COUNCIL'S REFUSAL  
TO GRANT PLANNING PERMISSION FOR:

Change of use of the ground floor from a laundrette (Sui Generis) to  
a cafe / retail unit (Class E (b))

AT  
190 Finchley Road, London, NW3 6BX

London Borough of Camden Council's Reference: 2022/0318/P

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

July 2022

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## 1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr A Kamali, in support of the appeal lodged against the refusal of planning application reference 2022/0318/P.

1.2 The application form was dated 26<sup>th</sup> January 2022 and sought planning permission for the Change of use of the ground floor from a laundrette (Sui Generis) to a cafe / retail unit, no. 190 Finchley Road in London. The application was refused under delegated authority on 11<sup>th</sup> May 2022 for the following reasons:

1. *The proposed change of use, by reason of the loss of a laundrette which provides a specific and essential service and social function, would be detrimental to the character, function, vitality and viability of the Finchley Road Town centre, contrary to policies TC2 (Camden's centres and other shopping areas) and TC4 (Town centres uses) of the London Borough of Camden Local Plan 2017.*
2. *In the absence of a signed legal agreement securing a 'car-free' development, the proposal would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to policies T2 (Parking and car free development) and CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.*

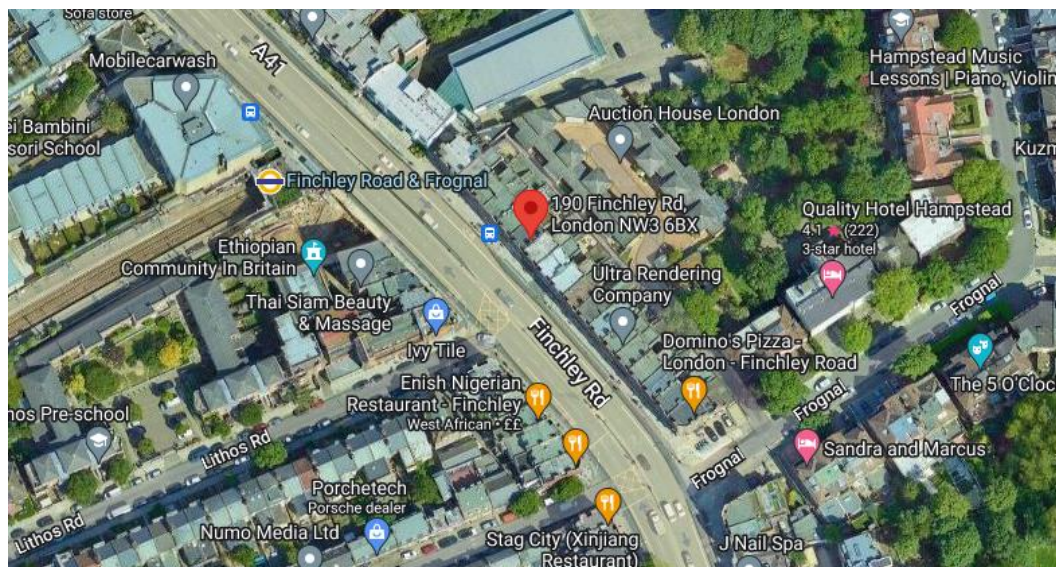
1.3 These grounds of appeal will address the central concerns raised within the council's reasons for refusal, notably:

- Whether the proposal would be detrimental to the character, function, vitality and viability of the Finchley Road Town centre; and,
- Whether the proposal would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport.

1.4 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

## 2.0 THE SITE

2.1 The appeal site is located on the north eastern side of Finchley Road. The site is not within Conservation Area and the property is not a listed building.



**Aerial view of the appeal site and surrounding area**

2.2 No. 190 Finchley Road is a three-storey mid-terrace building which is located within the designated Secondary Shopping Frontage in Finchley Road/Swiss Cottage Town Centre. The ground floor commercial unit is vacant and the upper floors are understood to be in residential use.



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### 3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for the 'Change of use of the ground floor from a launderette (*Sui Generis*) to a cafe/retail unit' at no. 190 Finchley Road.
- 3.2 The scheme does not seek to make any physical alterations to the external fabric of the building and the proposal concerns only the change of use of the site from launderette to a café/food retail store under Class E (b).
- 3.3 The unit has a floor area of 81m<sup>2</sup> and will sell cold food and drinks. No primary food preparation will be undertaken, and no alcohol will be served. The internal arrangement will comprise customer seating, a salad bar/kiosk, storage and a WC to the rear.



### 4.0 RELEVANT PLANNING POLICY

- 4.1 The reasons for refusal refer to policies CC1, T2, TC2 and TC4 of the London Borough of Camden Local Plan 2017.
- 4.2 Although not referred to within the decision the National Planning Policy Framework is also considered relevant. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national, regional and local planning policy.

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### **National Planning Policy Framework (NPPF)**

- 4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

#### **Presumption in Favour of Sustainable Development**

- 4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### **Decision-making**

- 4.5 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in

principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

#### Building a strong, competitive economy

- 4.6 Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

#### Achieving well-designed places

- 4.7 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.8 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

#### Camden Local Plan

4.9 The Camden Local Plan sets out the Council's planning policies and replaces the Core Strategy and Development Policies planning documents (adopted in 2010). The Local Plan will cover the period from 2016-2031. Policies CC1, T2, TC2, and TC4 were referred to within the given reasons for refusal.

Policy CC1: Climate change mitigation

4.10 The Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

4.11 The council will ensure that the location of development and mix of land uses minimise the need to travel by car and help to support decentralised energy networks.

Policy T2: Parking and car-free development

4.12 The council will limit the availability of parking and require all new developments in the borough to be car-free.

4.13 The council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

Policy TC2: Camden's centres and other shopping areas

4.14 The Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. They will (amongst other criteria):

- 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;

Policy TC4: Town centre uses

4.15 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.

## 5.0 THE APPELLANT'S CASE

### Introduction

5.1 The appellant's case will focus on the central concerns of the reasons for refusal, notably:

- a) Whether the proposal would be detrimental to the character, function, vitality and viability of the Finchley Road Town centre; and,
- b) Whether the proposal would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport.

5.2 The main considerations in the determination of this appeal are:

- Principle of the development in land use terms
- Impact on residential amenity
- Transport

### Principle of the development in land use terms

5.3 The National Planning Policy Framework recognises the importance of building a strong, competitive economy and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

5.4 London Plan policy SD6 (Town centres and high streets) states that the vitality and viability of London's varied town centres should be promoted and enhanced by supporting the adaptation and diversification of town centres.

5.5 Local Plan policy TC2 (Camden's centres and other shopping areas) states that the council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors whilst policy TC4 (Town centre uses) seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses do not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

5.6 Appendix 4 (Centre frontages) indicates the proportion of A1 shop and A3, A4 and A5 food, drink and entertainment uses the council expect for primary and secondary frontages.



- 5.7 The scheme proposes to convert the existing vacant ground floor unit from a launderette (Sui Generis) to a café/retail unit (Class E (b)).
- 5.8 However, the council refused the scheme citing that the proposed change of use, by reason of the loss of a launderette which they state provides a specific and essential service and social function, would be detrimental to the character, function, vitality and viability of the Finchley Road town centre.
- 5.9 In response, the appellant states that no. 190 Finchley Road has been vacant since 2019 having been actively marketed through its own website as well as on Rightmove, Zoopla and Primelocation by Greenstone.com, a residential and commercial sales and letting agent.



**No. 190 Finchley Road**

- 5.10 Given the length of time the unit has been marketed the appellant considers that a long term vacant unit can be more detrimental to the character, function, vitality and viability of a town centre than to allow a change of use which would have a positive impact by enhancing the services the town centre has to offer.
- 5.11 London Plan policy SD7 (Town centres: development principles and Development Plan Documents) states that boroughs should support flexibility or 'meanwhile' uses of vacant premises that can enhance the vibrancy and vitality of the economy.

- 5.12 Internally the unit has also been stripped of its facilities and, as such, would require considerable expenditure to bring it back into launderette use.



**No. 190 Finchley Road**

- 5.13 Significantly, Diamond Laundry Limited which previously occupied the appeal unit has relocated just 150m to the south to no. 12 Frognall Parade on Finchley Road, NW3 5HH which was also a vacant unit but is still within the Finchley Road/Swiss Cottage Town Centre boundary as defined on Camden Policies Map 2021.



**Google street view image 2019: Diamond Laundry at no. 190 Finchley Road**

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**Google street view image 2022: Diamond Laundry relocated to no. 12 Frognal Parade on Finchley Road**

5.14 In addition to Diamond Laundry there are other operating dry cleaning and laundry services within the Finchley Road/Swiss Cottage Town Centre. These include:

- Clothes Clinic at no. 279 Finchley Road which is just 140m to the south of the appeal site,
- Executive Clean at no. 148 Finchley Road which is 230m to the south of the appeal site, and
- Red Spot Dry Cleaners at no. 26 Northways Parade which is 900m to the south of the appeal site.

5.15 In the wider area there is also:

- London Dry Cleaning Co at no. 519 Finchley Road which is 830m to the north,
- AAA Cleaning Hampstead, at no. 196 West End Lane, NW6 1SG (800m away),
- Belsize Lane Launderette at no. 54 Belsize Lane, NW3 5AR (1.1km away)
- West Launderette at no. 198 Broadhurst Gardens, NW6 3AY (1km away)
- Savoy Dry Cleaners at no. 151 Broadhurst Gardens, NW6 3BE (900m away)

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- Kensington Dry Cleaners at no. 169 West End Lane, NW6 2LH (1km away)
- 5.16 Whilst several are called dry cleaners on reviewing their services, they also provide same day laundry services and in some instances collections and deliveries.
- 5.17 The council have stated that Executive Clean at no. 148 Finchley Road is not a launderette it is a dry cleaners, however, an online review of their services indicates that Executive Clean offer a laundry service as well as a collection/delivery service. The council further state that other launderettes within the area are not within reasonable walking distance for those carrying a heavy bag of laundry.
- 5.18 However, the appellant disagrees with the council's statement that there are no other launderettes within easy walking distance given the sites identified above and thus, the change of use would not cause harm to the health or wellbeing of those without access to a washing machine or reduce the inclusiveness of the centre by virtue of the level and proximity of other launderette services within the area.
- 5.19 Moreover, had the appeal premises been a viable location for a launderette this raises the question as to why the previous tenants, Diamond Laundry, found it necessary to relocate just 150m to the south.
- 5.20 Therefore, taking into account the history of the site and the prospect of achieving an alternative occupier for the vacant launderette the appellant states that in this instance the change of use from launderette (Sui Generis) to a café/retail unit (Class E (b)) would not be harmful to the needs of the local community.
- 5.21 Furthermore, the delegated officer's report confirms at paragraph 3.12:
- "3.12 In relation to the proposed use, notwithstanding the above issues relating to the loss of the existing use, there would be no objections to the proposed café or retail store (Class E) at the site. This would serve cold food for consumption on and off the premises- it would not act as a hot food takeaway or restaurant nor would it have any primary cooking on site, thus it would not create any harmful impacts on local amenity."***
- 5.22 Given the above points, the proposed change of use would not result in unacceptable harm to the character, function, vitality and viability of the town centre and would adhere to the aims of the NPPF, the London Plan and Camden Local Plan policies TC2 and TC4 which collectively seek to create conditions in which businesses can adapt.

#### Impact on residential amenity

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- 5.23 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.24 Camden Local Plan policies A1 (Managing the impact of development) and A4 (Noise and vibration) will seek to ensure that the amenity of communities, occupiers and neighbours is protected, and that noise and vibration is controlled and managed.
- 5.25 The proposed change of use of an existing commercial unit within a town centre location which does not propose any external alterations would not result in any unacceptable impacts on the residential amenities of neighbouring occupiers by virtue of impacts in terms of outlook, privacy, sunlight or daylight or noise disturbances.
- 5.26 Paragraph 4.3 of the delegated officer's report confirms:

***"4.3 Class E uses can exist side-by-side with residential uses in Neighbourhood Centres without significant nuisance or disturbance for neighbouring occupiers. (Environmental Health legislation and licencing exist to control the use/management of outlets and the amenity of neighbouring occupiers from uses which are potentially harmful. Planning conditions can also potentially be used to control the use of premises within Class E and to require noise mitigation)."***

- 5.27 In summary, the change of use would not result in any unacceptable impacts on neighbouring amenity given the context of the site and therefore, the scheme would be compliant with the aims of the NPPF and Camden Local Plan policies A1 and A4.

#### Transport

- 5.28 The NPPF seeks that development is focused on locations which are sustainable, limiting the need to travel and offering a genuine choice of transport modes which can help reduce congestion and emissions, and improve air quality and public health.
- 5.29 London Plan policy T6 (Car parking) states that car-free development should be the starting point for all development in places that are well-connected by public transport.
- 5.30 Camden Local Plan policy T2 (Parking and car-free development) states that the council will limit the availability of parking and require all new developments in the borough to be car free.

- 5.31 The supporting text of policy T2 states that *“Parking will only be considered for new non-residential developments where it can be demonstrated that the parking is essential to the use or operation of the development. Staff parking is not considered essential and will not be permitted”*.
- 5.32 No parking is proposed, however, the appeal site is just 50m from Finchley Road and Frognal Train Station and there is a bus stop directly outside of the site, as a result of its accessible location the appeal site has a PTAL rating of 6a and is suitable to be ‘car free’ and therefore, the appellant highlights his willingness to enter into a legal agreement to prevent future occupiers from obtaining car parking permits.
- 5.33 Therefore, subject to a legal agreement, the scheme would be compliant with the NPPF, London Plan policy T6 and Camden Local Plan policy T2.

## **6.0 CONCLUSION**

- 6.1 The proposed change of use of a unit which has been vacant since 2019 would support the character, function, vitality and viability of Finchley Road town centre.
- 6.2 Given the availability of other launderettes within proximity of the site including the company ‘Diamond Laundry Limited’ which relocated from the appeal site to no. 12 Frognal Parade on Finchley Road the loss of the existing use would not be harmful to the needs of the local community and would not reduce the inclusiveness of the centre.
- 6.3 By virtue of the site’s accessible location the appellant is willing to enter into a legal agreement to prevent future occupiers from obtaining car parking permits.
- 6.4 Consequently, it is stated that the appeal scheme is consistent with the aims of the National Planning Policy Framework, the London Plan and policies CC1, T2, TC2 and TC4 of the London Borough of Camden Local Plan 2017.
- 6.5 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed change of use of the ground floor from a launderette (Sui Generis) to a café/retail unit (Class E(b)) would not be contrary to national, regional or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.