

Delegated Report		Analysis sheet	Expiry Date:	04/03/2022
		N/A	Consultation Expiry Date:	13/03/2022
Officer			Application Number(s)	
Edward Hodgson			2022/0068/P	
Application Address			Drawing Numbers	
Basement 57 Camden Road London NW1 9EU			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retrospective Change of use from Office (Class E) to Bar/ Lounge (sui-generis).				
Recommendation(s):		Refuse and Warning of Enforcement Action to be Taken		
Application Type:		Full Planning Application		

Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	07	No. of objections	07
Summary of consultation responses:	<p>A site notice was displayed 11/02/2022 which expired 07/03/2022. Press notice was published 17/02/2022 which expired 13/03/2022.</p> <p>One objection was received by the Tenants Residents Association Camden Town (TRACT). Their objection can be summarised below:</p> <ol style="list-style-type: none"> 1. <i>Noise disturbance to nearby residential occupiers</i> 2. <i>Poor external appearance with no proposal for external signage</i> 3. <i>No space for internal waste</i> <p>One objection was received by the Camden Square CAAC. Their objection can be summarised below:</p> <ol style="list-style-type: none"> 1. <i>No need for another bar within a residential area</i> 2. <i>Unacceptable levels on noise pollution would result</i> 3. <i>Inadequate fire safety measures in place</i> <p>One objection was received by the South Kentish Town CAAC. Their objection can be summarised below:</p> <ol style="list-style-type: none"> 1. <i>No need for another bar in this location</i> <p>To date, four objections were received from residents at the following addresses:</p> <ul style="list-style-type: none"> • 57 Camden Road (x3) • Royal College Street <p>Their objections can be summarised below:</p> <ol style="list-style-type: none"> 1. <i>Parties occurring at the basement are affecting residents</i> 2. <i>Unacceptable levels of noise from the bar and public indecency</i> 3. <i>Concerns over fire safety</i> 4. <i>Lack of car parking at the site</i> <p><i>Officer's Response to objections:</i></p> <ul style="list-style-type: none"> • <i>The concerns around fire safety are for building control and do not form part of the assessment for planning permission</i> • <i>The proposed bar would be of a small scale and it is considered that it would not impact on car parking provision in the area</i> • <i>The existing office space does not show storage for internal waste</i> • <i>Please refer to sections 2,3 and 4 of the report.</i> 			

Site Description

The application site is the basement of 57 Camden Road, a four-storey property located on the junction between Camden Road and Royal College Street and near Camden Road railway station. The building has Class E use on at the basement and ground floor, with residential above. Access to the basement is via an external staircase. The GIA of the basement is 50sqm.

The site lies within the Camden Broadway Conservation Area. The building is not a listed building but is identified as making a positive contribution to the conservation area. It is located within the Camden Road -Royal College Street Neighbourhood Centre.

Relevant History

9501392 - Change of use of basement from betting shop (A2) to beauty salon/health club (D1) as defined by the Town and Country Planning (Use Classes) Order 1987 as shown on drawing numbers 95/053/10 and 11 and 88/781/3A. **Granted - 15/12/1995**

CTP/H12/20/3/1026 - Use of the ground floor of 57, Camden Road, Comden as a licensed betting office. **Granted - 15/11/1965**

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

D1 - Design

A1 – Managing the impact of development

A4 – Noise and vibration

E1 – Economic Development

E2 – Employment premises and sites

TC2 – Camden's centres and other shopping areas

Camden Planning Guidance

CPG Design (2021)

CPG Amenity (2021)

CPG Employment sites and business premises (2021)

CPG Town Centres and Retail (2021)

Camden Broadway Conservation Area Appraisal and Management Plan (2009)

Assessment

1.0. Proposal

1.1 Retrospective planning permission is sought for the change of use of the basement from office space (Class E) to a bar (sui generis), which would thus involve the loss of a business premise. There are no proposed external changes to the site. Enforcement case EN21/1196 was raised in response to the change of use.

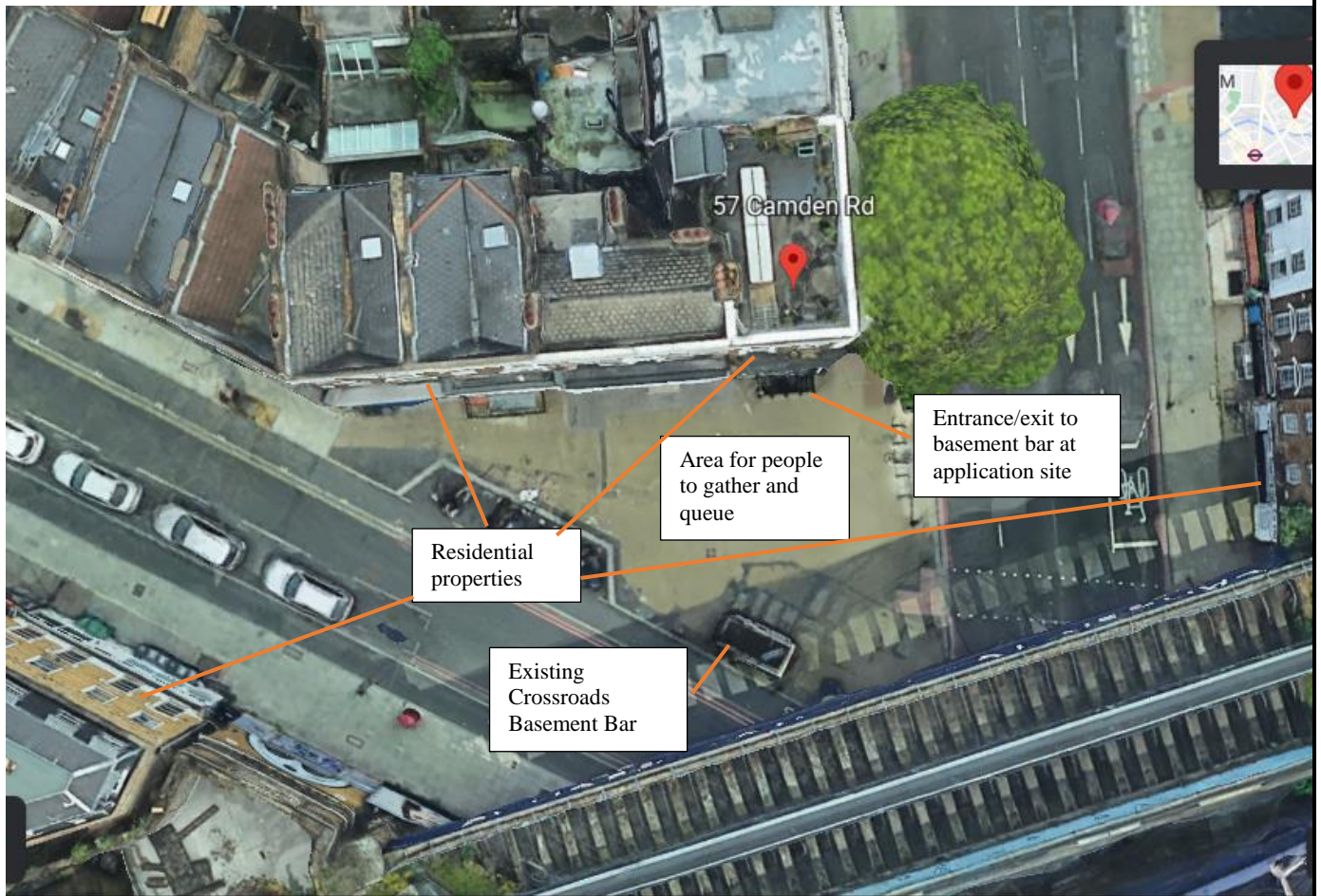
2.0 Design

2.1 As no external alterations are proposed, there are no design considerations in the determination of this application.

3.0 Impact on neighbours

- 3.1 Policy A1 seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy. Policy A4 seeks to ensure that no unacceptable levels of noise and vibration result from new development.
- 3.2 A noise impact assessment was submitted as part of the application. This has been reviewed by the Council's Environmental Health Officer who considers that, with conditions relating to the control of amplified sound, disposal/management of waste/bottles and cans, control of entertainment noise, and approval of a Servicing/Noise Management Plan, there would be no undue harm to the amenity of neighbouring residents.
- 3.3 Notwithstanding the recommended measures to control noise from in the bar, the proposal would cause noise and disturbance in the area which would not be able to be controlled under planning legislation. The sound control measures at the site could be instigated but it would not be possible to attach conditions or management plans which would control noise and disturbance in the surrounding area. Due to the confined nature of the bar these are likely to be more evident than at other purpose built drinking establishments in the area.
- 3.4 The bar has been hosting late night events since at least January 2022, and a number of complaints regarding noise and anti-social behaviour have been received by the Council. A site visit was undertaken by officers from the Council's Licensing Team and the Metropolitan Police on 5/05/2022. It was found that late night parties involving alcohol had been taking place with associated noise pollution from music and party goers outside of the agreed hours of operation.
- 3.5 There are a number of other bars within the vicinity, including the Camden Road Arms (57m), The Old Eagle (103m) and Crossroads Bar (12m). An additional bar would result in a cumulative effect of people gathering late at night and causing noise disturbances to nearby residents.
- 3.6 The bar is located within a basement with no outside and smoking space provided and with only one exit and entrance which is located directly beneath residential windows (see 3.4). This would lead to people gathering and fraternising on the highway. A number of local residents have objected to the application on the grounds of noise, anti-social behaviour and public indecency resulting from people attending events the bar. Such disturbances would only increase once the bar is fully operational. The operator would have limited powers to control anti-social or noisy behaviour if it happened beyond the application premises, on the highway.

3.7



- 3.8 CPG Town Centres and Retail states that late night licensed entertainment will generally be inappropriate in Neighbourhood Centres due to the impact of deliveries, noise and customers on residential amenity. Neighbourhood Centres will be considered suitable locations for food and drink uses of a small scale (generally less than 100sqm) that serve a local catchment, provided they do not harm the surrounding area. The bar would lead to noise and anti-social behaviour through people gathering in an area in close proximity to residential occupiers and where an existing bar is located leading to a cumulative negative impact.
- 3.9 Policy TC2 of the Camden Local Plan seeks to protect neighbourhood centres through minimising the impact of drink and entertainment uses on local residents and local areas. The use as a bar is already causing impacts on local residents through noise disturbance and anti-social behaviour which would only continue. The use of the premise as a bar would impact on the neighbourhood centre and is therefore contrary to policy TC2 of the Camden Local Plan and refusal is warranted on this basis.

4. Land Use

- 4.1 Policy E2 of the Camden Local Plan states that the Council will resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction that:
- a. the site or building is no longer suitable for its existing business use; and
 - b. that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.
- 4.2 A letter outlining the marketing undertaken was provided by Charringtons. This includes a short period of marketing between 25th September 2020 to April 2021. The local plan states that marketing should be sustained over at least two years. The marketing evidence suggests that marketing was also undertaken by Bentley and Co., however no evidence of this has been provided. The marketing evidence states that an advertising board was placed outside the site between 02/10/2020 to 18/04/2021, however this cannot be verified and looking through historic streetview

photographs during this period shows no evidence of a board being in place. The existing lawful use of the site is Class E, however it was advertised as being Class B2 on the Charrington's website which is the incorrect use class. The marketing evidence states that between 25/09/2020 to 30/11/2020 a total of 38 enquiries were made with 19 viewings and 1 offer submitted. No evidence was provided as to the reasons why there was a lack of take up. No evidence has been submitted showing digital marketing being undertaken including via the GLA's Open Workspace platform which is encouraged in CPG Employment Sites and Business Premises.

4.3 The proposals have been reviewed by members of the Council's Policy and Inclusive Economy teams who were concerned over the lack of marketing detail. In addition, it was considered that too much weight had been placed on marketing during the height pandemic-related restrictions which was a period of severe disruption to property markets especially within the officer sector.

4.4 The application site is located on the edge of the Camden and Kentish Town Centres and is well served by transport links. It is considered that there is significant demand in the Camden Town and Kentish Town area for small premises that would be suitable for smaller businesses. Policy E1 of the Camden Local Plan supports small businesses and start-ups as part of the Council's strategy to support enterprise by providing a range of unit types and sizes. It is noted that the unit would be suitable for such businesses. The change of use would therefore remove the opportunity to support smaller business on this site. The loss of office floorspace is therefore contrary to policy E1.

4.5 It is considered that the change of use is contrary to policy E2 of the Camden Local Plan and is unacceptable in land use terms.

5. Recommendations:

a) Refuse planning permission for the following reasons:

5.1 The change of use, in the absence of sufficient justification demonstrating that the premise is no longer suitable for continued business use, would fail to support economic activity in Camden and result in the loss of employment opportunities within the Borough contrary to policy E2 (employment premises and sites) of the London Borough of Camden Local Plan 2017.

5.2 The existing and future use of the premises as a bar is and will result in noise, nuisance and disturbance in the area to the detriment of the amenity of residents of adjoining and neighbouring properties. The proposal is therefore contrary to policy A1 (Managing the impacts of development) and policy TC2 (Camden's Centres and other shopping areas) of the London Borough of Camden Local Plan 2017.

b) Issue an Enforcement Notice-

5.3 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended regarding the change of use from office (Class E) to bar/lounge (Sui Generis) and that 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.

5.4 The notice shall allege the following breaches of planning control:

Change of use from officer (class E) to bar/lounge (sui generis).

5.5 What are you required to do:

1. Completely cease the use as a bar (Sui Generis).

5.6 Period of Compliance:

3 Months

5.7 Reasons why the Council consider it expedient to issue the notice:

The change of use, in the absence of sufficient justification demonstrating that the premise is no longer suitable for continued business use, would fail to support economic activity in Camden and result in the loss of employment opportunities within the Borough contrary to policy E2 (employment premises and sites) of the London Borough of Camden Local Plan 2017.

The existing and future use of the premises as a bar is and will result in noise, nuisance and disturbance in the area to the detriment of the amenity of residents of adjoining and neighbouring properties. The proposal is therefore contrary to policy A1 (Managing the impacts of development) and policy TC2 (Camden's Centres and other shopping areas) of the London Borough of Camden Local Plan 2017.