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APPEAL SITE

47 England's Lane, NW3 4YD

APPELLANT

Camure Limited

Appeal Statement in support of the refusal by LB Camden planning application 2022/0626/P for 'Change of use of ground floor and basement unit from 'Sui Generis' use (laundrette) to Class E'

1. Summary

1.1 This Appeal Statement comprises the Council's case regarding planning refusal for the 'Change of use of ground floor and basement unit from 'Sui Generis' use (launderette) to Class E' at 47 England's Lane, NW3 4YD. (Ref: 2022/0626/P).

The application was refused on 19/04/2022 for the following reasons:

1. *The proposed change of use, by reason of the loss of a launderette which provides a specific and essential service and social function, would be detrimental to the character, function, vitality and viability of the England's Lane neighbourhood 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.*
3. *In the absence of a signed legal agreement to secure a contribution to the provision of 8 cycle parking spaces in the vicinity, the proposal would fail to promote the use of sustainable transport instead of motor cars, contrary to policies T1 (Prioritising walking, cycling and public transport) and CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.*

1.2 The Officer Report setting out the consultation responses, site description, planning history, relevant planning policies, proposal and assessment and a conclusion was sent with the Questionnaire. The Officer Report represents the council's main statement. In addition the following amplifies the council's case, addresses the grounds of appeal, confirms the status of policies and suggests conditions and S106 should the inspector be minded to allow the appeal.

2. Background

2.1 The application relates to the launderette (sui generis) in the ground floor and basement unit of this three storey mid terrace building. The upper floors contain two residential flats (C3). It is located along the eastern side of England's Lane.

2.2 The building is not listed but is located within the Belsize Conservation Area. It is located in the England's Lane Neighbourhood Centre.

2.3 England's Lane hostel for homeless families is also located on England's Lane. There are 155 families at this hostel. The hostel used to be nurses accommodation (ie each room was designed for a single person), but they now house entire families.

2.4 Objections were received from two ward Councillors and 3 others regarding the loss of the launderette needed by the community including the residents in the England's Lane Hostel.

2.5 Permission was refused in 2020 for change of use of the launderette to a shop on grounds of loss of the valued facility. Following this there was a fire in 2021 and the launderette has been closed since.

2.6. The appellants have submitted new profit/loss information and marketing evidence with their appeal which was not submitted at the application stage. It is not considered that this justifies the loss of this valued facility.

2.7 The appellants allegedly submitted a new application for the same proposal last month. The new application is understood to include the new information cited in 2.6 above. The appellants anticipate that this will overcome the reasons for refusal and that permission would be forthcoming prior to the appeal decision. The Council is not yet in a position to confirm this as the application has not been validated, processed or assessed as yet.

3. PLANNING POLICY FRAMEWORK

The Development Plan currently consists of:

National Planning Policy Framework (2021)

London Plan (2021)

Camden's Local Plan (2017)

E1 Promoting a successful and inclusive Camden economy

A1 Managing the impact of development

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping areas

Supplementary Guidance

Town centres and retail (2021)

Amenity (2021)

Belsize Park Conservation Area Statement (April 2001)

Copies of the relevant policies and relevant sections of the Development Plan documents were sent with the Questionnaire.

4. RELEVANT PLANNING HISTORY

Application site

2019/5888/P - Change of use from launderette (Sui Generis) to retail (A1) at ground/basement – refused 24/02/2020

Reason for refusal: 'The proposed change of use, by reason of the loss of a launderette which provides a specific and essential service and social function, would be detrimental to the character, function, vitality and viability of the England's Lane neighbourhood 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.'

Sites within Belsize area

54 Belsize Lane

2018/2824/P - Change of use from Launderette (Sui Generis) to shop (Class A1). – Refused 22/02/2019

Reason for refusal: “The proposed change of use, by reason of the loss of a launderette which provides a specific and essential service and social function, would be detrimental to the character, function, vitality and viability of the Belsize neighbourhood 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.”

5. STATEMENT OF CASE AMPLIFIED

5.1 The relevant considerations in this case are the effects of the loss of the launderette facility on the function and purpose of the England's Lane Neighbourhood Centre in terms of its needs, vitality, viability and character. The lack of a legal agreement to secure a car-free use and the provision of requisite cycle parking facilities would also be contrary to the Council's (and London Plan and NPPF) policies for reducing car use and encouraging sustainable modes of transport in the interests of mitigating against carbon emissions and climate change. These were therefore also reasons for refusal.

Reason for refusal no. 1: Change of Use (Neighbourhood Centre impacts)

5.2 Note: This section relates to the application and the submission documents for which planning permission was refused. Further evidence, for example a profit-loss spreadsheet and marketing report, have been submitted in the appellant's 'Grounds of Appeal'. However, this evidence was not presented at the application stage and hence it was not considered when the application was assessed, and refused. The further evidence which has been submitted in the appellant's 'Grounds of Appeal' is referred to in 'Comments on the appellant's grounds of appeal' below.

5.3 Policy TC2 (Camden's centres and other shopping areas) in the Camden Local Plan 2017 indicates that the Council will 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. Supporting para 9.23 states that the Council will “ensure that any development in the centres does not harm the function, character or success of that centre.”

5.4 Policy TC4 provides more information about other town centre uses. Generally, it indicates that development should not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. A number of specific considerations are listed, below including:

- the effect of development on shopping provision and the character of the centre in which it is located;
- the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail;
- the health impacts of development.

5.5 The Supplementary Planning Guidance documents states: 'Camden's Neighbourhood Centres provide for the day-to-day needs of people living, working or staying nearby. They generally consist of groupings of between five and fifty premises which focus on convenience shopping. Other uses that can make a positive contribution to the character, function, vitality and viability of these centres include: launderettes.'

5.6 In further recognition of the service launderettes can provide the Council served an Article 4 Direction adopted on 1 June 2018 preventing the change of use of launderettes to dwelling houses (Sui Generis to C3) which would otherwise be bestowed permitted development rights as a result of recent changes to the GPDO. The permitted development right only applied to launderettes which were located outside of a conservation area hence the application site not being included in this article 4.

5.7 The launderette contributes to the vitality and function of this part of England's Lane. The proposed change of use of the launderette to Class E uses would impact upon the range of 'other suitable uses' in the Neighbourhood Centre and the objective to provide variety, vibrancy and choice. Thus, the proposed change of use would fail to protect and enhance the role and character of England's Lane Neighbourhood Centre.

5.8 Camden Planning Guidance identifies launderettes as being able to make a positive contribution to the character, function, vitality and viability of neighbourhood centres. This can be seen at para 4.71 of the Town Centres CPG 2021 on 'Neighbourhood Centres outside of London', vis:

'Other uses that can make a positive contribution to the character, function, vitality and viability of these centres include: • financial and professional services; • food and drink uses; • launderettes; • doctors; • dentists; and • veterinary surgeries'

5.9 For residents without access to washing machines, launderettes provide an essential service. Those without access to a washing machine at home, including those living in more temporary forms of accommodation (likely to be on lower incomes) rely on launderettes. The objection to the application received from two Ward Councillors refers to the need for the launderette for local people. It notes that the England's Lane hostel for temporary accommodation has no laundry facilities and that the residents therefore need a local launderette. The situation was documented in the Ham & High local paper in January 2020 when the previous application (2019/5888/P) to change the use of the launderette was current:

[Concerns over Belsize launderette on England's Lane which could be replaced by juice bar | Ham & High \(hamhigh.co.uk\)](#)

5.10 In addition, launderettes can perform a social function as a meeting place. It is therefore considered important to retain these facilities.

5.11 It is evident that the changes to the Use Classes Order and particularly the introduction of Class E was intended to allow flexibility between commercial and professional uses. The Council acknowledges this point which is made in paragraph 4 of the appellant's Grounds of Appeal. Nevertheless, in this case, which concerns a sui generis use which does not fall under Class E (commercial and professional services) the proposal would result in the loss of a unique use (launderette) which provides an essential service and provides a community benefit for residents living in bedsits.

5.12 The loss of the launderette would be harmful to the character, function, viability and viability of the centre. The loss could also harm the health and wellbeing of those without access to a washing machine, and reduce the inclusiveness of the centre. The loss of the launderette would represent a 5% reduction in the total number across the borough.

5.13 The consultation responses re-confirm that the launderette is a valuable community asset. Whilst, the Council's policies generally favour the addition of retail uses in centres and limit the introduction of non-retail uses in the interests of supporting the character, function, vitality and viability of the centre, the existing use (i.e. launderette) makes a positive contribution to the function, purpose, vitality, character and viability of the centre and the community role constitutes a further reason for its retention at the site.

5.14 The application covering letter suggests that the function, character and success of the centre will not be harmed as a result of the loss of the launderette as Chequers Dry Cleaners at No.48 is located across the street. It is noted that this facility does not offer the same services as the launderette and is more expensive.

5.15 No viability assessment was submitted as part of this proposal and given the objections that were received from current users of the premises it is evident that the launderette provides a vital function for the local community.

Comments on the appellant's grounds of appeal against Reason 1

5.16 Note: Evidence has been submitted in the appellant's Grounds of Appeal which was not submitted with the application. The Council did not have sight of this information at the application stage and it follows that the Council was unable to take the information into account when assessing and deciding the application.

Viability of the launderette at 47 England's Lane:

5.17 The further information includes a spreadsheet of the profit-loss accounts of the launderette since 2017. (The launderette has been vacant since a fire in 2021). The Statement summarises the profits/losses for 2017 to 2021 as follows:

Year end 2018 - loss of £26,674
Year end 2019 - loss of £27,246
Year end 2020 - loss of £18,278
Year end 2021 - loss of £24,746

Then it is stated that the launderette has been closed since 2021 because of the fire.

5.18 The report is not accurate because the spreadsheet indicates that a COVID grant of £25,000 was received in 2021, thereby making the net result for 2021 a £254 gain and not a £24,746 loss.

5.19 While the COVID grant appears to have more than covered the fall in sales in 2021 it should also be noted that the advent of COVID in 2020 and 2021 would have been a factor which would have contributed to the negative returns in those years.

5.20 No financial information is provided on the impact of the lockdowns on the sales however. The accounts do not indicate when the launderette was

closed in 2020 and 2021 due to COVID and consequently, the scale of losses which would have been due to COVID, either because the launderette was closed during the lockdowns, or because of a fall in use because of the perceived effects of COVID (i.e. if the launderette remained open during the lockdowns then there would have been some drop-off in sales due to the perceived threat of catching COVID).

5.21 The fact that the losses were at their lowest in 2020 (£18,278, compared with £26,674 (2018), £27,246 (2019) is partly as a result of increased sales in 2020. The pandemic is cited as one of the reasons for the downfall in launderette use in the Marketing Report by Willmotts which is included at Appendix 2 in the appellant's Grounds of Appeal. The report notes that launderettes have been hit hard by the pandemic but the increase in sales in 2020 suggests that the launderette was relatively more popular during the lockdowns – maybe because of the community role.

5.22 There is also no consideration of the fact that the pandemic is largely behind us now, we are on the road to recovery from the pandemic and that people are back out again and frequenting shops and services. Additionally, there have been no apparent attempts to diversify and to retain the launderette with support/ancillary services which would make it more viable.

Marketing and lack of demand for the launderette

5.23 The Council's detailed requirements in relation to the marketing of launderettes are set out in Camden Planning Guidance: "Community uses, leisure facilities and pubs" (January 2021). It states that the Council will require the following information:

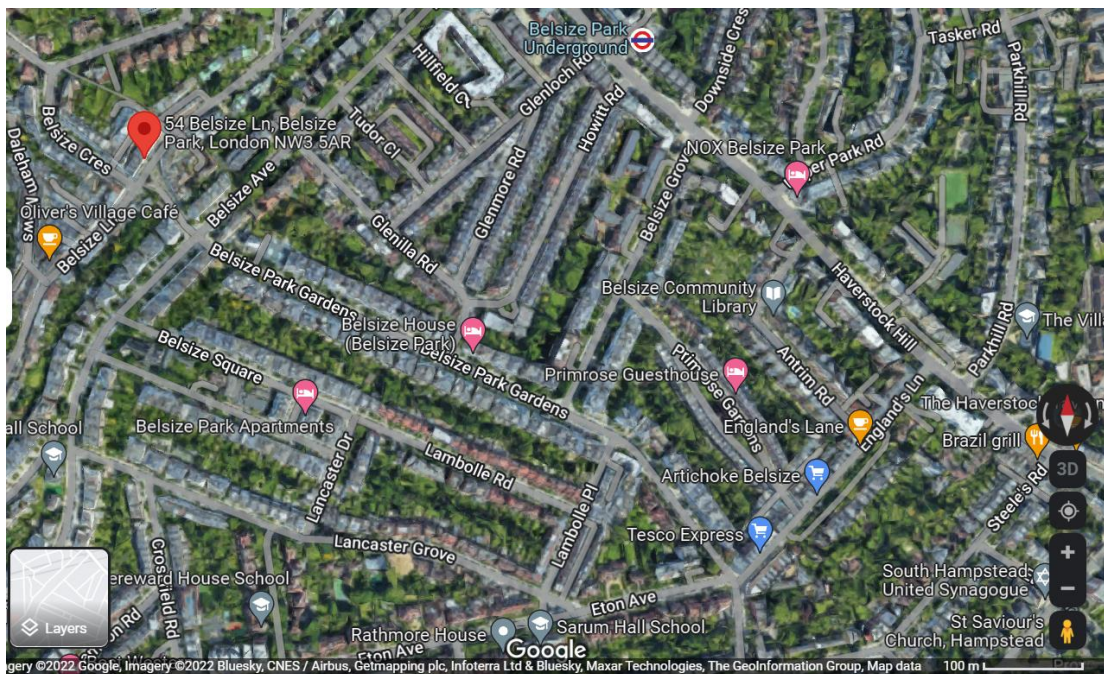
- Details of alternative provision (within a radius of 400m of the premises/site subject to the planning application);
- A report demonstrating that there is no demand for a community use despite continuous marketing at a reasonable rate for a period of 12 months;
- Expressions of interest to be recorded and full reasons given as to why any offer was not accepted.

5.24 It specifically mentions that such information needs to be submitted to the Council as part of its assessment of a planning application. The marketing report and information on viability within Appendix of the appellant's grounds of appeal were not submitted with the planning application.

Details of alternative provision (within a radius of 400m of the premises/site subject to the planning application);

5.25 The appellant's Grounds of Appeal (paragraph 8) and marketing report which was undertaken by (Greyfox Commercial) and included at Appendix 2 of the appellant's Grounds of Appeal mention the proximity of an alternative launderette at 54 Belsize Lane.

5.26 54 Belsize Lane is situated approximately 800 m from the appeal site. It is considered to be beyond a reasonable distance (5 minutes' walk) for those carrying heavy bags of laundry.



A report demonstrating that there is no demand for a community use despite continuous marketing at a reasonable rate for a period of 12 months

5.27 The appellant's statement indicates that the launderette was marketed by Willmotts from 2017 until the fire (2021) and by Grey Fox since 2022.

5.28 The marketing reports do not include evidence of the media which were used to market the launderette or the terms or conditions which were offered to secure a launderette operator. The Grey Fox report mentions that operating costs of a launderette but no mention is made of any fit-out or diversification which could be included to attract a launderette operator.

5.29 Lastly we must re-iterate that the evidence which has been submitted at appeal was not submitted with the application. Consequently, the Council did not have this information available on which to undertake its assessment of viability.

Reason for refusal no. 2 (Need for car-free legal agreement)

5.30 The Council's adopted policies T1 and T2 seek to limit the opportunities for parking within the borough as well as prioritise the needs of pedestrians and cyclists to ensure that sustainable transport will be the primary means of travel, reduce air pollution and local congestion. Therefore, the development should be secured as car-free via a covenant under s.16 of the Greater London Council (General Powers) Act 1974 and other local authority powers if the appeal were allowed.

5.31 A planning obligation is considered the most appropriate mechanism for securing the development as car-free as it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car-free. The level of control is considered to go beyond the remit of a planning condition. Furthermore, a legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car-Free". The Council's control over parking does not allow

it to unilaterally withhold on-street parking permits from businesses or residents simply because they occupy a particular property. The Council's control is derived from Traffic Management Orders ("TMO"), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The Council could not practically pursue an amendment to the TMO in connection with every application where an additional dwelling/use needed to be designated as car-free. Even if it could, such a mechanism would lead to a series of disputes between the Council and incoming businesses and residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a "Car-Free" legal obligation. The TMO sets out that it is the Council's policy not to give parking permits to occupiers of premises designated as "Car-Free", and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car-Free".

5.32 Use of a legal agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

Comments on the appellant's grounds of appeal against Reason 2

5.33 Paragraph 38 of the appellant's planning appeal statement refers to the Council's requirement for a car-free agreement. The appellant argues that there would be no severe impact in highway terms as the parking demand or trips would decrease when compared to the existing use as a launderette. As the end user is currently unknown, and the proposed use is flexible, it cannot be concluded that the demand or trips would decrease. A launderette is not labour intensive because the service is provided by machines. It is likely that an alternative Class E use would involve more staff at the site and consequently, a potentially higher level of car use. Accordingly, the Council expects commercial developments with new occupiers to be car-free in accordance with Policy T2. Furthermore, Policy T2 clearly states that the Council will "not issue on-street parking permits and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits". In the absence of a legal agreement to prevent future occupiers from obtaining on-street car parking permits the second reason for refusal remains.

Reason for refusal no. 3 (Need for cycle parking provision legal agreement)

5.34 The Council's adopted policies T1 and T2 seek to limit the opportunities for parking within the borough as well as prioritise the needs of pedestrians and cyclists to ensure that sustainable transport will be the primary means of travel, reduce air pollution and local congestion.

5.35 Secure cycle parking should be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the London Plan. The London Plan standards are shown below. Long-stay parking could be waived as the

floorspace is under the threshold. Short stay cycle parking should be within the curtilage of the development, however as the development does not have a forecourt, the council accepts a financial contribution for cycle parking on the public highway. Each Sheffield stand would cost £300 and can accommodate 2 bicycles, a total of £1,200 for 4 stands. The financial contribution should be secured by a s106 agreement.

5.36 The London Plan cycle parking standards require the provision of 1 cycle parking space per 20 sq m for food retail uses and 1 cycle parking space per 60 sq m for non-food retail uses (both up to 750 sq m).

Comments on the appellant's grounds of appeal against Reason 3

5.37 Paragraph 39 of the appellant's planning appeal statement refers to our requirement for cycle storage. The appellant argues that there is no material change between a launderette use or other commercial usage in terms of travel. As the end user is currently unknown, and the proposed use is flexible, it cannot be concluded that the demand or trips would not change. Regardless of what the future use would be, there will be a difference in the way in which people access the site, either in terms of profile trips and/or numbers. Policy T1 clearly states that the Council will "seek to ensure that development provides for accessible, secure cycle parking facilities". Secure and accessible (step-free) cycle parking would need to be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the London Plan. The reason for refusal 3 would be addressed if a legal agreement to secure the provision of the cycle parking facilities is signed by both parties.

6. CONCLUSION

6.1 When the application was submitted (and assessed) the evidence which served the needs of the Neighbourhood Centre, contributed to its character and vitality, represented a community facility and aligned with the Council's policies and guidance for maintaining a range of services within a Neighbourhood Centre to serve the needs of the local community.

6.2 Further information has been presented at the appeal stage which was not submitted at the application stage and which the Council was not party to when the application proposal was assessed and determined.

6.3 Information on viability (profit-loss statements) and marketing have been submitted. However, the Council remains concerned that the proposal would result in the loss of a launderette which would potentially serve the needs of the local community and align with the Council's policies and guidance for the Neighbourhood Centre.

6.4 The profit-loss statement and marketing report do not take into account the prospect of diversifying the use so that supporting uses/activities could boost its viability and enable the retention of a launderette.

6.5 In accordance with LB Camden, London Plan and NPPF policies for reductions in car use and the use of sustainable transport, the proposed change of use should be accompanied by a legal agreement to prevent new

occupiers from obtaining on-street car parking permits and to include the provision of 8 short-stay cycle parking facilities for users. In the absence of a legal agreement to prevent future occupiers from obtaining car parking permits and to provide for 8 short-stay cycle parking spaces, the proposal is contrary to policies T1 and T2 of the LB Camden Local Plan 2017 and the London Plan 2021 and NPPF 2021.

S106 and conditions

6.6 Should the Inspector be minded to allow this appeal then the Council requests that reasons for refusal 2 and 3 are overcome by completion of the S106 agreement. A draft has been sent to the appellants. The appellants have advised that they will reconsider their view on the S106 following submission of the Council's statement. The Council will therefore update the Inspector at final comment stage. The Council also request imposition of the following conditions listed in appendix 1.

6.7 Should PINs have any queries, please contact myself direct.

Yours sincerely

Adam Greenhalgh
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Supporting Communities
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APPENDIX 1

Conditions

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 drawings: Drawing Nos: 995_PL_: 01, 02, 03, 04, 05

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