



Appeal Decision

Site visit made on 9 January 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

Appeal Ref: APP/X5210/W/22/3302422

47 England's Lane, Camden, London NW3 4YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Julian Landau (Camure Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/0626/P, dated 10 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is Change of use of ground floor and basement unit from 'Sui Generis' use (laundrette) to Class E.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In section E of the appeal form it is confirmed that the description of the development changed from that stated on the application form. The amended description, which was made at the validation stage, matches that on the Council's decision notice and accurately describes the development proposed. Therefore, I have used the amended description in the banner heading above.
3. The appellant has included within their appeal statement marketing reports and financial information relating to the property and the laundrette business. Amongst its advice, the Planning Inspectorate's guidance¹ states that if an appellant wishes to add to the information they supplied with their application to the local planning authority, they may do so. Their case can be fully disclosed through the submission of a full statement of case which may include other supporting evidence, including any expert reports. The development itself has not been altered or evolved through amended plans. Furthermore, through the appeal process, the Council and other interested parties have had opportunity to comment on the appellant's statement. I consider no party has been prejudiced as a result of the appellant's marketing and financial information submissions and, therefore, I determine the appeal with regard to them.

Main Issues

4. The main issues are:
 - The effect of the proposed change of use upon the character, function, vitality and viability of the England's Lane Neighbourhood Centre; and

¹ Procedural Guide: Planning appeals – England Updated 12 April 2022

- Whether the development is required to:
 - i) be car-free; and
 - ii) provide for cycle parkingand, if so, whether this has been secured via a suitable mechanism.

Reasons

England's Lane Neighbourhood Centre

5. The appeal site is located within the England's Lane Neighbourhood Centre. The neighbourhood centre contains a variety of commercial units. Closest to the site this includes, but is not limited to, cafés, convenience stores, estate agents, a butchers, a dry cleaning and laundry premises and the Washington public house. The area surrounding the neighbourhood centre is predominantly residential in character. England's Lane Residence, which provides temporary residential accommodation, is a short distance from the site. England's Lane is one of several neighbourhood centres within the Borough of Camden.
6. Amongst other matters, Policies TC2 and TC4 of the Camden Local Plan, 2017 (CLP), seek to support and protect Camden's Neighbourhood Centres, achieve a balance of services within them so as to provide for variety, vibrancy and consumer choice. A launderette does provide a specific service which will meet the needs of some residents and businesses, including those without access to their own washing facilities. I accept that, to some extent, it may also serve some social purpose as a meeting place for its users, albeit this is not its principal role. Furthermore, I note that some local residents who previously used the launderette, may have long term physical impairments, and that the launderette was conveniently positioned for them. In turn, and whilst the launderette was operational, it will have made a positive contribution to the community and the functioning of England's Lane Neighbourhood Centre. However, presently the premises are vacant and have been since a fire at the property during 2021. With no launderette service currently operating, the premises is making no positive contribution to the Neighbourhood Centre.
7. The Camden Planning Guidance Town Centres and Retail Supplementary Planning Document which is referenced within Policy TC2 of the CLP, advises that when considering the balance of uses within a neighbourhood centre, that matters of vacancy and viability will be taken account of. I accept that the financial information contained within the appellants statement does not contain detail on when the premises may have been closed due to the COVID-19 pandemic and the effect that this may have had upon sales, whilst the business also received a grant to assist with the impact of the pandemic. Nevertheless, the financial information provides evidence prior to the pandemic event, and over the course of 4 years in total, that the business was running at a loss. It has been put me that the launderette sales figures were highest and the losses lowest during 2020 and that this may demonstrate the popularity of the launderette during the pandemic lockdowns. However, those figures are the year-end figures of 31 March 2020 and the vast majority of the preceding 12 months pre-date the full onset of the pandemic. Furthermore, on the basis of the evidence before me the pandemic may have contributed towards the financial difficulties of the business, but those issues already existed given the losses presented. I have no substantive evidence before me that now the pandemic has eased that the viability of the launderette would significantly

upturn nor that there are clear means to diversify or alter the launderette business to make it more viable.

8. The appellant has submitted evidence that the appeal site has been marketed as a letting since an instruction in 2017. Amongst other matters, those marketing reports present that there has been no interest for an alternative launderette operation to continue within the premises but that interest for other uses have been much higher. Together and amongst other matters, these marketing reports confirm that the premises have been advertised via various mediums and reference is made therein to being open to different commercial offers. I have no substantive evidence before me that the marketing exercises undertaken were inadequate.
9. I accept that the launderette at 54 Belsize Lane is well beyond a 400m radius of the appeal site, a distance referenced within the Camden Planning Guidance Community Use, Leisure Facilities and Pubs document in relation to marketing for other uses. I accept that for some in the community, including the occupants of England's Lane Residence and those with physical impairments, No 54 is less conveniently positioned. The launderette is close enough to the appeal site that it would provide a reasonably accessible alternative option for many within the local community and for whom, previously, the appeal site may have been their preferred launderette. I have again borne in mind that the premises is currently providing no launderette service at all.
10. An Article 4 Direction may have been made, the effect of which may be that the change of use of launderettes to dwellinghouses cannot take place unless permission to do so is granted on application. However, the appeal site is not a dwellinghouse and the Article 4 Direction does not therefore exercise any control in relation to this proposal. Furthermore, I have very little evidence before me in relation to that particular Article 4 Direction and therefore its existence has little bearing on my determination.
11. Therefore, although in the proposal an alternative use to a launderette would come into fruition, no launderette is currently operating at the premises and so no positive contribution to the Neighbourhood Centre is presently being made by the appeal site. Occupation with a use class E business would bring an alternative contribution to the locality, widening consumer choice in the area. I have no compelling evidence before me to dispute that the former launderette business was suffering persistent financial losses nor that there is low market demand for the re-establishment of a launderette within the premises. The launderette at Belsize Lane is capable of serving the needs of some within the community, mitigating to some extent the absence of one within England's Lane. Given the combination of these factors I find that the development would not harm the character, function, vitality or viability of England's Lane Neighbourhood Centre and would protect and enhance it. It follows that the development would be compliant with Policies TC2 and TC4 of the CLP.
12. In making these findings, I have given due regard to the effects which the development may have upon individuals with a disability, a characteristic protected by the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. However, and despite my

findings above, given I am dismissing the appeal, no negative outcomes upon individuals with protected characteristics would result.

Car-free development and cycle parking

13. Policy T2 of the CLP requires all new developments to be car-free and that, as a part of this, no new on-street or on-site parking permits, as a result of new development, will be issued. Amongst other matters, Policy CC1 of the CLP requires all development to reduce carbon dioxide emissions and minimise the need to travel by car.
14. It has been put to me that vehicular trips to and from the site would be lower in the proposal in comparison to the launderette. However, I have no substantive evidence before me that this would be the case. Irrespective, to deliver a car-free development a mechanism is required to ensure that occupiers (staff) of the development would not be eligible to apply for a parking permit within the controlled parking zone operating within the area, unless they were a Blue Badge holder. Whilst I accept that no parking is proposed as a part of the scheme without ensuring the parking permit ineligibility, it has not been shown to me that the occupants of the development could not apply for parking permits with the consequential increases in demand for on-street parking that would result. Furthermore, in failing to constitute a car-free development, the proposal would not be minimising the need to travel by car or promote the reduction of carbon dioxide emissions.
15. Policy T1 of the CLP sets out that development should provide cycle parking facilities exceeding the minimum standards set out within the London Plan and in accordance with the guidance contained within the Camden Planning Guidance Transport Supplementary Planning Document.
16. Planning permission is sought for development within the Class E use class, which would include use, or part use, for a wide range of purposes including the likes of shops and food and drink premises. Such occupation has the potential to generate significant custom and, in turn, a potentially high number of trips by bicycle. I have no substantive evidence before me that the proposed change of use would not result in a more intensive use of the site, one which would generate greater trips by bicycle. The Council have submitted that there would be no appropriate location within the bounds of the site to locate new cycle parking facilities and I have no evidence before me to the contrary.
17. The Council have submitted that the appropriate mechanism to secure the development as being car-free, and a financial contribution in lieu of cycle parking being provided on site, would be through the entering into of a planning obligation made under section 106 of the Town and Country Planning Act 1990 (as amended), and I have no reason to disagree.
18. The National Planning Policy Framework (the Framework) does advise at paragraph 111 that development should only be prevented or refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the absence of any conclusive evidence to the contrary, I have no reason to conclude that the absence of a mechanism to ensure that the development would be both car-free and ensure cycle parking provision, would not result in a severe effect. Furthermore, elsewhere at paragraph 110, the Framework also advises that it should be ensured that appropriate opportunities to promote sustainable

transport are taken through development and that any significant impacts from the development on the transport network be cost effectively mitigated to an acceptable degree.

19. Therefore, the planning obligation would be necessary to make the development acceptable in planning terms, so that it would comply with Policies T1, T2 and CC1 of the LP. The planning obligation would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. Such an obligation would therefore accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out at paragraph 57 of the Framework.

Other Matters

20. The appeal site is located within the Belsize Conservation Area (CA). I find that the number of large residential villas, many of which incorporate consistent and ornate architectural detailing, in particular contribute to the character and appearance of the CA and its significance. Within the immediate area of the site there are shopfronts on England's Lane which exhibit traditional architectural detailing and which provides a further positive contribution. On the opposite side of England's Lane the Washington public house is a Grade II listed building. This building is located on a junction and features a distinctive canted corner with plaque. These features together with the incorporation of traditional and ornate architectural detailing contribute positively to its significance. Being situated on a corner plot, the appearance of the listed building can be readily appreciated in approaches towards it, and I find that this setting, also contributes meaningfully to its significance.
21. Although the premises is currently vacant, its external appearance is not run-down, and it is causing no harm to the character or appearance of the area. Given this, the re-occupation of the premises that may result from the development would not enhance the character or appearance of the CA or the setting of the listed building. The effects of the development upon the designated heritage assets would be neutral in the planning balance and therefore would not outweigh the harm which I have identified in second main issue.

Conclusion

22. Whilst I have concluded that the effects of the proposed change of use upon the character, function, vitality and viability of the England's Lane Neighbourhood Centre would be acceptable, this does not outweigh the harm that would be caused by the absence of a section 106 agreement to secure that the development would be car-free and provide for a contribution towards cycle parking. The development would therefore conflict with the development plan. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

H Jones

INSPECTOR