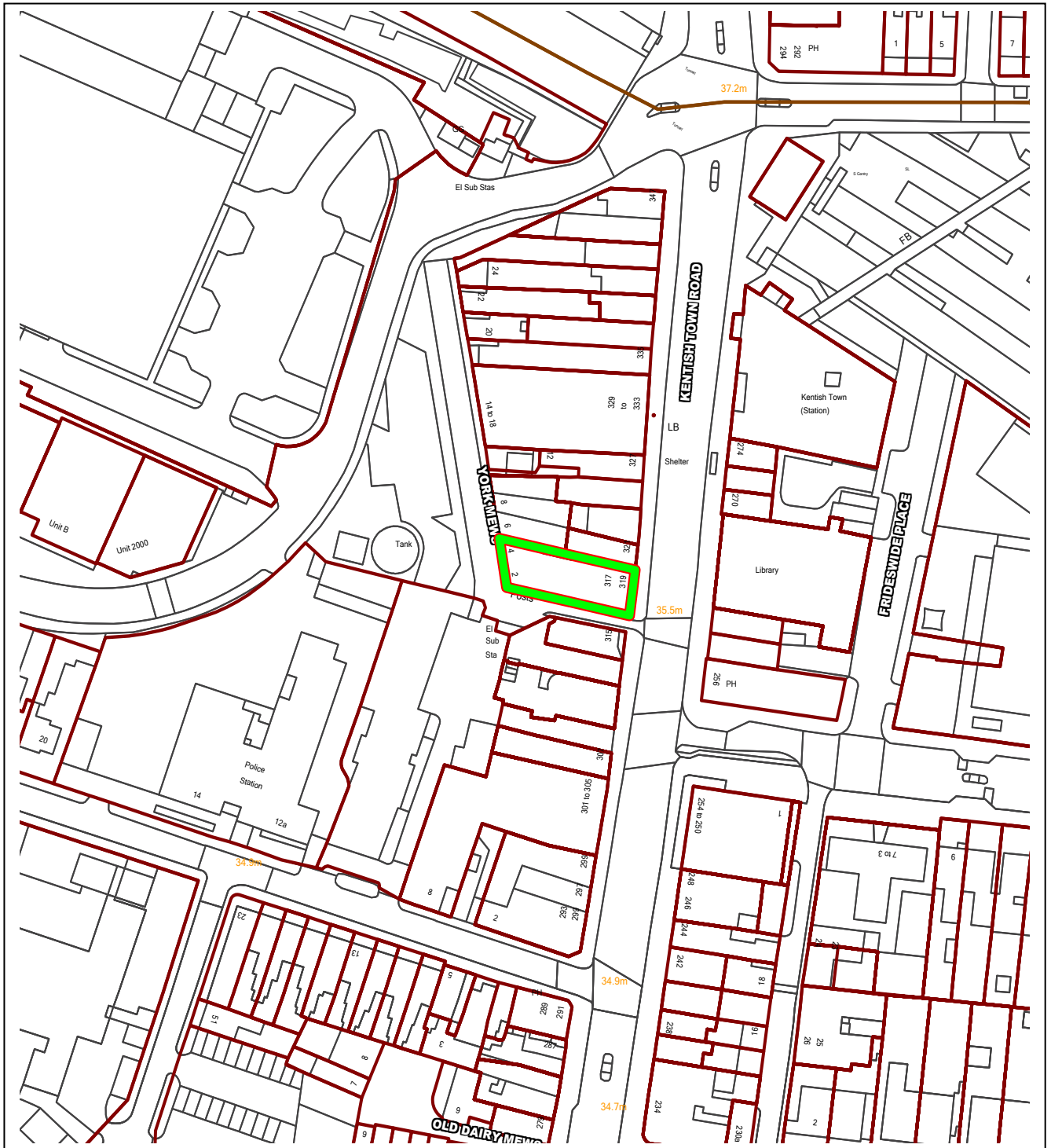


2022/2238/P – 317-319 Kentish Town Road,  
London, NW5 2TJ



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## Photos



1. Birds eye view on google maps showing parade of shops



2. Front elevation



3. Side elevation

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>18/07/2022</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	08/08/2022
<b>Officer</b>				<b>Application Number(s)</b>	
Jaspreet Chana				2022/2238/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
317-319 Kentish Town Road London NW5 2TJ				<i>See draft decision notice</i>	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Change of use of ground floor of 317 Kentish Town Rd from Hair Salon (Class E(a)) to betting shop (Sui Generis) and alterations to shopfront, all in association with the amalgamation of the ground floors of nos. 317 & 319					
<b>Recommendation:</b>		Grant conditional planning permission			
<b>Application Type:</b>		Full Planning Permission			



Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Three site notice(s) were displayed near to the site on the 15/07/2022 (consultation end date 08/08/2022).			
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>Two objections were received from neighbouring residents, their objections are summarised below:</p> <ul style="list-style-type: none"><li>• There is already a significant problem with people with addictions on the high street expansion of a betting shop is unwelcome.</li><li>• The business will suck money out of the community into a corporation. There are already enough vices in Kentish Town attracting undesirable crime/people</li></ul> <p><i>Officer's response: The units would be amalgamated into one unit meaning there would be no net increase in the number of betting shops within the Town Centre. A condition shall ensure the units are not further subdivided to create two separate betting shops. Given the existing retail unit has been vacant for approximately 9 years, the bringing back into use and re-activation of this corner unit is considered a benefit and will increase active surveillance of the high street.</i></p>			
KTRA:	<p>A letter of objection was received on behalf of the KTRA (Kentish Town Road Action). Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none"><li>• KTRA members and many people in the local community are strongly against the opening up of this betting shop. Betting shops encourage gambling and take advantage of the poorest, most needy and addicted members of society. The impact of this double fronted betting shop will affect the vitality and viability of Kentish Town Road.</li></ul> <p><u>Officer's response:</u> <i>Please see section 3.8 below.</i></p>			

## Site Description

The application site refers to the ground floors of two adjoining 3-storey buildings with mansard roof extensions, situated on the west side of Kentish Town Road at the junction with York Mews. The application site is within a designated core retail frontage within Kentish Town Centre. The surrounding area is predominantly a mixture of retail on the lower floors and residential and offices above. The buildings are not listed and are not within a Conservation Area, but are located within the Kentish Town Neighbourhood Plan Area.

## Relevant History

The planning history for the application site can be summarised as follows:

### **317-319 Kentish Town Road:**

**2013/0684/P:** Planning permission: Change of use from retail (Class A1) to Financial and Professional Services (Class A2) at part ground floor level, including alterations to shop front. Refused on 05/04/2012 for the following reason:

*The proposed change of use to Class A2 financial and professional use, by reason of the loss of Class A1 retail floorspace and resulting overconcentration of non-Class A1 retail uses within the designated Core Frontage, would be harmful to the character, function, vitality and viability of the core shopping frontage in which it is located and to the Kentish Town Centre. The proposal would thereby be contrary to Policies CS3 (Other Highly Accessible Areas), CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the Core Strategy and Policies DP10 (Helping and promoting small and independent shops) and DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the Development Policies of the Camden Local Development Framework.*

Decision was appealed and dismissed 20/10/2013 – APP/X5210/A/13/2197965.

## Relevant policies

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- **A1** Managing the impact of development
- **D1** Design
- **D3** Shopfronts
- **DM1** Delivery and monitoring
- **TC1** Quantity and location of retail development
- **TC2** Camden's Centres and other shopping areas
- **TC4** Town Centre Uses

### **Kentish Town Neighbourhood Plan (2016)**

- Policy SW1: Supporting Small Business
- Policy SW2: Protection of Secondary Shopping Frontages
- Policy SW3: Consecutive Secondary Shopping Frontages
- Policy D3: Design Principles

### **Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Town Centres and Retail (2021)

## Assessment

### 1. The proposal

1.1. Planning permission is sought for:

- Change of use of the ground floor of 317 Kentish Town Rd from Hair Salon (Class E(a)) to betting shop (Sui Generis) in association with the amalgamation of nos. 317 & 319.
- Alterations to shopfronts.

### 2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Principal of change of use
- Design of Shopfront
- Neighbour Amenity

### 3. Principal of change of use

#### *Policy Context -*

- 3.1. The site is located within the Kentish Town Town Centre, which is located just to the north of Camden Town and is the borough's third smallest centre. It is located within a primary frontage which provides for the day to day shopping and service needs for the local area. It is designated as a district centre in the London Plan.
- 3.2. The Council seeks to protect the retail function and character of Kentish Town and the Town Centres CPG notes that the Council will not grant planning permission for development which results in the proportion of ground floor premises falling below:
- 75% in a primary frontage; and
  - 50% in a secondary frontage
- 3.3. Where the number of retail premises in a frontage is already less than the minimum requirement of 75% or 50%, no further loss of retail will be permitted.
- 3.4. It goes on to state that in accordance with local plan policy TC2 and TC4 the Council will seek to prevent concentrations of uses that would harm the centre's attractiveness to shoppers or its residential amenity. The Council will therefore generally resist proposals that would result in:
- More than 2 consecutive premises within the primary frontages being in a non-retail use; and
  - More than 3 consecutive premises with the secondary frontages being in non-retail use.
- 3.5. It is noted that the Kentish Town Neighbourhood Plan only has policies relating to secondary frontages rather than primary frontages. The reason given for this is that retail in the core frontages is well protected by the Local Plan policy and CPG which resists proposals that would result in less than 75% of the frontage being in retail use.
- 3.6. It also should be noted that the wording of the CPG pre-dates the 2020 changes to the Use Classes Order. As such, the policy relates to the A1 retail use but this use class has been revoked and replaced by Class E, which incorporates a number of additional commercial, business and service uses appropriate for a town centre. As the existing use is retail, there is flexibility to change the use to an alternative Class E use without requiring planning permission; however, as a betting shop is Sui Generis, planning permission is required and an assessment against the Council's town centre policies is required, including the protection of retail uses. Nevertheless, given the changes to the use classes order, the Council is more flexible in its application of these policies, and recognises that class E uses incorporate a number of uses which are appropriate in a town centre, so will seek to limit the number of uses that are not in Class E, not just the former Class A1.



*Fig.1 – 317-319 Kentish Town Road*

*Non-retail use within designated primary retail frontage – Kentish Town Centre*

- 3.7. On the west side of Kentish Town Road the application site sits within a terrace of 14 premises (of varying sizes) including the host building (nos. 317-347), and there are 6 premises on the east side of Kentish Town Road frontage (256-274). The A1 uses have increased over the 75% retail requirement over the years but some of these units (3 of them) at least are vacant currently.
- 3.8. Within the primary parade nos.317-347, of the 14 designated premises 11 are within Class A1 usage, which equates to 78% of the total units in retail use and 3 are sui-generis (21%). Takeaway coffee shops are considered sui-generis but cafes (consumption on site) are considered to fall within Use Class E as a restaurant. Therefore if all the coffee shops within this terrace (which include Starbucks, Pret A Manger and Café Nero) are all to be considered under Class E, only the launderette and the existing Betfred unit do not fall under Use Class E. This would ensure the existing percentage of Class E units would be 86%, far in excess of the 75% policy requirement.
- 3.9. Unit no.317 has been vacant for over 9 years (as can be seen in above street view) and is in poor state. From the above points and the applicant's documents it has been demonstrated that the number of betting shops in the area are not to increase, but the proposal would provide an enlarged and refurbished new betting shop layout and the proposal would bring into use a unit which has been vacant for over 9 years providing additional activation of this corner unit. This would be considered to have a positive impact upon the viability of the town centre which would outweigh the 'loss' of a vacant unit which has not contributed positively to the vitality of the area for over 9 years. Therefore, the change of use and amalgamation of the two units is considered acceptable. A condition would be added to the decision to not allow for subdivision of the new unit so that two betting shops are not run side by side to alleviate over proliferation of the use type.

#### **4. Design of shopfront**

- 4.1. The design of the shopfront would involve amalgamation of the two units and creation of a large glass frontage with a single door at the front right hand side and signage to go on the front and side elevations (the advert would need to be applied for under a separate advertisement consent application and an informative would be added to remind the applicant of this). Minor internal works would take place to fit out a new layout in accordance with Betfred betting shops, which do not require planning permission.
- 4.2. The overall design, size, scale and materials used for the shopfront alterations would be considered acceptable and appropriate in this location and setting; and would be in accordance with policy D3 of the Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan.

#### **5. Neighbour Amenity**

- 5.1. The existing units 317-319 already have residential occupiers on the upper floors of the host building and therefore it is not considered that the increase of ground floor floorspace in use as a betting shop would cause any significant additional harm to neighbouring residents in regards to loss of light, overlooking or privacy impacts. The proposal is therefore in accordance with policy A4 of the Local Plan.



## **6. Conclusion**

- 1) The proposed loss of retail use is acceptable and the amalgamation of the two units would not cause any adverse harm to the subject site or the surrounding area given it is an increase to an existing betting shop rather than an increase in units.
- 2) The proposed shopfront is considered acceptable. Advert consent is required through separate advert consent application.
- 3) The proposed change of use is considered not to have any additional adverse amenity impact on residential occupiers on the floors above.

## **7. Recommendation**

### **7.1. Grant conditional Planning Permission**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 21<sup>st</sup> August 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2022/2238/P  
Contact: Jaspreet Chana  
Tel: 020 7974 1544  
Email: [Jaspreet.Chana@camden.gov.uk](mailto:Jaspreet.Chana@camden.gov.uk)  
Date: 10 August 2023

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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[www.camden.gov.uk](http://www.camden.gov.uk)

ID Planning  
9 York Place  
Leeds  
LS1 2DS

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**317-319 Kentish Town Road**  
**London**  
**NW5 2TJ**

Proposal: Change of use of ground floor of 317 Kentish Town Rd from Hair Salon (Class E(a)) to betting shop (Sui Generis) and alterations to shopfront, all in association with the amalgamation of the ground floors of nos. 317 & 319

Drawing Nos: Site location plan, 21823BF-317/319LP, 2823BF-317/319SEP, Planning Statement, Appendix 1 - Betfred Market Research Report, Appendix 2 - Betfred Brochure.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 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 plans: Site location plan, 21823BF-317/319LP, 2823BF-

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 The amalgamated ground floor units at nos. 317-319 Kentish Town Road hereby approved for use as one betting shop (Sui Generis) shall only be operated as a single unit, and shall not be subdivided into two separate betting shops without the prior consent of the local planning authority.

Reason: To prevent the over-proliferation of betting shops within Camden Town in accordance with Policy TC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).

4

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**