

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	11/03/2013
		N/A	<b>Consultation Expiry Date:</b>	06/02/2013
<b>Officer</b>			<b>Application Number(s)</b>	
Rachel Miller			2012/6746/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
16 Fortess Road Kentish Town London NW5 2EY			Please refer to decision notice	
<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 existing commercial unit from A1 (retail) to A2 (financial and professional).				
<b>Recommendation(s):</b>		Refuse		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>06</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. electronic	<b>01</b>		
Summary of consultation responses:	<p>One response received with the following objections:</p> <ul style="list-style-type: none"> <li>• Loss of retail is unacceptable</li> <li>• Council should be helping retailers by reducing business rates</li> </ul>					
CAAC/Local groups* comments: *Please Specify	<p><u>Inkerman Area Residents Association</u> object to the application on the following grounds:</p> <p>“Camden Planning Guidance 2011 says that the Council will generally resist proposals that would result in less than 50% of the premises in Secondary Frontages being in retail use. Our Association, representing 10 Streets and over 500 households, strongly supports this guidance. We believe that the health of the High Street (which clearly extends to this address) depends on retaining adequate retail outlets, and that if this permission were to be granted the balance would tip the wrong way.</p> <p>We note that one of the proposed uses for these premises is Estate Agent. There are already some 11 Estate Agents in the immediate area and there is no justification for allowing more.</p> <p>Please refuse this application, in the interests of maintaining a balanced high street.</p> <p>If officers recommend approval of this application, we are asking for it to go before the Development Committee.”</p> <p><u>Kentish Town Road Action (KTRA)</u> object to the application on the following grounds:</p> <p>“Camden Planning Guidance 2011 states on p11: In order to protect the retail function of the centre (of Kentish Town) the Council will generally resist proposals that would result in less than 50% of the premises in Secondary Frontages being in retail use”.</p>					

## Site Description

The site is located on the East side of Fortess Road between Falkland Road and Fortess Grove. The site contains a three-storey mid-terrace building. The front ground floor unit is currently vacant with residential uses above. The front ground floor unit that is the subject of this application, has a floor area of approximately 32.5sqm following the unit being split (see enforcement history below). It is currently vacant however Camden Retail Survey confirms that it has been in retail use (Use Class A1) since at least 2007.

The site lies with the Kentish Town Centre and is classified as within a secondary frontage.

## Relevant History

PE9900299 –Change of use of ground floor from retail to restaurant with extract duct at rear (Reason: loss of retail and detrimental impact on residential amenity) Refused 20/07/1999

2005/3490/P –Demolition of existing rear extension and erection of a new single storey rear extension to the ground floor retail premises. Approved 10/10/2005

EN11/0182 – Enforcement notice served against unauthorised change of use of back of shop to residential unit. Appeal dismissed and notice upheld on 21/05/2012

2011/1980/P Retention of change of use at rear ground floor level from shop (Class A1) to residential studio flat (Class C3) plus insertion of 2 windows in side elevation. Refused on 24/08/2011

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy:

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS8 Promoting a successful and inclusive Camden economy

CS14 Promoting high quality places and conserving our heritage

#### Development Policies:

DP10 Helping and promoting small and independent shops

DP12 Supporting strong centres and managing the impact of food and drink

DP16 The transport implications of development

DP26 Managing the impact of development on occupiers and neighbours

**Camden Planning Guidance 2011 – (CPG 5 -Town Centres, Retail & Employment) – pages 1-10, 21-23 and 54.**

**London Plan 2011**

**NPPF 2012**

## Assessment

### Proposal

The application proposal involves the change of use to a property consultancy (Use Class A2) with estate agents, interior designers and architects. The Applicant also proposes to sell luxury furniture items which would be ancillary to the main use as a Class A2 use (Financial and professional Services). There are no external changes proposed as part of this application. The application specifically relates to the front part of the ground floor.

There is a general presumption within the Local Development Framework (LDF) to protect retail uses as they contribute to the vitality, viability, character and function of an area. In designated centres the LDF prescribes levels at which Class A1 retail uses should not fall below. The site lies within the Kentish Town Centre.

Policy CS7 seeks to provide for and maintain a range of shops, services and other suitable uses within Camden's centres to provide variety, vibrancy and choice. DP12 aims to ensure that developments do not harm the character, function, vitality and viability of a centre and will consider the effects of non-retail development upon this aim.

The unit lies within a secondary frontage. Within Camden Planning Guidance 5 (Town Centres, Retail and Employment) it states how the retail function of Town Centres should be protected. Paragraph 3.46 of CPG5 outlines that the Council will resist proposals that would result in less than 50% of premises in Secondary Frontages being in retail use. Also, paragraph 3.48 of CPG5 outlines that there should not be more than 3 consecutive premises in non-retail use within Secondary Frontages.

The current uses in the frontage (between the junctions of Fortress Road with Fortress Grove and with Falkland Road) are as follows:

12 – restaurant (A3 use)

14 – theatre school (D1 use)

**16 – application site (lawful use is A1 retail)**

18 – restaurant (A3 use)

20 – dry cleaners (A1 use)

22 – newsagents (A1 use)

24 – currently vacant (last known use A3 restaurant according to Camden retail survey)

26 – hot food takeaway (A5 use)

28-34 – currently under redevelopment (last known use B1 office according to Camden retail survey)

The proposals would result in 7 out of 9 (77%) of the secondary frontage being in non-retail use and would also lead to more than three consecutive premises in non-retail use which is considered unacceptable and contrary to CPG5. CPG5 notes that Kentish Town Town Centre provides shopping and service uses for the local area. It has a good range of shops and services for its size, with many independent traders and a significant amount of food and drink uses. It is considered that the reduction in retail use in this location would be harmful to the character, function, vitality and viability of the secondary frontage and the Town Centre.

The proposal is therefore recommended for refusal.

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