

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		05/06/2012	
		N/A		<b>Consultation Expiry Date:</b>		23/05/12	
<b>Officer</b>				<b>Application Number(s)</b>			
Adrian Malcolm				2012/1322/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
270 Kilburn High Road London NW6 2BY				See draft 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 from retail (Class A1) to office (Class B1) at ground, mezzanine and part first floor levels.							
<b>Recommendation(s):</b>		Refuse planning permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	06	No. of responses	00	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		Site notice expiry: 22/5/12 No letters of representation received as a result of the consultation process.					
<b>CAAC/Local groups comments:</b>		None					

## Site Description

The application premises is a shop unit with an authorised Class A1 retail use in a shopping parade in the Kilburn High Rd Town Centre. The application states that the proposed use has been taken up, however the unit was closed with the shutters down and there was no sign on the premises or any sign of activity at the time of site visit (as can be seen in the photos submitted with the application).

The premises above the shop are in office use.

The application premises are not listed and the site is not located in a conservation area.

The western side of Kilburn High Rd lies in LB Brent.

## Relevant History

Change of use of the first floor from offices to a self-contained residential flat (9400247). Granted April 1994.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Camden Core Strategy

CS1 (Distribution of growth)

CS3 (Other Highly Accessible Areas)

CS5 (Managing the impact of growth and development)

CS 7 (Promoting Camden's centres and shops)

#### Camden Development Policies

DP10 (Helping and promoting small and independent shops)

DP12 (Supporting strong centres and managing the impact of non retail town centre uses)

DP26 (Managing the impact of development on occupiers and neighbours)

#### Camden Planning Guidance

CPG 5 (Town Centres, Retail and employment) - Section 3

## Assessment

### Proposal

The proposal involves change of use from retail (Class A1) to office (Class B1) at ground, mezzanine and part first floor levels.

The application states the proposal is retrospective, though the premises did not appear to be occupied at the time of site visit (see site description).

### Considerations

The main issue is the impact of the loss of the authorised retail use upon the character, function, vitality and viability of the centre.

The application states that the premises has been occupied since February 2011 by Qahtani Group for use as serviced offices and that the use started in 2010, however this was not the case at the time of site visit (afternoon of Thursday 31 May 2012- see site description above) and the Business Rates website of the Valuation Office Agency does not indicate that the ground floor is occupied as offices ('shop and premises' description was deleted on 1/1/12, suggesting the premises is vacant). It is therefore considered that the premises is vacant and has an authorised Class A1 retail use and is NOT a retrospective application.

A letter from Mr Kermani of Cjon Properties (who occupy no 272) accompanied the application. It states that he has owned the head lease on the property since January 2008 and leased it to Qahtani Group for 20 years from February 2011. He states that he leased the site to Bellview Airlines on an unspecified date as their head office – the planning use is not specified, but a photo is supplied and it is assumed the intention is to indicate that the premises was occupied as an unauthorised office for a period. Bellview Airlines became bankrupt during their tenancy and the premises became vacant on an unspecified date and, according to the letter, remained so while the bankruptcy and lease were cleared and remained empty for an unspecified 'long time.'

The letter gives a vague indication that the lease owner (an estate agent) tried to lease the property but dates and the identity/nature of the interest and terms are not indicated: 'various people were interested but no one was seriously considering taking the lease.' It is suggested that this was due to the presence of a bus stop, no stopping zig-zag lines and barriers in front of the shop and arising difficulties with deliveries. This is not considered to be sufficiently thorough to provide clear evidence of sustained lack of interest for retail occupation of the unit, indeed it is noted that there are generally few vacant retail units in the centre despite the current economic climate. It was noted that a grocers and pharmacists were operating in such conditions on the opposite side of the road. Indeed, Kilburn High Rd is a linear shopping area that has a number of crossing points with traffic restrictions to allow pedestrians to cross safely and this does not prevent the operation of retail uses around these crossing points.

Policy DP12 is particularly important in considering such proposals and states that the Council will consider the effect of non retail development on shopping provision and the character of the centre in which it is located. Paragraphs 12.6 and 12.7 provide a further explanation and for example states the Council may become concerned due to reductions in the proportion of premises in retail use. It refers to further guidance in Camden Planning Guidance 5 (CPG5), of which paragraphs 3.50-3.54 specifically refer to Kilburn High Rd.

In CPG5 the site falls in a secondary frontage where it states that the Council will generally resist proposals that would result in less than 50% of premises in retail use. Advice on calculating the percentage of uses for frontages is given in appendix 3 of CPG5. Paragraph 7.6 suggests that relevant frontages generally run between roadways, even where there are breaks.

There are 23 relevant units between Palmerston Rd and Grangeway, 17 or 74% of which would be in non Class A1 retail use if the application premises were in non retail use. Even taking the run of units

from 242-274 Kilburn High Rd, 6 of 11 or 55% of units would be in non retail use. This is considered to be unacceptable and indeed concerns have been raised previously as regards the number of non retail uses in some frontages in the centre.

The proposal would result in 3 consecutive units being in non retail use (the maximum permitted under CPG5 in secondary frontages), however 5 of 6 units would be in non retail use if the change of use were to take place.

CPG5 notes that Kilburn High Rd centre has a large number of small, independent shops that serve the day-to-day needs of the local population and it is considered that the reduction in retail use in this location proposed would be harmful to the character, function, vitality and viability of the secondary frontage and the centre.

The proposal is therefore recommended for refusal.

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