

Delegated Report		Analysis sheet	Expiry Date:	16/08/2011
		N/A	Consultation Expiry Date:	27/10/2011
Officer		Application Number(s)		
Nicola Tulley		2011/3170/P		
Application Address		Drawing Numbers		
Units 1- 4 Regents Plaza London NW6 5TR		Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from religious facility (Class D1) to restaurant (Class A3).				
Recommendation(s):		Refuse permission.		
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	62	No. of responses	03	No. of objections	02
Summary of consultation responses:	<p>A site notice was displayed from 15th July 2011 to 5th August 2011.</p> <p>Adjoining owners/occupiers Two letters of objection were received from Royal Langford Apartments and one letter of comment from Unit 7, Plaza Parade the following issues were raised:</p> <ul style="list-style-type: none"> • Noise nuisance, adding to the existing noise at evening and late hours. A restaurant is likely to make the noise worse for residents in the area. • Noise nuisance, if approved there should be substantial soundproofing in the ceiling to protect residents. Concern about tables located outside causing noise and disruption. • Cooking smells. • Effective extraction equipment should be maintained to reduce cooking fumes and noise. • Traffic and parking, a restaurant is likely to see increased footfall at the weekend and more associated parking activity. <p>Thames Water Recommends the installation of a properly maintained fat trap on all catering establishments. Also recommend the collection of waste by a contractor, particularly to recycle for the production of bio-diesel.</p>					
Local groups:	<p>Local Groups No reply to date.</p>					

Site Description

The application site is the ground floor units (1–4) of a six to seven storey building located on the corner of Kilburn High Road and Greville Road. Sited on the southern end of Kilburn Town Centre, Regents Plaza is home to: the Marriot Maida Vale Hotel and associated bar; a Ballantynes gym; chartered accountant offices; and residential units. The southern end of Kilburn Town Centre supports a mix of uses including: Library; café; Public House; and Retail. It is located within a secondary retail frontage.

The units to which this application relates are vacant but were last used as a religious institution (Class D1). Planning permission was never granted for use of the units in this manner, but a certificate of lawfulness has recently been issued as the use has been in place for a continuous period of at least 10 years and it is now immune to enforcement action.

Relevant History

2011/6444/P

A certificate of lawful use was granted on 20/02/01 for use of Units 1-4 on the ground floor as community hall/synagogue (Class D1).

PWX0103156

Planning permission was granted on 01/05/01 for the change of use from retail (A1) to hotel offices (Class C1).

PW9702605

Planning permission was granted on 26/11/97 for the change of use of a vacant ground floor unit fronting Kilburn High Road from Class A1 (Retail) to Class D2 (Health Club), together with the erection of a mezzanine floor over the ground floor unit, and a new shopfront to be used as an extension to the existing health club.

9401208

Planning permission was granted on 29/09/94 for variation to the planning permission dated 16 November 1993 (9300159) as further amended by planning permission dated 24 June 1994 (9400235) for redevelopment of the site for residential retail office workshop hotel health club and ancillary purposes involving the omission of sub-basement level and relocation of retail units, health club and car parking at basement ground and first floor levels.

9400235

Planning permission was granted on 23/06/94 for change of use of corner block from 3005sq m Class B1 office and 285sq m Class B1c workshop to 37 additional residential flats on ground to sixth floors as a variation to the planning permission dated 16.11.93 (9300159) for redevelopment of the site for residential retail office workshop hotel health club and ancillary purposes.

9300159

Planning permission was granted in 1993 for the erection of a 5-7 storey building comprising 60 residential flats; 6 x units use class A1-A3; 3034m² class B1 office 389m² of class B1c workshop; and a 229 bedroom hotel with ancillary conference restaurant and bar facilities. There 6 retail units were located at the junction of Greville Place and Kilburn High Road. There was a condition on the permission which required that a minimum of 290sqm of units 1, 4 and 5 be used as retail.

Relevant policies

The London Plan: Spatial Development Strategy for Greater London: 2011

Camden's Local Development Framework 2010

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centre and shops

CS10 Supporting community facilities and services

CS11 Promoting sustainable and efficient travel

CS18 Dealing with our waste and recycling

DP10 Helping and promoting small and independent shops

DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

DP15 Community and leisure uses
DP16 The transport implications of development
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration

Supplementary Planning Guidance

- CPG5 Town centres, retail and employment - 2011.
- CPG6 Amenity - 2011.
- Planning Guidance for Finchley Road/Swiss Cottage: Retail, Food, Drink and Entertainment Uses 2006.

Assessment

The application seeks planning permission to change use of the ground floor units 1-4 within Regents Plaza from a vacant Class D1 use to a restaurant (Class A3).

When constructed the ground floor of the building which now forms part of the secondary retail frontage included six shop units fronting onto Kilburn High Road and Greville Road, together with entrances to the offices and cinema. At present the ground floor frontage between Greville Road and Kilburn Priory is occupied by the following uses: a vacant community hall/synagogue (the application site); a chartered accountants; hotel and associated restaurant; and a restaurant.

Loss of Class D1 Use

Policy DP15 of the LDF states that the Council will seek to protect existing community facilities where they are necessary to support the local population. The policy states that the loss of a community facility will only be considered to be acceptable where:

- A replacement facility that meets the need of the local population is provided;
- The specific community facility is no longer required in its current use. Evidence will be required to show that the loss would not create or add to a shortfall in provision for the specific community use on the site. It goes onto state that where this is satisfactorily demonstrated then the preferred new use would be affordable housing.

The supporting text to the policy also suggests that marketing evidence should be provided to show that the space has been offered to other community groups or voluntary organisations over a 12 month period and that there has been no demand.

The applicant states that the current occupant who has been using the property as a synagogue/community hall for more than 10 years is seeking to relocate to a new premises because of the limitations of the existing facility as a community space and in particular its lack of suitability of it to their specific use. In particular they refer to its restricted size; parking restrictions; no outdoor amenity for play space; and instances of abuse and intimidation through the clear glass frontage. A letter from the occupant dated 1st November 2011 confirms that the synagogue is looking to relocate as soon as possible to a location which is better suited to its members for the reasons outlined above.

Internally, the units have not been fitted out specifically for community use, there has been no change to them since their construction nor have any works been carried out to the external appearance of the units. The applicant has not submitted marketing information as part of their application which demonstrates that there is no other demand for the space from other community groups or voluntary organisations. Whilst ordinarily this might lead us to conclude that the space should be protected, in this instance the Council does not feel that this would be justified. The units were originally granted permission as retail units and the conversion to a community facility was carried out without the benefit of planning permission, albeit that it is now lawful. The units given their limitations are likely to be better suited to an alternative use which makes a greater contribution to the street's role as a secondary retail frontage.

In view of the above the loss of the D1 floorspace is considered to be acceptable subject to the proposed use being suitable.

Proposed A3 use

Where the loss of an existing community use is deemed acceptable the Council would normally prefer alternative use as affordable housing. Residential accommodation is provided within Regents Plaza with entrances located on Greville Road and Kilburn Priory. The ground floor units Numbers 1-4 front Kilburn High

Road and fall within the southern end of Kilburn Town Centre as such, uses which support the continued vibrancy and vitality of the Town Centre will be encouraged. Taking into consideration that the units form part of the secondary retail frontage within Kilburn Town Centre it is not considered that residential would be appropriate in this case and an alternative use which support the centre would be preferable.

Policies CS7 and DP12 of the LDF recognise the importance of food, drink and entertainment uses in town centres which add to their vibrancy and provide activity outside normal shopping hours. Generally, non-retail uses will be acceptable where the use would not result in the concentration of over three consecutive premises and would not decrease the percentage of units in retail use within a frontage to under 50%. In view that there exists no form of shopping provision within this area of frontage the quality of the shopping environment for local residents is poor. The significant proportion of A3 frontage proposed, in combination with existing frontage in A3 use would form an over concentration of this particular use which would serve to harm the areas attractiveness to shoppers and its residential amenity (see below) contrary to policy DP12 of Camden's LDF.

It should be noted that the units form flexible spaces which can easily be subdivided to create a range of small/medium premises. This appears as the original intention when planning permission was granted in 1993, (9300159), where a range of unit sizes and uses (A1, A3, B1) were granted and conditioned. Policy DP10 states that small shops can be used to promote retail diversity and entrepreneurialism. The application site has been designed to provide for a range of small and medium businesses and this flexibility would be lost as part of the proposal.

Residential amenity

Policies CS7 and DP12 seek to ensure that the impact of food, drink, entertainment and other town centre uses on residents are minimised. Residents have raised concern in relation to the potential impact of the proposal on noise; fumes; and parking.

The proposed use would create a high concentration of food, drink and late night uses at the southern end of the Town Centre. At this end of the town centre the area starts to have a more residential feel. The upper floors of Regent's Plaza include residential units which already experience late night activity as a result of the hotel, cinema, gym and existing restaurants/bars. It is considered that additional food and drink uses would only seek to exacerbate this further to the detriment of amenity of those residents above and those living in the vicinity of the development but outside the town centre.

In terms of ventilation ducting the applicant has confirmed that a commercial extraction unit was installed during construction of the four units and this was evident at the site inspection. The extraction equipment would need to operate within current noise standards and be demonstrated to be effective at removing odours. If the proposed change of use were considered acceptable in all other respects further details of the equipment would be required through condition, that way any necessary upgrading could be secured.

Transportation, refuse & recycling

The site is located within an area which has excellent access to public transport (PTAL 6a) and within a controlled parking zone 'CAK'. It is well located for a use which would attract members of the public.

The internal floorspace in A3 use proposed is 255.5m²; as such this does not meet the 500m² threshold for the provision of cycle parking.

The applicant has confirmed that there is existing provision within the central delivery and servicing area for refuse and recycling shared with the Hotel and Leisure Club. The units would be serviced between the hours of 9am and midday on weekdays only which would be acceptable.

Conclusion

In summary, the proposed change of use of units 1-4 Regents Plaza would contribute to an over concentration of food, drink and late night uses in this part of the centre which would harm the diversity and attractiveness of this part of the centre to shoppers, as well as the amenity of nearby residents. The loss of small flexible units would remove the scope to widen the range and choice of shops serving the local area.

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