

Address:	343-349 Royal College Street & 112-116 Kentish Town Road London NW1 9QS	
Application Number:	2009/3472/P	Officer: Jonathan Markwell
Ward:	Cantelowes	
Date Received:	22/06/2009	
Proposal: Retention of change of use of lower ground, ground and mezzanine floors from retail (Class A1) to financial and professional services (Class A2) on Royal College Street elevation (at ground floor), restaurant (Class A3) on Kentish Town Road elevation (at lower ground and ground floor) and office (Class B1) uses on corner plot (at lower ground, ground and mezzanine).		
Drawing Numbers: Site Location Plan; 20006175.002/01; 20006175.004/01;913-18; 915-19; 915-15; 915-16; 915-17; 915-22; 915-23; 915-24; Plant Noise Assessment A9186/R01-PW.		
RECOMMENDATION SUMMARY: Grant Planning Permission		
Applicant:		Agent:
Ringley Chartered Surveyors Ringley House 349 Royal College Street London NW1 9QS		Miss Joanna Bowring 188 Barker Drive London NW1 0JF

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>A1 Retail</i>		<i>800m²</i>
Proposed	<i>A2 Financial and Professional Services</i>		<i>105m²</i>
	<i>A3 Restaurants and Cafes</i>		<i>112m²</i>
	<i>B1 Business - Office</i>		<i>583m²</i>

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

OFFICERS' REPORT

Reason for Referral to Committee: **The Director of Culture and Environment has referred the application for consideration as it partly involves the change of use to a Class A3 use [Clause 3 (iv)]**

1. **SITE**

- 1.1 The application site is located within an area comprising the corner wedge where Royal College Street and Kentish Town Road intersect. The associated buildings comprise No's 343-349 Royal College Street and No's 112-116 Kentish Town Road.
- 1.2 No's 343-349 Royal College Street is located on the west side of this road and is part-five, part-six storey in height (including a lower ground floor and loft levels). It is presently in use as an office (Ringley Chartered Surveyors) on the corner plot (No. 349) at lower ground, ground and mezzanine floor level and as a bank (Camden Plus) on the Royal College Street plot (No. 343-347) at ground floor level.
- 1.3 No's 112-116 Kentish Town Road is located on the east side of this road and is again part-five, part-six storey in height (with lower ground floor and loft levels). At No. 116 Kentish Town Road (the corner plot) is the continuation of the Ringley office space at lower ground and ground floor level. At No. 112-114 Kentish Town Road was, during the site visit undertaken on 04/09/2009, operating as a restaurant (Kookoo), again at lower ground and ground floor level. On the upper floors of the whole building are residential uses, in the form of 28 self-contained flats.
- 1.4 It is not clear whether the existing lawful use of the lower floors of the building is Class A1 or Class B8 (see relevant history section below). However, it is known that No. 112-114 Kentish Town Road was operated from 2006 until recently as a Class A3 bar Peachy Keen (subsequently as a Class A4 bar after the Use Class legislation was amended in April 2006). From August 2009 Kookoo restaurant (the current occupiers) began to operate from this part of the application site. The Class A2 use at No. 343-347 Royal College Street is understood to have been operating at this part of the site since April 2009. The corner plot (No. 349 Royal College Street and 116 Kentish Town Road) is understood to have been used in various forms by Ringley Chartered Surveyors since 2003.
- 1.5 The immediate surrounding area comprises a mix of uses within buildings of a similar height to the application site (on the east side of Kentish Town Road and the west and east sides of Royal College Street). The uses comprise predominantly commercial and residential units. The buildings opposite the application site on the west side of Kentish Town Road are two/three storey in height and include shop and service uses at ground floor level, with residential use above ground floor level in many instances.

- 1.6 The application site does not include a listed building, nor is located within a conservation area. It is however adjacent to Jeffrey's Street Conservation Area (to the south-east) and within the Kentish Town Area.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the change of use of the lower ground, ground and mezzanine floors from retail (Class A1) (or warehouse – Class B8 use) to financial and professional services (Class A2), restaurant (Class A3) and office (Class B1) uses. The financial and professional services use is located solely at ground floor level at No. 343-347 Kentish Town Road. The restaurant use is located at No. 112-114 Kentish Town Road at lower ground and ground floor level. The office use is located on the corner plot (349 Royal College Street and 116 Kentish Town Road) at lower ground, ground and mezzanine floor level.
- 2.2 All proposed occupiers, following a site visit undertaken on 04/09/2009, are seen to be currently operating from the premises. As such, this application is retrospective. The shopfronts, fascias and projecting signs associated with the proposed uses have recently been granted planning permission and advertisement consent under separate applications submitted to the Council (see relevant history section below). During the course of the application the applicant has provided more details with regard to the plant associated with the Class A3 use, with an acoustic report being submitted to support the proposals.

3. RELEVANT HISTORY

Planning history

- 3.1 9100300 - Change of use of existing warehouse and residential building and alterations including a fourth floor extension over part of the roof to provide 28 studio flats for use as transitional accommodation (Class C2) plus A1 and A2 accommodation at ground and basement levels including the retention of two existing flats. Granted 17/10/1991.
- 3.2 P9602240 – Approval for the variation of Standard Condition 1 of the planning permission dated 21/10/91 (Ref. 9100300) to allow a further five year period for the implementation of the scheme. Granted 17/09/1996.
- 3.3 PEX0200267 - Change of use from Warehouse (B8) to Restaurant (A3) at basement and ground floor levels. Granted 05/03/2003.
- 3.4 2003/3017/P - Variation of condition 3 of planning permission Ref. No. PEX0200267 to extend hours of A3 use to 7.00am until 1.00am Monday to Saturday and 7.00am until 12:00am (midnight) Sunday. Refused 15/01/2004; Allowed on Appeal 11/10/2004.

- 3.5 2007/6373/P - Change of use from three ground floor retail units (Class A1) to residential use (Class C3) to create three self-contained studio units with internal mezzanine floors, plus alterations to shopfronts to create new entrance doors and alterations to railings around lightwells. Refused 13/03/2009. This application related to only the ground floor level of 343-347 Royal College Street, where the Class A2 (Financial and professional services) use is currently located (Camden Plus) and proposed to be retained as such by this application.
- 3.6 2009/3553/A - Continued display of two non-illuminated projecting signs (one on Royal College Street elevation and one on Kentish Town Road elevation) and three retractable awnings at ground floor level on Kentish Town Road elevation. Granted 16/09/2009.
- 3.7 2009/3710/P - Retention of new shopfronts and infilling of lightwells on both street frontages and retention of 2m high railings on Royal College Street frontage. Granted 21/10/2009.

Enforcement History

- 3.8 All the existing uses at the site are in active use at present without the benefit of planning permission; they are thus unauthorised. The Council's Planning Enforcement Team is aware of various breaches at the application site that have taken place. Current investigation EN07/0407, opened 30/05/2007, has resulted in this application being submitted and also recently granted planning permission 2009/3710/P and advertisement consent 2009/3553/A (see details above). No formal action has been taken pending the outcome of this retrospective planning application.

4. CONSULTATIONS

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	33
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

- 4.1 In addition to the adjoining occupiers being formally consulted, a site notice was erected on 02/09/2009, expiring on 23/09/2009. No responses were received.

5. POLICIES

5.1 Replacement Unitary Development Plan 2006

SD1 Quality of life
SD6 Amenity for Occupiers and Neighbours
SD7B Noise/vibration pollution
SD8 Disturbance
T9 Impact of parking
R1 Location of new food, drink and entertainment uses
R2 General impact of retail and entertainment uses
R3 Assessment of food and drink uses and licensed entertainment
R7 Retention of shopping frontages and local shops
E1 Location of business uses
E2 Retention of existing business uses
E3B Specific business uses and areas – Light industrial uses in Kentish Town Area
Appendix 1 Noise and vibration thresholds

5.2 **Other Relevant Planning Policies** Camden Planning Guidance 2006 (CPG)

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Principle of development - change of use
- Impact of proposed uses

Principle of development – change of use

6.2 It is not clear from the planning history of the site whether the existing lawful use of the lower floors (lower ground, ground and mezzanine) of the building is Class A1 retail or Class B8 storage and distribution given the previous applications at the site (see relevant history above). It is known that the building was previously occupied by Dunn's men's outfitters Headquarters, with uses at the site including retail sales, warehouse storage and office uses. It is relevant to note that an unimplemented application in 2003 (Ref: PEX0200267) to change the use of the lower ground and ground floors of the building to Class A3 use denoted the existing use to be Class B8. More recent applications, such as 2007/6373/P (although only relating to No. 343-347 Royal College Street), classified the existing use as Class A1. Within this context, the proposed uses in this application are therefore considered from both a Class B8 and Class A1 perspective.

6.3 With regard to an existing Class B8 use at the site, policy E2 is of relevance. The policy has a presumption in favour of retaining business uses where there is potential for that use to continue. However, the site history illustrates that the Dunn's Headquarters have not occupied the site for a number of years and the building was vacant prior to being used for various (unauthorised) uses more recently (office, financial and professional services, café and restaurant and drinking establishment uses – see section 1 above for more details). Within this

context, the loss of Class B8 accommodation is considered to be accepted. Moreover, the location of the site at the intersect of Royal College Street and Kentish Town Road means it is not considered to lend itself easily to the transport needs for such a Class B8 (storage and distribution) use.

- 6.4 The site is also within Kentish Town Area and thus policy E3b also applies. This policy has a presumption against loss of local distribution warehousing which would prejudice the mixed-use character of the Kentish Town Area. The supporting text in paragraph 7.30 of the UDP continues that in the Kentish Town Area industrial and warehouse uses are generally concentrated along the railway lines, with premises under railway arches and premises in mews areas under particular threat from other uses. The application site is evidently not in a typical location for such a warehousing use and given the previous permissions at the site (in particular permission PEX0200267 for a Class A3 use), the history of the occupancy of the site and the existing uses operating at the site (although unauthorised), it is not considered that the loss of a warehouse facility at this particular location would harm the character of the Kentish Town Area. As such, in this context, the principle of the loss of a Class B8 use at the application site is considered to have been established.
- 6.5 In respect of an existing Class A1 use at the site, policy R7c is of relevance given the site is located outside of the Kentish Town 'Town Centre' and any designated neighbourhood centre. In addition, the site is not located within the Central London Area. The policy notes that planning permission will only be granted for the loss of Class A1 floorspace provided that alternative shopping is available within walking distance of the application site. In this instance Kentish Town 'Town Centre' is located on the west side of Kentish Town Road, directly opposite the application site. The principle of the loss of a Class A1 use at the site is therefore considered to be accepted.
- 6.6 In relation to the proposed uses, policy R1 is of relevance with regard to the proposed Class A2 and A3 uses. As outlined above, the application site is not located within a designated town or neighbourhood centre, nor is it within a Central London Frontage. The general approach of policy R1 is for uses such as those proposed to be located within the aforementioned designated centres.
- 6.7 However, with regard to the Class A2 use proposed, the supporting text to policy R1, at paragraph 6.15 of the UDP, recognises that individual small shops outside centres can play an important role in meeting local convenience shopping needs. The proposed financial and professional service use (105m² in size) is considered to be an example of such a small-scale use. The principle of the proposed Class A2 use is therefore considered to be acceptable providing it is also in accordance with policy R2, which is assessed below.
- 6.8 Turning to the proposed Class A3 use, the supporting text to policy R1 (at paragraph 6.17) states that outside designated centres the applicant will need to demonstrate that there are no alternative sites within or on the edge of nearby centres. The application site is considered to be on the edge of the nearby Kentish Town 'Town Centre', located on the opposite side of Kentish Town Road. The supporting text continues at paragraph 6.18 that small-scale food and drink uses

can be important local facilities. Within this context it is considered that the principle of a Class A3 use at the site is established, on the proviso that it is in accordance with policies R2 and R3. These policies are discussed in the paragraphs below.

- 6.9 With regard to the proposed Class B1 use, policy E1 is of relevance in this instance. The provision of Class B1 offices is considered to be broadly acceptable in principle, given the site has a public transport accessibility level of 6a (excellent) and is thus accessible by a choice of means of transport. This is discussed in greater depth in the paragraphs below; however the principle of Class B1 accommodation at this site is considered to be established in principle.

Impact of proposed uses

- 6.10 With respect to the proposed Class A2 use, located at ground floor level on the Royal College Street elevation, this use is not generally anticipated to raise noise and disturbance issues to nearby occupiers. In addition, it is understood that the opening hours of the current occupier, Camden Plus Credit Union, are 10am-2pm Monday to Fridays and 10am-12noon on Saturdays. Given these limited hours and the Class A2 nature of the operations, it is not considered to be necessary to add any opening hour condition for this part of the proposals. Furthermore, given the limited size (105m²) of this solely ground floor level use, it is not considered to cause any additional harm to the local transport network. There is also level access from the Royal College Street footway to the building at ground floor level. As such, the impact of the proposed use is not considered to cause any harm to nearby occupiers, including the residential occupiers above this part of the application site. Moreover, the proposed use is considered to aid the function, vitality and viability of the local area having previously been vacant for a number of years.
- 6.11 In relation to the proposed Class B1 use, again no adverse amenity impacts are considered to result from this use at lower ground, ground and mezzanine floor level on the corner plot of the site. Instead the continued use of this part of the application site is considered to add to the function, vitality and viability of this prominent site. Similar to the proposed Class A2 use, it is not considered that this proposed use would impinge on the amenity of neighbouring occupiers with respect to noise and disturbance. In addition, the opening hours of such a use are not considered to require control by condition. There is also level access to this building from the ground floor entrance at the juncture of Kentish Town Road and Royal College Street.
- 6.12 With regards to the impact of the office use on the local transport network, the current occupier Ringley Chartered Surveyors have provided a cycle storage space on the Royal College Street elevation. As already noted, the site has an excellent public transport accessibility level. Furthermore, the site is located within a controlled parking zone (CPZ). Although parking in the area is considered to be highly stressed, within the context of the history of the site (outlined previously) and the proposed use (which are already operating and the office at No. 116 Kentish Town Road has two existing parking permits), there is not considered to be a sufficient policy basis on which to insist on the development being made car-free. In overall terms therefore the impact of the proposed office use is not considered to be sufficient to warrant the refusal of this application.

- 6.13 It is considered that the greatest potential impact proposed by this application is from the Class A3 use at lower ground and ground floor level on the Kentish Town Road elevation. Policies R2 and R3 of the UDP guard against Class A3 developments that are considered to cause individual or cumulative harm to an area, with specific reference in policy R2 to the character, amenity, function, vitality or viability of the area. This policy also states that the site must be readily accessible by a choice of means of transport. In addition, policy SD6 makes specific reference to safeguarding amenity for occupiers and neighbours. It is considered that a number of measures have taken place in order to mitigate any negative impacts on the area.
- 6.14 First, with regard to accessibility, it has already been established that the site is located within a highly accessible location. In respect of internal access arrangements, level access to the unit has been provided at ground floor level.
- 6.15 With regard to the impact on the local area, it is worthy to note that there are a variety of existing restaurants, hot food take-away outlets and licensed premises within the adjacent Kentish Town 'Town Centre'. Although the application site is located outside of this designated area, the general character of the local area (particularly on the Kentish Town Road elevation where the proposed Class A3 use is located) is considered to be a mix of residential, commercial and shop units. It is considered that the proposed Class A3 use will not cause any additional harm to amenity of the local area for a number of reasons.
- 6.16 In terms of noise and disturbance, the applicant has submitted a plant noise assessment in support of the application for the proposed Class A3 use. The unit includes one high level louvre located above the already approved shopfront at ground floor level. This serves the kitchen extract duct for the existing Kookoo restaurant, which has been operating at the site since August 2009. The plant noise assessment has been assessed by the Council's Environmental Health team and been shown to adhere to the Council's standards. As such, the extract duct is not considered to impinge on nearby residential occupiers, such as those on the upper floors of the application site building.
- 6.17 The applicant has also provided details regarding the sound insulation methods that have been put in place between the ground (restaurant) and first (residential) floors of the building. These insulation methods are considered to be appropriate in mitigating the noise impact of the restaurant use on the residential properties above. Furthermore, the Environmental Health database indicates that there have been no complaints received with regard to noise or smell issues at the application site. However, in order to protect residential amenity, it is recommended that the Council's standard noise conditions (with regard to plant noise and music being audible from within adjoining premises) are added to any permission. This will also ensure that the Council has control over such matters in the future.
- 6.18 With respect to opening hours it was seen during a site visit, undertaken on 04/09/2009, that the Kookoo restaurant is currently operating between 07.00 and 23.00 Mondays to Fridays, and 09.00 to 23:00 on Saturdays, Sundays and Bank Holidays. These opening hours are considered to be satisfactory given the context of the location of the application site opposite to Kentish Town 'Town Centre'. The

early opening hours on weekdays, to serve passing breakfast trade, are considered to be suitable in this location. There is no specific guidance in CPG regarding opening hours. Nevertheless the proposed weekday opening hours are not considered to have a sufficient adverse impact on residential amenity to warrant the refusal of this application. The proposed closing time of 23.00 is considered to be appropriate to the proposed use and location. A condition specifying the opening hours of the premises is recommended, together with an informative stating that such a condition means that no customers shall be on the premises and no activities associated with the use will be permitted outside of these hours.

- 6.19 In terms of transport matters, the limited floorspace of the proposed Class A3 use (112m²) means that it is considered unlikely that this specific use will lead to a significant increase in trips to the site. As already noted, the site is located in a highly accessible location. The unit is also located a sufficient distance away from the junction with Royal College Street to ensure that the servicing of the unit can take place without comprising highway safety.
- 6.20 In relation to refuse and recycling facilities, an area for waste and recyclables is provided on the Royal College Street elevation. This is however located a significant distance from the proposed Class A3 use on the Kentish Town Road elevation. Therefore, it is not clear if this facility is being used in practice by Kookoo. It is however considered that there is sufficient internal space for the storage of waste and recyclables. It is recommended that informatives are added to any permission advising the applicant that refuse sacks should not be deposited on the footway until half an hour before collection times and that the Council supports recycling schemes.
- 6.21 In overall terms it is therefore considered that the proposed Class A3 use will not cause individual or cumulative harm to adjoining or nearby occupiers. Various measures and safeguards have been put in place, either as part of the permission or by condition and the proposals are considered to comply with the principles of the appropriate UDP policies.

7. CONCLUSION

- 7.1 It is not clear from the complex planning history of the site whether the lawful use of the lower floors of this building is Class A1 or B8. Notwithstanding this, it is considered that the proposed change of use from either of these two uses to the proposed Class A2, A3 and B1 uses are acceptable in principle. All of the proposed changes have already taken place and thus this application is retrospective. It is considered that the proposed uses will not cause harm to the immediate or surrounding area within the mixed character of this area adjacent to Kentish Town 'Town Centre'. A number of measures have been or are to be taken in order to protect the amenity of nearby occupiers. No complaints have been received regarding noise and disturbance from the already operating Class A3 use. As such, planning permission is recommended to be granted subject to conditions.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.