

Planning and Borough Development
Kensington Town Hall, Hornton Street, LONDON, W8 7NX



Executive Director Planning and Borough Development
Mr David Prout

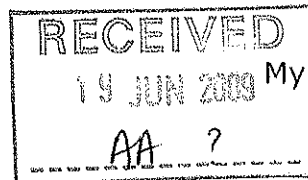
THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Mr A Anderson
Pegasus Planning Group
2-10 Kings Parade Mews
Clifton
BRISTOL
BS8 2RE

Web: www.rbkc.gov.uk/planning

Fax: 020 7361-3463
Direct Line: 020 7361 2057

18 JUN 2009



My Ref DPS/DCPP/09/00893/Q16/2035/
UPRN No. 217119835217119835
Please ask for: Central Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

Permission for Development (Conditional) (DP1)

The Royal Borough of Kensington and Chelsea hereby GRANTS PERMISSION for the development set out in the schedule below, subject to the stated Conditions and in accordance with the plans and information submitted.

Your attention is drawn to the enclosed information sheet.

SCHEDULE

DEVELOPMENT: Change of use of ground floor from Class A1 to Class A2 (bank) use.

SITE ADDRESS: 160 Kensington High Street, LONDON, W8 7RQ

RBK&C Drawing Nos: PP/09/00893

Applicant's Drawing Nos: 578_LE_01

Application Dated: 21/04/2009

Application Completed: 24/04/2009

**FULL CONDITION(S), REASON(S) FOR THEIR IMPOSITION AND
INFORMATIVE(S) ATTACHED OVERLEAF**

CONDITION(S) AND REASON(S) FOR THEIR IMPOSITION

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

- 2. The premises shall be used only for purposes as a bank or building society, and for no other purpose including any other purpose within Class A2 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**

Reason - The safeguard the vitality of the Kensington High Street Principal Shopping Centre.

INFORMATIVE(S)

- 1.** Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. You are advised that from the 6th April 2008 there is a formal system by which planning conditions should be discharged. The appropriate application form can be downloaded from the Council's website (www.rbkc.gov.uk) or requested from the Planning Information Office at the Town Hall. In most instances there will be a fee associated with each request for the discharge of conditions. Please see the guidance notes and fee regulations on the Council's website or telephone 020 7361 3012 for further advice. (I10)

Change of use of ground floor from Class A1 to Class A2 (bank) use.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the policies in the Council's Unitary Development Plan 2002, as amended 28th September 2007, and was considered to comply with these policies. In particular, the following policy/policies were considered:

- S01 (resist loss of shop units and floor space)
- S06 (shopping centres)
- S07 (concentration of shops in core frontage of Principal Shopping Centres)
- S17 (Falling within Use Classes A2 and A3 in Core Frontage of a Principal Shopping Centre)
- TR03 (footways)
- TR36 (development and traffic/parking/congestion)
- TR41 (off-street service space)

The London Plan was taken into consideration. No policies were considered of particular relevance to this application.

Weight was also given to relevant local Supplementary Planning Guidance and Statements, including the **Kensington** Conservation Area Proposals Statement. This document was prepared in line with Government guidance and adopted following public consultation.


The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The full report is available for public inspection at the Planning Information Office, Ground Floor, Town Hall, Hornton Street, London, W8 7NX.

Yours faithfully



DAVID PROUT

Executive Director, Planning and Borough Development

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA
REPORT BY EXECUTIVE DIRECTOR,
PLANNING AND BOROUGH DEVELOPMENT**

**APP NO. PP/09/00893/Q16
PLANNING APPLICATIONS COMMITTEE 16/06/2009
AGENDA ITEM NO. 2035**

SITE ADDRESS

**160 Kensington High Street
LONDON
W8 7RQ**

<u>APPLICATION DATED</u>	21/04/2009
<u>APPLICATION COMPLETE</u>	24/04/2009

APPLICANT/AGENT ADDRESS

**Mr A Anderson
Metro Bank Ltd
c/o Pegasus Planning Group
2-10 Kings Parade Mews
Clifton
BRISTOL
BS8 2RE**

<u>LISTED BUILDING</u>	No	<u>CONS. AREA</u>	Kensington	WARD	Holland
<u>CAPS</u>	Yes	<u>ENGLISH HERITAGE</u>		ART '4'	No

<u>CONSULTED</u>	<u>OBJECTIONS</u>	<u>SUPPORT</u>	<u>PETITION</u>	<u>COMMENTS</u>
42	1	0	0	0

Applicant **Metro Bank Ltd**

PROPOSAL: **Change of use of ground floor from Class A1 to Class A2 (bank) use.**

RBK&C Drawing No(s):PP/09/00893

Applicant's Drawing No(s): 578_LE_01

RECOMMENDED DECISION: **Grant planning permission**

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)

2. **The premises shall be used only for purposes as a bank or building society, and for no other purpose including any other purpose within Class A2 of the Town and Country Planning (Use Classes) Order 1987, as amended. (C058)**
Reason - The safeguard the vitality of the Kensington High Street Principal Shopping Centre.

INFORMATIVES

1. I10

1.0 SITE

- 1.1 The application relates to a ground floor commercial unit on the north side of Kensington High Street (No.160), which has a return frontage to Argyll Road. The premises lies within a parade of 18 units, Nos. 160 to 206 Kensington High Street running between the junctions of Argyll Road and Phillimore Gardens, and is split into two units; one is in use as Caffé Nero (Class A1 coffee shop) and the other is a vacant Class A1 unit (formerly Subway and Easy Internet Café).
- 1.2 At first floor level of the building are offices which are accessed from Kensington High Street. The upper floors of the building comprise residential flats within Davis Court.
- 1.3 The premises is not statutorily listed, but is located with the Kensington Conservation Area.
- 1.4 The premises forms part of the core frontage of the Kensington High Street Principal Shopping Centre.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the change of use of the ground floor premises from retail use (Class A1) to Class A2 use as a bank.
- 2.2 The net internal floorspace of the premises is 287 sq.m, and the respective lengths of the premises' frontages are 11.2m to Kensington High Street, and 24.5m to Argyll Road.
- 2.3 No external alterations are proposed as part of the current application.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 2005 for the installation of a new shopfront (TP/95/1480). This permission was implemented.
- 3.2 Planning permission was granted in 2001 for the change of use of the premises from Class A1 retail to alternative uses being Class A1 retail, internet shop and B1 office use to a maximum of 616 sq.m. (PP/01/1574). This permission was implemented.

- 3.3 Planning permission was granted in 2002 for the variation of Condition 3 of planning permission PP/01/1574 to allow Caffe Nero (Class A1 use) to occupy the whole of the ground floor (PP/02/0681). This permission was implemented.
- 3.4 Planning permission was granted in 2007 for the change of use of part of the ground floor and all of the first floor of the existing Class A1 shop unit for use as Class B1 office units, or for Class A1 retail (PP/07/0255). This permission was implemented.
- 3.5 Planning permission was granted in 2007 for the variation of Condition 4 of planning permission PP/07/0255 to allow opening between 07:00 hours and 24:00 hours (PP/07/1150). This permission was implemented.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations in this case relate to whether the proposed change of use complies with the Council's shopping policies contained in the UDP and the impact the proposal will have on the vitality and function of the shopping centre.
- 4.2 With regard to the above, it is therefore considered that the relevant policies within the Unitary Development Plan, as amended on 28 September 2007, are:
- S1 (resist loss of shop units and floorspace);
 - S6 (shopping centres);
 - S7 (shops in Principal Shopping Centres);
 - S17 (to permit A2/A3 uses in core frontages);
 - TR3 (footways);
 - TR36 (development and parking/traffic/congestion);
 - TR41 (off-street service space)
- 4.3 Weight has been given to the Supplementary Planning Guidance contained within the Kensington Conservation Area Proposals Statement (CAPS) and the Transport SPD.
- 4.4 The London Plan (Consolidated with Alterations since 2004) forms part of the Development Plan for the Borough, although no policies are considered to be of direct relevance in this case.
- 4.5 Weight has been given to Planning Policy Statement 6 – Town Centres.

Principle of change of use from Class A1 to Class A2 (bank) use

- 4.6 The application premises comprise one sub-divided Class A1 retail unit; Caffé Nero occupies the corner unit, and the other smaller unit is vacant (formerly Subway and Easy Internet Café). The Council considers that coffee shops – such as Caffé Nero – fall within Class A1 of the Use Classes Order.
- 4.7 Policy Strat 38 seeks to enhance the vitality and viability of Principal and Local Shopping Centres and to ensure that they are the focus for new retail development and continue to provide shopping facilities in the Royal Borough.
- 4.8 Policy S1 states that the Council will normally resist the loss of shop units and floorspace particularly where this would reduce the range or choice of local convenience shops.
- 4.9 Whilst there is a presumption against the loss of shop uses within the borough (a presumption articulated by Policy S1), paragraph 8.3.2 of the UDP sets out those circumstances where the loss of shops may be appropriate. It refers to Policy S17 which specifically considers the introduction of A2 uses in core frontages of Principal Shopping Centres.
- 4.10 Policy S17 permits uses falling within Use Classes A2 and A3 in the core frontage of a Principal Shopping Centre, subject to the following:

Environmental Criteria

Proposals will be resisted where they are likely to cause:

- a) any material increase in traffic or parking; or
- b) any material reduction in residential character or amenity including by smells or late night noise.

Retail Character and Function Criteria

Proposals will be resisted in circumstances where whether before or as a result of the proposal, the following apply:

- c) more than one quarter of the ground floor units in the relevant street frontage are occupied by non- shop uses; or
- d) there are more than two adjoining units at ground floor level in the same use class as proposed; or
- e) there is a break in the relevant ground floor retail frontage of more than two times the average width of units in the core frontage of the centre.

- 4.11 With regard to the retail and function criteria identified above, it is considered that the proposal does not conflict with any of these criteria. The proposal results in just three of the eighteen units (seventeen percent) within the parade being in a non-shop use. It will not result in three adjoining A2 uses, nor will it result in a break in the ground floor frontage of more than two times the average width of units in the centre.
- 4.12 The Director of Transportation and Highways was consulted, and raised no objection as the change of use will have limited impact on safety or operation of the highway network. A Class A2 use is likely to generate less servicing and deliveries than an A1 use, and pedestrian numbers accessing the site are likely to remain the same. Accordingly, the proposal is considered to comply with Policies TR3, TR36, TR41, the Transport SPD and the relevant criterion within Policy S17.
- 4.13 With regard to the impact of the proposal on neighbouring amenity, the opening hours of the existing coffee shop use are 07:00 to midnight seven days a week. The opening hours of the proposed bank use are 07:00-22:00 Monday to Saturday, and 10:00 to 16:00 Sundays and Bank Holidays.
- 4.14 A bank is not a use that is associated with noise and disturbance as a result of customers coming and going from the premises. For this reason, and the fact that the opening hours of the premises will be reduced in comparison to the existing use, it is considered that the proposal would not result in any material reduction in residential character or amenity.
- 4.15 Given the above, it is considered that the proposal complies with Policy S17. Notwithstanding this, it is further considered that the nature of the proposed A2 use is also significant.
- 4.16 The creation of some A2 uses in this core frontage, for example an estate agency, could have a detrimental impact upon the footfall of the area. A retail bank, however, is less likely to have a negative impact. As part of an assemblage of other town centre uses, based upon a predominant retail element, a retail bank can increase footfall and can assist in maintaining the vitality of a centre. A bank is a use that is integral to creating successful centres. This is recognised within the UDP – with Policy S14 seeking to encourage new banks in certain parts of the borough. This policy is not directly relevant in this case as Kensington High Street has not been identified as being an area which has a deficiency of banks, but is useful as it demonstrates the importance of banks as both a use that helps support a centre and as a local need use.

- 4.17 A condition is therefore recommended to restrict the proposed use to that of a bank or building society, within the overall A2 use class.

Conclusion

- 4.18 Subject to the recommended condition above, it is considered that the proposed change of use to a bank in this location would not have a detrimental impact on the vitality of the centre, and will accord with all relevant policies.

5.0 PUBLIC CONSULTATION

- 5.1 The occupiers of 41 neighbouring properties on Kensington High Street, Phillimore Walk and Argyll Road were consulted, and a site notice was displayed.
- 5.2 To date, one letter of objection has been received from a local resident who is concerned by the proposed loss of the retail unit and its replacement by a financial / professional services use.
- 5.3 The proposal is not considered to result in harm to the vitality of the Principal Shopping Centre. This issue is addressed in detail from paragraph 4.6 onwards of this report.

6.0 RECOMMENDATION

- 6.1 Grant planning permission.

**DAVID PROUT
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

The contents of file PP/09/00893 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: TF
Report Approved By: AJF/DP
Date Report Approved: 04/06/2009**

PSC06/09/TF.REP



160 Kensington High Street,
London

Site Location Plan

Metro Bank

www.ppg-llp.co.uk

Team AX44LF

27th February 2009

1:1250 @A4



BRS.2159_01-1