

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		07/09/2009	
		N/A		Consultation Expiry Date:		28/08/2009	
Officer				Application Number(s)			
Eimear Heavey				2009/3474/P			
Application Address				Drawing Numbers			
240-242 Kilburn High Road London NW6 2BS				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of ground and basement floors from retail (Class A1) to dance school (Class D2).							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	28	No. of responses	00	No. of objections	00
				No. Electronic	00		
Summary of consultation responses:		A site notice was displayed from 07/08/2009 until 28/08/2009. Adjoining occupiers/owners No reply to date. London Borough of Brent No objection.					
CAAC/Local groups* comments: <small>*Please Specify</small>		The application site is not located within a Conservation Area. Local Groups No reply to date.					
Site Description							
The application site is located on the north-east side of Kilburn High Road and close top its junction with Grangeway. The site is bounded by a small alley to the north and a six-storey residential development known as 1-23 Grangeway to the rear. The site is located within a designated Town Centre, is outside of a Conservation Area and lies opposite the London Borough of Brent. The existing buildings on the site have been substantially demolished and the site has been redeveloped.							

Relevant History

30/06/2009: Application (2009/1079/P) for a change of use from retail (Class A1) to dance school (Class D2) was withdrawn due to the fact that there was no acoustic report submitted with the application.

14/11/2005: PP *granted* (2005/2545/P) for redevelopment of the site to provide a 5 storey building comprising ground floor in retail use (Class A1) to provide two retail units, change of use from office (Class B1a) to residential at first floor level in association with the provision of thirteen residential units (Class C3) on first, second, third and fourth floor levels (2 x bedsits, 3 x 1-bedroom self-contained flats, 4 x 2-bedroom self-contained flats, 4 x 3-bedroom self-contained flats). Subject to a S106 agreement.

19/11/2007: PP *granted* (2007/2962/P) for the excavation of a basement with rear lightwell to provide ancillary storage and office space to the ground floor retail unit plus reconfiguration of the shopfront as a revision to permission 2005/2545/P (dated 14/11/2005) for redevelopment of the site to provide a 5 storey mixed use building. Subject to a S106 agreement.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

London Borough of Camden adopted Unitary Development Plan 2006

SD1 Quality of life
SD6 Amenity for occupiers and neighbours
SD7 Noise and vibration pollution
B1 General design principles
B4 Shopfronts
R7 Protection of shopping frontages and local shops
C1 New community uses
T1 Sustainable Transport
T3 Pedestrians and cycling
Appendix 1 Noise and vibration thresholds

Camden Planning Guidance 2006

Assessment

Proposal

Planning permission is sought for the change of use from retail (Class A1) to dance school (Class D2).

Differences between this proposal and previous application

The previous application was withdrawn in June 2009 due to the fact that an acoustic report had not been submitted with the application. An acoustic report was duly submitted with this application and has been considered by our Environmental Health department.

Main Planning Considerations

- Principle of the change of use;
- Impact of the proposal on neighbour amenity; and
- Transportation issues

Change of Use

Policy R7 of the UDP 'Protection of shopping frontages and local shops' has a broad presumption against the loss of shopping floorspace in town centres, and will only grant planning permission for development that it considers would not cause harm to the character, function, vitality and viability of the centre. In addition, the CPG gives further guidance on the implementation of R7. This states that in town centre locations, but outside of the core frontages, the Council will generally resist proposals that would result in less than 50% of the frontages being in retail use.

With regard to shop frontage, this parade has 16 shop units, of which 10 are currently in A1 use. This equates to 63% of the parade being in A1 retail use. Should this proposal be implemented the ratio will drop to 56%, still above the threshold recommended in the CPG. On the basis of this evidence the proposals would appear to be acceptable in the context of Policy R7.

With regards to the proposed D2 use, this type of use is normally characterised as community/leisure facilities.

A dance school is likely to be defined loosely as an education facility, and therefore Policy C1 of the UDP also applies. This Policy states that the Council will grant planning permission for the development of education facilities provided that the travel demand associated with the development would not harm the transport system. In this case Kilburn High Road is well served by public transport and the transport department have no objection to the proposal. In light of the above, the proposals are broadly acceptable in the context of Policies R7 and C1 and the change of use is considered to be acceptable. A condition has been placed on the permission restricting the opening hours to those mentioned on the application form.

Amenity

The proposed development is not considered to impact adversely upon neighbouring properties with regards to overlooking, loss of privacy, loss of sunlight or daylight. The applicant has submitted an acoustic report which has been considered by the Council's Environmental Health department and is considered to be satisfactory. Notwithstanding this, conditions have been placed on the permission to ensure that occupants of the flats above and to the side of the premises are not disturbed by noise or music from the proposed use. A condition has also been imposed restricting hours of use to prevent disturbance from people entering and leaving the premises late in the evening.

Transport

The application site is designated in the London Plan and has a Public Transport Accessibility Level (PTAL) of 6a (excellent). The site has pedestrian access from Kilburn High Road and to the rear via an alleyway off Grangeway. Given that the floor area of the proposed dance school is only 697sqm and in terms of trip generation, this is expected to have less of an impact than a retail unit.

Camden's parking standards (Policy T3 and Appendix 6 of the UDP) require 2 spaces per 250 sqm or part thereof for D2 use. The proposal would create 697sqm of D2 therefore at least 6 spaces are required. No specific area for cycle parking is shown on the plans; therefore a condition has been attached to the planning permission requiring the submission of detailed plans showing how at least 6 cycle parking spaces will be included within the ground floor layout.

Conclusion

The proposed change of use is considered to be acceptable in this instance and does not adversely affect the amenity of neighbouring properties or the transport network. The proposal broadly complies with the relevant policies of the UDP, namely SD6, SD7, B1, B3, R7 and C1 and the guidelines set out in Camden's Planning Guidance.

Recommendation: Grant conditional planning permission.

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