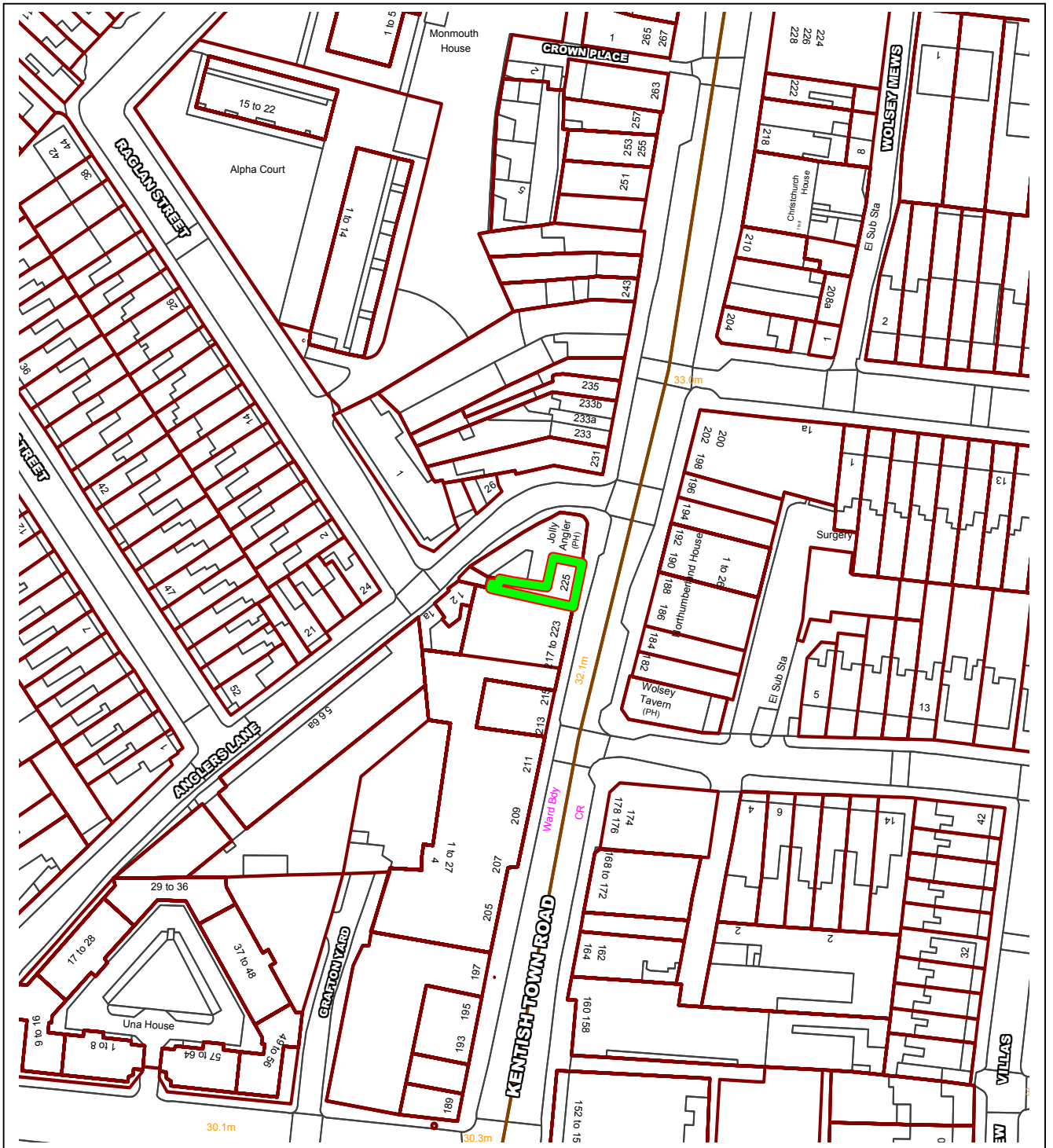


225 Kentish Town Road, 2014/4455/P



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Above: Front elevation of the application site at 225 Kentish Town Road



Above: Front elevation of 168-172 Kentish Town Road (subject to land use swap agreement)



Above: The location of the application site (upper circle) and the unit at 168-172 Kentish Town Road (lower circle)

Delegated Report		Analysis sheet	Expiry Date:	03/09/2014
(Members Briefing)		N/A / attached	Consultation Expiry Date:	12/08/2014
Officer			Application Number(s)	
Jonathan McClue			2014/4455/P	
Application Address			Drawing Numbers	
225 Kentish Town Road London NW5 2JU			See draft decision	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from retail (Class A1) to financial and professional services (Class A2)				
Recommendation(s):	Grant permission subject to S.106 agreement			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	42	No. of responses	04	No. of objections	04
			No. Electronic	04		
Summary of consultation responses:	<p>One response received from the occupier of 34 Raglan Street with the following objections:</p> <ol style="list-style-type: none"> 1) An A2 use would not enhance the Kentish Town Centre 2) The vacant unit is likely to attract an A1 use and should remain as such <p><u>Officer response</u> See section 2 of report</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Kentish Town Road Action (KTRA) objection:</p> <ol style="list-style-type: none"> 1) Contrary to CPG5 as the proposal would result in the applicable core frontage dropping to 57% retail use 2) The application site (225 Kentish Town Road) is in a better position for retail than the site at 168-172 Kentish Town Road where the land use swap would occur <p><u>Officer response</u> See section 2 of report</p> <p>Kelly Street Residents Association (KSRA) objection:</p> <ol style="list-style-type: none"> 1) The proposal would result in the percentage of retail units in this core frontage being reduced from 64% to 57%, which is under the 75% required in CPG5 <p><u>Officer response</u> See section 2 of report</p> <p>The Inkerman Area Residents Association (IARA) objection:</p> <ol style="list-style-type: none"> 1) Contrary to CPG5 as the proposal would result in the applicable core frontage dropping to 57% retail use 2) The application site (225 Kentish Town Road) is in a better position for retail than the site at 168-172 Kentish Town Road where the land use swap would occur <p><u>Officer response</u> See section 2 of report</p>					

Site Description

This application relates to a vacant ground floor retail (A1) unit within a 3 storey mid-terrace building. The property is located on the western side of Kentish Town Road near the junction with Anglers Lane.

The site is located within the core shop frontage of Kentish Town Centre. The ground floor unit formerly had a temporary permission to operate as a restaurant (A3) which has since lapsed. An application to retain the use was refused and dismissed at appeal (see below).

Relevant History

Planning

9501163:

Change of use to ground and first floors from A1 (retail) to A3 (restaurant) refused on 10/01/1996. Refusal based on the introduction of a non-retail use having an adverse impact on the quality and character of the shopping parade.

P9601254R1:

Retention of first floor as restaurant and ventilation duct granted on 05/09/1996.

2006/1094/P:

Continued use of ground floor as a café/restaurant (A3) to be used in conjunction with existing first floor restaurant refused on 07/06/2006 based on the permanent loss of retail harming the character, function, vitality and viability of the Kentish Town Centre. The Council's refusal was subsequently appealed (ref: APP/X5210/C/06/2022306) and upheld on 27/03/2007. A time-limited (for 3 years), personal planning permission (for the appellant only) was granted.

2010/0063/P:

Retention of ground floor use as restaurant (A3) was refused on 13/07/2010 due to the loss of a retail unit which would harm the character, function, vitality and viability of the Kentish Town Centre. The refusal was appealed (ref: APP/X5210/A/10/2137072) and dismissed on 07/01/2011.

Enforcement

EN06/0620:

Enforcement Notice served due to an unlawful change of use from A1 (retail) to A3 (café/restaurant) at ground floor level. Notice complied with on 07/11/2011.

Relevant policies

National and Regional Policy

National Planning Policy Framework 2012
London Plan 2011

LDF Core Strategy and Development Policies

Core Policies

CS1 (Distribution of growth)
CS5 (Managing the impact of growth and development)
CS7 (Promoting Camden's Centres and Shops)
CS8 (Promoting a successful and inclusive Camden economy)
CS9 (Achieving a successful Central London)

Development Policies

DP1 (Mixed use development)

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

Camden Planning Guidance 2013

CPG5 (Town centres, retail and employment)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the change of use from retail (A1) to financial and professional services (A2). The proposed use is a real estate agent (Keatons) which currently occupies 168-172 Kentish Town Road.

1.2 The application site has been vacant since 2011 and was formerly occupied by a restaurant under a personal and temporary permission ref: 2006/1094/P. It has a floor area of 66.5sq.m.

1.3 The proposal includes a land use swap with the existing unit at 168-172 Kentish Town Road. The application site would be granted permission for an A2 use while the other unit would be converted into an A1 use through permitted development rights. A Section 106 Agreement would be signed to ensure that the unit at 168-172 Kentish Town Road would only be used as a retail unit.

1.4 The property at 168-172 has a ground floor area of 285sq.m and a basement area of 151sq.m. It currently has a lawful A2 use and is occupied by Keatons (real estate company). This unit is located on the opposite side of the road to the application site at a distance of 51.6m.

1.5 Both properties lie within the core frontage of the Kentish Town Centre. The main issue to assess here is whether the proposed change of use and land use swap would result in any harm to the character, function, vitality, viability and amenity of the Kentish Town Centre.

2.0 Impact on the Kentish Town Centre

2.1 Camden Planning Guidance 5 (CPG5) seeks to protect the retail function of Camden's town centres by ensuring there are a high proportion of such premises in shopping use. A mixture of suitable uses in each frontage is also encouraged. The guidance in relation to Kentish Town states that planning permission will generally not be granted for developments that would result in the loss of retail units (Use Class A1) which contribute positively to the character, function, vitality, viability and amenity of the area. In addition, the Council will generally resist proposals that would result in less than 75% of the premises in core frontages being in retail use.

2.2 The application site lies within the parade of 189-227 Kentish Town Road which contains 14 ground floor units. Currently 9 of these (64%) have an existing retail use. The loss of a further unit would result in 7 retail shops which would equate to 57%.

2.3 The proposed site that would be subject to the land use swap at 168-172 lies within a frontage of 7 units, with 4 comprising of a retail use (57%). If the land use swap was applied by way of a Section 106 Agreement the resulting 5 units would take the retail frontage up to 71.4%. This would lead to an improvement of the retail frontage within this parade.

2.4 The application site lies adjacent to 2 retail units at 213-215 (clothes shop) and 217-223 (supermarket) to the south and a restaurant (A3) to the north which forms the end of the parade. The loss of the retail unit would therefore not result in more than 2 consecutive non-retail uses in a row as

per CPG5.

2.5 The resulting land use swap would not lead to an overall loss of retail units within the Kentish Town Centre core frontage as the existing number would be retained.

2.6 The unit at 168-172 has a significantly greater ground floor area (218.5sq.m additional floor area) than the application site and a wider frontage of 13.3m compared to 8.3m. The proposed land use swap would therefore result in a higher amount of floorspace and a wider shopfront within the core frontage. The resulting A1 unit at 168-172 would be attractive for a large retail shop or it could be divided into 2 smaller units.

2.7 The application site has been vacant for almost 3 years and it cannot be said that the unit contributes to the vitality and character of the Kentish Town Centre. If this proposal were to be approved it would bring an active and established business into the property that would be compatible with the parade it relates to.

2.8 Overall, it is considered that the proposal would not harm the Kentish Town Centre as there would not be a loss of a retail unit within the core frontage. In addition, the proposed retail unit as part of the land use swap agreement would be a larger unit and the vacant application site would be brought back into use.

3.0 Impact on Amenity

3.1 This application relates to a change of use only and as such there are no external changes that would impact the amenities of nearby occupiers.

3.2 The proposed A2 unit would be compatible within its location and the use would not be likely to lead to any significant impacts in relation to noise, traffic generation or general disturbance.

5.0 Recommendation

5.1 Overall, the proposal is considered to result in a positive contribution to the Kentish Town Centre that would not detrimentally impact its character, function, vitality, viability or amenity. It is recommended that the application be granted conditional planning permission subject to a Section 106 Agreement.

DISCLAIMER Decision route to be decided by nominated members on Monday 29th September 2014. For further information please click [here](#)

Edgeplan Limited
Barnett House
53 Fountain Street
Manchester (Met County)
M2 2ANApplication Ref: **2014/4455/P**

25 September 2014

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:
225 Kentish Town Road
London
NW5 2JU**DECISION**
Proposal:
Change of use from retail (Class A1) to financial and professional services (Class A2)
Drawing Nos: Ordnance Survey 1:1250; Application Site: 225 Kentish Town Road; Site
Swap Site: 168-172 Kentish Town Road and Heads of Terms Under Section 106 Town and
Country Planning Act 1990.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans Ordnance Survey 1:1250; Application Site: 225 Kentish Town Road; Site Swap Site: 168-172 Kentish Town Road and Heads of Terms Under Section 106 Town and Country Planning Act 1990.

Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate