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Michael Maan
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Via email MichaelMaan@aol.com

Dear Michael Maan

Pre-Planning Application Advice

Proposed Change of use of an existing vacant A1 retail unit to a part A1 retail/part D1 Yoga Fitness Centre at 136-138 Kentish Town Road, NW1 9QB.

Thank you for submitting a pre-planning application enquiry for the above property (received on 2nd of March 2015).

Drawings and documents

- Pre-Application submission
- Photo sheet showing the double shop Unit at 136-138 Kentish Town Road NW1 9QB
- Proposed floor Plans for mixed Use

Site Description

The application site is a vacant double shop unit categorised as an A1 use, previously a furniture shop. The unit is situated in the Kentish town, Town Centre location, one of six dedicated Town

Centres in the borough. The sections of street frontage designated part of the Town Centre Core frontages on Kentish Town Road are from 124-282 (E Side) and 189-345 (West Side).

Assessment

Officers have now considered the proposal and offer the following advice.

Principle

CS7 of the Local Development Framework Core Strategy requires *“Promoting Camden’s centres and shops”* The Council seeks to protect the vibrancy and vitality of its centres through managing the mix of uses in them and ensuring that development does not cause harm to a centre, to its neighbours or to the Local area.

DP10 of the Local Development Framework Development Policies of states that *“helping and promoting small and independent shops”*. The Council will encourage the provision of small shop premises suitable for small and independent business.

DP12 of the Local Development Framework Development Policies of states that *“Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses”*. It seeks to promote successful and vibrant centres, for example by

- Designating a hierarchy of town centres, Central London frontages and neighbouring centres:
- Promoting new retail development at Kings Cross, Euston and Camden Town, with additional retail in the growth areas at Tottenham Court Road, Holborn and West Hampstead and in existing centres:
- Seeking to protect the character and role of each of Camden’s centres and
- Resisting the loss of shops where this would cause harm to the character and function of a centre or shopping provision in the local area.

CPG 5 Town Centres, Retail and Employment of the Camden Planning Guidance cover a number of core policies and tests for change of use within the Borough.

- *Protecting and promoting retail uses (para 2.8) – In order to provide for and retain the range of shops in the borough the Council aims to keep a certain proportion of premises in its centre in retail use.*
- *We will control food, drink and entertainment uses to ensure that our town centres are balanced and vibrant as well as ensuring that these uses do not harm the amenity of local residents and businesses.*
- *We will seek a mixture of suitable uses within our town centres as well as a variety of uses in each frontage.*

Assessment of Kentish Town Centre

Retail uses are protected in the Kentish Town Centre, in order to protect the retail function of the centre. No less than 75% of the premises in Core Frontages, where the application unit is located, should be non-retail.

Where non-retail uses are applicable or possible concentrations should be resisted to prevent harm to the centres attractiveness to shoppers or its residential amenity. Therefore the Council will generally resist proposals that would result in more than 2 consecutive premises within the Core Frontage being in non-retail use.

The site context

The application site is a double A1 unit located on the southern half of the frontage between numbers 124-178 Kentish Town Road. The frontage is made up of 21 shopping premises running from the corner of Bartholomew Road to Patshull Road. A number of the shops/sites are double units such as the application property but for the purposes of the frontage calculation they are counted as one.

Site assessment has designated that 10 of the existing 21 individual shop premises on the frontage are non-retail, representing approximately 46%. The percentage of A1 shop premises is therefore below the threshold expected of the Core frontage. Further expansion of non-A1 uses will be resisted.

The immediate shop premises adjacent the site, are shown below,

No 128 – Takeaway Kebabs - A5

No 130 – Vacant – (A1 previously a florist 2014)

No 132 – Phonographic services – D1 (Art Gallery, recently changed from A3, P/A 2013/6889/P)

No 134 – London Nail Bar – Sui Generis

No 134-136 – Applicant – A1

No 140 – Town Café – A3

No 142 – Dry Cleaners – A1

No 144-146 – Franchi (Locksmith) A1

Upon assessment of the proposed floor plan submitted, the retention of an A1 retail unit would prevent more than 2 consecutive premises on the frontage being non A1 uses. The proposed mixed A1/D1 use would therefore be acceptable to the guidance in CPG5.

Class Use of Yoga fitness

The proposal to change the majority of the premises to a Yoga fitness Centre is not an activity that is strictly covered by class D1. Yoga and other similar activities such as pilates are however similar to activities within D1 designated uses and therefore considering a D1 class use would be considered most appropriate.

Recent Planning history - Change of use

2013/6998/P – 132 Kentish Town Road - Change of use to art gallery in front shop (Class D1) and creative space in rear room (Class B1). This application was approved however this was a change from A3 use class to D1 and therefore not impacting the percentage of A1 uses.

2005/1804/P – 128 Kentish Town Road - Change of use from Class A1 (retail) to Class A5 (take-away), involving the installation of fume extraction equipment to the rear elevation. This application was approved at Committee. The approval may offer some positive sign that a proposed change from A1 can be acceptable. However, the policy context relating to town centres has been strengthened to restrict further departures from A1 land uses. The Policies used in that decision process have now been superseded including previous guidance that stipulated that a retail percentage of 50% would be acceptable.

Long term retail use

The promotion of retail in the frontages is a key aim of Camden policy however it is accepted that consideration must be given to whether there is a realistic prospect of such a use continuing. Evidence would be required to illustrate that no realistic prospect of demand to use the site for continued retail use.

- Where the premises were advertised (shopfront, media, web source) and when (dates);
- How long the premises were advertised for and whether this was over a consistent period
- Rental prices quoted in the advertisement (we expect premises to be realistic prices)
- Copies of advertisements;
- Estate agents details
- Any feedback from interested parties outlining why the premises were not suitable for the purposes: and
- Consideration of alternative retail uses and layouts

Concluding Comments

The principle of a change of use from A1 to non-A1 in this location on this section of the Kentish Town Centre Core frontage is not acceptable. The existing percentage of A1 use is approximately 54% compared with a target of 75% for A1 uses. The retention of one retail unit fronting Kentish Town Road is a positive and would prevent more than two consecutive non A1 use premises on the frontage, meeting Camden guidance. However, considering the combined floorspace of the two units is approximately 328sq.m and only 31sq.m would be retained as A1 it is questionable whether the unit could be a genuine long term success.

Notwithstanding the proposals lack of accord with policy in terms of the non-retail percentage, the mixed development holds some merit and further evidence of the attempted marketing (using criteria outlined above) of the shop premises could provide material consideration for the proposed change of use. The existence of a vacant A1 shop premises at No 130 (a florist until summer 2014)

provides weight to the prospect of a mixed use A1/D1 development proposed, especially considering the retention of some form of A1 use.

What to submit with your planning application

For a valid application, the following information would be required

- Fee £385
- Site Location Plan (1:1250 scale) – showing the application site in red and any other land owned by the applicant close to or adjoining the site in blue.
- Existing floor plans (1:50 scale)
- proposed floor plans (1:50 scale)
- Design and Access Statement.
- Evidence of shop premises marketing
- Prior to submitting any application you should also read the guidance from the following link for submitting a valid application: [Guide to supporting information for planning applications](#).

How you submit your application

Please submit your application electronically via the national [Planning Portal](#).

After you submit your application

It would be useful if you could let me know when you have submitted the application along with the planning portal reference number. I will then pick the application up as the case officer

We are legally required to consult on the application with individuals who may be affected by the proposals. We will notify your neighbours by letter, put up a notice on or near the site and, advertise in a local newspaper. The council must allow 21 days from the consultation start date for responses to be received.

All consultation responses will be available to view on the Council's website using the [planning application search](#) page. It is unlikely that a householder application of this size would be determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel. For more details, click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about any of the above or require further information, please do not hesitate to contact me on the number below.

Thank you for using Camden's pre-application advice service.

Kind Regards

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