



planning & Development Ltd

JMS Planning & Development

Planning and Economic Statement

Application by Treats Foods Ltd

Proposed Change of Use from Shop (Use class A1) to Coffee Shop (Use class A1/A3)

325 Kentish Town Road
London NW5 2TJ

December 2015

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SECTION 1: INTRODUCTION

- 1.1 This Planning and Economic Statement has been prepared in support of a planning application for the change of use of 325 Kentish Town Road, London NW5 2TJ ('the site') from use class A1 (Retail) to a mixed class (A1/A3 use) coffee shop to facilitate the occupation of the site by Starbucks.
- 1.2 The premises will be operated as a Starbucks by the franchisee, Treats Foods Ltd. Whilst the proposal comprises predominantly a retail outlet for the sale of drinks, cold food and other products, it does also contain a degree of seating for the consumption of food and drink on the premises.
- 1.3 This Planning and Economic Statement should be considered with the accompanying forms and drawings submitted with this application and is submitted to justify and support the application proposal in the context of national and local town centre planning policy.
- 1.4 This Statement therefore sets out the background to Starbucks, its profile and operation. It also examines the key issues with regard to locating the proposed use within a Core Shopping Frontage within Kentish Town Town Centre. This Statement also considers the significant number of positive appeal decisions which have supported coffee shop uses within such key frontages, even where relevant planning policies are highly protective of class A1 uses. This Statement also examines the relevant planning policies and other material considerations in support of the proposed change of use.
- 1.5 Accordingly this document follows the following structure:
 - A description of the application site (Section 2);
 - A review of the site's planning history (Section 3);

- An explanation of the developmental proposals (Section 4);
- An overview of relevant national and local planning policy (Section 5);
- An overview of relevant appeal decision relating to coffee shop uses;
- An appraisal of the key considerations regarding the proposed development (Section 7); and
- Conclusions (Section 8).

SECTION 2: SITE AND SURROUNDING AREA

- 2.1 The application site lies on the western side of Kentish Town Road in close proximity to Kentish Town Underground Station (Northern Line). The site comprises a three-storey property with a shop (class A1 use) on the ground floor and a former residential unit (use class C3) above.
- 2.2 Planning permission has previously been sought for the redevelopment of the site to facilitate the construction of four additional units at upper level (LPA Ref: 2015/2605). The application site is not located within a conservation area, neither is the property a listed building or a locally listed building.
- 2.3 The property fronts directly onto Kentish Town Road and is located within a Core Shopping Frontage of Kentish Town Town Centre. Kentish Town Town Centre provides a range of shopping and service uses and is acknowledged by the London Borough of Camden (LB Camden) within its planning guidance on Town Centre's, Retail and Employment (CPG 5) as having a good range of shops and services for its size including many independent traders and food and drink uses.
- 2.4 The application site is long and narrow and fronts directly onto the pavement of Kentish Town Road; at the rear the application site fronts York Mews. Kentish Town High Road (A400) is served by numerous bus routes whilst the site is located in close proximity to Kentish Town Underground and Railway Station and therefore has good transport facilities. As a consequence the application site has an excellent level of accessibility with a Public Transport Accessibility Level (PTAL) of 6a.

SECTION 3: PLANNING HISTORY

- 3.1 Most recently, planning permission (LPA Ref: 2015/2605/P) has been granted dated 17th December 2015 for the development of the site for: *“Rear extension to existing retail unit (class A1), erection of mansard roof extension and three-storey rear extension at 1st, 2nd and 3rd floor level of No. 325 Kentish Town Road and conversion of the 1 No. 3 bed self-contained flat to create 3 No. 1 bed self-contained flats at first, second and third floor level. Erection of three-storey rear extension to infill space known as 10 York Mews to provide ground floor storage space and cycle store and 1 No. 3 bed maisonette on first and second floor. Provision of internal courtyard/terrace at first floor level with access from 10 York Mews and installation of green wall at first and second floor level of 10 York Mews (internal elevation).”*
- 3.2 Previous to this, a planning application (LPA Ref: 2010/5366/P) for a change of use of the ground floor from a Retail Unit (use class A1) to Financial and Professional Services (use class A2) was refused planning permission by a decision dated 2 December 2010 on the grounds that the loss of a retail unit would be harmful to the overall character, function, vitality and viability of the Kentish Town Town Centre.
- 3.3 Prior to this, planning permission was refused on 25 August 2009 for the erection of two-storey rear extension and creation of additional third storey with mansard roof (LPA Ref: 2009/1685/P).
- 3.4 On 21 May 2008 planning permission was granted under application LPA Ref: 2008/0925/P for shop alterations to provide a new side entrance door and allow access to the residential unit at upper floor level, and replacement of rear door with window following the removal of existing rear access staircase.
- 3.5 Planning permission was granted on 14 August 2007 (LPA Ref: 2007/3033/P) for the existing use of a rear part of the ground floor as a cheque cashing and money transfer service and associated office.

- 3.6 A part three-storey, part single-storey extension and mansard roof extension to existing shops and flats above to increase the floorspace above the shop and to provide a 1 x 1 bedroom unit at first floor level and 1 x 3 bed maisonette at upper levels was granted on 5 November 2004 (LPA Ref: PEX0300166/P).
- 3.7 Planning permission was granted on 31 January 1991 (LPA Ref: 8903083) for the erection of an additional storey at third floor level, an extension at rear first floor level and works for conversion to form three bedsitting flats and one bedroom flat.
- 3.8 More historically, planning permission was granted for an application (LPA Ref: 33398) on 2 March 1982 for the erection of a single storey rear extension for storage. On 11 September 1974 planning permission was granted for the installation of a new shopfront under application (LPA Ref: 19200). Planning permission was granted on 3 April 1967 for the installation of a new shopfront and the erection of a canopy at the rear of the premises (LPA Ref: 3339).

Planning History Summary

- 3.9 There have been a number of applications on the site. The key relevant planning application is LPA Ref: 2010/5366/P which was refused planning permission by a decision dated 2 December 2010 for change of use of the site from retail use to financial and professional services (use class A2). The key points of difference between the Council's previous decision and the current proposed use of the site as a Starbucks are detailed later within this report with the subsequent justification as to why an alternative approach in the context of this application is acceptable.

SECTION 4: THE APPLICATION PROPOSAL

- 4.1 The proposed development consists of the change of use of 325 Kentish Town Road from a shop (use class A1) to a mixed class A1/class A3 use to facilitate the use of the premises as a Starbucks coffee shop.
- 4.2 This section of the report sets out some background details about Starbucks, and its operation as well as providing an overview of the background to the structural growth of the coffee shop market within the United Kingdom.

About Starbucks

- 4.3 Starbucks was founded in 1971 as a roaster and retailer of whole-bean and ground coffee, teas and spices with a single store in Seattle's Pike Place Market. The name, inspired by Moby Dick, evoked the romance of the high seas and the seafaring tradition of the early coffee traders.
- 4.4 From the beginning, Starbucks set out to be a different kind of company. One that not only celebrated coffee in the rich tradition, but that also brought a feeling of connection. The Company's mission is to inspire and nurture the human spirit – one person, one cup and one neighbourhood at a time. The care and special attention that goes into selecting, preparing and roasting their beans is what makes Starbucks distinctive and so popular. All of its staff are specially trained baristas so that the customers can enjoy the perfect product at its best.
- 4.5 Today the company is the largest coffee house company in the world with over 22,000 stores in more than 50 countries worldwide. Starbucks locations serve hot and cold beverages, whole-bean coffee, micro-ground instant coffee, espresso, café latte, full-leaf teas, pastries and snacks. Stores also sell pre-packaged food items, hot and cold sandwiches and merchandising items. Starbucks believes in serving the best coffee possible with a goal for all of its coffee to be grown under the highest standards of

quality, using ethical sourcing practices. Starbucks first entered the UK in May 1998 through the acquisition of 65 Seattle Coffee Company Stores.

- 4.6 Starbucks has entered into franchise agreements with a limited number of small companies and individuals, which has allowed Starbucks to continue its expansion into more towns and cities across the country. One of these agreements is with the applicant.

The Starbucks Operation

- 4.7 The Starbucks' operation does not involve the cooking of any hot food on the premises. There is consequently no need for substantial extraction equipment or any other associated ventilation. Any plant that may be required will be the subject of condition or a separate application.
- 4.8 Whilst there are no cooking facilities, although some sandwiches can be toasted upon request. All sandwiches and cakes are prepared and packaged off-site and delivered to each unit on a daily basis. All customers choose goods from the same range, and will choose whether to consume their goods on or off the premises. Either way, it will be the same product. There is no waiter service.
- 4.9 The proposed use requires one delivery per day and delivery will be at a time to minimise any disturbance or inconvenience to other users of Kentish Town High Road. Waste will be collected by a private contractor.
- 4.10 No external changes are proposed as part of the application. The ground floor layout plan shows a counter on the right-hand side, and disabled toilet. The proposed unit will be of a high quality with an inviting interior. The large glass window will allow actively to be seen inside thereby creating visual interest within the street scene.
- 4.11 The planning application seeks hours of opening between 6.30 am until 9.00 pm seven days a week (including bank holidays).

4.12 In respect to inclusive access, Starbucks believes that it is not merely physical barriers that can cause difficulties for customers. Employees receive Disability Awareness Sessions as part of their basic training, to understand the challenges customers with disabilities may face, and to ensure that their needs are met.

4.13 The unit's town centre location ensures easy access on foot, by bicycle and on public transport. Access to the unit is to be ramped from a well-maintained pavement. The proposed layout has been carefully considered in order to accommodate the needs of those who have a physical impairment. A disabled toilet is provided on the ground floor. Other facilities provided to assist customers include:

- Assistance dogs welcome;
- Assisted wheelchair use is welcome;
- Non-assisted wheelchair access;
- Assistance for the mobility impaired;
- Facilities for the hearing impaired;
- Induction loop available;
- Staff assistance;
- Space for parents with pushchairs;
- Assistance for the visually impaired or the blind.

Growth of the Coffee Shop Market

4.14 The overall coffee shop market in the UK recorded a 6.4% increase in sales in 2013 and there were 16,501 coffee shops across the country by the end of 2013. However,

whilst the coffee shop market has continued to grow, coffee consumption per head has not. Indeed, consumption levels are now lower than they were in 2006. Britain is currently consuming approximately 2.8 kg per head, just a fraction of the 7 kg consumed in Germany, 7.1 kg in Sweden and 5.5 kg in France. As a result, the growth of coffee shops has not increased the UK's consumption of coffee; rather, it is the way in which coffee is being consumed that has changed with people now visiting coffee shops where they had previously consumed instant coffee at home or in the workplace.

- 4.15 The coffee shop market has also been boosted by the decline in the British public house industry and the coffee shop has increased as a social venue. Coffee shops have also been boosted by people shopping more online, and instead of spending their weekends trawling the shops, Britain's are meeting up with friends at their local coffee shop/Café. Indeed, it is now widely acknowledged that coffee shops are very much part of the fabric of our society now (Daily Telegraph – 9 September 2014).

SECTION 5: RELEVANT PLANNING POLICY

- 5.1 This section of the supporting statement sets out relevant national and local planning policy relevant to the proposed planning application.

National Planning Guidance

National planning Policy Framework (March 2012)

- 5.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and now constitutes guidance for local planning authorities and decision takers.
- 5.3 The ministerial foreword by Greg Clark confirms that *“The purpose of planning is to help achieve sustainable development”* and that *“development that is sustainable should go ahead, without delay—a presumption in favour of sustainable development that is the basis for every plan, and every decision”*. In addition, the ministerial foreword confirms that *“in order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives”*.
- 5.4 The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6).
- 5.5 Paragraph 7 confirms there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by

identifying and coordinating development requirements, including the provision of infrastructure;

- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality, built environment with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, using natural resources prudently, and minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.6 Paragraph 8 confirms that these roles should not be undertaken in isolation because they are mutually dependant. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is confirmed the planning system should play an active role in guiding development to sustainable solutions.

5.7 The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications (paragraph 13).

5.8 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:

- Approving development proposals that accord with the development plan without delay, and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted (paragraph 14).*

5.9 Paragraph 17 confirms that, within the overarching roles the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These principles include:

- Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places the country needs.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land of urban and rural areas;
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 5.10 The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future (paragraph 18).
- 5.11 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).
- 5.12 To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century (paragraph 20).
- 5.13 Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policy should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing (paragraph 21).
- 5.14 Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up local plans, local planning authorities should, inter alia:
- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
 - Promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres.
 - Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity (paragraph 23).

5.15 Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport nodes for the movement of goods or people. Therefore, development should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, with access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians, avoiding street clutter.

National Planning Practice Guidance (2014)

5.16 The National Planning Practice Guidance (NPPG) was launched on the 6th March 2014 and provides a web-based resource in support of the NPPF. The NPPG is accompanied by a Ministerial Statement setting out which Planning Practice Guidance documents are cancelled as a result of the NPPG.

5.17 **The Development Plan**

5.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the statutory development plan, unless other material considerations indicate otherwise.

5.19 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the statutory development plan comprises The London Plan (Consolidated With Alterations Since 2011) (March 2015) the Camden Core Strategy 2010-2025 (November 2010) and the Camden Development Policies 2010-2025 (November 2010).

The London Plan Consolidated With Alterations Since 2011 (March 2015)

- 5.20 Policy 1.1 (Delivering the Strategic Vision and Objectives for London) confirms growth will be supported and managed across all parts of London to ensure it takes place in the current boundaries of London without either encroaching on the Green Belt, London's protected open spaces or having unexpected impacts on the environment.
- 5.21 Policy 2.9 (Inner London) states that the Mayor will, and boroughs and other stakeholders should, work to realise the potential of inner London in ways that sustain and enhance its recent economic and demographic growth while also improving its distinct environment, neighbourhoods and public realm, supporting and sustaining existing and new communities, addressing its unique concentrations of deprivation, ensuring the availability of appropriate workspaces for the area's changing economy and improving quality of life and health for those living, working, studying or visiting there.
- 5.22 Policy 4.7 (Retail and Town Centre Development) confirms that the Mayor supports retail, commercial culture and leisure development within town centres. The policy confirms that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- The scale of retail, commercial culture and leisure development should be related to the size, role and function of a town centre and its catchment;
 - Retail, commercial, cultural and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edge of centres that are, or can be, well integrated with the existing centre and public transport;
 - Proposals for new or extensions to existing edge or out of centre development will be subject to an assessment of impact.

5.23 Policy 4.8 (Supporting a Successful and Diverse Retail Sector and Related Facilities and Services) confirms that Boroughs should take a proactive approach to planning for retail and related facilities and services and that planning decisions should;

- Bring forward capacity for additional comparison goods retailing, particularly in International, Metropolitan and Major Centres;
- Support convenience retail particularly in District, Neighbourhood and more local centres, to secure a sustainable pattern of provision and strong lifetime neighbourhoods;
- Provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence;
- Identify areas under-served in local convenience shopping and services provision and support additional facilities at an appropriate scale and locations accessible by walking, cycling and public transport to serve existing or new residential communities;
- Support the range of London's markets, including street, farmers and where relevant, strategic markets;
- Support the development of e-tailing and more efficient delivery systems;
- Manage clusters of uses having regard to their positive and negative impacts on the objectives, policies and priorities of The London Plan.

Camden Core Strategy 2010 (November 2010)

5.24 The vision statement for Camden states, inter alia,

“Camden will be a borough of opportunity – a vibrant and diverse part of inner London that will develop its position as a key part of the capital’s success, whilst improving the quality of life that makes it such a popular place to live, work and visit. A borough with the homes, jobs, shops, community facilities and infrastructure needed to support its growing population, businesses and visitor.”

5.25 The Key Diagram Map 1 confirms the application site lies both within the Central Activity Zone and within the defined Highly Accessible Area.

5.26 Policy CS1 – (Distribution of Growth) confirms that the Council will promote the most efficient use of land and buildings in Camden by, inter alia, seeking development that makes a full use of its site, taking into account quality of its design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site whilst resisting development that makes inefficient use of Camden’s limited land.

5.27 Policy CS3 (Other Highly Accessible Areas) confirms the Council will promote appropriate development in the highly accessible areas of, inter alia, central London. This is considered to be a suitable location for the provision of homes, shops, food, drink and entertainment uses, office, community facilities and is particularly suitable for uses that are likely to significantly increase the demand for travel.

5.28 Policy CS5 (Managing the Impact of Growth and Development) confirms the Council will manage the impact of growth and development in Camden through a variety of means. Including, providing uses that meet the needs of Camden’s population and contribute to the Borough’s London-wide role and protecting and enhancing the

environment and heritage and amenity and quality of life of local communities. In particular, the Council will protect the amenity of Camden's residents through a variety of means, but principally, by ensuring that the impact of the occupiers and neighbours is fully considered and requiring mitigation measures where required.

- 5.29 Policy CS7 (Promoting Camden's Centres and Shops) states that the Council will promote successful and vibrant centres including the Council's neighbourhood centres throughout the Borough to serve the needs of residents, workers and visitors. This includes providing for and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. Associated Map 2: Town Centres confirms Kentish Town to be a Town Centre.
- 5.30 Policy CS8 (Promoting a Successful and Inclusive Camden Economy) confirms the Council will seek to secure a strong economy in Camden and seeks to ensure that no one is excluded from its success.

Camden Development Policies 2010-2025 (November 2010)

- 5.31 Policy DP1 (Mixed use Development) confirms the Council will require a mix of uses and development where appropriate in all parts of the Borough. It states that in considering whether a mix of uses should be sought, the Council will take into account a number of factors, including the character of the development, the site and the area; the extent of the additional floorspace; the need for an active street frontage and natural surveillance; and whether an extension to the gross floorspace is needed for an existing user.
- 5.32 Policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink, Entertainment and Other Town Centre uses) confirms the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity neighbours. In achieving this, the Council will, inter alia, consider the effect of non-retail development on shopping provision and the character

of the centre in which it is located, the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, any record of harm caused by such uses and the impact of the development on nearby residential uses and amenity and any prejudice to future residential development.

5.33 DP26 (Managing The Impact Of Development On Occupiers And Neighbours) confirms the Council will protect the quality of life of occupiers and neighbours by only granting planning permission for development which does not cause harm to amenity. The policy confirms the factors the Council will consider include:

- (a) Visual privacy and overlooking;
- (b) Overshadowing and outlook;
- (c) Sunlight, daylight and artificial light levels;
- (d) Noise and vibration levels;
- (e) Odour, fumes and dust;
- (f) Microclimate;
- (g) The inclusion of appropriate attenuation measures.

5.34 The policy also states that developments will be required to provide an acceptable standard of accommodation in terms of internal arrangement, dwelling and room sizes and amenity space, facilities for the storage, recycling and disposal of waste; facilities for bicycle storage; and outdoor space of private or communal amenity space wherever practical.

5.35 Policy DP28 (Noise And Vibration) confirms the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for

development likely to generate noise pollution or development sensitive to noise in locations with noise pollution unless appropriate attenuation measures are provided.

- 5.36 Policy DP29 (Improving Access) confirms the Council will seek to promote fair access and remove the barriers that prevent people from accessing facilities and opportunities.

Camden Planning Guidance 5 – Town Centres, Retail and Employment (September 2013)

- 5.37 The above document (CPG 5) provides more detailed guidance on LB Camden’s approach to its town centres which supplement the relevant development plan policies. Section 3 confirms that Camden has six successful town centres, each with their own character which includes, Kentish Town. The Section confirms that LB Camden will protect the shopping function of its town centres by ensuring there is a high proportion of premises in retail use and that it will control food, drinking and entertainment uses to ensure that its town centres are balanced and vibrant as well as ensuring that these uses do not harm the amenity of local residents and businesses.
- 5.38 Kentish Town is considered at page 21. The Document confirms that: *“Kentish Town Town Centre provides shopping service uses for the local area. It has a good range of shops and services for its size, with many independent traders and a significant amount of food and drink uses.”*
- 5.39 An accompanying map shows a breakdown of core and secondary frontages and confirms that the site is located within a Core Shopping Frontage.
- 5.40 Paragraph 3.46 confirms that the Council will generally resist proposals that would result in:
- Less than 75% of the premises and core frontages being in retail use, or;
 - Less than 50% of the premises in secondary frontages being in retail use.

- 5.41 Subsequent paragraph 3.48 confirms that in accordance with Policy DP12 of Camden's Development Policies, the Council will seek to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity. The Council will therefore generally resist proposals that would result in:
- More than two consecutive premises within the core frontages being in non-retail use;
 - More than three consecutive premises in non-retail use within secondary frontages.
- 5.42 Food, drink and entertainment uses are considered at Section 6 where it is confirmed that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of the Centre, the local area or the amenity of neighbours.
- 5.43 Appendix 3 sets out how to calculate the percentage of uses and frontages, and confirms that the approach and policies apply to only ground floor uses and relate only to the existing lawful use of properties (paragraph 8.6).

SECTION 6: RELEVANT APPEALS REGARDING THE MERIT OF COFFEE SHOP USES

6.1 As discussed in the earlier section, the concept of a mixed A1/A3 use for coffee shops is well established through a number of appeal decisions. Relevant appeal decisions are attached as appendices and are discussed below.

Café Nero – High Street, Winchester

6.2 The decision notice produced at **Appendix One** relates to an Enforcement appeal regarding a Café Nero within Winchester High Street. This appeal decision highlights an Inspector's view on the benefit of coffee shops within primary shopping areas. A summary of the Inspector's conclusions is set out below:

- At Paragraph 9 the Inspector accepts evidence that coffee shop uses attract significant flows of customers throughout the day. The Inspector states that he would be very surprised if a wholly A1 use occupying the same floorspace would attract so many more customers that it would be in a different league to the coffee shop use. He stated that it would be very likely that many A1 uses will attract significantly fewer customers;
- The Inspector accepted survey evidence that revealed that a significant number of customers are attracted to the town centre by the presence of high quality coffee shops;
- At paragraph 15 the Inspector concludes that the coffee shop use in question would have no adverse effect on the vitality or viability of a shopping centre. It is stated that it would maintain pedestrian flows, accepts that it is a use which needs to be located at ground floor level within a primary shopping area and compliments the retail frontage of the primary shopping areas drawing people into them;

- In the Winchester case, the proposal would have exceeded the percentage threshold of non-A1 uses set out within the local plan policy, yet the Inspector felt that there were material considerations which satisfied allowing the appeal.

Café Nero - 112 High Street, Sevenoaks

6.3 An appeal relating to a proposed Café Nero in Sevenoaks is reproduced at **Appendix Two**. As with the Café Nero premises in Winchester, the Local Plan policy in Sevenoaks restricted changes of use from A1 to non-A1 uses, furthermore no changes of use from A1 use were permitted within the primary frontages.

6.4 Evidence was presented to the Inspector that the proposed use generates a considerable amount of activity within the High Street and that the coffee shop helped to attract visitors to the town centre. The Inspector accepted that shops and services within the town centre feed off each other and that the proposed coffee shop would generate a large number of customers and would, in her opinion, not undermine the retail function of the primary shopping area.

6.5 The Inspector concluded that:

“Although the mixed class A1/A3 does not fully accord with the relevant Plan Policies to which I have been referred, the mixed use of the appeal Premises would not have an adverse effect on the retail function of the town centre.”
(Paragraph 14)

Starbucks – 63 South Molton Street, London

6.6 Westminster City Council was concerned about the loss of retail shopping floorspace within the South Molton shopping area. In particular, the Council was concerned about the loss of specialist shops. The Inspector’s decision, attached at **Appendix Three**, concludes at paragraph 14 that the appeal proposal for a mixed A1/A3 coffee

shop would not harm the vitality and viability of the shopping centre and consequently allowed the appeal.

66-68 High Street, Staines

6.7 In this case, the adopted Spelthorne Borough Local Plan required that at least 80% of all the length of the prime retail frontage be maintained in A1 use. Prior to the application being made, the relevant figure for the prime retail frontage was below 75%. The relevant decision is attached in **Appendix Four**. The Inspector accepted evidence put forward through a Patronage Survey that the proposed use would be likely to attract significant customer flows throughout the day and the overall level of customer activities would be similar to, or greater than, an A1 use of the site. The Customer Survey presented also indicated that the use would be likely to perform a complementary function to the town centre shopping facility as well as attracting people to the town centre in its own right. At paragraph 8 the Inspector stated that he had no reason to disagree with these findings.

6.8 At paragraph 10, the Inspector held that the proposed mixed use did not fully accord with the relevant development plan policy but taking into account the particular characteristics of the use proposed, it was concluded that the use would not harm the vitality and viability of the town centre or undermine its retail function. The appeal was therefore allowed.

7 Royal George Buildings, Market Place, Rugby

6.9 This appeal related to an Enforcement case in respect of an existing Café Nero. The relevant appeal decision is attached at **Appendix Five**.

6.10 In this case, the use was considered to be a mixed Class A1/A3 use; however, the policies within the Local Plan required that ground floor uses within the primary retail frontages should be exclusively used for class A1 purposes.

- 6.11 The Inspector accepted evidence that strong customer patronage of the coffee shop use was a material consideration in favour of the proposal, particularly as the customer flow exceeded that of neighbouring shops. In fact, at paragraph 13, the Inspector gave weight to the consideration that if the Café Nero was too close, there was no guarantee that any replacement use would attract as many customers as the existing Café Nero operation.
- 6.12 The appeal was subsequently allowed, contrary to the relevant development plan policies.

Café Nero - 2-4 High Street, Harpenden

- 6.13 In this appeal, the Inspector considered a retrospective application for the coffee shop use within a primary shopping frontage. The decision is reproduced at **Appendix Six**.
- 6.14 Whilst the relevant local plan policy sought to retain 90% of the respective retail frontage within class A1 use and the appeal proposal would have resulted in only 25% of the frontage being retained for such purposes, the appeal was allowed.
- 6.15 The material considerations that the Inspector took into account are detailed within the decision letter. At paragraph 18, the Inspector recognises that the coffee shop has a large amount of daytime users and relies upon a relatively high turnover of customers rather than the more traditional café/restaurant when the primary purpose is to sit for longer and have a meal. As such, the Inspector recognised that coffee shops can attract a relatively high level of daytime custom, commensurate with any number of A1 uses (as demonstrated by the appeal proposal's operation).
- 6.16 Similarly, at paragraph 20, the Inspector recognised that the coffee shop compared favourably with the amount of activity generated by other nearby uses including A1 uses.

6.17 At paragraph 24, the Inspector recognised the Council's concerns regarding the preponderance of A3, A4 and A5 uses and the potential to cause an imbalance within the centre and thus harm vitality and viability. However, the Inspector recognised that the coffee shop was of mixed daytime use, which complemented Harpenden's retail function.

Costa Coffee – 230 High Road, Loughton

6.18 This decision is attached at **Appendix Seven**. Whilst the proposal was compliant with policy, the Inspector made positive comments about the proposed coffee shop and its suitability for a primary frontage location.

6.19 At paragraph 6 the Inspector accepted that the A1/A3 use type is an appropriate classification, given that the development would not function primarily as a café/restaurant with merely ancillary retail sales.

6.20 At paragraph 7, the Inspector recognised the substantial differences between the A1/A3 use and existing A3 type establishments, particularly as the more traditional uses did not keep normal shop hours and had dining areas at the front.

Costa Coffee – 80-82 High Street, Maldon

6.21 In this appeal, the proposal was in conflict with the local planning policy with only permitted changes that resulted in A1 or D1(A) uses. The decision is attached at **Appendix Eight**.

6.22 At paragraph 7 the Inspector confirms that there was a conflict between the provisions of the adopted local plan and those of the more recent national planning guidance and that the latter should be given greater weight. The Inspector gave weight to national planning policies which encourage a diverse range of complementary evening and night-time uses that appeal to a wide range of age and social groups, making

provision where appropriate, for leisure, cultural and tourism activities, such as cinemas, theatres, restaurant, public houses, bars, nightclubs and cafés.

- 6.23 Accordingly, at paragraph 8 the Inspector confirms that the proposals would add to consumer choice by increasing the range of town centre activities and would maintain activity within the town centre where retail outlets appear to close early. The appeal was subsequently allowed.

19-23 High Street, Pinner

- 6.24 In this appeal case, the key issue was the effect of the proposal on the vitality and the viability of the district centre. Whilst the Inspector accepted that a 25% threshold on non-A1 uses had been breached, the Inspector found (at paragraph 12) that in generating high levels of activity throughout the normal shopping day that the coffee shop use would be beneficial to the vitality of the relevant primary shopping frontage despite the loss of some retail floorspace and subsequently allowed the appeal.
- 6.25 A copy of the appeal decision is attached at **Appendix Nine**.

47 High Street, Keynsham

- 6.26 The Inspector considered that the main issue in this case was the impact of the proposal on the vitality and viability of the town centre. In relation to the proposed use, the Inspector found at paragraph 5 that the proposal was for a mixed A1/A3 use as it would comprise substantial elements of both a shop and a café, and that takeaway merchandise sales would be more than incidental to the A3 use.
- 6.27 Although the relevant local plan policy did not allow for the loss of any A1 use within the town centre, the Inspector gave weight to national planning guidance which stated that authorities should set flexible policies for their centres which can respond to changing circumstances. It was confirmed that 70% of units within the primary shopping frontage would remain as A1 use if the appeal was allowed.

- 6.28 At paragraph 12, the Inspector considered that the proposed use would generate a reasonable footfall equivalent to other A1 uses, and gave consideration to the fact that the unit had remained vacant for a considerable period of time despite marketing.
- 6.29 At paragraph 13, the Inspector concluded that despite the conflict with Local Plan policy, that that the appeal proposal would not undermine the retail function of the primary shopping frontage, lead to a fragmentation of retail uses or have a harmful effect on the centre's vitality and viability. The appeal was thus allowed. A copy of the appeal decision is attached at **Appendix Ten**.

71 London Road, Headington

- 6.30 In this appeal, the Inspector considered an Enforcement Notice for the change in use from a retail use to an A1/A3 coffee shop within a primary retail frontage. The decision is reproduced at **Appendix Eleven**.
- 6.31 The relevant local planning policy sought to retain 65% of units within the shopping frontage in A1 use, whilst the proposed use took this to 64.6%. However, the appeal was allowed as the Inspector considered that other material considerations were sufficient to outweigh this marginal policy breach. In particular, A1 sales amounted to nearly 50% of the total sales, there was no local concentration of coffee shops, footfall surveys showed the use attracted more customers than A1 shops and customer surveys show that the use encouraged combined trips in pedestrian activity.
- 6.32 The Inspector found at paragraph 18 that having regard to the above material considerations that there would not be an adverse impact on the vitality and viability of the retail function at the District Centre and as such, the underlying principle of the policy would not be compromised. He considered that cumulatively material considerations justified a departure from the exact wording of the policy.

221-222 High Street, Marlborough

- 6.33 In a Café Nero appeal decision in respect of a site at 221-222 High Street, Marlborough, it was recognised by the appeal Inspector that shoppers increasingly expect town centres to include facilities for breaks and refreshment and that it was credible for shoppers to be more likely to visit centres where such facilities existed. The Inspector's decision allowing the appeal is attached at **Appendix Twelve**.

148 Commercial Road, Portsmouth

- 6.34 Local Authorities who have required high levels of class A1 use in primary shopping frontages have often been requested to show greater flexibility regarding threshold limits by Inspectors. This was reflected in a recent appeal decision regarding a proposed Costa Coffee in Portsmouth (**Appendix Thirteen**). The application was refused on the basis of the change of use with a result in a 75% class A1 use threshold (the same as in this case) being breached, resulting in only 72.5% of the frontage remaining in class A1 use. In his decision, the inspector considered that the merits of the coffee shop were sufficient to ensure that the retail vitality and viability of the town centre would not be harmed.

40-42 Sheep Street, Skipton

- 6.35 This appeal decision is dated June 2012 after the introduction of the NPPF. The Inspector agreed the LPA's policy was out of date as it was not sufficiently flexible or based on up to date evidence. The Inspector concluded the coffee shop use creates vitality and performs much better in this regard than many other A1 uses on the same street. The Inspector concluded that the coffee shop did not harm the vitality of Skipton Town Centre or its Core Retail Area. A copy of the appeal decision is attached at **Appendix Fourteen**.

Summary

6.36 The assessment of the above appeal decisions contained at Section 6 of this report has identified that, there are recognised material considerations in favour of allowing such uses within primary retail frontages. These considerations, identified in the above appeal decisions include:

- An acknowledgement that branded coffee shops such as Starbucks generate high levels of patronage, commensurate with other A1 uses that are typically located within primary frontages;
- They are attractors in their own right and typically locate within prime frontages;
- The A1 element of the use is beneficial to retail vitality and viability;
- The encouragement of greater flexibility and diversity of use contained within National Planning Guidance within town centres has been recognised as material in decisions.

6.37 Fundamentally, even when adopted planning policies would not allow any further loss of class A1 uses, Inspectors have been comfortable in allowing mixed A1/A3 coffee shops because of their characteristics and positive impact that they have on retail frontages and the vitality and viability of shopping centres.

SECTION 7: PLANNING ISSUES

7.1 This section considers the planning issues pertinent to this application. In the context of this application the main planning issues are considered to be:

- The effect of the coffee shop on the viability and vitality of Kentish Town Town Centre including the Core Shopping Frontage in which it is located and the protection of its retail function;
- Whether the application proposal represents sustainable development?
- Job Creation;
- Whether the proposed use would be detrimental to the amenity of neighbouring properties;
- Design Matters.
- The Need for the Proposal

Principle of the Change of use

7.2 The key issue in consideration of this application is the principle and acceptability of the proposed change of use of the application site from a retail use (use class A1) to a mixed A1/A3 use to facilitate its occupation by Starbucks as a coffee shop, given its location within a Core Shopping Frontage against the background of the relevant development plan guidance.

7.3 It is therefore necessary to firstly assess the application proposal against relevant development plan policy. Following which consideration of any material considerations which weigh in favour of the application proposal is undertaken. In

particular, an assessment is provided as to whether or not the application proposal will assist and enhance the health of Kentish Town Town Centre.

Compliance with Development Plan Policy

- 7.4 Policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink, Entertainment and Other Town Centre Uses) of the Camden Development Policies 2010-2015 (November 2010) confirms that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. In achieving this, the Council will, inter alia, consider the effect of non-retail development on shopping provision and the character of the centre in which it is located, the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, any record of harm caused by such uses and the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development.
- 7.5 Paragraph 3.46 of CPG 5 confirms that the Council will generally resist proposals that would result in:
- Less than 75% of the premises and core frontages being in retail use, or;
 - Less than 50% of the premises in secondary frontages being in retail use.
- 7.6 Subsequent paragraph 3.48 confirms that in accordance with Policy DP12 of Camden's Development Policies, the Council will seek to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity. The Council will therefore generally resist proposals that would result in:

- More than two consecutive premises within the core frontages being in non-retail use;
- More than three consecutive premises in non-retail use within secondary frontages.

7.7 Accordingly, In line with the requirements of Camden’s CPG 5, an assessment of the diversity of uses within the relevant Core Frontage has been undertaken. The relevant frontage extends from Regis Road to York Mews. The diversity of uses within the Frontage are set out in a table below:

| Number | Occupier | use class |
|---------------|---------------------------|------------------|
| 319 | Bet Fred | A2 |
| 321 | Day Lewis Pharmacy | A1 |
| 323 | Beef + Brew | A3 |
| 325 | application site (vacant) | A1 |
| 327 | Tolli | A1 |
| 329-333 | Sainsbury’s | A1 |
| 335 | Everbest Greengrocers | A1 |
| 337 | Sam’s Chicken Takeaway | A5 |
| 339 | London Bread Company | A1 |
| 341 | Pret A Manger | A1 |
| 343 | Gulshaan | A3 |
| 345 | William Hill Bookmakers | A2 |
| 347 | Dry Cleaners | A1 |

7.8 With reference to the table above, it can be seen that the existing percentage of A1 uses within the frontage at present is 62%, a figure already below the 75% threshold. The effect on the diversity of uses in terms of the granting of planning permission for this application would be that the relevant percentage would drop to 54%

(notwithstanding that a significant part of the floorspace on the existing site would remain in A1 use).

- 7.9 In terms of the requirement of paragraph 3.48 of CPG 5 it should be noted that the unit will not result in more than two retail uses in a row. The application proposal therefore complies with this element of the Council's guidelines.
- 7.10 The wording of Policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink, Entertainment and Other Town Centre Uses) and the wording of CPG 5 confirms that the Council will generally (our emphasis) resist proposals that would result in less than 75% of each Core Frontage being in retail use. The precise wording does therefore allow some exemptions to this requirement. Furthermore, whilst the application proposal would result in less than 75% of the premises in the relevant Core Frontage being in retail use, it is important to note that the level of A1 uses within the Core Frontage is already below 75% (currently standing at 62%). As such, the application proposal will not result in an adverse 'tipping point' being reached and exceeded.
- 7.11 It is not considered that the above level of uses in a Core Shopping Frontage is unreasonable. For instance inspectors have suggested in various appeal cases elsewhere that an acceptable proportion of non-A1 uses in town centres could be as high as 50% and still retain their vitality and viability.
- 7.12 Whilst the application proposal will lower the existing non-A1 units in the frontage from a figure already below 75%. This ignores the fact that the significant proportion of the floorspace of the proposed Starbucks will be an A1 use and that the particular characteristics of the use means it attracts customers to a significantly greater degree than many A1 uses. This is considered to be a material consideration which justifies the granting of planning permission.

Key Characteristics of Starbucks use

7.12 As a proposed Starbucks outlet there is some specific information relative to this particular use which is of significance to the determination of this planning application.

Namely:

- Starbucks operates frequently under a class A1 retail permission due to fact that its outlets primarily sell hot and cold drinks, cold food and other food products which are taken away from the premises. However, in this instance, the proposed use is considered to be a mix of A1 and A3 uses. Nevertheless, the A1 component is a significant proportion of the overall offer.
- As stated above, Starbucks coffee shops do not sell any hot food which is prepared on the premises. The only warm food which is sold, which typically comprises less than 4% of all sales, is prepared elsewhere and then simply heated up on site. This is typically warmed up on a griddle behind the main servery and does not require a separate kitchen or extractor that discharges odours.
- A further contribution to the class A1 element is the sale of merchandise which includes consumable and comparison goods such as coffee beans, luxury chocolates and branded merchandise.
- Starbucks can be a considerable draw/attraction to shoppers in their own right. A survey of customers visiting a store in Pinner revealed that 23% of the customers were visiting for shopping purposes, 14% visiting for leisure/tourism, 14.5% were in the district centre for work purposes and 27% were in the area primarily to visit Starbucks. (Customer Survey, Pinner – by KJK Market Research). The same survey revealed that 45% of interviewees indicated that they visited the district centre more often since the Starbucks opened.

- Local Authorities and Inspectors have widely accepted that a Starbucks provides a significant contribution to the vitality and viability of a town centre. This has been found to be the case for coffee shops in general, as demonstrated in numerous appeal decisions which are detailed within this statement.
- The proposed hours of operation are compatible with the existing situation of the town centre and will add to the retail offer, encouraging customers to undertake 'linked trips' during daytime hours, as well as early in the morning and contributing towards the evening economy.

Appeal Precedents Relating to Coffee Shop Uses

6.38 The preceding section has set out at length an overview of the significant volume of appeal decisions relating to coffee shop uses. As explained, coffee shops by their nature seek to locate in primary shopping frontages. Accordingly, there is a significant volume of appeal decisions relating to the impact of coffee shops on the health, vitality and viability of shopping centres. However, the overwhelming outcome of such appeal decisions is the decisive views of Inspectors that uses such as Starbucks, Costa Coffee or Café Nero etc are entirely supportive of town centre environments and are a wholly appropriate use for primary shopping frontages.

Other Research into the Benefits of Coffee Shops for Town Centres

6.39 Allegra Strategies is one of the world's leading consultancies across the European and global foodservice sector and is the undisputed authority on global coffee trends. The company produces an annual study of the UK coffee market with the 2015 report being published on 15 December 2014.

6.40 It would be difficult to conclude from a review of this report that Kentish Town will not benefit directly from the presence of Starbucks. In summary, the report confirms:

- Coffee shops boost the local economy;
- 35% of the population use coffee shops;
- Coffee shops are more popular than other eating-out restaurants;
- Choice of coffee shops is equally important as choice of other shops to consumers;
- The presence of coffee shops is influential in a customer's choice of where to shop;
- Customers require a convenient location for their coffee shops;
- A quarter of all visitors to a centre have a coffee shop visit as the prime purpose of their trip;
- The presence of a coffee shop prolongs the length of a visit to a centre, the frequency of those visits and the spend at other outlets;
- Coffee shops are a focal point for social interaction, as they have been for 350 years;
- Coffee shops are one of the main social hubs on the High Street and are seen as safe places to go where people from all backgrounds can congregate;
- They bring people together and provide a safe and comfortable place to meet;

- The presence of coffee shops on the High Street encourages 75% of consumers to shop for longer and 68% of the consumers interviewed would choose to visit another High Street if the one they were on did not have a coffee shop.

Patronage

6.41 It is widely accepted that the patronage for coffee shops is significantly greater than for many other solely retail operators. This is demonstrated in numerous patronage surveys which have been submitted during the course of the various appeals previously referenced within this statement. For example, Costa Coffee has commissioned surveys in order to provide a comparison of how well patronised coffee uses are against other class A1 retailers.

6.42 A site specific patronage survey was undertaken at the existing Costa premises at Praed Street, Westminster in August 2011 in order to compare the use of the coffee shop with other purely class A1 retailers. The table below shows the number of people entering the surveyed units throughout a normal shopping day:

| | 9-10 | 10-11 | 11-12 | 12-1 | 1-2 | 2-3 | 3-4 | 4-5 | Daily | Hourly Average |
|--|------|-------|-------|------|-----|-----|-----|-----|-------|----------------|
| Costa Coffee 137-130 Praed Street | 48 | 66 | 47 | 46 | 41 | 36 | 41 | 31 | 359 | 45 |
| Bagel Factory 141 Praed Street | 19 | 16 | 8 | 13 | 35 | 17 | 19 | 14 | 141 | 18 |
| Barry Bros Locksmith 121-123 Praed Street | 5 | 4 | 11 | 17 | 16 | 14 | 8 | 12 | 87 | 11 |
| London Souvenirs 16 Craven Road | 35 | 22 | 31 | 19 | 25 | 13 | 18 | 16 | 179 | 22 |

6.43 The other shops surveyed were chosen in order to understand how comparatively sized class A1 units were patronised.

6.44 Patronage calculations were undertaken in order to determine what proportion of the passing pedestrians were attracted into the units. The number of people entering a particular unit, divided by the numbers of people passing it by gives the patronage, which in itself is an indicator of the contribution that the use makes to the frontage.

6.45 The patronages compare as follows:

- Costa Coffee - 9%
- Locksmiths - 2.3%
- London Souvenirs - 4.5%

6.46 The data demonstrates that the number of people who entered the Costa were significantly higher at all times of the day than those who entered the other three surveyed A1 uses and it draws a high percentage of passers-by in comparable to A1 units and users. This confirms, as per the national trend outlined in the results below, that a coffee shop is well-used and generates considerable levels of activity, resulting in a significant positive impact on the vitality and viability of the frontage.

6.47 The table below shows the collective results of a number of patronage surveys by PMRS, an independent market research company.

| | FRIDAY | | | SATURDAY | | | ESTIMATED WEEKLY | | |
|----------------|--------------|--------------|--------------|--------------|--------------|--------------|------------------|----------------|----------------|
| | Costa | Retailer 1 | Retailer 2 | Costa | Retailer 1 | Retailer 2 | Costa | Retailer 1 | Retailer 2 |
| Durham 1 | 424 | 462 | 683 | 639 | 729 | 912 | 2,501 | 2,802 | 3,753 |
| Farnham 2 | 259 | 207 | 101 | 282 | 289 | 139 | 1273 | 1,167 | 565 |
| Horsham 3 | 544 | 118 | 422 | 622 | 180 | 549 | 2,744 | 701 | 2,295 |
| Salisbury 4 | 144 | 58 | 62 | 162 | 73 | 87 | 720 | 308 | 351 |
| Welwyn G.C 5 | 205 | 47 | 9 | 89 | 52 | 12 | 692 | 233 | 49 |
| Total | 1,576 | 892 | 1,277 | 1,794 | 1,323 | 1,699 | 7,930 | 5,211 | 7,003 |
| Average | 315.2 | 178.4 | 255.4 | 358.8 | 264.6 | 339.8 | 1,588 | 1,042.2 | 1,400.6 |

- 1 Durham – Survey Dates: 23 July and 24 July 2011
 2 Farnham – Survey Dates: 11 June and 12 June 2011
 3 Horsham – Survey Dates: 16 July and 17 July 2011
 4 Salisbury – Survey Dates: 16 July and 17 July 2011
 5 Welwyn Garden City Survey Dates: 23 July and 24 July 2011

- Retailer 1 = Stationery Box
 Retailer 1 = Currys
 Retailer 1 = Wakefield Jewellers
 Retailer 1 = Fat Face
 Retailer 1 = Holland & Barratt

- Retailer 2 = AllSports Farnham
 Retailer 2 = Specsavers
 Retailer 2 = Birthdays
 Retailer 2 = Whittards
 Retailer 2 = Going Places

6.48 The above table illustrates the patronage of Costa Coffee compared with other High Street branded retail outlets, such as AllSports, Currys, Whittards, Fat Face and Going Places in a number of different town centres.

- 6.49 The figures demonstrate that Costa Coffee is consistently higher than the other surveyed retailers in terms of patronage on both Friday and Saturday (the only exception being AllSports in Durham). Averaged over the five towns, Costa attracts more footfall on both Friday and Saturday than the other retailers.
- 6.50 These surveys demonstrate that a national coffee shop generates significant levels of customers, comparable with, and indeed in excess of, other class A1 retailers.
- 6.51 Furthermore, the nature of the proposed use is likely to encourage combined/linked trips to the surrounding retailing operations which, as outlined above, will remain a dominant use in the frontage.

Effect on the Vitality and Viability of Kentish Town Town Centre

- 6.52 Planning permission is sought for a change of use to a mixed A1/A3 use. The proposed Starbucks will comprise a mixture of A1 and A3 activities with customers purchasing an item to either takeaway or consume on the premises. These activities are very closely related, making use of exactly the same products sold in the same way over the same sales counter. Whether the sales amounts to an A1 or an A3 activity will depend solely on the customer's choice to either sit down or walk out the door. These different activities are inseparably linked and take place within the same planning unit.
- 6.53 There are retail display units and a counter/server from which these goods are sold. These represent a strong A1 use and these elements of the operation are located at the front of the store. The A3 element allows for certain customers, purchasing exactly the same range, if they would prefer and to consume the goods on the premises.
- 6.54 It is established for the reasons set out above, that coffee shops uses are well-used and generate at least comparative levels of footfall and patronage compared to other A1 uses. Clearly therefore the proposed use will generate high levels of patronage

which will impact positively upon the vitality and viability of the individual shopping frontage.

- 6.55 It is considered therefore, that the application proposal will have a positive impact on the vitality and viability of Kentish Town Town Centre. This is because coffee shops are one of the few uses which are considered to enhance the vitality and viability of centres. This is for a number of reasons. First there is always a flow of people in and out of the stores which occurs at all times during the day. This increases activity in the street and creates a feeling of vibrancy, as customers enter and exit out of the store or sit at tables and chairs located outside etc.
- 6.56 Starbucks is a compatible use to the existing shops and services in Kentish Town Town Centre, providing a use which shoppers have come to expect to be available. The evidence contained within this statement identifies the benefits of Starbucks to the retail environment of a town centre. In particular such uses can: “Increase “dwell time”. Conveniently located high quality refreshment facilities provided by Starbucks can assist in both attracting and prolong shopper stays within retail frontages. The opportunity to take a break from shopping in a convenient location, i.e. within the prime retail area assists in both attracting people to the area, and prolongs their dwell time, to the benefit of the wider retail frontage.
- 6.57 The proposed use will thus act as a meeting place, thus acting to draw more members of the public into the retail area and Kentish Town Town Centre. In this sense, the coffee shop would act as an attractor that lends itself to the vitality and viability of the shopping area.
- 6.58 It is also widely recognised that coffee shops are subject to a higher frequency of visits than most shops, as customers often visit on a daily basis. They are also more likely to spend more time in a coffee shop than in a retail store. Studies have shown that these longer dwell times will increase the likelihood of more ‘linked trips’, therefore meaning that the average time spent in the centre rises.

- 6.59 Furthermore nationally recognised user such as Starbucks would raise the profile of the frontage of and may improve the confidence of other retailers who to locate in to the centre.
- 6.60 Indeed, many retail businesses welcome coffee shops into primary shopping streets for these reasons, namely that they attract customers to an area in the first instance. Therefore, the general perception is that the presence of coffee shops improves the general shopping experience and can increase custom. As such, the introduction of a coffee shop on the application site should be seen as having a positive influence on the health of a centre. This view is supported by the appeal decisions which are set out in the preceding section, including for example the decision relating to the proposed Café Nero in Winchester (attached **Appendix One**) where the Inspector accepted that coffee shops attract significant flows of customers throughout the day and he stated that he would be surprised if a wholly A1 use would attract in more customers and that many probably attract less.
- 6.61 In this case the Inspector considered that there would be no impact on vitality and viability, and the coffee shop would maintain pedestrian flows and be a complementary and acceptable use in a primary shopping frontage.

Does the Application Represent Sustainable Development?

- 6.62 As stated earlier within this report the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6).
- 6.63 The NPPF confirms that these roles should not be undertaken in isolation because they are mutually dependant. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is confirmed the planning system should play an active role in guiding development to sustainable solutions. It is confirmed that at the heart of the

NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

- 6.64 The NPPF thus promotes sustainable economic development through focusing main town centre uses in existing centres. The document places substantial weight on re-using sustainably located buildings and land, securing economic growth and creating jobs and prosperity through the planning system. The proposed development would support this aim by maintaining the property in gainful use, adding an attractive new coffee shop into Kentish Town Town Centre and providing local employment. The application site, the proposal will re-use a vacant unit, it will increase trade and activity, encourage 'linked trips' and longer stays thereby assisting in meeting the wider retail aims of Kentish Town Town Centre.
- 6.65 This is exactly the type of development the LB Camden should be supporting in light of the NPPF.
- 6.66 The application site comprises previously developed land and is therefore a brownfield site. As such, the development of the application site also represents sustainable development by virtue of the recycling of previously developed land.
- 6.67 The application site lies within a Core Shopping Frontage within Kentish Town Town Centre. As such, the application site is located within a sequentially preferable location and one where town centre uses, such as coffee shops, should be directed. As such, the application site is by its very nature a sustainable location in planning terms. In addition, the application site is located in a highly accessible location in close proximity to Kentish Town Underground and Railway Station and has a PTAL level of 6a. This again provides evidence that the application site is highly sustainable.
- 6.68 On the basis that the application site represents sustainable development, there is as set out above a presumption in favour of the grant of planning permission. This weighs heavily in favour of the proposal.

Amenity

6.69 With regard to amenity and environmental health issues, the following aspects of the proposal are highlighted:

- The coffee shop will have proposed opening hours of 6.30 am to 9.00 pm seven days a week;
- No hot food will be cooked on the premises. Only pre-prepared cold food will be heated, meaning there is no requirement for fume extraction as there will be no smell or odours from food cooking;
- The unit will include on-site facilities for refuse storage to the rear;
- Servicing will be as existing from York Mews. Thus, no adverse amenity impact should arise because there will be no noise or disturbance from late night opening. Litter and waste can be dealt with internally and by normal collection arrangements. There will also be no additional highway impacts as the servicing arrangement will be the same as previous. It is not considered that the unit will have a greater servicing arrangement than an A1 operation previously on the site or as could occupy the unit without planning permission.
- No plant is proposed as part of this application. Therefore, there is no impact on residents of any plant arising being proposed. Any air conditioning plant that will be required will be the subject of a separate application or to be dealt with via condition.

Job Creation

7.48 The new store will create a range of high quality, permanent jobs. Approximately 12 full-time and part-time jobs will be created at a variety of levels (from baristas to

managers) for people at different stages of their careers. These jobs will offer long-term, sustainable employment opportunities. Consequently the long-term investment and job creation that will result from this proposal will provide sustainable economic growth by creating new jobs, attracting inward investment and returning a currently vacant property back into an economically viable use.

Design

- 7.49 The overall proposed design approach aims to signify the high quality, independent nature of Starbucks. No changes to the front elevation from those permitted are proposed. The large window frontage is retained providing clear views into the coffee shop, thereby increasing the visibility of the unit and its interactivity with the surrounding streetscene. The existing building was previously a poor quality shop. The use of this unit by Starbucks will provide visual enhancements to Kentish Town High Road and through the use of the large window display will create visual interest in the streetscene as well.
- 7.50 It should be noted, that the relevant signage for the proposed Starbucks use will be the subject of a separate advertisement application to be submitted separately. Issues relating to the proposed signage are therefore, not for consideration as part of this application.

The Need for the Proposal

- 7.51 The application site is located in close proximity to Kentish Town Underground and Railway Station. As such, the application site is located in a prime position to provide coffee and sustenance for London's population utilising Kentish Town Station. At present, in the vicinity of this important transport node, the only dedicated national multiple coffee shops are the Costa Coffee at 307-309 Kentish Town Road (slightly further away from the underground/train station) and the Pret A Manger at 341 Kentish Town High Road. These are the only such facilities in the immediate vicinity of the Underground and Railway Station. Given the volume of pedestrian traffic which

goes through the station on a regular basis, it is considered that there is a significant demand for such coffee shop provision in the Kentish Town Major Town Centre to address this need. The application proposal will therefore meet this need.

SECTION 8: CONCLUSIONS

- 8.1 Planning permission is sought for the use of the application premises as a Starbucks (mixed A1/A3 use). The concept of a coffee shop as a mixed A1/A3 use is well-established through a number of appeals and is widely accepted by planning Inspectors and local planning authorities.
- 8.2 Whilst it is acknowledged that the level of A1 uses in the relevant Core Shopping Frontage following the proposed change of use would be at odds with Policy DP12 (Supporting Strong Centres and Managing the Impact of Food, Drink, Entertainment and Other Town Centre Uses) of the Camden Development Policies 2010-2015 (November 2010) and the relevant CPG 5, Policy DP12 does allow exceptions to the requirements of the policy. Notwithstanding the terms of the policy, the policy is intended to preserve the vitality and viability and health of the relevant Core Frontage. The evidence contained within this Statement illustrates that overwhelmingly a Starbucks use of the application site would be a positive benefit to Kentish Town Town Centre.
- 8.3 Research by Allegra Strategies highlights the benefits that a branded coffee shop brings to a town centre. A Starbucks outlet would bring the ground floor of the application property back into gainful use supporting the vitality and viability of Kentish Town Town Centre and bringing associated economic benefits through linked spending in the surrounding area. The proposal will create employment opportunities and provide an important facility for commuters using Kentish Town Underground and Railway Station.
- 8.4 There is a significant volume of appeals which have been detailed within this report in respect to class A1/A3 coffee shop uses, it is clear that Inspectors have considered that there are significant material considerations in favour of allowing coffee shop uses within retail frontages. These have been detailed in previous sections.

8.5 In summary, and in view of the above material considerations, the application is considered to be acceptable within the planning policy context. Likewise it has been established that the proposed use will contribute to the vitality and viability of the shopping area and will improve the liveliness and attractiveness of Kentish Town Town Centre.