

|  |                            |                       |                                     |                                  |            |
|--|----------------------------|-----------------------|-------------------------------------|----------------------------------|------------|
| <b>Delegated Report</b>  |                            | <b>Analysis sheet</b> |                                     | <b>Expiry Date:</b>              | 18/02/2016 |
|  |                            | N/A / attached        |                                     | <b>Consultation Expiry Date:</b> | 11/02/2016 |
| <b>Officer</b>   |                            |                       | <b>Application Number(s)</b>        |                                  |            |
| Kate Phillips  |                            |                       | 2015/7282/P                         |                                  |            |
| <b>Application Address</b>   |                            |                       | <b>Drawing Numbers</b>              |                                  |            |
| 325 Kentish Town Road<br>London<br>NW5 2TJ   |                            |                       | Refer to Draft Decision Notice      |                                  |            |
| <b>PO 3/4</b>  | <b>Area Team Signature</b> | <b>C&amp;UD</b>       | <b>Authorised Officer Signature</b> |                                  |            |
|  |                            |                       |                                     |                                  |            |
| <b>Proposal(s)</b>   |                            |                       |                                     |                                  |            |
| Change of use of ground floor from retail (Class A1) to a coffee shop (mixed use Class A1 / Class A3) and alterations to shopfront |                            |                       |                                     |                                  |            |
| <b>Recommendation(s):</b>  |                            |                       |                                     |                                  |            |
| <b>Application Type:</b>   | Full Planning Permission   |                       |                                     |                                  |            |

|   |   |           |                  |           |                   |           |
|---|---|-----------|------------------|-----------|-------------------|-----------|
| <b>Conditions or Reasons for Refusal:</b> | <b>Refer to Draft Decision Notice</b>   |           |                  |           |                   |           |
| <b>Informatives:</b>                      |   |           |                  |           |                   |           |
| <b>Consultations</b>                      |   |           |                  |           |                   |           |
| <b>Adjoining Occupiers:</b>               | No. notified  | <b>14</b> | No. of responses | <b>37</b> | No. of objections | <b>37</b> |
|   |   |           | No. electronic   | <b>00</b> |                   |           |
| <b>Summary of consultation responses:</b> | <p>Objections have been received from the following parties:<br/>(listed alphabetically by road name)</p> <ul style="list-style-type: none"> <li>• 17a Bartholomew Road</li> <li>• 32 Bartholomew Villas</li> <li>• 159 Burnley Road</li> <li>• 68 Caversham Road</li> <li>• 20 College Lane x2</li> <li>• 9 Dunollie Place</li> <li>• Gaisford Street (unknown)</li> <li>• 27c Gaisford Street, Kentish Town</li> <li>• 75b Falkland Road</li> <li>• 49 Falkland Road</li> <li>• 73 Fortess Road</li> <li>• 193 Kentish Town Road (The Wine Cellar)</li> <li>• 235 Kentish Town Road (Meadows Coffee Shop)</li> <li>• Flat 1, 269 Kentish Town Road</li> <li>• 16 Leighton Place</li> <li>• 5 Leverton Street</li> <li>• Flat 4, 48 Leverton Street x2</li> <li>• 13 Mansfield Road</li> <li>• 53 St Margarets Road</li> <li>• 5 Oakeshott Avenue</li> <li>• 17 Ospringe Road</li> <li>• 96 Queen's Crescent x2</li> <li>• 4 Raglan Street</li> <li>• 6 Raglan Street x2</li> <li>• Unknown addresses x7</li> </ul> <p>Objections were also received from the following ward councillors:</p> <ul style="list-style-type: none"> <li>• Meric Apak (Kentish Town)</li> <li>• Jenny Headlam-Wells (Kentish Town)</li> </ul> <p>The objections are summarised below:</p> <ul style="list-style-type: none"> <li>• Contrary to DP12 and CPG5 guidance</li> <li>• Impact on the character of the area</li> <li>• Stripping the village character of Kentish Town</li> <li>• Won't create many jobs for local people</li> <li>• Ratio of retail to food/drink uses</li> <li>• Sufficient coffee shops already / no requirement for more</li> <li>• Will take business away from the other coffee shops</li> <li>• Need to support local / independent businesses</li> <li>• Don't want/like Starbucks / unethical / doesn't pay tax / poor reputation</li> <li>• In the list of 14 Appeals granted in favour of Starbucks in the whole of the</li> </ul> |           |                  |           |                   |           |

|   |   |
|---|---|
|   | <p>UK only 1 appeal has been won in central London.</p> <p><b>Officer comment</b></p> <p><i>Competition between retailers and whether or not there is a need for another coffee shop is not a planning consideration. Similarly, the proposed occupier (in this case Starbucks) is not relevant to the determination of the application.</i></p> <p><i>The proposal is contrary to Policy DP12 and CPG5 guidance (see section 1 of the officer's report below).</i></p>   |
| <p><b>Kentish Town Road Action (KTRA)</b></p>     | <p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• Frontage is currently 62% A1 use. If this application were approved the percentage of A1 retail would drop to 54%. Contrary to Policy DP12.</li> <li>• Secondary Frontages in Kentish Town are failing – see Policy SW2 in the submitted Kentish Town Neighbourhood Plan.</li> <li>• The vitality and viability of the Core Frontage of Kentish Town Road is threatened by this application.</li> <li>• It is claimed that “Starbucks is a compatible use to existing shops and services in Kentish Town Road.” In reply to these specious arguments we reply that Kentish Town centre already has plenty of coffee shops.</li> <li>• Starbucks is certainly not “a compatible use to existing shops and services in Kentish Town”. In fact Starbucks would endanger the viability of existing independent coffee shops.</li> <li>• We have read the list of only 14 Appeals granted in favour of Starbucks in the whole of the UK and we noted that only one Appeal has been won in central London.</li> </ul> <p><b>Officer comment</b></p> <p><i>See section 1 of the officer's report below.</i></p> |
| <p><b>Inkerman Area Residents Association</b></p> | <p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• Strong local opposition to any reduction of retail in the high street</li> <li>• Contrary to CPG5</li> <li>• Sufficient coffee shops already / no requirement for more</li> <li>• The proposal would detract from the viability and vibrancy of the area by reducing the variety and interest that retail provides.</li> </ul> <p><b>Officer comment</b></p> <p><i>See section 1 of the officer's report below.</i></p>  |
| <p><b>Transition Kentish Town Core Group</b></p>  | <p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• Detrimental impact on retail provision</li> <li>• Must prevent further erosion of retail provision</li> <li>• Contrary to CPG5</li> </ul> <p><b>Officer comment</b></p>  |

*See section 1 of the officer's report below.*

**Kelly Street Residents Association (KSRA)**

Object on the following grounds:

- Contrary to Policy DP12 and CPG5
- Reject the applicant's argument that a Starbucks coffee shop will be a "compatible use to existing shops and services in Kentish Town Road"
- Sufficient coffee shops already / no requirement for more

**Officer comment**

*See section 1 of the officer's report below.*

## Site Description

The application site is No. 325 Kentish Town Road. The building is a three storey brick building on the western side of the road, with a retail unit at the ground floor level (currently vacant) and living accommodation on the upper floors.

Planning permission was granted last year to enlarge the retail unit and to erect a mansard roof extension and three storey rear extension to No. 325 Kentish Town Road, to allow the conversion of the upper floors from 1 no. 3 bed self-contained flat to create 3 no. 1 bed self-contained flats; and also for a three storey extension at the rear (10 York Mews) to provide ground floor storage space and 1 no. 3 bed maisonette.

The application site is within the designated 'Kentish Town' Town Centre and is specifically designated as a Core Frontage.

## Relevant History

### 3125 Kentish Town Road

2015/2605/P - 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). – Granted subject to section 106 legal agreement 17/12/2015.

2010/5366/P - Change of use of the ground floor from retail unit (Class A1) to financial and professional services (Class A2). – Refused 02/12/2010.

Reason for refusal:

1. *The proposed change of use from retail (Class A1) to financial and professional services (Class A2) would result in the loss of a retail unit which would be harmful to the overall character, function, vitality and viability of the Kentish Town Centre, contrary to policy CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) the London Borough of Camden Local Development Framework Development Policies.*

### 317 Kentish Town Road

2013/0684/P - Change of use from retail (Class A1) to Financial and Professional Services (Class A2) at part ground floor level, including alterations to shop front – Refused 05/04/2013. Appeal dismissed 30/10/2013  
Reason for refusal:

- The proposed change of use to Class A2 financial and professional use, by reason of the loss of Class A1 retail floorspace and resulting overconcentration of non Class A1 retail uses within the designated Core Frontage, would be harmful to the character, function, vitality and viability of the core shopping frontage in which it is located and to the Kentish Town Town Centre. The proposal would thereby be contrary to Policies CS3 (Other Highly Accessible Areas), CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the Core Strategy and Policies DP10 (Helping and promoting small and independent shops) and DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the Development Policies of the Camden Local Development Framework.*

### 339 Kentish Town Road

9501212 - Change of use of ground floor and basement from A1 (retail) to A3 (restaurant) as defined by the Town and Country Planning (Use Classes) Order 1987 – Refused  
Reason for refusal:

- It is considered that the introduction of a non-retail use in this location would have an adverse effect on the quality and character of the shopping parade. It would be contrary to the Council's policies as expresses in the Borough Plan and the draft Unitary Development Plan to resist the loss of retail use within the defined 'core frontage' of the District Shopping Centre.*

## **Relevant policies**

### **National Planning Policy Framework (NPPF) 2012**

### **London Plan (consolidated with alterations since 2011)**

### **LDF Core Strategy and Development Policies**

CS1 Distribution of growth  
CS2 Growth areas  
CS5 Managing the impact of growth and development  
CS7 Promoting Camden's centres and shops  
CS8 Promoting a successful and inclusive Camden economy  
CS11 Promoting sustainable and efficient travel  
CS14 Promoting high quality places and conserving our heritage

DP1 Location and management of Camden's growth  
DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP20 Movement of goods and materials  
DP24 Securing high quality design  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration  
DP29 Improving Access  
DP30 Shopfronts

### **Camden Planning Guidance (CPG)**

CPG1 Design (2015)  
 CPG5 Town Centres, Retail & Employment (September 2013)  
 CPG6 Amenity (2011)  
 CPG7 Transport (2011)  
 CPG8 Planning Obligations (2015)

## Assessment

### 1. Proposal

1.1 The proposal is for a change of use of the ground floor from retail use (Class A1) to a coffee shop (mixed use Class A1 / A3). This application relates to approximately 125 square metres of floor space.

1.2 The submitted plans also illustrate changes to the external appearance of the shopfront (i.e. moving the entrance door). N.B. This alteration has already been approved pursuant to planning permission 2015/2605/P, dated 17/12/2015.

### 2. The principle of development

2.1 Policy DP12 notes 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. The application site is within the 'Kentish Town' Town Centre, and forms part of a designated Core Frontage. CPG5 (paragraph 3.45) notes that Kentish Town has a good range of shops and services for its size, with many independent traders and a significant amount of food and drink uses.

2.2 CPG5 (paragraph 3.46) guides that the Council will generally resist proposals that would result in less than 75% of the premises in Core Frontages being in retail use; and paragraph 3.48 guides that the Council will generally resist proposals that would result in more than 2 consecutive premises within the Core Frontages being in non-retail use, in order to prevent concentrations of uses that would harm a centre's attractiveness to shoppers or its residential amenity.

2.3 The applicant has compiled a table of the uses within the frontage; however, the table is inaccurate insofar as it excludes No. 317 Kentish Town Road and therefore includes only 13 separate units. In actual fact, the frontage of which the application site forms a part (Nos. 317 to 347 Kentish Town Road) consists of 14 separate units at the ground floor level.

2.4 At the time of the officer's site visit (23/02/2016), the current uses were as follows:

| No. | Current occupier     | Use class | Comments  |
|-----|----------------------|-----------|---|
| 317 | [Vacant]             | A1        | Planning permission 2013/0684/P (317 & 319 Kentish Town Road) for a change of use from retail (Class A1) to Financial and Professional Services (Class A2) at part ground floor level, including alterations to shop front, was refused on 05/04/2013 and dismissed at appeal on 30/10/2013. (see section above for reason for refusal)<br><br>Vacant since 2008. |
| 319 | Bet Fred (bookmaker) | A2        | Planning permission 2013/0684/P (317 & 319 Kentish Town Road) for a change of use from retail (Class A1) to Financial and Professional  |

|         |  |         |   |
|---------|--|---------|---|
|         |  |         | Services (Class A2) at part ground floor level, including alterations to shop front, was refused on 05/04/2013 and dismissed at appeal on 30/10/2013. (see section above for reason for refusal)                |
| 321     | Day Lewis Pharmacy                     | A1      |   |
| 323     | Beef & Brew Restaurant                 | A3      | Planning permission 21560 (dated 05/02/1976) gave permission for "Change of use of the ground floor from retail shop to restaurant and shop for the sale of hot food."  |
| 325     | Best One (convenience store)           | A1      |   |
| 327     | Tolli Patisserie                       | A1      | Planning permission F11/1/G/36322R1 (dated 31/05/1983) gave permission for:<br><br>"Use of the ground floor as a retail bakery with ancillary food preparation, cold food take-away and 'eat-in' facilities"    |
| 329-333 | Sainsbury's Supermarket                | A1      |   |
| 335     | Everest Food & Wine                    | A1      |   |
| 337     | Sam's Chicken (Fast food / take-away)  | A3 / A5 |   |
| 339     | The London Bead Company (haberdashery) | A1      | Planning permission 9501212 for a change of use of ground floor and basement from A1 (retail) to A3 (restaurant) was refused on 10/01/1996. (see section above for reason for refusal)                          |
| 341     | Pret a Manger (sandwich bar)           | A1      |   |
| 343     | Gulshaan Indian Restaurant             | A3      | Planning permission 31168 (dated 10/11/1980) gave permission for a change of use of the basement and ground floor as a restaurant / wine bar.   |
| 345     | William Hill (bookmaker)               | A2      | Planning permission 8802306 (345 & 347 Kentish Town Road) (dated 14/09/1988) gave permission for a change of use from amusement arcade to estate agents at ground floor of 345 and basement storage at 345-347. |
| 347     | Dry Cleaners                           | A1      | Planning permission 12847 (dated 09/09/1974) gave permission for use of the ground floor shop premises as a dry-cleaning business with a reception counter and shopfront.                                       |

| Use Class    | Number    | Percentage (%) |
|--------------|-----------|----------------|
| A1           | 9         | 64             |
| A2           | 2         | 14             |
| A3 / A5      | 3         | 22             |
| <b>Total</b> | <b>14</b> | <b>100</b>     |

2.5 The Council's calculations indicate that, of the 14 units in the frontage, currently 9 of them are operating as A1, which is 64%. The frontage already fails to comply with the CPG5 requirement for at least 75% of the premises in Core Frontages to be in retail use and the proposal to change the use of No. 325 from A1 to a mixed use of A1 and A3 would result in even fewer of the units in the frontage being in A1 use (57%).

2.6 The applicant acknowledges that the proposal would fail to comply with the Council's guidance; however, they have provided a number of appeal decisions where changes of use from A1 to A3 (or to a mixed A1 / A3 use) have been allowed. The Appeal Inspectors' reasons include the following:

- The coffee shops would not have an adverse effect on the vitality or viability of the shopping centres
- The coffee shops would attract large numbers of customers / strong patronage
- The coffee shops would perform a complementary function to the town centre / facilities for breaks and refreshments are required in town centres / proposal would add to consumer choice by increasing the range of town centre activities
- Allowing the use of a vacant premises

2.7 The appeal decisions provided by the applicant relate mostly to locations outside London. Nevertheless, each case must be assessed on its own merits, and in this case it is considered that allowing the proposed change of use from A1 to a mixed A1 / A3 use would cause undue harm to the character, function, vitality and viability of the shopping frontage.

2.8 The proposal would result in even fewer of the premises in the Core Frontage being in retail use; if the change of use was allowed, only 57% of the units in the frontage would remain in A1 use. Whilst coffee shops such as Starbucks may attract large visitor numbers, in this case the coffee shop would not perform a complementary role because there are a variety of other coffee shops in the local area already. Instead, the proposal would further reduce the range of shopping services provided in this part of Kentish Town, which may deter shoppers from coming to this area for the purpose of shopping, which in turn may impact on the remaining shops in the frontage and their ability to attract shoppers / continue operating.

2.9 To conclude, the proposal would result in fewer than 75% of the units in the frontage being in retail use, contrary to CPG5 guidance. As a result, the proposal would cause undue harm to the character, function, vitality and viability of the shopping frontage. The principle of development is not considered to be acceptable and planning permission should be refused on this basis.

### **3. Design considerations**

3.1 The submitted plans illustrate changes to the external appearance of the shopfront (i.e. moving the entrance door). This alteration has already been approved pursuant to planning permission 2015/2605/P, dated 17/12/2015. The proposal is therefore considered to be acceptable in this respect.

3.2 Restaurants and cafes often require require external flues and extraction fans etc., which may adversely affect the character and appearance of the host building and the wider area. The accompanying Planning Statement notes that the Starbucks' operation does not involve the cooking of any hot food on the premises and there is consequently no need for substantial extraction equipment or any other associated ventilation. Notwithstanding the proposed operating model, if the application was otherwise considered to be acceptable, a suitable planning condition could prevent future occupiers from installing extraction/ventilation equipment without first obtaining planning permission. This would allow the Council to assess the impact on the character and appearance of the host building and the wider area.

3.3 If the application was otherwise considered to be acceptable and new signage was required for the new tenant, this would be subject to a separate advertisement consent application.

### **4 Impact on the residential amenity of nearby and neighbouring residential properties**

4.1 Policy DP12 notes 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 amenity of neighbours. The nearest



residential properties will be those within the application building (on the upper floors) when the most recent planning permission is implemented (2015/2605/P); those to the rear (fronting onto York Mews); and those within the neighbouring buildings.

4.2 Given that the application site is located on a busy commercial street, it is not considered that allowing the change of use from A1 to a mixed use of A1 and A3 would cause significant harm to any nearby residential properties in terms of general comings and goings etc.

4.3 Policy DP12 notes that the Council will, in appropriate cases, use planning conditions to address problems associated with food, drink and entertainment uses. The applicant has proposed the following opening hours: 0630 hours to 2100 every day. If the application was otherwise considered to be acceptable, these opening hours could be controlled by condition.

4.4 As already noted, the Starbucks' operation does not involve the cooking of any hot food on the premises and, if the application was otherwise considered to be acceptable, a suitable planning condition could prevent future occupiers from installing extraction/ventilation equipment without first obtaining planning permission. This would allow the Council to assess the impact on nearby and neighbouring residential properties.

4.5 Overall, the proposal is considered to be acceptable in this respect.

## **5. Transport considerations**

5.1 Policy DP12 (d) advises that the Council will consider the impact of parking, stopping and servicing and Policy DP20 expects development that would generate significant movement of goods or materials during construction and/or operation to seek opportunities to minimise disruption for local communities.

5.2 The scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan. The application has a high PTAL rating (6a) and is located within a designated Town Centre which already attracts visitors.

5.3. Overall, it is not considered that the proposed change of use from A1 to a mixed use of A1 and A3 would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

**Recommendation:** Refuse planning permission.