

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>27/03/03</b>	
		attached		<b>Cons. Expire:</b>		<b>14/03/03</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Alex Bushell				PWX0203096			
<b>Application Address</b>				<b>Drawing Numbers</b>			
71 Kingsgate Road, NW6				Unnumbered ground floor layout plan			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
01							
<b>Proposal(s)</b>							
The change of use of the ground floor from Class A1 (shop) to Class D1 (health Studio).							
<b>Recommendation(s):</b>		Grant Planning Permission subject to Conditions <i>See Draft Decision</i>					
<b>Code:</b>		FPC					
<b>Conditions or Reasons for Refusal:</b> (Use Pacis codes for standard text)		The part of the building to which this permission relates shall be used only as a health studio only and for no other purpose, (including any other purpose within Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. (CF02 - amended)					
<b>Reasons for Conditions:</b>		To ensure that the building is not used for a wider purposes within Class D1, which may give rise to loss of amenity to nearby residents, in pursuance of policy EN6 of the London Borough of Camden Unitary Development Plan 2000.					
<b>Informatives:</b>		None					
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>	No. notified	36	No. of responses	00	No. of objections	00	
<b>Summary of consultation responses:</b>	None						
<b>CAAC/Local groups* comments:</b> *Please Specify	None						

LONDON BOROUGH OF CAMDEN  
TOWN AND COUNTRY PLANNING ACTS  
16 JUN 2003  
RECOMMENDATION AGREED  
ON BEHALF OF THE COUNCIL

## Site Description

The southernmost shop unit in a block of three in a 70's Council development with resi above located on the east side of Kingsgate Road between its junctions with Gascony Avenue and Smyrna Road. The site is not in a CA.

## Relevant History

1980 - pp for a new shopfront

1997 - app for a c/u to A3 - app withdrawn, however it appears that the unit was in fact used as a café (The coffee pot shop) although it is not clear how long the use has been in place - unlikely to be lawful by virtue of the 10 year exemption rule.

## Relevant policies

EN6, SH10, SC4

## Assessment

The application proposes the change of use of the ground floor from a shop to a health studio. The applicant submits that the use will be akin to a doctors surgery, accommodating a maximum of 4 to 6 people at any one time. The use will include 'pilates' machines for remedial and exercise use.

The material planning considerations are as follows:

- The site is not within a designated shopping centre, accordingly the change of use would be considered against policy SH10 which relates to the loss of A1 outside designated areas. The policy requires that the Council will only grant permission if it would not be detrimental to the character and function of the area and to the local amenity, transport and environment conditions - given that this particular parade of shops has a high level of vacancy and that Kilburn High Road (Major Shopping Centre) is within walking distance, it would not be detrimental to the character and function of the area. Moreover, planning permission has recently been granted for change of use of 76 and 78 Kingsgate shop units to residential, which would act as a precedent in this case.
- The provision of the proposed health care use is supported by policy SC4;
- The proposed use would be relatively low key (no more than 6 persons at any one time) and relates to a unit within limited floorspace, accordingly it is unlikely that it would be detrimental to local amenity, transport and environmental conditions;
- There are however, other uses within Class D1, eg public halls, which could in theory give rise to loss of amenity, particularly if the use occurs late at night. It is therefore considered appropriate to include a condition restricting the use to a health centre only.
- Within Class D1, a use involving amplified music (eg. aerobics) may cause loss of amenity to nearby residential occupiers. It is accordingly recommended that a condition limiting noise from amplified music should be included.