

180 KENTISH TOWN ROAD,  
LONDON, NW5 2AE

**PLANNING STATEMENT**

ON BEHALF OF PAD LIVING

OCTOBER 2017

COLLECTIVE PLANNING REF JF/0109

collectiveplanning

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## APPENDICES

Appendix 1 – Officer’s Report for 2015 application

Appendix 2 – Marketing letter from Christo and Co

Appendix 3 – Marketing letter from Colliers

Appendix 4 - Table and map of all pubs and bars in an 800m radius of 180 Kentish Town Road

# 1 INTRODUCTION

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- 1.1 This planning statement has been prepared by Collective Planning on behalf of our client, Pad Living, the development agent of the freeholder, to support a proposal for the change of use application from use class A4 (Drinking Establishment) to flexible use class A1/A2/D2 at 180 Kentish Town Road, NW5 2AE.

## **The Proposal**

- 1.2 The scheme comprises a planning application for:

*“Change of use ground and basement floors from Use Class A4 (drinking establishment) to flexible Use Class A1/A2/D2”*

## **Proposal Context**

- 1.3 The application follows a previous planning permission granted on the site in 2016 for the change of use of the vacant ground and basement floors from A4 use to A3 use. However, due to unsuccessful marketing to find an A3 or A4 occupier, a revised application is proposed on site to allow for flexible A1/A2/D2 use. This proposal will seek to bring back a vacant commercial property to use, and enhance the vitality of the high street.

## **Supporting Information**

- 1.4 The application comprises the following:

- Drawing and Plans by 108 Consultants;
- Planning Statement, prepared by Collective Planning;
- Public House Assessment, prepared by Fleurets; and
- Marketing Statements, prepared by Christo & Co and Colliers.

- 1.5 Section 2 of this statement describes the site and its surrounding area, Section 3 sets out the relevant planning history. Section 4 describes the development proposals. Section 5 sets out relevant planning policy. Section 6 comprises a planning assessment against national, regional and local planning policies and Section 7 concludes the statement.

## 2 SITE CONTEXT

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### Site Location

- 2.1 The site at 180 Kentish Town Road is located in the Kentish Town Ward of the London Borough of Camden ('LB Camden') midway between Camden Town (approx. 900m) and Kentish Town (approx. 330m) underground station.
- 2.2 The building lies on the eastern side of the road at the corner of Kentish Town Road and Patshull Road. The frontage of the building is located on Kentish Town Road; this is a major route leading into the centre of Camden Town to the south.
- 2.3 The site is very well served by public transport. It has a PTAL rating of 6a. There are several bus routes on Kentish Town Road and Tufnell Park and Camden Town underground station is within walking distance as well as Kentish Town, Kentish Town West and Camden road train station. There is a wide variety of shops on Kentish Town Road, covering all Class A uses.
- 2.4 The surrounding area is mixed use, with High Street uses on Kentish Town Road and residential above.

### Site Description

- 2.5 The property is a 19th century three storey building with vacant uses on the ground and basement floors and C3 residential uses on the upper floors. The ground floor is accessed from the front of the site, the basement is accessed internally, and the flats on the upper floors are accessed via a stairway at the rear of the property. A loading bay is located immediately to the front of the site on Kentish Town Road, as well as access to the rear.
- 2.6 The ground floor and basement of the site are vacant and were last in A4 use in March 2014.
- 2.7 The size of the ground and lower ground floors is approximately 150sqm.

### Current Use

- 2.8 Previous to its vacancy, the ground and basement floors were used as bars/pubs. The history of occupancy is detailed below;
- a) The Wolsey Tavern. Opened in 1869 by Truman's Brewery.
  - b) Auntie Annie's Porterhouse. Closed in 2008. This was a traditional English pub with a vibrant yellow and red exterior.
  - c) Annie's Bar. Opened in July 2008, closed in 2013 following a refurbishment of the interior ground and basement floors and exterior of all floors. The exterior was re-painted cream and green and new signage was installed.

- d) Hoot'N'Annie's Opened in 2013, closing a year later in 2014. The premises underwent refurbishment changing the bar into an American themed bar/restaurant.
- e) 2014 – present, vacant

### 3 PLANNING HISTORY

- 3.1 This section sets out the relevant planning history for the site.
- 3.2 The most relevant of applications is the granting of a permission in 2016 which sought change of use from use class A4 to use class A3 (ref. 2015/6246/P).
- 3.3 An immediate Article 4 direction was issued in March 2015 and confirmed in September 2014. This direction sought the following:
- “Immediate Article 4(1) Direction implemented under the Town and Country Planning (General Permitted Development) Order 1995 removing permitted development rights for the change of use from Class A4 (drinking establishments) to Class A3 (restaurants and cafes) or to Class A2 (financial and professional services) or to Class A1 (shops); or to a temporary flexible use to Class A3 (restaurants and cafés) or to Class A2 (financial and professional services) or to Class B1 (business)”.*
- 3.4 Although this Article 4 direction sought to protect the A4 use, the loss of the public house was considered acceptable through the 2015 permission. The Officers’ report for this application (see appendix 1) acknowledged that the site had been vacant since March 2014 (see appendix 2– Marketing report by Christo and Co) and that considering there were no local policies to protect A4 use and the public house could not demonstrate a community function, the loss was accepted in principle.

**Table 3.1 Relevant planning history for the site** *Source: LB Camden Planning Register*

Planning Reference	Description of Development	Decision
2016/4752/P	Variation of condition 5 (approved plans) of planning permission 2006/3605/P dated 18/10/2006 (Construction of a three-storey side/rear extension and a mansard-style extension to the roof, and alterations to the elevations to convert 2 x existing residential flats ancillary to public house to self-contained flats and create 5 x additional self-contained flats (Class C3), namely to allow an increased height of the three-storey side/rear extension and smaller window openings.	Pending
2016/3474/P	Details of windows on the south and west elevations required by condition 3 of planning permission 2006/3605/P dated 18/10/2006.	Granted 24/08/2016
2016/4509/P	Amendment to insert an additional condition listing originally approved drawings granted	Granted

	under reference 2006/3605/P dated 18/10/06 for 'construction of a three-storey side/rear extension and a mansard-style extension to the roof, and alterations to the elevations to convert 2 x existing residential flats ancillary to public house to self-contained flats and create 5 x additional self-contained flats (Class C3)'.  	22/08/2016
2015/6246/P	Change of use of ground and basement floors from use class A4 (drinking establishment) to use class A3 (restaurant).	Granted  12/10/2016
2015/6246/P	Installation of 2 x externally illuminated fascia signs and 2 x internally illuminated projecting signs	Granted  11/03/2015  <i>(not implemented)</i>
2014/7821/P	Confirmation of implementation of application ref 2006/3605/P granted on 18/10/2006 for "Construction of a three-storey side/rear extension and a mansard-style extension to the roof, and alterations to the elevations to convert 2 x existing residential flats ancillary to public house to self-contained flats and create 5 x additional self-contained flats (Class C3)"	Granted  15/01/2015
2014/7633/A	Installation of 2 x externally-illuminated fascia signs and 2 x internally-illuminated projecting signs.	Granted  23/12/2014
2014/7572/P	Alterations to elevations to create 2 x shopfronts.	Granted  11/03/2015  <i>(not implemented)</i>
HGY/2010/1739	Temporary change of use from an industrial to Community Centre, Administrative Offices, Training Centre and Place of Worship for 24 months.	Withdrawn
HGY/2008/0674	Demolition of all buildings and structures and erection of a mixed use development comprising 835 sq. m. gross internal office space; 375sqm gross internal retail space and 388 residential units together with associated car parking; service areas; amenity spaces and landscaping, (revised scheme).	Undetermined

HGY/2003/1918	Installation of waste compacting machine at rear (revised scheme).	Granted 17/12/2003
HGY/2002/1581	Retention of waste compacting machine to the rear.	Refused 17/06/2003



## 4 PROPOSED DEVELOPMENT

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4.1 This application comprises a full planning application for the change of use of the existing public house (Use Class A4) to flexible uses:

*“Change of use ground and basement floors from Use Class A4 (drinking establishment) to flexible Use Class A1/A2/D2”*

4.2 Camden Council allocated 180 Kentish Town Road to be under Article 4 on 20<sup>th</sup> March 2014 stating that:

- A. Article 4 Direction removing permitted development rights for the following type of work:
  - i. Change of use to Class A1 (shops), Class A2 (financial and professional services) and Class A3 (restaurant)
  - ii. Temporary change of use to Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurant), and B1 (business)

## 5 PLANNING POLICY

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- 5.1 This section sets out the planning policy context in which development of the site should be considered. It also makes reference to key material considerations where relevant. The policies are considered in detail in the following chapter.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that decisions made under the Planning Acts are determined in accordance with the development plan unless other material considerations indicate otherwise.
- 5.3 The statutory Development Plan comprises:
- a. Further Alterations to the London Plan (March 2015, updated March 2016); and
  - b. LB Camden Local Plan (June, 2017).
- 5.4 Other material considerations include:
- a. National Planning Policy Framework (2012);
  - b. National Planning Policy Guidance (2014);
  - c. Kentish Town Neighbourhood Plan (2016); and
  - d. Camden Planning Guidance 5 – Town centres, retail and employment (2013).

### **Planning Policy Designations**

- 5.5 According to LB Camden's Polices Map (June, 2017), the site is located within Site Allocation SS2. The site falls within an Archaeological Priority Zone, Town Centre and Kentish Town Neighbourhood Plan. An excerpt from the Proposals Map is included in Figure 5.1
- 5.6 180 Kentish Town Road is on Camden's Local List, adopted 21st January 2015, this list identifies historic buildings and features valued by the local community. In the Local List 180 Kentish Town Road is described as a:

*"Mid-19th century public house on corner of Kentish town road and Patshull road. Fully rendered, with applied pilasters between windows at shopfront level, architraves with geometric corner motif and simple projecting cornice. Canted corner with window at first floor and blind window at second floor."*

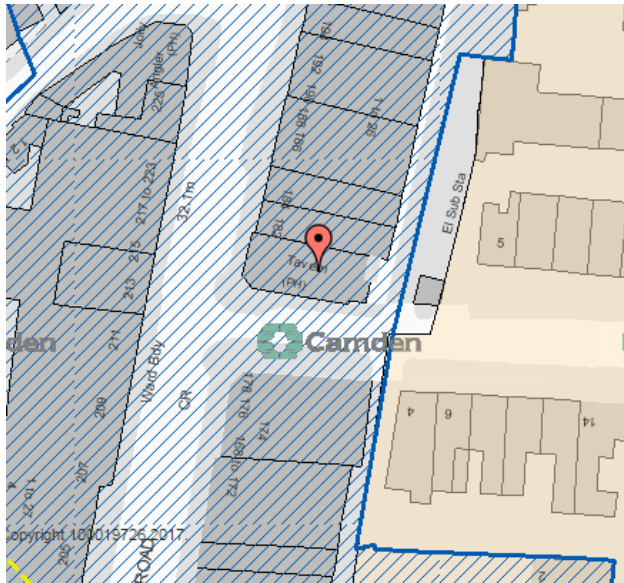


Figure 5.1 Camden Policies Map (June, 2017)

## 6 PLANNING ASSESSMENT

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6.1 This section provides an overview of specific considerations in respect of the proposed development. It assesses the scheme against adopted and emerging planning policy for the following elements:

- Principle of loss of Public House
- Principle of loss of community use
- Principle of flexible A1/A2
- Principle of flexible D2 use
- Neighbouring amenity
- Heritage considerations
- Transport and access
- Refuse and recycling

### **Principle of loss of Public House**

#### ***Policy Context***

6.2 Paragraph 17 of the NPPF sets out 'core planning principles,' including that planning should '*encourage the effective use of land by reusing land that has been developed previously (Brownfield land) provided that it is not of high environmental value.*' These principles also include '*proactively drive and support sustainable economic development to deliver homes...*'

6.3 Paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

6.4 London Plan Policy 4.8 states that local planning authorities should prepare a policy framework for maintaining, managing and enhancing local and neighbourhood shopping 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.

6.5 Supporting paragraph 4.48A reiterates the importance of public houses, stating that the Mayor recognises the important role that London public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decades. To address these concerns, where there is sufficient evidence of need, community

asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.

- 6.6 Local Plan Policy C4 emphasises the importance of Public Houses within the LB Camden by seeking to protect those which are of community, heritage or townscape value. The policy states that LBC will not grant permissions for proposals for the change of use, redevelopment and/or demolition of a public house unless it can be demonstrated that:
- a. *'the proposal would not result in the loss of pubs which are valued by the community (including protected groups) unless there are equivalent premises available capable of meeting the community's needs served by the public house; or*
  - b. *there is no interest in the continued use of the property or site as a public house and no reasonable prospect of a public house being able to trade from the premises over the medium term'.*
- 6.7 The policy further states that where a public house is converted to an alternative use, the Council will seek the retention of significant features of historic or character value.
- 6.8 The policy also states that where it has been demonstrated to the Council's satisfaction that a public house can no longer be retained, the suitability of the premises for alternative community uses for which there is a defined need in the locality should be assessed before other uses are considered. If the pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance
- 6.9 Kentish Town Neighbourhood Plan Policy CC3 (Protection of public houses) list all the public houses within the neighbourhood, this does not include Hoot 'n Annies (the site) and the policy outlines that Kentish Town has lost four pubs in the past four years, including Hoot 'n Annies.

### **Assessment**

- 6.10 The principle of the loss of the public house was established through the previous planning permission (ref. 2015/6246/P) which granted permission for the change of use of the basement and ground floors from use class A4 (drinking establishment) to use class A3 (restaurant). This permission is still extant and therefore a material planning consideration.
- 6.11 The Officers' report for this application (see appendix 1) acknowledged that the site had been vacant since March 2014 (see appendix 2 – Marketing report by Christo and Co) and that considering there were no local policies protect A4 use and the public house could not demonstrate a community function, the loss was accepted in principle.
- 6.12 Furthermore, Kentish Town Neighbourhood Plan (2016) acknowledges that the site no longer functions as a public house (Policy CC3).
- 6.13 However, should the site still be considered A4 use, it is tested against local Policy C4:
- a. the proposal would not result in a pub that is valued by the community. This is justified through two elements that demonstrate that the site could not be considered to have community value:

- The proposal site was nominated as an asset of community value (ACV) under the Localism Act 2011, however the application was refused on the 25/02/2015 because there was insufficient evidence of the public house providing a community function; and
- The bar when last in use did not fulfil a 'community role', this is further outlined under paragraph 6.21 below.

6.14 This was reiterated in the officers' report for the 2015 application which stated that:

*'On balance and in light of the limited response to the consultation, the lengthy vacant period of 2 years and the rejection of its nomination as an Asset of Community Value, the application site is considered not to provide a community function'.*

b. The accompanying marketing evidence (see appendix 2) outlines that the site has unsuccessfully been marketed for A4 use since June 2014. The significant lack of interest from A4 occupiers were considered to be due to the following:

- Wrong location;
- Premises are too small;
- Lack of demand;
- Many pubs nearby; and
- Historically the pub has struggled to be viable.

Additionally, more recent marketing evidence (see appendix 3) outlines that there were some enquiries from A4 operators, however following the Council's refusal to grant a 12 am license to a prospective A3 occupier, interest from A4 occupiers diminished.

6.15 Considering the above, the loss of the public house is considered in line with Local Plan Policy C4.

#### **Principle of loss of community use**

##### ***Policy Context***

6.16 NPPF paragraph 70 seeks to plan positively for the provision and use of community facilities, guarding against the unnecessary loss of valued facilities and services, particularly where this will have reduced the community's ability to meet its day-to-day needs. Furthermore, the paragraph states that the planning policies and decisions should ensure that established, shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

6.17 London Plan Policy 3.16 (Protection and enhancement of social infrastructure) states that proposals that would result in the loss of social infrastructure in areas of defined need for the type of social infrastructure without realistic provision should be resisted.

- 6.18 Local Plan Policy C2 states that the Council will work with its partners to ensure that community facilities and services are developed and modernised to meet the changing needs of our community and reflect new approaches to the delivery of services.
- 6.19 The policy also outlines that the Council will ensure that existing community facilities are retained, recognising their benefit to the community, unless one of the following tests are met:
- i. *'a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users*
  - ii. *the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council's satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing'*

### **Assessment**

- 6.20 In light of the fact that the subject site has been vacant and marketed since March 2014 and its unsuccessful nomination as an Asset of Community Value., the former bar therefore does not serve a community role. Furthermore, the officer's report for the 2015 permission confirmed that the subject site is not considered to provide a community function.
- 6.21 The bar was last in use in 2013/2014 by Hoot'N'Annie's. Even when it was last in use it did not fulfil a 'community role', for the following reasons:
- a. The bar did not provide spaces for evening classes;
  - b. The bar did not provide space for community clubs, and there were no rooms that could be hired out for local community groups;
  - c. The bar was not a venue where meetings could be held;
  - d. There were very occasional comedy evenings, over a 12-month period, that did not prove successful;
  - e. The bar had to close in March 2014 due to lack of custom;
  - f. The premises have been marketed since 2014, with no interest from A4 occupiers;
  - g. An application for nomination of the premises as an asset of community value in 2015 failed due to insufficient evidence the premises had a significant community function.
- 6.22 Furthermore, the accompanying Public House Assessment (by Fleurets) reiterates that the property does not serve a community function and that there are sufficient traditional public houses within the vicinity of the site to better serve the community. Therefore, considering this and the reasons outlined above, and the fact that the site has been vacant since early 2014, the premises do not serve a community role.

- 6.23 Notwithstanding the above, even if it is considered the premises did serve a community role, the adopted policy requirements for the loss of a community use can be met. The requirements of part g of the local policy C2 required the following to be met. These include:
- i. The table and map included in appendix 4 outline all of the public houses or bars within 800 metres of the site. It also details the community services each of these facilities provide, indicating that they better serve the needs of the local population than the existing site; and
  - ii. The accompanying marketing evidence indicates that the site is no longer viable as a community facility.
- 6.24 Appendix 4 of this statement sets out all the public houses within an 800 metre radius of 180 Kentish Town Road. The table shows 28 public houses or bars within 800 metres.
- 6.25 In addition, the table sets out the community functions of the public houses and bars within this catchment.
- 6.26 It is clear there are numerous alternative A4 uses within the vicinity providing the following community functions:
- a. Live music;
  - b. Live comedy nights;
  - c. Quiz nights;
  - d. Games nights;
  - e. Charity events;
  - f. Whiskey and cigar nights;
  - g. BBQs and beer gardens;
  - h. Room hire for local groups;
  - i. Sports classes.
- 6.27 Therefore, there is evidently adequate alternative provision available nearby. There is a high concentration of A4 uses within very close proximity to the application site. A significant proportion of the other A4 uses provide a clear community function, as set out in the Table at Appendix 4.

#### **Principle of flexible A1/A2 use**

#### ***Policy Context***

- 6.28 NPPF paragraph 23 emphasises the importance of competitive town centres that provide customer choice and a diverse retail offer.



- 6.29 London Plan Policy 4.7 (Retail and town centre development) seeks to focus retail, commercial, culture and leisure development on sites within town centres.
- 6.30 Local Policy TC4 (Town centre uses) seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character and function, vitality and viability of a centre, the local area or the amenity of neighbours.
- 6.31 The policy outlines the following factors the Council will consider:
- a. *the effect of development on shopping provision and the character of the centre in which it is located;*
  - b. *the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses;*
  - c. *the Council's expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;*
  - d. *the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres, retail and employment;*
  - e. *impacts on small and independent shops and impacts on markets;*
  - f. *the health impacts of development;*
  - g. *the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;*
  - h. *parking, stopping and servicing and the effect of the development on ease of movement on the footpath;*
  - i. *noise and vibration generated either inside or outside of the site;*
  - j. *fumes likely to be generated and the potential for effective and unobtrusive ventilation; and*
  - k. *the potential for crime and antisocial behaviour, including littering'.*
- 6.32 Appendix 4 of the Local Plan outline that within 'Kentish Town' Town Centre, primary frontages should achieve a minimum of 75% A1 use and no more than 2 consecutive non-retail uses. For secondary frontages, a minimum of 50% A1 use and no more than 3 consecutive non-retail uses should be achieved.
- 6.33 Camden Planning Guidance 5 (CPG 5) confirms the site is located within a Core Shopping Frontage. CPG 5 outlines 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.”*

6.34 Paragraph 3.46 of CPG 5 outlines 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.

6.35 Paragraph 3.48 states that the Council will generally resist proposals resulting in:

- more than 2 consecutive premises within the Core Frontages being in non-retail use;
- more than 3 consecutive premises in non-retail use within Secondary Frontages.

### Assessment

6.36 Flexible A1/A2/D2 use is sought on site as it is believed that this will be the most viable use classes for the site’s location. The accompanying marketing evidence (see appendix 2 and 3) and the above justification outline that the site is not suitable for A4 use. Furthermore, the marketing letter by Colliers (see appendix 3) outlines the difficulty to obtain a suitable A3 occupier on the site.

6.37 The site falls within a ‘Core Frontage’, in accordance with the Local Plan and Camden Planning Guidance 5 – Town centres, retail and employment (2013), the Council will generally resist proposals that would result in less than 75% of the premises in Core Frontages being in retail use (A1).

6.38 An initial frontage assessment (see table 1) indicates that the frontage upon which the site falls within currently offers 75% A1 frontage. Therefore, should either A2 or D2 become established on the subject site, then a 75% A1 frontage will still be maintained. Furthermore, should A1 use become established on site, the A1 frontage will become 88%, exceeding local policy requirements.

No.	Current occupier	Use Class	Comments
182	Rima’s Patisserie & Bakery	A1	Permission was granted in 1977 to the change of use from betting office to retail shop (ref. CTP/G11/9/A/25115).
184	The Co-operative Funeralcare	A1	The Delegated Report for the 2010 application outlines that the site relates to a ground floor retail (Class A1) unit. Permission

			was granted in 2010 for the installation of a new ground floor shopfront (Class A1) (ref. 2010/6711/P).
186-192	Phoenicia (food hall/grocery)	A1	No relevant planning history can be found for the site, however an initial Google Maps search indicates the current use as A1.
194	Dominos	A5	Permission was granted in 2016 for the change of use from Class A3 (restaurant) use with ancillary takeaway to Class A5 (hot food takeaway), shopfront alterations and the installation of extraction and ventilation equipment to the rear (ref. 2016/3013/P).
196	Boots	A1	The delegated report for the 2009 permission confirms the site is in A1 use. This permission sought display of one internally illuminated fascia sign and one internally illuminated projecting sign to retail unit (Class A1) (ref. 2009/5778/A).
198	Western Union Foreign Money Exchange	A1	No relevant planning history can be found for the site, however an initial Google Maps search indicates that the site is in A1 use.
200	Earth Natural Foods	A1	The latest planning application on the site for the retention of solid roller shutter to shopfront of retail unit (Class A1) (ref. 2007/2876/p) confirms that the site is in A1 use.

Table 1 – Frontage assessment

6.39 Furthermore, in line with Local Plan Policy TC4 and CPG 5, the proposal will not result in more than 2 consecutive premises within the Core Frontages being in non-retail use.

**Principle of flexible D2 use*****Policy Context***

- 6.40 NPPF paragraph 23 places emphasis on leisure and cultural facilities, by stating that planning policies should be positive and promote town centre environments, specifically through allocating a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.
- 6.41 London Plan Policy 3.16 (Protection and enhancement of social infrastructure) states that proposals that would result in the loss of social infrastructure in areas of defined need for the type of social infrastructure without realistic provision should be resisted.
- 6.42 Local Plan Policy C3 (Cultural and leisure facilities) seeks opportunities for new cultural and leisure facilities in major, mixed – use developments and support the temporary use of vacant buildings for cultural and leisure activities.
- 6.43 The policy further outlines that large scale facilities should be located where many people as possible can enjoy their benefits and make use of public transport to get there. Central London and town centres will, therefore, be the most appropriate locations. Smaller facilities are appropriate anywhere in the borough providing they do not have an adverse impact on the surrounding area of the local community.
- 6.44 Supporting paragraph 9.32 of Local Plan Policy TC4 (Town centre uses) outlines leisure uses (D2) as a suitable town centre use.

***Assessment***

- 6.45 In line with local policy C3, leisure facilities are encouraged in the borough. Additionally, the site falls within a sustainable location, in line with local policy CC3 which seeks large scale facilities in sustainable locations. Additionally, the policy outlines that smaller facilities are appropriate anywhere, as long as they do not have an adverse impact on the local community.
- 6.46 Furthermore, as outlined above in paragraph 6.38, should a suitable D2 occupier be found for the site, the frontage on Kentish Town Road will still maintain a minimum 75% retail frontage.

**Neighbouring amenity*****Policy Context***

- 6.47 Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of communities, occupiers and neighbours, considering factors such as transport impacts, noise and vibration levels, and odour, fumes and dust.

**Assessment**

- 6.48 The previous A4 use was open until 12am on Fridays and Saturdays, and 11:30pm on weekdays. The proposed flexible A1/A2/D2 use will not be open as late as the previous A4 use, this will ensure reduced impact on neighbouring residents. Customers or visitors of any proposed flexible A1/A2/D2 use would typically leave the premises earlier than a public house, therefore the noise disturbance of customers coming and going will be far less than the previous public house use.
- 6.49 The previous public house had live DJs at the weekend and music playing regularly. The proposed flexible A1/A2/D2 use will have limited music and no DJs, this will ensure any new use has a much reduced noise impact than the previous A4 use.
- 6.50 In addition, a noise management plan will be submitted once a suitable occupier has been identified for the site. This will set out how the noise will be reduced and managed and this can be conditioned.

**Heritage considerations****Policy Context**

- 6.51 Paragraph 135 of the NPPF outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.52 Policy 7.8 (Heritage assets and archaeology) of the London Plan states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- 6.53 Local Plan Policy D2 (Heritage) seeks to protect heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.
- 6.54 Local Plan Policy D2 further outlines that the effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

**Assessment**

- 6.55 180 Kentish Town Road is locally listed but not within a conservation area. The proposed change of use will not have an impact on the external appearance of the building. This will therefore ensure the character and appearance of the building is retained.
- 6.56 The building is currently vacant and therefore the change of use will allow the non-designated heritage asset to be brought back into an active use, allowing the ongoing retention and use of this building.

**Transport and access*****Policy Context***

- 6.57 Paragraph 32 of the NPPF refers to transport, noting that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- 6.58 The NPPF highlights that transport strategies need to be considered and should be balanced in favour of sustainable transport modes, for movement of goods or people.
- 6.59 London Plan Policy 6.1 seeks the integration of transport and development by encouraging development which reduces the need to travel; seeking to improve the capacity and accessibility of public transport, walking, and cycling; and supporting development which generates high trip levels at locations with high public transport accessibility.
- 6.60 London Plan Policy 6.3 sets out the criteria used for assessing the effects of development on transport capacity, and requires development to not adversely affect safety on the transport network.
- 6.61 Local Plan Policy T2 (Parking and car-free development) seeks to limit the availability of parking and require all new developments in the borough to be car-free.

***Assessment***

- 6.62 The site is within a town centre in a sustainable location. Therefore, it will be car free with the majority of users expected to walk, cycle or travel by public transport to the premises. It should also be emphasised that no car or cycle parking was considered acceptable with the 2015 application.
- 6.63 Loading and unloading for the public house took place on-street where there is a recessed kerb area. Any future use would be serviced from this existing front loading bay and therefore it was not necessary to secure a service management statement.

**Refuse and Recycling*****Policy Context***

- 6.64 Policy 5.17 of the London Plan requires suitable waste and recycling storage facilities in all new developments.
- 6.65 Local Plan Policy CC5 (Waste) seeks to ensure that developments include facilities for the storage and collection of waste and recycling.

***Assessment***

- 6.66 Refuse and recycling will be stored internally to the rear of the site, which can then be easily collected. This was the previous arrangement for the public house, and therefore there will be no greater impact on amenity.

## 7 CONCLUSIONS

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- 7.1 The proposed development seeks the change of use of the ground and basement floors of 180 Kentish Town Road from Use Class A4 (drinking establishment) to flexible Use Class A1/A2/D2.
- 7.2 This proposal follows a previous granted planning application for the change of use of the public house to A3 use. However, following unsuccessful attempts to find a suitable A3 or A4 occupier, a revised application will be submitted to allow for flexible A1/A2/D2 uses. This flexibility will ensure that a suitable occupier is found for the site.
- 7.3 The proposal will seek to bring back a vacant property, enhancing the vitality of the town centre and contributing to both the local community and economy of Kentish Town.
- 7.4 This statement has demonstrated how the proposals comprise sustainable development and comply with national, regional and local planning policy.

# **APPENDIX 1**



<b>Address:</b>	<b>180 Kentish Town Road, London, NW5 2AE</b>		<b>5</b>
<b>Application Number:</b>	2015/6246/P	<b>Officer: Anna Roe</b>	
<b>Ward:</b>	<b>Cantelowes</b>		
<b>Date Received</b>	<b>06/11/2015</b>		
<b>Proposal: Change of use of ground and basement floors from use class A4 (drinking establishment) to use class A3 (restaurant).</b>			
<b>Background Papers, Supporting Documents and Drawing Numbers:</b>			
<b>Drawing Nos: Site location plan; 001; 002; 003; 004.</b>			
<b>Background Papers and Supporting Documents: Planning Statement dated 6<sup>th</sup> November 2015; Public House Assessment dated 27<sup>th</sup> November 2016 by Fleurets.</b>			
<b>RECOMMENDATION SUMMARY: Grant conditional planning permission</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Highgate Capital 31-35 Silver House Beak Street London W1F 9SX		CgMs Limited 7th Floor 140 London Wall London EC2Y 5DM	

## ANALYSIS OF INFORMATION

<b>Land Use Details:</b>			
	Use Class	Use Description	Floorspace
Existing	A4 - Drinking establishment	(vacant site)	<i>c. 200 sqm</i>
Proposed	A3 – Restaurant		<i>c. 200 sqm</i>

## OFFICERS' REPORT

**Reason for Referral to Committee:**     **The application involves the change of use to a Class A3 use (clause 3 (iv))**

### 1.     **SITE**

- 1.1     The application site comprises a three storey plus basement public house, dating from the mid-19<sup>th</sup> century. The ground and basement floors are currently vacant and are the subject of this application. They were last in use as a public house in March 2014. The upper floors are in Class C3 (residential use).
- 1.2     The property is located on the eastern side of Kentish Town Road at its junction with Patshull Road, occupying a prominent corner location. Patshull Road is predominantly residential with a mix of terraced and semi-detached properties. Kentish Town Centre provides a broad range of shops and services for the local area, with many independent traders.
- 1.3     It does not lie within a conservation area but is adjacent to the Bartholomew Conservation Area. It is within the Kentish Town designated town centre, within the core retail frontage. It is a non-designated heritage asset, considered to have architectural, townscape and social significance.
- 1.4     An article 4(1) direction has been applied to the property removing the permitted development rights allowing a change of use of the premises. Further details can be found in the Relevant History section.

### 2.     **THE PROPOSAL**

- 2.1     Planning permission is sought for change of use of the ground and basement floors, from use class A4 (drinking establishment) to use class A3 (restaurant), bringing the vacant premises back into active use. No external changes are proposed.
- 2.2     Under the proposed scheme the restaurant would have its main seating on the ground floor, with the kitchen facilities at basement level. The proposed hours of operation would be 11.00 - 23.00 Monday to Sunday (including Bank Holidays).
- 2.3     The proposal does not include any associated mechanical extract/flue system to remove odour emissions. This would be conditioned.

### 3.     **RELEVANT HISTORY**

- 3.1     **02/07/2015** - Certificate of lawfulness existing (2014/7821/P) granted.

Implementation of application ref 2006/3605/P granted on 18/10/2006 for "Construction of a three-storey side/rear extension and a mansard-style extension to the roof, and alterations to the elevations to convert x2 existing residential flats ancillary to public house to self-contained flats and create x5 additional self-contained flats (Class C3)"

- 3.2 **20/03/2015** – Immediate Article 4(1) Direction implemented under the Town and Country Planning (General Permitted Development) Order 1995 removing permitted development rights for the change of use from Class A4 (drinking establishments) to Class A3 (restaurants and cafes) or to Class A2 (financial and professional services) or to Class A1 (shops); or to a temporary flexible use to Class A3 (restaurants and cafes) or to Class A2 (financial and professional services) or to Class B1 (business).

*Due to the level of local opposition to the potential loss of the public house it was considered necessary to remove permitted development rights. An article 4 direction does not prevent an applicant applying for planning permission for a change of use, but by requiring a planning application to be submitted gives the local community a chance to be involved in the consultation process, an opportunity that wouldn't be available under permitted development.*

*Confirmation of the Article 4(1) Direction received on the 15/09/2015.*

- 3.3 **11/03/2015** - Full permission (2014/7572/P) granted to Foxtons Estate Agents for alterations to elevations to create x2 shopfronts. Associated advertisement consent (2014/7631/A) granted for installation of x2 externally illuminated fascia signs and x2 internally illuminated projecting signs.

*This application was submitted in preparation for a change of use of the basement and ground floors, from public house (Class A4) to estate agency (Class A2). The applicant did not expressly apply for a change of use, as this would have been permitted development. 39 responses were received, many from individuals objecting to the loss of the public house because it provided a community function. Similar objections were received from the three ward Councillors (Cllrs Beale, Jones and Mason) as well as from Kentish Town Road Action, Bartholomew Area Residents' Association, Kelly Street Residents Association and Bartholomew Estate and Kentish Town Conservation Area Advisory Committee.*

- 3.4 **27/02/2015** - nomination as an asset of community value under the Localism Act 2011 unsuccessful.

*The application was rejected because there was insufficient evidence of 'community events taking place, social groups meeting there or a group of regulars who drank at the pub'.*

#### **4. CONSULTATION**

- 4.1 The following groups/individuals were consulted on the proposal. To date no responses have been received.

- Kentish Town Road Action
- Ward Councillors Beale, Jones and Mason (Cantelowes)
- Bartholomew Estate and Kentish Town Conservation Area Advisory Committee
- Kelly Street Conservation Area
- Bartholomew Conservation Area Advisory Committee

- Bartholomew Area Residents' Association

4.2 A site notice was displayed on 16/12/2015 expiring 06/01/2016.  
A press notice was published on 06/01/2016 expiring 27/01/2016.

### **ADJOINING OCCUPIERS**

4.3 Letters were sent to adjoining occupiers and those who objected to application nos. 2014/7572/P and 2014/7631/A.

<i>Number of letters sent</i>	35
<i>Total number of responses received</i>	2
<i>Number in support</i>	1
<i>Number of objections</i>	1

4.4 The 1 objection received was from a resident at 42 Bartholomew Villas, summarised below:

- The description fails to identify whether this is a typical fast food outlet like a Burger King or whether it is a proper restaurant. The 20 dwellings above and behind in Northumberland House do not appear to have been consulted.

4.5 The 1 letter of support was received from a resident at 34 Raglan Street. The letter received is summarised below:

- This application should be approved because it brings vacant commercial property back into use, to bolster the vitality of the high street without loss of neighbouring amenity.

## **5. POLICIES**

5.1 National and London wide policies and guidance  
Planning (listed building and conservation area) Act 1990 as amended  
Enterprise and Regulatory Reform Act (ERR) 2013  
National Planning Policy Framework 2012  
National Planning Policy Guidance 2014  
London Plan 2015

5.2 LDF Core Strategy  
CS1 Distribution of growth  
CS5 Managing the impact of growth and development  
CS7 Promoting Camden's centre and shops  
CS14 Promoting high quality places and conserving our heritage  
CS19 Delivering and monitoring the Core Strategy

5.3 LDF Development Policies  
DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP15 Community and leisure uses  
DP16 The transport implications of development

DP20 Movement of goods and materials  
DP21 Development connecting to the highway network  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration

5.4 Camden Planning Guidance (2011) (as amended 2013)

CPG1 Design  
CPG5 Town centres, retail and employment  
CPG6 Amenity  
CPG7 Transport

**6. ASSESSMENT**

6.1 The principal consideration material to the determination of this application are summarised as follows:

- Land use principles (the loss of the public house)
- Community function
- Principle of the proposed restaurant use
- Neighbouring amenity
- Design and impact on the non-designated heritage asset
- Highways
- Refuse and waste recycling
- CIL

**LAND USE PRINCIPLES (THE LOSS OF THE PUBLIC HOUSE)**

6.2 The proposal relates to the redevelopment of the vacant ground and basement floors which were last in use as a public house in March 2014. There are no policies to support the retention of this type of use, therefore the loss of the public house is acceptable in principle, unless it can be demonstrated that it provides a community function.

**COMMUNITY FUNCTION**

6.3 Paragraph 15.6 of policy DP15 states that the Council will protect existing community facilities to ensure that Camden's residents have access to a range of buildings and facilities for community use. Paragraph 15.7 of policy DP15 states that the Council will resist the loss of local pubs that serve a community role.

6.4 The proposal site was nominated as an asset of community value (ACV) under the Localism Act 2011, however the application was refused on the 25/02/2015 because there was insufficient evidence of the public house providing a community function.

6.5 On the 20<sup>th</sup> March 2015 the Council made an immediate Article 4(1) Direction preventing the change of use of the premises under permitted development. The justification for the Article 4(1) Direction was that when in operation the site provided a community function. This was evidenced by the level of objection from local residents and ward Members to application nos.

2014/7572/P and 2014/7631/A. The criteria for making an Article 4 Direction under the Localism Act 2011, is different to the criteria under the GPDO 2015 and as such it was considered that the public house contributed to the social wellbeing of the area. It is important to note that an article 4 direction does not prevent an applicant applying for planning permission for change of use, but requires a planning application to be submitted giving the local community a chance to become involved in the consultation process, an opportunity that would not otherwise be available under permitted development.

- 6.6 On balance and in light of the limited response to the consultation, the lengthy vacant period of 2 years and the rejection of its nomination as an Asset of Community Value, the application site is considered not to provide a community function. As such the application cannot be assessed against DP15 - community and leisure uses and the applicant is not required to demonstrate that alternative provision is available nearby, or that the premises are no longer economically viable for pub use.
- 6.7 It should be noted however that the Article 4 was issued solely to protect the pub use, and the schedule only removes permitted development rights insofar as they relate to a change of use from A4 to another use, not from an A3 use to an alternative use, therefore granting a change of use would nullify the Article 4 (1), once that change of use had been implemented. Accordingly a further change to an A1 (retail) or A2 (financial and professional services) would be able to take place under permitted development rights without the need for a formal application.
- 6.8 It is possible, exceptionally to impose conditions to restrict further development which would normally be permitted by a development order, or to restrict changes of use. The government's Planning Practice Guidance advises on such conditions that they should only be used in exceptional circumstances and notes that LPAs have powers under Article 4 to enable them to withdraw permitted development rights where considered necessary. Circular 11/95, although now superseded by the Guidance stated that 'conditions should not be imposed which restrict either permitted development rights granted by development orders or future changes of use which the Use Classes Order would otherwise allow' (paras 87-88). The Secretaries of State would therefore regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity or the environment, that there were no other forms of control, and that the condition would serve a clear planning purpose. Such a condition is not considered reasonable in this instance.

## **PRINCIPLE OF THE PROPOSED RESTAURANT USE**

- 6.9 Policy CS7 seeks to protect and enhance Camden's centres in order to provide a range of shops, services, food, drink and entertainment uses; it ensures that food, drink and entertainment uses do not have a harmful impact on residents and the local area. This is supported by policy DP12 which aims to support strong centres and manage the impact of food, drink and other town centre uses. Development should not cause harm to the character, function and vitality of a centre. The effect of non-retail development on shopping provision and the character of the centre and the cumulative impact of food, drink and entertainment uses, should be taken into account.

- 6.10 The host property lies within a core frontage of the Kentish Town Centre. The proposal would not result in the loss of an A1 unit nor would it result in more than 2 consecutive premises within the core frontage being in non-retail use. It was also previously a bar use, which has the potential to cause a greater degree of disturbance in the evening. It would therefore comply with chapter 3 of CPG5 - Town Centres, Retail and Employment.
- 6.11 Given the mixture of commercial uses, it is considered that the restaurant use would be acceptable in principle. The proposed use would bolster the range of uses within the Kentish Town Centre without resulting in a concentration of this development type. Given that the ground and basement levels have been vacant for an extended period of time, the proposal would contribute positively to the character, function and vitality of the centre.

### **NEIGHBOURING AMENITY**

- 6.12 The closest residential occupiers are located within the upper floors of 180 Kentish Town Road. The proposed change of use is not expected to cause any amenity concerns for the adjacent retail use.
- 6.13 Due to the town centre location the proposal would not be considered to result in an unacceptable level of disturbance to nearby residents by way of noise or general disturbance associated with the restaurant use. The proposed hours of operation are considered appropriate as they are less than the operating hours of the existing pub use and they would be compatible with other food, drink and entertainment activities within the locality. The hours of operation would be secured by condition.
- 6.14 The applicant has not provided details of plant or ventilation ducting and has not submitted a noise survey. Any plant or extraction equipment would need to be assessed by the Council in order to ensure that it would not harm the amenity of neighbouring occupiers. As such, any permission would include a condition requiring the submission of plant details.
- 6.15 Details of a mechanical extract and flue have not been provided as part of this application as there is currently no end users for the development therefore, their precise requirements are unknown. There is already an external flue running up the rear elevation of the building which has been used in conjunction with the existing pub, although once an A3 occupier has been identified this may need to be renewed/upgraded. The rear of the building is prominent in views including from within the Bartholomew Estate Conservation Area and any further visible plant and equipment would need to be carefully controlled in the interests of visual amenity. The Council has reviewed suitable positions for an extract duct and considers it likely that it could be accommodated internally via a new flue that would replace the current chimney flue and would be extracted at roof level. Any permission would require the submission of details of any mechanical extraction equipment and flue outlet to demonstrate its visual impact (if any) as well as the odour and noise attenuation capabilities to ensure that no odour or noise nuisance would occur from cooking. It is recommended that a condition be imposed preventing the A3 use from commencing until such approved arrangements are in place.

## **DESIGN AND IMPACT ON THE NON-DESIGNATED HERITAGE ASSET**

- 6.16 The overarching aim of policies CS5, CS14 and DP24 is to secure high quality design that consider the character, setting, context and form of neighbouring buildings.
- 6.17 The applicant proposes no physical changes to this building, and the planning statement asserts that the exterior will not be altered –although it is noted that this would be subject to the preferred method of fume extraction being achievable via the existing chimney (see section above).
- 6.18 The application is for change of use, therefore the conservation issue is the risk to the heritage asset from the new use. 180 Kentish Town Road is Locally Listed, but the List description stresses that its main contribution to the townscape is architectural. The building was formerly a brightly painted Irish public house which served as a landmark on the Kentish Town Road by virtue of its prominent corner location. At ground-floor level the building has a relatively plain frontage, its traditional timber doors and windows having been removed under a previous refurbishment; it is therefore able to accommodate the proposed restaurant use without physical changes that would harm the building’s architectural interest.

## **TRANSPORT**

### Parking

- 6.19 No car parking is proposed, this is appropriate in the town centre of Kentish Town and compliant with Policy DP18. The proposed A3 unit does not meet the thresholds for provision of parking as set out in Camden’s Parking Standards for cycle parking, disabled parking or taxi bay.

### Servicing

- 6.20 Loading and unloading for the public house took place on-street where there is a recessed kerb area. The proposed restaurant would be serviced from this existing front loading bay and therefore it was not necessary to secure a service management statement.

### Travel plan management plan

- 6.21 Given that the ground and basement floors were previously in use as a public house and that the application site is located in an area of high transport accessibility (PTAL 6a), the proposal is not judged to generate sufficient additional movement to warrant a travel plan.

### Construction management plan

- 6.22 Given the scale and nature of the proposed works it was not considered necessary to secure a construction management plan.

## **REFUSE AND WASTE RECYCLING**



- 6.23 All new developments are required to provide adequate facilities for recycling and the storage and disposal of waste in accordance with Core Strategy policy CS18 and Development Policy DP26. The proposal includes an internal refuse and recycling store as was the previous arrangement for the public house. The details of waste and recycle collection would be required by condition.

## **CIL**

- 6.24 The proposal does not involve the creation of a new dwelling house or new floor space and therefore is not CIL liable.

## **7. CONCLUSION**

- 7.1 In light of the limited response to the consultation, the lengthy vacant period of 2 years and the rejection of its nomination as an Asset of Community Value, the application site is considered not to provide a community function and cannot be assessed against DP15 - community and leisure. The loss of the public house is acceptable in principle as there are no policies to support the retention of this type of use. The restaurant use would contribute positively to the character, function and vitality of the Kentish Town Centre without resulting in an over-concentration of this development type. The development is not considered to result in an unacceptable level of disturbance to nearby residents subject to the recommended control over hours of use and noise attenuation for any plant. The applicant proposes no physical changes to the property.

## **8. RECOMMENDATION**

- 8.1 It is recommended to grant conditional planning permission.

### **CONDITIONS AND REASONS:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 001; 002; 003; 004; Planning Statement dated 6<sup>th</sup> November 2015; Public House Assessment dated 27<sup>th</sup> November 2016 by Fleurets.

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

3. Before the use commences, a scheme for the ventilation of and the extraction of fumes from the premises to an adequate outlet level, including details of sound attenuation for any necessary plant shall be submitted to and approved by the local planning authority in writing. The use shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the Council.

Reason: To safeguard the amenities of the neighbouring premises and the area generally in accordance with the requirements of policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

4. Before the relevant part of development commences, details of the refuse and recycling collection and the storage of waste and recycling on site shall be submitted to and approved by the Council and the approved details shall be implemented from first occupation of the new units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the neighbouring premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

5. No music shall be played within the unit that is the subject of this permission so as to be audible outside the unit.

Reason: To safeguard the amenities of the neighbouring premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

6. Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

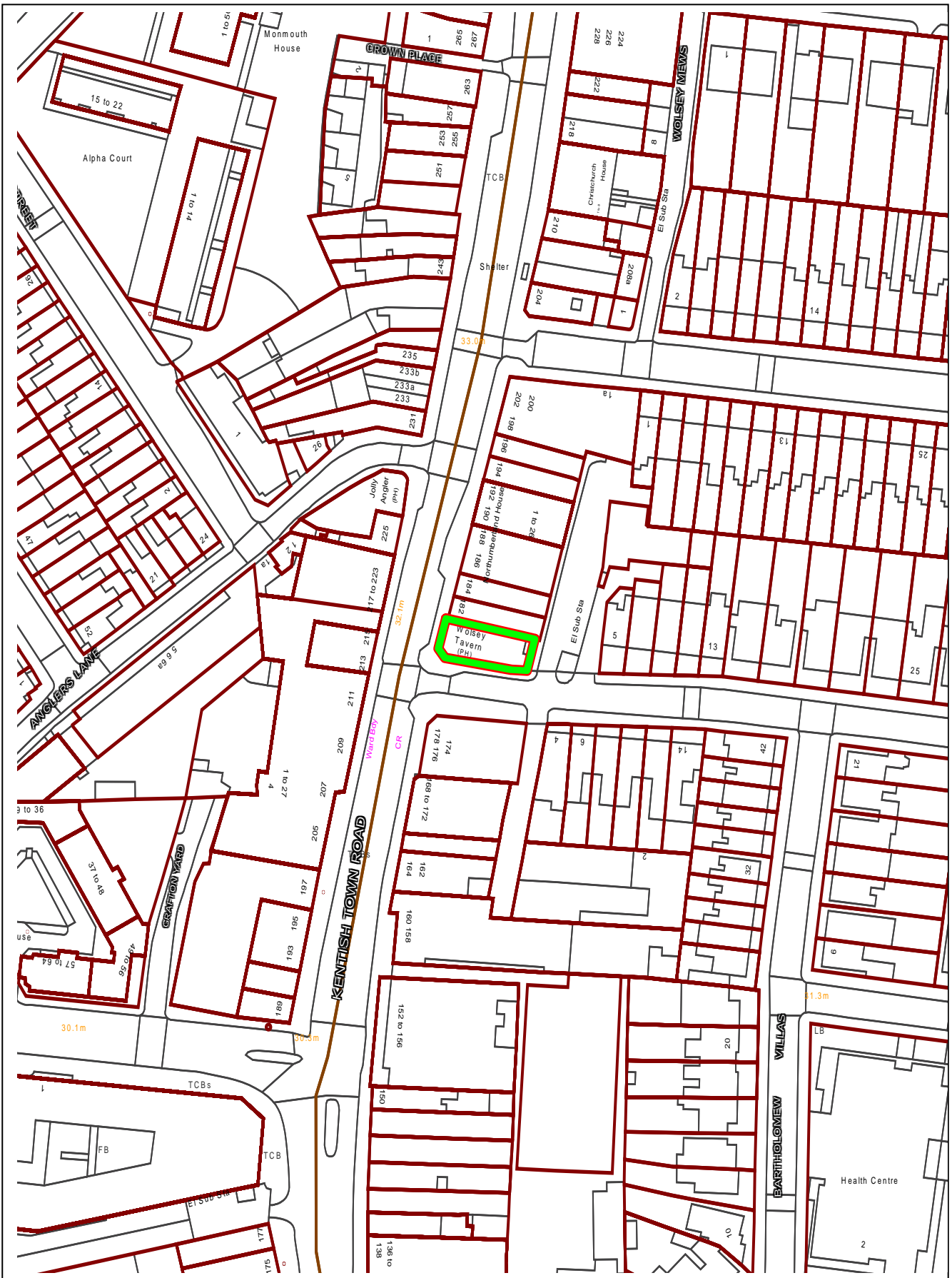
Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

7. The use hereby permitted shall not be carried out outside the following times 11.00am to 23.00pm Mondays to Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

## **INFORMATIVES:**

- 1) Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
  
- 2) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.



**Application No: 2015/6246/P**

**180 Kentish Town Road  
London  
NW5 2AE**

**Scale:  
1:1250  
Date:  
23-Mar-16**



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# 1. DC Committee

25<sup>th</sup> February 2016

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**2015/6246/P**

**180 Kentish Town Road  
London  
NW5 2AE**

2015/6246/P

180 Kentish Town Road  
Site Location Plan



2015/6246/P

180 Kentish Town Road

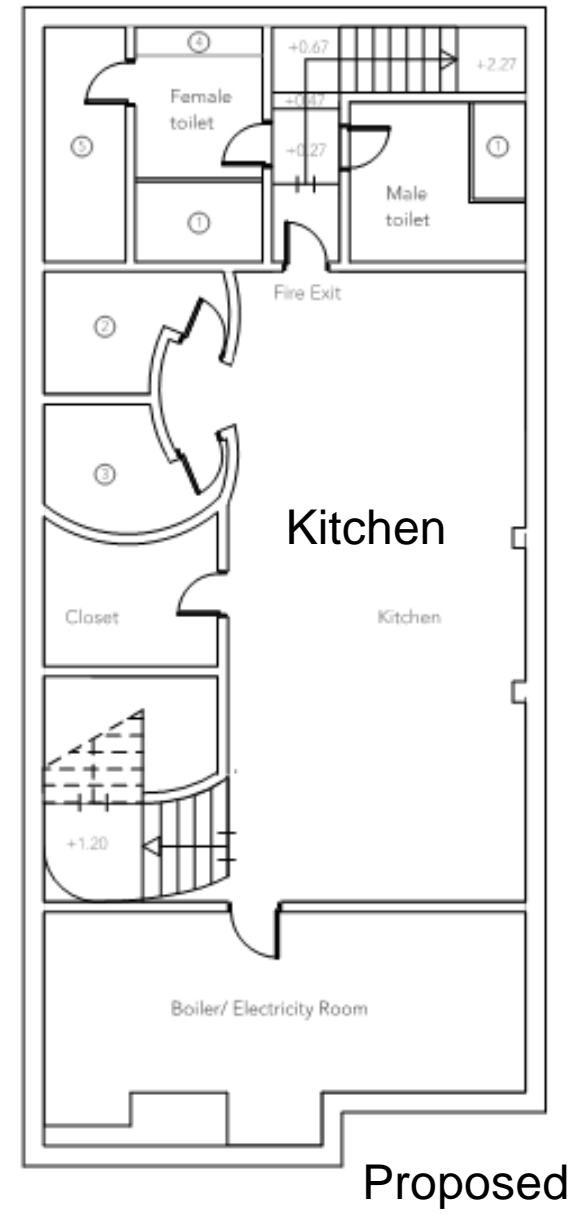
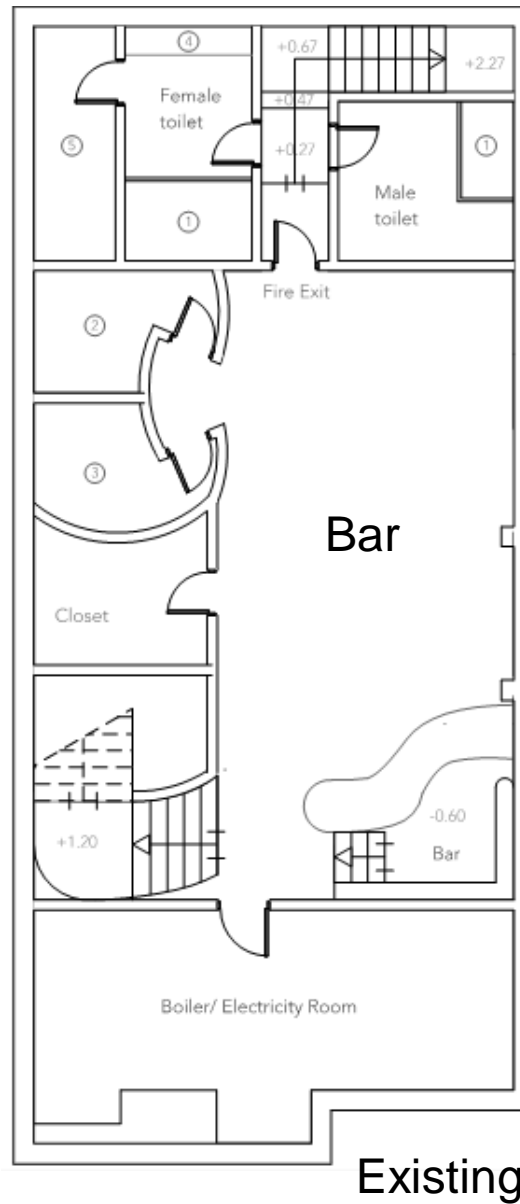
Site Photograph





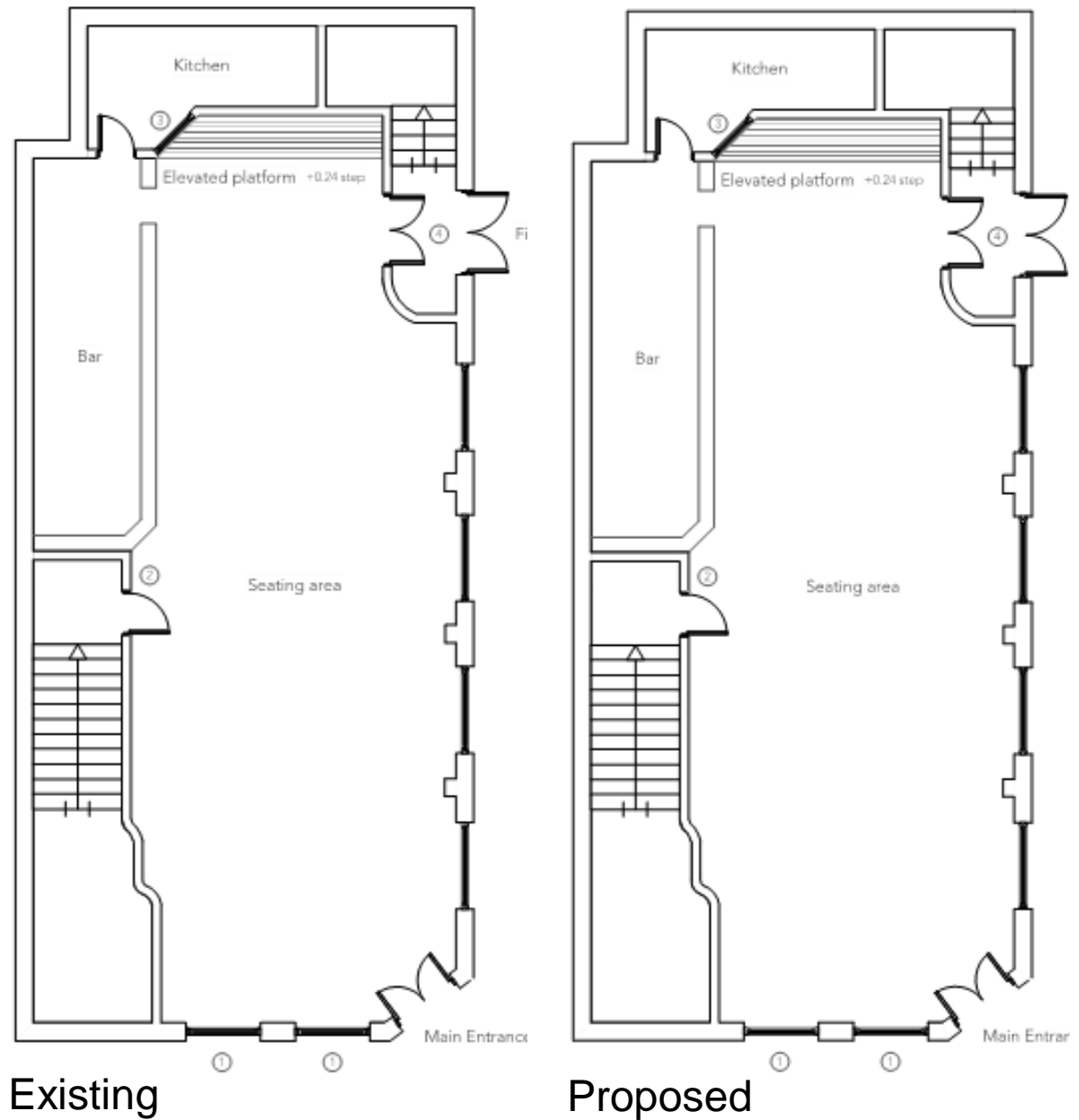
180 Kentish Town Road  
Basement Floor Plan

- ① Bathroom stall
- ② Male Toilet
- ③ Female Toilet
- ④ Sink
- ⑤ Closet/ Storage space



2015/6246/P

180 Kentish Town Road  
Ground Floor Plan



- ① Pub originally has wooden double doors, full height, now used as windows both of 126mm width.
- ② Bookcase hidden door
- ③ Current permanently open window space 89mm.
- ④ Fire-proof doors

2015/6246/P

180 Kentish Town Road

## Rear Elevation

No change proposed under this application.

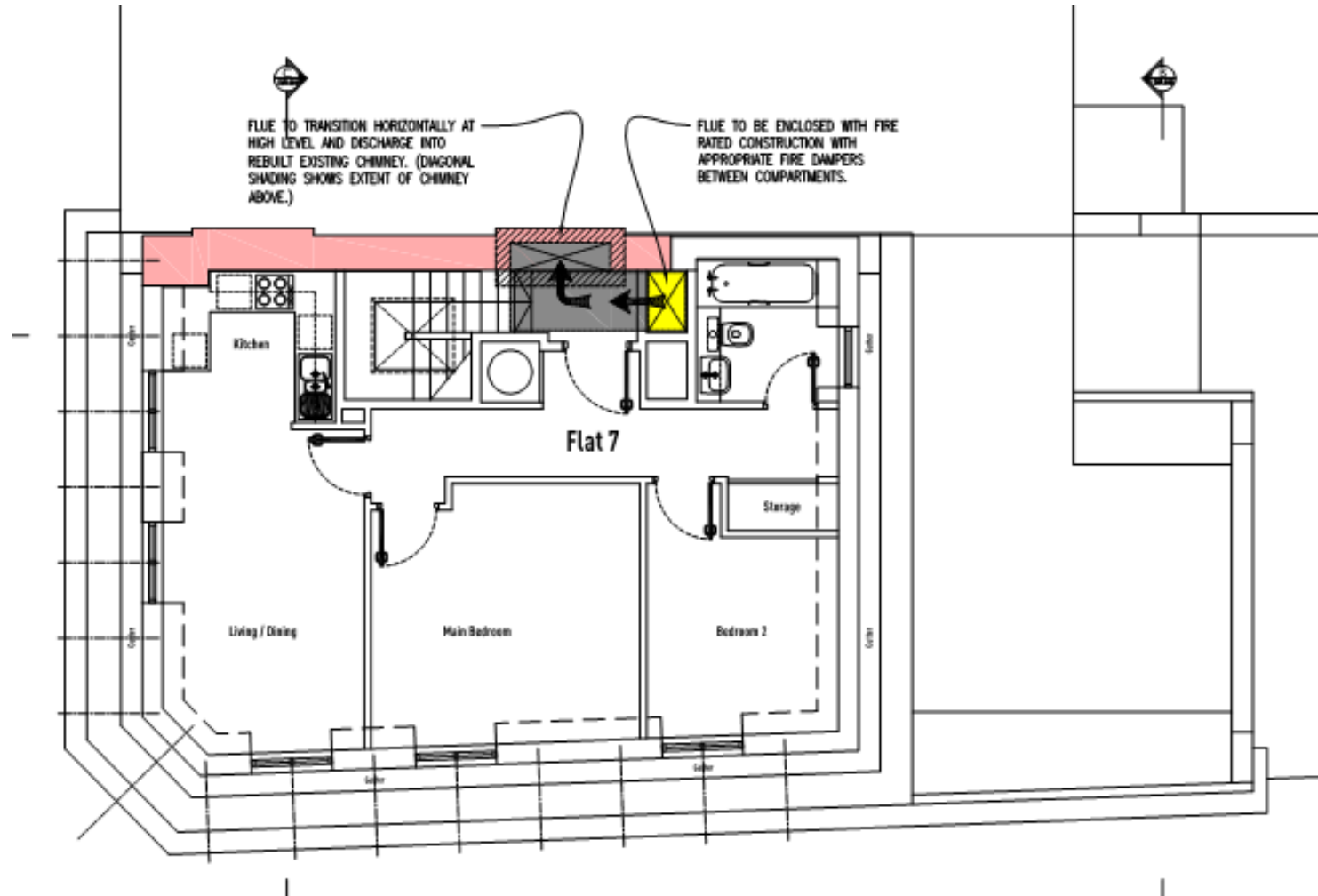


Existing and Proposed

2015/6246/P

180 Kentish Town Road

## Position of proposed internal flue



# **APPENDIX 2**

# COMMERCIAL

YOUR REF:

OUR REF: PS/lt

28 October 2015

John Ferguson  
CgMs Consulting  
140 London Wall  
London  
EC2Y 5DN



66-70 Parkway  
London NW1 7AH  
T: 020 7482 1203  
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E: mail@christo.co.uk  
www.christo.co.uk

ESTATE AGENTS  
SURVEYORS  
VALUERS  
ARCHITECTS  
DEVELOPMENT CONSULTANTS  
PROPERTY MANAGEMENT

Dear Mr Ferguson

**180 KENTISH TOWN ROAD, LONDON NW5 2AE**  
**MARKETTING INFORMATION**

I write as the acting commercial agent for the ground floor public house premises at 180 Kentish Town Road, London NW5 2AE. The purpose of this letter is to set out the marketing history and current exercise that is being undertaken for the premises to find a suitable occupier.

### Christo and Co Experience in Camden

Christo & Co are a leading firm of commercial estate agents established over 30 years ago dealing with all aspects of commercial property within the North & East London areas. I have been with Christo & Co for the past 30 years dealing with all aspects of commercial property.

### History of Marketing of Property

#### ***March 2014***

We were originally instructed to market the freehold interest of the property in March 2014 seeking offers in excess of £1,700,000. This was on behalf of Mrs Connolly who was the landlady of the pub, as the pub was not trading well.

We subsequently sold the building in June 2014 for £2,000,000.

#### ***June 2014***

We were then instructed to market the ground floor & basement on a letting basis specifically aiming our marketing campaign to A2 & A3 and A4 users. We received a lot



A list of the directors is available for inspection at the Registered office.

of interest from various Estate Agents and Restaurant Users and received various offers at the time.

### ***October 2014***

In October 2014 we agreed terms to let the ground floor & basement to Foxtons.

The deal was proceeding and about to complete upon receipt of them obtaining planning permission to change the frontage. Planning was granted in February / March 2015 and completion was about to take place when in March 2015 the council served an Article 4 notice on the building. Foxtons immediately withdrew. Our clients immediately instructed Savills to challenge the Article 4 Direction.

Meanwhile the premises continued to be marketed for A1, A2, A3, A4 uses.

### ***March 2015***

When the deal with Foxtons became abortive in March 2015 we continued marketing the Ground floor and Basement for A1, A2, A3, A4 uses, for the price of £100k per annum. In our experience this is a reasonable and realistic price for a premises in this location.

We can confirm the lease is available without a 'tie' requiring the purchase of drinks through the vendor and without restrictive covenants preventing other pub operators, breweries, local businesses or community groups from taking over the pub.

### **Marketing Exercise**

Since March 2014 our marketing strategy for A4 use has included:

- Preparation of marketing particulars (copy attached) which were posted on the company's website;
- Details were forwarded to existing contacts where need for these types of premises were identified;
- Erection of a To Let board on the premises;
- 

### **Interest in Site from A4 occupiers**

During our marketing exercise there were 2 enquiries relating to taking the premises by an A4 occupier on a leasehold/freehold basis.

One of these enquiries moved further than the original enquiry and one undertook an accompanied visit to the site.

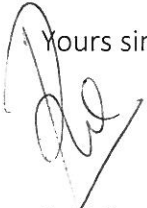
In August 2015, one offer was made from an A4 occupier. This offer however was never followed through and has now fallen away.

In my opinion there has been a lack of interest from A4 occupiers for the following reasons:

- Wrong location;
- Premises are too small;
- Lack of demand;
- Many pubs nearby;
- Historically the pub has struggled to be viable.

Please do not hesitate to contact me if you would like to discuss further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Stone', written over the typed name.

Paul Stone  
CHRISTO & CO



# **APPENDIX 3**



10<sup>th</sup> October 2017

**PRIVATE AND CONFIDENTIAL**

S Lakhany Esq  
CollectivePlanning Ltd  
115 Mare Street  
London  
E8 4RU

**BY EMAIL:**

**sana@collectiveplanning.co.uk**

Dear Sana

**180 KENTISH TOWN ROAD, LONDON NW5 2AE – MARKETING INFORMATION**

**Introduction, Location & Background**

The property is situated within Kentish Town, 0.2 miles away from Kentish Town National Rail and Underground Stations within Zone 2 of the London Borough of Camden.

The unit is 2,500 sq ft over ground and basement, has A3 planning consent and is being marketed on a new lease for a term to be negotiated.

Colliers International was instructed to market the ground and lower ground floor of 180 Kentish Town Road for A3 and A4 purposes on 20<sup>th</sup> September 2016. The purpose of this letter is to set out the marketing history that has been undertaken thus far in order to find a suitable occupier for the unit.

**Process of Marketing and Advertising**

The unit is a short walk from the main retail and restaurant pitch within Kentish Town and therefore likely to appeal to restaurant occupiers with requirements for urban suburb locations within London.

At 2,500 sq ft over two floors, the unit has smaller floor plates than most restaurant occupier requirements who typically seek 3 – 4,000 sq ft with a minimum of 2,000 sq ft on one floor. As a result, our primary target in this instance was smaller format restaurant occupiers such as Honest Burger, Turtle Bay, Tortilla, Rosa's Thai Café and Gail's Bakery.

Initially, we directly approached suitable occupiers within our contact base. Formal property particulars were then prepared specifying that the opportunity was for a restaurant or bar operator

for a rent of £110,000. We circulated this to our extensive database of contacts, as well as advertising on RPAS (Restaurant Property Advisors Society), the Estate Agents Clearing House and PIP Distribution (Perfect Information Property). A sales board was also erected to maximise exposure.

### **Results of the marketing programme**

In the initial stages we managed to generate two offers; one from La Petite Bretagne and one from Turtle Bay. Both offered on the basis of a new 15 year lease but La Petite Bretagne offered £100,000 rent per annum with a 9 month rent free period, and Turtle Bay offered £90,000 per annum with a 3 month rent free period which was subject to a 12am licence. Our client decided to go with the offer from Turtle Bay, mainly due to their stronger covenant strength. The Council rejected their licence application and stipulated that no drink is to be served without a main meal resulting in abortive negotiations with Turtle Bay.

Initially, we had enquiries from both A3 and A4 operators, but following the Council's refusal to grant a 12am licence to Turtle Bay, interest from A4 operators diminished and we steered solely towards targeting A3 operators. Despite heavy marketing, interest in the property was disappointing with limited interest generated and no other offers received. We have carried out viewings with the following operators; Crêpeaffaire, Trade, Turtle Bay, La Petite Bretagne, Gail's, Gourmet Burger Kitchen, German Doner Kebab, Creams Café and Frayer Share.

Throughout the marketing process, we found operators complaining that the unit is too off-pitch as falls in between two circuits with no near-by leisure anchors causing the unit to lack sufficient footfall for a restaurant operator. This was exacerbated by the planned picture house cinema opposite no longer proceeding. Operators also complained that the layout was difficult as the lower ground floor was too dark and lacked any natural light and therefore would not suit a restaurant or café.

### **Conclusion**

In conclusion, we believe that the property has been marketed in a recognised style.

As a result of the marketing we have undertaken, we believe there is little, if any, demand for a restaurant or bar operator within this location; although some additional interest may be generated if the rent is reduced.

Please do not hesitate to call me if you wish to discuss further.

Yours Sincerely,



**Rachel Stern**  
**SURVEYOR**

# 180 Kentish Town Road

## London NW5 2AE

### TO LET BY NEW LEASE

- Prominent corner A3 opportunity
- Close to main retail and leisure
- Opposite proposed boutique cinema



#### Location

The property is in Kentish Town, north west London in the Borough of Camden. The unit is in a prominent location on the corner of Kentish Town Road and Patshull Road, close to Kentish Town over ground and underground stations, within Zone 2.

#### Accommodation

The property comprises of a 3 storey corner semi detached building of brick construction. The ground floor provides a seating area with a kitchen and bar to the rear of the property. The basement houses an independent bar, more seating and the WC's.

#### Floor Areas

The premises are arranged over ground floor, basement and vaults comprising the following approximate gross internal floor areas:

Ground	1,350 sq ft	125.4 sq m
Basement	1,150 sq ft	106.8 sq m
<b>Total</b>	<b>2,500 sq ft</b>	<b>232.3 sq m</b>

#### Terms

The property is available for an A3 use by way of a new FRI lease for a term to be negotiated. The quoting rent is £85,000 per annum exclusive.

#### Rates

We have been advised by the Local Authority that the premises are assessed for rating purposes as follows:

Rateable Value	£39,500
UBR (2017/18)	46,6p
Rates Payable	£19,106

#### Costs

Each party is to be responsible for their own legal and all other professional costs incurred in the transaction.

#### EPC Certificate

Available upon request.

#### Contact Us

All appointments to view must be arranged via sole agents Colliers International, through:

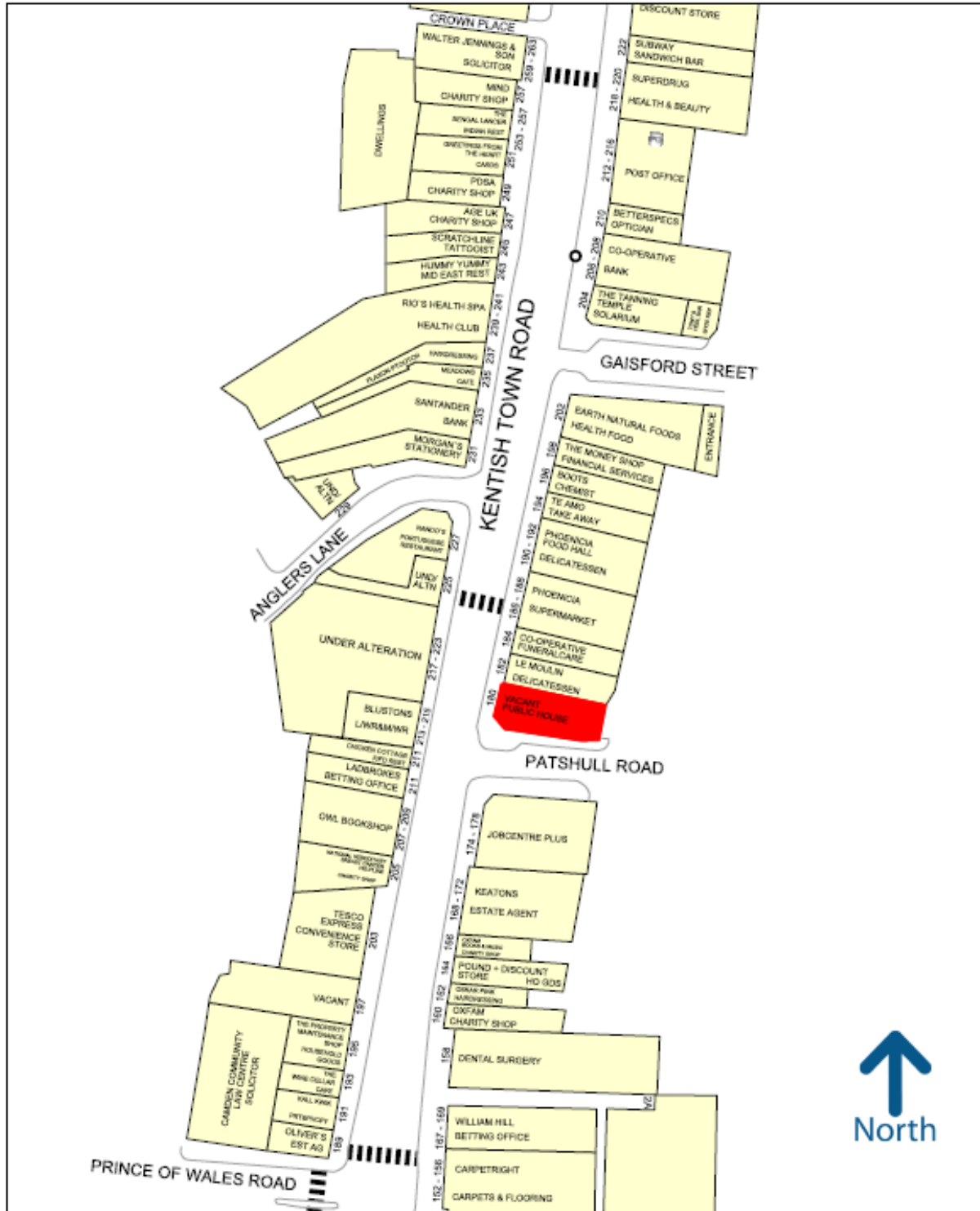
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50 metres

Experian Goad Plan Created: 22/09/2016  
Created By: Colliers International



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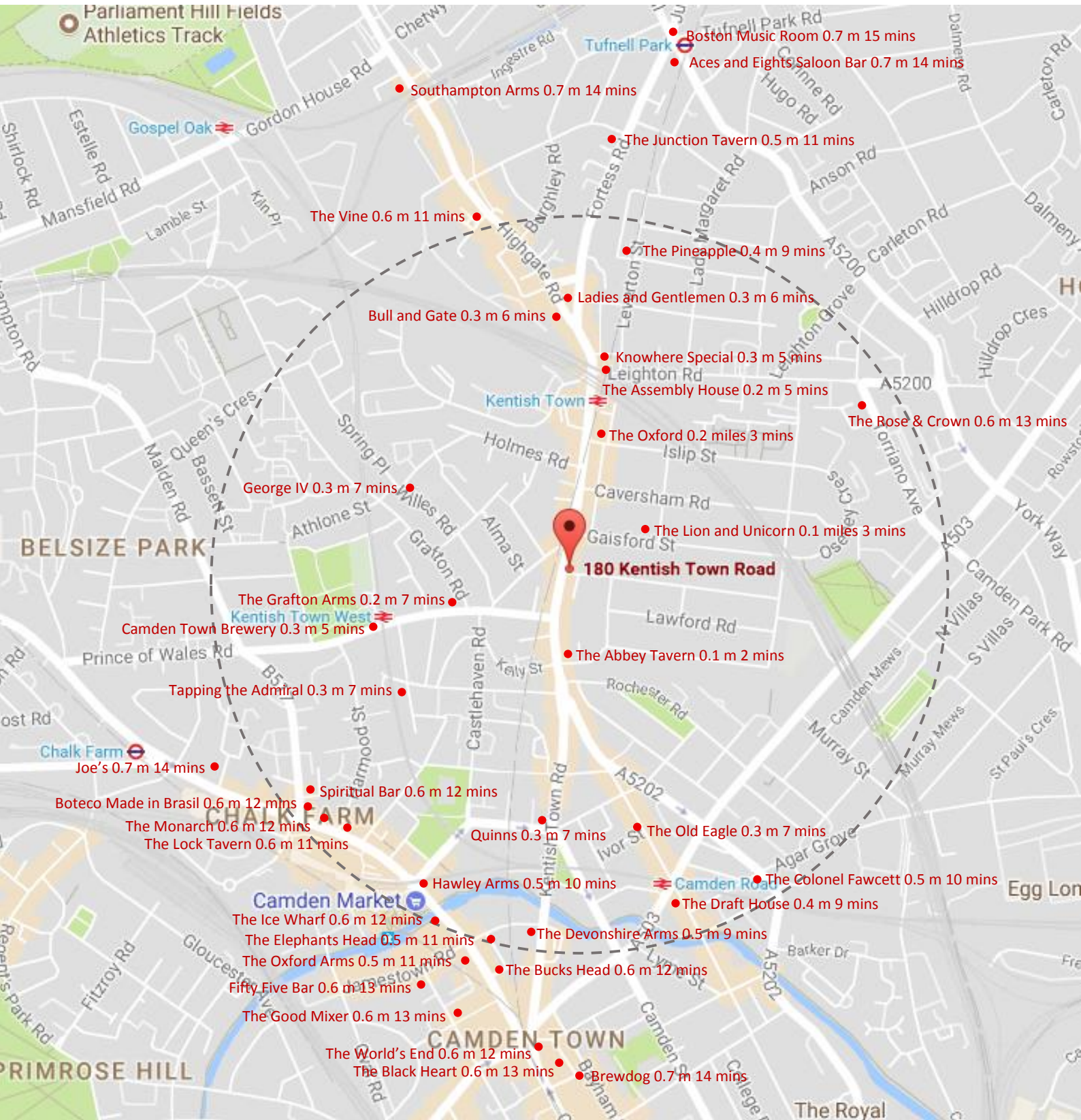
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180 KENTISH TOWN ROAD, LONDON NW5

# **APPENDIX 4**



	Name of Pub	Address	Distance from Site (m)	Building Footprint (m <sup>2</sup> )	Community Activities
1	(CLOSED) HOOT'N'ANNIE'S	180 KENTISH TOWN ROAD, NW5 2AE	0	98.26	PUB, LIVE MUSIC, COMEDY, FOOD, VIP LOUNGE
2	The Abbey Tavern	124 Kentish Town Rd, NW1 9QB	174	231.93	Pub, live DJ, sports, food, open mic and comedy
3	The Lion and Unicorn	42-44 Gaisford Street, NW5 2ED	175	191.09	Pub, bbq on Thursdays, theatre, quiz night, food
4	The Grafton Arms	20 Prince of Wales Road, NW5 3LG	220	167.46	Child and dog friendly, roof terrace, local craft beers, food
5	The Oxford	256 Kentish Town Road, NW5 2AA	260	306.01	Pub, food, cocktail lounge, events e.g. live music, comedy shows
6	George IV	76 Willes Road, NW5 3DL	348	213.04	Pub, food
7	Camden Town Brewery	55-59 Wilkin Street, NW5 3NN	397	540.06	Brewery, offers tours, pub
8	Tapping the Admiral	77 Castle Road, NW1 8SU	398	135.75	Pub, food
9	The Assembly House	292-294 Kentish Town Road, NW5 2TG	398	126.8	Pub, food, bbq, dog friendly, sports
10	Knowhere Special	296 Kentish Town Rd, NW5 2TG	415	60	Basement bar, inventive cocktails, snacks
11	Bull and Gate	389 Kentish Town Road, NW5 2TJ/2AA	478	244.08	Pub, food, live music
12	Ladies and Gentlemen	2 Highgate Road, NW5	480	(underground)	Pub in a toilet, cocktail bar, gin making experience



13	Quinns	65 Kentish Town Road, NW1 8NY	503	157	Pub
14	The Old Eagle	251 Royal College Street, NW1 9LU	527	110.94	Pub, food, quiz, DJ, live music, patio garden, dog and cat friendly
15	The Pineapple	51 Leverton Street, NW5 2NX	630	129.96	Pub, beer festival, food, quiz night, beer garden
16	Hawley Arms	2 Castlehaven Road, NW1 8QU	651	104 .41	Pub, live music, food, patio & roof terrace, juke box
17	Rose and Crown (formerly Torriano)	71-73 Torriano Avenue, NW5 2SG	651	85.5	Pub, local craft beer, food, live music events, DJ, comedy night
18	The Lock Tavern	35 Chalk Farm Road, NW1 8AJ	660	130.90	Pub, live music, live DJ, food
19	The Draft House	102 – 104 Camden Road,	687	143.47	Pub, Food
20	The Monarch	40-42 Chalk Farm Road, NW1 8BG	699	113.07	Live music, food, pub, club nights
21	The Colonel Fawcett	1 Randolph Street, NW1 0SS	720	216.51	Pub, gastropub, cocktails, quiz night, gin tasting
22	Boteco Made in Brasil	48 Chalk Farm Road, NW1 8AJ	703	167.9	Cocktails, live music, Brazilian tapas, art exhibitions, samba and salsa classes
23	Spiritual Bar	4 -6 Ferdinand St, NW1 8ER	705	30	Cocktails, beers, live music
24	The Devonshire Arms	33 Kentish Town Road, NW1 8NL	712	63.88	Pub garden, live music – goth, punk metal indie and rock
25	The Camden Assembly	49 Chalk Farm Road, NW1 8AN	724	173.51	Pub, beer, burgers, live music, nightclub

26	The Elephants Head	224 Camden high street, NW1 8QR	748	134.75	Jukebox, live music, open mic, vintage Vinyls DJ
27	Proud London	The Horse Hospital, The Stables Market, Chalk Farm Road, NW1 8AH	748	(Part of the Horse Hospital)	Rooftop garden, drinks, burgers; gallery space and bar by day, live music events and nightclub by night
28	The Ice Wharf	28 Jamestown Road, NW1 7BY	774	1588	Pub, food, sports, games machines
29	The Oxford Arms	265 Camden high street, NW1 7BU	776	124.24	Pub, food, live music/DJ, sports, games machines, charity events, beer garden
30	The Bucks Head	202 Camden High Street, NW1 8QR	806	95.33	Pub, food
31	Joe's	78-79 Chalk Farm Road, NW1 8AR	808	127.27	Rock'n'roll bar, vintage sounds DJ
32	The Vine	86 Highgate Road, NW5 1PB	841	253.60	Pub, food, comedy, quiz night, outdoor terrace
33	The Junction Tavern	101 Fortress Road, NW5 1AG	846	131.62	Pub, food, beer garden
34	Fifty five bar	31 Jamestown road, NW1 7DB	854	77.60	Pub, food, music
35	MADE Bar	Roundhouse, Chalk Farm Rd, NW1 8EH	864	(Part of Roundhouse)	Beer, wine, cocktails,
36	Torquil's Bar and Terrace	Roundhouse, Chalk Farm Rd, NW1 8EH	880	(Part of Roundhouse)	Cocktails, beer, win snacks, live music and performing arts shows at the Roundhouse
37	The Good Mixer	28-30 Inverness street, NW1 7HJ	897	129.37	Pub, live music, karaoke, pool, quiz night
38	The World's End	174 Camden High Street, NW1 ONE	898	137.82	Pub, food

39	The Black Heart	2-3 Greenland place, NW1 0AP	949	227.27	Live music
40	Brewdog	113 Bayham street, NW1 0AG	1000	168.6	Craft beers, FOOD
41	The Southampton Arms	139 Highgate Road, NW5 1LE	1002	100.10	Pub, independent breweries
42	Aces and Eights	156-158 Fortess Rd, NW5 2HP	1004	89.98	Bar, live music, DJ, comedy
43	Boston Music Room	178 Junction Road, N19 5QQ	1010	283.98	Pub, live music