

Application ref: 2018/3996/P
Contact: Ben Farrant
Tel: 020 7974 6253
Date: 19 October 2018

Development Management
Regeneration and Planning
London Borough of Camden
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Harrison Ince Architects Ltd
Sunhouse
2-4 Little Peter Street
Knott Mill
Manchester
M15 4PS

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Founders House
180 Kentish Town Road
London
NW5 2AE

Proposal:

Change of use of ground floor and basement from Class A4 (Drinking establishment) to Class D1 (Non-residential institution)
Drawing Nos: 1_11806 & AL01

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 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: 1_11806 & AL01.

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

- 3 Notwithstanding the provisions of Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the basement and ground floors shall only be used for a medical clinic or surgery, and for no other purpose within Class D1.

Reason: To ensure that the future occupation of the building does not reduce its employment generating potential or adversely affect the adjoining premises or immediate area by reason of noise, traffic congestion and excessive on-street parking pressure, in accordance with policies G1, A1, A4, E1, E2, C2, C3 and T1 of the London Borough of Camden Local Plan 2017.

- 4 No sound emanating from the use shall be audible within any adjoining premises between 2300 hrs and 0700 hrs.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of development, details of the location, design and method of waste storage and removal including recycled materials shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of the development and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.

3 Reasons for granting permission:

The property is within the Kentish Town designated town centre, and within the core retail frontage. It is a non-designated heritage asset, considered to have architectural, townscape and social significance, and an Article 4(1) direction has been applied to the property removing the permitted development rights to change the use of the premises.

The public house was last used in March 2014 and has been previously granted planning permission for conversion to Class A3 restaurant use (Ref: 2015/6246/P) and flexible use Classes A1/A2/D2 (Ref: 2017/5895/P). Given this site history, the principle of the loss of a public house here is acceptable. Policy C4 of the Local Plan states that the Council will seek to protect public houses which are of community, heritage or townscape value. However as discussed below, it is considered in this case that the loss is acceptable, as the use has lost its community function and has been vacant for a lengthy period.

The site was nominated as an asset of community value (ACV) under the Localism Act 2011. However the application was refused on 25/02/2015 because there was insufficient evidence of the public house providing a community function. In light of the limited response to the consultation (similar to that for applications ref 2015/6246/P & 2017/5895/P), as well as the vacancy period of 4 years and rejection of its nomination as an asset of community value, the application site is considered not to provide a community function. Whilst Policy CC3 of the Kentish Town Neighbourhood Plan resists the loss of public houses and promotes them as assets of community value, it acknowledges that this site specifically has already had a change of use and as such the public house use has already been 'lost'. On this basis, the change of use from Class A4 public house in principle is considered to be acceptable.

The proposal would not result in the loss of an A1 retail unit, nor would it result in more than 2 consecutive premises within the core frontage being in non-retail use. The property was also last used as a public house, which has the potential to cause a greater degree of disturbance in the evening. The proposed new use as a medical facility complies with policy C1 which supports the provision of new or improved health facilities.

Given the mix of commercial uses in the area, it is considered that a Class D1 use would be acceptable in principle as a town centre use here. 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.

The closest residential occupiers are located within the upper floors of 180 Kentish Town Road. The proposed medical surgery use is unlikely to result an unacceptable level of disturbance to nearby residents by way of noise or general disturbance, particularly given the Town Centre location and previous use as a public house. Conditions have been included to maintain nearby residential amenities. In particular the D1 use should be restricted specifically to a medical clinic or surgery facility, as proposed here, to prevent the

possibility of a future operation for another D1 use which may have greater impacts on amenity and transport conditions. Given the former public house use, and the previously approved restaurant use which allowed opening hours until 11pm daily, it is considered that the proposed orthodontic practice would form a less intrusive use, and thus there is no need to restrict opening hours by condition.

Given the location, nature of the use and current servicing arrangements, the proposal is considered not to cause harm to existing highways/transport arrangements.

- 4 No refuse and recycling storage has been included on the plans (the public house previously used an internal arrangement). Details of waste and recycle collection shall be required by condition.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, C1, C4, TC2 and TC4 of the London Borough of Camden Local Plan 2017 and policy CC3 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2018.

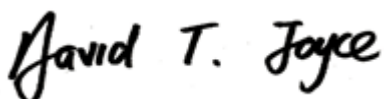
- 5 You are advised that any external plant/machinery, flues or other similar external alterations would require additional planning permission.
- 6 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce
Director of Regeneration and Planning