

Delegated Report		Analysis sheet	Expiry Date:	21/11/2018
		N/A / attached	Consultation Expiry Date:	08/12/2018
Officer			Application Number(s)	
Kate Henry			2018/4667/P	
Application Address			Drawing Numbers	
182 Kentish Town Road London NW5 2AE			Please refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of ground floor from retail (Class A1) to mixed use of restaurant and café / hot food takeaway (Sui Generis)				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	12	No. of objections	10
Summary of consultation responses:	<p>A site notice was displayed on 14/11/2018 (expiry date 08/12/2018).</p> <p>10 letters of objections have been received. The comments are summarised as follows:</p> <ul style="list-style-type: none">• Contrary to CPG guidance – A1 uses in the frontage will fall further below 75% threshold / more than two consecutive units would be in non-retail use• Loss of retail space• Kentish Town Road already has too many hot food takeaways• Unit won't necessarily be vacant if the application is not approved, the current occupier could remain• Impact on neighbouring occupiers• Noise from patrons congregating outside• Associated litter• Smell• Traffic from delivery bikes• Health Impact Assessment refers to nearby open space; however, the area lacks open space <p>2 letters of support have been received. The comments are summarised as follows:</p> <ul style="list-style-type: none">• Welcome the potential increase in the selection of hot and cold food on the high street• Current owners have a proven record of being a good business in the local area					
Kentish Town Road Action (KTRA)	<p>Kentish Town Road Action objects to the proposal. The comments are summarised as follows:</p> <ul style="list-style-type: none">• Contrary to CPG guidance for Core Frontages (i.e. less than 75% retail uses)• Impact on the vitality and viability of the high street• No change of use allowed from a Sui Generis use• Errors within the Design & Access Statement					
Kentish Town Neighbourhood Forum	<p>The comments are summarised as follows:</p> <ul style="list-style-type: none">• There are no specific policies in the Neighbourhood Plan for Primary Shopping Frontages as the Camden Local Plan has good measures to protect these locations; however, there are policies on Secondary Frontages, which aim to protect retail uses.• Contrary to CPG guidance for Core Frontages (i.e. less than 75% retail uses)					

Site Description

The application site is 182 Kentish Town Road, which is a three storey brick building on the eastern side of the road with a retail unit at ground floor level (currently occupied by Rima's Bakery) and living accommodation on the upper floors. There is an access road to the rear which provides vehicular access to the rear of the building.

The application site is within the designated 'Kentish Town' Town Centre and forms part of a Primary Frontage.

Relevant History

25115 – Change of use from betting office to retail shop – **Granted 28/09/1977.**

TP39475/W – Erection of a three-storey building comprising 10 shops on the ground floor and 26 self-contained flats on the first and second floors at Nos. 182-202 Kentish Town Road – **Granted 19/07/1963.**

Relevant policies

National Planning Policy Framework (2018)

London Plan (2016)

Camden Local Plan (2017)

G1 Delivery and location of growth
A1 Managing the impact of development
A4 Noise and vibration
C1 Health and wellbeing
D1 Design
CC5 Waste
TC2 Camden's centres and other shopping areas
TC4 Town centre uses
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T4 Sustainable movement of goods and materials

Kentish Town Neighbourhood Plan (2016)

D3 Design principles

Camden Planning Guidance

CPG Amenity (2018)
CPG Town Centres (2018)
CPG Planning for health and wellbeing (2018)

1. The proposal

- 1.1. This application seeks planning permission for a change of use of the ground floor from retail use (Class A1) to a mixed use of restaurant and café / hot food takeaway (Sui Generis). The application relates to approximately 427sqm of floor space.
- 1.2. The use is listed as Sui Generis as the proposed uses fall into more than one use class.

2. Planning considerations

- 1.1. The key considerations material to the determination of this application are summarised as follows:
 - The principle of development
 - Design considerations
 - Impact on the residential amenity of nearby and neighbouring residential properties
 - Transport considerations
 - Health considerations

3. The principle of development

- 3.1. The Local Plan notes that the Council will ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres. The application site is located within the 'Kentish Town' Town Centre, as defined by CPG: Town Centres and Retail (2018), and forms part of a designated Primary Frontage.
- 3.2. Policy TC2 of the Local Plan notes that the Council will: (a) seek to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located; (b) provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice; (c) make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area and focusing such uses in King's Cross and Euston Growth areas, Central London Frontages, and Town Centres; and, (e) pursue the individual planning objectives for each centre, as set out in Camden Planning Guidance, and through the delivery of environmental, design, transport and public safety measures.
- 3.3. The policy goes on to note that the Council has designated primary and secondary frontages in its centres and will: (f) protect the primary frontages as locations with a high proportion of shops (Class A1) in order to maintain the retail function of the centre; and (g) protect the secondary frontages as locations for shops (Class A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.
- 3.4. In Appendix 4, it is noted that within the Primary Frontages in 'Kentish Town' Town Centre the Council will aim for a minimum of 75% retail (Class A1) uses and a maximum of 25% food, drink and entertainment uses (Classes A3, A4 and A5); and there should be no more than 2 consecutive food, drink and entertainment or other non-retail uses in the frontage.
- 3.5. At the time of the officer's site visit (26/11/2018), the current uses in the frontage were as follows:

No.	Occupier	Use Class	Comments
180	Vacant – former pub	A4 (or D1, A1, A2, D2, A3)	<p>Planning permission was granted on 19/10/2018 to change the use of the ground floor and basement of the property from a public house (Class A4) to a non-residential institution (medical surgery) (Class D1) (planning reference 2018/3996/P).</p> <p>Planning permission was granted on 22/01/2018 to change the use of the ground floor and basement of the property from a public house (Class A4) to a flexible use of retail (Class A1) or financial and professional services (Class A2) or a gym (Class D2) (planning reference 2017/5895/P).</p> <p>Planning permission was granted on 10/10/2016 to change the use of the ground floor and basement of the property from a public house (Class A4) to a restaurant (Class A3).</p> <p>If any of these extant permissions are implemented (other than a change of use to retail), the proposal would result in there being more than 2 consecutive food, drink and entertainment or other non-retail uses in the frontage.</p>
182 (application site)	Rima's Patisserie and Bakery	A1	
184	CoOp Funeralcare	A1	No relevant history
186-192	Phoenicia Mediterranean Food Hall	A1	No relevant history. There is an ancillary coffee shop within the retail unit.
194	Domino's Pizza	A5	2016/3013/P - 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 - Granted 03/10/2016.
196	Boots Pharmacy	A1	No planning history
198	Foreign Money Exchange	A2	16663 - Change of use of ground floor from shop to building society branch office – Refused 20/07/1973; Appeal allowed 08/07/1974.
200-202	Earth Natural Foods	A1	No relevant history

3.6. The above table shows that, currently, of the 8 units in the frontage, 5 are in retail (Class A1) use, which represents 62.5% of the frontage. This means the frontage already fails to comply with the requirement in Appendix 4 of the Local Plan for at least 75% of the units in the Primary Frontage to be in retail use. One of the units is a hot food takeaway, which represents 12.5% of the frontage. The proposal to change the use of No. 182 from retail (Class A1) to a mixed use of restaurant and café (Class A3) / hot food takeaway (Class A5) (Sui Generis) would result in even fewer of the units being in retail use (the percentage would reduce to 50%) and the proposal would also increase the number of units in food, drink and entertainment uses (Classes A3, A4 and A5) to 2 (an increase to 25%). Depending on which

extant planning permission is implemented at No. 180 (the adjacent property to the south) (if any of the permissions are implemented), the proposal may also result in there being more than 2 consecutive food, drink and entertainment or other non-retail uses in the frontage.

- 3.7. Policy TC4 of the Local Plan notes that the Council will ensure that the development of food, drink, entertainment uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours and it notes that 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; and (d) the individual planning objectives for each centre, as set out in the CPG.
- 3.8. On the basis of the above, it is considered that allowing the proposed change of use would cause undue harm to the character, function, vitality and viability of the shopping frontage. The proposal would result in even fewer of the premises in the Primary Frontage being in retail use which would further reduce the range of shopping services provided in this part of Kentish Town, which may deter shoppers from coming to this area for the purpose of shopping, which in turn may impact on the remaining shops in the frontage and their ability to attract shoppers / continue operating.
- 3.9. To conclude, the proposal would result in fewer than 75% of the units in the frontage being in retail use, contrary to Policies TC2 and TC4 of the Local Plan. As a result, the proposal would cause undue harm to the character, function, vitality and viability of the shopping frontage. The principle of development is not considered to be acceptable and planning permission should be refused on this basis.

4. Design considerations

- 4.1. Policy D1 of the Local Plan seeks to secure high quality design in development and Policy D3 of the Kentish Town Neighbourhood Plan seeks to do the same.
- 4.2. This application does not include any changes to the front elevation of the property, which limits the impact on the character and appearance of Kentish Town Road. (Any proposed changes to the signage, for example, would require planning permission and/or advertisement consent.)
- 4.3. The proposed plans indicate that various plant / equipment (external flue, condensers, louvre etc.) would be installed on the rear elevation of the host building. The building already has equipment to the rear and it is considered that the resultant rear elevation would be overly cluttered with equipment, which would cause harm to the character and appearance of the wider area. It is recognised that other buildings in the terrace also have plant to the rear; however, the host building would have an excessive amount of equipment on its relatively small rear elevation and the rear of the building is visible not only from the access road but also from Patshull Road, to the south. It is considered that the additional equipment would have a harmful cumulative impact on the character and appearance of the host building and the wider area. The application is recommended for refusal on this basis.

5. Impact on the residential amenity of nearby and neighbouring residential properties

- 5.1. Policy TC4 seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the amenity of neighbours. The policy notes that the Council will consider: (g) the impact of the development on nearby residential uses and amenity and any prejudice to future residential development; (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.

- 5.2. Similarly, Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: noise and vibration levels; and odour, fumes and dust. Policy A4 also seeks to ensure that noise and vibration is controlled and managed. The policy notes that the Council will not grant planning permission for development likely to generate unacceptable noise and vibration impacts, and will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.
- 5.3. The proposal involves the installation of various plant on the rear elevation of the host building and the applicant has provided information on the proposed mechanical ventilation and environmental control equipment, which includes predicted noise levels; however, no acoustic report has been provided to show existing background noise levels at the application site and to identify nearby noise-sensitive uses. On this basis, it is not possible to adequately assess the impact on neighbouring properties in terms of noise/vibration and the application is recommended for refusal on this basis.
- 5.4. With regards to the extraction / ventilation plant, if the application was otherwise considered to be acceptable, a suitable planning condition could ensure that the equipment was installed prior to the first new use of the premises, and permanently retained thereafter, in order to protect nearby neighbouring properties in terms of smell / fumes.
- 5.5. Objections have been received regarding noise from patrons leaving the premises and also litter. If the application was otherwise considered to be acceptable, it would be possible to use a planning condition to control the hours of operation and the disposal/removal of customer litter, as per Policy TC4 parts (l) and (n). However, in general, given that Kentish Town Road is a busy London street, it is not considered that that the proposed change of use would cause undue harm in terms of comings and goings to the premises, even if this continued into the evening. There are other takeaways in close proximity to the application site, as well as other uses in the local area which are likely to attract evening trade.

6. Transport considerations

- 6.1. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough; Policy T2 seeks to limit the availability of parking; and Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road.
- 6.2. The application site has a high PTAL rating (6a) and is therefore easily accessible by public transport. Furthermore, the application site is located within a designated Town Centre which already attracts visitors.
- 6.3. No off-street parking is proposed, which is acceptable.
- 6.4. Concerns have been raised about delivery drivers on the pavement; however, the scale of the proposal does not warrant the submission of a transport assessment and/or delivery and servicing management plan. Given the nature of the proposal and the application site, it is not considered that deliveries or servicing would cause undue harm to the amenities of nearby and neighbouring properties, particularly because there is an access road to the rear which could be used for deliveries.
- 6.5. Overall, it is not considered that the proposed change of use from retail (Class A1) to a mixed use of restaurant and café (Class A3) / hot food takeaway (Class A5) (Sui Generis) would cause any harmful transport impacts in the wider area and the proposal is considered to be acceptable in this respect.

7. Health considerations

- 7.1. Policy TC4 notes that the Council will consider the health impacts of development, and Policy C1 notes that the Council will improve and promote strong, vibrant and healthy communities through ensuring a high quality environment with local services to support health, social and cultural wellbeing and reduce inequalities.
- 7.2. CPG Planning for health and wellbeing (2018) notes that the Council will take into account evidence concerning the existing supply of hot food takeaways (and planned takeaways with planning permission), the nature of the food the takeaway intends to sell, as well as data and information relating to the health and wellbeing of children and young people living, playing or studying in proximity to these premises.
- 7.3. A Health Impact Assessment (HIA) has been submitted with the application, which notes that the planning application seeks to broaden the types of food that can be sold from the existing premises. Currently, the shop operates as a retail shop (Class A1) selling patisserie and bakery products; however, the applicant is now looking to move towards the sale of hot food which could include pizza and fried chicken. It is anticipated that other options, such as salads, hot sandwiches and hot and cold drinks would also be available.
- 7.4. The HIA also notes that, within the frontage (Nos. 180 to 202 Kentish Town Road), there is only one other hot food takeaway, Domino's Pizza at No. 194; and that many of the retail units specialise in organic or similar products which are associated with healthy eating choices.
- 7.5. The HIA identifies that Camden School for Girls, which is located on Sandall Road to the south-east of the site, is over 500 metres away (walking distance) and as part of the journey children would walking for around 200 metres along Kentish Town Road where they would pass other hot food takeaways before reaching the application site. The other secondary school in the vicinity is college Francais Bilingue de Londres, which is located over 400 metres west of the site. The HIA notes that this site is located beyond what is normally considered a reasonable walking distance of 400 metres.
- 7.6. The HIA notes that there are a number of primary schools in the vicinity of the site, including St Patrick's Catholic Primary School on Holmes Road, Hawley Primary School on Hawley Street and Kentish Town Church of England School on Islip Road. All of these schools are located in excess of 400 metres from the site and the HIA notes that primary school children are likely to be accompanied on their journeys to school.
- 7.7. The HIA also lists nearby facilities which have a positive impact on health and wellbeing, including the Kentish Town Sports Centre on Grafton Road, the Talacre Community Sports Centre on Dalby Street and Talacre Park. The HIA also references the Council's 'Camden Open Space Sport and Recreation Survey' (2014), which notes that the Kentish Town sub-area has small deficiencies in children's play provision, public parks and allotments but exceeds the requirements for sports and natural green spaces.
- 7.8. The HIA concludes that that proposal is unlikely to have a detrimental impact on health and equality in the district.
- 7.9. To conclude, whilst the Council does not wish to see a significant increase in hot food takeaways across the borough, it is not considered that the proposed change of use would cause significant harm to health and wellbeing in the local area, such as to warrant a refusal of the application on this basis.

Recommendation: Refuse planning permission.